



NEVADA COUNTY GRAND JURY

**Final Report
with
Responses
2014 - 2015**



GRAND JURY
COUNTY OF NEVADA
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December 29, 2015

The Honorable Thomas M. Anderson
Presiding Judge of the Grand Jury
Superior Court of Nevada County
201 Church Street
Nevada City, California 95959

Dear Judge Anderson:

It is my pleasure to forward to you the enclosed Consolidated Final Report from the 2014/15 Grand Jury. This Consolidated version includes all specific subject Reports issued by that Jury and all responses thereto. This Final Report completes our process of making Reports and Responses available to the public.

The Jury's review of the responses was limited to determining whether they complied with the requirements for responses in California Penal Code section 933.05. This review was conducted by the successor Jury due to the fact that the responses were received after the close of the 2014/15 Jury.

Copies of this Report will be placed on file with the Clerk of the Court, who will forward one copy to the California State Archivist. The Clerk of Nevada County will also receive copies. Additional copies will be placed on file in County libraries and made available to the media. The Report has been published on our website: <http://www.civilgrandjury.com> making it available to the public and government officials. The Jury will, as required, send one copy to the University of California, Government Studies Library, Berkely, California.

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

Respectfully submitted,

Douglas Wight, Foreman,
2015 - 2016 Grand Jury of Nevada County

MEMBERS OF THE NEVADA COUNTY GRAND JURY 2014 – 2015

Keith Overbey
Foreman

Robert Ogden
Foreman Pro Tem

Diana Beer
Secretary

JoAnn Marie
Sergeant-at-Arms

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Business Manager

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Peter Brost
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Damon DeCrow

Kerry Drennan
Gregory Marks
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Evelyn Nagafuchi
Mary Rosenberg

Dottie Ray Souter
Bud Springer
Walt Stickel
Charles Voorhis

RESPONSE REQUIREMENTS

Following are the pertinent excerpts from the current California Penal Code concerning responses to a 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 presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and

reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file 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(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

"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 head and 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 decisionmaking 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.

TABLE OF CONTENTS

COMMITTEE REPORTS

CITY GOVERNMENT

Illegal Campfires Pose Imminent Danger

COUNTY GOVERNMENT

November 2014 General Election in Nevada
County

HEALTH AND ENVIRONMENT

Nevada County Community Health
Preparedness

LAW ENFORCEMENT

Nevada County Detention Facility Inspection
Report – Carl F. Bryan II Regional Juvenile Hall

LAW ENFORCEMENT

Washington Ridge Conservation Camp

SCHOOLS AND LIBRARIES

Nevada County Superintendent of Schools
A Review of Transparency and Policy

SPECIAL DISTRICTS

Washington County Water District

CITY GOVERNMENT

Illegal Campfires Pose Imminent Danger

**Nevada County Grand Jury Report with Responses
2014-2015**

ILLEGAL CAMPFIRES POSE IMMINENT DANGER

SUMMARY

The Nevada County Grand Jury is authorized to investigate all aspects of city and county government.

In the conduct of this investigation, one of the fire officials reasonably summed up the thoughts of many of those interviewed; **“I understand there are people who want this kind of home-free lifestyle, but they shouldn’t be allowed to continue to put the entire community at risk for their lifestyle.”**

The Nevada County Grand Jury looked at the dangers posed to our community from illegal campfires. The Nevada County Grand Jury considered the extreme fire conditions we experience every year, exacerbated by the multi-year drought and this unusually dry winter. Each news report brings dire warnings about the lack of water. Conditions will become drier and more dangerous as the year progresses.

The majority of fire personnel interviewed made reference to “the Perfect Storm”, created when temperatures are high, humidity is low, fuel is abundant, steep topography exists, and there is a north wind. Those conditions existed on September 11, 1988, when a transient burned his toilet waste in an illegal campfire. The resulting wildfire, known as the 49er Fire, went on to claim 312 structures and over 33,000 acres. According to the Fire Safe Council of Nevada County, the total suppression effort cost \$7.5 million, and the total loss was \$22.7 million.

The Nevada County Grand Jury interviewed city, county, and state fire and law enforcement personnel. The majority of those interviewed stressed the danger posed by illegal camp fires. Statistics provided confirm the increase in severity of the threat.

The Nevada County Grand Jury recommends that the citizens of Western Nevada County take every opportunity to reduce the threat of a catastrophic wild fire, including the following:

- Report any individuals maintaining illegal camps in wooded areas.
- Be aware of what is happening on their own property, and if camping is suspected, follow the procedures to get law enforcement involved.
- Call 911 immediately if a plume of smoke is observed.

Additionally, the Grass Valley Police Department should continue their Strategic Response Team and be commended for taking actions on dealing with transient fires and trespassing issues.

GLOSSARY

Grand Jury – Nevada County Grand Jury
NCCFD - Nevada County Consolidated Fire District
CAL FIRE - California Department of Forestry and Fire Protection
NCSO - Nevada County Sheriff's Office
GVFD - Grass Valley Fire Department
NCFD – Nevada City Fire Department
GVPD – Grass Valley Police Department

BACKGROUND

The Nevada County Grand Jury (Grand Jury) is authorized to investigate all aspects of city and county government. The 2013-14 Nevada County Grand Jury issued a report entitled “Panhandlers, Vagrants and Transients in a Neighborhood Near You?” The publication of that report started a significant public discussion about the problem identified in the report.

The current Grand Jury looked at the dangers posed to our community from illegal campfires. The Grand Jury considered the extreme fire conditions we experience every year, exacerbated by the multi-year drought and this unusually dry winter. Each news report brings dire warnings about the lack of water. Conditions will become drier and more dangerous as the year progresses.

This investigation was not intended to explore the issues and problems associated with homelessness, but rather to focus on the public safety issue of wildfires in our community. Among the greatest threats is the possibility of uncontrolled fire escaping from illegal campfires, many of which exist in local transient camps.

The majority of fire personnel interviewed by the Grand Jury made reference to “the Perfect Storm”, a situation created when temperatures are high, humidity is low, fuel is abundant, steep topography exists, and a north wind. Those conditions existed on September 11, 1988 when a transient burned his toilet waste in an illegal campfire. The resulting wildfire, known as the 49er Fire, went on to claim 312 structures and over 33,000 acres. According to the Fire Safe Council of Nevada County, the total suppression effort cost \$7.5 million, and the total loss was \$22.7 million.

APPROACH

The Grand Jury interviewed personnel from Grass Valley Fire and Police Departments, Nevada County Consolidated Fire District (NCCFD), California Department of Forestry and Fire Protection (CAL FIRE), Nevada County Sheriff's Office (NCSO), Fire Safe Council of Nevada County, the Nevada County Board of Supervisors, and the Nevada County Environmental Health Department. The Grand Jury also reviewed the report issued by the

2013-14 Nevada County Grand Jury, entitled "*Panhandlers, Vagrants and Transients in a Neighborhood Near You?*", and reviewed the official responses to that report. Several members of the Grand Jury visited one or more of the transient camps.

DISCUSSION

The Grand Jury conducted numerous interviews with city, county, state, and non-profit personnel focusing on the subject of the fire danger posed by illegal campfires. All agreed that there is a significant problem, which is getting worse, and that most area residents are unaware of the magnitude of the problem.

There are many known transient camps in and around the Grass Valley and Nevada City areas. These transient camps are on city, county, and private property. Transient camp locations change over time as law enforcement and others clear out trespassers. This makes it more difficult for law enforcement to keep track of transient camp locations and problem individuals. Nearly everyone interviewed felt the transient population is increasing.

On numerous days in the summer and fall, conditions are perfect for a catastrophic wild fire, and it only requires a single ignition source. One likely, even predictable, source comes from an illegal campfire.

Fire Departments

The Grand Jury interviewed six fire personnel of varying departments and ranks. See Appendix A for pictures provided by fire personnel. The following summarizes their comments:

- Human-caused fires are at the top of their list of concerns. When a responsible person has a backyard burn or campfire, they are required to have a 10 foot cleared area, a shovel, and readily available water source. In transient camps inhabitants have none of these things, AND are often under the influence of alcohol or drugs. There are always threats of wildfire from illegal fires in this area, and among the greatest threat is from transient camping and cooking fires, and the transient population most likely to camp illegally in the Nevada City/Grass Valley area is increasing every year.
- In acknowledgement of the seriousness of this year's fire threat, local fire crews and air attack resources were brought in two months ahead of their normal schedule.
- Some fires are used to keep individuals warm or for cooking. Often those individuals with alcohol problems drink and pass out while fires are burning, causing danger of fires spreading. Some transient camps have rudimentary fire pits. Some transient campers flee if their fire becomes a problem.

- Fires on private property must have the permission of the land owner. If a fire escapes, it is deemed as negligence. A property owner, transient, or both can then be cited, and required to pay costs of suppression and damages.
- Fire officials are finding more transient camps back into the deeper, dense, and highly flammable brush, away from roads and out of sight. From a fire standpoint, “We just can’t afford to leave these places alone,” stated one fire official. These numerous transient camps with their dozens of cooking and warming fires present a serious, extreme fire hazard to our community, particularly in the hot, dry summer and fall months. Another fire official stated, “I understand there are people who want this kind of home-free lifestyle, but they shouldn’t be allowed to continue to put the entire community at risk for their lifestyle.”
- In discussing the potential for serious fires resulting from transient activities, one interviewee said Nevada County has just been very lucky since the 49er Fire in 1988, which he reminded us was started by a transient fire. He said it would just take one day with dry fuels and a north wind for a similar occurrence. He talked about the fire near Pioneer Park last fall and said how lucky they were to stop it before it went all the way to the top of Banner Mountain. Fire personnel were very surprised houses were not lost in that fire – that there certainly was the potential for loss.
- Fire fighters and EMT personnel, responding to transient-related calls, stated concerns for their own safety due to: sanitation issues at camps such as human excrement and discarded syringes, aggressive dogs, weapons in camp, drunken behavior, mentally unstable individuals, and sometimes even booby traps. Most firefighters wait to enter a transient camp until law enforcement arrives. If fire or law enforcement personnel are injured, local government may be liable for all related costs.
- All fires have some degree of investigation in an after-incident report. Depending on the situation, some reports are very brief and others more detailed. Our area is a wildland/urban interface with residences often interspersed with dense fuels. Transient camps are often located in these areas. Transients choose locations with dense fuels, with little or no supervision or regulation, so they can remain undetected. The transient camp areas require significant patrol and fire protection by local agencies.
- When contacted by fire personnel or law enforcement, the majority of property owners, especially absentee owners, are not aware of the illegal camps on their properties, or of their legal responsibility for costs and damages. Property owners, when contacted, generally respond quickly to official requests for posting their properties and allowing law enforcement personnel to remove the trespassers.
- The NCCFD, the Grass Valley Fire Department (GVFD), and the Nevada City Fire Department (NCFD) have a uniform reporting system through dispatch, and calls can

be identified as “transient-related”. The three agencies responded to 170 medical calls involving transients in 2014, typically related to drugs, drunkenness, and injuries from falling, fighting, and disruptive behavior. The burden of paying for these costs falls to the taxpayers.

- There has been a large increase in transient-related fires in the past two years, averaging 15 to 20 per year. The size of these fires ranges from 100 square feet to half an acre and larger. Many are escaped fires from transient cooking or warming fires, although many are a result of carelessness.
- During a 60-day period between November 1 and December 31, 2014, NCCFD, GVFD, and NCFD recorded 16 vegetation fires, one vehicle fire, and three other fires attributed to transients. There was a total of 220 transient-related incidents during all of 2014.
- CAL FIRE has automatic dispatch protocols when a serious fire is reported within the Grass Valley/Nevada City area. For fires that are in, or threaten, the CAL FIRE State Responsibility Area, if the threat level is high, CAL FIRE will automatically dispatch the following:
 - One Division Chief @ \$802.00 per 24 hours
 - One Battalion Chief @ \$988.00 per 24 hours
 - Six Engines @ \$2792.00 **each** per 24 hours
 - One Bulldozer @ \$3469.00 per 24 hours
 - One Hand Crew @ \$3662.00 per 24 hours
 - One Air Attack @ \$912.00 per **hour**
 - Two Air Tankers @ \$2649.00 **each** per **hour**
 - One Helicopter @ \$1679.00 per **hour**
 - **Each** load of retardant for the Air Tankers is approximately \$4000.00.
- The resources and costs listed above are in addition to local agencies’ equipment and personnel. This is a huge commitment of resources and expense, but is necessary due to the potential risk. There is also the question about what resources will be available for the next call.
- Fire suppression is an extremely expensive and vitally necessary endeavor. In the dispatch protocol display above, the taxpayers’ bill for just the **first hour** of a fire will be approximately \$10,000. If two loads of retardant were dropped on that fire, the **first hour’s** cost would approach \$20,000. Few, if any, fires with a high threat level are suppressed within one hour. Most fires in this category require many hours of suppression efforts. Many fires continue to burn and grow for days and even weeks, as witnessed by our 49er Fire in 1988, and cost millions of dollars in suppression costs alone. Damages resulting from wildfires can easily exceed the cost of suppression due to destroyed homes and outbuildings, community infrastructure and damaged watersheds.

Law Enforcement

It is impossible to analyze the threats of wildfire from transient camps without understanding and considering the law enforcement component of this subject. The majority of transient camps in our area appear to be on private property. In these cases, transients are considered trespassers and must initially be dealt with by city police officers or NCSO deputies.

California Penal Code Section 602(o) provides that private property owners, their agents, or those in lawful possession of a property may under certain provisions make a request for a peace officer's assistance to enforce trespassing laws on the property for a specified period of time, during which time there is a fire hazard, or the owner, owner's agent, or person in lawful possession is away from the premises or property, or the property is closed to the public and posted as being closed. A Letter of Authority pursuant to the above Penal Code must be on file and specify the need for law enforcement assistance.

Officials from the Grass Valley and Nevada City Police Departments, along with the NCSO, have stated they are working hard to deal with transient fire and safety issues, but find it difficult to keep up with the increasing illegal camping population and their local nomadic movements.

The Grass Valley Police Department (GVPD) has established a Strategic Response Team, created to be a liaison with the transient and homeless population in Grass Valley. Transient camps on private property are the responsibility of the property owner. Grass Valley requires that private property be posted with "No Trespassing" signs, and that the property owner must provide a letter to the GVPD authorizing the police to go onto their property for enforcement activities. This Letter of Authority must be renewed by the property owner every six months. Nevada County has a similar requirement, with Form 470 to be completed by the property owner every six months.

