

CIVIL GRAND JURY



FINAL REPORT

1998-1999

COUNTY OF NEVADA

GRAND JURY

Eric Rood Administration Center
950 Maidu Avenue
Nevada City, California 95959

RECEIVED

JUN 25 1999

NEVADA COUNTY
BOARD OF SUPERVISORS
Rec'd 4:15 pm
Bjgn

June 30, 1999

Honorable Carl Bryan II
Presiding Judge of the Nevada County Courts
County of Nevada, California

Dear Judge Bryan,

In accordance with the Section 933 of the California Penal Code, I am pleased to forward to you on behalf of all members of the Grand Jury our final report for 1998 - 99.

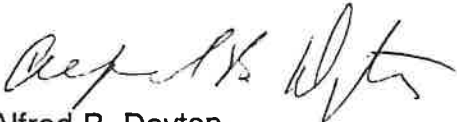
The report contains the results of 14 investigations including the interim report submitted in February regarding the Board of Supervisors. We are pleased to note the speedy response to the interim report and the action taken by the Board to correct the problems noted.

During its term this Grand Jury broke new ground by issuing a Special Report containing the required responses to the report issued by the last Grand Jury. The Grand Jury also had the report with the responses placed on the Nevada County INTERNET Web Page. It is our hope that subsequent Grand Juries follow our example to assure that the citizens of the County have another form of access to the report and are informed of the responses of their elected and appointed public officials.

The members of the Grand Jury wish to express our appreciation to the Court for the honor of serving as grand jurors. It is our hope that citizens of the County will continue to volunteer for this important duty.

We would also like to express our appreciation to Judge Kathleen Butz and County Counsel James Flageollet for their assistance in performing our mandated duties.

Respectfully submitted,


Alfred B. Dayton
Foreperson

**MEMBERS OF THE NEVADA COUNTY CIVIL GRAND JURY
1998-99**

Alfred B. Dayton
Foreman

Joe Giles
Foreman Pro Tempore

Dorothy P. Miller
Secretary

R. Lee Pendleton
Sergeant-at-Arms

Barbara Johnson
Business Manager

Arthur R. Anderson

Irene Blagg

Janet Coye

Judy Ebner

Joe Giles

Mary Kane

Larry Lutz

Shirley M. Lyon

Arthur Maruna

Leslie Moran

Terry Niemeyer

Bob Proano

Linda Pryor

Earl Taylor

Joe Thompson

RESPONSE REQUIREMENTS

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

“Section 933(b) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the

presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

“Section 933(c) As used in this section, “agency” includes a department.

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

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

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

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

INTERIM REPORT

County Personnel Contract Signing-----	1
--	---

LAW ENFORCEMENT

Wayne Brown Correctional Facility-----	3
Nevada County Courthouse and Holding Facility-----	5
Nevada County Sheriff's Substation at Truckee-----	7
Juvenile Hall-----	11
Nevada County Sheriff's Office-----	13

COUNTY GOVERNMENT

Planning Department-----	18
Community Development Agency-----	22
Human Services Agency-----	26

CITY GOVERNMENT

Grass Valley City Government-----	31
-----------------------------------	----

SPECIAL DISTRICTS

Nevada Irrigation District Financial Report-----	34
Tahoe Forest Hospital District-----	41

SCHOOLS AND LIBRARIES

Alternative Education in Nevada County-----	43
---	----

1997-98 GRAND JURY REPORT

Follow Up Report-----	49
-----------------------	----

INTERIM REPORT
COUNTY PERSONNEL CONTRACT SIGNING

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury discovered the extension of the County Administrative Officer's contract for the year 1999 had probably been improperly executed.

PROCEDURE FOLLOWED

The Grand Jury reviewed the contract, the date of execution and the date the contract was submitted to the clerk of the Board of Supervisors. Sworn interviews were conducted with all five supervisors who were in office in 1998. The supervisors were: Karen Knecht, Fran Grattan, Peter Van Zant, Rene Antonson and Sam Dardick, Chairman. Sworn interviews were also conducted with the county counsel and the clerk of the Board of Supervisors. The Grand Jury reviewed extracts from the Brown Act concerning closed sessions and closed sessions reporting requirement.

FINDINGS

1. The Grand Jury learned from testimony that discussions with the County Administrative Officer and different supervisors relating to an extension of the County Administrative Officer's contract commenced in mid-1998. There was disagreement among the Supervisors as to the form and content of an extension.
2. A closed session employment review of the County Administrative Officer was held November 10, 1998. From testimony, the Grand Jury determined no agreement was reached regarding the details of a contract extension.
3. A second closed session with the County Administrative Officer was held on December 8, 1998. The chairman was absent from this session. The four supervisors who were present at the closed session all testified they expected a draft contract would be returned at a later date for their review and approval, prior to execution.
4. On December 15, 1998, a contract extension was executed by the chairman and the County Administrative Officer. None of the other supervisors were aware of this action. Testimony to the Grand Jury revealed that no authority for the execution had been voted on during the closed session held December 8, 1998.
5. The two board members who left the Board of Supervisors on January 4, 1999, testified they had not seen the contract signed on December 15 until their interview with the Grand Jury on February 22, 1999. One of the current members of the Board of Supervisors who attended the December 8th meeting testified the first time she had seen the contract after the signing was during the week prior to the interview by the Grand Jury in late February 1999.

6. The revised contract as extended and signed on December 15, 1998, was received by the clerk of the Board of Supervisors on January 15, 1999. The Grand Jury learned from testimony that no vote had been taken concerning the contract extension during the December 8, 1998 closed session meeting.
7. The clerk of the Board of Supervisors testified she informed the current chairman of the December 15, 1998 contract within two to three days of its receipt on January 15, 1999. The current chairman publicly reported the execution of the contract on January 26, 1999, however there was no report of any vote as required by law. This was 42 days after the contract agreement was signed.
8. The Supervisors present at the December 8, 1998 closed session all testified they did not at any time vote approval of the contract as executed.
9. The county counsel testified he was never asked for any legal review on the contract or the process of execution.

CONCLUSIONS

1. The Grand Jury concluded from testimony that the then chairman of the Board of Supervisors acted without proper authority in signing the employment contract.
2. The one-month delay in notifying any member of the Board of Supervisors that the contract had been signed shows a disregard for proper procedure. The failure to report properly in public demonstrated a disregard for the public's right to know.
3. The failure to vote and publicly record that vote on the closed contract session indicates a breakdown of board discipline.
4. The Board of Supervisor's failure to consult with county counsel and to follow the requirements of the Brown Act for closed sessions demonstrated poor judgment.

RECOMMENDATIONS

1. The Grand Jury recommends the Nevada County district attorney determine if there has been any violation of the Brown Act.
2. The Board of Supervisors immediately and publicly implement new procedures that will eliminate the possibility of this type of situation occurring again.

REQUIRED RESPONSES

This report was released March 3, 1999 and the BOS responded as required by Penal Code.

WAYNE BROWN CORRECTIONAL FACILITY

REASON FOR INVESTIGATION

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

PROCEDURE FOLLOWED

The Grand Jury performed two physical inspections of the facility and interviewed the captain in charge at the time of inspection. The Grand Jury reviewed previous Grand Jury findings and official responses, and reports prepared by other governmental agencies.

FINDINGS

1. The Wayne Brown Correctional Facility (WBCF) is under the jurisdiction of the Nevada County Sheriff's Department. Maintenance of the facility is the responsibility of the General Services Department.
2. WBCF is located on the grounds of the County Administration Center. The Western Nevada County's 911 Emergency Telephone Center is located within the facility.
3. The State Board of Corrections inspects the facility every 18 months and issues a public report. The last visit was December 17-18, 1997. This report was reviewed by the Grand Jury and no discrepancies were noted.
4. The facility employs 46 correctional officers, plus four sworn officers, and four sergeants. There were two correctional officer vacancies at the time of inspection, leaving 44 correctional officers employed.
5. The facility is clean and efficiently operated. The kitchen is staffed by county personnel and inmates, and can serve 1500 meals a day.
6. In the medical facility, nurses are on duty 24 hours a day under the supervision of a nurse manager. A nurse practitioner is also on staff for 40 hours a week.
7. Inmates are encouraged to continue their education. High school classes are available and taught by a teacher on contract with Nevada Joint Union High School District. At the time of the Grand Jury's visit, there were 20 independent study students working toward a high school diploma. Twelve inmates attend General Educational Development (GED) classes, and five passed the GED in 1998. Four inmates received a high school diploma during 1998.

8. The average daily population is 134 and the maximum capacity of the facility is 230. At the time of inspection the jail housed 122 inmates. The jail is divided into three sections: minimum, medium and maximum security pods. Male and female prisoners are housed separately.
9. Inmates in the minimum security section are allowed outside the facility under supervision during the day to work for government agencies and nonprofit organizations.
10. Inmates can be sentenced to WBCF for up to one year. Management stated that there is an 80 percent repeat offender rate.
11. The fire alarm system was not operational at the time of the first visit. Management instituted special procedures to insure the safety of inmates and staff. The problem was corrected within three days.
12. The captain in charge reported that there is no routine substance abuse testing of staff due to the high cost. Random testing is available on an individual basis when requested by a supervisor.
13. The facility uses updated computer equipment to access information from the Department of Justice to screen the inmates. Fingerprint checks of newly arrested inmates are screened by checking these files, and at the time of release. Nevada County is one of two counties in the State using this system.
14. The Grand Jury found that the problem with the sally port doors mentioned in the last Grand Jury report was corrected.

CONCLUSIONS

1. The Sheriff's Department has made significant progress in correcting problems identified by previous Grand Jury recommendations at the WBCF.
2. The staff employed at WBCF perform their work in a professional manner.

RECOMMENDATIONS

None

REQUIRED RESPONSES

None

NEVADA COUNTY COURTHOUSE AND HOLDING FACILITY

REASON FOR THE INVESTIGATION

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

PROCEDURE FOLLOWED

The Grand Jury toured the Courthouse building and holding facility and interviewed Sheriff's personnel responsible for security at the facility .

