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NEVADA COUNTY
BOARD OF SUPERVISORS

CIVIL GRAND JURY



FINAL REPORT

1999-2000

NOTICE TO RESPONDENTS

Herewith is an advance copy of the final report of the 1999-2000 Civil Grand Jury of Nevada County.

This report will be published Wednesday, June 28, 2000, when it will be posted on the Superior Court's website:

<http://www.courts.co.nevada.ca.us/reports.htm>

As you know, the California Penal Code [Section 933.05(f)] prohibits disclosure of any portion of this report prior to its publication by the Grand Jury.

The Grand Jury appreciates your cooperation.

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

David Janison
Foreman



COUNTY OF NEVADA

GRAND JURY

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

June 28, 2000

Hon. Carl F. Bryan, II
Presiding Judge
Nevada County Superior Court
Nevada City, California

Dear Judge Bryan:

The 1999-2000 Civil Grand Jury is pleased to forward to you its final report, as required by the California Penal Code.

Some of the fourteen investigations included here were released as interim reports on the Internet page of the Nevada County Superior Court earlier in the year. This allowed wide and timely access to the documents by the public and the media.

This completed report will also be posted at
<http://www.courts.co.nevada.ca.us/reports.htm>

The Grand Jury wishes to express its appreciation to you, Judge Albert P. Dover, Former County Counsel James Flageollet, and Interim County Counsel Harold E. DeGraw for your valuable assistance.

Respectfully submitted,



David Janison
Foreman

**MEMBERS OF THE NEVADA COUNTY CIVIL GRAND JURY
1999-2000**

**David Janison
Foreman**

**Linda Pryor
Foreman Pro Tempore**

**Penny Spratling
Secretary**

**R. Lee Pendleton
Sergeant-at-Arms**

**Leonard Schwartz
Business Manager**

Jerry Burke

Carolyn Classen

Paul Foster

Eugene Fox

Terry Haines

Ray Hoffman

Kitty Krogh

Bob Gunning

Larry Lutz

Arthur Maruna

Judy Mooers

Bill Rounds

Herb Schmitt

Al Thomas

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 major 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.

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JUVENILE HALL

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury may investigate the incorporated cities within the County. During various interviews with the personnel of the cities of Grass Valley and Nevada City, the Grand Jury's efforts focused on the problems within the juvenile population.

PROCEDURES FOLLOWED

The Grand Jury interviewed the following listed personnel:

Grass Valley Police Department officers.

John Foster - Chief, Grass Valley Police Dept.

Lou Travato - Chief, Nevada City Police Dept.

John Wardell - Chief, Juvenile Probation Office

Dennis Salter - Project Manager/Construction Juvenile Hall

The Grand Jury acknowledges receipt of letters dated January 11, 2000; "Three options of Juvenile Hall Operations," and "New Juvenile Assessment Center Financing," written by Roy Pederson, Interim County Administrator.

FINDINGS

1 - The various police departments emphatically stated that an expanded Juvenile Hall is critical.

2 - Due to inadequacies of the current Juvenile Hall, the State Board of Corrections has awarded a 5.4 Million-dollar grant to Nevada County for replacement.

3 - The commitment to start construction is scheduled with the Board of Corrections for April 3, 2000. This 5.4 Million Dollar grant has been stated to be a "One-time Only" grant and would be lost if not acted upon by April 3, 2000.

4 - The cities in Nevada County are in the process of change. Juvenile delinquency is on the rise led by the increase in auto theft. Law enforcement reports that much of the increase is due to youth that feel assured of very light or no penalties--They have learned that the Hall is up to capacity.

5 - The consistent overcrowding of Juvenile Hall makes it difficult for the police to detain juvenile offenders.

6 - Juvenile Hall is the only locked mental health facility in Nevada County for juvenile offenders.

7 - Approximately 20 - 30 juveniles are cited each week. Many of these would have been detained in Juvenile Hall had it not been for overcrowding.

8 - Expansion of the Juvenile Hall was recommended in the 1993/94- 1994/95 -1995/96 - 1996/97 Grand Jury reports.

CONCLUSIONS

- 1 - The need to provide an expanded Juvenile Hall is critical and long past due.
- 2 - The Board of Supervisors now has the opportunity to correct the Juvenile Hall problem.
- 3 - The loss of the State grant of 5.4 Million Dollars will eventually shift the total construction amount to Nevada County taxpayers. The Courts could eventually mandate the corrections to the Juvenile Hall, giving the County no choice in funding this project.
- 4 - After inspection, the Board of Corrections has stated that the Juvenile Hall is inadequate, antiquated and under-staffed.
- 5 - Due to the over-population at Juvenile Hall the Courts and law enforcement have serious difficulties in dealing with juvenile delinquents.

RECOMMENDATIONS

- 1 - The Grand Jury strongly recommends to Nevada County Board of Supervisors that it take immediate steps to build a new and modern Juvenile Hall.
- 2 - Nevada County Board of Supervisors should comply strictly with the timetable schedule of the Board of Corrections for State grant monies.
- 3 - The Grand Jury strongly recommends that the Nevada County Board of Supervisors seriously consider the negative impact on the community should the 5.4 Million Dollar State grant be lost or forfeited with the expense then shifting to the Nevada County taxpayers.

REQUIRED RESPONSES

Board of Supervisors

Requested DUE -30 Days

John Wardell - Chief Probation Department Requested Due - 30 Days

ASSESSOR'S DEPARTMENT

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury received numerous complaints alleging mismanagement in the county Assessor's Department.

PROCEDURE FOLLOWED

The Grand Jury interviewed:

- Nevada County Assessor Arthur Green
- Two temporary employees of the Assessor's Department
- Eleven employees of the Assessor's Department
- Nevada County Information Services Director Stephen T. Monaghan
- Nevada County Auditor-Controller Bruce Bielefelt
- Former Nevada County Personnel Director Lori Walsh
- Acting Nevada County Administrator Roy Pederson

In addition, the Grand Jury completed an on-site inspection of facilities and equipment in the Assessor's Department; reviewed Personnel Department documents for the Assessor's Department; calculated three years of payroll and accounting records for the Assessor's Department; examined a Government Finance Research report, prepared for the Assessor on A Proposed Online, Internet Information Service Proposed Fee Charges; reviewed an employee study prepared for the Assessor by an outside firm; inspected two mini-storage units rented to the Assessor and reviewed the county's Three-Year Plan for Automation, written in September, 1998.