Typically, many of the people encountered in the illegal camps are identified by law enforcement as those who are the most problematic within that population. These individuals are not willing to accept the rules and standards required of them (rules prohibiting drugs, alcohol, etc.) by most shelters. They prefer to trespass and camp illegally and not be constrained by any of society's rules of behavior. Law enforcement has a continual problem in this regard. Once they resolve the illegal occupancy in one area, the trespassers simply move to another area, and the cycle begins again.

The majority of law enforcement officers interviewed agreed that the transient camps are an "increasing and significant problem". The majority opinion is that illegal camping numbers have increased in the past several years, in part due to the influx of marijuana trimmers who arrive in the fall and then decide to stay in the area because it is comfortable and accommodating with plenty of free services. The transient camp problems include trash, human waste, people who are under the influence of alcohol or drugs, the danger of fire, and soil or water pollution.

General

The Nevada County Chief Executive Officer, in his Friday memo dated April 24, 2015, released the following information:

“Although the 2015 Nevada County Homeless Count is still preliminary, all indications point to a declining homeless population since data was first collected in 2009. The 2009 count was 345 individuals, compared to the most recent 2015 count of 241. These numbers include the City of Truckee and eastern Nevada County.”

It is the belief of the majority of those interviewed that these numbers confirm that various agencies are helping the people who want to be helped get out of a homeless situation. It does not address the target population of concern, transients or homeless who choose to live in the woods and are not seeking to change their lifestyle.

There are many areas of our community deemed so unsafe that firefighting personnel will not enter unless they are accompanied by armed law enforcement personnel. In some cases, these transient camp areas are so unsafe that armed law enforcement officers will not enter them alone.

If there is another devastating wildfire, the possibility exists that homeowner insurance rates could increase substantially or policies could simply be cancelled.

A representative of the Fire Safe Council of Nevada County reported they are accomplishing excellent results in clearing brush and reducing fuels from a variety of high risk properties. Clearing low-growing brush also has the benefit of eliminating its attractiveness as a transient camp.

FINDINGS

- F1.** Citizens of western Nevada County need to know and understand the significant wildfire risks posed by illegal campfires.
- F2.** Law abiding citizens and property owners should not have to suffer from the threat and potential liability from a fire started by someone who chooses to illegally camp in the wooded areas.
- F3.** Property owners may have legal responsibility for costs and damages associated with suppression efforts resulting from an illegal fire on their property.
- F4.** The extraordinary cost of paying for fire suppression and damages resulting from a wildfire is a financially life-altering event for the average person, and is more than most property owners can afford.

- F5.** Significant public funds are being spent, and firefighting resources are being committed to responding to illegal camp fires and transient activities.
- F6.** The extraordinary threat of illegal transient fires, within our fire prone environment, is a major public safety issue.
- F7.** The GVPD is taking proactive and effective actions in dealing with transient fire and trespass issues in their jurisdiction.

RECOMMENDATIONS

- R1.** The Nevada County Grand Jury recommends that the citizens of western Nevada County take every opportunity to reduce the threat of a catastrophic wild fire, including the following:
- Report any individuals maintaining illegal camps in wooded areas.
 - Be aware of what is happening on their own property, and if camping is suspected, follow the procedures to get law enforcement involved.
 - Call 911 immediately if a plume of smoke is observed.
- R2.** Grass Valley Police Department Strategic Response Team should be commended for taking actions on dealing with transient fires and trespassing issues and should continue their effort.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- None required

APPENDIX A

Sutton Way Transient Camp



Taylorville Road Transient Camp



Taylorville Road Transient Camp



Transient camp



Transient camp



Near Sierra College Trail



Near Sierra College Trail



Condon Park



Condon Park



Whispering Pines Transient Camp



Whispering Pines Transient Camp



COUNTY GOVERNMENT

**November 2014 General Election in Nevada
County**

**Nevada County Grand Jury Report with Responses
2014-2015**

NOVEMBER 2014 GENERAL ELECTION IN NEVADA COUNTY

SUMMARY

The Nevada County Grand Jury has monitored General Elections since 2008 and has subsequently issued reports on those elections. Primary Elections in those years were not monitored.

The Nevada County Grand Jury attended the poll worker training, provided by the Nevada County Elections Office, prior to the November 2014 General Election. The Nevada County Grand Jury also reviewed training documents, including the Poll Worker Training Manual provided to poll workers, procedures and processes of the Nevada County Elections Office and the applicable sections of the California Elections Code.

The Nevada County Grand Jury observed the Nevada County General Election on November 4, 2014, by visiting most of the 52 precincts in Nevada County. The Nevada County Grand Jury also interviewed poll workers and staff of the Nevada County Elections Office.

The Nevada County Grand Jury received a complaint from a citizen subsequent to the General Election. The complaint alleged mismanagement of the election process in Nevada County, inadequate training for potential poll workers prior to the election, and a lack of consistency in the application of policies, processes, rules and laws by poll workers during the election.

The Nevada County Elections Office has the responsibility of selecting polling places in accordance with the California Elections Code. Each polling place contains one or more precincts. Each precinct is staffed by poll workers consisting of an Inspector and two or more Judges. The Inspector has overall responsibility for the activities of that precinct. All poll workers are volunteers.

During interviews conducted with poll workers, it was determined that some Inspectors and Judges did not receive adequate training. This resulted in some problems with check-in procedures and equipment. Overall, Election Day could be improved with additional training, updating the Poll Worker Training Manual to correct inconsistencies and providing additional directional signage to direct voters to the polling places.

GLOSSARY

Grand Jury – Nevada County Grand Jury
Elections Office – Nevada County Elections Office
Manual – Poll Worker Training Manual

ePoll Book – an electronic Poll Book touch-screen tablet
eSlate – an electronic ballot
FED – Field Election Deputy
eScan – an electronic machine using optical scan technology to scan each paper ballot when completed by voters
VBM – Vote by Mail

BACKGROUND

California Penal Code section 925 states, in part: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...” The Nevada County Grand Jury (Grand Jury) reviewed the process of the November 2014 General Election.

Additionally, the Grand Jury received a complaint from a citizen subsequent to the General Election, alleging mismanagement of the election process in Nevada County, inadequate training for potential poll workers prior to the election, and a lack of consistency in the application of policies, processes, rules and laws by poll workers during the election.

The Nevada County Elections Office (Elections Office) has the responsibility of selecting polling places in accordance with the California Elections Code. Each polling place contains one or more precincts. Each precinct is staffed by poll workers, consisting of an Inspector and two or more Judges. The Inspector has overall responsibility for the activities of that precinct. All poll workers are volunteers.

Poll worker’s duties include:

- understanding and enforcing California Elections Code and regulations,
- understanding the voting process,
- ensuring ballot security,
- instructing voters in the proper operation of electronic voting equipment,
- answering voters’ questions,
- troubleshooting equipment and other problems.

APPROACH

The Grand Jury, in reviewing and monitoring the 2014 Nevada County General Election:

- interviewed staff of the Elections Office prior to and after the election,
- reviewed training documents, including the *Poll Workers Training Manual* (Manual),
- reviewed the procedures and processes of the Elections Office,
- attended all poll worker’s training sessions,
- had observers at most of the 52 precincts on Election Day,

- reviewed the 2012-13 Grand Jury report entitled, *November 2012 Presidential General Election in Nevada County*,
- interviewed the complainant,
- interviewed staff of the Elections Office to verify report findings.

DISCUSSION

The Grand Jury has monitored General Elections since 2008 and has subsequently issued reports on those elections. The Grand Jury has not monitored the Primary Elections of those years.

Training

The Elections Office provided training to potential poll workers prior to the date of the election. The training was held in Nevada City and Truckee, with multiple training sessions held in each location. Poll worker trainees were asked to pre-register for a training session.

Each training session consisted of two parts. The first part was for Inspectors. The second part was designed for Inspectors to train Judges from their precinct.

At each session of the Inspectors training, an instructor demonstrated the use of the new electronic Poll Book touch screen tablet (ePoll Book). Included during that segment of training, each Inspector was provided with an ePoll Book instruction manual and received hands-on training.

During training, the Inspectors were advised they would be responsible for training the Judges using mock-board demonstrations, including the use of the ePoll Book, precinct set-up, use of all electronic equipment and closing procedures. Some Judges reported they did not receive training on use of the ePoll Book which created some inefficiency at the polling place. Members of the Grand Jury observed that the mock-board demonstrations were crowded, rushed and noisy.

In the 2014 General Election the ePoll Book was utilized, for the first time, in all precincts. The ePoll Book provides poll workers with the names and addresses of all registered voters in Nevada County and their correct precinct locations.

The Inspectors were shown the proper procedures for a voter check-in. These procedures included the requirement to ask the voter to state their name and address. The poll worker would repeat the information to the voter, verify the information and have the voter sign the ePoll Book with a stylus.

During the Inspectors' training sessions, it was explained that once a voter checked in to vote, the ePoll Book would print two labels, one with a bar code containing voter information for placement in the master label roster at the check-in tables and one for the outside index.

All poll workers were provided with a copy of the Manual. Page 31 of the Manual states in part that a provisional voter is identified if any one of the following statements is true:

*“Voter’s address is different from the address in the Poll Book
Voter is listed as VBM and cannot surrender Vote-By-Mail ballot & envelope
Voter is not listed in the PRECINCT Roster list
Voter is in the COUNTY Roster list and refuses to go to his/her correct polling place
Voter is not listed in either PRECINCT or COUNTY Roster list
Voter is a (N) New Voter and cannot show ID”*

Page 31 also states:

“ALL PROVISIONAL VOTERS HAVE TO VOTE ON THE E-SLATE ONLY!!”

However, on the same page, item number 5 states:

“The voter is now to be issued either a paper ballot or an eSlate access code from the issuing Judge.” (the eSlate is an electronic ballot)

Election Day

The Grand Jury observed the General Election held on November 4, 2014. Members of the Grand Jury, working in teams of two, visited most of the 52 precincts in Nevada County. In addition to visual observations and interviews, jurors used a check list to evaluate pre-determined steps in the voting process to determine whether instructions were being applied consistently at all polling places. [See Appendix A]

A Field Election Deputy (FED) is assigned oversight of several precincts to solve problems and answer questions from precinct staff. Often, in order to reach a FED who may have been using a cell phone, reception was poor causing communication delays.

Most precincts were properly set up and open by 7:00 am as required by Elections Code. However, several poll workers felt more training was needed to become familiar with the whole process. Some precincts were staffed entirely by first-time poll workers.

At some polling places, signage directing the voters to the entrance was inadequate and/or confusing. Some signs were not easily visible, some merely pointed in a general direction and some in buildings with multiple precincts did not point in the direction of the entrance.

Page 19 in the Manual, states in part:

“Greeter (Multiple Board Locations Only): This worker sits at the entrance of the polling place or the room where voting is held. They use a Greeter Roster to locate voter names and direct voters to the correct precinct board. This worker may also ensure that Vote-by-Mail ballots are placed in the Blue VBM Ballot Box.”

In some polling places with multiple precincts, there was not a greeter assigned prior to the opening.

The California Elections Code section 14216 states, in part:

“Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall, in a like manner repeat the name and address.”

There were differences observed in the application of this code between precincts. Some poll workers asked voters to state their name and address but failed to repeat the voter’s name and address back to them despite the fact that a message was displayed in red on the ePoll Book screen to do so. In some instances poll workers asked the voter their name. The poll workers then stated the voter’s address to the voter. The poll workers did not ask the voter to state their address.

Voters’ signatures at check-in are mandatory per California Elections Code. Many voters had problems signing the ePoll Book screen. Problems included placing palms of hands on the screen erasing data, difficulties using the stylus and difficulties with the angle of the screen.

In some instances the labels from the ePoll Book printed without bar codes causing confusion.

Members of the Grand Jury observed that placement of electronic voting machines in some precincts allowed the screen to be easily viewed by others. Voters using paper ballots had difficulty with the privacy envelope and feeding their completed ballot into an electronic machine (eScan) using optical technology.

The *November 2012 Presidential General Election* Grand Jury report included the following Recommendation:

“R.5 *Include poll worker evaluation surveys with the precinct kits and require completion by the end of their shifts.”*

The Nevada County Clerk Recorder/Registrar of Voters responded as follows:

“The recommendation will be implemented in June 2014 Election.”

The poll worker evaluation surveys were included in the June 2014 set-up kits.

Poll worker evaluation surveys were not included in the November 2014 election precinct set-up kits. The surveys were mailed several months subsequent to Election Day.

Page 25 of the Manual states, in part:

*“Many Vote-by-Mail voters will simply want to drop their completed ballot off at the polling place. Instruct voters delivering their Vote-by-Mail ballot at the poll location to make sure their envelope is signed and sealed, and have the voter deposit his or her ballot in the blue VBM Ballot Box. If the voter is dropping off ballots on behalf of another voter, please ask the voter if they signed the declaration on the back of the envelope. **Remember:** If the voter does not sign his or her ballot envelope, the enclosed ballot cannot be counted.”*

Members of the Grand Jury observed inconsistency in the placement of Vote-by-Mail (VBM) drop boxes. In some precincts the boxes were placed too far away to allow the poll workers to ask if the VBM envelopes were signed and sealed.

At polling locations, the Elections Office displayed official candidate, measure and initiative information on the date of the election. In addition, a pamphlet purchased from the League of Women Voters of Western Nevada County by the Elections Office using public monies, was displayed. The pamphlet duplicates some information contained in the *Official Sample Ballot* provided to the voters in Nevada County by the Elections Office. Additionally, prior to the election, the California Secretary of State provides the *Voter Information Guide* to registered voters in California, both provided at public expense.

Polling place observers noted there were no other voter information materials from any non-governmental organizations displayed in polling locations.

FINDINGS

- F1. The training did not require demonstrated competence and capability by each poll worker in the use of equipment.
- F2. Mock-board demonstrations were ineffective for some poll workers.
- F3. Training material and some verbal instructions provided inconsistent and contradictory information.
- F4. The training did not require demonstrated competence and capability of each poll worker to understand and consistently apply proper procedures.
- F5. Communication with the FED was found to be problematic at some precinct locations due to unreliable cellular service.

- F6. Adequate directional signage would make it easier for voters to locate the entrance to some polling places.
- F7. Pre-assigning greeters to all polling places with multiple precincts would ensure that the voters are directed to their correct precinct.
- F8. The delay in providing evaluation forms may result in incomplete responses from poll workers.
- F9. Providing voter materials by any non-governmental organization may give voters an impression of official government sanction to that organization.