FINDINGS

1. The holding facility provides security for housing inmates awaiting court appearance. The Sheriff's office has documented procedures to insure the safety of the public and inmates in the event of an emergency.
2. A video monitoring system is in use within the garage holding area, but it is not available within the Courthouse corridors or courtrooms.
3. Since the last Grand Jury report, metal roll-up gates and chain link fencing have been installed to provide added safety for employees and improve the security in the garage area when transferring inmates.
4. Inmates are transferred from the Wayne Brown Correctional Facility and returned when their court appearance is completed. Inmates are not held overnight in the holding facility, but the facility has the capacity to house inmates on an emergency basis.
5. Staff communication within the holding facility is accomplished by the use of an intercom system.
6. In the holding facility, inmates awaiting court appearance are separated by gender, and adults are separated from juveniles.
7. Court bailiffs are armed. Deputy sheriffs and correctional officers provide security in the Courthouse. Silent alarms have been installed within the courtrooms.
8. Hand-held metal detectors are available and used with high profile cases. A walk-through detector is available but seldom used.
9. On April 14, 1997, the Chairman of the Board of Supervisors (BOS) issued a directive forming a Courthouse Security Committee to improve the level of the facility security within the Courthouse.

10. The Courthouse security committee selected sliding accordion type partitions for protection of the public during transfer of inmates from the holding facility to courtrooms. General Services installed the doors in October 1998. However, final approval for their use was not obtained until February 10, 1999. This delay was the result of a failure to obtain pre-approval from the Nevada City Fire Prevention Officer and a permit from the Building Department for the use of the partitions.

11. The Courthouse has many access doors that are not controlled for entry of unauthorized persons.

CONCLUSIONS

1. The lack of uniformed guards stationed at the public entrance to the Courthouse and the lack of a video monitoring system for the hallways present a security risk to all persons in the Courthouse.
2. Installation of the accordion partitions without the prior approval of the Nevada City Fire Prevention Officer and failure to obtain a building permit from the Building Department are clear examples of failure to properly plan and execute steps to improve building security.

RECOMMENDATIONS

1. The Grand Jury recommends that staffing needs and funding be identified and obtained in order to screen all visitors entering the courthouse.
2. The Grand Jury recommends that electronic surveillance equipment be purchased and installed in the courtrooms and hallways of the building.
3. The Grand Jury recommends the BOS direct the County Administrative Officer to develop a written procedure to assure that future delays caused by lack of planning are eliminated in completing any projects

REQUIRED RESPONSES

Sheriff
Due August 31, 1999

Board of Supervisors
Due September 30, 1999

County Administrative Officer
Due August 30, 1999

NEVADA COUNTY SHERIFF'S SUBSTATION AT TRUCKEE

REASON FOR THE INVESTIGATION

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

PROCEDURE FOLLOWED

The Grand Jury visited the Substation on September 14 and November 4, 1998, and January 29, 1999. The Grand Jury in the course of this investigation interviewed the following personnel:

Sheriff Troy Arbaugh
Newly elected Sheriff Keith Royal
Assistant Sheriff Robert Hammill
Commander, Truckee Substation
Director, General Services
County Administrative Officer
County Counsel

The Grand Jury reviewed pertinent sections of the State of California Penal Code and the Board of Corrections (BOC) guidelines. BOC documents, inspection reports and a total of 68 e-mails in the Sheriff's Department were reviewed. The Grand Jury reviewed the 1997-98 Grand Jury report in reference to the Truckee substation.

FINDINGS

1. The Truckee Substation was built as a multi-use government building in 1964. At that time this building was used not only as the jail, but was also used as the courtroom, District Attorney's Office, Probation Department and Sheriff's office. Since 1992 the building has been used solely for the Sheriff's Department and since incorporation of the City also serves as the Police Department for Truckee under contract with the Sheriff's Department for police services.
2. The Grand Jury found the substation to be in noncompliance with BOC guidelines relating to female detainees dating back to 1991.
3. The Grand Jury found that some of the critical improvements to the Substation had not been accomplished since the 1997-98 Grand Jury report on the Truckee facility was released. At the time of our investigation, the Truckee Substation Jail was not open full time due to a shortage of jail staff. The jail will not reopen on a full time basis until a minimum staff of six correctional officers is assigned to comply with BOC standards.
4. On September 23, 1997, a BOC field representative, in a letter to the Assistant Sheriff, made several recommendations regarding the Truckee Substation. Some of these recommended changes which have not been made are:

- Upgrade the jail facility to meet current standards for audio monitoring in accordance with California Code of Regulations, Title 24, Section 470A.2.22.
- Video monitoring of specified areas critical to supervision of female inmates.

The letter further stated that a BOC inspection dated December 18, 1996, had noted noncompliance with staffing standards. The BOC inspector recommended that all existing jail staff vacancies be filled and that an additional position be added to provide relief for staff vacancies and coordination of operations.

5. The Grand Jury researched why the needed changes to the Truckee Substation had not been completed. The list below is in chronological order:

- 9-23-97 letter from BOC field representative to Assistant Sheriff describing required upgrades to the Truckee substation
- 9-30-97 letter from a construction firm to Sheriff's office with a detail bid on some requested work including new fire doors and new dividing walls
- 10-9-97 electrical company bid on electrical and surveillance equipment needed for the substation
- 10-24-97 electrical company bid on dispatch area
- 10-30-97 safety inspection report by the office of the State Fire Marshall on the Truckee Substation calling for needed repairs to the fire alarm system
- 11-04-97 work order from an electronic systems company for work on the fire alarm and related systems
- 11-18-97 letter from Office of the State Fire Marshall, in a follow up inspection, that the fire alarm system was operational and "fire watch" conditions were no longer necessary
- 11-19-97 letter from Deputy State Marshall, Department of Forestry and Fire Protection to facility captain requesting immediate attention to several issues including electrical, fire alarm system and inoperable exit door
- 12-11-97 letter from Assistant Sheriff to Facilities Management of Nevada County requesting changes and improvements needed to upgrade the Truckee Substation
- 3-31-98 construction bid on framing, electrical, sheet rock work, doors, hardware and flooring in dispatch area
- 4-02-98 second bid on same work
- 6-19-98 e-mail from Truckee Dispatcher to Commander, Truckee Substation notifying of an electrical failure in the dispatch and 911 center the previous night
- 8-12-98 through 8-31-98 eleven e-mails between Sheriff's Department, General Services Department and County Risk Manager discussing unsafe working conditions and funding for proposed corrective work
- 8-31-98 e-mail between Sheriff's Department and General Services Department discussing placement and prices of equipment, including discussion of why plans or specifications are not available
- 9-15-98 e-mail from Commander, Truckee Substation to Assistant Sheriff discussing diagrams of proposed changes and discussed Grand Jury visit and the Grand Jury's dismay that work requested in 1997 had not even been started

- 9-17-98 letter from County Risk Manager to Sheriff again describing the electrical problems at the Truckee Substation
 - 9-25-98 e-mail from Assistant Sheriff to Director, General Services asking why the Sheriff's office is required to define equipment and installation
 - 9-25-98 five more e-mails between the Truckee Substation Commander, the Sheriff's office and General Services on the above issues with no apparent action
 - 10-08-98 e-mail Sheriff's Department to General Services Department about budget transfer of \$10,000 for Truckee Substation project
 - 11-03-98 three e-mails, from Sheriffs Department, General Services Department and dispatch manager of the Truckee Substation, the first discusses the need for Board of Supervisors (BOS) approval. The other two discuss the deplorable work environment at the Truckee Substation. A remodel that had started September 21, 1998 only included American Disabilities Act requirements. This resulted in a hazardous dispatch /911 work area because wiring and exposed flooring had not been properly completed.
 - 11-10-98 Nevada County Board of Supervisors (BOS) minutes, (volume 58, pages 371 through 373) discusses repairs to the Truckee Substation. This discussion included dollar amounts placed on projects keeping them below County and State mandated levels, to expedite certain purchasing contracts without the necessity of either formal bidding and/or BOS approval. Government Code Section 25500 authorizes a county to employ a Purchasing Agent. If such is done, competitive bidding requirements are generally dispensed with within the area of the Purchasing Agent authority. The State mandated level is below \$6500 and the County level is below \$10,000.
6. The Grand Jury found on 12-29-98 during their visit to the Truckee Substation that some of the work projects as per BOC requirements dated 9-23-97 were close to completion. The surveillance and security equipment arrived at the Nevada County Purchasing Department on or about January 29, 1999. As of April 5, 1999 a decision as to who will install this equipment has not been made.

CONCLUSIONS

1. The above chronology clearly demonstrates a lack of planning, failure to take ownership of the issue and in general a dismal display of bureaucratic paper shuffling. The Grand Jury finds this totally unacceptable.
2. The Grand Jury concludes that the Sheriff's Department should not be required to research equipment prices. This is improper use of Deputy Sheriff time.
3. The reason why this project was broken into several smaller projects was to keep the amount of any one project from exceeding an amount as noted in the BOS minutes of 11-10-98. This led to confusion and unacceptable work delays.
4. The Grand Jury concludes that it should not have taken more than a year to start the required modifications requested by various agencies that would provide increased safety to county employees and jail inmates.

5. The Grand Jury concludes that the probable cause of this prolonged delay was the failure of the Sheriff's Department and General Services Department to coordinate their efforts with a written work plan.

RECOMMENDATIONS

1. The Grand Jury recommends that the BOS direct the County Administrative Officer to develop a work plan document that must be used for all requests for maintenance and remodels that exceed monetary amounts determined by the county.
2. The Grand Jury recommends that all facility changes using the document defined above, must have detailed formal plans and a specific timeline for completion. The originating department must state a priority for the proposed task and a status-reporting schedule for management. This priority requires coordination between affected departments before changing the priority level.
3. The Grand Jury recommends that the BOS demand timely accountability from all department managers and directors involved in correcting any potentially hazardous condition that places the County, its employees or its citizens at risk.