FINDINGS

1. Since 1997, the Assessor's Department has spent more than \$705,000 of taxpayers' money to maintain and upgrade his computer system. He testified that the new system will yield "better assessments" for the county.
2. The Assessor's proposed computer system is non-operational. He said his project is between 60 and 70 percent complete and estimated it will cost between \$250,000 and \$500,000 to complete the project.
3. In December, 1999, Stephen T. Monaghan, Director of Information Systems for Nevada County, told the Supervisors, at a board meeting, "...In the county's best interest...it would be advisable to have the Assessor provide the proper project documentation and information. It has been ongoing for almost three years without any demonstrated project plan or management and therefore cost hundreds of thousands of dollars already spent by the Assessor."
(Emphasis added by Grand Jury.)
4. Monaghan told the Supervisors that a computer systems design may be compared to a blueprint for a building, and added that 80 percent of a project is design, specifications,

analysis, etc. Writing and implementing the programs is 20 percent. Without proper design, he reported, the proposed system "is doomed to failure."

5. The Grand Jury requested from the Assessor a copy of his systems design (blueprint). The Assessor was unable to provide one. A temporary employee in charge of the proposed computer system testified that many aspects of the design "are in Art Green's head" rather than on paper.

6. After taking office in late 1998, the Assessor allowed two temporary employees (husband and wife) to work on the proposed office computer system at their private home, without supervision or documentation of work hours except for the workers' own handwritten time cards.

7. The Assessor testified he verbally approved overtime for the temporary workers -- who were paid \$42,458 in overtime plus their combined salaries of \$85,136 -- in 1999 alone. The Assessor said he was unaware of the total overtime costs.

8. The Assessor further testified that the male temporary worker was his former business partner. This temporary worker is also repaying a personal loan to the Assessor, according to annual conflict of interest filings by the Assessor.

9. The Assessor said he let the male temporary employee participate in management decisions, including evaluation of staff, reviewing job applications and conducting interviews. The Assessor said he also directed the temporary employee to look at the staff "under a microscope."

10. The Assessor said he placed that same temporary employee in charge of the department and staff in the Assessor's absence.

11. Some of the county-purchased computer equipment was delivered directly to the temporary employees' family home. The Assessor ordered the connection of computer modem (phone) lines between that private home and the Rood Center, at county expense.

12. The appraisal records for the temporary employees' home and property have disappeared from the Assessor's confidential files and are still missing as of the date of this report.

13. Employees testified they have frequently been confused about the "chain of command" since the Assessor took office in late 1998. They also said morale has never been lower and the office is in disarray. The Assessor twice testified he was unaware of any morale problems in his office.

14. The Assessor's office is understaffed due to unfilled positions. All employees interviewed, testified that understaffing causes many difficulties and delays. They further testified they believed salaries were being saved by understaffing to pay for computers and software.

15. Regarding the unfilled positions, the Assessor testified that personnel recruitments had been delayed by the Personnel Department. Records show it took the Assessor from 2-1/2 to 5-1/2 months to provide required job descriptions to the Personnel Department.

16. A review of the Assessor's 1998/1999 actual expenses, compared to the budget, shows that salaries were \$119,864 under budget while operating expenses, including computers, were \$108,544 over budget. There is no evidence that a required budget transfer was approved. This shifting of budgeted funds has continued in the first half of fiscal 1999/2000.

17. Employees said appraisals of commercial properties within Nevada County are not being performed adequately due to the shortage of workers, thus losing potential tax dollars for the county.
18. A training facility has been established within the Assessor's office and equipped for training employees. That facility remains locked and unused for its stated purpose.
19. Assessor's employees told the Grand Jury they have repeatedly met resistance from the administrators in their attempts to attend continuing education classes required by the state.
20. A former long-term employee in the Assessor's Department, who was the Assessor's election campaign manager, was promoted to assistant assessor. After her three-month probationary period, the Assessor made her appointment permanent. Just two weeks later, the Assessor removed her from that position. The Assessor told the Grand Jury she "was not doing the job."
21. Subsequently, the Assessor named another of his campaign workers to that same assistant's position, although that individual did not meet job description requirements. After the Grand Jury questioned the Assessor, in January 2000, he hired another friend as his temporary assistant.
22. The Assessor told the Grand Jury he let another of his campaign workers -- not an employee of the county -- have unlimited access to the Assessor's office. He also issued the man an Assessor's department badge
23. Employees concluded that this campaign worker, described by the Assessor as his "political advisor," was acting in a management capacity and had access to confidential information. Employees said the man was present during review of job applications and other administrative functions.
24. The county requires each of its departments to maintain an ongoing inventory of all equipment valued at from \$1,000 to \$2,500. The recent county audit of the Assessor's Department found the inventory was not prepared until Jan. 18, 2000, well after the Assessor's office was under investigation by the Grand Jury.
25. A \$4,400 study was prepared for the Assessor and his proposed computer system, by the Government Finance Research firm. It also contained information from the other "online" counties of San Bernardino and San Diego. The research firm reported that San Bernardino has yet to have a "hit" on its internet subscriber sites and San Diego was planning to go full service as of Oct. 1999. The report concluded, "The Nevada County Assessor, along with San Bernardino and San Diego are on the cutting edge of a new paradigm of information services and it is difficult to gather information that is not yet there." (Emphasis added by Grand Jury.)

CONCLUSIONS

1. The employees of the Nevada County Assessor have poor morale. There is a shortage of adequately trained personnel. The office is nearing operational paralysis and is in need of sound management, clear direction and good judgment. There may have been a loss of revenue to the county as a result of these problems.
2. The Assessor's proposed new computer system is a waste of taxpayers' dollars. Only 60 to 70 percent complete, it could cost another estimated half-million dollars to finish. There is no blueprint for the project, dooming it to failure. If the proposed system is

finished sometime in the future, it will cost taxpayers many more thousands of dollars to interface it with the county's computer system and to hire additional personnel to oversee it.

3. The lack of budgetary oversight by the Board of Supervisors and the county administrator's office, has led to uncontrolled spending by the Assessor.

RECOMMENDATIONS

1. The Grand Jury recommends that the Assessor provide the county Informational Services Department with complete documentation of the proposed computer systems design within three months. This should be accomplished before any further funds are spent on this project.
2. The Grand Jury recommends that the Assessor recognize the fact that his office is in disarray and that he take the necessary steps to improve the situation including, but not limited to:
 - Hire an assistant assessor who has experience and qualifications set forth by the county Personnel Department, and possesses strong managerial skills.
 - Fill personnel vacancies with qualified people.
 - Learn how to improve his administrative/managerial skills.
3. The Grand Jury recommends the Board of Supervisors immediately implement an effective and efficient budget oversight process.

REQUIRED RESPONSES

1. Nevada County Assessor Arthur Green, due: 60 days.
2. Nevada County Board of Supervisors, due: 90 days.

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 made a physical inspection of the facility and interviewed correctional personnel on September 14 and November 2, 1999. The following personnel were interviewed:

Mike Hanson, Captain, Facility Commander.

Lee Osborne, Lieutenant.

Mike Pittman, Lieutenant.

Correctional Officers.

Prior to their inspection the Grand jury reviewed the previous Board of Corrections Report as well as the 1998-1999 Grand Jury report as it pertains to the Wayne Brown facility.

