



# **NEVADA COUNTY GRAND JURY**

**2018 - 2019  
Final Report**



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**COUNTY OF NEVADA**  
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December 18, 2019

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

Dear Judge Anderson:

In compliance with California Penal Code Section 933(a) the 2018-2019 Nevada County Grand Jury hereby presents its Final Report to you and the residents of Nevada County.

The Grand Jury is “charged and sworn to investigate or inquire into county matters of civil concern . . .” (Penal Code § 888) in the legislative and administrative departments that make up county government, municipal governments and special districts in Nevada County. We are charged to “investigate and report on the operations, accounts, and records of the officers, departments, or functions” of those entities. (Penal Code §§ 925-925a) The Grand Jury extends its appreciation to each of those entities for their cooperation, patience, and prompt responses to all requested information.

The Grand Jury receives formal complaints from members of the public who allege government inefficiencies, mistreatment by officials, or who voice suspicions of misconduct. Anyone may ask that the Grand Jury conduct an investigation of agencies or departments within the Grand Jury’s jurisdiction. Of the 21 public complaints received this year, 12 were investigated, 7 were closed with no action taken, 1 was forwarded to the Nevada County District Attorney, and 1 was forwarded to the 2019-2020 Grand Jury because it was received too late in the jury term to investigate properly. No action was taken on 7 public complaints. Of those complaints, 4 were out of the Grand Jury’s jurisdiction and 3 were determined to be nuisance complaints.

In addition to public complaints, the Grand Jury investigated 26 issues, 12 of which were closed after investigation but with no action, 8 resulted in reports, 5 were combined with other investigations, and 1 was closed with a recommendation for follow-up by the 2019-2020 Grand Jury.

This Final Report includes 7 investigative reports entitled:

- *Special Districts' Compliance with Brown Act and Ethics Laws,*
- *A Path to Transparency for Special Districts,*
- *Nevada County Request for Proposal and Procurement Practices,*
- *Nevada County Dispatch Center – A Vital Need,*
- *Investing in Housing for People Experiencing Homlessness in Nevada County,*
- *Special Districts: What the Public Should Know, and*
- *Facing Year-Long Fire Seasons, Are We Prepared?.*

This Final Report also includes the responses received from agencies that were requested to provide responses to findings and recommendations in the investigative reports.

In addition, the Grand Jury reviewed responses to reports issued by the 2017-2018 Grand Jury. We reviewed available documents and conducted followup interviews and site visits where appropriate to determine if the recommendations by the prior Grand Jury had been implemented. The purpose of such reviews was to determine the extent to which each of the responding agencies did what they said they would do. Three *Reports on Responses* are included in this Final Report. The Grand Jury also reported on the current status of Nevada County law enforcement agencies' evidence handling units, "looking back" at issues raised in the 2015-2016 Grand Jury Final Report.

Finally, as required by Penal Code §919(b), the Grand Jury inquired into the "condition and management of the public prisons within the county." The resulting *2018-2019 Detention Facility Inspection Report* is included in this Final Report.

To perform the work of the Grand Jury, the 19 members are divided into 6 investigative committees that focus on specific areas of County government:

- Finance,
- Health and Environment,
- Law Enforcement,
- Local Governments,
- Schools and Libraries, and
- Special Districts.

Each of the committees meet weekly throughout the jury term to conduct investigations. Jurors also spend a considerable amount of time performing research outside of such meetings.

In addition to the investigative committees, 2 other committees are essential to the operations of the Grand Jury. The Editorial committee members review reports to maintain formatting and language standards. They also provide feedback to the investigative committees about the effectiveness of the report from the perspective of the intended audience. The Community Outreach committee interfaces with media and service organizations to increase community awareness of the Grand Jury. Presentations about the Grand Jury were given to numerous

community groups including the Grass Valley Lions, the Retired Federal Workers, and the Penn Valley Rotary Club. There were also a number of radio interviews by the Foreperson. In addition to providing information about the Grand Jury, those activities generated applications to serve on future Grand Juries.

The Final Report is the result of dedicated work performed by the 19 members of the Grand Jury. Our members volunteered a year of their lives for public service to help improve local government, law and justice, health and social services, education, and administration throughout Nevada County on behalf of the public. The members applied their extensive and diverse experience to this challenge.

The Grand Jury could not have done its work without the assistance of its advisors:

- The Honorable Thomas Anderson, Supervising Judge of the Grand Jury,
- Audrey Golden, Deputy Jury Commissioner, and
- Deborah Corbett, Counsel to the Grand Jury, and members of the County Counsel staff.

The ultimate goal of the Grand Jury is to make a positive difference in the lives of the residents of Nevada County and the agencies that provide services to them. The Grand Jury is spoken of as a “watchdog” for county residents to help ensure good government and make all agencies accountable for their actions and decisions. I believe that goal has been achieved. Nevada County and its residents have been well served by the work performed by this Grand Jury.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Mangel', written in a cursive style.

Gordon Mangel, Foreperson  
2018-2019 Nevada County Grand Jury

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## About the Grand Jury

The Nevada County Grand Jury is appointed and overseen by the Nevada County Superior Court but functions as an independent body. The Grand Jury is “charged and sworn to investigate or inquire into county matters of civil concern . . .” (Penal Code § 888) in the legislative and administrative departments that make up county government, municipal governments and special districts in Nevada County. Section 23 of Article 1 of the California Constitution requires that a grand jury "be drawn and summoned at least once a year in each county." This Constitutional mandate is supported by statutory provisions found in California Penal Code §§ 888 through 939.91 and California Government Code §§ 3060 through 3075.

A Grand Jury is authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction to ensure funds are properly accounted for and legally spent. Grand Jurors are citizens of all ages and different walks of life bringing their unique experiences, personalities, and abilities to the work. All are volunteers who must apply in writing and be interviewed. They are selected and appointed by the Judges of the Superior Court. Grand Jurors spend many hours researching, reading, and attending meetings to monitor county and city government and special districts and to oversee the actions of appointed and elected officials.

The Grand Jury receives complaints from members of the public who allege government inefficiencies, mistreatment by officials, or who voice suspicions of misconduct. Anyone may ask that the Grand Jury conduct an investigation on agencies or departments within the Grand Jury’s jurisdiction. The Grand Jury cannot be forced to undertake an inquiry it deems unnecessary or frivolous. The Grand Jury also may investigate an issue or concern without receiving a complaint from the public.

Members of the Grand Jury are sworn to secrecy. All Grand Jury proceedings are secret. This secrecy protects the public interest and the confidentiality of sources of information. The minutes and records of Grand Jury meetings cannot be subpoenaed or inspected by anyone. Successful performance of Grand Jury duties depends upon such secrecy. Each Grand Juror swears to keep secret all evidence presented before the Grand Jury, the identity of witnesses, anything said within the Grand Jury, and the manner in which any Grand Juror may have voted on a matter. *The Grand Juror’s oath of secrecy is binding for life.* It is a misdemeanor to violate the secrecy of the Grand Jury. The confidentiality of witnesses, complainants and investigations is a core principle of Grand Jury service.

Grand Jury reports are composed after many hours of investigation. A report may disclose inefficiency, unfairness, wrongdoing, and violations of law and regulations by local governments and special districts. A report also may recognize positive actions by local government agencies or simply provide information to the public. Grand Jury reports are the mechanism for the Grand Jury to make recommendations for change to ensure the efficient and lawful operation of government.

Reports and the responses to them may be found on the Grand Jury Reports website at <http://nccourt.net>. Click on **Grand Jury** in the left frame then on **Grand Jury Reports**.

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## Members of the 2018-2019 Nevada County Grand Jury

<u>Administrative Board:</u>	Foreperson Foreperson Pro-Tem Business Manager Sergeant at Arms Admin Secretary	Gordon Mangel JoAnn Marie Lynn Mangel Mike Morgan Gary Davis
<u>Committee Chairs:</u>	Community Outreach Editorial Finance Health and Environment Law Enforcement Local Governments Schools and Libraries Special Districts	JoAnn Marie Gary Davis Patrick Simpkins Nancy Guerland Dave Anderson Bob Ogden Loydyne Lane Cheryl Dell
<u>Members:</u>		Nick Bordner Bill Clark Damon DeCrow Paul McKim Rachel Rein Vickie Sandoval Francis Small Jr.
<u>Members Unable to Complete Term:</u>		Don Branson Curt Brown Lisa Begley Kenneth Howe
<u>Legal Advisors to the Grand Jury:</u>	Supervising Judge of the Grand Jury Deputy Jury Commissioner County Counsel Counsel to the Grand Jury	Thomas Anderson Audrey Golden Alison Barratt-Green Debra Corbett

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## Standing Committees on the Grand Jury

The Nevada County Grand Jury is divided into eight standing committees to handle investigative and administrative work. Such committees, while not required, enable more efficient investigations while maintaining the oversight of the Full Panel of all 19 Grand Jurors. All decisions, reports and investigations are required to be approved by a super-majority of the Full Panel. Other ad hoc committees may be formed as needed.

The functions of an investigative committee include the following.

1. Conduct investigations of complaints from the public assigned by the Full Panel. The committees may also seek approval from the Full Panel for investigations of subjects that the committee believes are important.
2. Draft reports of the committee's completed investigations.
3. Prepare a year-end report summarizing the committee's activities, including recommended avenues of investigation or follow-up to be considered by the next Grand Jury.
4. Keep the Full Panel informed of all committee activities.

The following standing committees have been established.

The **Finance** committee investigates and reports on the accounts and records of county offices, departments, and functions. These include the cities and special districts within the County. Finance is also available to share its expertise with other committees in their investigations as needed. To fulfill the requirement to perform an independent audit of county finances, two members serve as members of the County Audit Committee.

The **Health and Environment** committee investigates programs and services operated directly by or under contract with the County Health and Human Services department (HHS). HHS deals with public assistance to adults and children, child protective services, conservatorship, and other programs that provide training and job placement assistance designed to assist residents into productive lifestyles and away from public assistance. Health and Environment may also investigate issues relating to public health, environmental health, mental health, clinic services and substance abuse.

The **Law Enforcement** committee is charged with carrying out the requirement of Penal Code Section 919(b) to inquire into the condition and management of "public prisons" within the County. A "public prison" is a county- or state-operated correctional facility. While an inquiry into the condition and management of public prisons is required, the Penal Code does not require that a report on the subject be written. Law Enforcement also considers all matters concerning law enforcement and public safety. As deemed necessary, the committee may investigate and report on the District Attorney, the County Probation Department, the Public Defender, the Sheriff, city police departments, and County or city emergency services and dispatch operations.

The **Local Governments** committee concerns itself with the investigation of the offices, departments, and functions of County and city governments that do not fall under the categories listed in other committee descriptions. This includes the administrative branches of County and city governments, airports and other transportation departments, parks and recreation departments, service areas, planning departments, public works departments, and utility departments. Penal Code Section 925 requires the Grand Jury investigate and report on the operations, accounts, and records of the officers, departments, or functions of the County every year. Section 925 allows the investigation to be on a selective basis each year. This is the Grand Jury's only mandatory report.

The **Schools and Libraries** committee may review and investigate non-curricular issues in school districts, public schools, charter schools, and the County Office of Education. While the Grand Jury cannot discuss the merits of curriculum, it can investigate how curriculum is implemented. The committee may also review and investigate the public library system.

The **Special Districts** committee conducts investigations of any joint powers agency in the County and examines the books and records of the Local Agency Formation Commission (LAFCo) and any special-purpose assessing or taxing district located wholly or partly in the County. However, the scope of any investigation into special districts and school districts cannot involve the review of the district's policy decisions such as the evaluation or assignment of personnel or school district curriculum decisions. The committee may conduct a fiscal review of any district or agency that it investigates.

The **Editorial** committee has three major responsibilities: 1) review, edit, and approve all reports submitted by investigative committees prior to acceptance by the Full Panel; 2) coordinate and manage the publication of the Grand Jury's Final Report; and 3) review and, when appropriate, update the Grand Jury Handbook with the goal of providing continuity from one Grand Jury to the next. When investigative committees complete their draft reports, Editorial reviews the drafts for adherence to the agreed-upon format, completeness, clarity, logic, and mechanics. Editorial provides feedback to the investigative committees about the effectiveness of their reports from the perspective of the intended audience.

The **Community Outreach** committee engenders interest in Grand Jury activities and maintains communication with the news media. The Grand Jury's effectiveness is optimized through clear and open communication with the public. The committee gives presentations to many of the service organizations in the County to build awareness of the Grand Jury's role, maintain a positive public image of Grand Jury contributions, establish contacts, provide local media with timely knowledge of new investigative reports and responses to them, and recruit future Grand Jurors.

## **Complaints Received**

The Grand Jury receives numerous complaints from residents throughout its term. Every complaint is carefully reviewed to determine jurisdiction. If jurisdiction is confirmed and the complaint warrants investigation, it is assigned to an investigative committee. At times, ad hoc committees may be formed to investigate specific complaints. The Grand Jury is kept informed by the committee of the progress of the investigation. A written report regarding a specific complaint may be published and included in the Final Report.

The 2018-2019 Grand Jury received 21 new public complaints. Of those, 12 complaints were assigned to investigative committees for review. Of those assigned, 2 investigations resulted in a report included in this Final Report. 7 complaints were deemed to be outside the jurisdiction of the Grand Jury or were rejected for various reasons other than jurisdiction. 1 complaint was forwarded to the Nevada County District Attorney and 1 complaint was received too late in the term to complete an investigation and so was referred to the 2019-2020 Grand Jury.

In addition to public complaints, the Grand Jury investigated 26 issues brought forward by committee members and approved by the Grand Jury for further investigation. 8 investigations resulted in 10 reports, 5 were combined with other investigations, and 1 was closed with a recommendation for follow-up by the 2019-2020 Grand Jury.

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## INVESTIGATIVE REPORTS

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**Special Districts' Compliance with  
Brown Act and Ethics Laws**

2018-2019 Nevada County Grand Jury

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# Special Districts' Compliance with Brown Act and Ethics Laws

## Summary

Special districts are local government agencies that provide essential, focused services to residents, including sewage treatment, providing water, fire protection, operation of parks, maintaining roads, and cemetery operation. There are 24 independent special districts (Districts) under Nevada County Local Agency Formation Commission oversight having combined annual operating budgets in excess of \$140 million dollars (see Appendix A for a list of the Districts surveyed). Their functions vary broadly based on the type of service(s) they perform, but all are governed by state transparency, conflict of interest, and ethics laws.

The 2018-2019 Nevada County Grand Jury (Jury) surveyed special districts to evaluate their compliance with these laws and best practices. The goal was to assess whether Districts meet expectations of transparency and accountability. Districts should do much more than legally required to excel in these areas.

Many district board members are not adequately trained for effective governance. Not all Districts are in full compliance with state laws requiring transparency, accountability, and ethics training. Districts self-reported:

- All are up to date in their completion of Form 700, a statement of economic interests that allows the public to understand potential conflicts of interest.
- About two thirds of board members have received ethics training.
- Almost half of the Districts appear to be current with legally required ethics training.
- Just over half of board members have received Brown Act training.
- Staff training in both of these areas is lower than board member training.

These results created concern that systemic support for transparent government is lacking. There are a number of resources available to board members, both as new office holders and during tenure in office. The Jury recognizes that public service can be overwhelming at times; solid upfront training helps navigate the challenges.

It's not just the law; it's good governance.

## Glossary

<b>Board</b>	The Board of Directors/Trustees/Councils, etc. of an organization
<b>Brown Act</b>	Ralph M. Brown Act, California Government Code §54950-54963
<b>District</b>	The 24 independent special districts with Nevada County LAFCo oversight
<b>Ethics Training</b>	Ethics education and training required by California Assembly Bill 1234 (AB1234) which updated the State Government Code §53234

**Form 700** Statement of Economic Interests required by the Fair Political Practices Commission  
**Jury** 2018-2019 Nevada County Grand Jury  
**LAFCo** Local Agency Formation Commission

## **Background**

In California, each of the 58 counties empanels a grand jury to investigate the operations of the various officers, departments, and agencies of local government. A grand jury may examine all aspects of county or city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served.

State law defines a special district as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries.” Special districts are forms of local government created by a community to meet a specific need. Most of California’s special districts perform a single function such as sewage treatment, providing water, fire protection, maintaining roads, or cemetery operation.

Special districts are governed by Boards that are accountable to the voters within the district boundaries. State rules and regulations governing district operations vary based on the type of service offered; for example, cemetery districts and public utility districts fall under different state and local codes. Their operations, as well as the laws they must follow, can be complex.

All special districts face a number of common requirements, including:

- adherence to the Brown Act,
- participation in Ethics Training, and
- completion of Form 700.

Operating within the guidelines set by state law should be a high priority of the Board and senior staff of Districts. Understanding public transparency laws and behaving ethically is essential to good governance, both because they allow operations to remain focused and because they are critical to keeping the public trust.

The Brown Act was created to provide public access to meetings and its goal is to ensure that government remains accountable to the public. This purpose statement is described in the Act:

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. State Government Code §54950.

California Assembly Bill 1234 (AB1234) updated State Government Code §53234 to require Ethics Training. It directs that special district board members and senior staff members are

required by law to take Ethics Training courses if the officials could receive compensation or reimbursement of expenses. This applies even if they do not accept compensation or reimbursement.

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as Form 700. Form 700 provides transparency and ensures accountability by disclosing the official's personal financial interests. This helps ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances. It also serves as a reminder to the public official of potential conflicts of interest.

The Jury examined compliance with these three legal requirements.

## **Approach**

The Jury developed and distributed questionnaires to each of the 24 Districts that have LAFCo oversight. The questionnaires consisted largely of yes or no questions and were completed in October 2018. Ten of the questions dealt with Ethics Training, conflict of interest (Form 700) statements, and Brown Act training.

Additionally, the Jury researched:

- past Jury reports;
- California law on ethics, conflict of interest, and the Brown Act; and
- the California Special Districts Association website.

## **Discussion**

In Nevada County, the 24 Districts surveyed manage a wide variety of governmental functions including the provisioning of firefighting, water, sanitation services, roads, parks and recreation, public utilities, and cemeteries (see Appendix A for a list of the Districts surveyed). Most Districts have five board members and the majority have paid staff. Their combined annual budgets total in excess of \$140 million with individual budgets ranging from \$12,800 to \$59.5 million per year.

While their functions and sizes are very different, every District is obligated to be responsive to the public. As noted in the 2015-2016 Nevada County Grand Jury report *Being a Better Board Member*, "Many Boards are staffed by well-intentioned and enthusiastic volunteers who may not have the training or knowledge of their responsibilities. The agencies for which they volunteer should take measures to ensure that those volunteers are trained, understand, and accept those responsibilities."

There are minimum requirements for training. Conflict of interest declarations must be filed. Each District must remain accountable to the public as specified in the Brown Act. The Jury asked each District about their compliance in these three areas.

The self-reported results indicate that 100% of all District board members have a current Form 700 on file, which means that the public has visibility regarding potential financial conflicts which may arise.

The results on Ethics and Brown Act training were not satisfactory. The survey indicated that:

- 58% of Districts reported that board members have received Brown Act training,
- 44% of Districts with staff reported that staff has received Brown Act training,
- 29% of Districts reported Brown Act training in 2017 or 2018,
- 67% of Districts reported that the Board has received Ethics Training,
- 61% of Districts with staff reported that staff has received Ethics Trainings, and
- 46% of Districts reported Ethics Training in 2017 or 2018.

These results created concern that systemic support for transparent government is lacking. The resources exist to allow Districts to improve these numbers. Ethics Training can be taken in person, online, or in a self-study course ending in a test. Some of the available training assists in the completion of Form 700. A variety of organizations offer training in Nevada County. In addition, training is available from the Institute for Local Government, the California Fair Political Practices Commission, and the State Attorney General. Brown Act training is provided by the State Attorney General, the League of California Cities, and by industry-specific groups.

In addition to the specific training outlined above, a number of opportunities exist for Board members to learn their roles, duties, and responsibilities; some of these training sessions also cover Brown Act, Form 700, and Ethics requirements. The following organizations offer training for Board members:

- California Association of Local Agency Formation Commissions (CALAFCo),
- League of California Cities,
- California Special Districts Association,
- California State Association of Counties (CSAC),
- Nevada County Community Leadership Institute, and
- Nevada County LAFCo.

