

# **FOLLOW UP REPORT ON 1997-98 GRAND JURY REPORT**

## **REASON FOR INVESTIGATION**

The 1997-98 Civil Grand Jury report contained findings and recommendations concerning various county, city and other local government entities. Recent changes in the Penal Code have imposed increased obligations on respondents to Grand Jury reports. The 1998-99 Civil Grand Jury has the responsibility to follow up on the responses to the findings and recommendations, and the implementation of recommendations.

## **PROCEDURE FOLLOWED**

The Grand Jury studied the 1997-98 Grand Jury report and responses, and reviewed documents pertaining to implementation of recommendations obtained from respondents. The Grand Jury also interviewed the following individuals:

County Administrative Officer David Brennan  
Clerk of the Board of Supervisors

## **FINDINGS**

1. The 1997-98 Grand Jury report was given to each government entity which was required to respond to the report. It was also placed in local libraries, published verbatim in the local newspapers and made available to a local radio station. The report and responses are on the Internet at:  
[http://www.co.nevada.ca.us/9798\\_Grand\\_Jury\\_Report/](http://www.co.nevada.ca.us/9798_Grand_Jury_Report/)
2. The 1997-98 Grand Jury report contained a total of 153 findings involving several county, school district, library and city offices. Many findings required responses from more than one respondent. Respondents either agreed with or took no position on most of the findings. Some responses were not clear enough to distinguish positions on findings.
3. The 1997-98 Grand Jury report contained 55 recommendations involving:

Board of Supervisors (BOS)	County Administrative Officer (CAO)
Assessor	Director of Personnel
Sheriff	Director of General Services
County Superintendent of Schools	County Board of Education
All school district boards	All school district superintendents
Law Library Board of Trustees	County Librarian
Nevada City City Council	
Director of Emergency Services (who is also the Director of General Services)	

Responses were required from all of the above. See the chart at the end of this Follow Up report for an analysis of responses.

4. During the time frame within which the responses were required, the 1998-99 Grand Jury sent notices to respondents reminding them of their responsibility under Section 933 of the Penal Code. The notice also called attention to the location in the report of the full text of the sections of the law pertaining to responses.
5. Responses were received from all respondents identified in the 1997-98 report. Most of the responses arrived within the mandated time frame. The responses varied in their adherence to Section 933.05 of the Penal Code. Section 933.05(b) requires that the respondents either agree with, or disagree wholly or partially with, *each* finding. The same section requires one of four responses to *each* recommendation (italics by Grand Jury). Responses to recommendations must state: 1) the recommendation has been implemented (with a summary of implementation), 2) will be implemented (with a time frame), 3) requires further study (with an explanation and time frame not to exceed six months), or 4) the recommendation will not be implemented (with an explanation).
6. The BOS agreed to implement or have further study on 31 of 40 recommendations in their response to the 1997-98 report. Nine recommendations are listed as already implemented.
7. The BOS has overall responsibility for eight of the reports included in the 1997-98 report. It shares responsibility in five of the remaining nine reports where the elected Sheriff, Tax Collector, District Attorney and Assessor's offices are involved.
8. Minute Orders (MO) are a process by which the BOS instructs staff to accomplish certain duties. The Grand Jury had difficulty tracking the MO process to ascertain the status of responses to the 1997-98 Grand Jury report. Improvement of the MO process is under consideration by the BOS.
9. The BOS issued a total of 32 MOs to staff relating to implementation of required responses to the 1997-98 Grand Jury report. By April 19, 1999, only eight MOs had been returned to show completion of the implementation of recommendations. Of the remaining 24 MOs, six had deadlines of 3-31-99 or earlier imposed by the BOS or the Penal Code.

## CONCLUSIONS

1. Respondents did not always adhere to the time frames given in the Penal Code in their responses to the Grand Jury.
2. The Grand Jury takes note that after receiving copies of the 1997-98 Grand Jury report with an excerpt of the Penal Code describing the law pertaining to their responses to the report, some entities did not comply within the time frame required.
3. The BOS, by their issuance of 32 MOs, showed great diligence in responding to the 1997-98 Grand Jury report. However, it is obvious that staff does not take the BOS MOs seriously in as much as only eight of the 32 MOs were completed. Further, since many studies mandated by the BOS MOs now must be completed within the six months requirement set by the latest Penal Code, greater time frame urgency is required.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that all respondents continue to address the weaknesses inherent in the current process of responding to Grand Jury reports. They should also make all staff members aware of the importance of keeping within the time frames for implementation of recommendations required by the Penal Code.
2. The Grand Jury recommends that the BOS tighten the MO process, requiring staff to complete each MO asking for studies on Grand Jury recommendations, within the six month time frame mandated by the Penal Code.
3. The Grand Jury commends those who responded to the 1997-98 Grand Jury report in a clear manner and in total compliance with Penal Code Section 933. The Grand Jury recommends that those who did not comply with Section 933 do so in the future.
4. The Grand Jury recommends that future Grand Juries use the analysis format of this report for clarity and continuity, and that the 1999-2000 Grand Jury track the implementation of recommendations for the period after March 31, 1999.
5. The Grand Jury recommends that the BOS instruct county management to place this Grand Jury report on the county's internet website within two weeks of publication, and that responses to the report be added to the website within two weeks of their due date.