REQUIRED RESPONSES

Sheriff
Due August 30,1999

Board of Supervisors
Due September 30,1999

JUVENILE HALL

REASON FOR THE INVESTIGATION

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

PROCEDURE FOLLOWED

Members of the Grand Jury inspected the facility in early October 1998. The Grand Jury interviewed:

Chief Probation Officer John Wardell

Superintendent of the Facility Doug Carver

A group supervisor

A certified teacher from Nevada Joint Union High School District

FINDINGS

1. The Juvenile Hall was built in 1955 and has been modified several times since then, responding to Grand Jury reports and Board of Corrections (BOC) recommendations. The facility has a capacity for 19 wards. The most recent modifications were adding unbreakable glass in the classroom, adding a third shower and bolting down of the dining room tables.
2. The Juvenile Hall is constantly at or near capacity. On any given day there are as many as six to ten sentenced wards awaiting space in the Juvenile Hall. When capacity of the Juvenile Hall is reached, those options for out placement available to the courts and probation department are foster homes, group homes, California Youth Authority, Crystal Creek Boys Ranch, release to a guardian or electronic monitoring. Electronic monitoring is handled by a private monitoring company. If a juvenile ward violates the prescribed use of the monitors, the company alerts the Juvenile Hall personnel.
3. Each Thursday the Juvenile Hall staff holds a meeting to determine which of the current wards could be released early if the facility exceeds the 19-bed capacity with new arrivals that are brought into the facility during the weekend.
4. There are now plans for a new Juvenile Hall. A new location has been placed under contract and the county has applied for and received a state grant for construction of a new facility.
5. The ratio of female to male wards is increasing. Recently, for a short period of time, the ratio was 50 percent female to male. The average age of juvenile wards is 15 to 16 with some as young as 11. There is also an increase in the violent nature of the wards. According to Juvenile Hall, 30 percent of the first-time offenders are returned for a second offense. Again according to Juvenile Hall staff, 60 percent of second-time offenders are returned for another offense.

6. The Juvenile Hall provides visitation for adult family members twice a week. This can be a stressful time for wards who do not receive family visitors. All juvenile wards are assigned a case coordinator to help them through these critical periods.
7. Wards receive three hours of classroom instruction and one hour of physical education per day. The school employs a full-time certified teacher on a 183 day standard Nevada Joint Union High School District seven hour a day teacher's contract.
8. The facility staff maintain a library for wards' recreational reading. These books are obtained from contributions of individuals and local bookstores.
9. A licensed social worker meets with the wards for group counseling once a week. There are no vocational education programs available to the wards.

CONCLUSIONS

1. With students on site for 24 hours a day, the present educational program is inadequate.
2. One hour of group counseling a week is not sufficient to address the serious problems of the wards at the Juvenile Hall.

RECOMMENDATIONS

1. The Probation Department and Nevada Joint Union High School District should increase the school hours for more meaningful education. This should be accomplished before the beginning of the fall school term of 1999.
2. With a goal to reduce the high rate of repeat offenders, a program to provide individual counseling to the wards should be implemented.

REQUIRED RESPONSES

Chief Probation Officer
Due August 30, 1999

Nevada Joint Union High School District Superintendent
Due August 30, 1999

NEVADA COUNTY SHERIFF'S OFFICE

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury found no recent review of the Sheriff's office and specifically the investigative and evidence management responsibility. Further, a question concerning the Sheriff's responsibility as County Coroner was raised in a citizen complaint.

PROCEDURE FOLLOWED

The Grand Jury visited all evidence holding areas. The Grand Jury interviewed:

- Former Sheriff Troy Arbaugh
- Current Sheriff Keith Royal
- Truckee Substation Commander
- The sergeant in charge of narcotics investigations
- The sergeant in charge of all other investigations
- The sergeant in charge of recruiting and training
- Sheriff's personnel responsible for evidence management

The Grand Jury reviewed the Sheriff's Department internal audit report dated February 1998 on the evidence holding areas and practices and reviewed the Commission on Peace Officer Standards and Training (POST) report on "Employment Data for California Law Enforcement for 1998." Members of the Grand Jury rode a shift with a Sheriff's deputy.

FINDINGS

I. EVIDENCE HOLDING

1. There are five areas for evidence holding in two different buildings in Nevada City. The Grand Jury noted in the inspection of one evidence holding area in Nevada City, where large items are held, county maintenance employees have uncontrolled access for building maintenance purposes..
2. There is a secure evidence room with lockers and two steel shipping containers for evidence holding at the Truckee Substation.
3. There are two Sheriff employees in charge of evidence holding in Nevada City and one in Truckee. A log is maintained on all evidence when it is first delivered to the evidence holding area. Entries are made whenever items are removed and returned to the holding area. All entries to the log about evidence movement are manual. A computer report is available from the courts when a case is adjudicated; however, this report does not advise the evidence management staff when evidence can be disposed.

4. Evidence seized by a court warrant requires a court order to return the evidence to the property owner. Other evidence has varying holding periods. Firearms can be held for up to 10 years. Large items may be photographed and then returned. However, the owner can not dispose of the item until all legal action is completed. Illegal drugs are kept in state specified quantities until court actions are completed, then either burned in state licensed incinerators or disposed of by a state authorized chemical laboratory.
5. A licensed gun dealer is authorized to dispose of legal firearms. Legal weapons seized by the Sheriff may be sold to the dealer and he is authorized to sell the weapons. Illegal weapons seized by the Sheriff are destroyed when the court case is completed.
6. Budget requests for improved evidence holding facilities have not been made during recent County budget cycles. The Sheriff's Department has developed a plan to improve the inventory system for evidence management.
7. An in-house audit of evidence was conducted in February 1998 by request from the Sheriff's office. The audit was based on a random selection of cases from the years 1993 through 1997. The audit found different procedures in use at Nevada City and Truckee. The audit did not find that evidence had been lost; however there were five cases with serious discrepancies and 18 with minor discrepancies in the 52 cases selected from evidence held in Nevada City. The audit found one case with a serious discrepancy and two with minor discrepancies in the 19 cases selected from the evidence held in Truckee. "Serious" discrepancies are defined as those cases where items were missing or evidence was in custody after documentation stated it had been released to an insurance company. "Minor" discrepancies are those cases where evidence documentation was not completed to support final disposition.
 - The audit recommended standardized procedures for all county evidence holding areas and the development of formal procedures and forms to record property log notations. The audit found written procedures for evidence management at the Truckee Substation but no written procedures in Nevada City evidence management.
 - The audit recommended a regular interval of re-keying of property rooms and re-coding of the alarms in each of the holding areas. The audit recommended correction of the situation where county maintenance employees have uncontrolled access to an evidence area.

II. INVESTIGATIONS

1. The sergeant in charge of narcotics investigations has four deputies and one secretary assigned to his staff. In addition, he has one full time Nevada City police officer assigned to his staff.
 - The sergeant has been involved in narcotics investigations since 1980. He has both federal and California training. He is as an expert witness for California courts and courts in neighboring states.

- The major type of illegal drug in Nevada County is methamphetamine. Marijuana was a major problem in the 1980s. However, a turning point in control happened about 1986 due to rigorous enforcement and destruction of growing areas.
 - The narcotics investigation staff are required to use county purchased vehicles that are retained up to five years.
2. The sergeant in charge of all investigations other than narcotics was interviewed. The two investigative sections are separate as both require unique training. There are four full-time investigators and one part-time. Deputies assigned to this section of investigations are rotated to other assignments every four years.
 - Investigative training of deputies is limited due to the cost.
 - A computer is used to access databases for any information concerning a suspect..

III OTHER RESPONSIBILITIES

1. The Sheriff is also the County Coroner. The coroner is responsible for investigation and determination of cause of death. The mortuary service for the coroner is performed under contract to the County. The last contract awarded had two bidders.
2. The Sheriff, as Public Administrator, is responsible for the management of a deceased's estate when no living relatives can be found.

IV OTHER FINDINGS

1. The former Sheriff stated he believed the long delays in changes and improvements to the county jail and other sheriff's facilities is due to the fact that sheriff's personnel are required to develop change designs and requests for proposal with little or no assistance from the County General Services Department.
2. The Sheriff's Department has difficulty in filling deputy and correctional officer vacancies. The sergeant responsible for recruiting and training attends job fairs and speaks at local schools. The recruiting sergeant testified the department had difficulty in recruiting candidates for entry positions and that the low entry pay is a problem. The Grand Jury found at the time of this review that Nevada County is 42nd of 58 counties in salary ranges for deputy entry pay. Nevada County is 34th of 58 counties for the maximum pay for deputies. Two of the four neighboring counties provide both higher entry salaries and higher maximum salary.
3. Both the former and the current Sheriff stated that improved communications equipment is a major need.

CONCLUSIONS

1. The evidence holding areas in Nevada City are totally inadequate. A larger organized storage area designed for evidence management would prevent unauthorized access. The current situation places an undue burden on the staff in charge of evidence holding.
 - Property held as evidence, and management of the evidence inventory, lack control.
 - Movement of the evidence for use in court lacks consistent documentation.
 - Uncontrolled access to evidence holding areas by county maintenance employees is unacceptable.
2. The commander and the evidence technician at Truckee are to be congratulated for their development of evidence management procedures.
3. Using purchased county cars for long periods in narcotics investigations places investigators at a disadvantage as the cars are identified by the suspects involved in illegal activities.
4. The low entry pay, when compared to other nearby counties, has contributed to the problems of recruiting deputies.