FINDINGS

1. As of the date of these inspections, the facility currently has eight (8) vacant correctional officer positions.
2. The medium and medium/maximum security areas are routinely manned by a single correctional officer.
3. The correctional officers interviewed voiced concern about safety issues for both staff and inmates when these areas are singularly staffed. They feel that the failure to fill the vacant positions places stress and fatigue due to the overtime demands.
4. Correctional officers indicated that the jail administration was not familiar with the day-to-day problems encountered and that there is very little contact with the jail administration during their shifts.
5. Correctional officers voiced concern about recruitment and the filling of the vacant positions. They indicated that low salary levels have caused journeyman officers to seek employment in other county's jails.
6. There is no video monitoring of the exercise yard in the minimum-security housing area.
7. Visual surveillance to the minimum visiting area is limited. Staff has indicated that this problem is to be remedied in the very near future.
8. The jail's medical clinic is adequately staffed to meet the inmate medical needs.
9. The overall jail facility is clean and appears to be physically well maintained.

CONCLUSIONS

1. The placement of a single correctional officer in the medium and medium/maximum areas presents a potential security risk to both staff and inmates.
2. The failure to fill the eight correctional officer positions appears to be placing stress and causing fatigue to the officers who are willing to perform the necessary overtime.
3. Current salaries for correctional officers appear to present a recruitment problem.

4. The correctional staff interviewed appeared well trained and professional.
5. The lack of video monitoring in the minimum exercise area could create a security risk.

RECOMMENDATIONS

1. That the Sheriff and Jail Commander re-evaluate the current policy of staffing the security areas with a single correctional officer.
2. That the Sheriff and the County Personnel Officer give high priority to the problem of recruitment and hiring of correctional officers.
3. That the jail administrators seek to improve communication with line staff.
4. That the Board of Supervisors review salaries of correctional officers in an effort to solve the recruitment problem that presently exists.
5. That a video-monitoring device be installed in the jail's minimum exercise area.

REQUIRED RESPONSES

Sheriff, Due August 30, 2000

Board of Supervisors, Due September 30, 2000

County Director of Personnel, Due August 30, 2000

JUVENILE HALL

REASON FOR INVESTIGATION

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

PROCEDURE FOLLOWED

The Grand Jury inspected the facility on November 9, 1999. Updated information was obtained on April 4, 2000. The following person was interviewed:

Douglas Carver, Superintendent.

FINDINGS

1. The Juvenile Hall was built in 1955, and has been modified several times. Some of the modifications have been made as the result of prior Grand Jury findings and Board of Corrections recommendations.
2. The facility's maximum capacity is nineteen.
3. As of April 4, 2000, there were sixteen detainees. Three were in pre-adjudication stage and thirteen had been adjudicated.
4. As of April 4, 2000, there were six juveniles on the waiting list to be committed to Juvenile Hall and six juveniles on electronic monitoring.
5. Juvenile Hall provides basic education for all wards and the school hours meet the minimum state standards.
6. Juvenile Hall provides rehabilitative programs such as Alcoholics and Narcotics Anonymous, Anger Management, and group and individual therapy. There is also an art program available to those interested.
7. The cost of housing a juvenile detainee is \$67.00 per day. There is a contract with the California Youth Authority (CYA) to house a juvenile at a cost of \$3,300.00 per month, or \$110.00 per day. There were no Nevada County juvenile placements at the CYA as of April 4, 2000.
8. The facility has only one "caged vehicle" for transportation of juveniles. This is a two-wheel drive 1989 Dodge with an inoperable police radio.
9. The Grand Jury found the facility to be clean and orderly in appearance.
10. The Senior Group Supervisors assumed additional responsibilities, which enhance the overall smooth running of the facility.
11. On February 10, 2000, the Civil Grand Jury submitted Interim Report No. 1 recommending the construction of a new Juvenile Hall Facility.
12. On March 7, 2000, the Nevada County Board of Supervisors responded and agreed of the need for a new facility. The Board gave their approval for solicitation of bids to

- construct an expanded juvenile detention center. They further acknowledged the importance of obtaining the Board of Corrections grant of \$5.4 million dollars.
13. On March 14, 2000, the Board of supervisors approved a final bid.
 14. On March 29, 2000, groundbreaking ceremonies for the new detention facility took place.

CONCLUSIONS

1. The present Juvenile Hall facility is physically antiquated. The Board of Supervisors has acknowledged the urgent need for a more modern facility in order to meet the needs of Nevada County's growing juvenile problem.
2. The Grand Jury was impressed with Mr. Carver's knowledge in the field of juvenile justice.
3. A "caged" 4 x 4 transportation vehicle with an operational police radio is necessary for the transportation of juveniles to and from Truckee Township.

RECOMMENDATIONS

1. The existing "caged" transportation vehicle should be replaced with a four-wheel drive vehicle with an operable police radio.

GRAND JURY ACKNOWLEDGEMENT

The commitment made by the Board of Supervisors to build a new and modern Juvenile Hall is applauded by the Grand Jury.

The Grand Jury believes that the Board of Supervisors served the community well with this forward-looking vision to improve conditions not only for the troubled juveniles but also for the courts and the probation staff.

The Grand Jury considers the expansion of the Juvenile Hall facility as only the first phase to be followed by more intensified and complete programs by the court and the probation organization to rehabilitate the youth.

The decision to expand the Juvenile Hall facility is truly a milestone event marking the beginning of a new era.

REQUIRED RESPONSES

Chief Probation Officer, Due August 30, 2000

Board of Supervisors, Due September 30, 2000

Nevada County Employee/Independent Contractors

REASON FOR INVESTIGATION

The Nevada County Civil Grand Jury decided to investigate if the County was correctly handling payments to employees and independent contractors under Internal Revenue Service (IRS) rules.

PROCEDURE FOLLOWED

The Grand Jury interviewed:

County Counsel James Flageollet
Auditor-Controller Bruce Bielefelt
Assistant Auditor-Controller
An Accounts Payable clerk

The Grand Jury also reviewed Auditor-Controller accounting records, employment contracts and numerous e-mails.

FINDINGS

1. Documents revealed that several Nevada County employees for whom tax withholding is required, in some circumstances are also being paid as independent contractors for whom tax withholding is not required.
2. At least three top-level personnel were being paid as independent contractors. Their employment contracts specified work hours and prohibited doing like work for others, clearly making them employees under IRS rules.
3. The IRS has 20 specific rules for determining who is an employee and who is an independent contractor.
4. In the event of an IRS audit, should they find actual employees being paid as independent contractors, the IRS could assess significant penalties against Nevada County.
5. A review of Auditor-Controller e-mails on several cases dealing with employee/independent contractor status revealed that no one took the responsibility to make a final binding decision upon employee/independent contractor status. The Grand Jury was unable to determine where that responsibility lay.
6. The Auditor-Controller testified that he believed the decision-making responsibility should belong to the County department heads.