Like all government agencies, Districts have the responsibility to operate in an ethical fashion and keep the public informed of their actions. Training is a critical component of successful board performance. It allows elected and appointed officials to follow both the spirit and the letter of the laws enacted to promote good government. While the Jury recognizes that training will not prohibit an abuse of power, it is essential to help public servants succeed.



## **Findings**

- F1.** Special districts have four distinguishing characteristics. They:
  - a. are a form of government,
  - b. have governing Boards,
  - c. provide services and facilities, and
  - d. have defined boundaries.
- F2.** All Board members are responsible to, and operate on behalf of, the public they serve.
- F3.** Government codes mandate the completion of Form 700 by all Board members and senior staff disclosing personal assets and income.
- F4.** Any elected or appointed official who may be compensated for their service or reimbursed for their expenses must complete mandatory Ethics Training, prescribed by California Assembly Bill 1234 (State Government Code §53275, subdivision (c)). The training must be completed within six months of taking office or taking a position and, if service is ongoing, once during each two-year period.
- F5.** Special districts are subject to the Brown Act.
- F6.** Ethics and Brown Act training is readily available and easy to access and complete.
- F7.** Many Nevada County Districts self-reported that they are not fully compliant with Ethics Training requirements.
- F8.** Many Nevada County Districts self-reported that they are not providing Brown Act training to board members and staff.

## **Recommendations**

- R1.** All Districts must continue to adhere to State law regarding Form 700.
- R2.** All Districts must make available, monitor, and document participation in Ethics Training for board members and appropriate staff members.
- R3.** All Districts should make available, monitor, and document participation in Brown Act training for board members and appropriate staff members.

## **Request for Responses**

No responses are required.

## **Appendix A**

### **Nevada County Primary Special Districts**

- Bear River Recreation and Park District
- Beyers Lane Community Service District
- Higgins Fire Protection District
- Kingsbury Greens Community Services District
- Lake of the Pines Ranchos Community Services District
- Mystic Mines Community Services District
- Nevada County Resource Conservation District
- Nevada Cemetery District
- Nevada County Consolidated Fire District
- Nevada Irrigation District
- North San Juan Fire Protection District
- Oak Tree Park & Recreation District
- Ophir Hill Fire Protection District
- Peardale-Chicago Park Fire Protection District
- Penn Valley Fire Protection District
- Rough & Ready Fire Protection District
- San Juan Ridge County Water District
- Truckee Cemetery District
- Truckee-Donner Public Utility District
- Truckee-Donner Recreation & Park District
- Truckee Fire Protection District
- Truckee Sanitary District
- Washington County Water District
- Western Gateway Recreation and Park District

## **A Path to Transparency for Special Districts**

2018-2019 Nevada County Grand Jury

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# A Path to Transparency for Special Districts

## Summary

Special districts are local government agencies that provide essential services to residents of the districts, including sewage treatment, water, fire protection, operation of parks, maintaining roads, and cemetery operation. There are 24 independent special districts with Nevada County Local Agency Formation Commission (LAFCo) oversight having combined annual operating budgets in excess of \$140 million dollars. Their functions vary based on the type of service(s) they perform, but all are governed by state transparency, conflict of interest, and ethics laws.

The Nevada County Grand Jury (Jury) surveyed 24 Nevada County special districts. Responses were received from each district and all were reviewed.

The Jury found weaknesses in the areas of transparency and outreach. The Jury found that laws have been passed that provide a means for special districts to address these issues. These laws detail:

- the requirement for a website,
- the requirement for posting of agendas on the website,
- the requirement for contact information on the website,
- compliance with Public Records Act requirements using the website, and
- the requirement for a Conflict of Interest policy.

In the interest of transparency, the Jury recommends that each website contain additional information that could be of value to the district's constituents including:

- board member list, length in office of each board member, and their titles;
- staff directory (if applicable);
- archive of agendas and minutes;
- current budget;
- past certified financial audits;
- current bylaws (or formation act);
- map of the district and/or service area; and
- board policies and procedures.

This report provides guidance to assist special districts in their efforts to improve transparency.

## Glossary

**Brown Act**  
**District**  
**Jury**  
**PRA**

Ralph M. Brown Act of 1953  
A special district in Nevada County (see Appendix A)  
2018-2019 Nevada County Grand Jury  
California Public Records Act of 1968

## Background

The Nevada County Grand Jury has the authority to investigate the functions of special districts within Nevada County. Special districts are forms of local government created by a community to meet a specific need. The 2018-2019 Nevada County Grand Jury (Jury) chose to investigate the management of 24 Nevada County special districts (see Appendix A). These special districts include fire districts, cemetery districts, utility districts, resource conservation districts, sanitation districts, water districts, road districts, and recreation/park districts. The Jury reviewed the finances, staffing, management policies and procedures, training, transparency, and compliance with legal requirements including the Ralph M. Brown Act of 1953 (Brown Act).

The Little Hoover Commission was formed in 1962 to improve government agencies in California. Their report #155 of May 2000 found, “independent special districts often lack the kind of oversight and citizen involvement necessary to promote their efficient operation and evolution.” In their report # 239 of August 2017 one of the commission’s recommendations was that the state should, “. . . expand transparency by requiring every district to have a website with basic information . . .” The Jury found that a number of laws have been passed regarding special district websites.

To ensure transparency and provide an opportunity for public participation in such meetings, the law requires public agencies that maintain a website to post agendas online. Public agencies that maintain a website may meet the requirements by posting a current agenda or a direct link to the current agenda on the agency’s primary homepage. Under either option, AB 2257 (*Local Agency Meetings: Agenda: Online Posting*) requires all current online agenda postings to be:

- downloadable, retrievable, indexable, and electronically searchable by commonly used search applications;
- machine readable and platform independent; and
- available to the public free of charge without any restrictions that would impede the reuse or redistribution of the agenda (i.e., no restrictions on printing the agenda or attaching it to an email).

California legislation SB 929, “Special Districts Internet Web Sites,” will, beginning on January 1, 2020, require every independent special district to maintain a website that clearly lists contact information for the special district, subject to limited special exceptions.

The California Public Records Act (PRA) requires a public agency to permit the inspection of any public record during the agency’s office hours. This requirement can be cumbersome for some districts especially if they do not have normal business hours. AB 2853 (*Local Government: Economic Development Subsidies*) allows an agency to comply with the Act’s inspection requirement by posting any requested public record on its website, and in response to the request for a public record, directing the person requesting such records to the location on the agency’s website where the public record is posted. If, however, the person making the records request subsequently asks for a copy of the record because he or she cannot access or reproduce the record posted online, the agency is obligated to produce a hard copy of the record.

Transparency and accountability help to ensure the electorate is well informed regarding how each special district is performing the people's business. Three key elements for ensuring transparency are: the submission of annual audited financial reports to the State Controller and to the Nevada County Auditor-Controller, the requirement to adopt a Conflict of Interest policy, and compliance with the Brown Act.

The Fair Political Practices Commission has adopted a regulation that can be incorporated by reference in special district policies to meet the Conflict of Interest requirement (Government Code § 81000 or reference California Code of Regulations [title 2, § 18730] in their policies).

The Brown Act is designed to ensure that government actions and deliberations are conducted openly so that the people "may retain control over the instruments they have created." Violations can lead to invalidation of local agency actions, payment of a challenger's attorney's fees, and in some cases criminal prosecution. Key requirements of the Brown Act are that meetings of a local government agency's legislative body be open to the public, allow for public comment, and be announced by public notice 72 hours in advance of the meeting. The Brown Act also contains procedures for conducting special meetings, emergency meetings, and closed sessions. The Brown Act limits the ability to discuss certain matters outside of public meetings.

In addition to requiring public access to meetings, the Brown Act also gives the public the right to participate, attend, record, and broadcast public meetings. The public can speak to any subject within the board's jurisdiction, but the board generally cannot discuss or act upon the item unless it is on the agenda. The Brown Act does allow members to briefly respond to comments or questions from the public, request staff to provide factual information, or request that an item be added to a future agenda. Every agenda for an open meeting must allow members of the public to speak on any item of interest so long as the item is within the jurisdiction of the board. The board may adopt reasonable regulations, including time limits, on public comments. Such regulations must be enforced fairly and without regard for the speakers' viewpoints.

## **Approach**

The Jury surveyed 24 Nevada County special districts (Districts). A request for information from each district was made. Responses were received from each district and resulted in the analysis contained in the following discussion. The Jury also conducted interviews and performed independent research on California rules and regulations governing special districts.

## **Discussion**

In Nevada County, the 24 Districts surveyed provide a wide variety of governmental functions including firefighting, water, sanitation services, roads, parks and recreation, public utilities, and cemeteries. Most Districts have five board members and a majority of the Districts have paid staff. Their combined annual budgets total in excess of \$140 million with individual district budgets ranging from \$12,800 to \$59.5 million per year. While their functions and sizes are very different, every District is obligated to be responsive to the public. As noted in the

2015-2016 Nevada County Grand Jury report *Being a Better Board Member*, “Many Boards are staffed by well-intentioned and enthusiastic volunteers who may not have the training or knowledge of their responsibilities. The agencies for which they volunteer should take measures to ensure that those volunteers are trained, understand, and accept those responsibilities.”

The Jury analyzed the responses provided by the Districts and determined that the results on ethics and Brown Act training were not satisfactory. As a result the Jury prepared and issued a 2018-2019 report titled *Special Districts’ Compliance with Brown Act and Ethics Laws*.

The Jury then continued its analysis of the responses and found that there were weaknesses in other areas including transparency and outreach. For example, the Jury found that not all Districts have a website, and that some websites were not updated with current information. The Jury also found that laws have been passed that require special districts to address these issues. As described above these laws include the following detail:

- the requirement for a website,
- the requirement to post agendas on the website,
- the requirement for contact information to be available on the website,
- compliance with Public Records Act requirements using the website, and
- the requirement for a Conflict of Interest policy.

To comply with current and future requirements and in the interest of transparency, it is recommended that each website contain additional information of value to the constituents of that district, including:

- board member list, length in office, and titles;
- staff directory (if applicable);
- archive of agendas and minutes;
- current budget;
- past certified financial audits;
- current bylaws (or formation act);
- map of the district and/or service area; and
- board policies and procedures.

Although not required for all special districts, bylaws are a valuable tool to ensure effective practices, consistent processes, and increased transparency. At a minimum, bylaws should include the following list:

- Board composition, terms, and processes for selection or replacement
- Types of meetings and frequency
- Finance
  - Requirements for budget and approval process
  - Spending authority and limits for:
    - Contracts
    - Checking account management



- Credit card usage
    - Reimbursement policies and procedures
    - Records retention policy
- Ethics and Conduct
  - Code of conduct and demeanor
  - Ethics training requirements
  - Conflict of interest policies
- Brown Act compliance requirements

By including this recommended information, special districts will provide their constituencies insight as to the make-up of their leadership, how the district operates, the financial health of the district, documentation of past history, and advance notice of activities and issues to be addressed by the board. This enhanced transparency will give the constituency a better understanding of needs when they are asked to vote for new board members and/or any changes in tax rates requested by the board.

While SB 929 provides exceptions for the requirement of a website in special circumstances, the Jury strongly encourages districts to have a website nonetheless.

## **Findings**

- F1.** Websites are an important way the public can access information about their government, yet not all Nevada County special districts have a website.
- F2.** Existing California law requires convenient access to agendas on special district websites. The public should be encouraged to learn what will be discussed at upcoming board meetings.
- F3.** Legislation which goes into effect January 1, 2020, SB 929, *Special Districts: Internet Web Sites* requires districts to have websites that conform with current transparency requirements, and the legislation further requires that districts list contact information, making it easier for the public to know who is running the District.
- F4.** Meeting PRA requirements can be cumbersome especially for smaller special districts. PRA requirements can be fulfilled by posting the requested document(s) on the District's website.
- F5.** Not all Nevada County special districts meet the requirement of Government Code § 81000 requiring a Conflict of Interest policy, which helps assure the public that the District is running ethically.
- F6.** Inclusion of additional information on special district websites beyond that required by law provides valuable information to District constituents and enhances the transparency of special district activities.

## **Recommendations**

- R1.** All special districts should have a website that complies with SB 929 prior to January 1, 2020.
- R2.** Special districts' agendas should be posted on their websites and have one click access from the home page.
- R3.** Contact information should be posted on the website.
- R4.** Special districts should consider using their websites to fulfill PRA requests.
- R5.** All special districts should adopt a Conflict of Interest policy.
- R6.** All special districts should adopt bylaws or review their existing bylaws before SB 929 goes into effect in January 2020.
- R7.** All special districts should provide information on their websites beyond the minimum requirements of the law to provide transparency for their constituents.

## **Request for Responses**

No responses are requested.

## Appendix A

### Nevada County Special Districts Surveyed

Bear River Recreation and Park District	Ophir Hill Fire Protection District
Beyers Lane Community Service District	Peardale-Chicago Park Fire Protection District
Higgins Fire Protection District	District
Kingsbury Greens Community Services District	Penn Valley Fire Protection District
Lake of the Pines Ranchos Community Services District	Rough & Ready Fire Protection District
Mystic Mines Community Services District	San Juan Ridge County Water District
Nevada County Resource Conservation District	Truckee Cemetery District
Nevada Cemetery District	Truckee-Donner Public Utility District
Nevada County Consolidated Fire District	Truckee-Donner Recreation & Park District
Nevada Irrigation District	Truckee Fire Protection District
North San Juan Fire Protection District	Truckee Sanitary District
Oak Tree Park & Recreation District	Washington County Water District
	Western Gateway Recreation and Park District

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**Nevada County Request for Proposal  
and Procurement Practices**

2018-2019 Nevada County Grand Jury

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# Nevada County Request for Proposal and Procurement Practices

## Summary

The 2018-2019 Nevada County Grand Jury (Jury) responded to a citizen's complaint "regarding irregularities in the recent Request for Proposal (RFP) and the selection process for the organization selected to operate the County's animal shelter." The Jury conducted an investigation into Nevada County's (County) RFP process used to select the vendor cited in the complaint. The Jury reviewed pertinent documents and conducted interviews with personnel within County government and the Sheriff's Office.

During its investigation of the RFP process, the Jury found a number of problems to support its overall conclusion that the County's procurement practices are not consistent with generally recognized best procurement practices. After conducting several interviews, the Jury determined there was a lack of communication and coordination among the various departments involved with an animal control RFP. The Jury learned that the County does not have comprehensive established policies and procedures regulating its procurement process. Instead the County relies on a *Purchasing Guide*, dated June 13, 2017; an undated amendment to that *Purchasing Guide*; and the County Administrative Code (Admin Code). The Jury's investigation shows that these publications combined with the Admin Code do not adhere to generally available best procurement practices.

The Jury concluded that an adherence to generally recognized best procurement practices by the purchasing department would ensure that County procurement is performed honestly, fairly, effectively, and professionally. In turn, this ensures that best value is obtained and that the County recognizes that the public trust is embodied in the authority to expend County funds.

Efforts are underway within Information & General Services (IGS) to update the Admin Code to include policies and procedures that adhere to best procurement practices. The Jury commends this effort. However, the success of this program depends on the support of the Nevada County County Executive Office, County Counsel, and the Nevada County Board of Supervisors. Without this support IGS will not be able to implement any meaningful changes in a timely manner.

## Glossary

<b>Admin Code</b>	Nevada County Administrative Code
<b>BoS</b>	Nevada County Board of Supervisors
<b>CEO</b>	Nevada County Executive Office
<b>County</b>	County of Nevada
<b>IGS</b>	Nevada County Information and General Services
<b>Purchasing</b>	Nevada County Purchasing Department
<b>Purchasing Guide</b>	Nevada County Purchasing Guide
<b>RFP</b>	Request for Proposal
<b>SF</b>	Sammie's Friends
<b>NCSO</b>	Nevada County Sheriff's Office

## Background

### Animal Control Request for Proposal

As a government agency, the County utilizes a competitive process to select contracted service providers for a variety of community services. The County usually reassesses contracts every three to five years to allow qualified organizations to compete to deliver county services and to ensure the County and the taxpayers are getting the best value and service. This practice also allows the current vendor of a contract the opportunity to fine tune their skills and respond to a County solicitation for services.

The County has contracted for the administration and operation of its animal shelter and related services since July of 2010. The County entered into a three-year contract for its animal shelter services on July 1, 2010 to run to June 30, 2013. This contract was with Sammie's Friends (SF).

The County then extended the contract for five years with the same contractor. The contract's term started July 1, 2013 and ended on June 30, 2018. In December of 2017, an RFP for the County's animal shelter was released to the public by Purchasing on behalf of the Nevada County Sheriff's Office (NCSO). In Nevada County, the NCSO oversees animal control and the animal shelter. Since 2010 SF, a local non-profit organization, has held the Animal Shelter contract.

The RFP for animal shelter services resulted in written proposals from two vendors, SF and Placer County. The RFP requested that proposals identify which service area(s) the proposal addresses. The three core service areas were: animal intake, animal husbandry, and animal adoption programs. Vendors were encouraged to apply to one, two, or all core service areas and were requested to provide a three-year budget proposal and a one-year annual budget that broke out costs by each category as presented in the RFP description of services. SF proposed to provide all three core service areas and submitted an "all or none" cost proposal but did not initially provide separate costs for each service area. Placer County proposed to provide animal husbandry and animal adoption services and provided separate costs for each service area.



Both proposals were scored by an evaluation panel selected by the NCSO. Members of the panel included two NCSO employees and two regional subject-matter experts. Panelists independently scored both proposals. The Nevada County Purchasing Department (Purchasing) then calculated the final scores. The cumulative results were identical for both SF and Placer County. Because the results were equal, and the RFP was silent on how to settle a tie, Purchasing suggested the full panel interview both vendors. The vendors were scored a second time and Purchasing notified them of the results. The Placer County proposal was scored higher.

On April 6, 2018 the Panel recommended Placer County to the NCSO as the most qualified proposal for the two services. Purchasing then sent an award letter to Placer County and a letter of regret to SF. In response, SF contacted the County and expressed their concerns with the evaluation panel's decision. SF then embarked on a social media campaign, which resulted in public support for SF.

The Board of Supervisors (BoS) received significant community feedback in support of SF. On April 24, 2018 County authorities cancelled the RFP process. The County and the NCSO then worked with SF to extend the existing contract to operate the animal shelter.

After negotiated meetings between County officials, the NCSO, and SF an agreement was reached. On April 26, 2018 the Nevada County Board of Supervisors approved Resolution No. 18-331 which authorized another extension to the contract. In essence this was a non-competitive single-source contract. SF agreed to continue operation of the animal shelter for one year with an automatic renewal contingent on hiring a new shelter director and financial officer.

### **Nevada County Procurement Practices**

The mission of Purchasing is to procure goods and services for the County in a manner that assures the best value is obtained and that recognizes the public trust embodied in the authority to expend County funds.

The Purchasing Agent serves pursuant to the California Government Code and the County Admin Code to procure goods and services for all County departments. California Government Code section 25500 provides that the BoS may employ a purchasing agent. The County has established the office of the Purchasing Agent pursuant to Admin. Code section A-IV who “. . . shall establish methods and procedures necessary for the proper functioning of the Purchasing Unit in an efficient and economical manner. (Ord. 1580)”

According to the 2016-2017 General Fund Budget, Purchasing issued 1,290 purchase orders and contracts totaling \$11 million and 41 invitations for bids, requests for qualifications, and requests for proposals. BoS approval is required for dollars expended for goods and services over \$20,000. Many purchasing transactions fall under \$5,000 and do not require an RFP. This report focuses on larger transactions that require an RFP and BoS approval.

County procurement practices are complex. They involve complexities that exceed mere buying goods and services and require knowledge and skills in critical areas such as:

- finance and accounting;
- contract law and negotiation;
- contract planning, management and oversight;
- marketing; and
- a working knowledge of all County functions and their interrelatedness.