RECOMMENDATIONS

1. The Sheriff's Department should develop a plan for a single evidence facility for Nevada City evidence storage.
2. The Sheriff's Department should purchase and implement a computer-based evidence management system with common procedures to reduce the errors that are currently a part of the manual logging and management of evidence.
3. Access to evidence holding areas should be controlled, preventing unauthorized access by all persons except those Sheriff's department employees with responsibility for evidence.
4. Procedures to periodically re-key access doors and re-code alarms to evidence holding areas should be implemented without delay.
5. The County Administrative Officer (CAO) should direct the County General Services Department to investigate, with the Sheriff's Department, potential benefits of using leased cars vs purchased cars for narcotics law enforcement.
6. The CAO should direct the County General Services Department to develop, with the Sheriff's Department, a cooperative process in the design and planning of future changes in the Sheriff's facilities.
7. The Sheriff's Department should request the CAO to conduct a study to determine an entry pay rate that would attract viable candidates for deputies and correctional officers.

REQUIRED RESPONSES

Sheriff
Due August 30, 1999

County Administrative Officer
Due August 30, 1999

PLANNING DEPARTMENT

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury received two formal complaints concerning the Planning Department. These complaints made multiple allegations about mismanagement or lack of management.

PROCEDURE FOLLOWED

The Grand Jury interviewed the following employees during this investigation:

Assistant County Administrative Officer Tom Miller
Community Development Agency Director
Interim Planning Director
Eight staff employees

In addition, telephone logs, the Code Enforcement Manual, specific code enforcement cases, e-mails and internal documents were reviewed.

FINDINGS

1. The Planning Department is one of three departments which report to the Community Development Agency (CDA) director. Prior to the formation of the CDA in late 1997, the department director reported to the County Administrative Officer (CAO).
2. The Planning Department has been without a permanent director since 1992. The department was managed by the Director of Transportation until 1997 as an additional duty. He had an employee acting as assistant director handling day-to-day management. Since 1997, the assistant director has held the titles of acting director and, later, interim director. The county advertised for a permanent director in November 1998, and in March 1999 hired a replacement.
3. The Grand Jury has learned from interviewing staff that uncertainty and vagueness of direction since 1992 has put their department in disarray and has had a negative effect on employee morale. Employees reported to the Grand Jury that the Board of Supervisors (BOS) put very little value on the Planning Department's contribution to the County.
4. Time keeping and work hour practices received limited to no oversight by department management. The Grand Jury learned from employee interviews that some employees are repeatedly absent from work, often for hours at a time, then turn in questionable time cards. It was reported to the Grand Jury that department management signed the time cards of at least two employees which had been identified as false.
5. The use of telephones for personal matters is not controlled. An analysis of telephone logs revealed an unusual number of calls from one number to a local area number. The Grand Jury researched that number and found it to be a local motorcycle shop. In addition, the Grand Jury found a significant

number of long distance calls from that same number to areas where it seems doubtful that Planning Department business would be of concern.

6. It was alleged that a senior manager has a long history of taking extended lunch hours and of poor managerial habits. This has been well known to staff and to immediate and next level supervisors.
7. The department has a history of sexual innuendo and abusive behavior directed toward female employees. This reached such a stage that one individual's actions were reported to the CAO since it was alleged that Planning management would take no action. The female who reported this individual was later told by Planning management that her actions amounted to insubordination by reporting this to the CAO.
8. The female staff stated that they feel threatened by some of the department customers but have no effective method to summon police help, although assistance has been requested of Planning management.
9. Voluntary Time Off (VTO) was a plan developed during the county downsizing period to allow employees to work less than a 40 hour week, at a salary commensurate with the number of hours worked. The program allowed management, in spreading the work load, to retain more employees. The VTO plan is still in effect even though the downsizing period has long passed. However, employees testified that the rules for the VTO program are not enforced in an even-handed manner by management.
10. The function of code enforcement is to uphold regulations contained in the General Plan and ordinances passed by the BOS regarding Planning. Planning management hired a senior code enforcement officer in October 1998 who had a history of short tenures in many different organizations, with a pattern of consecutively reduced salaries, all documented on his application. The Interim Planning director stated that he checked the references of the candidate and found them to be satisfactory. The senior code enforcement officer was terminated for inappropriate conduct by the CDA director only 24 days after beginning work for the county.
11. Supervision for code enforcement has since been moved from the Planning Department to the Building Department. As of June 1, 1999, no recruitment for a Senior Code Enforcement Officer has been initiated.
12. The department has certain State of California mandated responsibilities to inspect mining activities within the county, charge for this inspection service and report its findings back to the State of California. There is evidence that inspections may not have been made for the time charged to the mining company. In 1998 a mining company protested the county charge for inspections and reports. The charge was for more than \$3,000 for a nine month period. The Grand Jury could not find adequate department-recorded information to support the charge in question.
13. Employees stated that the CAO has tolerated these problems in the Planning Department while knowing of their concerns. Interviewed employees stated that this lack of concern has reduced morale to what they call "an all time low".

CONCLUSIONS

1. The Grand Jury concludes that the BOS and the CAO permitted the Planning Department to languish for seven years without a permanent director, allowing the department to stumble into a state of disarray. Failure to deal decisively with this problem resulted in poor employee morale, abuse of job attendance standards, misuse of telephones and the breakdown of internal department work relations.
2. Further departmental morale erosion occurred due to the lack of a senior code enforcement officer. Lack of direction affects the efficiency of a program, and code enforcement undoubtedly was adversely affected by a lack of direction. The Grand Jury believes that pressure was put on department employees directly and indirectly to revise some enforcement actions, thus responding to constituent complaints made to members of the BOS.
3. The hiring of a senior code enforcement officer in October, 1998, who was terminated 24 days later, raises questions about the thoroughness of the department's hiring process. With a resume showing many short-span job tenures and consecutively reduced salaries, this individual's work background record should have "raised flags" in the minds of those considering his employment with the county. The Grand Jury believes this incident highlights failure of Planning Department management and senior county management direction and oversight.
4. Records investigated show evidence of telephone misuse, inaccurate record-keeping of time and validation of these records by Planning Department management. The Grand Jury concludes that some people in the Planning Department believed that there would not be any oversight of these records.
5. Adequate substantiation of mining inspections and time involved are not required by management, which has resulted in questionable information being reported and subsequently approved by the interim department director. Again, knowing there is little managerial supervision opens the opportunity for lackadaisical record-keeping.
6. The Grand Jury concludes that employees experiencing harassment and abusive behavior felt there was no point in reporting it to department management because nothing would be done. They had to learn to live with offensive language and degrading comments from fellow employees, superiors and others. The county provided no effective method for employees to obtain help, if needed.

RECOMMENDATIONS

1. The BOS should develop a policy that mandates random audits of county employees' time keeping and telephone use practices. These audit results should be reviewed regularly by department management.
2. The Grand Jury recommends that the BOS amend all county hiring policies to include a more complete procedure for reviewing applicant work-related references, primarily in the hiring of key personnel.
3. The Grand Jury recommends that the CAO direct the Planning Department to institute a procedure of keeping detailed records for time and type of work performed in connection with mining activities which would be reviewed regularly and approved by the Planning Director.
4. The Grand Jury recommends that the CAO develop and make available a confidential process designed for employees' use to report work problems which they consider to be of a serious nature. Employees should be asked to sign reports but be assured of anonymity if desired and that the matter will be addressed. The importance of future follow-up is stressed.
5. The Grand Jury recommends that the CAO immediately institute some form of silent alarm system to alert law enforcement in the event that the counter employees feel threatened.
6. The Grand Jury recommends that members of the BOS, in such areas as planning and code enforcement problems of constituents, go through the protocol of the management structure of the CAO.

REQUIRED RESPONSES

Board of Supervisors
Due September 30, 1999

County Administrative Officer
Due August 30, 1999

COMMUNITY DEVELOPMENT AGENCY

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury received several formal complaints from employees in the Community Development Agency (CDA) and from private citizens.

PROCEDURE FOLLOWED

The Grand Jury interviewed the following employees during this investigation:

County Administrative Officer David Brennan
County Assistant Administrator Tom Miller
CDA Director Tim Chow
Planning Department Deputy Director Bob Leggett
Building Department Deputy Director Clint McKinley
Environmental Health Deputy Director Tim Snelling
Seventeen staff employees

Plans, proposals and timelines for the development of the CDA were studied, as were over 50 e-mails and the compliance records of the Code Enforcement Group.

FINDINGS

1. The CDA was formally proposed in 1997 by combining three function-related county departments: Planning, Building and Environmental Health. The Grand Jury could not find any written statement of goals and objectives that had been discussed with employees, much less agreed to by the Board of Supervisors (BOS) and County Administrative Officer (CAO).
2. The proposed agency was to be managed by a director who reported to the CAO. The agency would be responsible for the existing duties of the departments, i.e. permitting, enforcing state and county laws and regulations (ordinances), land use, planning, building inspections and all activities relating to land development and building.
3. The CDA concept had been discussed by the BOS and county executive management for several years. They had made visits to neighboring counties where a like concept had been implemented.
4. The Permit Processing Center (PPC) concept, which preceded the CDA, was designed to accomplish permitting with only one stop at the counter. Cross-training in all areas of the permit process was provided for staff with the goal of streamlining the process, thereby saving the customer time. Employees stated that there was inadequate training for the concept, a lack of effective supervision and problems created by non-compatible computer systems between the three departments.
5. Dr. Tim Chow was hired by the CAO as the director of the CDA. He was instructed to design a plan that defined the agency and to propose an implementation schedule. His written guidelines were

limited to CAO staff reports and BOS minutes.