CONCLUSIONS

1. The lack of assigned responsibility and authority for determining independent contractor status indicates a failure in management control and could subject the County to IRS penalties.
2. The authority for making employee/independent contractor decisions should reside with the Auditor-Controller, not with some 30-plus department heads.

RECOMMENDATIONS

The Grand Jury recommends that the Board of Supervisors assign the responsibility and authority for making employee/independent contractor decisions to the Auditor-Controller.

REQUIRED RESPONSES

Board of Supervisors, Due Sept. 28, 2000

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NEVADA COUNTY ASSESSOR'S OFFICE

REASON FOR INVESTIGATION

The Grand Jury issued an interim report on the Assessor's Office on February 17, 2000. A review of the Assessor's response to this report revealed a need for additional information.

PROCEDURE FOLLOWED

The Grand Jury re-evaluated earlier sworn testimony and obtained additional documentation.

FINDINGS

1. The Assessor, in sworn testimony before the Grand Jury, stated that he had been a business partner of the temporary male employee (as identified in the Interim Report). In his public response to the Grand Jury report he stated that "the male worker was never a 'business partner' nor did the Assessor state that he was." Clearly, the Assessor has given conflicting statements. The Grand Jury has a copy of the fictitious business name statement filed with the County Recorder by the Assessor, stating that the Assessor and the male employee were indeed partners.
2. The Grand Jury Interim Report on the Assessor's Office recommended that before any more funds are spent on the computer system the Assessor provide the County Information Systems Department with documentation of his proposed system. To date this has not occurred.
3. In his response to the Grand Jury Interim report the Assessor stated that since he "took office in November 1998, less than \$200,000 has been spent for computer equipment and application programs in the Assessor's Office." The Grand Jury examined all payroll records and invoices paid for computer hardware, studies, software, and computer related expenses. Between November 15, 1998, and December 31, 1999, the following amounts were spent:

Paid to temporary employees	\$ 139,210
Employers share of FICA (7.65%)	<u>10,650</u>
Total employee cost	\$ 149,860
Paid to outside vendors	\$ <u>195,119</u>
TOTAL COMPUTER EXPENSE	\$ 344,979

4. There is a question as to who will own the Assessor's proposed computer system upon its completion. There is no formal County procedure regarding ownership of intellectual property.
5. The Assessor's response to the interim Grand Jury report, filed April 17, 2000, failed to meet the requirements of California Penal Code Section 933.05.

CONCLUSIONS

1. The Assessor's response to the interim Grand Jury report contradicts his sworn testimony and public documents.
2. Since the Assessor's proposed computer system should be integrated with other departments at additional cost, it seems appropriate that the Information Systems Department be involved in this effort.

RECOMMENDATIONS

1. The Grand Jury strongly recommends that the Board of Supervisors order a software evaluation of the Assessor's proposed system from an unbiased major consulting firm prior to spending any further taxpayer funds.
2. The County needs to develop a formal policy on the ownership of computer source code and the legal ramifications of intellectual property developed by County employees and elected officials on County time and at County expense.

RESPONSES REQUIRED

Board of Supervisors: September 30, 2000

Nevada County Assessor: August 31, 2000

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 inspected the Courthouse and jail holding facility and interviewed the following Sheriff's personnel responsible for security:

Bill Butler, Sergeant

FINDINGS

1. The jail holding facility provides security for housing prisoners awaiting court appearance.
2. The Sheriff's office maintains documented procedures to insure the safety of the public and prisoners in the event of emergencies.
3. Prisoners are transferred from the Wayne Brown Correctional Facility and returned when their court proceedings are completed. They are not held overnight in the court holding facility. However, in the event of an emergency this housing is readily available.
4. In the jail holding facility, prisoners awaiting court are separated by gender. Adults are separated from juveniles.
5. Since the previous Grand Jury report, the Courthouse has installed and staffed an electronic security device at its main entrance to monitor all persons entering the facility. In addition the garage entrances that were formerly open to public access have been secured.
6. As of the date of this inspection, the Deputy Sheriff's Sergeant-in-Charge of the Courthouse and Holding Facility indicates that there are two (2) Correctional Officer vacancies which he has been unable to fill because of recruitment and hiring difficulties.
7. There are no video monitoring devices in the Courtroom and corridors.

CONCLUSIONS

1. The lack of video monitoring devices in the courtrooms and corridors compromises safety and security to both Courthouse personnel and the public.
2. Sergeant Butler appeared to be very knowledgeable on the Court's detention and security procedures.
3. The absence of two correctional officer positions in the jail holding facility places added burdens on existing staff which, in turn, could compromise their overall effectiveness.

RECOMMENDATIONS

1. Although the Board of Supervisors has previously acknowledged the need to improve Courthouse security, the Grand Jury recommends that they consider the funding for video surveillance equipment in the courtrooms and its corridors.
2. The Grand Jury recommends that the two vacant correctional officer positions be filled as soon as possible.

REQUIRED RESPONSES

Sheriff, Due August 30, 2000

Board of Supervisors, Due September 30, 2000

NEVADA COUNTY SHERIFF'S SUB-STATION, TRUCKEE.

REASON FOR 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 and inspected the sub-station on September 7, and October 26, 1999. During the course of the investigation the following staff were interviewed:

Gary Jacobson, Captain, Facility Commander.
David Baxley, Lieutenant.
Chris Donaldson, Corporal.

Prior to their inspections the Grand Jury reviewed the previous Board of Corrections Report as well as the 1998-1999 Grand Jury report as it pertains to the Truckee facility.

FINDINGS

1. Based upon the recommendation of both the previous Grand Jury and the Board of Corrections, the facility has instituted video and audio monitoring in both male and female cells.
2. Policies and Procedures pertaining to the custody care and treatment of females and juveniles has been accomplished. This information was readily available to all jail staff.
3. Procedures for inmate medical care and detoxification needs meet the Board of Corrections standards.
4. Facilities are available for inmate visitors as well as confidential attorney interviews.
5. The facility was clean and well maintained.
6. Evidence lockers have been modernized and secured. Only the evidence technician has constructive possession of evidence once it is submitted by field deputies.
7. The jail commander has been successful in being able to tie into the local PBS radio station in the event there is a need to broadcast emergencies to the general public.
8. There is a lack of staff to transport inmates from the jail to the Truckee court. A problem exists when the court bailiff calls for an inmate and there is insufficient staff available to perform that function.
9. As of the date of these inspections, the jail employs four correctional officers. The Board of Corrections has recommended six. Presently the correctional officers work 12 hour shifts.
10. The jail facility has not received a medical or fire inspection for over a year. The jail commander has requested this be accomplished.

CONCLUSIONS

1. The jail is being operated at a fairly efficient level considering the lack of staffing.
2. The jail staff is knowledgeable of facility policy and procedures.
3. The 12 hour shifts by the jail correctional officers appears to be excessive and may have an adverse affect on their health and morale.
4. The security needs for both inmates and staff appear adequate.
5. The facility commander appears to be concerned with civic community relations as well as the continued efficiency of the sub-station and jail.