RECOMMENDATIONS

The Jury recommends that the Nevada County Clerk Recorder/Registrar of Voters:

- R1. Provide additional and effective training for all poll workers to personally demonstrate their ability to perform their duties on Election Day.
- R2. Review, edit and implement changes to the *Poll Worker Training Manual* to ensure consistency in instructions given to poll workers.
- R3. Ensure the FEDs make scheduled stops at precincts where cellular reception is poor.
- R4. Provide additional directional signs at some polling places.
- R5. Assign greeters to all polling places with multiple precincts to ensure that voters are directed to their correct precinct.
- R6. Provide poll worker evaluation forms in the Election Day set-up kits and require that they be completed and turned in to the Elections Office on Election Day.
- R7. Discontinue the purchase and display of voting materials from non-governmental organizations.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses as follows:

From the following individuals:

Nevada County Clerk Recorder/Registrar of Voters; Due Date: August 4, 2015

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix A

SUGGESTED GUIDE LINES FOR POLL OBSERVERS GENERAL ELECTION NOVEMBER 4, 2014

Poll Location _____

Observer _____

Introduce yourself (wearing badge) to the lead poll worker (inspector) and engage the person in a conversation in an effort to determine what has taken place before you arrived.

#	Y/N /NA	QUESTIONS	NOTES
1.		Did they open the polls on time (7am)? Were they fully staffed? Were there any "first time" poll workers?	
2.		Were the greeters friendly and helpful? Did the distribution of tasks appear reasonable?	
3.		Did they have any problems with setting up the equipment? Was all the equipment operational at the opening?	
4.		Were there any failures with the Hart equipment? Were they able to fix problem without contacting troubleshooter?	
5.		If so, was it necessary to contact the troubleshooter (F.E.D.)? How long did it take the F.E.D. to respond? Was the problem been resolved?	
6.		Were all supplies received? If not, have the missing supplies now been received?	
7.		Was the signage directing voters to the place properly located? Were the boundaries clearly defined?	
8.		Was the layout of the polling place efficient? Were the flag, voter's bill of rights and other required material properly displayed?	
9.		Were at least two copies of the voter index posted in separate places? Were they updated every hour?	
10		Did the polling place appear to be in compliance with the ADA? Was the polling place accessible, including during inclement weather?	
11		Did the poll workers ask each voter to state their name and address and then repeat it back to the voters. Did the poll workers suggest that the voters use the voting machine? If so, were they helpful in explaining how to use the machines?	

12		Is the VBM drop-off box in a location where it can be monitored for poll-workers to ask if the VBM ballots have been signed by the voters?	
13		Had all the poll workers attended the training? Did it appear the poll workers were adequately trained?	
14		Are they using E-poll books to verify voters names and correct address? Were there any problems?	
15		If voters arrived at incorrect polling place did the poll workers look up their correct location and suggest going to their correct polling place? Or if the voter chooses to vote provisionally is the voter advised that the ballot may differ from their own ballot at their correct polling place?	
16		Is the street index and voter status book located near the door and updated regularly and if so, how often is it updated?	
17		Did they have any comments on the effectiveness of the training? Did they have suggestions for future training?	
18		Were there any problems with vote by mail or provisional ballots? Were the rosters accurate and complete?	

The closing procedures are rather comprehensive and considerable action takes place in a brief period of time. The actual voting process can be rather uneventful and maintaining your interest may be challenging. **BE ALERT AND AWARE OF WHAT IS GOING ON.**

NOTE: There may be poll watchers (not you) whose main purpose is to "Get out the vote" on behalf of a political party or a candidate. There are rules governing a poll watchers activity.

RESPONSE

The County Of Nevada



CLERK RECORDER-REGISTRAR OF VOTERS

GREGORY J. DIAZ

950 Maidu Ave Suite 210, Nevada City, CA 95959
950 Maidu Ave Suite 250, Nevada City, CA 95959
mynevadacounty.com/nc/recorder

• Recorder (530) 265-1221
• Elections (530) 265-1298
mynevadacounty.com/nc/elections

• Fax (530) 265-9842
• Fax (530) 265-9829

September 21, 2015

Honorable Thomas M Anderson
Presiding Judge of the Grand Jury
Nevada County Superior Court
201 Church Street
Nevada City, California 95959

Amended Response to the Grand Jury Report Dated June 02, 2015 Nevada County Elections Office

Dear Judge Anderson,

As required by California Penal Code §933, the Clerk-Recorder/Registrar of Voters hereby submits an amended response to the 2014-2015 Nevada County Elections Grand Jury report. This amended response is pursuant to September 8, 2015, letter from Doug Wight, Foreman Grand Jury 2015-2016, attached as Exhibit B on the subject of the November 2014 General Election in Nevada County.

FINDINGS:

- 1. The training did not require demonstrated competence and capability by each poll worker in the use of equipment.**

Partially Agree:

It is true that we cannot verify that all 300 poll workers demonstrated competence and capability in the use of equipment. The inspector of each precinct was provided with one hour of in-depth training on the new electronic poll book equipment. They were asked to be the operators of the e-poll books on Election Day and provide hands-on training to the judge, whom they chose to be their backup worker. The inspector handles assigning their board members to their particular positions for the day. Due to position assignments, not all poll workers need to demonstrate competence and capability of all the equipment.

- 2. Mock-board demonstrations were ineffective for some poll workers.**

Partially Agree:

The Elections Office found the mock board demonstrations to be beneficial for training our inspectors involved in the November 2014 election. These mock election exercises allowed our department to evaluate the inspectors and gain insight as to what extra support would be required on Election Day.

- 3. Training material and some verbal instructions provided inconsistent and contradictory information.**

Partially Agree:

The one inconsistency found in our training material dealt with issuing an e-Slate ballot vs. paper ballot for provisional voters. We ask that provisional voters use an e-slate ballot because reconciling the provisional vote, during canvas, is more efficient and accurate with the e-slate ballot. A provisional voter can always ask for a paper ballot. Our verbiage on this issue will be much clearer in subsequent elections. The Nevada County Elections office is always striving to make our training materials easy to understand. We review and make changes to the materials after each election based on feedback.

- 4. The training did not require demonstrated competence and capability of each poll worker to understand and consistently apply proper procedures.**

Partially Agree:

The required procedures for checking in a voter are stated on the e-poll books. The new equipment is programmed with prompts that poll workers are required to follow on Election Day. It is challenging to ensure that in excess of 300 poll workers follow the procedure at all times. Thus, this is a solid example of why we request the inspectors to place their most competent poll workers in the areas that require the most attention to detail.

- 5. Communication with the FED was found to be problematic at some precinct locations due to unreliable cellular service.**

Agree:

- 6. Adequate directional signage would make it easier for voters to locate the entrance to some polling places.**

Partially Agree:

The Nevada County Election Staff has completed surveys of our polling locations. We have in our system the required directional signs that are necessary for each area. We rely on our Field Election Deputies and precinct board members to let us know what additional supplies and/or signage they may need on Election Day.

7. **Pre-assigning greeters to all polling places with multiple precincts would ensure that the voters are directed to their correct precinct.**

Partially Agree:

Our process is to assign an extra board member to the "A" boards at multi-board polling locations. We believe the inspectors are the best people to decide assignment of duties and positions on Election Day.

8. **The delay in providing evaluation forms may result in incomplete responses from poll workers.**

Agree:

9. **Providing voter materials by any non-governmental organization may give voters an impression of official government sanction to that organization.**

Partially Agree:

It is true that providing some voter materials by any non-governmental organization (E.G. The League of Women's Voter Guide) *may* give voters an impression of official government sanctions to that organization. However, at this time, the League of Women Voters is the only non-partisan organization that has the resources available to provide plain language text for voting materials regarding State Propositions. These resources are received from a grant that is sponsored by the California State Library for the adult literacy program. Nevada County Elections believe it is important to make accessible to all voters the choice of simple language voting material. Easy language voting material allows all voters the ability to understand all state propositions. .

RECOMMENDATIONS:

1. **Provide additional and effective training for all poll workers to personally demonstrate their ability to perform their duties on Election Day.**

The recommendation has not yet been implemented, but will be implemented in the future:

The poll worker training project will include additional training for the June 2016 Presidential Primary Election Poll Worker Training program.

2. **Review, edit and implement changes to the Poll Worker Training Manual to ensure consistency in instructions given to poll workers.**

The recommendation has not yet been implemented, but will be implemented in the future:

The project will be completed in the new Poll Worker Training Manual for the June 2016 Presidential Primary Election.

- 3. Ensure the FEDs make scheduled stops at precincts where cellular reception is poor.**

The recommendation has been implemented:

Our Field Election Deputies (FEDs) currently have a schedule of times that they need to check on polling locations. An FED may be at polling location assisting them with a problem and incapable of getting to the next stop promptly. Besides their FEDs phone number, the Inspectors have a list of phone numbers of the other Field Election Deputies in their area. Furthermore, they have the numbers of our help desk that they may call for assistance if they are unable to reach their assigned FED.

- 4. Provide additional directional signs at some polling places.**

The recommendation has been implemented:

The Nevada County Election Staff has completed surveys of our polling locations. We have in our system the required directional signs that are necessary for each area. We rely on our Field Election Deputies and precinct board members to let us know what additional supplies they may need on Election Day.

- 5. Assign greeters to all polling places with multiple precincts to ensure that voters are directed to their correct precinct.**

The recommendation has been implemented:

Our current process is to assign an extra poll worker to the "A" boards at multi-board locations. The inspector of Board A should be the person assigning a worker to the greeter position.

- 6. Provide poll worker evaluation forms in the Election Day set-up kits and require that they be completed and turned into the Elections Office on Election Day.**

The recommendation has been partially implemented:

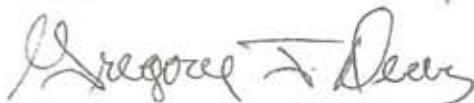
This recommendation was implemented in the June 2014 elections. However, due to the training of new election staff, the surveys did not make it into the Field Election Deputies supplies for the November 2014 election. The FED's checklist has been updated to include distributing the surveys to the workers, and to pick up the workers' payroll. Depending on how busy the workers are on Election Day, they may not have adequate time to complete them by the end of their shift.

7. **Discontinue the purchase and display of voting materials from non-governmental organizations.**

The recommendation will not be implemented because it is not warranted or is not reasonable.

The duty of the Election Official is to provide voting material accessible to all voters. The incredibly popular League of Women Voters, *Easy Voter Guide*, will be available in our office as a resource available in providing simple language voting materials. More information on the Easy Voter Guide is attached as Exhibit A.

Sincerely,



Gregory J. Diaz
County Clerk-Recorder
Registrar of Voter
950 Maidu Ave, Ste 250
Nevada City, CA 95959
www.mynevadacounty.com



LEAGUE OF WOMEN VOTERS®
OF CALIFORNIA
EDUCATION FUND

An Independent 501(c)(3) Nonprofit Public Benefit Corporation

EASY VOTER GUIDE: PURPOSE AND PRODUCTION

The Easy Voter Guide Project, begun in 1994 with a grant from the California State Library to adult literacy programs, was originally designed to address the challenge to adults with low literacy skills that is inherent in the state Official Voter Information Guide. The plain language and easy-to-skim layout of the *Easy Voter Guide* (EVG) address multiple barriers to voting and make voting and civic participation accessible to as many Californians as possible. These include busy voters, first-time voters, those with limited reading ability, English language learners, new citizens, and others in communities that are not well served by official voter information.

The *Easy Voter Guide* booklets are published in English, Spanish, Chinese, Korean, and Vietnamese. They are the most visible component of a group of user-tested, multilingual tools and resources offered by the Easy Voter Guide Project (<http://www.easyvoterguide.org/>).

Production of the *Easy Voter Guide* begins when the Legislative Analyst's Office (LAO) analyses of the state ballot measures become available. A team of LWVCEF staff and volunteers develops nonpartisan EVG content on voter registration, voting, and the ballot measures. Feedback on clarity, comprehensibility, cultural competency, and visual impact is obtained in community review sessions. The *Guide* is then edited and finalized, with a staff member of the LAO providing a courtesy review of the ballot measure information. The translations of the EVG into the languages listed above are also community reviewed.

7/2015

EXHIBIT A



GRAND JURY
COUNTY OF NEVADA
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, California 95959
Phone Number: 530-265-1730
Email: grandjury@nevadacountycourts.com

September 8, 2015

Gregory J. Diaz
County Clerk-Recorder
Registrar of Voters
950 Maidu Ave., Ste 250
Nevada City, CA 95945

Dear Mr. Diaz:

The Civil Grand Jury of Nevada County has received your response to the Grand Jury's Report dated June 02, 2015 that refers to Nevada County Elections Office. Your response does not comply with Penal Code Section 933.05.

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 therefor.

- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

- (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

Exhibit B

department head and 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.

To assist you in writing your response, we are including the appropriate excerpt of Penal Code § 933.05 (a). Please be advised that your response(s) are due on or before September 30, 2015.

The item that does comply with the above Penal Code is the response to Finding 9 of said Report.

The Grand Jury appreciates your cooperation.



Doug Wight
Foreman Grand Jury 2015 - 2016

**CALIFORNIA PENAL CODE
(EXCERPT FOR RESPONDENTS)**

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 therefor.

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

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

(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 head and 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

HEALTH AND ENVIRONMENT

Nevada County Community Health Preparedness

**Nevada County Grand Jury Report with Responses
2014-2015**

NEVADA COUNTY COMMUNITY HEALTH PREPAREDNESS

SUMMARY

The Nevada County Grand Jury read many well-published newspaper articles regarding infectious disease outbreaks throughout the country and decided to inquire as to the preparedness of Nevada County to deal with such an outbreak.

The Nevada County Grand Jury conducted interviews and discussions with several Nevada County organizations in the public health and safety sectors, whose responsibilities include prevention and management of infectious diseases. While other public health and safety concerns such as fires, earthquakes, and other disasters would also be the responsibility of these organizations, the Nevada County Grand Jury chose to focus on highly infectious diseases.

The Nevada County Grand Jury found these organizations have managers who are knowledgeable and dedicated to providing a high-level of response for any infectious disease. Additionally, these organizations have numerous well-developed emergency plans that clearly identify roles and responsibilities for handling such crises.

The Nevada County Health and Human Services Agency noted childhood diseases are a serious concern. Their records show Nevada County has the lowest statewide percentage rates (75%) of childhood vaccinations. California statewide childhood vaccination rate is 90%. Their records reflect the lowest vaccination rates are at the local charter schools (20%).