- a. The new director was to present his plan to the CAO for review by February 11, 1998, only six weeks after being hired. The design of the plan was left up to the new director, as he was the accepted expert. The review of the plan, as it was developed, was delegated to a deputy administrator.
 - b. A steering committee was formed by the BOS to review the proposed plan as developed by the director. It was made up of two members of the BOS, a deputy administrator and the director of personnel. No written input from the CAO could be found. The three deputy department directors, as well as other employees in the agency, were used as resources for the plan development.
 - c. After numerous revisions, the proposed plan was presented to the BOS on May 12, 1998. The BOS, including the two members who had also served on the steering committee, asked for numerous additional changes that resulted in major revisions. The draft was then returned to the director who made these changes.
 - d. The revised plan was brought back to the BOS on August 4, 1998. It was approved as far as concept was concerned, but implementation was not defined, and additional funding was not granted.
6. Implementation of the plan was begun in August 1998, and the BOS directed the use of funds from Planning, Building and Environmental Health to finance the required work. The CDA staff testified this action reduced its effectiveness.
- a. The majority of employees interviewed said that the CDA implementation hindered their ability to perform their job assignments adequately because of poor organization, lack of communication and ineffective leadership.
 - b. All employees interviewed expressed extreme frustration with this new concept. One complaint heard frequently was "No one cares anymore." However, it was found that some employees were reluctant to accept changes in their roles necessitated by implementation of the CDA plan.
7. Several interviewees testified that some members of the BOS interacted directly with employees after plan approval, making various suggestions for changes to the plan. In doing this, they bypassed the CAO and department heads and caused considerable confusion.
8. Dr. Chow testified he had been told throughout his tenure that he was performing his assignment well. However, on November 27, 1998, he was asked for his resignation. Dr. Chow complied. The Building Department Deputy Director was appointed Interim CDA Director.
9. On April 13, 1999, a letter was sent to the BOS from the CAO and Assistant County Administrator recommending the implementation and updating of the revised CDA consolidation plan. The BOS approved the revised plan and set milestones for subsequent reporting

CONCLUSIONS

1. Although the concept of a CDA plan had been contemplated for several years, the BOS and county executive management failed to give the new CDA Director written direction to accomplish his assignment to their satisfaction. The Grand Jury believes there was not consensus on the part of the BOS as to what they expected from and wanted accomplished by the plan. It would have been a difficult enough assignment with a clear set of parameters, but without these, the Director started out at a disadvantage in his effort to please the BOS and the CAO.
2. The Grand Jury believes there was not enough time allocated to develop the CDA plan and to “fine tune” the introduction of the plan to employees and ensure a well thought-out and managed implementation. It was unrealistic of the BOS to insist on a compressed timeline.
3. The Grand Jury believes the BOS was not adequately prepared to undertake the formation of the CDA when it did, because:
 - a. It lacked consensus on what the plan was to accomplish
 - b. It had not established clear-cut goals.
 - c. Its success or failure could not be measured.

That there was extensive criticism of the submitted plan at the May 12, 1998, BOS meeting by some of the very people who had already suggested and effected a number of changes in committee, illustrates indecision long after there should have been resolution.

4. Some supervisors bypassed the CAO and department managers in going directly to department employees to discuss constituent problems. Such action is inappropriate and intimidating.
5. Because of inconsistent direction and lack of clear intent, the BOS was responsible for wasting taxpayer dollars.

RECOMMENDATIONS

1. The Grand Jury recommends that the BOS agrees to a written set of goals before proceeding with any further implementation of the CDA plan. These goals should explain clearly what is expected of the plan in terms of its providing economy of time, effort, cost savings and other features.
2. The Grand Jury recommends that the BOS allow the CAO to carry out the review and consolidation plan without interference, thus allowing the plan to proceed as designed without further wasting of county funds.

RESPONSES

Board of Supervisors
Due September 30, 1999

HUMAN SERVICES AGENCY

REASON FOR THE INVESTIGATION

The Human Services Agency was recently formed by a consolidation of the Mental Health, Public Health and Social Services departments. The Nevada County Civil Grand Jury decided to review the new agency even though no complaints were filed.

PROCEDURE FOLLOWED

The Grand Jury interviewed the following:

- County Administrative Officer David Brennan
- Director of Human Services Agency Phyllis Murdock
- The Deputy Director of Mental Health
- The Deputy Director of Public Health
- The Deputy Director of Social Services
- The Director of Personnel
- Analysts working for the County Administrative Officer and the Board of Supervisors

The Grand Jury toured all of the department work sites, the Alcohol Abuse Center, and the Lovett Center, studied departmental documents and had discussions with various staff members of the departments. The findings for the agency are followed by the findings for each of the departments. The conclusions follow the same format.

FINDINGS

HUMAN SERVICES AGENCY

1. The Deputy Director of Mental Health, the Deputy Director of Public Health and the Deputy Director of Social Services all report directly to the Director of Human Services Agency who in turn reports to the County Administrative Officer.
2. The agency was formed by the Board of Supervisors in 1997 to incorporate the Public Health, Mental Health and Social Services departments under one director. The reason given for the consolidation was to provide improved service to the clients of each department. Many of the mandated programs in the agency are administered by two or more of the departments.
3. The agency Director has been in the position since January 2, 1998. She also acted as the Deputy Director of Social Services from January until October of that year.
4. There are about 200 employees in the agency. The number of employees fluctuates with the amount of funding provided each year by the state and federal governments. The budget is about \$22 million, mostly from the state and federal governments.

5. The three departments in the agency are located at six separate geographical sites. The agency has no formal plan for permanent physical consolidation of the departments. Modular buildings are being installed at the Health Education Welfare site to house the fiscal division for all three departments of the agency. Another modular building will be installed for Mental Health.
6. The Director, with the approval of the Board of Supervisors and the County Administrative Officer, has a two-step plan for organization of the three departments. The re-organization of the agency is now in the first step with completion of step two expected within three years. When the transition is completed, the agency will be comprised of Central Intake Managed Care, Adult Services, Child and Family Services, Community Programs and Fiscal Administration divisions.
7. There is a new task force concept in place for addressing problems in the county. The purpose is to involve all three departments in each case as required. The agency is also developing Central Intake, where clients can have all their initial needs addressed at one place.

MENTAL HEALTH

1. The Mental Health Department is located in the 100 year old Health Education Welfare building located on Willow Valley Road, Nevada City.
2. The department has 31.8 full time equivalency (FTE) employees, up from 29.3 in 1998 and admitted about 865 clients in the past year. Mental Health also handles alcohol and drug clients with an additional 4.5 FTE. Their total budget is in excess of \$5 million. The department's budget has increased over the past two years due mostly to a \$300,000, three year State grant for Children's System of Care (CSOC) for seriously emotionally disturbed children. Funding for the Nevada County Substance Abuse Agency part of the department has not increased over the past two years. The department has some flexibility in how to spend its money. Less than \$400,000 (about 7.4%) of the department's budget comes from the county General Fund, the balance from the State and Federal governments.
3. The department provides three primary services: Managed Care Services for Medi-Cal and CALWorks, Adult System of Care for Seriously Mentally Ill, and CSOC. The department also operates the residential drug recovery program at the 19-bed Lovett Center. The center handles about 120 patients a year. There is a six-week waiting list for use of the Lovett Center. Another drug program is Mothers in Recovery, a day treatment program, with a staff of 1.5 FTE and an average of 17 clients per month.
4. The mental health field is changing due to a 1991 State re-alignment of funding that changes Managed Care services. The CALWorks Welfare to Work program also affects the department as it now has access to \$16,882 of CALWorks money for drug and alcohol counseling.

PUBLIC HEALTH

1. The department is located in the substandard 100 year old Health Education Welfare building and in a newer modular health clinic building at the site.
2. There is a staff of about 40 employees who fill about 22 FTE employees. Only about \$62,000 (2%) of the department's \$2.6 million budget comes from county General Funds, the balance is funded by State and Federal monies. The department has limited flexibility in how to spend its money because of State and Federally mandated programs.
3. The department administers more than a dozen health programs that are mandated by the State. The programs include Vital Statistics, Senior Health and Outreach, the Women and Infant Children program, Tobacco Use Prevention, HIV/AIDS Prevention, a toddler car seat program, childhood lead poisoning prevention, women and children services, clinic services and other programs. Public Health contracts with California Forensic Medical Group to give vaccinations, family planning and other services to wards at the Juvenile Hall and jail inmates.
4. The department has a history of morale problems that have been addressed by the 1992-93, 1993-94 and 1994-95 Grand Juries. The basic cause of the problem has been attributed in the past to salary and benefit issues.
5. There is currently, and has been a high rate of upper level administration turnover in the past several years.
6. The department has three off-site teen clinics; Teen Wellness in Grass Valley, a unit at Silver Springs High School and another at Sierra High School in Truckee.

SOCIAL SERVICES

1. The department is located in the Rood Center in Nevada City with a branch in Truckee.
2. Social Services administers more than 30 programs that include food stamps, financial assistance, supportive services, employment and training programs, medical coverage, foster care, child protective services, a fraud division and many other services. Some programs have a multitude of sub-programs; i.e., MediCal has 53 separate programs. The department administers the Welfare to Work program intended to help able bodied people find work.
3. The staffing level is 122, with a \$15 million budget, mostly from State and Federal funds. The county General Fund pays about \$1 million (7%) of the budget. The department has limited flexibility in how to use its money due to mandated state and federal regulations.
4. Social Services maintains approximately 5,000 cases at any one time. The number on assistance has declined recently, but the interaction with clients has increased due to the CALWorks Welfare to Work program. The Welfare to Work program requires that the emphasis be placed on job placement

rather than merely qualifying individuals for welfare. This changes the interaction with clients from as seldom as once a year in the past to as often as weekly now.

5. The department is installing a new computer system to meet State mandated changes in welfare reform.
6. The department experienced a staff turnover of 30 of its 122 personnel in 1998. The turnover rate is two to three times normal for this department. Salary and the switch in computer program are attributed by the Director and the Personnel Director as the cause. Also, employees in this department are faced with many negative and difficult client social problems on a daily basis.
7. In 1997 two Fraud Division officers investigated 507 cases of the 5,000 plus cases in existence at any one time, and referred 18 cases to the District Attorney. In 1998 three Fraud Division officers investigated 353 cases of the 5,000 cases in existence, and referred 30 cases to the District Attorney.
8. The department has a new Deputy Director, hired in October of 1998. The prior deputy retired in December 1997. The nine-month delay in hiring the replacement was due to difficulty in locating candidates that met the Director's standards.