RECOMMENDATIONS

1. The Grand Jury strongly recommends that the two correctional officer vacancies are filled as soon as possible.
2. The Grand Jury further recommends that an additional correctional officer position for the transportation of inmates be strongly considered.
3. The Grand Jury recommends the facility obtain both medical and fire inspections as soon as possible.

REQUIRED RESPONSES

Sheriff, Due August 30, 2000

Board of Supervisors, Due September 30, 2000

DONNER LAKE WATER COMPANY

REASON FOR THE INVESTIGATION

An article appeared in the *SIERRA SUN*, dated August 12, 1999 expressing concern about the quality of water being delivered to Donner Lake residents by the Donner Lake Water Company. This same issue also published a letter written to the California Public Utilities Commission (PUC) by a Donner Lake resident asking the Commission to investigate the Del Oro Water Company of Chico, CA, owner of the Donner Lake Water Company.

PROCEDURE FOLLOWED

The Grand Jury interviewed:

Jess Morehouse, District Engineer, State of California, Department of Health Services, Division of Drinking Water and Environmental Health
Tim Snellings, Nevada County CDA, Director Environmental Health
Kathy Polucha, Nevada County Health Department, Truckee Office
Norm Greenberg, Nevada County Health Department, Supervisor, Environmental Health
Peggy Zarriello, Nevada County Health Department, Water Specialist
Robert Fortino, President Del Oro Water Company, Chico, CA
Janet Brady, Tahoe Forest Hospital, Director of Health Promotions
Dave Bottemiller, Chief Financial Officer, Truckee Forest Hospital

The Grand Jury reviewed correspondence covering the past two years between the State, Nevada County, and the Del Oro Water Company. It also studied the State of California Compliance Order No. 06-001 issued August 13, 1993, revised Compliance Order No. 01-09-99-ORD-002 dated September 24, 1999, and technical information supplied by Ludorff & Scalmanini, Consulting Engineers under contract to Del Oro Water Company.

FINDINGS

1. The Del Oro Water Company purchased the Donner Lake Water Company in August, 1993. It also owns six other water companies/districts in California, and is in the process of buying others.
2. The Donner Lake Water Company supplies approximately 1200 customers in the Donner Lake area with water from Donner Lake, wells, and from Greenpoint Springs, the latter under influence of surface water. The water is chlorinated prior to distribution.

3. Donner Lake Water Company was notified by the State of California on October 30, 1991 and again on July 22, 1992 that it must provide a plan and schedule for modification of its existing treatment facilities by June 29, 1993. The company failed to meet this deadline, and as a result, was issued Compliance Order No. 06-001 on August 13, 1993.
4. The existing treatment did not, and does not, comply with California Code of Regulations (CCR), Title 22, Chapter 17 Surface Water Filtration and Disinfection Treatment Regulations.
5. Del Oro Water Company purchased Donner Lake Water Company immediately following issuance of the Order.
6. The new owner was granted a rate increase from the PUC on September 25, 1995 to pay for a feasibility study to evaluate alternate options in meeting the conditions of the Compliance Order, and at the same time was given an extension to December 1, 1997 for compliance.
7. The new owner was granted a second rate increase on September 3, 1997 by the PUC to pay for engineered plans and specifications, and construction of system improvements necessary to meet the Regulations, and was given another compliance extension to December 1, 1998 to complete construction.
8. The plans for system improvements included moving the treatment facility site to a more esthetic (owner's opinion) location. This resulted in local (Town of Truckee Planning Commission) opposition and legal action to prevent right-of-way easements for intake pipes from Donner Lake. The new owner has filed condemnation action which is now working its way through the courts.
9. Del Oro Water Company applied for a low interest (2.8%) loan from the State Revolving Fund for construction of the new treatment plant as well as repairs to existing storage tanks and delivery pipes. Approval of the loan has been delayed due to challenges of the environmental data supplied by the company. A May 10, 2000 hearing, called by the Town of Truckee Planning Commission, was scheduled to resolve this issue, but didn't. The State was represented at this meeting but refused to comment.
10. Under the revised compliance order, issued September 24, 1999 Del Oro Water Company was granted another extension to December 1, 2000 to provide a treatment facility that will comply with Chapter 17 of the CCR mentioned in Finding No. 4.
11. Until such time as the water system is in full compliance with the Regulations, this Compliance Order requires that Del Oro Water Company must:
 - a. Notify, on a quarterly basis, the State and Donner Lake Water Company customers that it remains out of compliance using mandatory language required in CCR Section 64666, and describe the Company's program and time table for complying with the Regulations.
 - b. Collect twice-weekly samples of raw water on separate days, and report the analysis for total and fecal coliform organisms to the State on a monthly basis.
 - c. Measure and report the turbidity of the water entering the system from the surface water intake source at four-hour intervals as required by the Regulations.

- d. Continuously maintain a free chlorine residual minimum of 3.0 mg/l in the water entering the system from the surface water intake system.
 - e. Maintain a chlorine residual analyzer to monitor the surface water intake source and to shut off the surface water intake source in case of a chlorinating failure.
 - f. Adhere to the construction schedule of all facilities necessary to meet the regulations. The Company must notify the State immediately if the time schedules established by this Order will not be met and explain the reason for the delay. Failure to do so may subject the Company to additional enforcement action, including civil penalties as specified in Section 116725 of the California Health and Safety Code.
12. A Tahoe Forest Hospital spokesman stated that the hospital has no experience on record that would attribute any reported illness directly to the drinking water supplied to Donner Lake residents by the Del Oro Water Company.
 13. A customer of the Donner Lake Water Company wrote to the State on April 10, 2000 urging the State and the Nevada County Health Department to take firm action to resolve the water quality issue. While the letter mentions 25 to 30 customer complaints, information supplied by Del Oro Water Company shows that during calendar year 1999, the California Department of Health received 18 complaints covering chlorine odor, dirty water, low pressure, and taste. Del Oro Water Company responded to each complainant..
 14. On April 26, 2000 Del Oro Water Company was notified that their quarterly notice of non-compliance to customers did not meet the requirements of CCR Title 22, Article 8, Section 64666 "Consumer Notification". Del Oro Water Company is revising their notices to bring them into compliance.

CONCLUSIONS

1. Donner Lake Water Company has been out of compliance with State Water Regulations for over seven years.
2. Neither the California Department of Health Services, the Nevada County Health Department nor the owner, Del Oro Water Company, has demonstrated a sense of urgency in resolving this matter:
 - a. The California Department of Health Services has maintained a lenient position by excusing the company for missed deadlines and non-compliance and continuing to grant it excessive time extensions to complete the new water treatment facility without fines or penalties.
 - b. Until recently, the Nevada County Health Department played a passive role because the company fell under the jurisdiction of the State and not the County. The County did not consider the matter as a public health issue, and, in fact, has not as yet permanently filled the vacant position of Public Health Officer who could be addressing the matter on a continuing basis.