The County's procurement practices flow through three informal mechanisms – graduated purchasing authority levels as defined by the Admin Code, competitive bidding requirements, and budget controls. These practices are meant to ensure fair market prices and best value by requiring purchasers to obtain multiple vendor bids and to select the lowest responsible bidder. Informal competitive bidding requirements also follow a graduated approval system. Smaller purchases of commodity items where competition already exists between vendors allows for purchases on the open market without multiple bids. Larger purchases, where generally less competition exists between vendors, call for competitive bidding. These requirements range from formal bids to issuing RFPs.

## **Approach**

The Jury began its investigation with an interview with the complainant then developed a plan of action that included personal interviews, review of County published material, and Internet research. The Jury interviewed County staff and a representative from SF. The Jury also reviewed documents from the following County departments and offices: IGS, NCSO, CEO, and the Auditor-Controller. The Jury consulted the following sources: the Admin Code, the *Purchasing Guide*, the Animal Shelter RFP, and the informal changes made to the *Purchasing Guide* since its first published date. The Jury also examined electronic correspondence that circulated among personnel involved in the Animal Shelter RFP preparation process, the selection of the Animal Shelter Evaluation Panel, the scoring of the vendors' responses, and the announcement of the results. Finally, the Jury interviewed for the second time selected personnel to discuss applicable document revisions and policy changes that could be helpful for future issuance of RFPs.

## **Discussion**

The Jury's initial investigation focused on a citizen's complaint involving an RFP issued December 8, 2017 for the County's animal shelter service. During the investigation into this RFP process and its related contracts the Jury found a number of deficiencies in the County's procurement practices. The Jury concluded that these practices are not consistent with generally recognized best procurement practices.

The deficiencies noted below are currently being addressed by IGS:

- Absence of a provision allowing a vendor to initiate a protest after a Notice of Intent to Award has been issued.
- Absence of a provision to allow an evaluation panel member to be recused at their request.
- Absence of a provision ensuring evaluation panel members are not in a supervisor/subordinate relationship.
- Absence of a provision ensuring that an evaluation panel is composed of an odd number of members.

The deficiencies noted below have not been addressed by IGS:

- Absence of a provision to resolve a scoring tie.
- Absence of a provision addressing a situation where an evaluation panel member's scores are substantially different from the other members' scores.
- Absence of a provision allowing or prohibiting a respondent to modify its proposal after submission.

The Jury found in its investigation of the County's Animal Shelter RFP process that two evaluators had asked to be recused from the review panel that had been set up by the NCSO. Their requests were denied. The denials appear to violate basic tenets of public procurement. County officials were unable to provide the Jury with the original evaluators' score sheets and written comments. They could only provide a summary of the scoring process. The Jury found mathematical anomalies in the summary. The evaluator's scoring on one bidder fell outside the scoring pattern of the other reviewers. These anomalies resulted in a tie between two bidders, yet no investigation was conducted to determine the reason for the tie. The lack of an investigation raised the claim of bias which was a concern of the complainant.

The Jury also found that Placer County responded to the RFP with a one-year annual budget that broke out costs by category as requested in the description of services. SF responded to the RFP with one cost for all three services in a manner that was not responsive to the RFP. County officials offered SF an opportunity to modify its proposal after submission so it could separately address the cost for each core service with a one-year budget. SF declined and reiterated that their bid was an "all or none" bid. Placer County submitted a proposal using the previous year's cost estimates, and then re-submitted the proposal to include the current costs. The Jury could find no provision in the County's RFP process that would allow a respondent to modify its proposal after the fact.

During interviews with County officials the Jury learned that the anonymity of panel evaluators was not maintained and that two evaluators reported receiving public threats as a result. Information released allowed the determination of evaluators' names, affiliations, relative assessments, and other identifying information.

Best procurement practices, models, and strategies are readily available for consideration through professional organizations, academia, and other sources including The National

Institute of Governmental Purchasing. Given the number of irregularities in the procurement process identified, the Jury did not find it useful to spend more time cataloging additional problems through the review of multiple RFPs issued by the County.

During its investigation the Jury learned that the County does not have comprehensive policies and procedures regulating procurement. Instead the County relies on a *Nevada County Purchasing Guide (Purchasing Guide)*, dated June 13, 2017. The Jury was informed by many of the County officials interviewed that the *Purchasing Guide* does not represent regulatory policy or procedure, it is only a training manual. The Jury found this inconsistent with generally recognized current best procurement practices for government agencies. Comprehensive policies and procedures should reflect the best efforts of County employees to ensure procurements are performed honestly, fairly, effectively, and professionally in a manner that ensures the best value is obtained and recognizes the public trust embodied in the authority to expend County funds.

Evidence could not be found that the *Purchasing Guide* and an undated one-page amendment had been reviewed, approved, or adopted as policy or procedure by the Purchasing Agent.

No evidence could be found that County departments are responsible for following the *Purchasing Guide* or that a formal procedure for approving changes to the *Purchasing Guide* exists. The Jury also found differences between the Admin Code and the *Purchasing Guide*, including the following:

1. The *Purchasing Guide*, Section 8.4f, states that evaluation of proposals is done by a team selected by the requisitioning department. Admin Code, Sec. A-IV 1.9, *Procedures for the Selection of Consultants*, states:  
For contracts involving work at an estimated cost of more than \$50,000.00, the department head and the County Administrative Officer shall jointly determine the composition of the selection committee as they determine is appropriate (which may include a member of the Board of Supervisors, the County Administrative Officer, and/or staff from the County Administrative Officer's office, an attorney from the County Counsel's office, one or more members from a County committee, and such technical staff as deemed appropriate).
2. The *Purchasing Guide*, Section 7.1(b) states that “. . . contracting for the services of a consultant (as defined in Government Code Section 4525) for a sum estimated at exceeding \$20,000 . . .” requires competitive procurement. Government Code Section 4525 does not define the term consultant.

The County has entrusted procurement to “generalist” buyers rather than to certified procurement professionals. These buyers are operating under guidelines without the benefit of established comprehensive policies and procedures that adhere to generally recognized best procurement practices. One County official testified before the Jury that the greatest risk to County purchasing is the lack of certified buyers following best procurement practices. The Jury was informed by County officials that the BoS was “blindsided” when the Animal Shelter

RFP was issued and a Notice of Intent to Award a contract issued to Placer County. The BoS was caught unprepared in both cases because BoS approval was not sought in advance of the RFP or the Notice of Intent to Award. The failure to obtain BoS approval in advance of issuing the RFP and subsequently issuing a Notice of Intent to Award the contract to Placer County placed the BoS at a disadvantage in performing its oversight function for a multi-year solicitation that ultimately resulted in a two-year contract extension valued at \$1,478,000.

According to Sec. A-IV 1.9C of the County Administrative Code,

. . . the proposal to contract with a consultant for a sum estimated at exceeding \$20,000 shall be submitted to the Board of Supervisors for its approval in advance of soliciting any work. The department shall provide to the Board a general description of the work to be accomplished, the need for the work, the timing of such work, and an estimate of the cost thereof.

According to County officials the lack of explicit policies and procedures defining when BoS approval is to be sought in advance of an RFP soliciting services from consultants, be they a professional service or a personal service, caused the miscommunication. The Jury concluded that the Purchasing Department's lack of standardized purchasing procedures, if not corrected, could result in a repetition of this problem for the BoS.

The Jury has also found that there is insufficient staff available to audit internal contract files in order to ensure contractors are performing according to contract specifications. For example, no contracts have been audited by the Office of the Auditor-Controller since 2008, when this office's staff was reduced by roughly 25%. The Auditor-Controller's Office processes and pays invoices. It appears the only verifications expected for payment are departmental approval and availability of funds. The Jury found no independent auditing was being performed by the Auditor-Controller's staff to assure that goods are received or that services are performed in compliance with the contract. The Admin Code, a BoS Resolution (No. 98479), and the *Purchasing Guide* (Section 5.4) require the Auditor-Controller's office to periodically audit contract files.

Other issues were encountered that made this investigation difficult. For instance, the Jury could obtain neither an explanation for cancellation of the Animal Shelter RFP nor the reason a sole source contract was extended to SF after a review panel recommended the award be given to Placer County. In the *Purchasing Guide*, Section 9.1g, the department is required to provide an explanation of that decision, which requires ratification by the Purchasing Agent.

The BoS has the sole authority to terminate an RFP and a proposed procurement action. However, the public has a right to know on what basis that decision is made, particularly when a review panel's recommendation on an RFP is other than the procurement action approved by the BoS.

In the case of the Animal Shelter RFP, the Jury found email evidence that the recipient of the sole-source award extension had been the subject of multiple administrative complaints from the department contract manager. The Office of the Auditor-Controller said it was aware of

some problems but did not receive formal notification from the department responsible for contract administration. Such a notice would have precipitated an investigation.

County officials who managed the 2013 contract with SF could not provide the Jury with documentation of the required endorsement naming the County as an additional insured. The contractor was allowed to continue working on the contract. Once the County was threatened with a lawsuit this omission became known to the department. According to the *Purchasing Guide*, Section 6.9, the department that administers the contract is responsible for keeping track of insurance expiration dates and ensuring documentation of insurance renewals is obtained in a timely manner.

It is reasonable to conclude that no endorsement naming the County as an additional insured on the SF insurance policy existed, or that if the endorsement had existed, the department responsible for managing the contract was not properly administering the contract. Best procurement practices require these records be kept to provide the basis upon which the County can be assured that the contractor providing services is in compliance with the contract. These discrepancies indicate a contract that was not being fulfilled and it also suggests a contract administration process that lacks integrity.

## Findings

The following are findings based on interviews and a review of documentation provided to the Jury:

- F1.** The County does not have approved policies or procedures for the efficient operation of the Purchasing Department.
- F2.** The County's *Purchasing Guide* is a training manual, not formal policy or procedure. The *Purchasing Guide* contains discrepancies between its contents, the Admin Code, and California Government Code; is not consistent with generally recognized best procurement practices, is ambiguous as to RFP procedures, and is not always followed by County Offices and Departments.
- F3.** County employees receive training on the *Purchasing Guide*, but many who conduct purchasing operations and/or manage contracts are not fully trained on and do not always follow best procurement and contract management practices.
- F4.** RFP practices in the *Purchasing Guide* have a number of correctable issues that could be addressed with detailed procedures if properly followed by County Offices and Departments.
- F5.** The Office of the Auditor-Controller lacks sufficient staff to conduct contract reviews pursuant to BoS Resolution No. 98479, dated 27 October 1988, which requires internal contract audits be conducted every third year of the contract. No internal contract audits

have been conducted since 2008 when the Auditor-Controller's office staff was reduced by 25%.

## **Recommendations**

The Nevada County Grand Jury recommends:

- R1.** The CEO, in cooperation with the County's Purchasing Agent, should continue researching procurement best practices and establish appropriate written procurement policies, practices, and procedures that would be followed in executing County procurement processes.
- R2.** The County's Human Resources department and Purchasing Agent should conduct an assessment of the training needs of current procurement staff and implement a plan for the training of new procurement employees on generally recognized best procurement practices.
- R3.** The Purchasing Agent should submit a report to the BoS on completed revisions to the *Purchasing Guide*, as well as policies and procedures.
- R4.** The Purchasing Agent should, within 60 days of establishing formal written policies, practices, and procedures, and completing revisions to the *Purchasing Guide*, lead each County agency through training on the County's new policies, practices, and procedures. Policies, procedures.
- R5.** The *Purchasing Guide* should be reviewed and updated annually.
- R6.** The *Purchasing Guide* should be updated to include the following:
  - a. required BoS approvals prior to issuance of an RFP;
  - b. establishment and handling of protest periods;
  - c. evaluation panel reviewer selection and recusals;
  - d. procedure in the event of evaluation panel reviewer statistical anomalies;
  - e. bidder qualification reviews where contract administrators have escalated concerns regarding a vendor's past contract performance;
  - f. maintenance of documented administrative files during a blackout period of County employee contacts involved with the RFP process and RFP respondents other than the County person named in the RFP document; and
  - g. maintenance of complete administrative files documenting and justifying final decisions when that decision goes against the evaluation panel's recommendation.
- R7.** The CEO's office should complete a review of the Office of the Auditor-Controller and the staffing needs required to comply with BoS Resolution No. 98479 as soon as possible.

- R8.** The CEO's office should work with the Office of the Auditor-Controller to develop a checklist for contract administrators to document at least annually vendor performance and compliance with liability insurance requirements.
- R9.** All County contract administrators should, using the checklist referred to in R8, conduct performance evaluations and document them in an administrative file. Problems or concerns with a vendor's performance should be formally investigated and addressed.

### **Request for Responses**

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses from the following:

The following responses are due by 28 June 2019.

- Nevada County Board of Supervisors for Findings F2 and F5, and Recommendations R3 and R7.
- Nevada County Auditor-Controller for Findings F4 and F5, and Recommendations R7 and R8.

The following responses are due by 28 July 2019.

- Nevada County County Executive Officer for Findings F1 and F4, and Recommendations R1, R8, and R9.
- Nevada County Purchasing Agent for Findings F1, F2, F3, and F4; and Recommendations R1, R2, R3, R4, R5, R6, and R9.
- Nevada County Human Resources Director for Finding F3 and Recommendation R2.



## **RESPONSES**

In the Report above, the Grand Jury requested responses from:

The Nevada County Board of Supervisors  
The Nevada County Auditor-Controller  
The Nevada County Executive Officer  
The Nevada County Purchasing Agent  
The Nevada County Human Resources Director

All listed entities responded except The Nevada County Executive Officer, The Nevada County Purchasing Agent and The Nevada County Human Resources Director. Those three individuals chose to allow the Nevada County Board of Supervisors make their responses for them.

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State of California  
**C O U N T Y O F N E V A D A**

MARCIA L. SALTER – Auditor-Controller

Auditor-Controller  
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Email: [auditor.controller@co.nevada.ca.us](mailto:auditor.controller@co.nevada.ca.us)

June 26, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

Re: Auditor-Controller Response to the 2018-19 Nevada County Civil Grand Jury Report - *Nevada County Request For Proposal And Procurement Practices*

Dear Judge Anderson,

Please find attached the responses by the Auditor-Controller to the 2018-19 Nevada County Civil Grand Jury Report - *Nevada County Request for Proposal and Procurement Practices*

The responses to the Grand Jury's Findings and Recommendations are based on either personal knowledge, examination of office County records or information received from County staff members.

I would like to thank the members of the 2018-19 Grand Jury for their participation and effort in the reviews and investigations they performed as well as the reports prepared. Their service and dedication to the process is greatly appreciated.

Sincerely,



Marcia L. Salter  
Auditor-Controller

Attachment

cc: Foreman, Grand Jury  
Alison Lehman, County Executive Officer

NEVADA COUNTY AUDITOR-CONTROLLER RESPONSE TO  
2018-19 CIVIL GRAND JURY REPORT  
DATED APRIL 29, 2019

NEVADA COUNTY REQUEST FOR PROPOSAL AND PROCUREMENT PRACTICES

**I. GRAND JURY INVESTIGATION:**

Nevada County Request for Proposal and Procurement Practices

**A. RESPONSE TO FINDINGS & RECOMMENDATIONS:**

Findings:

- F4. RFP practices in the Purchasing Guide have a number of correctable issues that could be addressed with detailed procedures if properly followed by County Offices and Departments

**Agree**

- F5. The Office of the Auditor-Controller lacks sufficient staff to conduct contract reviews pursuant to BoS Resolution No. 98-479, dated 27 October 1988, which requires internal contract audits be conducted every third year of the contract. No internal contract audits have been conducted since 2008 when the Auditor-Controller's office staff was reduced by 25%

**Partially agree**

**Staff reductions in the Auditor-Controller's office as well as other County departments began in the Fiscal Year 2009-10 through 2011-12 to address the downturn in the economy. A total of four positions of the sixteen original allocated were eliminated equating to a 25% reduction. In Fiscal Year 2016-17, one staff position was reinstated bringing the allocated staffing to thirteen.**

**Beginning in Fiscal Year 2009-10 upon the elimination of the Senior Accountant-Auditor assigned to the Internal Audit Function, a reassignment of the duties occurred and the contract audits continued to be conducted through the Fiscal Year 2013-14. Following that year, with the loss of the assigned audit staff member due to a transfer to another County department and the unsuccessful recruitment that followed for a replacement candidate with equivalent experience, the office was unable to meet the goals as outlined in Resolution 98-479. In the Fall of 2018, a qualified candidate to perform internal audits was hired by the office and the contract audit program has been re-established.**

Recommendations:

- R7. The CEO's office should complete a review of the office of the Auditor-Controller and the staffing needs required to comply with BoS Resolution No. 98-479 as soon as possible.

**Partially Agree**

**The County has an established process in preparation of the annual budget cycle for departments to request a review of staffing needs. The Office of the Auditor-Controller will use that process to engage in the conversation with the CEO's office to address staffing needs and specifically to converting a temporary staff position to a permanent staff position to support the activities in the office including the Internal Audit Function.**

- R8. The CEO's office should work with the Office of the Auditor-Controller to develop checklist for contract administrators to document at least annually vendor performance and compliance with liability insurance requirements.

**Partially Agree**

**The staff of the Auditor-Controller will schedule a meeting by September 1<sup>st</sup> with the CEO's Office, the Risk Manager and County Counsel to review department contract administrator's role, best practices and on-going contract oversight.**

**REQUIRED RESPONSES**

Auditor-Controller – by June 29, 2019

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Vice-Chair Heidi Hall, 1<sup>st</sup> District  
Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Susan Hoek, 4<sup>th</sup> District  
Chair Richard Anderson, 5<sup>th</sup> District  
  
Julie Patterson Hunter,  
Clerk of the Board

July 9, 2019

The Honorable Judge Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**RE: County of Nevada Responses to Grand Jury 2019 Report entitled Nevada County Request for Proposal and Procurement Practices**

Honorable Judge Anderson,

Please find enclosed the County of Nevada's responses to the Grand Jury's 2019 Nevada County Request for Proposal and Procurement Practices Report as approved by the Board of Supervisors at their regularly scheduled meeting on July 9, 2019.

Sincerely,

Jeffrey Thorsby  
Senior Administrative Analyst

Encl.



**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO**

**2019 Nevada County Civil Grand Jury Report**

**Request for Proposal and Procurement Practices**

**DATED July 9, 2019**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, Auditor-Controller, County Counsel, Public Defender, Behavioral Health, and Health and Human Services agency representatives or testimony from the Board of Supervisors and county staff members.

**A. RESPONSES TO FINDINGS**

F1. The County does not have approved policies or producers for the efficient operation of the Purchasing Department.

**Disagree.**

**On May 28<sup>th</sup> 2019, the Board of Supervisors by resolution 19-241 passed and adopted the Nevada County Purchasing Policy.**

F2. The County's Purchasing Guide is a training manual, not a formal policy or procedure. The Purchasing Guide contains discrepancies between its contents, the Admin Code, and California Government Code; is not consistent with generally recognized best procurement practices, is ambiguous as to RFP procedures, and is not always followed by County Offices and Departments.

**Agree.**

F3. County employees receive training on the Purchasing Guide, but many who conduct purchasing operations and/or manage contracts are not fully trained on and do not always follow best procurement and contract management practices.

**Disagree.**

**The purchasing guide has been replaced with a Board of Supervisors adopted Purchasing Policy recently. County staff who perform purchasing functions will be trained on the policy. With the size of an organization as large as the County, departmental staff with purchasing duties do change over time as people come and go, get promoted, or shift positions. As such, it is an ongoing**

**effort to train new people on a regular basis across the year. The County has implemented a new contract management system to track countywide contracts to best practice standards.**

F4. RFP practices in the Purchasing Guide have a number of correctable issues that could be addressed with detailed procedures if properly followed by County Offices and Departments.

**Agree.**

F5. The Office of the Auditor-Controller lacks sufficient staff to conduct contract reviews pursuant to BoS Resolution No. 98-479, dated 27 October 1988, which requires internal contract audits be conducted since 2009 when the Auditor-Controller's staff reduced by 25%.

**Disagree.**

**The Auditor Controller office has sufficient staff to conduct contract audits and does so regularly.**

## **B. RESPONSES TO RECOMMENDATIONS**

R1: The CEO, in cooperation with the County's Purchasing Agent, should continue researching procurement best practices and establish appropriate written procurement policies, practices and procedures that would be followed in executing County procurement processes.