CONCLUSIONS

HUMAN SERVICES AGENCY

1. The agency works with a complex system of regulations and duties, almost all of which are mandated by the State and Federal governments.
2. The Director's organizational consolidation plan is in transition. Because it does not address the physical location of the three departments there is little chance that the plan could be totally effective within three years. Locating fiscal personnel into modular buildings apart from the balance of the employees seems to separate rather than consolidate the agency. The Health Education Welfare building does not meet the needs of the departments located there.
3. The community should be well served by the task force concept and Central Intake.

MENTAL HEALTH

1. The department is faced with a complex variety of responsibilities and a heavy caseload. The staff performs well under the heavy caseload.
2. The Deputy Director is involved with her staff and is addressing the department's needs.

PUBLIC HEALTH

1. The purpose of the department is preventive medicine.

2. The department has interaction with the Juvenile Assessment Center and the Wayne Brown Correctional Facility.
3. Morale problems still exist in the department. The high turnover of management personnel seems to be partly responsible. The employees are dedicated to their jobs.
4. The department has a complex State and federally mandated program load and little flexibility in how to administer the programs.

SOCIAL SERVICES

1. The turnover in personnel could be serious if it continues. There does not appear to be a morale problem within the department that would account for the rate of turnover. The burden of working at low wages in a department that deals with traumatic social problems could be a contributing factor, along with a change in the department's computer system.
2. The department has a complex set of state and federal programs to address. Because the department is heavily regulated by the state, it has a lack of flexibility in how to administer the programs.
3. The Deputy Director is addressing the present and future needs of the department. She demonstrates a very good understanding of the department's duties and responsibilities for the time she has been with the department.

RECOMMENDATIONS

HUMAN SERVICES AGENCY

1. The Grand Jury recommends that the agency produce a formal, comprehensive plan for physical consolidation of the departments. The plan should be made available to the Board of Supervisors within an acceptable time line not to exceed one year.
2. The Grand Jury recommends that morale problems in Public Health be addressed by the Director and reported through the CAO to the Board of Supervisors within three months.
3. The Grand Jury recommends that the staff turnover issue in Social Services be addressed by the Director and reported to the Board of Supervisors within three months.

REQUIRED RESPONSES

Director of Human Services
Due August 30, 1999

Board of Supervisors
Due September 30, 1999

GRASS VALLEY CITY GOVERNMENT

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury may investigate the incorporated cities within the county. In addition the Grand Jury received a formal complaint regarding management practices within the City of Grass Valley (City).

PROCEDURE FOLLOWED

During the investigation the Grand Jury interviewed the following:

- A city council member
- City Administrator Gene Haroldsen
- Newly appointed Police Chief
- Newly appointed Community Development Director
- City Planner
- Associate Planner
- Two former department superintendents
- City Engineer/Director of Public Works
- County Agricultural Commissioner
- The complainant

The Grand Jury reviewed the September 17, 1998, progress report on goals and objectives of the City, General Plan, Civil Service Rules and Regulations, police recruitment informational announcements and the Grass Valley Redevelopment Plan. Members attended Grass Valley City Council meetings and a meeting of the Personnel Commission. An inspection of the Grass Valley Wastewater Treatment Plant was conducted.

FINDINGS

1. The City has hired its first Community Development Director who will supervise the planning, building and future developments of the City. A new police chief, fire chief and public works and park superintendent were recently hired.
2. The City is undertaking several projects involving annexation and development before the completion of the updated general plan. Future annexations will increase the City's approximate acreage from 2500 to 4500 acres.
3. The 1982 General Plan has been modified from time to time and is in the process of being revised with completion expected by July 1999.

4. The City has recently completed the reconstruction and landscaping of Main Street. Preparation for the street's resurfacing involved additional costs because of unforeseen below-surface problems.
5. The City is currently involved in several other projects, including planning for a hotel/conference center, a major upgrading of City Hall and a new combination fire station/classroom facility at Sierra College.
6. A goals and objectives plan is formulated by the City at the beginning of each fiscal year with updated information provided periodically.
7. Some City employees have expressed concern that the City administration in its determination to achieve its goals is pressuring its workers into stressful conditions. While the City has kept a balanced budget, staff has been reduced, causing some managers to be responsible for several departments. Various department employees expressed the need for more administrative support and improved communication.
8. The City's present sewage capacity is 1.72 million gallons a day, average dry weather flow, and the City is operating at this capacity. Expansion of the Wastewater Treatment Plant will provide a planned capacity of 2.78 million gallons. Expansion is due to begin in April or May of 1999, and is scheduled to be completed within two years at a cost of 9.3 million dollars.
9. The City, through its recently initiated newsletter, Grass Valley City Messenger, invited its citizens to participate on various boards, commissions and committees. A survey was conducted in which the public was asked to express their opinion of several areas of city performance. While the City has recorded the public responses, it has yet to publish another Grass Valley City Messenger presenting this information to the public.
10. The City conducted a police recruitment program in the fall of 1998 that produced only eight applications. The statewide average is 100 applications to fill one vacancy. An effort had been made to improve the recruitment process, but the procedure had to be repeated because of the poor response. At the time of this review, the City had no female police officers.
11. Currently, the City and Nevada County operate separate animal shelters. The Nevada County Agricultural Commissioner has jurisdiction over the county animal shelter, and the police chief has jurisdiction over the city animal shelter. Informal talks on combining some of the operations have taken place without resolution.

CONCLUSIONS

1. The consolidation of planning, building and future development of the City under the Community Development Director should provide increased communication between departments and better service to the public.

2. Some employees feel pressured by increased responsibilities and decreased recognition. They are not encouraged to give input to management regarding their areas of expertise. The City has managed to operate within its budget at the cost of reducing staff, training programs and motivational incentives. City employees are to be commended for their response to the downsizing.
3. The publication of a newsletter is a valuable tool for keeping in touch with the community, particularly during the current period of growth and development. It offers an opportunity for the City to demonstrate its interest in public opinion.
4. The City's plan for expansion of the Wastewater Treatment Plant specifies a capacity that may be inadequate for proposed expansion needs.
5. The City's police recruitment problem is not only a City concern, but also one for Nevada County and the state.

RECOMMENDATIONS

1. The City should finalize the update of the General Plan before continuing its aggressive annexation and development plans.
2. The City Administrator and department managers should develop a plan to balance departmental workload and improve internal communications.
3. The City should publish its newsletter, Grass Valley City Messenger, on a quarterly basis for better communication between the administration and the community.
4. The incorporated cities and the county should coordinate their law enforcement recruitment effort to create a larger pool of qualified applicants. Cooperative meetings have already started on this subject, and the Grand Jury recommends that they continue.
5. The City and Nevada County should re-establish formal discussions on consolidating or combining their respective animal control shelters.

RESPONSES

City Administrator
Due August, 30, 1999

Grass Valley City Council
Due September 30, 1999

NEVADA IRRIGATION DISTRICT FINANCIAL REPORT

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury has the responsibility for reviewing special districts within Nevada County. The Grand Jury received three complaints concerning Nevada Irrigation District (NID).

PROCEDURE FOLLOWED

The Grand Jury conducted three meetings with the following:

- Two members of the Board of Directors
- General Manager James Chatigny
- Financial Director
- Chief Engineer
- Other technical and financial staff

The Grand Jury reviewed salary data, user fee data, NID policies and procedures and Board of Directors' minutes. The Grand Jury also reviewed the audited financial statements of NID for the years 1996 through 1998. NID's capital improvement project lists dated June 28, 1995, September 15, 1997, January 21, 1998, and March 9, 1999, were also reviewed. Completed projects for 1997 and 1998 were also reviewed.

FINDINGS

ORGANIZATIONAL

1. NID is a public water agency operated for users within its 287,000 acre boundaries in Nevada and Placer County. NID was formed by public vote in 1921. The district is the second largest irrigation district in California. The agency places emphasis on uninterrupted service to its customers. The district maintains ten reservoirs and eight water treatment plants.
2. The district was organized primarily for the purpose of supplying water for irrigation. Currently, the district also supplies water for domestic and industrial users, electric power and recreational facilities. In numbers of customers, NID has been growing by about 6 percent a year. The majority of this growth is service to users of domestic water.
3. There are approximately 160 full and part time employees.
4. A five-member board of directors governs the district. District voters elect each director for staggered four-year terms. The board members receive up to \$600 per month plus health benefits and mileage. All meetings of the board are public and are held within the district. NID operates under the authority and regulation of the California Water Code.

5. NID derives income from sale of water, electric power, recreational user fees, tax revenues and interest on district financial investments. The property tax revenue rate is set by state law, and is a part of property taxes levied on property within the district boundaries. The voters passed State Proposition 13 in June 1978. Pursuant to Revenue and Taxation Code section 95, et seq., the district is allocated a percentage of County property tax revenues. Property tax allocation to the district totaled \$4.9 Million in 1998.
6. The State Health Department has inspection and approval responsibility for work performed on NID's domestic water treatment facilities and delivery systems. Engineering inspections and approval for work on irrigation water systems is the responsibility of NID. Buildings and construction work on non-water systems for NID's use is subject to county building codes and inspections.
7. The historical financial information from NID showed that NID has averaged an annual rate increase of 3.8 percent for treated water users and 3 percent for irrigated water users.
8. The district makes water sales outside the district. However, these are subject to year to year contracts and are subject to either reduction or termination if water is not available for district users. NID forecasts water needs in the district by the use of the county's master plan, county building permit history, NID history, building proposals by developers and any other sources available to management.
9. Construction work on water systems funded by NID do not require competitive bidding. However, NID Board of Directors have mandated that competitive bidding will be used on all such projects. Construction work that is funded by the State and Federal governments require competitive bids and use of prevailing wage rates.
10. NID has reserved funds for unknown contingencies, such as Federal energy de-regulation, re-licensing power plants and a contract re-negotiation with PG&E due in 2013.