- c. The Company has shown an attitude of indifference in keeping its customers properly informed on a timely basis that it continues to be in non-compliance. The language of the quarterly notices minimizes the potential health risk to its customers and does not comply with the State regulations mentioned in Finding 14.

RECOMMENDATIONS

1. The California Department of Health Services should take a more rigid position with Del Oro Water Company regarding compliance with deadlines and should refrain from granting further extensions for completion of the new water treatment facility. Further violations of the compliance schedule should be dealt with under Section 116725(b) of the California Health and Safety Code and maximum penalties levied as allowed under the Code.
2. The Nevada County Health Department should be more assertive in its responsibility for protecting the health of Nevada County residents. It should bring maximum pressure to bear both on the California Department of Health Services and on the Company to assure full compliance with the construction schedule included in the Compliance Order for the new water treatment facility.
3. Del Oro Water Company should do a better job of keeping its customers informed of the construction progress, and assure them that it is fully meeting the conditions of the Compliance Order. Until such time as the new water treatment facility is operational, it should do everything possible to make certain that the present system supplies its customers without interruption, adequate, dependable, pure, wholesome, safe, and potable water.

REQUIRED RESPONSE

Nevada County Health Department, September 30, 2000

REQUESTED RESPONSES

State of California, Department of Health Services, September 30, 2000
Del Oro Water Company, September 30, 2000
State Of California, Public Utilities Commission, September 30, 2000

DONNER SUMMIT PUBLIC UTILITIES DISTRICT

REASON FOR INVESTIGATION

The Grand Jury received two citizen complaints in July, 1999, regarding the bulk sale of Equivalent Dwelling Units (EDUs), also called "sewer hook-ups", to several ski resorts within the Donner Summit Public Utilities District, hereafter called "Donner Summit." Complaints alleged: (1) The possibility of Conflict of Interest among Donner Summit Board of Directors, hereafter called "the Board", and the General Manager; (2) The bulk sales to ski resorts resulted in denial of individual sewer hook-up permits; (3) The bulk sales were in violation of existing Donner Summit policies; (4) The bulk sales were approved in closed Board meetings; and (5) A possible breach of contract between Donner Summit and Sierra Lakes County Water District, hereafter called "Sierra Lakes" - a Placer County district.

PROCEDURES FOLLOWED

The Grand Jury: (1) Visited Donner Summit facilities on a number of occasions between August and December, 1999; (2) Requested, received and reviewed copies of appropriate Donner Summit operating procedures, financial records and minutes/tapes of the Board open and closed meetings; and (3) Interviewed the complainants, the Donner Summit General Manager, and several Donner Summit Board members.

FINDINGS

1. Bulk sales of 115 sewer hook-ups were conducted between Donner Summit General Manager and three ski resorts through a Conditional Sales Contract in January, 1999.

2. Bulk sales of 25 sewer hook-ups were conducted in like manner with a fourth ski resort in June, 1999.

3. These bulk sales were reported by Donner Summit General Manager to the Board in open, regular meetings on January 19 and June 15, 1999.

4. Suspension of a portion of Donner Summit Ordinance 81-09, and supplemental changes thereto, which regulated sales, maintenance, repair and debt service of sewer hook-ups, were recommended by Donner Summit General Manager and approved by the Board in the January 19, 1999, regular meeting. This action allowed negotiation of referenced bulk sales to continue pending a new ordinance, 99-01.

5. This new Ordinance modified Ordinance 81-09 authorizing new financial arrangements for sewer hook-up bulk sales. It was approved and adopted by the Donner Summit Board at the regular meeting, March 16, 1999.

6. A Memorandum of Understanding (MOU) and an Agreement were signed by Donner Summit and Sierra Lakes in mid-April, 1999. Agreement was reached that Sierra Lakes and Donner Summit had 30 sewer hook-ups and 15 hook-ups respectively remaining for individual use. Any further need by Sierra Lakes prior to plant expansion was to be negotiated.

7. The MOU included redrafting of the existing Donner Summit/Sierra Lakes contract, commencement of plant expansion, the need for coordination regarding future capacity, and the need to develop a process to share plant expansion expenses.

8. The Donner Summit General Manager negotiated bulk sales with several ski resorts. However, evidence suggests that he did not complete a bulk sale with Donner Ski Ranch, the only ski resort in which he had an economic interest as reflected on his California Form 700, Statement of Economic Interest. Two Donner Summit Board members stated on their Form 700's an economic interest in ski resorts which did complete bulk sales of EDUs with Donner Summit. The Grand Jury found no evidence

that these members influenced these sales which were conducted solely by the General Manager and subsequently reported to the Board in open meetings.

9. The Donner Summit sewer ordinances are outdated and confusing. Over the years, individual ordinances (examples: 81-9, 84-2, 85-3, 86-1, 86-4, 90-4, etc.) have been enacted which modify sections of previous ordinances. In some cases, modified sections are again modified by a more recent ordinance. There is no indication that any of these ordinances have been rescinded. The current system requires that individuals must research through a large number of ordinances to insure they have the correct, up-to-date, information regarding a specific section of the Donner Summit sewer ordinances.

CONCLUSIONS

The Grand Jury concludes:

1. There is no evidence that referenced bulk sales were negotiated or completed in closed Board meetings.
2. There is no specific proof that any individual applicant to Donner Summit was denied a sewer hook-up.
3. There is no evidence that bulk sales were in violation of Donner Summit policies existing at the time of sales.
4. There is no specific proof that the Donner Summit General Manager or Board members engaged in Conflict of Interest regarding the bulk sales of EDUs to ski resorts as alleged.
5. Donner Summit sewer ordinances and Donner Summit/Sierra Lakes contracts are outdated and confusing. This has resulted in incorrect interpretation among individuals and between Donner Summit and Sierra Lakes regarding available capacity, contractual requirements and appropriate procedures.

RECOMMENDATIONS

The Grand Jury recommends that:

1. Donner Summit create new ordinance(s) to incorporate all pertinent, applicable, previous ordinances. New ordinance(s) should include, or refer specifically to, any necessary forms, applications requirements, etc.

2. Copies of updated ordinance(s) and necessary forms should be available to individuals at Donner Summit.

3. The Donner Summit Board and the General Manager should explore and incorporate more effective avenues of communication with customers and potential customers.

4. Customer queries and concerns should be addressed in a timely, open, and complete manner, thereby reducing any confusion and eliminating misconceptions.

5. Donner Summit and Sierra Lakes should jointly explore new contractual arrangements and sewer plant capacity expansion as soon as possible.