## **REQUIRED RESPONSES**

None

Following is an analysis of the responses to the 1997-98 Grand Jury report. Where none of the four boxes, reading horizontally, is marked, it indicates that the Grand Jury could not understand the responses enough to accurately assign them a location.

RESPONSES TO 1997-98 GRAND JURY REPORT

IMPLEMENTED RECOMMENDATION    WILL IMPLEMENT RECOMMENDATION    WILL STUDY RECOMMENDATION    WILL NOT IMPLEMENT RECOMMENDATION

REPORTS

REPORTS	IMPLEMENTED RECOMMENDATION	WILL IMPLEMENT RECOMMENDATION	WILL STUDY RECOMMENDATION	WILL NOT IMPLEMENT RECOMMENDATION
97-98-1 TRUCKEE SUBSTATION (SHERIFF)	1 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3 <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
97-98-2 WAYNE BROWN (SHERIFF) CORRECTIONAL FACILITY (BOS)	1 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97-98-3 JUVENILE HALL (ASSESSMENT CENTER)	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97-98-4 NEVADA COUNTY COURTHOUSE	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
97-98-5 NEVADA COUNTY ASSESSOR'S OFFICE	1 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	5 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	6 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97-98-6 NEVADA COUNTY INFORMATION SYSTEMS	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	10 <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
97-98-7 NEVADA COUNTY PERSONNEL DEPARTMENT	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3 <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97-98-8 NEVADA COUNTY OFFICE OF EMERGENCY SERVICES	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Following is an implementation analysis as of March 31, 1999. Where none of the four boxes, reading horizontally, is marked, it indicates that the Grand Jury could not locate a disposition of the recommendation.

### IMPLEMENTATION OF RECOMMENDATIONS

	IMPLEMENTED	OT IMPL.	STUDY COMPLETE	STUDY NOT COMP.	COMMENTS
97-98-1	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
97-98-2	1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	No documentation received, MO not returned. ** No documentation received, MO not returned.
97-98-3	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	MO not returned.*** MO not returned.
97-98-4	1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	MO not returned. No documentation received * MO not returned.
97-98-5	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Timeframe exceeds six months. No documentation received, MO not returned. No documentation received, MO not returned. No documentation received, MO not returned. No documentation received, MO not returned. Implemented 9/30/98
97-98-6	1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input checked="" type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No documentation received, MO not returned. No documentation received. No documentation received, MO not returned. No documentation received, MO not returned. Completed 10/27/98 No documentation received, MO not returned. No documentation received, MO not returned. No MO issued. Expected by 8/31/99 No documentation received, MO not returned.
97-98-7	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No MO received. No MO received. Expected 5/31/99 No MO received.
97-98-8	1 <input type="checkbox"/> 2 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	No MO issued. No MO issued.

\* Grand Jury was informed that recommendation had been implemented or study completed, but no documents forwarded.

\*\* Same as above plus the Minute Order (MO) was not returned to the Clerk of the BOS to show completion of the study or implementation of recommendation.

\*\*\* Documentation received that recommendation had been implemented or study completed, but no MO completed.

## IMPLEMENTATION OF RECOMMENDATIONS

IMPLEMENTED	OT IMPL.	STUDY COMPLETE	STUDY NOT COMP.	COMMENTS
97-98-9 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	No documentation received.*
97-98-10	NO RECOMMENDATIONS			
97-98-11 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No MO issued No documentation received, MO not returned.** No documentation received.
97-98-12	NO RECOMMENDATIONS			
97-98-13 1 <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
97-98-14 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
97-98-15 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
97-98-16 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No documentation received. No documentation received.
97-98-17 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

- \* Grand Jury was informed that recommendation had been implemented or study completed, but no documents forwarded.
- \*\* Same as above plus the Minute Order (MO) was not returned to the Clerk of the BOS to show completion of the study or implementation of recommendation.
- \*\*\* Documentation received that recommendation had been implemented or study completed, but no MO completed.

RESPONSES TO 1997-98 GRAND JURY REPORT

IMPLEMENTED WILL IMPLEMENT WILL STUDY WILL NOT IMPLEMENT  
 RECOMMENDATION RECOMMENDATION RECOMMENDATION RECOMMENDATION

REPORTS

97-98-9 ERIC ROOD ADMINISTRATION BUILDING	1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
97-98-10 NEVADA COUNTY TREASURER-TAX COLLECTOR		NO RECOMMENDATIONS		
97-98-11 GENERAL SERVICES, COLLECTIONS DIVISION	1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
97-98-12 DISTRICT ATTORNEY FAMILY SUPPORT DIVISION		NO RECOMMENDATIONS		
97-98-13 COUNTY SCHOOL BD. OF TRUSTEES ELECTIONS	1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97-98-14 NEVADA COUNTY SCHOOLS (CONSENSUS)	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
97-98-15 NEVADA COUNTY LAW LIBRARY	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
97-98-16 NEVADA COUNTY PUBLIC LIBRARY	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
97-98-17 CITY HALL OF NEVADA CITY	1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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