FINANCIAL

1. On December 31, 1998, NID had a total fund equity, commonly referred to as "net worth", of \$155,371,469 according to audited financial statements. The board of directors has reserved portions of their "net worth" for both unplanned and forecast requirements.
2. The December 31, 1998, audited financial statement shows cash and investments of \$62,553,512. This includes the \$13,000,000 proceeds of Certificates of Participation (debt instruments) sold to replace the Cascade Flume. Chart 1 provides NID revenue, expenses and cash flows for the years 1996 through 1998.
3. Information is taken from audited statements for the three years 1996 through 1998. The average annual revenues were \$27,306,470 and the average annual net income was \$8,995,018. This is an average annual return of 32.94 percent on revenues. The average annual net increase in cash and cash equivalents was \$5,342,521.

4. A study of NID rates over the past 10 years reveals the following:

	RATE IN 1989	RATE IN 1998	PERCENT INCREASE	ANNUAL % INCREASE
Connection Fee	\$3,040.00	\$5,750.00	89.1	8.9
BI-Monthly Charges				
Domestic ¾" Inside district	22.60	31.25	38.3	3.8
Irrigation/Miners Inch	232.00	301.00	29.7	3.0

Rates were raised every year from a low of one percent to a high of 14 percent. The overall increase in rates over 10 years is shown above. During our interviews of NID personnel, the Grand Jury was unable to determine any formal rate setting process. NID management stated that rate increases were generally determined by increases in the Consumer Price Index (CPI). However, an analysis of rate increases over the past 10 years revealed the rate increases showed little relationship with CPI.

5. NID has a current (March 3, 1999) schedule of system improvements through the year 2008 totaling \$51,535,500 of which \$1,334,000 is reimbursable from other sources for a net projected outlay of \$50,201,500. As in past years, many scheduled projects are of a maintenance nature and are funded from each year's current earnings. The scheduled amount for maintenance projects totals \$8,666,600 over the next 10 years. This leaves a balance of \$41,534,900 in system improvements needed to be paid for out of accumulated cash and investments or through additional borrowing.
6. A detailed review of prior schedules of system improvements revealed the following:
- A. From the September 15, 1997, schedule totaling \$32,819,000 to the January 21, 1998, schedule totaling \$37,734,000:
- Three projects for \$150,000 were accelerated one to two years.
 - 15 projects totaling \$13,136,500 were postponed one year.
 - Four projects totaling \$2,155,000 were postponed two years.
 - One project totaling \$820,000 was postponed three years.
 - A total of 20 projects totaling \$16,138,500 or 49.2 percent were postponed one or more years.
- B. From the January 21, 1998, schedule totaling \$37,734,000 to the March 9, 1999, schedule totaling \$51,535,500:
- 25 projects totaling \$21,115,500 were postponed one year.
 - Nine projects totaling \$7,627,500 were postponed two years.
 - Three projects totaling \$1,050,000 were postponed three years.
 - Four projects totaling \$257,000 were postponed four to five years
 - A total of 41 projects totaling \$30,050,000 or 79.6 percent were postponed one or more years.

- C. The largest postponed project, budgeted at \$16,000,000, is the Cascade Flume replacement first scheduled in 1998. The project has been delayed due to controversy.
7. A review of all completed projects in 1997 and 1998 revealed the following:
- In 1997, 10 projects were completed at a total cost of \$1,918,834 which was 2.8 percent over projected capital expenditures.
 - Three projects listed as completed in 1997 totaling \$185,000 are still on the March 9, 1999, project list.
 - In 1998, 29 projects were completed at a total cost of \$2,012,225 which was 8.8% under projected capital expenditures.
8. Due to confusing and conflicting news reports over the past year, the Grand Jury has prepared a projection of cash and investments for the public's information (see chart two). This projection is based on the following *assumptions*:
- NID will continue to average an annual net increase in cash of \$5,342,521.
 - NID will complete system improvements when scheduled. Future postponements of scheduled work will improve cash balances over the near term.
 - NID will experience changes in interest income due to the expenditure of cash and investments.
 - Maintenance type projects will continue to be funded from each year's current income.
 - No provision has been made for additional projects that will undoubtedly be added to the schedule over the next 10 years.

Based on the above assumptions, chart two reveals that NID would have cash and investments in excess of \$72 million in 2008, \$9.6 million more than NID had on December 31, 1998.

CONCLUSIONS

1. NID is in strong financial condition. It appears that corporate memory of difficult financial times in the 1970s dictates fiscal conservatism. NID seems to have more than adequate cash and investments to meet its needs.
2. NID does not have a disciplined, orderly method of setting annual water rates.
3. The capital improvement schedules include maintenance projects normally paid from current revenues, thus overstating the need for long term funds.
4. The total of cash and investments has grown by the postponement of system improvement projects. Continual postponement of necessary projects raises questions of the adequacy of the management planning process. However, some postponements in the capital improvement schedules are the result of community controversy.
5. The three projects reported completed in 1997 but remaining on the March 9, 1999, project list indicate a lack of effective project accountability.

RECOMMENDATIONS

1. The Grand Jury recommends NID develop a standard formula based on estimated future delivery costs that will be used for determining future user rate adjustments. Further, the Grand Jury recommends that factors used in producing user rates be published each year.
2. The Grand Jury recommends that the NID Board of Directors hire the expertise to accurately project their capital requirements and establish an effective long range planning process.
3. The Grand Jury recommends NID develop a process to improve their communications with the community.

REQUIRED RESPONSES

NID Board of Directors
Due September 30, 1999

CHART 1

NID SELECTED FINANCIAL INFORMATION

From audited combined statements of revenues, expenses and changes in retained earnings

					AVERAGE
REVENUES		<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>ANNUAL</u>
	Water sales	\$8,492,022	\$8,817,672	\$8,811,162	
	Electric Power	7,586,043	7,456,742	6,702,746	
	Fees & Changes	1,509,153	1,227,125	983,188	
	Taxes & Assessment	4,641,039	4,815,610	4,969,958	
	Interest Income	3,272,142	3,683,038	4,036,601	
	Grants		639,629	1,304,929	
	Other Income	619,500	609,472	1,741,638	
	Total Revenue	26,119,899	27,249,288	28,550,222	27,306,470
Expenses					
	Operating/Maintenance	15,675,680	15,141,627	16,231,125	
	Interest Expense	1,864,867	2,336,921	2,306,270	
	Flood/Storm Damage		1,377,866		
	Total Expense	17,540,547	18,856,414	18,537,395	18,311,452
Net Income		\$8,579,352	\$8,392,874	\$10,012,827	\$8,995,018

From audited Combined Statements of Cash Flows

					Annual
		<u>1996</u>	<u>1997</u>	<u>1998</u>	Average
Net Increase in	Cash Equivalents	\$3,076,003	\$7,192,872	\$5,758,689	\$5,342,521

TAHOE FOREST HOSPITAL DISTRICT

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury has responsibility to review special districts that are organized in the county. The Grand Jury received a complaint concerning the Tahoe Forest Hospital in Truckee. Tahoe Forest Hospital is a special district as defined by Government Code Section 12463.1.

PROCEDURE FOLLOWED

The Grand Jury toured the hospital and interviewed the following:

The Tahoe Forest Hospital District Chief Executive Officer Lawrence Long
The Tahoe Forest Hospital District Chief Financial Officer David Bottemiller
An employee of the hospital
The complainant

The Grand Jury also reviewed the financial records, patient statistics and an exercise video tape provided by the hospital district.

FINDINGS

1. The district was formed by a vote of the citizens within the proposed district in 1949. The district receives tax revenues from property that is within the district boundaries.
2. The district boundaries are entirely within California. The boundaries have been expanded by ballot votes five times since the original formation. The district has five directors elected from within the district boundaries.
3. The area served by Tahoe Forest Hospital extends beyond the district boundaries. This service area includes Nevada County, Sierra County, the eastern portion of Placer County and the Incline Village area of the State of Nevada.
4. Operating under Nevada state law, the Incline Village Health Center provides health services for the area in and around Incline Village. The center was purchased by the district from a private organization on March 1, 1996. There is a five-year plan in effect to establish the center's optimal use before the board and management make a decision to invest further. Approximately 65% of the patients who first receive treatment at the Incline Village Health Center continue any necessary additional treatment at Tahoe Forest Hospital.
5. Tahoe Forest Hospital has 35 acute-care beds and 37 long-term beds. The facility is located in a resort area where sports injuries are common. Consequently, much of its revenue is generated in the Emergency Department. As is customary in hospitals, physicians in private practice are extended the privilege, at the hospital's discretion, of admitting their patients to the hospital for care. These doctors comprise the hospital medical staff.

6. The hospital district has an annual operating budget of approximately \$36.8 million for fiscal year ending June 30, 1998, based on information provided to the Grand Jury. The district earned \$37.4 million from all sources. The hospital district uses a "cost distribution system" that identifies cost and earnings separately for each of the Truckee and Incline Village facilities. The district has a staff of 400 employees in full and part time positions. The full time equivalent number of employees is approximately 300.
7. In an effort to attract employees, the hospital operates a child-care facility for ages four months through middle school. This day-care facility is available to the community as well as the staff.
8. A video demonstrating the value of exercise for seniors has been produced by a group that included a hospital employee who was acting as an independent agent. The video, which displays the hospital's logo, is being marketed by the video's producers. There is a royalty agreement between the marketer and the hospital which at this time has created no revenue for the hospital. The hospital administrator stated that Tahoe Forest Hospital incurred no costs in the production of the video.