6. To ensure no possibility of Conflict of Interest or the appearance of Conflict of Interest exists, Donner Summit Board members, the General Manager, and any other appropriate Donner Summit employee should avoid conducting business with entities in which they have an economic interest, making inquiry of the California Fair Political Practices Commission if they have any doubt.

REQUIRED RESPONSES

Donner Summit PUD Board of Directors
DUE Sept 30, 2000

Donner Summit PUD General Manager
DUE Aug 30, 2000

FIRE AND LIFE SAFETY INSPECTIONS OF PLACES OF PUBLIC ASSEMBLY

REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury has the authority to initiate an investigation. The safety of a place of public assembly was questioned, and an investigation was initiated. Subsequently the safety of other public buildings came into question.

PROCEDURE FOLLOWED

Letters were written to 10 Fire Departments within Nevada County requesting certain information concerning their inspection programs for "Places of Public Assembly", as defined in the California Fire Code (formerly The Uniform Fire Code). The information requested included the location of all places of public assembly, the date of the last inspection, and any violations noted during the last inspection.

FINDINGS

1. There is a lack of continuity in the frequency of inspections among those Departments surveyed. Many Departments have an annual inspection program. Other Departments only inspect as a result of a complaint or a building permit check. Some Departments have little or no program at all.
2. The Grand Jury learned of plans to pool the resources of their inspection programs between some Departments. The goal of this move is to improve the frequency and professional quality of the inspections within these districts.
3. For simplicity, each Department contacted has been given a letter grade by the Grand Jury.
 - A- All places of public assembly inspected within the last year.
 - B- Most places of public assembly inspected within the last year.
 - C- Some places of public assembly inspected within the last year.
 - D- Few or no places of public assembly inspected within the last year.
 - F- Failed to respond to the Grand Jury questionnaire.

A- Ophir Hill Fire Department
A- Grass Valley Fire Department
A- Higgins Fire Department
A- Nevada County Consolidated Fire Department
A- Rough and Ready Fire Department
A- 49er Fire Department

B- No Department met this criteria

C- Nevada City Fire Department

D- Donner Summit Fire Department

D- Penn Valley Fire Department

D- Truckee Fire Department

F- Peardale-Chicago Park Fire Department

4. Some of the violations noted by the various Fire Departments were: blocked exits, lack of required exits, lack of emergency lighting, burned out light bulbs in emergency lighting, improper storage of flammable materials, lack of "panic hardware", and locked doors on emergency exits.
5. These violations and lack of documented follow up inspections clearing such violations places the physical well being of visitors to places of public assembly in serious risk.

CONCLUSIONS

1. The citizens of Nevada County are entitled to a reasonable degree of safety when attending an event in a place of public assembly. Lack of annual fire and safety inspections may deprive the public of this important entitlement.
2. Some of the Fire Departments have not conducted annual fire and safety inspections in places of public assembly.
3. A single fire in a place of public assembly could adversely affect tourism within Nevada County for years to come. Annual inspections and documented follow-up inspections may reduce this risk.

RECOMMENDATIONS

1. The Grand Jury encourages those Departments not currently conducting annual inspections of the places of public assembly within their districts to begin such a program.
2. Everyone in authority within a Fire Department in Nevada County should reference the National Fire Protection Handbook as published by the National Fire Protection Association. (Section 10-C) "*Places of public assembly have long been recognized as a special concern for the fire department because of the life hazard involved.*"

REQUIRED RESPONSES

All responses due by September 30, 2000

Donner Summit Fire Department Board of Directors
Nevada City City Council
Nevada City City Manager
Peardale-Chicago Park Fire Department Board of Directors
Penn Valley Fire Department Board of Directors
Truckee Town Council
Truckee Town Manager
Ophir Hill Fire Department Board of Directors
Grass Valley City Council
Grass Valley City Manager
Higgins Fire Department Board of Directors
Nevada County Consolidated Fire Department Board of Directors
Rough and Ready Fire Department
49er Fire Department Board of Directors

SAINT JOSEPH'S CULTURAL CENTER

REASON FOR INVESTIGATION

A question was presented to the to the Grand Jury pertaining to the overall safety at St. Joseph's Cultural Center.

PROCEDURE FOLLOWED

The Grand Jury made a physical inspection of the facility, and interviewed representatives of both the Grass Valley Fire Department (GVFD), and the Grass Valley Building Department (GVBD).

FINDINGS

1. Saint Joseph's Cultural Center (SJCC) is listed as a historical building.
2. Certain exemptions exist for historical buildings.
3. SJCC is operated by a non-profit group.
4. There are multiple "permanent" tenants within SJCC.
5. The SJCC chapel, a wood building, is being used as an assembly area.
6. GVFD, GVBD and NCGJ found the following non-code conditions:
 - A. Non-operating emergency exit lights. (Note: the lights were to be repaired the same day.)
 - B. The stairs to the balcony are too narrow.
 - C. Two means of egress are required from the balcony area, for ten or more people in the balcony.
 - D. There is no emergency exit hardware on exterior doors.
 - E. Occupancy signage is not readily visible.
 - F. Hand rails are missing from stairways.
 - G. Multiple areas of dry rot were found, most of which had been painted over.
 - H. Much of the wood decking was in an unsafe condition. (Note: This repair is underway.)
 - I. The assembly area walls are separating from the masonry section of the center.
 - J. The roof is in such poor condition that the structural integrity of the entire building may be in jeopardy.

CONCLUSIONS

1. SJCC is a historical building of value to the community.
2. SJCC is badly in need of repairs and upgrades.
3. SJCC has been and continues to be out of compliance with both the building and fire codes.

RECOMMENDATIONS

1. SJCC needs to follow through with all recommendations issued by the GVFD and GVBD.
2. SJCC needs to advise all groups intending to use the assembly area that a permit is required from the GVFD, and cease allowing groups to occupy the area without a valid permit in possession from the GVFD for the given date.
3. The director in charge of SJCC and the owners of the building are urged to keep the safety of the public first and foremost in their minds when making all future decisions regarding SJCC.

REQUIRED RESPONSES

Grass Valley Fire Department by September 30, 2000

Grass Valley Building Department by September 30, 2000

Director, St. Joseph's Cultural Center by September 30, 2000

EARLE JAMIESON HIGH SCHOOL

REASON FOR THE INVESTIGATION

The Nevada County Grand Jury received a citizen's complaint about the operation of Earle Jamieson High School (EJHS). The concerns were the recidivism rate of students returning to EJHS and Juvenile Hall after being relocated to home or alternative schools, the interaction between male and female students, and the absence of a formal procedure to move EJHS students back to their original schools to complete their high school education in a timely manner.

PROCEDURE FOLLOWED

The Grand Jury interviewed Fred Metz, EJHS Administrator; Dr Joseph Boeckx, Nevada Joint Union High School District (NJUHSD) Superintendent; Dr Terry McAteer County Superintendent of Schools; Earle Conway, Director of Alternative Education; Linda Campbell, Sierra Foothill High School (SFHS) Administrator; Marilyn Keeble, Nevada Union High School (NUHS) Principal; Dianne Chenoweth, Director Nevada County Mental Health Department; and John Wardell, Chief Probation Officer.