**The recommendation has been implemented.**

**On May 28<sup>th</sup> 2019, the Board of Supervisors by resolution 19-241 passed and adopted the Nevada County Purchasing Policy.**

R2: The County's Human Resources department and Purchasing Agent should conduct an assessment of the training needs of current procurement staff and implement a plan for the training of new procurement employees on generally recognized best procurement practices.

**The recommendation has been partially implemented.**

**On May 28<sup>th</sup> 2019, the Board of Supervisors by resolution 19-241 passed and adopted the Nevada County Purchasing Policy. Purchasing Staff will be**



**working with Human Resources to provide training on the Nevada County Purchasing Policy.**

R3: The Purchasing Agent should submit a report to the BoS on completed revisions to the Purchasing Guide, as well as policies and procedures.

**The recommendation will not be implemented at this time.**

**The Purchasing Guide has been replaced with the Nevada County Purchasing Policy via Resolution 19-241.**

R4: The Purchasing Agent should, within 60 days of establishing formal written policies, practices, and procedures, and completing revisions to the Purchasing Guide, lead each County agency through training on the County's new policies, practices, and procedures.

**The recommendation will not be implemented because it is not warranted.**

**The County has replaced the Purchasing Guide with the Nevada County Purchasing Policy; therefore, the County will not provide training on the Purchasing Guide. However, training on the Nevada County Purchasing Policy will be provided over the course of the next year.**

R5: The Purchasing Guide should be reviewed and updated annually.

**The recommendation will not be implemented because it is not warranted.**

**While the Purchasing Guide will not be reviewed and updated annually, the Purchasing Policy will be reviewed annually and updated as applicable.**

R6: The Purchasing Guide should be updated to include the following:

- a. Required BoS approvals prior to issuance of an RFP;
- b. Establishment and handling of protest periods;
- c. Evaluation panel reviewer selection and recusals;
- d. Procedure in the event of evaluation panel reviewer statistical anomalies;
- e. Bidder qualification reviews where contract administrators have escalated concerns regarding a vendor's past contract performance;
- f. Maintenance of documented administrative files during a blackout period of County employee contacts involved with the RFP process and RFP respondents other than the County person named in the RFP documents; and
- g. Maintenance of complete administrative files documenting and justifying final decisions when that decision goes against the evaluation panel's recommendation.

**The recommendation will not be implemented because it is not warranted.**

**The Board of Supervisors adopted the Nevada County Purchasing Policy on May 28, 2019 that outline industry best practices for procurement policies.**

R7: The CEO's Office should complete a review of the Office of the Auditor-Controller and the staffing needs required to comply with BoS Resolution No. 98-479 as soon as possible.

**The recommendation will not be implemented because it is not warranted.**

**The Auditor Controller office has sufficient staff to conduct contract audits and does so regularly.**

R8: The CEO's Office should work with the Office of the Auditor-Controller to develop a checklist for contract administrators to document at least annually vendor performance and compliance with liability insurance requirements.

**The recommendation will not be implemented because it is not warranted.**

**In general, a personal service contract that is approved by the Board includes a Scope of Work that is evaluated against before payment can be issued. Additionally, all contracts must meet the approval of the Risk Manager's liability checklist.**

R9: All County contract administrators should, using the checklist referred to in R8, conduct performance evaluations and document them in an administrative file. Problems or concerns with a vendor's performance should be formally investigated and addressed.

**The recommendation will not be implemented because it is not warranted.**

**County personal service contracts include a Scope of Work that is evaluated against the work performed before payment can be issued. Additionally, all contracts must meet the approval of the Risk Manager's liability checklist.**

**Nevada County Dispatch Center  
A Vital Need**

2018-2019 Nevada County Grand Jury

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# **Nevada County Dispatch Center A Vital Need**

## **Summary**

On 11 October, while inspecting the Wayne Brown Correctional Facility, the 2018-2019 Nevada County Grand Jury (Jury) also visited the Nevada County Dispatch Center (Dispatch Center) located within the Correctional Facility. As a result of the visit, observations made, and interviews conducted, the Jury decided it was necessary to report on its findings.

The Dispatch Center provides 24/7 dispatch services for all Nevada County (County) law enforcement agencies including the Nevada County Sheriff's Office (NCSO), Truckee Police Department, Nevada City Police Department, and Grass Valley Police Department. It also provides dispatch services for animal control operations in the County, Grass Valley, and Truckee; and supports the County Public Works Department, State Department of Transportation, and the County Probation Department for after-hours emergencies.

The Dispatch Center itself consists of two rooms, one an office and storage area and the other the actual dispatch room. The windowless dispatch room is 516 square feet and has stations for four operators. There is only one restroom and no kitchen or break room. The Dispatch Center is crowded and uninviting.

The dispatch operators are highly trained and must have a calming demeanor yet be able to rapidly assess each call and ensure that action is taken to respond to any emergency.

The Jury found that the Dispatch Center does not provide an adequate working environment for the demands made on the dispatch personnel. The Jury also found that the Dispatch Center is understaffed and well below its staffing allowance resulting in excessively long shifts and overtime requirements that stress dispatch personnel.

The Jury is recommending that the NCSO relocate the Dispatch Center to an appropriate facility and that the NCSO and Nevada County Human Resources Office prioritize recruitment methods so staffing can be brought up to allocated levels.

## **Glossary**

<b>County</b>	Nevada County
<b>Dispatch Center</b>	Nevada County Dispatch Center
<b>Jury</b>	2018-2019 Nevada County Grand Jury
<b>NCSO</b>	Nevada County Sheriff's Office

## **Background**

In California, each of the 58 counties empanel a grand jury, whose function is to investigate the operations of the various officers, departments, and agencies of local government. A grand jury may examine all aspects of county or city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The grand jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

On 11 October, while inspecting the Wayne Brown Correctional Facility, the Jury also visited the Dispatch Center located within the Correctional Facility. As a result of the visit, observations made, and interviews conducted, the Jury decided it was necessary to report on its findings.

## **Approach**

The Jury toured the Dispatch Center and interviewed key personnel.

## **Discussion**

The Dispatch Center provides 24/7 dispatch services for all County law enforcement agencies including the NCSO, Truckee Police Department, Nevada City Police Department, and Grass Valley Police Department. It also provides dispatch services for animal control operations in the County, Grass Valley, and Truckee; and supports the County Public Works Department, State Department of Transportation, and the County Probation Department for after-hours emergencies.

All 911 calls within the County (with the exception of those from cell phones within 50 feet of a major highway which are routed directly to the California State Highway Patrol Dispatch Center) are routed to the Dispatch Center where the dispatch operators evaluate the call and take appropriate action.

Approximately 50% of all calls are true emergencies. All 911 calls are recorded and retained for 366 days. During periods of high activity, the Dispatch Center can assign an additional radio channel to police or fire agencies as needed in order to provide interference free communication.

The recruiting process for new operators is challenging. The Dispatch Supervisor screens all applications. Applicants then take the statewide Police Officer Standards and Training (POST) test. Approximately 50% pass this test. After an interview process, top candidates undergo a background check. About one third of those candidates pass this check. Those who pass then take a medical and psychological exam. Candidates who pass these exams proceed to hands-on training.

The dispatch operators are highly trained and must have a calming demeanor yet be able to rapidly assess each call and ensure that action is taken to respond to any emergency. Training for new dispatch operators takes six to nine months. The dropout rate for trainees is as high as 60%. The work is extremely demanding and stressful but can be satisfying when the outcome is positive.

The current staff includes a Supervisor and seven full-time-equivalent dispatch operators. There are five operator vacancies. Because of staff shortages, operators work five 12-hour shifts with mandatory overtime. Due to the long shifts and the lack of facilities at the Dispatch Center, personnel bring their meals and eat at their stations.

The Dispatch Center itself consists of two rooms, one an office and storage area and the other the actual dispatch room. The windowless dispatch room is 516 square feet and has stations for four operators. There is only one restroom and no kitchen or break room. The Dispatch Center is crowded and uninviting.

There has been discussion about relocating the Dispatch Center but to date, no decision has been made.

## **Findings**

- F1.** The Nevada County Dispatch Center does not provide an adequate working environment for the dispatch personnel.
- F2.** The Nevada County Dispatch Center is understaffed that results in added stress to the dispatch personnel.

## **Recommendations**

- R1.** The Nevada County Sheriff's Office should take immediate steps to provide an adequate facility for the Nevada County Dispatch Center and relocate the function to that facility.
- R2.** The Nevada County Human Resources Office should improve recruitment processes to increase the number of dispatch operators to the allocated numbers.

## **Request for Responses**

Pursuant to Penal Code section 933.05, the Jury requests responses from the following:

- From the Nevada County Sheriff's Office to Findings F1, F2 and Recommendation R1 by 5 July 2019.

- From the Nevada County Human Resources Office to Finding F2 and Recommendation R2 by 4 August 2019.



## **RESPONSES**

In the Report above, the Grand Jury requested responses from:

The Nevada County Sheriff's Office

The Nevada County Human Resources Office

The Nevada County Sheriff's Office responded but The Nevada County Human Resources Office did not. It chose to allow the Nevada County Board of Supervisors make its responses for it.

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May 15, 2019

The Honorable Thomas M. Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Response to the 2018-2019 Nevada County Grand Jury's October 11, 2018 visit to the Nevada County Dispatch Center:

Dear Honorable Judge Anderson:

The Nevada County Sheriff's Office appreciates the opportunity to respond to the 2018-2019 Nevada County Grand Jury report entitled Nevada County Dispatch Center A Vital Need. We would like to encourage the Grand Jury to include the upper management staff of the Sheriff's Office in its inquiries and investigations. There are times when questions can be answered in advance of the Grand Jury's final report, thereby easing or eliminating concerns.

### Findings

**F1** The Nevada County Dispatch Center does not provide an adequate working environment for dispatch personnel.

**Agree.**

**F2** The Nevada County Dispatch Center is understaffed that results in added stress to the dispatch personnel.

**Agree.**

### Recommendations

**R1** The Nevada County Sheriff's Office should take immediate steps to provide an adequate facility for the Nevada County Dispatch Center and relocate the function to that facility.

*It is important to the discussion to understand that the current location of the Dispatch Center inside the Wayne Brown Correctional Facility was a result of necessity, not planning; there was simply no other place to put it at the time it was relocated from the Courthouse in*

*the early 1990's. It was never intended to be the final location of the Dispatch Center and it was clearly understood at the time that it will have to be relocated at some point in time. It has served its purpose adequately over the years. But as the Grand Jury and the Sheriff's Office agree, it has overstayed its welcome. This is exactly why a new round of discussions has begun.*

*In so far as the Sheriff's Office has started discussions with other County stakeholders, the recommendation has already been implemented. As the Grand Jury correctly points out, "There has been discussions about relocating the Dispatch Center..."*

*On the other hand, if the expectation is that any required response should specifically address an "immediate" relocation of the Dispatch Center, that recommendation will not be implemented because it is not reasonable.*

*Initial discussions are the preliminary step in a successful process. However, it is important to stress that there is nothing "immediate" about relocating a Dispatch Center. First, the location must be thoughtfully decided to ensure a long term uninterrupted operational status. It is not ideal to continually move a dispatch center; the amount of necessary equipment and infrastructure is tremendous in quantity and expense. Second, financial planning is critical, just as in any major capital facility project of its kind. Third, the relocated Dispatch Center would necessarily need to be first constructed, or an existing structure would need to be remodeled, and include all equipment, infrastructure and testing necessary to begin accepting and dispatching calls for service; it needs to be turn-key. This would also include any necessary amenities for staff as suggested in the Grand Jury's report. The above steps require the input from the many stakeholders listed in the report, as well as a significant allocation of financial resources. This simply cannot happen "immediately" as suggested by the Grand Jury.*

*This is by no means an exhaustive list of steps but illustrates the complexity of such an undertaking. However, most of the decisions as to "where" are outside the control of the Sheriff's Office. Without a "where", the "how much" and "when" is currently undefinable.*

Sincerely,



Shannan Moon  
Sheriff/Coroner/Public Administrator

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Vice-Chair Heidi Hall, 1<sup>st</sup> District  
Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Susan Hoek, 4<sup>th</sup> District  
Chair Richard Anderson, 5<sup>th</sup> District

Julie Patterson Hunter,  
Clerk of the Board

July 9, 2019

The Honorable Judge Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**RE: County of Nevada Responses to Grand Jury 2019 Report entitled Nevada County Dispatch Center – A Vital Need**

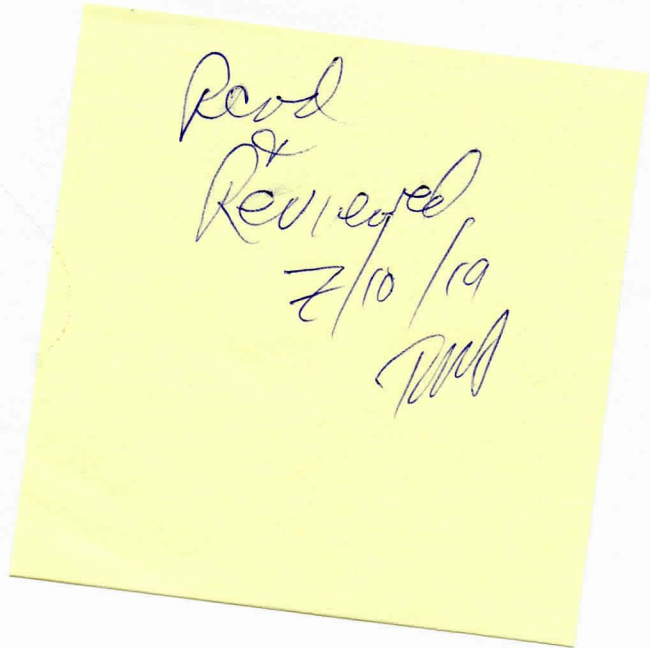
Honorable Judge Anderson,

Please find enclosed the County of Nevada's responses to the Grand Jury's 2019 Nevada County Dispatch Center – A Vital Need Report as approved by the Board of Supervisors at their regularly scheduled meeting on July 9, 2019.

Sincerely,

Jeffrey Thorsby  
Senior Administrative Analyst

Encl.



**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO**

**2019 Nevada County Civil Grand Jury Report**

**Nevada County Dispatch Center A Vital Need**

**DATED July 9, 2019**

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

**A. RESPONSES TO FINDINGS**

F2. The Nevada County Dispatch Center is understaffed that results in added stress to the dispatch Center

**Agree.**

**The current staffing levels in Dispatch are a top concern and priority of the County. Human Resources and the Sheriff's Office have embarked on multiple initiatives to attract enough qualified applicants to fill these critical positions.**

**B. RESPONSES TO RECOMMENDATIONS**

R2: The Nevada County Human Resources Office should improve recruitment processes to increase the number of dispatch operators to the allocated numbers.

**The recommendation has been implemented.**

**Nevada County has embarked on an aggressive recruitment strategy and streamlined many internal processes to speed up the process of identifying and qualifying prospective candidates. The County utilizes extensive social media advertising (County's Facebook page, Sheriff's Office Facebook page, LinkedIn, County's Nevada County News report, etc.) to attract candidates. The County holds special "sit in" and after-hours "informational sessions" to inform and attract candidates. Career events are held at various locations, such as Beale Air Force Base, to target dispatchers. A recruiting approach to**

**allow active Dispatchers from other Counties to be fast-tracked through the County's recruiting and hiring process is currently being developed.**

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**Investing in Housing for People Experiencing  
Homelessness in Nevada County**

2018-2019 Nevada County Grand Jury

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# **Investing in Housing for People Experiencing Homelessness in Nevada County**

## **Summary**

Homelessness is a significant national, state and local issue. The 2018-2019 Nevada County Grand Jury (Jury) responded to a complaint relating to homelessness, prompting the Jury to investigate the subject and report its findings.

The number of people experiencing homelessness in Nevada County (County) is much higher than any count would suggest. The preliminary 2019 Point-In-Time (PIT) count is 404 but stakeholders agree this number should be at least doubled to represent the true number of individuals who are currently considered homeless. The majority of the people counted are long-term residents of the County and are not a transient population from out of the area.

The *Housing First* model of providing people experiencing homelessness with permanent housing has been endorsed by both the Federal Government and the State of California. *Housing First* is an evidence-based approach with proven outcomes that has become the best practice. Counties, municipalities, and community groups must endorse the *Housing First* model to be eligible for significant new federal and state funding that is being allocated to address homelessness.

In December 2018 the Nevada County Board of Supervisors (BoS) approved and adopted the *Ten Year Strategic Plan to Address Homelessness – 2018* (2018 Ten Year Plan). There was broad agreement by the participants in the development of the plan that the primary cause of homelessness in the County is the lack of affordable housing and the solution to ending homelessness is to have more affordable housing units.

The *Housing First* approach will present challenges to the County since the current availability of low-income housing is virtually non-existent. The strategies offered in the 2018 Ten Year Plan must be developed into a specific implementation plan with goals, priorities, planned outcomes, timelines, responsibilities, accountabilities, and key measurements to meet the very real challenge of insufficient low-income housing units.

The BoS and elected officials from throughout the County should form a collaborative entity, perhaps a Joint Powers Authority, with the mandate to establish county-wide rules and programs to facilitate the development of low-income housing. In the absence of a collaborative entity, the County should take the lead to determine how to provide low-income housing and invite developers and builders to participate. The County should coordinate with Grass Valley, Nevada City, and Truckee (the Municipalities) to develop a list of incentives for developers to construct low-income housing.

Homelessness is a community issue that financially impacts every resident of the County. For example, there are real costs associated with law enforcement activities including incarcerations,

medical/emergency room visits, clean-up of trash and human waste, damage to the environment, as well as increased risk of fires. Numerous studies across the country have shown that the public cost per person is cut in half when housing is provided. Every citizen in the County should be motivated to contact their elected officials and encourage them to fund low-income housing for those experiencing homelessness as a method to reduce overall County costs.

Federal, state, and local funds for social services primarily flow into the County as opposed to the Municipalities. The County is the only entity that can take the primary leadership position in addressing the homelessness issue. The BoS and Nevada County Chief Executive Officer (CEO) should embrace this role. Homelessness should be a regular agenda item for BoS meetings. Frequent updates on strategies and projects in a public forum will raise awareness and possibly garner support from a portion of the population that is not informed about the issue. Continued partnership with community service providers for outreach and education to the general public is vital.

The housing crisis, both nationally and state-wide, has resulted in substantial funding being allocated to address homelessness and more is on the horizon. Monitoring existing and new sources of funding and preparing the required applications are time-consuming activities, as is the management and oversight of existing and new programs. All require a high level of expertise and close collaboration with multiple parties to be successful. The CEO should conduct an assessment of the personnel required to capitalize on the opportunities being presented and submit an incremental staffing plan to the BoS. The bolstering of resources and the outsourcing of specific functions should be evaluated to place the County in the best position to be competitive and successful in securing additional federal and state funding.

Providing citizens experiencing homelessness with permanent housing is a best practice that has been proven to reduce the overall cost of caring for these vulnerable citizens. Development of adequate numbers of such housing units in the County will be a long-term project and there will be a continuing need for traditional emergency shelters, winter warming shelters, and other overnight options.

The Jury acknowledges that significant progress has been made in addressing homelessness in the County and specific highlights are provided in this report. The Jury was encouraged to see action taken by the BoS in January 2019 to purchase a five-acre parcel on Old Tunnel Road in Grass Valley for \$233,900. This parcel is slated for an estimated 10,000+ square-foot Day/Navigation Center and 40 housing units. Two significant state funding applications for this project have been submitted and results are pending.

Emergency shelters (Hospitality House is the largest in the County) offer a place for people to sleep but they must vacate the facility during the day. This creates the lack of a daytime destination for people experiencing homelessness which often leaves them back on the streets. The Jury fully endorses aggressive movement on development of the Day/Navigation Center on Old Tunnel Road as a first step toward giving citizens experiencing homelessness a destination during the day and access to critical services. The County should continue to partner with relevant stakeholders to secure funding for and commence construction of the Day/Navigation

Center as a top priority. The Nevada County Building Department should streamline construction requirements to open the Day/Navigation Center in the shortest time possible.