GLOSSARY

Grand Jury - Nevada County Grand Jury

SNMH - Sierra Nevada Memorial Hospital

PH - Nevada County Department of Public Health

OES - Nevada County Office of Emergency Services

NCSOS - Nevada County Superintendent of Schools, School Health Services

HHS - Nevada County Health and Human Services Agency

TDAP/DPT - Combined singular vaccination for Tetanus, Diphtheria, & Pertussis
(Whooping Cough)

MMR - Combined singular vaccination for Measles, Mumps & Rubella

HEP B - Hepatitis B

BACKGROUND

Nevada County is vested by the California Legislature with the powers necessary to provide for the health and welfare of the people within its borders. Nevada County has contracts with public health providers for emergency health services.

Recent events publicized in national media concerning Ebola and Measles outbreaks prompted the Nevada County Grand Jury (Grand Jury) to determine if Nevada County is prepared for a similar infectious disease outbreak.

APPROACH

Interviews were conducted with representatives of Sierra Nevada Memorial Hospital (SNMH), Nevada County Department of Public Health (PH), Nevada County Office of Emergency Services (OES), Nevada County Superintendent of Schools (NCSOS) and Nevada County Health & Human Services Agency (HHS).

As part of these interviews, the Grand Jury requested and received organizational charts and other useful documentation in determining how these organizations would interact in times of crisis. Additionally, the Emergency Management and Safety team of SNMH provided an extensive tour of their facilities with emphasis on their preparedness and ability to respond to an infectious disease outbreak in Nevada County.

During each interview the Grand Jury focused on questions regarding:

- preparedness and resource availability
- funding
- prevention
- training
- public education
- crisis management and communications
- ongoing concerns

DISCUSSION

Preparedness and Resource Availability

SNMH keeps adequate supplies on hand, including, but not limited to flu vaccines. In the event of an infectious disease outbreak, SNMH has the ability to reach out to local pharmacies and other medical facilities for additional resources.

SNMH receives updates and information from the Centers for Disease Control and other

national medical professionals via telephone, conference calls, emails, bulletins, and by attending healthcare conferences.

PH has county-wide responsibility to prepare and respond to emergencies concerning public health preparedness, the general health of the public, and the health care system.

OES works with other allied agencies including four law enforcement agencies, twelve fire districts, the Governor's Office of Emergency Services, CAL FIRE, Nevada County Department of Environmental Health, and PH.

In the event of an infectious disease outbreak, PH would notify OES. Within minutes the OES Emergency Command Center, located at the Eric Rood Administrative Center, could be activated.

Infectious disease occurrences are mapped using Nevada County Geographic Information System software to track outbreaks of infectious diseases in order to facilitate a timely response.

PH conducts ongoing monitoring of schools, hospitals, long-term care facilities and other agencies that provide services to the public. PH also monitors detention facilities for communicable disease outbreaks. Common diseases at the detention facilities are tuberculosis, sexually transmitted diseases, and gastro-intestinal infections.

PH has an epidemiologist who is in communication with regional, state and federal health organizations tracking infectious disease trends and obtaining updates for treatment protocols.

Funding

In addition to local funding, PH identified three major funding grants:

- Public Health Emergency Preparedness Grant
- Health Care Preparedness Grant
- Pandemic Grant

There are three medical facilities which receive at-cost reimbursements from the Federal Quality Health Corporation:

- SNMH
- Tahoe Forest Hospital
- Western Sierra Medical Clinic

Prevention

The PH Epidemiologist monitors school attendance records and hospital emergency room traffic to identify any possible trends involving infectious diseases.

NCSOS has a nurse who partners with HHS for developing health awareness programs for the schools. This nurse is responsible to cover all ten school districts. The NCSOS nurse also has the legal authority to order quarantines by closing school(s), which removes the threat from the classroom. An infected student may be quarantined in school to control exposure. However, there is no authority to order people to remain in their homes.

According to those interviewed, Tetanus, Diphtheria, Pertussis (Whooping Cough) (TDAP/DPT), Measles/Mumps/Rubella (MMR) and Hepatitis B (HEP B) are considered to be the top three recommended vaccinations. Because vaccination supplies have an expiration date and are expensive to maintain, it is not cost effective for a family physician to keep a supply of all vaccinations.

Seniors are at low risk for MMR based upon a "Pre-1957" theory where children born prior to that year were exposed to MMR and are presumed to have a natural immunity. This does not discount the need for booster vaccinations. A low-cost blood test would reveal if a booster vaccination would be advised. This would serve to prevent these diseases for senior citizens and to prevent spreading these diseases to children who are too young to receive those vaccinations.

PH sponsors vaccination clinics in 27 locations in Nevada County where residents can get the highly recommended vaccinations of TDAP/DPT, MMR, HEP B, and corresponding booster vaccinations. If one cannot remember when the last vaccination occurred, or, if ten years have passed, it is recommended to get checked and follow up with the booster vaccinations.

As the first line of defense against infections, healthy practices include washing hands frequently and immediately discarding used tissues.

Training

HHS provides Ebola protocol training for local emergency providers, including all steps necessary to contain the patient, use of protective clothing (donning and doffing), and equipment usage.

SNMH partners with PH and OES to conduct simulated emergency training sessions.

Public Education

HHS provides education through public meeting presentations and interviews of providers and recipients of services to enhance the efficiency of the protocols.

"Healthy Tuesday" is a NCSOS program used to communicate to parents the need for vaccinations focusing on children from kindergarten through sixth grade.

Crisis Management and Communications

There are protocols in place to notify the public in the event of an infectious disease outbreak. Public outreach is through the local media.

Infectious disease control involves NCSOS and PH. The NCSOS office is authorized to order an entire school closure, or issue isolation orders, depending on the severity of the situation. However, PH has the authority to override the decision of the NCSOS.

Further information on the emergency plans, chain of command and other operations can be obtained from the OES website, accessed through www.mynevadacounty.com

The California Department of Public Health assists and provides up-to-date information and ideas for responses and "best-practices" for deploying resources.

Ongoing Concerns

Multiple agencies listed their top three concerns as influenza, whooping cough, and measles. Concerns are high for a potential full-region or state-wide outbreak of these diseases. California parents currently have the ability to "opt out" from vaccinating their children. HHS noted childhood diseases are a serious concern as Nevada County has the lowest statewide percentage rate (75%) of childhood vaccinations. The California state-wide childhood vaccination rate is 90%. Some local charter schools only have a 20% vaccination rate.

Measles has a 21-day incubation period. The carrier is infectious up to five days prior to exhibiting symptoms. The measles virus is able to survive for approximately 48 hours on a dry surface. Touching the face, eyes, or nose after exposure to the virus can lead to infection.

FINDINGS

- F1** The Nevada County Grand Jury has concluded, based on the detailed plans for dealing with various types of health emergencies, SNMH, PH, HHS and NCSOS have on-going programs for prevention of control of infectious diseases, training activities for staff members, and public education, public health agencies within Nevada County appear to be prepared for an infectious diseases outbreak.
- F2** The low vaccination rates in Nevada County create the potential for infectious disease outbreaks.

RECOMMENDATIONS

- R1** The Nevada County Grand Jury encourages Nevada County agencies to continue informing the public as to the importance of vaccinations.
- R2** The Nevada County Grand Jury encourages Nevada County residents to understand the consequences of not having current vaccinations.

REQUEST FOR RESPONSES

None Required

LAW ENFORCEMENT

**Nevada County Detention Facility
Inspection Report – Carl F. Bran II Regional
Juvenile Hall**

**Nevada County Grand Jury Report with Responses
2014-2015**

NEVADA COUNTY DETENTION FACILITY INSPECTION REPORT

Carl F. Bryan II Regional Juvenile Hall



SUMMARY

California Penal Code section 919(b) requires the Nevada County Grand Jury (Grand Jury) to inquire annually into the condition and management of the public prisons within the county. Carl F. Bryan II Regional Juvenile Hall is a public prison located in Nevada County.

This report presents the results of that inquiry and is based on observations and interviews with the Program Manager, a Senior Group Supervisor, and other staff. A critical part of any such inquiry involves a physical inspection of each facility.

The function of the Carl F. Bryan II Juvenile Hall is to provide a safe and secure environment for the protection of the public, youth, and staff who come within the jurisdiction of the Nevada County Probation Department. The Carl F. Bryan II Regional Juvenile Hall provides space, programming, and casework services to meet the physical, emotional, and educational needs of the youth housed within the facility for rehabilitation purposes.

Through an agreement with the Nevada County Probation Department, the Nevada County Office of Education oversees the Sugarloaf Mountain School at the Carl F. Bryan II Regional Juvenile Hall. The school's goals are to assist youth in custody to earn their high school diplomas, if they have not already done so, and to prepare them for the state-mandated exit exams.

Overall the Nevada County Grand Jury found the Carl F. Bryan II Regional Juvenile Hall to be adequate and well-maintained.

According to the California Labor Code and the California Occupational Safety and Health Act, commonly known as Cal OSHA, all employers in California are legally obligated to provide and maintain a safe and healthy workplace for employees. The law

emphasizes workplace safety and requires employers to inform their employees of the hazardous substances to which they are exposed at the job site and to provide training to all employees in the handling of hazardous material and proper record keeping of such materials.

The Nevada County Grand Jury found that the Hazardous Communication Plan was incomplete. The management and supervisors of the Carl F. Bryan II Regional Juvenile Hall were unaware of the training requirement for all employees. The employees had not completed the required training.

The Nevada County Grand Jury recommends the Nevada County Probation Department develop and implement training for employees of the Carl F. Bryan II Regional Juvenile Hall in the proper handling of hazardous materials in the course of their duties.

GLOSSARY

Grand Jury - Nevada County Grand Jury

Juvenile Hall - Carl F. Bryan II Regional Juvenile Hall

youth - Juvenile

Hazard Communication Plan - California's Hazard Communication Title 8, California Code of Regulations, Section 5194 (8.CCR. 5194).

BACKGROUND

California Penal Code section 919(b) requires the Nevada County Grand Jury (Grand Jury) to inquire annually into the condition and management of the public prisons within the county.

APPROACH

The Grand Jury inspected the Carl F. Bryan II Regional Juvenile Hall (Juvenile Hall). This inspection included a tour of the facility, interviews, and a review of documents.

Interviews conducted:

- Program Manager
- A Senior Group Supervisor
- Other staff

Documents reviewed:

- Reports from California Department of Corrections and Rehabilitation
- Board of State and Community Corrections Inspection Report

- Past Juvenile Hall Grand Jury Reports

DISCUSSION

On August 7, 2014, the Grand Jury conducted an on-site inquiry into the condition and management of the Juvenile Hall in Nevada County. The Program Manager and a Senior Group Supervisor led the inspection team.

A juvenile, as defined by the California Welfare and Institutions Code section 602, is, in part “...any person who is under the age of 18 years, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.”

The Juvenile Hall is under the management and operation of the Nevada County Probation Department.

The Juvenile Hall was built in 2002. The function of the Juvenile Hall is to provide a safe and secure environment for the protection of the public, juvenile (youth), and staff who come within the Juvenile Hall's jurisdiction.

Cameras, at various locations, are monitored by a central control officer on a 24-hours a day rotational basis.

The Juvenile Hall's maximum capacity is 60 youths and is currently staffed for 30. While the Juvenile Hall's population varies, it is not considered to have an overpopulation problem.

Although the number/gender of inmates and employees varies on a day-to-day basis, at the time of this inspection, there were 16 male and one female youth offenders in custody, ranging in age 14 to 18 years. The average stay is 24 days. A Senior Group Supervisor stated approximately 35 percent of youth are repeat offenders.

The Juvenile Hall is staffed by one program manager, 16 group supervisors, two administrators, one secretary, and two kitchen staff. The gender breakdown of staff includes seven females and 11 males, as well as one female and three male senior group supervisors.

There were ten assaults in the last year, eight youth-on-youth and two youth-on-staff.

The Juvenile Hall provides space, programs, and casework services to meet the physical, emotional, and educational needs of the youth housed within the facility for rehabilitation purposes.

Through an agreement with the Nevada County Probation Department, the Nevada County Office of Education manages and operates the Sugarloaf Mountain School at the Juvenile Hall. The principal has been in place since 2012 and answers to an Assistant

Superintendent of Schools. The school is funded by the state. The staff includes two credentialed teachers and one part-time Special Education teacher. Daily attendance is mandatory for all youth in custody. Classes are segregated by gender. All students have access to materials and computers for research. The school's goals are to assist youth to earn their high school diplomas, if they have not already done so, and to prepare them for the state-mandated exit exams.

It costs approximately \$2.60 per meal per youth. The Juvenile Hall has an annual food allocation of up to \$60,000 from the state to defray this cost.

The Juvenile Hall contracts with the California Forensic Medical Group to provide medical services for the youth in custody, including approving and distributing any medications.

According to the California Labor Code and the California Occupational Safety and Health Act, commonly known as (Cal OSHA), all employers in California are legally obligated to provide and maintain a safe and healthful workplace for employees. The law emphasizes workplace safety and requires employers to inform their employees of the hazardous substances, to which they are exposed at the job site, and to provide training to all employees in the handling of hazardous material and proper record keeping of such materials.

The Grand Jury found that the Hazardous Communication Plan was incomplete. The management and supervisors of the Juvenile Hall were unaware of the training requirement for all employees. The employees had not completed the required training.

Pursuant to Nevada County Board of Supervisor's Resolution #03-44, the Nevada County Collections Division bills parents/guardians for the cost of support of the youth housed at Juvenile Hall. As authorized by Welfare and Institutions Code Sections 903 and 904, a fee of \$26.00 for each day, or fraction thereof, has been established. This includes the cost of food preparation, clothing, and routine health screening.

Additional charges are incurred for any outside transport costs, pre-booking medical exams, and medical costs including any medical tests, supplies, or prescriptions when a youth has been seen by a medical professional. Billing does not begin until after the youth is released from Juvenile Hall. In cases where parents are divorced, both parents remain legally responsible for such costs.

FINDINGS

F1. The Juvenile Hall facility appeared to be adequate and well-maintained.

F2. Management and supervisors of the Carl F. Bryan II Regional Juvenile Hall were not aware of the training requirement for all employees as outlined in the Hazard Communication Plan.

F3. The staff had not completed training as required by the Hazard Communication Plan.

RECOMMENDATION

R1. The Nevada County Board of Supervisors should direct the Nevada County Probation Department to develop and implement a training protocol which ensures required training in the proper handling of hazardous materials for the employees of Carl F. Bryan II Regional Juvenile Hall.