CONCLUSIONS

1. The Grand Jury concludes that Tahoe Forest Hospital's management and Board of Directors are prudent in their fiscal operations.
2. The production of an exercise video was not a part of the hospital district's business and was the result of an employee's off hours business venture. The Grand Jury finds no conflict of interest in the production of the video.
3. The five-year plan to evaluate the optimum usage of the Incline Village Health Center is reasonable before the district places more assets in the center.

RECOMMENDATIONS

None

REQUIRED RESPONSES

None

ALTERNATIVE EDUCATION IN NEVADA COUNTY

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury decided to review the alternative, continuation and community schools in western Nevada County because they have not been reviewed by the Grand Jury in recent history.

PROCEDURE FOLLOWED

The Grand Jury interviewed the following education personnel:

Nevada County Superintendent of Schools Terry McAteer
Nevada Joint Union High School District Superintendent Joe Boeckx
Director of Alternative Education Earle Conway
Administrative staff at each school

All schools mentioned in the report were visited, plus an alternative school and juvenile hall school in Placer County. Documents and budgets from all schools were studied.

FINDINGS

1. Nevada Joint Union High School District's (NJUHSD) Mission Statement is "to provide educational opportunities in a variety of settings for ALL students that will allow them the chance to reach their full potential and prepare them for work and higher learning with the skills needed to succeed."
2. Alternative education provides programs to those students whose needs are not met by the larger traditional high schools. NJUHSD operates one alternative, five continuation and two community schools with a total of 642 students. Another 200 students attend the independent study program. The total high school population of all high schools in January 1999 was 4,652. This number includes Nevada Union and Bear River high schools, but does not include adult education.
3. A director of alternative education position was created and filled in January 1999 to oversee all of NJUHSD's alternative, continuing, community, and adult education programs. Further changes are being made as this report is written.
4. An **alternative school** is defined by Education Code Section 58500 as a school open to all students districtwide that will maximize the opportunity for improvement of the general school curriculum by innovative methods and ideas. Funding is higher per pupil at \$4,490.74 compared to traditional high school funding at \$4,100.54 per student per year. The alternative high school in Nevada County is Sierra Mountain.

5. A **continuation school** is defined by Education Code Section 48430 as a school designed to meet the educational needs of each pupil including work study, regional occupation programs, career counseling and job placement services. Funding is at \$4,490.74 per student per year. There are five continuation schools in Nevada County: Silver Springs, Pioneer, Nevada Union Tech, Sierra Central, and Empire.
6. A **community school** is defined by Education Code Section 48660 as a school for pupils who have been expelled, are on probation, or have been referred by a school attendance review board. The goal is to return these students to their home school. Funding is higher: Earle Jamieson and Sugar Loaf Mountain School (Juvenile Hall) funding is \$6,499.15 per student.
7. **Juvenile court schools** are mandated by Education Code Section 48645 to provide 240 minutes per day of classroom instruction by certified teachers. Juvenile Hall meets this requirement by providing 180 minutes of classroom instruction plus 60 minutes of physical education. The 1995-96 Grand Jury recommended longer hours for the youth at the Juvenile Hall. This recommendation was not followed.
8. The county superintendent of schools operates one community day school for students in grades 6, 7, 8 called the 3 R's School (3 R's = Rehabilitate, Renew, Reinstate).
9. Each school visited has administration, teachers and classified staff assigned to the program. Student population reported hereafter reflects the numbers for the day visited by the Grand Jury.
10. Drug and alcohol related incidents reported in the NJUHSD have more than doubled from 32 reports in the 1996-97 school year to 68 in 1997-98.
11. There is no formal tracking of students' academic histories as they move through the school system.
12. Scholastic Aptitude Tests (SAT) scores reported to the state and published in the local newspaper do not include the schools studied in this report.
13. Following is a chart detailing information on each school visited.

ALTERNATIVE	CONTINUATION	COMMUNITY
<p style="text-align: center;">Sierra Mountain</p> <ul style="list-style-type: none"> • Located at 140 Park Ave., Grass Valley for grades 9-12. • 250 students, 15 full-time teachers. Graduated 17 in June 1998. • All classes necessary for a high school diploma. • Schedule of 6 weeks in class and 1 week off, 6 weeks summer session. • Sierra Tech Partnership Academy: program on-site with 50 students from grades 11-12 in conjunction with 7 manufacturing businesses. • Independent Study Program on site for 200 additional students; 74 graduated in 1998. 	<p style="text-align: center;">Silver Springs</p> <ul style="list-style-type: none"> • Located at 12338 McCourtney Rd., Grass Valley for grades 9-12. • 156 students and 7 2/5 teachers and volunteers. Graduated 22 in June 1998. • All classes necessary for a high school diploma. • Young Parent Program on site offers infant/toddler development center, health counseling, transportation and food services, parenting education and networking with community agencies. • Additional grant and state funds that exceed the ADA monies. 	<p style="text-align: center;">3 R'S</p> <ul style="list-style-type: none"> • Located at 112 Nevada City Hwy., Nevada City for grades 6-8. • 15 students, 1 full-time teacher with 1 instructional assistant and volunteer tutor. • Goal is to return students to their neighborhood school. • Curriculum of mini-lessons on various topics culminating with a project and test. Basic Comprehensive Skills Test taken monthly. Homework nightly. • Students required to wear uniforms. • School day is 6 hours (as of Jan. 1999) with breakfast and lunch provided. • No transportation provided.
	<p style="text-align: center;">Pioneer</p> <ul style="list-style-type: none"> • Located at Bear River High School for grades 11-12. • 36 students, 1 full-time teacher and 3 part-time teachers, graduated 6 in June 1998. • Directed studies: (students work alone and collect credits in subjects they need). Life Skills classes for all. • 3 classroom hours per day, morning or afternoon, and Work Experience or Regional Occupational Program to supplement. 	<p style="text-align: center;">Earle Jamieson</p> <ul style="list-style-type: none"> • Located at 10657 E. Bennett St., Grass Valley, for grades 9-12. • 44 students, 2 full-time teachers and 2 instructional aides. • Directed Studies: Students work alone and collect credits in subjects they need. Computer program and weightlifting is offered. No homework assigned. • School day ends at 1:15 p.m. No vocational program or after-school activities are offered. • 40 percent absentee rate.
	<p style="text-align: center;">Nevada Union Tech</p> <ul style="list-style-type: none"> • Located at Nevada Union High School for grades 11-12. • 30 students, 2 full-time teachers and 27 graduated in 	<p style="text-align: center;">Juvenile Hall</p> <ul style="list-style-type: none"> • Located at 15076 State

	<p>1998.</p> <ul style="list-style-type: none"> • Directed studies with Life Skills. • 3 hours per day with Work Experience or Regional Occupational Program. <p style="text-align: center;">Sierra Central</p> <ul style="list-style-type: none"> • Located at the Sierra Mountain high school campus for grades 11-12. • 50 students, 2 full-time teachers and 17 graduates last June 1998. • 3 hours per day or 5 hours a week if student is employed over 20 hours. <p style="text-align: center;">Empire</p> <ul style="list-style-type: none"> • Located in California Youth Authority facility on California Division of Forestry land on Washington Ridge about 10 miles east of Nevada City. • 56 wards, 2 full-time and 8 part-time teachers. Graduated 5 in June 1998. • All classes necessary for a high school diploma: 15 hours per week, 6 p.m. to 11 p.m. Monday through Friday, 4 hours of core classes, 10 hours of electives and 1 hour of career education class. • A high school diploma, General Educational Development or a special equivalency diploma will allow an "honorable discharge" (wards' records are sealed). 	<p>Route Hwy 49 for wards in all grades that are incarcerated.</p> <ul style="list-style-type: none"> • 19 students at the Center but 10 were in the classroom during the visit (Jan. 1999). • 1 full-time teacher and 1 instructional aide with a group supervisor present. • Directed Studies-same as Earle Jamison, for 3 hours of classroom time and 1 hour of physical education with group counselors. • Wards are assigned to Earle Jamison when released from Juvenile Hall.
--	---	--

14. On April 20, 1999, the NJUHSD Board approved reorganization of most existing alternative education schools and established the Nevada Union Humanities Academy, Ninth Grade Opportunity Program, and Fast Track. Freshman Accelerated Skills Training on the existing traditional high school campuses. It also approved formation and establishment of Wolf Creek High School, a Home Based Alternative School using Independent Study. The foregoing programs are to become effective with the 1999-2000 school year.

CONCLUSIONS

1. The residents of Nevada County enjoy a number of educational options through the high school district. There are advantages in having several options to choose from, such as small class size, and different curriculum and social settings.
2. Lack of formal tracking practices leaves no reliable method for determining the success or failure of alternative education programs.
3. The 40percent absenteeism rate at Earle Jamison is a serious problem that must be addressed.
4. The school day at Earle Jamison and Juvenile Hall is shorter than at a traditional high school. Students who need the most help receive the least amount of instructional time.
5. Use of the state funded Regional Occupational Program (ROP) is a valuable tool for vocational training in county schools.
6. Good use has been made of space available at each site.
7. Administration and staff at all sites are dedicated professionals.

RECOMMENDATIONS

1. The Grand Jury recommends a computer tracking system be developed to monitor students as they move through the school system to determine the effectiveness of alternative education programs.
2. The Grand Jury recommends a contract with the county probation department be implemented to enforce attendance at Earle Jamison.
3. The Grand Jury recommends class instruction time at Juvenile Hall be increased.
4. The Grand Jury recommends Earle Jamison include vocational education training classes and life skills classes by the start of the September 1999 school year in order to develop skills that will assist the students in the world of work.

REQUIRED RESPONSES

Nevada Joint Union High School District Board
Due Date: September 30,1999

Nevada County Board of Education
Due Date: September 30,1999

Nevada Joint Union High School District Superintendent
Due Date: August 30, 1999

Nevada County Superintendent of Schools
Due Date: August 30, 1999

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

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"/>

NOTE: THIS SHEET WAS INADVERTENTLY OMITTED DURING THE PRINTING PROCESS AND GOES WITH THE FACING SHEET.