A warming shelter is a short-term emergency shelter that operates when weather conditions become dangerously inclement. Their primary purpose is the prevention of death and injury from exposure to the elements. The Jury was gratified to see the County, Nevada City, the Nevada City Police Department, Sierra Roots, the Salvation Army, the Veteran's Hall, and neighborhood constituents come together, pool their expertise and resources, and finalize a plan to open shelter options for the winter of 2018-19.

Current agreements were only in place for the 2018-2019 winter with no long-term plan. The BoS should allocate ongoing funding in its annual budget to support the operation of winter warming shelters. Existing agreements should be renewed by October 1, 2019 and should include more flexibility on the part of operators as to when weather conditions, both forecasted and actual, warrant opening.

Arresting people for sleeping outdoors was deemed illegal in 2018 by the United States Ninth Circuit Court of Appeals. In *Martin vs. City of Boise*, the court found "the Cruel and Unusual Punishments clause of the Eighth Amendment precludes the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter." Law enforcement is required to adhere to this decision. The County should explore the risks and benefits of designating and maintaining an approved camping location for overnight options. The analysis, findings, and conclusions should be shared with the public.

There are citizens in the County who are actively working to facilitate and expand programs and services for citizens experiencing homelessness. Their dedication and commitment are commendable. There are vocal citizens on the other end of the spectrum who are opposed to any projects or programs related to the homeless occurring near their residences or businesses. There are many citizens in the middle who lack awareness of the magnitude of the issue, have never been personally affected by homelessness, and do not recognize the cost and risk to the County of failing to house people. Regardless of where an individual citizen lands on the spectrum, investment now in permanent housing solutions will not only alleviate human suffering but will save the County money. Every citizen should support these objectives.

## Glossary

**2009 Ten Year Plan** – *The Ten Year Plan to End Homeless in Nevada County 2009-2019\**

**2018 Ten Year Plan** – *Ten Year Strategic Plan to Address Homelessness – 2018\**

**BoS** – Nevada County Board of Supervisors\*

**CEO** – Nevada County Chief Executive Officer

**CoC** – Continuum of Care\*

**County** – Nevada County

**HEAP** – Homeless Emergency Aid Program\*

**HEARTH** – Homeless Emergency Assistance & Rapid Transition to Housing\*

**HHS** – Nevada County Health & Human Services Agency\*

**HMIS** – Homeless Management Information System\*

**HRCS** – Homeless Resource Council of the Sierras\*

**HUD** – United States Department of Housing and Urban Development\*

**Jury** – 2018-2019 Nevada County Grand Jury

**MHSA** – Mental Health Services Act\*

**Municipalities** – Grass Valley, Nevada City, and Truckee

**NCCC** – Nevada County Coordinating Council\*

**NPLH** – No Place Like Home\*

**PIT** – Point-in-Time\*

**warming shelter** – emergency cold weather shelter\*

\* See Appendix A for descriptions

## Background

When the temperatures drop and rainfall persists, our attention and compassion are drawn to the plight of our residents without homes. What are citizens of the County doing about community members who are experiencing homelessness? What steps are elected officials taking? How can the community provide support for them? The Jury responded to a complaint relating to this issue of homelessness which prompted the Jury to investigate the subject and report its findings.

Homelessness is a significant national, state, and local issue. One barrier to the public's understanding of homelessness is a misconception regarding people experiencing homelessness. It is important for our citizens to recognize that the majority of people experiencing homelessness in the County grew up here, went to high school here, or had a job here prior to losing their housing. They are not a transient population from out of the area. Demographic information regarding people experiencing homelessness in the County is gathered during an annual PIT count. In the 2019 PIT count, 59% of those who responded to the survey stated they were originally from the County or reside here to be close to family. Furthermore, 59% of survey respondents had lived in the County for five or more years prior to becoming homeless and 21% had lived here between one and five years.

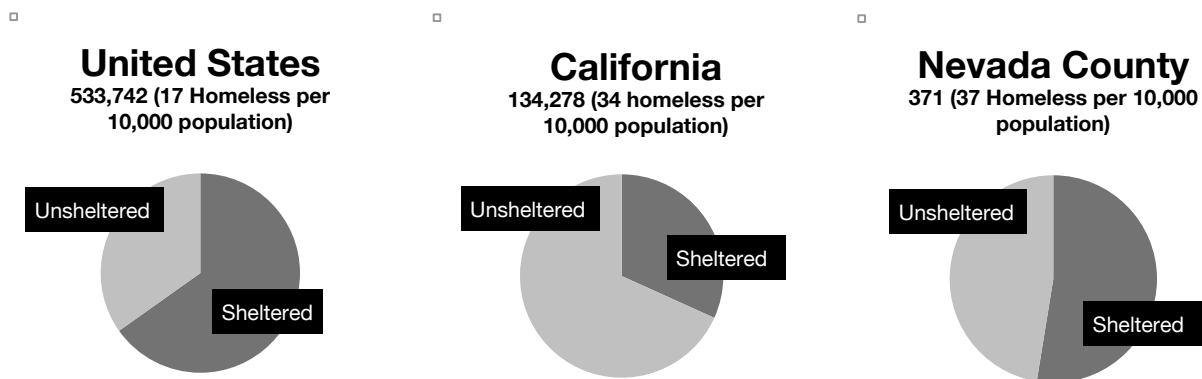
There are many reasons for a person to experience homelessness: job loss, low-paying jobs, insufficient employment hours, permanent disability, medical issues, mental illness, substance

abuse, alcoholism, being disowned for being gay or transgender, institutionalized racism, domestic violence, child abuse, debt due to fraud, disparity in our criminal justice system, divorce, or aging out of the foster care system. The major contributor is the shortage of low-income housing. The challenges facing our nation and the County are how to help people avoid becoming homeless and how to address the issues of people who are currently experiencing homelessness.

County officials, dedicated non-profit organizations, and committed citizens have worked hard to address homelessness in the County despite continually shifting strategies and requirements. In September 2008 these groups created the Nevada County Continuum of Care Collaborative to “collaboratively work together to prevent homelessness and to assist homeless individuals and families to move to self-sufficiency and permanent housing.” The PIT count was 345 people in January of 2009. They created *The Ten Year Plan to End Homelessness in Nevada County 2009-2019* (2009 Ten Year Plan) with a primary goal “to end homelessness in Nevada County by 2019.”

In 2017 the County PIT count was 371; by 2018 the issue of homelessness reached a high priority level in the nation and our state. Comparative data for the United States and California is not yet available for the 2019 count. The data below compares the 2017 results and shows the dramatically higher incidence per capita of homelessness in California and the County vs. the United States. Twenty-four percent of the nation’s homeless population resides in California and the incidence per capita of homelessness is higher in the County.

### 2017 PIT Count



In December of 2018 the BoS approved and adopted the 2018 Ten Year Plan. New major sources of funding became available and competing for this funding requires collaborative compliance with new requirements.

The preliminary 2019 PIT count of people experiencing homelessness in the County was 404 individuals. It is generally acknowledged by stakeholders that this number should be at least doubled. The PIT count does not include people temporarily living with family or friends, people living in temporary housing, and those in institutions such as jails, foster care, or

hospitals. The Superintendent of Schools has reported that 300+ youth are living in another household due to economic hardship and these students were not counted.

Individuals and families were counted based on where they slept the night of January 24, 2019. The PIT count looked at both Sheltered Homeless (people living in emergency shelters, motels paid for by an agency, and transitional housing for people experiencing homelessness) and Unsheltered Homeless (people living in cars and other places not designed as regular sleeping accommodations for people).

Preliminary key statistics in 2019 include the following:

- Sheltered – 160 (40%), Unsheltered – 244 (60%) – Total 404
- Adults – 358 (89%), Children – 43 (11%)
- Chronically Homeless Individuals and Families – 202 (50%)
- Veterans – 33 (8%)
- Unaccompanied Youth – 27 (7%)
- Individuals with a Substance Abuse Problem – 144 (36%)
- Individuals with a Serious Mental Illness – 131 (32%)

The Jury embarked on this project with multiple goals:

- Educate the community on the magnitude of the problem.
- Understand the role being played by various stakeholders: the County, the Municipalities, law enforcement, the Homeless Resource Council of the Sierras (HRCS), the new organization overseeing each Continuum of Care (CoC), non-profit groups, faith-based groups, homeless advocates, and people experiencing homelessness themselves.
- Understand the current status of programs and services being offered to citizens experiencing homelessness.
- Identify significant gaps in programs and services.
- Identify current best practices for addressing homelessness.
- Assess opportunities for future sources of new funding and significant challenges that may be barriers to the receipt of funding.
- Ensure that the public understands it can influence the BoS to fund solutions for community members who are experiencing homelessness.

The Jury acknowledges that the issue of homelessness is complex and multi-layered. Appendix B reflects the number of entities and organizations involved in addressing or serving people experiencing homelessness. The Jury recognizes the progress that has been made and encourages acceleration of that progress through increased communication, cooperation, and collaboration among stakeholders. The public must engage if they are interested in saving the County money or they desire to protect and improve the quality of life for these vulnerable community members.



## Approach

The Jury interviewed a cross-section of individuals including those within the following categories:

- County government,
- City of Grass Valley government,
- Nevada City government,
- participants in HRCS and the Nevada County Coordinating Council (NCCC),
- law enforcement,
- non-profit groups,
- faith-based organizations, and
- homeless advocates.

The Jury conducted an extensive review of documents, including:

- homelessness statistics across the country and state,
- articles on homelessness issues and solutions across the country and state,
- websites of various non-profit groups working on homelessness issues,
- law enforcement best practices addressing people experiencing homelessness,
- BoS meetings and presentations,
- the 2009 Ten Year Plan,
- the 2018 Ten Year Plan,
- *Identified Service and Process Gaps Summary Brief 2017* (Homeless Process Improvement Group, an ad hoc group convened by a County Supervisor),
- *Building Bridges to Housing – A Multi-Year Plan to Address Homelessness in Nevada County 2018* (Nevada County Health & Human Services Agency [HHSAA]),
- HRCS guidelines, policies, and procedures,
- the *10<sup>th</sup> Decile Project*,
- *Assessing the Faith-based Response to Homelessness in America* (Baylor Institute for Studies of Religion; 2017), and
- overviews on funding sources with a focus on:
  - 1) Mental Health Services Act (MHSA),
  - 2) Homeless Emergency Aid Program (HEAP), and
  - 3) No Place Like Home (NPLH).

## Discussion

### **The *Housing First* Model**

In the past, strategies and funding for addressing homelessness have focused on emergency shelters and social services (food assistance, mental health programs, substance abuse programs, etc.). In more recent years, the *Housing First* model has become the best practice. This model has been endorsed by both the Federal Government and California and is the vehicle used to

move money to County and municipal agencies, as well as community organizations, for the purpose of providing housing and services to individuals experiencing homelessness.

The *Housing First* model quickly moves individuals and families into permanent housing without preconditions and barriers to entry such as demonstration of sobriety, completion of alcohol or drug treatment, or agreeing to comply with a treatment regimen upon entry into the program. *Housing First* is an alternative to the system of moving people from the streets to public shelters, from public shelters to transitional housing, and from transitional housing to permanent housing. The approach is based on the concept that an individual or household's primary need is to obtain stable housing and that other issues that may affect the household should be addressed once housing is secured.

The 2018 Ten Year Plan characterizes *Housing First* as “the official strategy of the Federal Department of Housing and Urban Development (HUD) and the [California] State Department of Housing and Community Development for formatting homeless services.” The 2018 Ten Year Plan was developed through meetings with stakeholders across the spectrum including County and Municipal elected officials, the business community, law enforcement, shelter and service providers, faith-based groups, homeless advocates, and community members. There was broad agreement that the primary cause of homelessness in the County is the lack of affordable housing and the solution to ending homelessness is having more affordable housing units.

The *Housing First* approach will present challenges in the County as the current availability of low-income housing is virtually non-existent. County personnel recently referred to the state-mandated Housing Element Report that concluded 300 low or very low income housing units are needed in 2019. Between 2009 and 2015, only 56 such units were constructed in the County. The County has already failed to meet its 2014-2019 Housing Element goals which could lead to loss of accreditation and ineligibility for future block grant funds. Governor Newsom appears to be raising the stakes as he recently directed the Attorney General's Office to file suit against the city of Huntington Beach for failing to have a housing plan that adequately addresses the needs of all of its residents. The Governor's action was the first of its kind under a new law that allows the state to sue a local jurisdiction found to be out of compliance with its housing goals.

The BoS commissioned the 2018 Ten Year Plan as a prerequisite requirement for applying for California's NPLH program through the Department of Housing and Community Development. The global strategies offered in the plan met this requirement nicely. The framework can be utilized to develop a specific implementation plan with goals, priorities, planned outcomes, timelines, responsibilities, accountabilities, and key measurements to meet the challenge of insufficient low-income housing units.

One of the key strategies in the 2018 Ten Year Plan supported by the Jury calls for the formation of a Joint Powers Authority between jurisdictions within the County. The plan concluded that “a unified effort in relation to housing ordinances and allocation of service resources would be a highly effective approach.” This new organization would consist of local elected officials, County administrators, and other key stakeholders. The entity would have the authority to create an implementation plan and provide oversight over execution of that plan. It would be tasked

with creating memorandums of understanding to integrate collaboration and resource utilization across the County, the Municipalities, non-profits, faith-based organizations, and business entities.

Many individuals interviewed by the Jury lauded the Mountain Housing Council of Tahoe-Truckee. The Council is a coalition of 29 partner agencies including local government, non-profits, and business groups. The Council assists with formulating local housing policy including workforce housing, short-term rental policy, and housing development concepts. The inclusion of the business community makes this group uniquely different from any organization in western Nevada County and could serve as a model worthy of replicating. While much work remains to be done in eastern Nevada County to facilitate the availability of low-income housing, the Mountain Housing Council has a structure to facilitate solutions and positive momentum.

### **The Housing Challenge**

There are many obstacles to building low-income housing in the County. These include but are not limited to zoning, building codes, development fees, permit fees, permit procedures, and site improvement requirements. The Jury learned there are various ways to address the critical housing shortage through innovative solutions such as re-purposing existing buildings. The County should take the lead to determine how to provide low-income housing and invite developers and builders to participate. The County and Municipalities should identify building requirements that can be modified and made more flexible in order to construct a variety of units including modular homes, prefabricated homes, tiny homes, multi-unit apartment complexes, and secondary dwelling units. The BoS should explore reinstating an inclusionary housing policy. Such a policy provides residential developers with incentives to reserve a certain percentage of homes or units in a development at prices affordable to low-and moderate-income households. Alternatively, they can be required to make such housing available at an alternative site or pay a fee in lieu of development. The County and Municipalities should develop a list of incentives for developers to construct low-income housing including adjustments to impact fees and the use of general funds to assist in building housing.

### **Costs**

Homelessness is a community issue, impacting many visible and invisible aspects of local life. The most obvious impact is the suffering and disruption to the lives of those without homes but there is also a financial cost that ultimately affects every resident of the County. There are real costs associated with law enforcement activities including incarcerations, medical/emergency room visits, clean-up of trash and human waste, and damage to the environment as well as an increased risk of fires.

In 2012, HUD Secretary Shaun Donovan said each person experiencing homelessness costs taxpayers about \$40,000 a year. In Los Angeles County, the Corporation for Supportive Housing conducted a study in 2015 that focused on the top 10% highest-cost, highest-need individuals experiencing homelessness (*10<sup>th</sup> Decile Project*). The study showed that such an individual costs public systems over \$70,000 annually when they are experiencing homelessness, and only \$20,300 annually when they move into housing paired with support services. Another study done by the Central Florida Commission on Homelessness showed that the region spent

\$31,000 a year per person experiencing homelessness. In contrast, individuals who received permanent shelter cost \$10,000 a year.

The cost of providing permanent housing for people experiencing homelessness is significantly less expensive than the costs incurred by leaving them on the streets. Every citizen in the County should be motivated to contact their elected officials and encourage them to fund housing for people experiencing homelessness as a method to reduce overall County costs.

## **Funding and Leadership**

### County Government

In January 2018, the BoS adopted Resolution No. 18-062: Adopting the 2018 Board Objectives and Legislative Priorities. Two of the six “A” priorities directly related to the homelessness issue are:

- “Implement the Homeless Services Plan utilizing Coordinated Entry, a 24/7 service pilot program and a housing first model to identify and offer services to the most vulnerable homeless population in Nevada County through partnerships with other jurisdictions, law enforcement, and community providers.”
- “Leverage County resources to expand opportunities to address housing affordability issues for all target populations in Nevada County through partnerships with other jurisdictions, potential developers, and the housing authority.”

The Jury applauds the BoS for formalizing the commitment they made in early 2017 to make homelessness a priority. Federal, state, and local funds for social services primarily flow into the County as opposed to the Municipalities. This funding fuels the Health & Human Services Agency (HHSA), which employs approximately 172 full-time employees in its Social Services, Public Health, and Behavioral Health departments. While these three departments serve many citizens who are not experiencing homelessness, the programs they manage (CalWORKs, CalFresh, Medi-Cal, mental health services, alcohol and drug treatment, HIV management, housing assistance, home rehabilitation, and others) provide support to many citizens who are without homes. There is funding that flows directly to service providers through the CoC program but those service providers are focused on their individual areas of expertise and cannot be expected to provide the global leadership and coordination that is needed to address a problem of this magnitude. The County is the only entity that can take the primary leadership position in addressing the homelessness issue. The BoS and the CEO should embrace this role.

Since designating homelessness as a priority in early 2017, a review of BoS meeting minutes confirms that only one significant progress review was given by HHSA personnel before December 2018. The Jury believes this represents an unacceptable hands-off approach to an issue deemed a “priority.” As the prior report’s deadline “to end homelessness in Nevada County by 2019” approached, the County commissioned the 2018 Ten Year Plan. The plan urged the BoS to undertake responsibility for leading the efforts to address homelessness in the County. The 2018 Ten Year Plan was approved and adopted by the BoS at its December 11, 2018 meeting. Multiple Supervisors expressed desire for “traction” and “momentum,” which will only come through the previously mentioned development of an implementation plan that

links goals and resources to timelines and outcomes. Aggressive and visible monitoring of the plan will be vital. Homelessness should be a standing agenda item for every BoS meeting. Frequent updates on strategies and projects in a public forum will raise awareness and possibly garner support from a portion of the population who are not informed about the issue. The participation of the Nevada County Director of Housing in the January 2019 League of Women Voters forum *Strategies For Housing the Homeless* was an excellent example of the County engaging with the public on this topic. Continued partnership with community service providers to provide outreach and education to the general public is vital.

The Jury recognizes and acknowledges that significant progress has been made in addressing homelessness in the County, including some of the following highlights:

- Full-time Housing Resource Manager hired – July 2017
- Permanent Supportive Housing Programs renewed – September 2017
- Funding to Hospitality House (emergency shelter in Grass Valley) expanded – October 2017
- Funding of additional homeless outreach case managers in Tahoe Truckee secured – October 2017
- The Homeless Management Information System (HMIS) where individuals interacting with service providers are entered into a single database launched – December 2017
- Hospitality House expanded to include 11 beds for low-barrier clients (clients who suffer from mental illness or alcohol or drug addiction) and 4 respite beds for patients being discharged from Sierra Nevada Memorial Hospital – November 2018
- Joint efforts of the County, the cities of Grass Valley and Nevada City, and the nonprofits Sierra Roots, the Salvation Army, and Hospitality House solidified the need for warming shelters to accommodate people experiencing homelessness in western Nevada County for the winter of 2018-2019 – November 2018
- Robust PIT count effort conducted – January 2019
- Completed purchase of a five-acre parcel for *Housing First* units completed – January 2019
- Warming shelter nights increased – March 2019

The five-acre parcel purchased in January 2019 is slated for an estimated 10,000 square-foot Day Center and 40 housing units. The BoS also approved a memorandum of understanding between the County, Hospitality House, and the Regional Housing Authority to pursue grant applications that will provide funding for the Day Center and housing project.