REQUEST FOR RESPONSE

Pursuant to California Penal Code section 933.05, the Nevada County Grand Jury requests responses as follows:

The Nevada County Board of Supervisors; September 30, 2015
Finding #2 and #3; Recommendation #1

The Nevada County Grand Jury invites, but does not require, responses as follows:

The Chief Probation Officer of the Nevada County Probation Department;
August 31, 2015; Finding #2 and #3; Recommendation #1

RESPONSE

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



Nathan H. Beason, 1st District
Chair Edward C. Scofield, 2nd District
Vice-Chair Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District

Julie Patterson Hunter, Clerk of the Board

September 11, 2015

The Honorable Thomas M. Anderson
Presiding Judge of the Grand Jury
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Re: Board of Supervisors' Responses to the 2014-15 Nevada County Civil Grand Jury Report,
Nevada County Detention Facility Report, Carl F. Bryan II Regional Juvenile Hall.

Dear Judge Anderson:

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the 2014-15 Nevada County Civil Grand Jury Report, dated July 1, 2015, entitled *Nevada County Detention Facility Report, Carl F. Bryan II Regional Juvenile Hall.*

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on September 8, 2015. The Responses are based on either personal knowledge, examination of official County records, information received from Chief Probation Officer, the County Executive Officer, or the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2014-15 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,


Edward C. Scofield
Chair, Board of Supervisors

950 Maidu Avenue, Suite 200, Nevada City CA 95959-8617
phone: 530.265.1480 | fax: 530.265.9836 | toll free: 888.785.1480 | email: bdofsupervisors@co.nevada.ca.us
website: <http://www.mynevadacounty.com/nc/bos>

NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2014/2015 Nevada County Civil Grand Jury Report

Nevada County Detention Facility Inspection Report
Carl F. Bryan II Regional Juvenile Hall

DATED 07/01/2015

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, Chief Probation Officer, or testimony from the Board of Supervisors and county staff members.

A. RESPONSES TO FINDINGS

F.I.1. The Juvenile Hall facility appeared to be adequate and well-maintained.

Agree

F.I.2. Management and supervisors of the Carl F. Bryan II Regional Juvenile Hall were not aware of the training requirement for all employees as outlined in the Hazard Communication Plan.

Agree

F.I.3. The staff had not completed training as required by the Hazard Communication Plan.

Agree

B. RESPONSES TO RECOMMENDATIONS

R.1. The Nevada County Board of Supervisors should direct the Nevada County Probation Department to develop and implement a training protocol which ensures required training in the proper handling of hazardous materials for the employees of Carl F. Bryan II Regional Juvenile Hall.

The recommendation has been implemented.

On March 15, 2015, a Hazardous Communication Team of five Juvenile Hall Staff was established to address the Grand Jury inspection findings. The Team included (1) Senior Group Supervisor, (1) Kitchen staff, and (3) Group Supervisor II. The Hazardous Communication Team identified all hazardous materials in the institution, storage of all hazardous materials, proper labeling of all hazardous materials and whether a policy separate from the County policy on hazardous materials should be developed.

LAW ENFORCEMENT

Washington Ridge Conservation Camp

**Nevada County Grand Jury Report with Responses
2014-2015**

WASHINGTON RIDGE CONSERVATION CAMP



SUMMARY

California Penal Code section 919(b) requires the Nevada County Grand Jury to inquire annually into the condition and management of the public prisons within the county. Washington Ridge Conservation Camp is a public prison located in Nevada County.

A critical part of any such inquiry involves a physical inspection of each facility. It is also based on observation and interviews with management staff, correction officers, inmates, and review of documentation.

Washington Ridge Conservation Camp is located approximately ten miles east of Nevada City. Washington Ridge Conservation Camp is operated in joint agreement with the California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection. This facility provides Nevada County and neighboring counties with tens of thousands of hours of community service annually, including fire prevention/suppression and ground maintenance. Last year, fire suppression accomplished by the Washington Ridge Conservation Camp inmates saved the state an estimated \$80 million.

The cost of housing inmates at Washington Ridge Conservation Camp is substantially lower than inmate housing costs incurred by Nevada County at county-operated holding facilities. Currently, the recidivism rate for inmates housed at this conservation camp is less than one-tenth of one percent.

GLOSSARY

Grand Jury - Nevada County Grand Jury

Fire Camp – Washington Ridge Conservation Camp

CDCR - California Department of Corrections and Rehabilitation

CAL FIRE - California Department of Forestry and Fire Protection

BACKGROUND

California Penal Code section 919(b) requires the Nevada County Grand Jury (Grand Jury) to inquire annually into the condition and management of the public prisons within the county.

APPROACH

The Grand Jury inspected the Fire Camp. This inspection included a tour of the facility, interviews, and a review of documents.

Interviews conducted:

- California Department Forestry and Fire Protection (CAL FIRE) Division Chief
- Correctional Peace Officers
- Two inmates

Documents reviewed:

- Reports from California Department of Corrections and Rehabilitation (CDCR)
- Board of State and Community Corrections Inspection Report
- California Public Safety Realignment Act, commonly known as AB109

DISCUSSION

On November 13, 2014, the Grand Jury conducted an on-site inquiry into the condition and management of the Fire Camp.

On June 1, 2005, the CDCR took possession of the Fire Camp. The Fire Camp was in need of refurbishing and required extensive reconstruction to comply with the environmental statutes and laws required for occupancy.

The Fire Camp is staffed with seven correctional peace officers, one sergeant, and one lieutenant, serving as the camp commander. The CAL FIRE staff of 15, includes a Division Chief, an Office Technician, 11 Fire Captains, and a Waste Water Technical Specialist.

Inmates committed to CDCR are selected and trained at the California Correctional Center in Susanville, California to determine their eligibility for Fire Camp. Once training is completed, eligible inmates are transported to the Fire Camp.

The Fire Camp houses a maximum of 106 inmates, all of whom are minimum custody male-felon convicts. This population allows for five fire crews with up to 17 inmates per crew. The remaining inmates are employed as kitchen workers, porters, landscapers, launderers, clerks, mechanics, maintenance, and other support activity workers. In order to be eligible for Fire Camp, inmates cannot have any convictions for sex-related offenses, arson, escape, or show high violence potential. Most of the inmates are serving time for convictions of alcohol offenses, drug offenses, or property crimes.

The CDCR is responsible for the selection, supervision, care, and discipline of the inmates. CAL FIRE maintains the Fire Camp, supervises the work of the inmate fire crews, and is responsible for inmate custody while on daily projects. CDCR staff often accompanies inmate fire crews on out-of-county assignments or on local assignments located near residential areas. Inmates are directly supervised 24 hours per day while on work projects and while assigned to emergencies.

The Fire Camp inmates provide Nevada County and neighboring counties with tens of thousands of hours of community service annually. The inmate fire crews suppress fire fuels, clear streams, improve trails and levees. They assist in rescues, floods, and landslides. They are an ongoing and consistently available resource to help local authorities. The Fire Camp is succeeding in its mission of improving the safety and quality of life for all state residents, while at the same time providing inmates an opportunity in which to develop skills and discipline needed to become successful contributors to society. During this past year, fire suppression by these inmates saved the state an estimated \$80 million.

Inmates are paid for their work. Most inmates in camp earn \$1.45 per day. Skilled inmates, such as mechanics, clerks, cooks, plumbers, welders, carpenters and electricians, may earn up to \$2.56 per day. Inmate firefighters earn an additional \$1 per day on regular assignments or \$1 per hour on emergency assignments. This income can be used to purchase items from the Fire Camp canteen, such as toiletries, snacks, and correspondence materials. Any unspent savings is critical when inmates are released. Because the first six months are crucial to a new parolee's success, this means of support may contribute to the low recidivism rates. Currently, the recidivism rate for Fire Camp inmates is less than one-tenth of one percent.

Inmates are housed in an open-dormitory setting, with a dining hall staffed by inmates and supervised by CDCR correctional staff. CDCR supervision is provided 24 hours daily. All units are subject to ongoing inspections and must comply with standards set by the California Department of Public Health. At the time of inspection there were 95 male inmates in custody, ranging in age from 19 to 55 years.

There is a hobby craft program, a TV room, and a game/exercise area available to the inmates during off-duty hours. Family visitation is conducted on Saturdays and Sundays. Community volunteers provide spiritual and religious services. Inmates are aware of the opportunities and relative freedom afforded to them in Fire Camps and as a result, inmates conduct themselves accordingly.

Both CDCR and CAL FIRE provide ongoing training and feedback for inmates, including job performance evaluations. Inmates interviewed said they were grateful for the chance at learning new skills and gaining experience.

Fire Camp housing costs are \$50 a day per inmate as compared to Nevada County's Wayne Brown Correctional Facility costing \$70 or more a day per inmate.

FINDINGS

- F1.** The Fire Camp provides significant monetary savings and community service to local public entities.
- F2.** The Fire Camp provides fire prevention and fire suppression at significant cost savings to Nevada County.
- F3.** The low recidivism rate at the Fire Camp shows that the program has been successful.
- F4.** The camp is succeeding in the development of skills and discipline, assisting inmates to integrate into society on release.
- F5.** Fire Camps are a most cost effective way to house inmates.
- F6.** The Fire Camp appears to be well-maintained.

RECOMMENDATIONS

None required or requested.

SCHOOLS AND LIBRARIES

**Nevada County Superintendent of Schools
A Review of Transparency and Policy**

**Nevada County Grand Jury Report with Responses
2014-2015**

NEVADA COUNTY SUPERINTENDENT OF SCHOOLS A REVIEW OF TRANSPARENCY AND POLICY

SUMMARY

A complaint was received by the Nevada County Grand Jury concerning the lack of transparency and policy regarding credit card expenses and receipts of the Nevada County Superintendent of Schools and actions of the Nevada County Board of Education. The Nevada County Grand Jury conducted several interviews and exit interviews to confirm facts and findings.

The Nevada County Superintendent of Schools is an elected position. The Nevada County Superintendent of Schools answers to the electorate. The Nevada County Board of Education has financial oversight for the budget including credit card expenses per Nevada County Board of Supervisor's *Resolution 79-137*. Currently there is nothing in the *Nevada County Office of Education Policy* that defines allowable credit card expenses.

The Nevada County Grand Jury conducted interviews and reviewed all documentation received from the Nevada County Superintendent of Schools. The Nevada County Superintendent of Schools stated that all documents concerning credit card use and accounts payable procedures had been provided.

The Nevada County Grand Jury discovered several issues of concern:

- Accounts Payable, travel expenses, and credit card guidelines are not adequate and up-to-date.
- There is not a comprehensive external audit of expense reports or credit card receipts.
- The Nevada County Superintendent of Schools, Board Policy §3220 states that purchases of alcohol shall not be made using the issued Commercial Credit Card.
- Commercial credit card purchases between January 2008 and January 2014 indicated eight purchases of alcohol.
- The Nevada County Board of Supervisors transferred financial oversight to the Board of Education per *Resolution 79-137*.
- The Nevada County Board of Education did not perform due diligence by voting 3 to 2 against oversight of the Nevada County Superintendent of Schools expense reports and commercial credit card receipts. Consequently, the Nevada County Board of Education was not aware of any alcohol purchased on the commercial credit card in violation of its own policy.
- Nevada County Board of Education Board Policy §3220 states that excessive spending not be allowed but there are no guidelines which define "excessive spending".

- The Nevada County Superintendent's Expense Report is reviewed and signed off by the Nevada County Associate Superintendent of Schools for Business.
- There is not a Nevada County Office of Education Policy on the Nevada County Superintendent of Schools website.
- California Public Records Act (Government Code §6250 et seq. was not followed by the Nevada County Superintendent of Schools office when records were requested.

The Nevada County Grand Jury recommends that the Nevada County Board of Education implement a definitive policy concerning use of the commercial credit card and review an existing memorandum concerning the use of the commercial credit card. Nevada County Board of Education should enforce rules for surrender of the commercial credit card when prohibited items are purchased.

The Nevada County Grand Jury recommends the Nevada County Board of Education develop and implement a policy which parallels the California Public Records Act and ensures that the provisions of the policy are followed to enhance transparency of the organization.

The Nevada County Grand Jury recommends that the Nevada County Board of Education post their Nevada County Office of Education Policy manual on the Superintendent of Schools website for transparency purposes.

The Nevada County Grand Jury recommends public funds should not be used by the Nevada County Board of Education or any agent of the Nevada County Office of Education to purchase alcoholic beverages or incur questionable expenses. The Nevada County Board of Education should be more pro-active in its oversight of expenditures and transparency.

The Nevada County Grand Jury recommends that the Nevada County Board of Education provide oversight of Nevada County Superintendent of School's expenses.

GLOSSARY

Grand Jury - Nevada County Grand Jury.

Office - the office of the Nevada County Superintendent of Schools.

Superintendent - the Nevada County Superintendent of Schools, an elected position.

credit card(s) - Commercial credit card authorized by the Nevada County Superintendent of Schools.

Board - Nevada County Board of Education, an elected body.

CPRA - California Public Records Act found in Government Code §6250 et seq.

BACKGROUND

The Nevada County Grand Jury (Grand Jury) received a complaint in July 2014 concerning the lack of transparency regarding the use of credit cards and credit card charges dating back to 2008.

The Nevada County Superintendent of Schools (Superintendent) is required to follow the Education Code, a product of the California legislative process.

On May 23, 1979, the Nevada County Board of Supervisors issued *Resolution No. 79-137* which transferred functions from the Board of Supervisors to the Nevada County Board of Education (Board). These functions included, but were not limited to, all expense oversight, organization and/or reorganization of school districts. Employees assigned to the office of the Nevada County Superintendent of Schools would no longer be county employees, but some services provided by Nevada County would continue.

On May 23, 1979, the Nevada County Board of Education accepted *Resolution No. 79-137* and in doing so, accepted responsibility of financial oversight.

A commercial credit card (credit card) is authorized through the Nevada County Superintendent of Schools to various individuals for use in the course and scope of their duties.

The records of the Superintendent of Schools office (Office) are open to public review. The authority is found in the California Public Records Act (CPRA) and Article 1 of the California Constitution.

The complainant stated that records concerning credit card use and receipts were at first denied and then provided, but the documentation lacked certain checks and balance notations or authorizations.

The Grand Jury reviewed the documentation provided by the complainant and observed that there were prohibited purchases of alcohol and other expenses that could be considered excessive because of lack of supporting documentation for authorization of these expenses.

The Grand Jury requested and received specific credit card payment files that did contain additional information that had not been provided to the complainant.

APPROACH

Initial interviews were conducted with the complainant, Office personnel, and a Board member.