The Grand Jury toured the campuses of EJHS and SFHS, studied: Nevada County School Crime reports, Resolution No. 98142 (authority to hire probation officer) of the Board of Supervisors dated April 8, 1998, the Nevada County ADA (attendance) and Drop Out Rate records, and the 1998/1999 Grand Jury Recommendations.

FINDINGS

1. Earle Jamieson High School and Sierra Foothill High School are under the jurisdiction of NJUHSD.
2. The return rate for students returning to EJHS and Juvenile Hall for the 1998/1999 school year was 16% (6 of 36). Of the 6 returning, 2 of those returning to EJHS were by the students' own request, 3 were transferred back to EJHS as a result of contract violations, and 1 was returned to Juvenile Hall.
3. Because of two unfilled vacancies, EJHS has a staff of only three, including the administrator, with an average daily attendance of 36 students. Physical Education classes are combined male/female.
4. The truancy rate at EJHS for the 1998/1999 school year was 40%. The 1998/1999 Grand Jury recommended that the district implement a contract with the County Probation Department to enforce attendance at EJHS. The district agreed with the Grand jury and said a full time probation officer would be in place at the beginning of the 1999/2000 school year.

5. The probation officer was not hired until March 2000. This position is funded by the Nevada County Mental Health Department and is located at EJHS.
6. The 1998/1999 Grand Jury recommended a later dismissal time at EJHS than the current 1:15 PM, in order to provide additional classes such as vocational and life skills training. No change has been made to date.
7. A screening committee decides on placement of students failing at NUHS or Bear River High School (BRHS). Students expelled or placed on probation are automatically sent to EJHS.
8. A second screening committee, comprised of education and probation authorities exists for placement of students leaving Juvenile Hall.
9. Few students return to their original school because they have fallen too far behind their class academically. These students are most often placed at alternative schools.
10. In December 1999, EJHS was temporarily moved from the Bennett Street location to a new location on the SFHS campus in former Adult Education Buildings. Staff size and dismissal times are unchanged. Current student population is 37, 70% boys, 30% girls.

CONCLUSIONS

1. Locating the newly hired probation officer at EJHS , the smallest school with the highest truancy rate, should give EJHS maximum benefit.
2. The delay in hiring the new probation officer resulted from an apparent lack of follow up on the part of NJUHSD, the County Mental Health Department and the Probation Department.
3. The early dismissal time (1:15PM) releases the students into the community unsupervised, providing added exposure to drug and other behavioral problems.
4. As a result of the current staffing level at EJHS, student activities are either under supervised or out of view of the staff resulting in allegations of male/female misconduct.
5. The high rate of truancy at EJHS hampers the ability of students to "catch up" academically with their original school class.

RECOMMENDATIONS

1. The temporary re-location of Earle Jamieson High School at the Sierra Foothill High School campus location should become permanent.
2. Supervision for all campus activities should be increased.
3. Physical Education classes for boys and girls should be separate.
4. This Grand Jury agrees with the 1998/1999 Grand Jury that the school day should be lengthened. Adding vocational education and life skills classes will reduce the amount of time the students spend unsupervised in the community.
5. The dedication of EJHS Administrator Fred Metz should be commended. He and other administrators in the Alternative Education Program, as well as the program itself, should continue to receive the full support of the NJUHSD, the Nevada County Superintendent of Schools, and the community.

REQUIRED RESPONSES

Nevada County Joint Union High School Board, Due September 30, 2000
Nevada County Joint Union High School Superintendent, Due August 30, 2000
Nevada County Board of Education, Due September 30, 2000
Nevada County Superintendent of Schools, Due August 30, 2000
Nevada County Mental Health Department, Due September 30, 2000
Nevada County Probation Department, Due September 30, 2000

FOLLOW UP REPORT ON 1998-99 GRAND JURY REPORT

REASON FOR INVESTIGATION

The 1998-99 Civil Grand Jury report contained findings and recommendations concerning various county, city, and other local government entities. The California Penal Code in Section 933 (b) requires that each agency respond to the Grand Jury's findings and recommendations within a specific manner and time period.

PROCEDURE FOLLOWED

The 1999-2000 Civil Grand Jury received the responses to the 1998-99 Grand Jury Report, and reviewed the documents received as to findings and recommendations.

FINDINGS

1. The 1998-99 Grand Jury report was given to each government entity that was required to respond to the report. It was also placed in local libraries, published in the local newspaper, and made available to a local radio station. The report and responses are on the internet at [http://www.co.nevada.ca.us/9899_Grand Jury Report/](http://www.co.nevada.ca.us/9899_Grand_Jury_Report/).
2. The 1998-99 Grand Jury report contained a total of 162 findings covering 14 areas of government.
3. The 1998-99 Grand Jury report contained 45 recommendations involving:

Board of Supervisors (BOS)	County Administrative Officer (CAO)
NID Board of Directors	Director of Human Services
Sheriff	Nevada County Board of Education
Nevada County Supt. Of Schools	Grass Valley City Council
NJUHSD School Board	NJUHSD Superintendent of Schools
Chief Probation Officer	

Responses were required from all of the above.

4. Incomplete responses were initially received from the NID Board of Directors, the Chief Probation Officer, and the NJUHSD Superintendent. These entities were contacted directly, and informed that they had not fulfilled the response requirements of California Penal Code Section 933 (b). A copy of these response requirements were given to each entity to aid in their compliance. All properly completed responses were received by November 17, 1999.

5. The BOS agreed to implement or further study 7 of 17 recommendations in its response to the 1998-99 report. Ten recommendations are listed as already implemented.

6. The BOS has overall responsibility for six of the reports included in the 1998-99 report. It shares responsibility in the remaining reports where the Sheriff, Planning Department, Human Services, and Community Development Agency are involved.

CONCLUSIONS

1. Respondents did not always adhere to the time frames given in the Penal Code in their responses to the Grand Jury.
2. Some entities are not clear on how to respond to Grand Jury reports. Responses varied in their adherence to the Penal Code Section 933.05. This section requires that respondents either agree with, or disagree wholly or partially with each finding. The same section requires one of four responses to each recommendation. Responses must state: (1) the recommendation has been implemented, (2) will be implemented with a time frame, (3) requires further study (with an explanation and time frame), or (4) the recommendation will not be implemented (with an explanation).

RECOMMENDATIONS

1. The Grand Jury recommends that all respondents continue to address the apparent non-compliance with the Penal Code in responding to Grand Jury reports.
2. The Grand Jury commends those who responded to the 1998-99 Grand Jury report in compliance with Penal Code Section 933.05, and recommends that those who did not comply with Penal Code Section 933, et al, do so in the future.

REQUIRED RESPONSES

None