The first significant funding source for the housing portion comes through the California Department of Housing and Community Development NPLH program that will dedicate up to \$2.0B in bond proceeds to invest in the development of permanent supportive housing for persons who are in need of mental health services and are experiencing homelessness. These housing units will be required to utilize tenant selection practices that prioritize vulnerable populations and offer flexible, voluntary, and individualized support services. County officials estimate that the County could be eligible for \$1-3M and these funds would support 12 of the 40 housing units. The Jury commends Hospitality House for having the vision to adopt the *Housing First* model which placed the entire region in a position to actively compete for this funding.

The second major source of funding is a Community Development Block Grant that would support construction of the Day Center. The maximum the County can request is \$3M. Applications have been submitted for both of these grants and decisions are pending. While not yet approved, Governor Gavin Newsom's "California for All" budget includes \$500M in a onetime General Fund to encourage local governments to build emergency shelters and Day/Navigation centers.

The bottom line is that the housing crisis both nationally and in California has resulted in substantial funding being allocated to address homelessness and more is on the horizon. Monitoring both existing and new sources of funding and preparing the required applications are time-consuming activities that require a high level of expertise and close collaboration with multiple parties to be successful. Management and oversight over existing and new programs are resource-intensive activities with a similar level of collaboration and cooperation required. The CEO should conduct an assessment of the personnel required to capitalize on the opportunities being presented and submit an incremental staffing plan to the BoS. Bolstering resources and outsourcing specific functions should be evaluated to place the County in the best position to be competitive and successful in securing additional federal and state funding.

### Community

In addition to funding that flows through the County, other federal and state funding flows directly through the CoC program. This program was developed by HUD to promote community-wide commitment to the goal of ending homelessness. HRCS is fulfilling this role for Nevada and Placer Counties. It performs the administrative function of applying for federal and state grants and distributing funds, conducting the PIT count, managing the required HMIS and submitting required quarterly or annual evaluations of programs that have received funding. HRCS administered a joint Nevada and Placer County CoC. The NCCC was a HRCS sub-committee focused on the County.

A recent unanimous decision by the HRCS Board of Directors was made to have what was the NCCC and Placer County's sub-committee separately manage their CoCs while still retaining HRCS as the governing administrative body. The current HRCS Board has concluded that managing separate CoCs will provide each county with access to two Emergency Shelter grants where the current structure limits them to one each. It is acknowledged that HUD funding is fluid and there is risk that the overall pool of funds available may decline over time.

In the past, there has been an unequal distribution of voting members on the HRCS Board of Directors. In 2018, the 18 voting members consisted of nine members from Placer County, four members from Nevada County, and four providers who have a scope of service spanning both counties. Additionally, Placer County supported approximately 70% of the HRCS administrative costs while Nevada County provided the other 30%. The unequal representation contributed to an unequal allocation of funding as evidenced by the recent distribution of \$2.7M in California HEAP funding where \$1.6M went to Placer County and \$1.1M to Nevada County. The Jury is pleased to see that an aggressive effort has been made recently to add Nevada County representatives to the HRCS Board and the distribution is currently eight Placer, seven Nevada, and four who span both counties. While this may be less important as the separation renders HRCS less of a decision-making body and more of an administrative body, there is still value in

each county having an equal voice at the table. Nevada County should provide equal financial support for HRCS administrative expenses.

Nevada County members of the HRCS Board have stepped up to form the leadership team for the new organization overseeing the County's CoC. A chair and co-chair have been selected, a Governance Charter has been drafted and accepted by HUD, and a meeting schedule has been adopted. The Jury encourages a continued sense of urgency as the infrastructure for this new organization is solidified. A broad spectrum of community entities involved in homeless services (social services, emergency sheltering, law enforcement, HIV management, transitional age youth, veterans' services, mental health advocacy, housing, hospital services, and others) must be energized to consistently participate.

The Jury suggests the BoS adopt the United States Interagency Council on Homelessness recommendation that "a strategic plan implementation have an oversight body involving a broad spectrum of the community." The new organization overseeing the County's CoC could serve in this capacity overseeing the 2018 Ten Year Plan. A robust, healthy, and energetic organization meets the expectations of HUD and other funding entities and will lead to solid, community-wide prioritizing and decision-making.

### **Interim Solutions on the Way to *Housing First***

It is clear that providing citizens experiencing homelessness with permanent housing is a best practice that has proven successful and garnered support at both the federal and state levels. It is recognized that development of adequate numbers of such housing units in the County will be a long-term project and, as such, interim solutions are required.

#### Shelters

Most communities are familiar with the concept of a homeless shelter that provides a temporary place to sleep for people experiencing homelessness. As mentioned in the 2018 Ten Year Plan, Hospitality House (69 beds for people who meet the eligibility requirements) is such a homeless shelter. Others include the Salvation Army (36 beds for households with children) and Community Beyond Violence (16 beds for victims of domestic violence).

To be compliant with the *Housing First* model, Hospitality House recently expanded its capacity to include 11 beds for low-barrier clients, e.g. clients who suffer from alcohol or drug addiction, making them ineligible for the main Hospitality House beds. Under a partnership with Sierra Nevada Memorial Hospital and the County, an additional four respite beds were added for patients being discharged from the hospital who need a safe place to recover. Hospitality House offers a place for people to sleep but they must vacate the facility during the day (with the exception of the respite clients). This creates the lack of a daytime destination for people experiencing homelessness that often leaves them back on the streets.

#### Winter Warming Shelters

There are numerous dedicated and committed individuals and groups in the County working on addressing homelessness including representatives from government, law enforcement, non-profits, and faith-based organizations, as well as homeless advocates and community volunteers. While communication, collaboration, and a common agenda have sometimes

appeared absent in the past, many recently came together to address a potential crisis in warming shelter availability for the 2018-2019 winter.

A warming shelter is a short-term emergency shelter that operates when weather conditions become dangerously inclement. Its primary purpose is the prevention of death and injury from exposure to the elements. Typical criteria for opening a warming shelter has included temperatures below 30 degrees, temperatures below 34 degrees with one inch of rain in a 24-hour period, temperatures below 34 degrees with snow on the ground, or three or more consecutive days of rain.

Leading up to the winter of 2017-2018, the County and the City of Grass Valley each provided \$37,500 to Hospitality House to open 15 warming shelter beds. At the time, Hospitality House was not a low-barrier shelter so people experiencing homelessness with mental illness, alcohol addiction, or drug addiction were not eligible. Sierra Roots, a non-profit organization that serves the chronically homeless, ran a low-barrier warming shelter at the Nevada City-owned Veteran's Hall and Seaman's Lodge in Nevada City under a memorandum of understanding. No County funding was provided and staffing consisted entirely of volunteers. The limited availability of shelter capacity in Grass Valley led to an overwhelming demand in Nevada City on the 20 winter days the shelter was open. Sheltering over 50 individuals was not manageable resulting in damage to the facility, complaints from the neighborhood, and a significant spike in law enforcement activity.

Leading up to the winter of 2018-2019, it was clear that the permanent utilization of Hospitality House for additional low-barrier and respite beds would result in no warming shelter beds being available in Grass Valley. The County, Nevada City, the Nevada City Police Department, Sierra Roots, the Veteran's Hall, and neighborhood constituents came together to develop a new memorandum of understanding that addressed caps on capacity, minimum staffing, and security requirements. The County contracted to provide financial support so Sierra Roots could fund key positions including security. Separately, the County negotiated a contract with the Salvation Army to provide additional warming shelter beds for families in Grass Valley.

The Jury was gratified to see the various constituent groups come together, pool their expertise and resources, and finalize a plan. During the wet and cold 2018-2019 winter, the shelters were open many nights, capacity was not exceeded, and operations were smooth. Controversy remains over the criteria utilized to open the Nevada City shelter. Current agreements were only in place for the 2018-2019 winter with no long-term plan. Future agreements should be modified to allow more flexibility on when to open. The County should budget continued funding for the warming shelters and solidify agreements with the Municipalities and non-profit organizations until permanent housing options are available.

The Jury wishes to acknowledge the United for Action coalition in the Tahoe/Truckee region that was started four years ago. In addition to other projects, this faith-based group established a permanent cold weather warming shelter at the United Methodist Church in Truckee. Churches provide the majority of volunteers and all of the food. The need is much smaller with four to nine individuals served each night it is open.



### Law Enforcement and Camping

Law enforcement personnel often interact with people experiencing homelessness. In the 2018 Ten Year Plan, officers reported 90% of the people experiencing homelessness they arrested were suffering from either mental illness, substance abuse, or both. Arrests were often for small infractions including public inebriation, disturbing the peace, and trespassing.

Arresting people for sleeping outdoors has been deemed illegal. In September 2018 the United States Ninth Circuit Court of Appeals stated in a 32-page opinion (*Martin vs. City of Boise*), that

“The Cruel and Unusual Punishments clause of the Eighth Amendment precludes the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter. As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”

Law enforcement is required to adhere to this decision. Establishment of an approved camping location for overnight options that is well managed and supervised with appropriate facilities and amenities should be explored. Fire danger and negative environmental impacts could be reduced and law enforcement could direct people experiencing homelessness to this option.

### Day/Navigation Center

Opening a Day/Navigation Center would mitigate the problem of no daytime destination for individuals who must vacate overnight shelters. Such a facility would offer a centralized, safe location for people experiencing homelessness to gather with facilities for hygiene, clothing washing, warm meals, receiving mail, etc. Access to a Day/Navigation Center would also provide an opportunity to connect people with public assistance programs, physical and mental health services, permanent housing opportunities, and employment opportunities.

In January 2018, the HHSA presented its *Building Bridges to Housing: A Multi-Year Plan to Address Homelessness in Nevada County* to the BoS. Included in the plan as one of the top three priorities was the establishment of a Homeless Services Day Center and \$250,000 of funding was allocated for this purpose. The 3-12 month short-term plan was to identify a location and establish a day services center with a longer-term 12-24 month plan to establish a fully integrated, multidisciplinary homeless services center that operated full time. During most of 2018, the project failed to gain any momentum. Existing facilities affiliated with potential operating partners required substantial capital investment to meet the requirements to obtain a conditional use permit. A year later the BoS unanimously approved the purchase of 936 Old Tunnel Road for \$223,900. A portion of this land is slated for development of a 10,000+ square-foot Day Center that will ultimately evolve into a full-time facility that includes transitional housing.

The Jury fully endorses aggressive movement on this plan as a first step towards giving citizens experiencing homelessness a destination during the day and access to critical services. Ideally, the County will receive the Community Development Block Grant it has applied for to support this project. It appears there are additional sources of funding available such as the Governor’s

\$500M General Fund and these should be pursued. The current estimate is that the Day Center will take 18 months to two years to build once construction begins. Efforts should be expended to streamline construction requirements to open the Day Center in the shortest time possible.

### **Public-at-Large**

There are citizens in the County who are actively working to facilitate and expand programs and services for citizens experiencing homelessness. Their passion and commitment are admirable. They donate money, volunteer, advocate, develop relationships with people experiencing homelessness, encourage their workplaces and/or faith-based organization to get involved, attend meetings of the new organization overseeing the Nevada County CoC and BoS meetings, and work to elect people who prioritize addressing homelessness. There are vocal citizens on the other end of the spectrum who are opposed to any projects or programs related to addressing homelessness occurring near their residences or businesses, an attitude known as Not In My Backyard (NIMBY). There are many citizens in the middle who lack awareness of the magnitude of the issue, have never been personally affected by homelessness, and do not recognize the cost and risk to the County of failing to house people. Regardless of where an individual citizen lands on this spectrum, investment now in permanent housing solutions will not only alleviate human suffering but will save the County money. These are objectives every citizen should support.

## **Findings**

- F1.** The number of people experiencing homelessness in the County is much higher than any count would suggest. The preliminary 2019 PIT count is 404 but stakeholders across the spectrum agree this number should be at least doubled to represent the true number of individuals who are currently considered homeless.
- F2.** The PIT count shows the majority of people experiencing homelessness locally are long-term residents of the County.
- F3.** There are numerous dedicated and committed individuals and groups in the County working on addressing the homelessness issue but no single entity has the resources to do it alone.
- F4.** Citizens in our community who are opposed to any projects or programs related to addressing homelessness occurring near their residences or businesses often slow or impede beneficial projects proven to save counties money.
- F5.** The *Housing First* model of providing people experiencing homelessness with permanent housing is an evidence-based approach with proven outcomes that is considered a best practice across the country. The County will benefit from supporting the *Housing First* model, making it eligible for federal and state funds.
- F6.** The majority of the funding to address homelessness comes from state and federal sources. The County and the new organization overseeing the Nevada County

CoC are the two major entities best suited, at this time, to diligently pursue such funding for the benefit of our community.

- F7.** The County's severe shortage of low-income housing contributes to homelessness and requires an aggressive approach to comply with Regional Housing Needs Allocation (RHNA) plan for funding. The County is best situated to address the many obstacles to building low-income housing locally.
- F8.** The BoS approved the 2018 Ten Year Plan on December 11, 2018. However, it lacks an implementation plan with accountable leadership.
- F9.** Homelessness financially impacts all County residents. The cost of homelessness includes significant expenses related to medical, law enforcement including incarceration, clean-up of trash and human waste, damage to the environment, and increased risk of fires. Numerous studies across the country have shown that the public cost per person is reduced to less than half when housing is provided.
- F10.** Two key functions that address homelessness within the County that would benefit from increased funding and personnel are the preparation of applications (e.g. grant writing) and the oversight of existing and new programs.
- F11.** The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.
- F12.** Until the current shortage of low-income housing is remedied, there will be a continuing need for traditional emergency shelters, winter warming shelters, and other overnight options for people experiencing homelessness.
- F13.** The current contracts between the County and non-profit providers regarding winter warming shelters in western Nevada County do not extend beyond the winter of 2018-2019, leaving uncertainty about the availability of such shelters in the future.
- F14.** A Day/Navigation Center for people experiencing homelessness would benefit the community by offering a daytime destination to access social services and to complement the current overnight accommodations. The County has purchased land on which to build such a Center.

## **Recommendations**

- R1.** The County should take the leadership role for addressing homelessness.
- R2.** The BoS should supplement the 2018 Ten Year Plan with an implementation plan that links goals and resources to outcomes and timelines.

- R3.** The BoS should adopt the United States Interagency Council on Homelessness recommendation that “a strategic plan implementation have an oversight body involving a broad spectrum of the community.” The new organization overseeing the Nevada County CoC could serve in this function/capacity.
- R4.** The BoS and Municipalities should form a collaborative entity, perhaps a Joint Powers Authority, with the mandate to establish county-wide rules and programs to facilitate the development of housing. As suggested in the 2018 Ten Year Plan, “A unified effort in relation to housing ordinances and allocation of service resources would be a highly effective approach.” This Joint Powers Authority should generate a list of incentives for developers to construct low income housing including adjustments to impact fees, adjustments to building requirements, and the use of general funds to assist in funding housing. In the absence of such a collaborative entity, the County should take the lead to determine how to provide low-income housing and invite developers and builders to collaborate.
- R5.** The BoS should explore reinstating an inclusionary housing policy.
- R6.** The CEO should conduct an assessment of County personnel requirements necessary to prepare homelessness funding applications and oversee existing and new programs. A plan should be submitted to the BoS on staffing requirements and alternatives.
- R7.** Homelessness should be a regular board/council meeting agenda item for the BoS and Municipalities.
- R8.** The County should continue to partner with relevant stakeholders to secure funding for and commence construction of the Day/Navigation Center as a top priority.
- R9.** The BoS should agree to equally share the administrative expenses of HRCS with Placer County.
- R10.** The new organization overseeing the Nevada County CoC should actively recruit membership and participation from all stakeholders serving people experiencing homelessness.
- R11.** The BoS should allocate ongoing funding in their annual budget to support the operation of winter warming shelters in western Nevada County.
- R12.** The County, Grass Valley, and Nevada City should renew existing winter warming shelter agreements with non-profits by October 1, 2019, including more flexibility on the part of the operators as to when weather conditions, both forecasted and actual, warrant opening.

- R13.** The County should explore the risks and benefits of designating and maintaining an approved camping area for people without homes. The analysis, findings, and conclusions should be shared with the public.
- R14.** HHSA should continue to partner with community service providers and the Municipalities to increase outreach to educate and inform the community about homelessness issues and solutions.
- R15.** Residents should contact their local elected officials to encourage them to fund housing for people experiencing homelessness in order to reduce the costs to the economy, environment, and healthcare and judicial systems.
- R16.** Interested community members should attend meetings of the new organization overseeing the Nevada County CoC and BoS.

### **Request for Responses**

- The **Nevada County Board of Supervisors** for:
  - Findings F4, F5, F6, F7, F8, F9, F11, F12, and F13; and
  - Recommendations R1, R2, R3, R4, R5, R7, R8, R10, R12, R13, and R14.
  - Responses are due by 27 July 2019.
  
- The **Nevada County Executive Officer** for:
  - Finding F9 and
  - Recommendations R1 and R6.
  - Responses are due by 26 August 2019.
  
- The board of the new organization overseeing the Nevada County Continuum of Care for:
  - Findings F5 and F10, and
  - Recommendations R3 and R11.
  - Responses are due by 26 August 2019.
  
- The **Grass Valley City Council** for:
  - Findings F11 and F12; and
  - Recommendations R4, R7, and R13.
  - Responses are due by 27 July 2019.
  
- The **Nevada City Council** for:
  - Findings F11 and F12; and
  - Recommendations R4, R7, and R13.
  - Responses are due by 27 July 2019.

- The **Truckee Town Council** for:
  - Finding F11 and
  - Recommendations R4 and R7.
  - Responses are due by 27 July 2019.
  
- **Hospitality House** for:
  - Findings F11 and F13, and
  - Recommendation R8.
  - Responses are due by 26 August 2019.
  
- The **Regional Housing Authority** for:
  - Finding F13 and
  - Recommendation R8.
  - Responses are due by 26 August 2019.
  
- The **Nevada County Health & Human Services Agency** for
  - Recommendation R15.
  - The Responses is due by 26 August 2019.

## **Appendix A: Descriptions**

### **BoS – Nevada County Board of Supervisors**

The BoS is the legislative and executive body of County government. Among its listed responsibilities are the following that directly relate to the homelessness issue.

- Determines annual budget allocation.
- Exercises executive authority for the provision of local government services to County residents, including Health and Welfare programs.
- Provides policy direction to the County Executive Officer for the operation and administration of County departments.

### **CoC – Continuum of Care**

According to the National Alliance to End Homelessness, a CoC is “a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximize self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.”

Organizationally, HUD has required the establishment of a CoC with four components:

- outreach, intake, and assessment in order to identify service and housing needs and provide a link to the appropriate level of both;
- emergency shelter to provide an immediate and safe alternative to sleeping on the streets, especially for homeless families with children;
- transitional housing with supportive services to allow for the development of skills that will be needed once permanently housed; and
- permanent and permanent-supportive housing to provide individuals and families with an affordable place to live with services if needed.

### **Day/Navigation Center – Day Center or Navigation Center**

Homeless shelters focus on where people sleep at night but this leaves people without a daytime destination, leading to injury or run-ins with law enforcement personnel. A Day/Navigation Center for people experiencing homelessness would provide a location where people can get access to services and meals, have access to hygiene equipment, and have a daytime destination to complement Hospitality House, the Salvation Army, and the warming shelters’ evening offerings. The County has purchased land on which to build such a Center, but must secure additional funding. A Navigation Center is generally regarded as a Day Center coupled with housing but some organizations use the terms interchangeably.

### **HEAP – Homeless Emergency Aid Program**

HEAP is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis throughout California. HEAP is controlled by the California Homeless Coordinating and Financing Council.

### **HEARTH – Homeless Emergency Assistance & Rapid Transmission to Housing**

HEARTH was a Congressional Act (S. 896) signed into law on May 20, 2009. The HEARTH Act reauthorized the McKinney-Vento Homeless Assistance Act with amendments to consolidate HUD's competitive grant programs and update HUD's definitions of homelessness and chronic homelessness.

**HHSA** – Nevada County Health & Human Services Agency

The HHSA provides local emergency services, public assistance, health services, and housing resources.

**HMIS** – Homeless Management Information System

HMIS is the system used by the HHSA for coordinated intake and tracking of people experiencing homelessness. Individuals are assessed according to their vulnerability; the most vulnerable are connected first with housing.