Follow-up interviews were conducted with Office personnel, the Superintendent, and a Board member validating report findings. The following documents were received and reviewed:

- Local memoranda for accounting and budget, policy and transparency,
- Accounts payable memorandum of payments of liabilities and claims for payment,
- The CPRA for transparency,
- *Nevada County Superintendent of Schools Commercial Card Procedures* [a 1-1/2 page memorandum] ,
- *Nevada County Superintendent of Schools Conference Travel Claim* form [1 page],
- *Nevada County Superintendent of Schools Requisition* form [1-page],
- *Nevada County Superintendent of Schools Claim for Mileage & Incidental Expenses* form [1-page],
- *Nevada County Superintendent of Schools Purchasing and Expense Reimbursement Reminders - August 2014* [1-page],
- *Nevada County Superintendent of Schools Mileage Reimbursement Memoranda* [1- page],
- *Nevada County Superintendent of Schools Accounts Payable Reminders* [1 page],
- *Nevada County Superintendent of Schools Accounts Payable Guidelines* [2 pages],
- Credit Card receipts from January 2008 through October 2013,
- Board Policy §3220 [1/2 page] and §808 [2 pages includes Request Form],
- Education Code §32435 and §35160,
- Nevada County Board of Supervisors Resolution 79-137 May 1979,
- Board minutes of March 12, 2014, April 09, 2014, and July 9, 2014.

Additionally, the Grand Jury researched the Superintendent's website which does not reference the Nevada County Office of Education Policy.

Additionally, the Grand Jury researched and found two authorized websites used to determine authorized per diem state rate amounts using location and date of activity. They are www.gsa.gov and www.calhr.ca.gov.

DISCUSSION

The Superintendent is responsible for authorizing credit card(s) for use by selected individuals. A Board member was unaware that a credit card was issued to the Superintendent. Several interviewees disagreed as to the exact number of cards issued.

Nevada County Superintendent of Schools Commercial Credit Card Procedures is a 1-1/2 page document, which establishes criteria for credit card use. This document is organized into three sections: 1) General Standards, 2) Documentation of Purchases, and 3) Unauthorized Expenditures. (Appendix 1).

A *Responsibility and Acknowledgement Agreement* form is used for requesting credit card(s). This form is signed by the recipient of the credit card with acknowledgement that the card-holder has read and understands the *Nevada County Superintendent of Schools Commercial Card Procedures*. (Appendix 2).

Daily and monthly credit card purchase limits vary per card-holder. These credit card charges may include meals and other essentials of doing the business of the Office. There are varying levels of allowed expenses for meals. Pre-planned meal expenses are outlined in Nevada County Office of Education Policy BP§808, *Travel Expenses as Allowed by County Board of Education*. The Board's responsibility is to oversee the Superintendent's budget per Nevada County Board of Supervisor's *Resolution 79-137*.

The use of the credit card for purchase of alcohol is specifically forbidden by Education Code §32435. " (a) No school district, county board of education, or county superintendent of schools shall expend any public funds on the purchase of alcoholic beverages."

The Grand Jury was provided with a limited number of pages from the Nevada County Office of Education Policy. The Grand Jury reviewed the Superintendent of Schools website with express intent to locate the Nevada County Office of Education Policy. There was no reference to the Nevada County Office of Education Policy. Receipts and testimony provided by witnesses showed that there were several purchases of alcoholic beverages on at least one credit card, as follows:

- January 2008
- November 2008
- January 2009
- November 2009
- November 2010
- January 2013
- May 2013
- October 2013

All the above listed receipts were approved for payment. Subsequently, on July 9, 2014, the Board voted 3 to 2 to reject monthly financial oversight of expenses.

Nevada County Office of Education Policy, BP §3220 references meetings - Item #7, authorizes expenditures under the condition that: "Costs are not excessive". An interviewee provided some printed examples of excessive spending:

- Retreat - August 2009 - \$909.34 (including supplies, dinner and literature)
- October 2010 - \$437.84 (CSR Dinner Meeting, requiring spouse reimbursement)
- January 2012 - \$445.54 (Montrio Bistro, Monterey, tipping at 24%)
- January 2012 - \$742.87 (Montrio Bistro, Monterey, tipping at 23%)
- Misc. - May 2013 - \$250.00 (No detail for significance of this receipt)
- Retirement - July 2013 - \$538.00 (Payment to US Bank Corporate)
- Gift - August 2013 - \$553.59 (Handwritten note asking where is reimbursement)
- February 2013 - \$413.90 (gift cards, no details)
- October 2013 - \$430.66 (Flavor Bistro – no explanation)
- April 2014 - \$684.16 (Trellune, Montecito)
- January 2014 - \$883.38 (Monterey, The Fish Hopper, no details provided)

Office personnel stated that "excessive spending" is a judgment call, and the person submitting the receipt can be questioned as to receipt amounts. The Board has voted to reject monthly oversight of credit card expenses of the Superintendent.

Additionally, the Grand Jury researched and found two authorized websites used to determine authorized per diem state rate amounts using location and date of activity. They are www.gsa.gov and www.calhr.ca.gov.

The Office has an Accounts Payable section. This section receives and processes claims from employees for payment of direct expenses and payment of Credit Card charges.

Nevada County Superintendent of Schools - Accounts Payable Guidelines is a two-page document that outlines approval process, online purchases, appropriate backup, reimbursement claims, and on-account charges. (Appendix 3).

Board meeting minutes of March 12, 2014, stated two members of the Board verbally requested Accounts Payable documentation concerning the Superintendent's credit card use. The request was denied by the Superintendent.

At the Board meeting of April 09, 2014, a member of the Board submitted a written request for Accounts Payable documentation concerning the Superintendent's credit card use. The request was denied by the Superintendent.

A member of the Board submitted a CPRA request to review charges made on credit cards. The Superintendent stated this documentation did not have to be produced. Based upon the

CPRA request records were released and received by the complainant but did not include complete information.

Interviewees stated that each credit card is in the name of the card-holder, and alcohol purchase is forbidden. If a second purchase of alcohol is listed on commercial credit card receipts, the credit card could be revoked. To the knowledge of other interviewees, a credit card has never been revoked. Another interviewee stated that alcohol purchased on the credit card must be reimbursed. An interviewee stated, "However, our office does not get involved in the revocation of government cards".

Current credit card expense payment approval begins with a review by the card-holder's supervisor. The approved expenses are then forwarded to the Superintendent for approval. The Superintendent forwards individual expense payment requests to the Associate Superintendent for Business Services. All Credit Card expenses are combined and approved as a "batch approval" and forwarded to Accounts Payable for payment. Current rules and guidelines for expenses and expense reimbursement are non-specific, inadequate, and ambiguous.

Interviewees, including the Superintendent, Board, and Office personnel did not know when the last update was made to accounts payable memorandum and references issued by the Office of Superintendent of Schools.

FINDINGS

- F. 1 The Office lacks a definitive written policy or policy manual to define allowable expenses, excessive spending, or reimbursement regarding travel expenses.
- F. 2 The Office would benefit by having charges reviewed by the Board and Board approval for the Superintendent's credit card charges and reimbursements.
- F. 3 The policy that prohibits alcohol purchases is being violated.
- F. 4 The Office did not follow the California Public Records Act and did not provide all relevant information requested by the complainant, in a timely manner.
- F. 5 The public would benefit by having electronic access to the Nevada County Office of Education Policy.
- F. 6 There is an appearance of inappropriate and excessive spending using a commercial credit card.
- F. 7 Supporting documentation for credit card charges was insufficient.

RECOMMENDATIONS

- R. 1** The Nevada County Board of Education should:
- Ensure all accounts payable forms are accurate and up to date and have a policy manual in place to address expenses on credit cards. (F1)
 - implement use of the State Rate for allowed travel expenses that include hotel, meals, and miscellaneous expenses. (F1)
 - consider using an independent auditor or themselves to check for expense report accuracy and credit card receipt expenditures. (F2)
 - ensure there is a policy paralleling the California Public Records Act and follow it for openness and transparency of operations. (F4)
 - be pro-active in its general oversight of expenditures and transparency and specifically in its oversight review and approval of the Superintendent's expense reports.
- R. 2** The Nevada County Board of Education should perform due diligence by being the approving authority for the Superintendent's credit card expenses.
- R. 3** The Nevada County Board of Education should ensure that public funds are not used by the Board or any agent of the Nevada County Office of Education to purchase alcoholic beverages or incur questionable expenses.
- R. 4** All alcohol related and excessive credit card charges should be brought to the attention of the Superintendent and Board for discussion and determination of card revocation.
- R. 5** The Nevada County Board of Education should exercise oversight of Superintendent's expenditures.
- R. 6** The Nevada County Board of Education should post the Nevada County Office of Education Policy on the Superintendent of Schools website for transparency purposes.
- R. 7** The Superintendent should complete travel forms and attach appropriate supporting documentation for travel expenses.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the Nevada County Grand Jury requests responses as follows:

Nevada County Superintendent of Schools; August 24, 2015; Recommendation 7

Nevada County Board of Education; September 24, 2015
Recommendation 1,2,3,4,5, and 6

Nevada County Superintendent of Schools Commercial Card Procedures

Overview

These guidelines establish the procedures for the use of the U.S. Bank Commercial Card for all Nevada County Superintendent of Schools (NCSoS) card holders and employees. Everyone who is issued a commercial card is responsible for knowing and following these guidelines. The following guidelines have been established to ensure internal control and timely payment of charges. Credit card privileges may be revoked if the commercial card procedures are not followed.

These guidelines are organized into three sections:

- 1) General Standards
- 2) Documentation of Purchases
- 3) Unauthorized Expenditures

1) GENERAL STANDARDS

The Program Manager will issue an U.S. Bank Commercial Card to an employee upon written direction of the Director of Business Services or the County Superintendent (or authorized designee). The card holder and/or supervisor is responsible for notifying the Program Manager of any change in status of a card holder as soon as possible after the loss of a card, transfer or termination.

Each card holder will sign a Responsibility and Acknowledgement Agreement regarding proper purchasing procedures. This Agreement will be kept on file with the Program Manager.

Each card holder will receive a paper copy of the month's charges from U.S. Bank via the Program Manager. It is the card holder's responsibility to review immediately upon receipt to verify accuracy of charges and to notify the Program Manager of any discrepancies.

When the card holder receives the U.S. Bank statement, they are responsible for signing the statement and submitting the proper documentation of all purchases within **three** business days to the Program Manager.

If a credit card gets lost or stolen, the card holder must notify their supervisor and the Program Manager immediately. Also, if the card holder is made aware of any fraudulent charges, they must notify their supervisor and the Program Manager immediately.

APPENDIX 1

2) DOCUMENTATION OF PURCHASES

Each card holder is responsible for the accurate documentation of every charge on their card. Proper receipts or invoices and approved Requisitions (if applicable) must be attached to the U.S. Bank statement before submitting to the Program Manager. Each receipt or invoice must clearly state the item(s) purchased, cost, sales tax, shipping, vendor and date of charge. Accounts Payable Guidelines apply to all credit card purchases.

3) UNAUTHORIZED EXPENDITURES

Unauthorized expenditures by the card holder can result in the loss of card privileges and the card holder may be required to reimburse NCSoS all such unauthorized charges.

Unauthorized use of the commercial card includes but is not limited to the following:

- Cash advances
- Personal expenses
- Purchases without appropriate documentation

APPENDIX I

Nevada County Superintendent of Schools
Commercial Card Procedures

Responsibility and Acknowledgement Agreement

Card Holder Name: _____

Program/Department: _____

Credit Limits: Monthly _____ Daily _____

I accept responsibility for the Commercial Card that will be issued to me and I have read and understand the Nevada County Superintendent of Schools (NCSoS) Procedures. I agree to use the Commercial Card in accordance with the terms and conditions of those procedures. I understand that using the card for personal expenses is prohibited. I understand that I am personally liable for any unauthorized Commercial Card charges that I incur. I understand that I am responsible to obtain appropriate backup for the charges that I make using the NCSoS Commercial Card. If it is determined that I have used this credit card for unauthorized purposes, I understand that I may lose credit card privileges and NCSoS may require reimbursement of all such unauthorized charges.

Card Holder signature

Director of Business Services or designee

Date: _____

Date: _____

PROGRAM MANAGER USE ONLY

Card Number: _____

Date issued: _____

Credit limit increase/decrease: _____

Date returned: _____

APPENDIX 2

Nevada County Superintendent of Schools
Accounts Payable Guidelines

• **Approval process:**

Check budget for adequate funding

Must obtain appropriate approval before making purchases:

Prepare a Requisition setting out details of purchase, including applicable shipping/handling charges and sales tax (NOTE: Includes on-line purchases)

Obtain signature on Requisition of supervisor, Program Director, Superintendent or Director of Business Services before making purchase

Purchase Order number (if needed) can be obtained from A/P Business Technician by submitting an original approved Requisition (see step above)

Allow a minimum of one business day for PO # to be issued

NOTE: If A/P Tech is not present, follow up with a reminder email that a Requisition has been submitted

W-9 must be on file for every Vendor

1. Verify with A/P Tech
2. If W-9 not on file, download "W-9 blank form" from Z:\EmployeeInfo\forms
3. Vendor must complete, sign and submit with invoice

Complete an Independent Contractor questionnaire and Agreement, if applicable (both forms can be downloaded from Z:\EmployeeInfo\forms)

NOTE: All above steps to be done PRIOR to ordering items or contracting services

• **Online purchases:**

Follow same procedure as local Vendor purchases set out above

Print receipt page with credit card payment showing net \$0 owing and detail of item(s) ordered

NOTE: Requisitions are required. Purchase Order may not be required

• **Appropriate backup to include but not limited to:**

Original detailed cash register receipt-each item needs its own description and amount

Original credit card receipt

Original invoice from Vendor

APPENDIX 3

Packing slip and/or shipping label, if provided

Screen print receipts and/or invoice for online purchases

If a receipt cannot be submitted, write a memo explaining the reason the receipt is not available and obtain a supervisor's signature on the memo acknowledging the circumstance

- **Reimbursement claims:**

Reimbursement Claim form is available on the server under Z:\EmployeeInfo\forms. The file is "Expense Claim form.xls"

Submit Reimbursement claims for travel and items monthly

Reimbursement requests greater than 90 days for mileage and/or items purchased will NOT be processed without prior approval from Associates Superintendent, Business

Signature of claimant with name printed or typed below signature

Signature of supervisor

Program to be charged (i.e. Safe Schools, FYS, etc.)

Use current form reflecting correct mileage rate (currently FY 2014/15 is .56¢ per mile)

If mileage reimbursement is outside your normal area, attach backup (i.e. MapQuest)

Per diem for meals can be claimed in lieu of receipts (see back of claim form for limits)

NO personal items to be included on the receipt. A separate receipt must be obtained if purchasing personal item(s).