**HRCS** – Homeless Resource Council of the Sierras

HRCS (pronounced ‘herks’) is a coalition of homeless housing providers, emergency shelter providers, advocates, and government representatives. Since 2014, HRCS has overseen Placer and Nevada County's CoC. HRCS is a private non-profit organization.

**HUD** – United States Department of Housing and Urban Development

HUD is the federal agency charged with addressing homelessness and housing shortages.

**MHSA** – Mental Health Services Act

The MHSA (previously Proposition 63) passed in November 2004. The MHSA allows the California Department of Mental Health to provide increased funding, personnel, and other resources to support county mental health programs and monitor progress toward statewide goals.

**NCCC** – Nevada County Coordinating Council

The NCCC was a sub-committee of HRCS that provided CoC oversight and organizational coordination for the County. The NCCC replaced the Nevada County Continuum of Care Collaborative in 2014 when it joined HRCS. The NCCC is the basis for a new organization that will oversee Nevada County's CoC and funding requests.

**NPLH** – No Place Like Home

No Place Like Home is a California program enacted in 2016 to dedicate up to \$2 billion in bond proceeds to invest in the development of permanent supportive housing for people needing mental health services and experiencing homelessness, chronic homelessness, or who are at risk of chronic homelessness. The bonds are repaid by funding from the MHSA.



**person experiencing homelessness**

The federal government defines<sup>1</sup> a “homeless individual” as someone:

- who lacks a fixed, regular, and adequate nighttime residence;
- with a primary nighttime residence that is not designed as a regular sleeping accommodation for people (including a car, park, abandoned building, bus or train station, airport, or camping ground);
- living in a supervised shelter (including hotels and motels paid to shelter people experiencing homelessness);
- who will imminently lose their housing, has no subsequent residence identified, and lacks the resources or support networks needed to obtain other permanent housing; or who is an unaccompanied youth or a member of a family with children who has experienced a long-term period without living independently in permanent housing, has experienced persistent instability as measured by frequent moves, and can be expected to continue as such because of chronic disabilities, chronic physical or mental health conditions, substance addiction, a history of domestic violence or childhood abuse, the presence of a child with a disability, or barriers to employment.

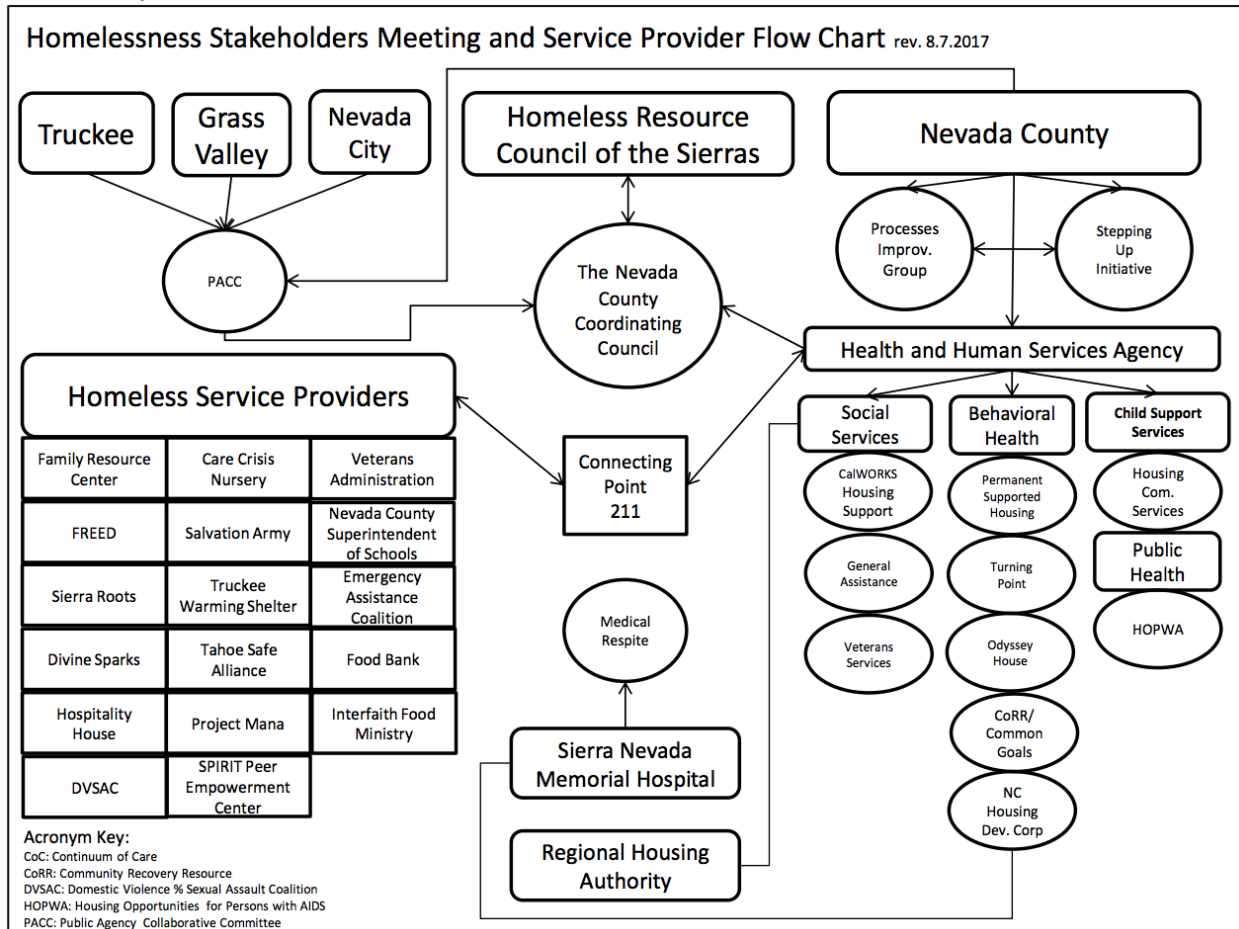
**PIT – Point-in-Time**

The PIT count is a HUD-mandated census of people experiencing homelessness. HUD specifies the PIT count must be performed on a single day during the last ten days of January. The most recent PIT count in Nevada County was conducted January 24, 2019.

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<sup>1</sup> As defined in the McKinney-Vento Homeless Assistance Act as amended by the HEARTH Act of 2009

## Appendix B



Graphic from the publication *Building Bridges to Housing – A Multi-Year Plan to Address Homelessness in Nevada County 2018*

## **RESPONSES**

In the Report above, the Grand Jury requested responses from:

The Nevada County Board of Supervisors  
The Nevada County Executive Officer  
The board of the new organization overseeing the Nevada County Continuum of Care  
The Grass Valley City Council  
The Nevada City Council  
The Truckee Town Council  
Hospitality House  
The Regional Housing Authority  
The Nevada County Health & Human Services Agency

All listed entities responded except The Nevada County Executive Officer and The Nevada County Health & Human Services Agency. Those two proposed respondents chose to allow the Nevada County Board of Supervisors make their responses for them.

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COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Vice-Chair Heidi Hall, 1<sup>st</sup> District  
Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Susan Hoek, 4<sup>th</sup> District  
Chair Richard Anderson, 5<sup>th</sup> District  
  
Julie Patterson Hunter,  
Clerk of the Board

July 9, 2019

The Honorable Judge Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**RE: County of Nevada Reponses to Grand Jury 2019 Report entitled Investing in Housing for People Experiencing Homelessness in Nevada County**

Honorable Judge Anderson,

Please find enclosed the County of Nevada's responses to the Grand Jury's 2019 Investing in Housing for People Experiencing Homelessness in Nevada County Report as approved by the Board of Supervisors at their regularly scheduled meeting on July 9, 2019.

Sincerely,

Jeffrey Thorsby  
Senior Administrative Analyst

Encl.

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO**

**2019 Nevada County Civil Grand Jury Report**

**Investing in Housing for People Experiencing Homelessness in Nevada County**

**DATED July 9, 2019**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, Auditor-Controller, County Counsel, Public Defender, Behavioral Health, and Health and Human Services agency representatives or testimony from the Board of Supervisors and county staff members.

**A. RESPONSES TO FINDINGS**

F4. Citizens in our community who are opposed to any projects or programs related to addressing homelessness occurring near their residences or businesses often slow or impede beneficial projects proven to save counties money.

**Agree.**

F5. The Housing First model of providing people experiencing homelessness with permanent housing is an evidence-based approach with proven outcomes that is considered, a best practice across the country. The County will benefit from supporting the Housing First model, making it eligible for federal and state funds.

**Agree.**

F6. The majority of the funding to address homelessness comes from state and federal sources. The County and the new organization overseeing the Nevada County CoC are the two major entities best suited, at this time, to diligently pursue such funding for the benefit of our community.

**Agree.**

F7. The County's severe shortage of low-income housing contributes to homelessness and requires an aggressive approach to comply with Regional Housing Needs Allocation (RHNA) plan for funding. The County is best situated to address the many obstacles to building low-income housing locally.

**Partially Disagree.**

**While the County is a significant stakeholder in addressing low-income housing, both private developers and stakeholder like the Regional Housing Authority of Sutter and Nevada Counties, City of Grass Valley, Nevada City, and The Town of Truckee are critical in addressing the many obstacles of building low-income housing locally.**

F8. The BoS approved the 2018 Ten Year Plan on December 11, 2018. However, it lacks an implementation plan with accountable leadership.

**Agree**

**The Strategic Plan itself lacks a specific implementation plan. However, an implementation plan is currently being developed.**

F9. Homelessness financially impacts all County residents. The cost of homelessness includes significant expenses related to medical, law enforcement including incarceration, clean-up of trash and human waste, damage to the environment, and increased risk of fires. Numerous studies across the country have shown that the public cost per person is reduced to less than half when housing is provided.

**Agree.**

F11. The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.

**Agree.**

F12. Until the current shortage of low-income housing is remedied, there will be a continuing need for traditional emergency shelters, winter warming shelters, and other overnight options for people experiencing homelessness.

**Agree.**

F13. The current contracts between the County and non-profit providers regarding winter warming shelters in western Nevada County do not extend beyond the winter of 2018-2019, leaving uncertainty about the availability of such shelters in the future.

**Partially Disagree.**

**Although it is true that the most recent executed contract with Sierra Roots was for one year, this is a standard contract term in the County and doesn't imply uncertainty. The intent of the County is to continue to support a warming shelter this coming winter. Building off the experience from last winter, the County, Nevada City, and service providers continue to work together to improve facility availability, operation protocols, and to develop cooperative agreements for the coming winter season.**

## **B. RESPONSES TO RECOMMENDATIONS**

R1: The County should take the leadership role for addressing homelessness.

**The recommendation has been implemented.**

**In 2019, the Board of Supervisors made homelessness a Priority A Objective and has directed staff in multiple agencies to allocate and secure resources for the development and coordination of homelessness services.**

R2. The BoS should supplement the 2018 Ten Year Plan with an implementation plan that links goals and resources to outcomes and timelines.

**Recommendation not yet implemented but will be implemented in the future.**

**The plan adopted by the Board of Supervisors identified a series of recommended strategies. As referenced above, an implementation plan is being developed and will be completed within six months of the release of this Grand Jury report. The implementation plan will link goals and resources to outcomes and timelines.**

R3, The BoS should adopt the United States Interagency Council on Homelessness recommendation that "a strategic plan implementation have an oversight body involving a broad spectrum of the community." The new organization overseeing the Nevada County CoC could serve in this function/capacity.

**This recommendation has been implemented.**



**The Homeless Resource Council of the Sierras and the Nevada County CoC already serve in the capacity as an oversight body. Both entities are comprised of a broad spectrum of the community that include representatives from schools, hospitals, county government, law enforcement, veterans, shelter providers, disability advocates, and more.**

R4. The BoS and Municipalities should form a collaborative entity, perhaps a Joint Powers Authority, with the mandate to establish county-wide rules and programs to facilitate the development of housing. As suggested in the 2018 Ten Year Plan, "A unified effort in relation to housing ordinances and allocation of service resources would be a highly effective approach." This Joint Powers Authority should generate a list of incentives for developers to construct low income housing including adjustments to impact fees, adjustments to building requirements, and the use of general funds to assist in funding housing. In the absence of such a collaborative entity, the County should take the lead to determine how to provide low-income housing and invite developers and builders to collaborate.

**This recommendation requires further analysis.**

**The Mountain Housing Council fulfills this function but limited to the Truckee-Tahoe region. More exploration of broadening that model to include Western Nevada County and/or other options is warranted and underway. This analysis will be completed within six months from the date of publication of the grand jury report.**

R5. The BoS should explore reinstating an inclusionary housing policy.

**This recommendation will not be implemented because it is not reasonable.**

**Inclusionary housing was a popular concept in the late 90's and early 2000's but these programs were ineffective at producing affordable housing. The programs were also fairly complicated, which made it resource intensive for staff to manage and maintain the relatively small numbers of units that were produced. Even HCD no longer supports inclusionary housing as a viable program for developing affordable housing. An inclusionary housing policy is inconsistent with the new Housing Element recently passed by the Board of Supervisors.**

R6. The CEO should conduct an assessment of County personnel requirements necessary, prepare homelessness funding applications and oversee existing and new programs. A plan should be submitted to the BoS on staffing requirements and alternatives.

**This recommendation will not be implemented because it is not warranted.**

**The County added a Housing Resource Manager in 2018, shifted responsibility for homelessness to the Director of Housing and Community Services in, and utilizes existing staff resources for funding applications and oversight of programs. In addition, the County contracts with outside consultants and non-profits to prepare funding applications and implement homeless services programs.**

R7. Homelessness should be a regular board/council meeting agenda item for the BoS and Municipalities.

**This recommendation will not be implemented because it is not warranted.**

**Agenda items are brought to the Board of Supervisors as needed for input, direction or approval. Homelessness continues to be a priority of the Board, and as such items are heard on a regular basis as specific projects progress.**

R8. The County should continue to partner with relevant stakeholders to secure funding for and commence construction of the Day/Navigation Center as a top priority.

**The recommendation has been implemented.**

**The County has collaborated with stakeholders to develop a proposal for a Day/Navigation Center known as the Brunswick Commons Resource Center. The County applied for a highly competitive round of Community Development Block Grant funding, and unfortunately the project was not awarded funding. The County and stakeholders continue to actively seek funding to bring this project to realization. Additionally, the County and community partners continue to explore interim navigation options.**

R10. The new organization overseeing the Nevada County CoC should actively recruit

membership and participation from all stakeholders serving people experiencing homelessness.

**This recommendation will not be implemented because it is not warranted.**

**The Nevada County CoC membership already includes a broad spectrum of community stakeholders serving people experiencing homelessness. This is a critical feature of the Nevada County CoC that is already in place.**

R12. The County, Grass Valley, and Nevada City should renew existing winter warming shelter agreements with non-profits by October 1, 2019, including more flexibility on the part of the operators as to when weather conditions, both forecasted and actual, warrant opening.

**This recommendation has not yet been implemented, but will be implemented in the future,**

**Nevada County is working with the cities and non-profit service providers and will be executing a warming shelter agreement before October 1, 2019. Part of developing that agreement will be evaluating criteria to ensure clarity and minimize confusion between service providers and the public as to when a warming shelter may be opened.**

R13. The County should explore the risks and benefits of designating and maintaining an approved camping area for people without homes. The analysis, findings, and conclusions should be shared with the public.

**This recommendation will not be implemented because it is not warranted.**

**The County's homeless efforts are a collaboration, leveraging partnerships with non-profits and other local jurisdictions to address a wide spectrum of needs. This spectrum includes outreach and engagement, low barrier emergency shelter, recovery residence, supportive housing and permanent housing. The County has long partnered with Hospitality House to support emergency shelter needs, and in 2018 the County expanded that partnership to add eleven low barrier shelter beds, and four medical respite beds to**

**Utah's Place. We remain focused on this partnership to address emergency shelter needs.**

R14. HHSA should continue to partner with community service providers and the Municipalities to increase outreach to educate and inform the community' about homelessness issues and solutions.

**The recommendation has been implemented.**

**The County has created multi-agency teams made up of law enforcement representatives and community providers that meet bi-monthly to coordinate services, educate each other on pending issues related to homeless issues, and coordinate response to needs. In the coming months these multi-agency meetings, the monthly Continuum of Care meetings, and the implementation of strategic plan recommendations will combine to communicate, educate, inform, and converse with a diverse constituency including service providers and the public. Additionally, the HOME team will deliver a coordinated and unified approach to engaging multiple partners daily including businesses, law enforcement, medical centers and public locations like libraries and bus stops.**

R15. Residents should contact their local-elected officials to encourage them to fund housing for people experiencing homelessness in order to reduce the costs to the economy, environment, and healthcare and judicial systems.

**Recommendation has been implemented.**

**Nevada County residents have multiple avenues to communicate their views to elected officials such as by phone, e-mail, social media and in person.**

**FINDINGS:**

**F5. The Housing First model of providing people experiencing homelessness with permanent housing is an evidenced-based approach with proven outcomes that are considered a best practice across the country. The County will benefit from supporting the Housing First model, making it eligible for federal and state funds.**

*Agree.*

**F10. Two key functions that address homelessness within the County that would benefit from increased funding and personnel are the preparation of applications (i.e. grant writing) and the oversight of existing and new programs.**

*Agree.*

**RECOMMENDATIONS:**

**R3. The BoS should adopt the United States Interagency Council on Homelessness' recommendation that "a strategic plan implementation have an oversight body involving a broad spectrum of the community." The new organization overseeing the Nevada County CoC could serve in this function/capacity.**

*This recommendation to my knowledge has not been implemented and I have no intelligence regarding the Board of Supervisors (BoS) adopting an oversight body, such as the Nevada County Regional CoC that would ensure strategic planning implementation. The Nevada County Regional CoC is part of a Housing and Urban Development (HUD) mandate, and as such, is currently under the auspices of the Homeless Resource Council of the Sierras. It would seem unlikely that the BoS would ask the Nevada County Regional CoC as it stands today to serve as an oversight committee.*

**R11. The BoS should allocate ongoing funding in their annual budget to support the operation of winter warming shelters in western Nevada County.**

*This recommendation has been partially implemented to my knowledge. Sierra Roots was given a warming shelter contract for up to 26 nights (I believe) from the County to address homeless people during severe weather, and I believe that another contract is currently under discussion/negotiation for the coming winter 19/20. I do not believe however that "ongoing" support has been promised nor are their likely enough nights covered given the winters tend to be very cold and for more than just 26 nights. There is also the huge challenge of finding adequate, available space.*



---

**GRASS VALLEY CITY COUNCIL**  
125 East Main St., Grass Valley, CA 95945  
Tim Kiser, City Manager  
Kristi Bashor, City Clerk

**Council Members**  
Lisa Swarthout, Mayor  
Ben Aguilar, Vice Mayor  
Jan Arbuckle  
Howard Levine  
Hilary Hodge

---

July 12, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

Dear Honorable Thomas Anderson -

The following is the City of Grass Valley's (City) response to the May 28, 2119 Grand Jury Report - *Investing in Housing for People Experiencing Homelessness in Nevada County*. The City appreciates the Grand Jury's interest in helping to address homelessness in Nevada County and requesting input from the City regarding this issue.

The City supports the efforts of the Grand Jury to seek solutions regarding housing for people experiencing homelessness in Nevada County.

The following is our response to the two (2) Findings and three (3) Recommendations noted in the report:

---

Findings:

F11. The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.

**Partially Agree**

**At this early phase, it is hard to know if the transition to an independent Nevada County CoC will increase stakeholder engagement. There have been some promising steps taken in 2019 but, as the Grand Jury concluded, the County is the only entity that can take the primary leadership position in addressing the homelessness issue, so keeping the pace they've started will be important to any potential progress. This transition should allow**

**Nevada County to take a stronger solution-driven stance toward homelessness; especially considering that managing separate CoCs will provide each county with access to two Emergency Shelter grants where the current structure limits each to one. It's important to note the Grand Jury acknowledges that federal, state, and local funds for social services primarily flows into the County as opposed to the Municipalities, so funding opportunities for cities such as ours will depend on how those funds are distributed.**

F12. Until the current shortage of low-income housing is remedied, there will be a continuing need for traditional emergency shelters, winter warming shelters, and other overnight options for people experiencing homelessness.