NOTE: A/P runs weekly and checks are available on Friday. Claims are due on Mondays and allow a minimum of one week for processing payment.

- **On-Account charges: (i.e. SPD)**

Submit original cash register receipt within one business day to A/P Business Technician

Obtain approving signature of supervisor on receipt (except Program Directors)

Program Directors sign original receipt

Write the program to be charged on the receipt

APPENDIX 3

RESPONSE

Nevada County Board of Education
112 Nevada City Highway
Nevada City, CA 95959
(530)478-6400

VIA U.S. MAIL

September 10, 2015

The Honorable Thomas M. Anderson
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Subject: Response to Grand Jury Report
Nevada County Superintendent of Schools: A Review of Transparency and Policy

Dear Judge Anderson:

The following is the Nevada County Board of Education's ("Board") response to the Findings and Recommendations #1-6 of the 2014-15 Nevada County Grand Jury's Report entitled "Nevada County Superintendent of Schools: A Review of Transparency and Policy." For purposes of readability, we have shown the Grand Jury's findings and recommendations in **bold**.

FINDINGS

F1. The Grand Jury found that the Office lacks a definitive written policy or policy manual to define allowable expenses, excessive spending, or reimbursement regarding travel expenses.

We disagree with this finding. NCSOS has an existing written policy that adequately defines allowable expenses, excessive spending, or reimbursement regarding travel expenses.

F2. The Grand Jury found that the Office would benefit by having charges reviewed by the Board and Board approval for the Superintendent's credit card charges and reimbursements.

We disagree with this finding. Moreover, the statement that "the Office would benefit by having charges reviewed by the Board and Board approval for the Superintendent's credit card charges and reimbursements" is not a finding, but a recommendation, and the imperative to require such review and approval was not established in the report. The Board is satisfied with its level of oversight over the Superintendent's credit card charges and reimbursements. Specifically, the

Board is required to adopt the budget of the NCSOS and review two interim financial reports and annual audit. Furthermore, the Grand Jury report did not demonstrate that the existing authority of the Board has failed to provide appropriate oversight for the Superintendent's credit card charges and reimbursements.

F3. The Grand Jury found that the policy that prohibits alcohol purchases is being violated.

We disagree with this finding. The Grand Jury omitted from its report subdivision (b) of Education Code Section 32435 which provides that if an employee of a school district or county educational agency requests and is erroneously granted reimbursement for the purchase of alcoholic beverages, the employee may refund the reimbursement. Clearly, the state legislature contemplated that mistakes can be made. Here, the few alcohol purchases which were made in error using an NCSOS credit card were promptly refunded as contemplated by Section 32435(b). No public funds have been spent on the purchase of alcoholic beverages.

F4. The Grand Jury found that the Office did not follow the California Public Records Act and did not provide all relevant information requested by the complainant, in a timely manner.

We disagree with this finding. In response to complainant's Public Records Request a complete packet of requested documentation was provided to the complainant and the entire board of education on July 9, 2014.

F5. The Grand Jury found that the public would benefit from having electronic access to the Nevada County Office of Education Policy.

We agree with this finding. Again, this "finding" is actually a generic recommendation which we agree would help facilitate the public's access to NCSOS policies.

F6. There is an appearance of inappropriate and excessive spending using a commercial credit card.

We disagree with this finding. This statement is broad, vague, and not substantiated in the report. The Board regularly reviews NCSOS's interim financial reports and annual audit. Based upon this review, the Board has no concerns about inappropriate and excessive spending using a commercial credit card. This finding is completely subjective and the evidence presented in this report does not support such a sweeping assessment. The Grand Jury's synopsis is selective, one-sided and clearly tailored to reach a predetermined conclusion.

RECOMMENDATIONS

RI. The Nevada County Board of Education should:

- **Ensure all accounts payable forms are accurate and up to date and have a policy manual in place to address expenses on credit cards.**

- Implement use of the State Rate for allowed travel expenses that include hotel, meals, and miscellaneous expenses.
- Consider using an independent auditor or themselves to check for expense report accuracy and credit card expenditures.
- Ensure there is a policy paralleling the California Public Records Act and follow it for openness and transparency of operations.
- Be pro-active (sic) in its general oversight of expenditures and transparency and specifically in its oversight review and approval of the Superintendent's expense reports.

Recommendation #1 contains five distinct recommendations which will be addressed separately.

- The recommendation to ensure all accounts payable forms are accurate and up to date and have a policy manual in place to address expenses on credit cards has not yet been implemented, but will be implemented within the next three (3) months.
- The recommendation to implement use of the State Rate for allowed travel expenses that include hotel, meals, and miscellaneous expenses requires further analysis. Use of the State Rate will be taken into consideration in the process of updating the policies and procedures. The final determination will be made within three (3) months when the updating of policies is complete.
- The recommendation to consider using an independent auditor or the Board to check for expense report accuracy and credit card expenditures will not be implemented because it is not warranted. A comprehensive annual audit of the NCSOS's expenses and credit card expenditures is already performed by a certified public accountant and reviewed by the Board. Furthermore, the Board is satisfied with its level of oversight over expense report accuracy and credit card expenditures.
- The recommendation to adopt a policy paralleling the California Public Records Act will not be implemented because it is not warranted or is not reasonable. It would be contrary to effective and efficient local board policy development to repeat information from state law in local policy. The statute may change, rendering the policy out of date, inaccurate, and potentially in conflict with current law. Consequently, expending the financial resources and staff time needed to pursue the Grand Jury's recommendation would be wasteful.
- The recommendation to be pro-active (sic) in its general oversight of expenditures and transparency and specifically in its oversight review and approval of the Superintendent's expense reports has been partially implemented in that the Board is required to adopt the budget of the NCSOS and review two interim financial reports and annual audit. The more specific recommendation to review and approve the Superintendent's expense reports will not be implemented because it is not warranted for the reasons set forth above.

R2. The Nevada County Board of Education should perform due diligence by being the approving authority for the Superintendent's credit card expenses.

This recommendation appears to be redundant of the fifth recommendation identified in Recommendation #1 addressed above.

R3. The Nevada County Board of Education should ensure that public funds are not used by the Board or any agent of the Nevada County Office of Education to purchase alcoholic beverages or incur questionable expenses.

This recommendation has been implemented in that there is no evidence that public funds have been used to purchase alcoholic beverages or for "questionable expenses."

R4. All alcohol related and excessive credit card charges should be brought to the attention of the Superintendent and Board for discussion and determination of card revocation.

This recommendation has been implemented in that there is no evidence that public funds have been used to purchase alcoholic beverages or evidence of "excessive credit card charges."

R5. The Nevada County Board of Education should exercise oversight of Superintendent's expenditures.

This recommendation appears to be redundant of the fifth recommendation identified in Recommendation #1 addressed above.

R6. The Nevada County Board of Education should post the Nevada County Office of Education Policy on the Superintendent of Schools website for transparency purposes.

This recommendation has not yet been implemented, but will be implemented within the next three (3) months.

Please contact me if you have any questions or concerns.

Sincerely,



Trevor Michael
President
Nevada County Board of Education

RESPONSE



HOLLY A. HERMANSEN, SUPERINTENDENT

112 NEVADA CITY HIGHWAY
NEVADA CITY, CA 95959
530-478-6400 • fax 530-478-6410

October 1, 2015

The Honorable Thomas M. Anderson
Presiding Judge of the Grand Jury
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Subject: Response to Grand Jury Report issued during 2014-15 term not received

Dear Judge Anderson,

This letter serves as my response to the September 28, 2015 Grand Jury letter stating my direct response required as to *Recommendation R7* of the "Nevada County Superintendent of Schools – A Review of Transparency and Policy" report was not received.

Please note that on August 21, 2015, my response was sent via US Mail. Enclosed is a copy of the response.

Please contact me if you have any questions or concerns.

Sincerely,

Holly A. Hermansen
Nevada County Superintendent of Schools

Enclosures

Cc Doug Wight, Forman, Grand Jury of Nevada County
950 Maidu Avenue, Nevada City CA 95959



HOLLY A. HERMANSEN, SUPERINTENDENT

112 NEVADA CITY HIGHWAY
NEVADA CITY, CA 95959
530-478-6400 • FAX 530-478-6410

VIA U.S. MAIL

August 21, 2015

The Honorable Thomas M. Anderson
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Subject: Response to Grand Jury Report
Nevada County Superintendent of Schools: A Review of Transparency and Policy

Dear Judge Anderson:

The following is the Nevada County Superintendent of Schools' (NCSOS's) response to the Findings and Recommendation #7 of the 2014-15 Nevada County Grand Jury's Report entitled "Nevada County Superintendent of Schools: A Review of Transparency and Policy." For purposes of readability, we have shown the Grand Jury's findings and recommendations in **bold**.

FINDINGS

F1. The Grand Jury found that the Office lacks a definitive written policy or policy manual to define allowable expenses, excessive spending, or reimbursement regarding travel expenses.

I disagree with this finding. NCSOS has an existing written policy that adequately defines allowable expenses, excessive spending, or reimbursement regarding travel expenses.

F2. The Grand Jury found that the Office would benefit by having charges reviewed by the Board and Board approval for the Superintendent's credit card charges and reimbursements.

I disagree with this finding. Moreover, the statement that "the Office would benefit by having charges reviewed by the Board and Board approval for the Superintendent's credit card charges and reimbursements" is not a finding, but a recommendation, and the imperative to require such review and approval was not established in the report. The Board is satisfied with its level of oversight over the Superintendent's credit card charges and reimbursements. Specifically, the Board is required to adopt the budget of the NCSOS and review two interim financial reports and annual audit. Furthermore, the Grand Jury report did not demonstrate that the existing authority

of the Board has failed to provide appropriate oversight for the Superintendent's credit card charges and reimbursements.

F3. The Grand Jury found that the policy that prohibits alcohol purchases is being violated.

I disagree with this finding. The Grand Jury omitted from its report subdivision (b) of Education Code Section 32435 which provides that if an employee of a school district or county educational agency requests and is erroneously granted reimbursement for the purchase of alcoholic beverages, the employee may refund the reimbursement. Clearly, the state legislature contemplated that mistakes can be made. Here, the few alcohol purchases which were made in error using an NCSOS credit card were promptly refunded as contemplated by Section 32435(b). No public funds have been spent on the purchase of alcoholic beverages.

F4. The Grand Jury found that the Office did not follow the California Public Records Act and did not provide all relevant information requested by the complainant, in a timely manner.

I disagree with this finding. In response to complainant's Public Records Request a complete packet of requested documentation was provided to the complainant and the entire board of education on July 9, 2014.

F5. The Grand Jury found that the public would benefit from having electronic access to the Nevada County Office of Education Policy.

I agree with this finding. Again, this "finding" is actually a generic recommendation which I agree would help facilitate the public's access to NCSOS policies.

F6. There is an appearance of inappropriate and excessive spending using a commercial credit card.

I disagree with this finding. This statement is broad, vague, and not substantiated in the report. All spending is done according to policies and procedures and includes documentation for all charges. This finding is completely subjective and the evidence presented in this report does not support such a sweeping assessment. The Grand Jury's synopsis is selective, one-sided and clearly tailored to reach a predetermined conclusion.

F7. The Grand Jury found supporting documentation for credit card charges was insufficient.

I disagree with this finding. Supporting documentation for credit card charges was sufficient in that proper receipts clearly stating the item(s) purchased, cost, sales tax, shipping, vendor and date of charge, have and will continue to be submitted for every charge made using NCSOS credit cards in accordance with NCSOS policies and procedures. Furthermore, NCSOS's financial statements are audited on an annual basis by a certified public accountant and there have been no findings related to insufficient documentation for credit card charges as a result of said audits. The Grand Jury's synopsis of the information provided by NCSOS related to the

credit charges at issue is selective, one-sided and clearly tailored to reach a predetermined conclusion.

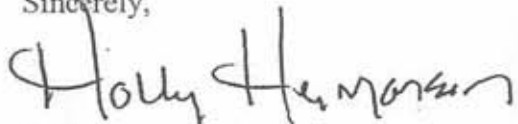
RECOMMENDATIONS

R7. The Superintendent should complete travel forms and attach appropriate supporting documentation for travel expenses.

This recommendation has been implemented in that it reflects existing practice. Specifically, the Superintendent currently provides appropriate documentation for travel expenses associated with performing services for NCSOS in accordance with NCSOS policies and procedures.

Please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Holly Hermansen". The signature is written in a cursive style with a large initial "H".

Holly Hermansen
Nevada County Superintendent of Schools

SPECIAL DISTRICTS

Washington County Water District

**Nevada County Grand Jury Report with Responses
2014-2015**

WASHINGTON COUNTY WATER DISTRICT

SUMMARY

The Washington County Water District is an independent special district responsible for providing water and fire protection services to the unincorporated community known as the Town of Washington. The Washington County Water District is governed by a Board of Directors elected by the district's voters.

The Nevada County Grand Jury received a citizen complaint regarding the Washington County Water District. In the process of investigating the complaint, the Nevada County Grand Jury found that the Washington County Water District By-laws are generic and do not represent the needs of the Washington County Water District. The Washington County Water District did not regularly post or hold board meetings in accordance with the Ralph M. Brown Act, California Government Code 54950 et seq.

GLOSSARY

Grand Jury - Nevada County Grand Jury

District - Washington County Water District

Board - Board of Directors of the Washington County Water District

Brown Act - Ralph M. Brown Act, California Government Code 54950 et seq.

LAFCo - Nevada County Local Area Formation Commission

CABY - Cosumnes, American, Bear and Yuba, a collaborative, non-profit, watershed planning organization

Proposition 172 - California Public Safety Protocol and Improvement Act of 1993

SCADA - System Control and Data Acquisition

Proposition 84 - Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006

BACKGROUND

Special Districts are a form of local government created by a community to meet specific needs. Most of California's special districts perform a single function such as sewage treatment, water, fire protection, pest management, or cemetery management.

The Nevada County Grand Jury (Grand Jury) received a complaint regarding the Washington County Water District (District), which is responsible for providing water, fire, and emergency medical services to the residents of the District. The complaint alleged the Board of Directors of the Washington County Water District (Board) failed to follow the Ralph M. Brown Act, California Government Code 54950 et seq. (Brown Act) requiring public

postings of board meetings. The Board failed to provide an adequate budget for fire and medical services.

The District is an independent special district supported by public funds and user fees. The District has one part-time employee. Under contract are a licensed treatment plant operator, one accountant, and one secretary. Fire and emergency medical services are provided by volunteers.

The District is governed by a five-member Board with each member serving a four-year term. The Board is responsible for setting policy and general administrative procedures for all services provided by the District.

APPROACH

The Grand Jury interviewed:

- members of the Board,
- a staff member from Nevada County Local Area Formation Commission (LAFCo),
- a contractor with Cosumnes American Bear and Yuba (CABY), a collaborative, non-profit, watershed planning organization ,
- a project manager,
- a contract employee,
- the complainant.

The Grand Jury also reviewed related documents and took a field trip to become familiar with the existing water system and tour the fire station.

DISCUSSION

The Board is required to meet in regular sessions with an agenda posted in a location with community access per the Brown Act. It appears that no specific person is responsible for posting agendas. Some meetings are being held in a private residence. The Board is responsible to provide treated water, maintenance of the water system, and fire and medical services. The Board does not have a policies and procedures manual that includes the financial responsibilities and requirements to run the District.

Water System

The existing domestic water system in the town of Washington is very old and over the decades has been repaired, patched, expanded, and only modestly upgraded. It takes in raw water from Canyon Creek, about three miles above the town. The only treatment consists of a sand filter and chlorination. After treatment the water gravity flows to a single storage tank and is distributed to approximately 122 known customers within the District. Due to an

absence of meters, all residential customers pay the same monthly rate of \$50.00 regardless of actual usage.

CABY functions as a vehicle to obtain funding from grants. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Integrated Regional Water Management Plan served as a catalyst for the creation of the collaborative group. The projects, initiatives, and partnerships continue to expand.

The District was awarded a CABY grant of \$1.3 million from Proposition 84 funds to make necessary water system improvements. The money is to be used to:

- repair leaks in pipes as needed,
- improve the treatment plant,
- install meters,
- replace existing fire hydrants,
- install a System Control and Data Acquisition (SCADA), a computer system that will monitor operational maintenance efficiencies.

The contract also calls for an operations and maintenance plan for implementation.

CABY grant funds for the District are being administered by the City of Nevada City. Funds are disbursed as requests for warrants are received and established benchmarks are met. Work is to be completed by licensed, insured, and bonded contractors using a competitive bidding process. Contractors will be required to certify payrolls. The anticipated completion date is late 2016.

All users will have meters installed to determine the amount of water usage for billing purposes. Data collected from the meters will aid in the development of a billing system.

A financial plan for future maintenance and service has not been developed.

Board Issues

The By-laws entitled, "BY-LAWS WASHINGTON COUNTY WATER DISTRICT" adopted by the Board are generic and do not include any reference to the District in several sections.

The Board has not taken advantage of training available from the Special Districts Association or LAFCo.

Public posting of regular Board meeting agendas has not been consistent per Brown Act requirements.

The District has experienced a high turnover of board members over the years.

In the past the District has failed to submit audits and budgets within the required timeframe. CABY's independent contractor has provided assistance to the Board in meeting and bringing audits and budgets up to date.

Three sources of annual income have been identified: Ad Valorem tax, customer rate payments, and the California Public Safety Protocol and Improvement Act of 1993 (Proposition 172). This income has proven inadequate to provide for the necessary required services of the District.

Fire Department Issues

The Board is the governing body for water, fire, and medical services.

The primary funds available for the volunteer fire and medical services are generated from Proposition 172 and provide approximately \$5,000 per year. The Board supplements this income by paying for fuel and workers compensation insurance for the volunteer fire department.

A portion of customer rate payments specified in the budget for the fire department has not been distributed to the fire department on a regular basis.

There has been a lack of communication between the Board and members of the volunteer fire department, including lack of notification of Board meetings and the uncertainty of the fire department budget. Some Board members stated they do not understand the budget and operational needs for fire and medical services.

Findings

- F1.** The District's residents, including fire department personnel, would benefit by having regular meetings and consistent postings of Board meeting agendas per the Brown Act.
- F2.** The District's operations could be carried out more effectively by having a comprehensive policy and procedures manual.
- F3.** Through Proposition 84 the taxpayers have made a substantial investment in the District water system.
- F4.** SCADA will enable operational and maintenance efficiencies.
- F5.** The District's operations will benefit from the operations and maintenance plan which is to be provided by the current contract with CABY.
- F6.** Physical improvements to the water system will provide the District with data for more accurate billing and improve efficiencies, including the operation of the water treatment plant.

- F7. The Board would benefit by receiving special district training which would include budgeting as well as receiving training on fire and medical service requirements and regulations.
- F8. The District would benefit by reducing the turnover rate among board members.
- F9. Based on its current income sources the District cannot continue to provide the water, fire and medical services along with the necessary long-term maintenance needs.

RECOMMENDATIONS

The Nevada County Grand Jury recommends that the Board of Directors of the Washington County Water District:

- R1. Post all Board meeting agendas in a public place per Brown Act requirements.
- R2. Develop a comprehensive policy and procedures manual.
- R3. Develop a financial plan for future operation and maintenance of the water system.
- R4. Receive training on the governance of a special district.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses by September 24, 2015, from the following:

The Board of Directors of the Washington County Water District as to; Findings #1-9, Recommendations #1-7.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

RESPONSE



WASHINGTON COUNTY WATER DISTRICT

P.O. BOX 34, WASHINGTON, CA 95986

(530)-265-4720

October 11, 2015

The Honorable Tom Anderson
Presiding Judge of the Nevada County Grand Jury
Nevada County Courthouse
201 Church Street
Nevada City, CA 95959

Re: Washington County Water District's Response to the 2014-2015 Nevada County Civil Grand Jury Report: "Washington County Water District"

Dear Judge Anderson,

As requested by the Grand Jury, the Washington County Water District (WCWD) hereby submits an updated response to the subject Grand Jury Report, dated September 9, 2015. This document revises a single entry on our response dated 9/9/15 – see F8 in the attachment.

The revised response was approved by the WCWD Board of Directors at their Regular Meeting on October 15, 2015 – which was duly noticed per the requirements of the Brown Act, per standard WCWD policy and procedure.

On behalf of the WCWD Board, I would like to reiterate our thanks to the 2014-2015 Grand Jury panel for their efforts in preparing the referenced report and respectfully submit our responses to the findings and recommendations included in the report.

Sincerely,

Theresa Morrison, Chair
WCWD

cc: SR Jones, LAFCo Executive Director
Richard Anderson, Supervisor District #5

WASHINGTON COUNTY WATER DISTRICT RESPONSES TO
2014-2015 NEVADA COUNTY CIVIL GRAND JURY REPORT
"WASHINGTON COUNTY WATER DISTRICT"

The responses to the Grand Jury Findings and Recommendations were approved by the WCWD Board at a Special Meeting on August 27, 2015.

RESPONSE TO FINDINGS

F1. The District's residents, including fire department personnel, would benefit by having regular meetings and consistent postings of Board meeting agendas per the Brown Act.

Agree - already in practice: The District already holds regular meetings every month on the third Thursday of the month.

These meetings are publically noticed in town at the Post Office, as well as the bulletin board by the Fire House and the bulletin board outside the Washington Hotel. In previous years, before the closure of the General Store, meetings were noticed at the local store as well. It is important to note that this remote, isolated rural community is not served by a newspaper, has extremely limited internet access available to a very small percentage of the residents, and has no other effective or reliable way to inform local customers about WCWD activities and meetings other than through local postings.

The agendas always include both Water District and Fire Department items and are conducted as two separate but consecutive meetings. This has been the practice and policy of the District for years and will remain so into the future.

F2. The District's operations could be carried out more effectively by having a comprehensive policy and procedures manual.

Agree – already in progress, prior to Grand Jury Report: The District has already begun to compile a Policies and Procedures Manual, as well as undertaking a formal update of its by-laws. This process has been initiated as part of a state-funded grant program and will be completed by mid-2016. The Policies and Procedures Manual will address both operational and institutional practices, priorities and activities.

F3. Through Proposition 84 the taxpayers have made a substantial investment in the District water system.

Agree: Six projects funded by the Prop 84 Grant for a total of \$1.3 million are already in progress. Of the six, five will be completed by mid-2016 and the other will be completed by the end of summer 2017.

F4. SCADA will enable operational and maintenance efficiencies.

Agree: The SCADA project should be complete by mid-2016.

F5. The District's operations will benefit from the operations and maintenance plan which is to be provided by the current contract with CABY.

Correction: The City of Nevada City is the grantee for the Proposition 84 Implementation Grant awarded by the CA Department of Water Resources in 2010. Although the CABY group sponsored preparation of the grant application, the grant itself is not a CABY grant – no funds for the projects funded by the grant are received or distributed by CABY.

Agree – already in progress, prior to Grand Jury Report: As stated above, the District had already begun preparation of the various documents which together will comprise the Policies and Procedures Manual prior to the activities of the Grand Jury. The work effort will continue, with the final Policies and Procedures Manual scheduled for completion in mid-2016.

F6. Physical improvements to the water system will provide the District with data for more accurate billing and improve efficiencies, including the operation of the water treatment plant.

Agree: The SCADA system, in conjunction with the recently installed (through grant-funding) water meters, will give the District a very accurate understanding of the status of water use, water conservation, overall costs of providing water, and the ability to identify and repair leaks in a timely fashion.

F7. The Board would benefit by receiving special district training which would include budgeting as well as receiving training on fire and medical service requirements and regulations.

Agree – already in progress: The District has already initiated a training program through the Rural Community Assistance Corporation (RCAC) on a variety of topics, including: ethics, budget management, rate evaluations and studies, and other similar topics. The District is coordinating with Nevada County LAFCo, adjacent Fire Departments, and RCAC to obtain more information on the availability of training for its volunteer fire fighters, as well as understanding applicable regulations.

F8. The District would benefit by reducing the turnover rate among board members.

Partially Disagree: While any public agency benefits from a consistent membership, similarly they benefit from the infusion of new ideas and strategies/perspectives.

In the case of the WCWD Board – the vacancies have resulted from a variety of factors: death, movement of Directors out of the District, self-removal upon inability to serve due to health issues, etc. With a population of under 250, the community has a limited pool from which to recruit Board members. The ongoing recruitment of Board members to replace those who resign, pass away or move out of the community will continue. The frequency of such occurrences is completely outside of the control of the Board.

F9. Based on its current income sources the District cannot continue to provide the water, fire and medical services along with the necessary long-term maintenance needs.

Disagree: The current Board has exhibited extreme diligence in reversing the financial situation of the District, which it inherited from a previous Board. A review of the audits and financial statements makes it clear that financial frugality, a willingness to cut budget to accommodate the

building of financial reserves, diligence in collecting funds from delinquent accounts, and other similar behaviors have resulted in an increased amount of reserve funds being held by the District – directly impacting their long-term sustainability.

The Board is currently working directly with the volunteer fire fighters, as well as members of the community and the Fire Auxiliary to develop a sustainable funding profile for the Fire Department. The grant-funded consultant is also working with the District to identify a variety of options for grant funding to support Fire Department training, supplies and operations.

The completion of the grant-funded improvements to the water system will reduce the need for operation and maintenance at the level that was required over the last 10+ years. During the initial period following infrastructure installation, the District expects to further build its reserves, as a result of reduced maintenance costs.

A product of the grant is the development of a Capital Improvement Plan (CIP). Development of this CIP will further assist the District in addressing long-term needs and strategic grant funding opportunities. The strategy for raising funds through grants and loans is a specific aspect of the CIP and the development of the Policies and Procedures Manual.

Finally, following a full years' worth of meter readings, the Board will institute a rate study (with the assistance of RCAC). This rate study will focus not only on meeting annual expenses, but also building strong reserves. The disadvantaged status of this community will need to be balanced with the continued stability of the water system and the Fire Department.

RESPONSE TO RECOMMENDATIONS

The Nevada County Grand Jury recommends that the Board of Directors of the Washington County Water District:

R1. Post all Board meeting agendas in a public place per Brown Act requirements.

Agree – already the procedure of the WCWD Board: This is the current practice of the Board (and has been for years) and there is no reason why this protocol would change. All meetings have been posted locally for decades. The 2014 death of the Board President, and owner of the local store resulting in the stores' subsequent closure, resulted in a multiple-month process of accommodation, as locals who were accustomed to viewing WCWD postings at the store needed to accommodate to the use of other local venues as posting locations.

R2. Develop a comprehensive policy and procedures manual.

Agree – already in progress, prior to Grand Jury Report: The plan (already in progress before the Grand Jury was convened – with funding from the Prop 84 Implementation Grant as administered by Nevada City), will be completed by mid-2016.

R3. Develop a financial plan for future operation and maintenance of the water system.

Agree – already in progress, prior to Grand Jury Report: The Capital Improvement Plan (CIP) [please see F9 and R2, above] in conjunction with the final project report prepared to close out the Prop 84 Implementation Grant, will provide a clear financial plan and strategy for funding

the long-term operation and maintenance of the water treatment and distribution system, as well as the activities of the Fire Department.

R4. Receive training on the governance of a special district.

Agree – already in progress, prior to Grand Jury Report: This training (partially funded by the Prop 84 Implementation Grant and partially provided through the auspices of LAFCo and RCAC), will continue into the future. Additionally, an orientation packet for new board members will also be prepared at the close of the current grant.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses by September 24, 2015, from the following:

The Board of Directors of the Washington County Water District as to: Findings #1-9, Recommendations #1-7.

The responses to the Grand Jury Findings and Recommendations were approved by the WCWD Board at a Special Meeting on August 27, 2015.



GRAND JURY
COUNTY OF NEVADA
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, California 95959
Phone Number: 530-265-1730
Email: grandjury@nevadacountycourts.com

September 28, 2015

Theresa Morrison, Chair
Washington County Water District
P. O. Box 34
Washington, CA 95986

RE: Response on report needs correction

Dear Ms. Morrison:


The Nevada County Grand Jury is in receipt of the Washington County Water District's Responses to the report issued by the Grand Jury during the 2014-15 term.

However, the Response to Finding F8 did not meet the Penal Code. The Penal Code provides that you either Agree, Disagree or Partially Disagree, but there is nothing in the Penal Code that provides that you may respond with "Agree and Disagree" as stated in your response to the specific Finding.

Could you please resend it to the Nevada County Grand Jury with a response of "Partially Disagree" instead of the two words, "Agree and Disagree." The explanation that you provided does actually suffice if you were to change your two words as described above.

Your prompt attention in the above matter is appreciated. If possible please return your response by October 15, 2015.

Regards,


Doug Wight, Foreman
Grand Jury of Nevada County