**Disagree**

**Although low-income and affordable housing options in all geographical areas of the County are important and should be a priority, the mere existence or increased stock of affordable housing will not dramatically affect the need for emergency shelters, winter warming shelters, and other overnight options for people experiencing homelessness. Those experiencing homelessness due to underlying issues of substance use disorders and/or mental illness need intensive and consistent long-term case management and social services, not just housing. To begin addressing chronic homelessness, "Resource Centers" and well-thought-out, programed, and funded on-site housing opportunities must be made available.**

Recommendations:

R4. The BoS and Municipalities should form a collaborative entity, perhaps a Joint Powers Authority, with the mandate to establish county-wide rules and programs to facilitate the development of housing. As suggested in the 2018 Ten Year Plan, "A unified effort in relation to housing ordinances and allocation of service resources would be a highly effective approach". This Joint Powers Authority should generate a list of incentives for developers to construct low income housing including adjustments to impact fees, adjustments to building requirements, and the use of general funds to assist in funding housing. In the absence of such a collaborative entity, the County should take the lead to determine how to provide low-income housing and invite developers and builders to collaborate.

**The recommendation will not be implemented at the present time.**

**The City of Grass Valley already has an adopted Housing Element that addresses the state-mandated requirements. With respect to county-wide rules and programs to facilitate the development of housing, this would not benefit the City as we already have policies, programs, and codes in place to address the needs in Grass Valley. Based upon these policies, programs, and codes, the City has over 1,000 subsidized housing units,**

**representing approximately 20% of the City's total housing and nearly all such housing in Western Nevada County, and we are continuing to increase these numbers through collaboration with developers. As far as the use of general funds and/or reducing impact fees (which often amounts to the same thing, as fees the City waives must be covered from other sources), typically this will trigger prevailing wage requirements which significantly increases the cost of construction. Instead, over the last several years, with the use of grants and other funding, the City has implemented capital projects to reduce infrastructure issues and costs for future developers and projects.**

R7. Homelessness should be a regular board/council meeting agenda item for the BoS and Municipalities.

**The recommendation will be partially implemented.**

**The City will hold meetings on homelessness as needed to address the issues and needs in the City. As mentioned in the Grand Jury report, homelessness should be a standing agenda item for every BoS meeting, so the timelines and outcomes of the implementation plan(s) can be aggressively and visibly monitored. The City is somewhat limited in our ability to remedy homelessness as we do not typically receive federal or state funds for social services – those funding sources flow through Nevada County.**

R13. The County should explore the risks and benefits of designating and maintaining an approved camping area for people without homes. The analysis, findings, and conclusions should be shared with the public.

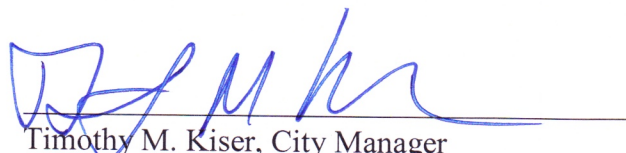
**The City is not asked to implement this recommendation.**

**This recommendation is addressed to the County; therefore, the City will not be implementing it. The City does, however, support an evaluation of this concept in the unincorporated portions of Nevada County.**

\*\*\*

This response was reviewed and approved by the City Council at its July 23, 2019 meeting.

Sincerely,

  
Timothy M. Kiser, City Manager  
City of Grass Valley



**FINDINGS:**

**F11. The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.**

*Partially agree. I think that a lot more organizations are showing up at the table because there is greater funding available (that was not historically available) but I also believe that because there was spotty engagement prior (mainly through the Nevada County Coordinating Council), the role and function of the Nevada County Regional CoC is not broadly well-understood. If the Nevada County Regional CoC could truly separate from the Placer County CoC and no longer be under the Homeless Resource Council of the Sierras, greater work could be accomplished, and more collaboration could occur for funding opportunities.*

**F10. The current contracts between the County and non-profit providers regarding winter warming shelters in western Nevada County do not extend beyond the winter of 2018-2019, leaving uncertainty about the availability of such shelters in the future.**

*Partially agree. As I mentioned in my other responses, I believe that Sierra Roots is working with/negotiating a contract with the County for warming shelter services for the coming winter. What is unknown is whether or not their contract will be ongoing and something that Sierra Roots can count on year after year. It seems to be negotiated on a year-by-year basis. Additionally, the contract is often not for enough nights. When Hospitality House received a grant contract from the City of Grass Valley and the County in 2017-2018, the contract covered every night from mid-November to mid-April, given the cold and rainy season. It is important to note however Hospitality House could only serve a maximum of 15 extra people each night (above our year-round 54 bed shelter) because of the terms of Hospitality House's conditional use permit. Occupancy could not exceed 69 guests at any one time.*

**RECOMMENDATION:**

**R8. The County should continue to partner with relevant stakeholders to secure funding for and commence construction of the Day/Navigation Center as a top priority.**

This recommendation has not yet been implemented. The County was unable to secure funding through CDBG this last round for the homeless day resource center. Hospitality House continues to encourage discussions with the County around looking at other funding options (outside of just CDBG) for the Day Center as well as looking at other potential sites that would not require new construction. There are more competitive grant funding opportunities for acquisition and rehabilitation than there is new construction. Hospitality House strongly believes in keeping an open mind to get the job done.



July 10, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Rec'd x  
Received  
7/20/19  
TMA

GJ Rec'd 7/25/19

Dear Honorable Thomas Anderson,

The following is a response from the City of Nevada City regarding the 2018-2019 Grand Jury Report titled *Investing in Housing for People Experiencing Homelessness in Nevada County*. The City respects and acknowledges the value of the Grand Jury's attention to the housing crisis nationally, statewide and locally and the interest in ensuring the availability of low-income housing within all jurisdictions in Nevada County.

As demonstrated in the responses to the Grand Jury's recommendations, included below, the City has been working towards researching, identifying and implementing approaches to being able to provide opportunities for low-income and affordable housing within the City of Nevada City.

The Grand Jury has requested that the City respond to three findings and two recommendations that were included in the report. Nevada City's responses are as follows:

**Finding #F11**

The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.

**Response**

***Partially agree.*** The transition to an independent Nevada County CoC should increase stakeholder engagement specific to Nevada County's issues with homelessness. At this time, it is too early to know if the independent CoC will provide increased funding opportunities.

### Finding #F12

Until the current shortage of low-income housing is remedied, there will be a continuing need for traditional emergency shelters, winter warming shelters and other overnight options for people experiencing homelessness.

### Response

**Partially agree.** Increasing the low-income housing availability will potentially assist in creating housing opportunities, such as Housing Choice Voucher programs, that could mitigate the present affordable housing gap which is one element that has exacerbated the homelessness situation requiring the need for shelters. However, low-income housing is not going to resolve the need for traditional emergency and warming shelters. There is a part of the population experiencing homelessness that may not benefit from affordable housing because there are components of mental illness, chronic health conditions, histories of trauma and other struggles that keep them in homelessness. This section of the population needs supportive or transitional housing where additional services are available to help them overcome housing barriers. There are also portions of the population that chose not to accept the housing or services. For these reasons, there will be a continued need for emergency/winter shelters and overnight options for this segment of the population.

### Recommendation #R4

The BoS and Municipalities should form a collaborative entity, perhaps a Joint Powers Authority, with the mandate to establish countywide rules and programs to facilitate the development of housing. As suggested in the 2018 Ten Year Plan, "A unified effort in relation to housing ordinances and allocation of service resources would be a highly effective approach." This Joint Powers Authority should generate a list of incentives for developers to construct low income housing including adjustments to impact fees, adjustments to building requirements and the use of general funds to assist in funding housing. In the absence of such a collaborative entity, the County should take the lead to determine how to provide low-income housing and invite developers and builders to collaborate.

### Response

The recommendation to create a Joint Powers Authority to implement a unified effort to housing ordinances and allocation of service resources and generate a list of incentives **will not be implemented at this time**. The City believes that it would be difficult to unify housing ordinances as each jurisdiction's housing element, general plan, developable areas, zoning and land availability vary. The City is already developing measures to create an environment conducive to incentivizing developers to construct affordable housing projects. Specifically, the City is in the process of developing a Cottage Dwelling Ordinance, which will be going to the City's Planning Commission in July 2019. This Ordinance addresses incentivizing developers to construct low-income housing by offering density increases and mitigation fee decreases in exchange for development of dwelling units below 1,000 square feet. Additionally, the City has contracted a consultant to hold workshops and

update the Housing Element, a draft of which is currently being reviewed by HCD, and which includes programs to support low-income housing. At the July 10, 2019 meeting, the City Council will be awarding a contract to an AB1600 consultant to perform a study to update the City's impact fee structure, which will include looking at potential incentives to developers through lower impact fees for providing affordable housing. The Planning Commission has approved several subdivisions that include affordable housing plans as part of their entitlements. The City anticipates that build-out of these projects will yield affordable housing options across the affordable-income spectrum (very low to median income categories), satisfying the affordable housing mandates required by the State. Finally, the City does not have the general funds to assist in funding housing. The City's general fund is enough to support the current level of services being provided.

**Recommendation #R7**

Homelessness should be a regular board/council meeting agenda item for the BoS and Municipalities.

**Response**

The recommendation to have homelessness as a regular council meeting item ***will be partially implemented***. The City believes that this topic should be added to the agenda on an as needed basis to address homelessness as it directly relates to the City of Nevada City. The City does not receive funds for health and human services. It seems this topic might be better suited as a regularly added item to the agenda's for the CoC where the funding opportunities exist to address homelessness.

**Recommendation #R13**

The County should explore the risks and benefits of designating and maintaining an approved camping area for people without homes. The analysis, findings and conclusions should be shared with the public.

**Response**

The City ***will not be implementing*** this recommendation as it is addressed to the County. The City supports recommendation #R13 implementation in the un-incorporated areas of Nevada County. The City also supports that an analysis, the findings and conclusions should be shared with the public and that included in the analysis, safe sleeping areas for those who camp in their vehicles should be considered.

This response was reviewed and approved by the City Council at its July 10, 2019 City Council meeting.

Sincerely,



Catrina Olson, City Manager  
City of Nevada City



# REGIONAL HOUSING AUTHORITY

Serving the Cities of Live Oak, Yuba City and Colusa • Counties of Sutter, Nevada, Colusa and Yuba

1455 Butte House Road • Yuba City, CA 95993

Phone: (530) 671-0220 • Toll Free: (888) 671-0220 • TTY: (866) 735-2929 • Fax: (530) 673-0775

[www.RegionalHA.org](http://www.RegionalHA.org)

August 19, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

Dear Honorable Judge Thomas Anderson,

Enclosed you will find the responses of the Regional Housing Authority as requested by the Grand Jury in the letter dated May 21, 2019, regarding the report under the title *Investing in Housing for People Experiencing Homelessness in Nevada County*.

If you need any additional information, please do not hesitate to ask.

Best regards,

Gustavo Becerra  
Executive Director

Rec'd  
&  
Reviewed  
8/20/2019  
JMA

NOTE = shallow response to GJ Report



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## FINDINGS:

- F13.** The current contracts between the County and non-profit providers regarding winter warming shelters in western Nevada County do not extend beyond the winter of 2018-2019, leaving uncertainty about the availability of such shelters in the future.

Agree

## RECOMMENDATIONS:

- R8.** The County should continue to partner with relevant stakeholders to secure funding for and commence construction of the Day/Navigation Center as a top priority.

**The recommendation has been implemented, as the County has been working with Hospitality House on funding applications for this project. The Regional Housing Authority believes that an equally top priority should be the development of new affordable housing units, and the preservation of existing at-risk affordable housing properties. However, funding for these types of projects is very competitive in the State of California and difficult to get awarded.**

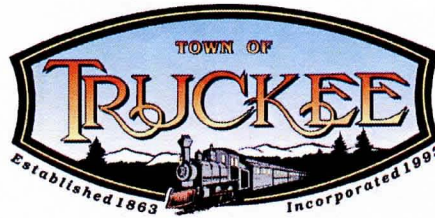


Town Council

David Tirman, Mayor

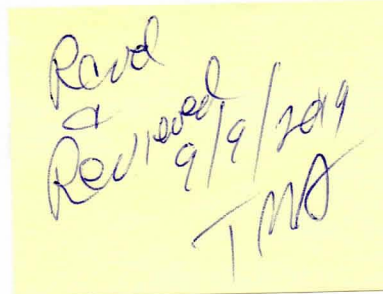
Morgan Goodwin, Vice Mayor

David Polivy, Council Member  
Anna Klovstad, Council Member  
Jessica Abrams, Council Member



Department Heads

Jeff Loux, Town Manager  
Andy Morris, Town Attorney  
Robert Leftwich, Chief of Police  
Kim Szczurek, Administrative Services Director  
Judy Price, Communications Director/Town Clerk  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director



July 9, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Re: Grand Jury Report on Homelessness

Judge Anderson and the Grand Jury,

The Town of Truckee ("Town") is in receipt of the Grand Jury's report entitled *Investing in Housing for People Experiencing Homelessness in Nevada County*. The Grand Jury requested that the Town respond to Finding F11 and Recommendations R4 and R7; this letter will serve as the Town's response.

*Grand Jury Finding:*

**F11.** The recent transition to an independent Nevada County CoC has increased stakeholder engagement and access to funding opportunities.

*Town Response:*

The Town does not have sufficient information to respond to this finding. The Town simply does not know what effect the shift from a jointly managed continuum of care for Nevada and Placer Counties to an independent Nevada County continuum of care has had. The Town's efforts to engage with the homeless community and provide services to them have not been affected by this change. In conjunction with the warming center that provides shelter during cold weather, the Town has provided (and continues to seasonally provide) haircuts, veterinary examinations for dogs, flashlights, AM radios, toothbrushes, socks, a bike technician to perform minor bike repairs, and has arranged for the Truckee Fire Protection District to provide general wellness exams and blood pressure checks.

*Grand Jury Recommendations:*

- R4.** (This lengthy recommendation pertains to the establishment of a joint powers authority or other “collaborative entity” to “establish county-wide rules and programs to facilitate the development of housing.)
- R7.** Homelessness should be a regular board/council meeting agenda item for the BoS and Municipalities.

*Town Response:*

Although Truckee does have a homeless population, homelessness in Truckee is a somewhat different issue than in the western portion of Nevada County.<sup>1</sup> Truckee’s winter climate seems to dissuade most people experiencing homelessness from permanently settling in the area, so Truckee simply has a much smaller homeless population than other areas of Nevada County. However, encouraging the production of affordable housing is one of the Truckee Town Council’s top priorities. The Town has taken a number of steps to get affordable housing built, including:

- Selling Town-owned land to the developer of 32 units of housing affordable to very low-income and low-income households in the Frishman Hollow project.
- Making a loan of \$1.65 million to facilitate a further 71 low-income units expected to be constructed in 2019 and 2020 as part of the Artists’ Lofts project at the Truckee Railyard.
- Negotiating an agreement with a developer of affordable housing to convey Town-owned land for a further 70+ affordable units as part of Frishman Hollow Phase 2.
- Acted as co-applicant with the developer of 47 units of affordable housing to be constructed in the Coldstream Common development, estimated to be completed in 2021.
- Working on an updated General Plan Housing Element to remove barriers to the construction of affordable housing.
- Providing funding to the Mountain Housing Council of Tahoe-Truckee.

The Town is certainly willing to consider participation in a joint powers authority, or to consider any ideas the County might have for the facilitation of affordable housing in the absence of a joint powers authority. Town Council agendas will include homelessness as a topic of discussion when appropriate.



David Tirman  
Mayor, Town of Truckee

---

<sup>1</sup> The Grand Jury did not interview anyone from the Town of Truckee in preparing its report, and it is not clear whether the Grand Jury interviewed anyone else from the eastern portion of Nevada County.



**Facing Year-Long Fire Seasons  
Are We Prepared?**

2018-2019 Nevada County Grand Jury

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# Facing Year-Long Fire Seasons, Are We Prepared?

## Summary

The 2018-2019 Nevada County Grand Jury (Jury) conducted an investigation into Nevada County's fire preparedness. The Jury looked at both fire prevention efforts and the state of ingress and egress viability of roads within the County in cases of fire. The Jury reviewed pertinent documents and conducted interviews with personnel within County government and other fire-related organizations.

During its investigation into fire preparedness, the Jury found a number of problems to support its overall conclusion that the County's fire preparedness practices are not consistent with generally recognized best fire preparedness practices.

Nevada County should do everything in its power to support residents in complying with their fire preparedness responsibilities. Non-profits should continue to expand their public outreach efforts.

## Glossary

<b>BoS</b>	Nevada County Board of Supervisors
<b>CodeRED</b>	Emergency Notification and Alerting System
<b>County</b>	County of Nevada
<b>Firewise USA</b>	A certification by the National Fire Protection Association
<b>FSC</b>	Fire Safe Council of Nevada County
<b>NCC</b>	Nevada County Consolidated Fire District
<b>OES</b>	Nevada County Office of Emergency Services
<b>PRC 4291</b>	California Public Resource Code Section 4291

## Background

It seems apparent, anecdotally and in the hard data as well, that the landscape of the California fire season has changed in recent years. Factors such as drought, bark beetle infestations, and warming trends have heightened our vulnerability period to nearly year-round. For example, the recent Camp Fire in Butte County, the deadliest in California history, occurred during the month of November. It consumed over 153,000 acres, destroyed nearly 18,000 structures (including almost 14,000 residences), and claimed 86 lives.

The past few years have included a variety of fires that have locally affected Nevada County (County) as well. The Lobo Fire of October 2017 burned over 800 acres and destroyed 47 structures. The McCourtney Fire of the same month burned 76 acres and destroyed 13 structures. The Lowell Fire of July 2015 burned over 2,300 acres, destroyed two structures, and threatened 54 others.

Our collective memory recalls the infamous 49er fire in September 1988. This fire destroyed 312 structures, 89 vehicles, 17 boats, and 33,700 acres of our community. That is 52 square miles. The cost of suppression was assessed at \$7.5M and the estimated property loss was \$22.7M.

California Public Resource Code 4291 (PRC 4291) describes the requirements for maintaining defensible space around structures in forest, brush, or grass-covered lands in California. Of the 148 homes destroyed in the 49er fire, 80% were not in compliance with PRC 4291.

It appears that there is a tendency by some of the public to believe that our local fire services will respond and deal with any wildfire that might occur in our neighborhoods. Yet the lessons learned from recent conflagrations have demonstrated that fire trucks cannot always respond in time and can be easily overwhelmed by fast-moving firestorms. Some locations cannot be reached by fire trucks at all. It is clear that the primary responsibility for maintaining our safety lies within each of us.

A random spark, combined with dry conditions and high winds, can quickly evolve into a fast-moving fire front that can rapidly destroy surrounding neighborhoods. Some fire experts believe that Nevada County is just as vulnerable as Butte County for such a disaster. Others say it is not a matter of “if” but “when” the next big fire will occur. This sense of inevitability has brought fire prevention to the foreground, where it must remain.

Maintaining defensible space around our properties and being prepared to quickly evacuate the areas in danger offer the best chance for survival. These are responsibilities for each of us, responsibilities we must embrace in order to live in such a beautiful part of California.

County government also plays an important role in fire prevention. Though the focus of the County’s Fire Districts has necessarily been on fire suppression in recent years, County-based prevention efforts will become increasingly vital to augment the personal efforts undertaken by each resident. Just as firefighting is best accomplished by professionals, trained personnel should also oversee fire prevention.

## **Approach**

Prompted by concerns stemming from recent fires, the Jury began an investigation into the preparedness level of the County regarding rural area ingress and egress routes for citizens and responders. The scope of the investigation expanded to include defensible space requirements and homeowner responsibilities. The Jury developed a plan of action that included interviews, reviews of published materials, and Internet research. The Jury interviewed current and former elected officials and staff from the Nevada County Board of Supervisors (BoS), the California Department of Forestry and Fire Protection (more commonly known as Cal Fire), the Nevada County Office of Emergency Services (OES), the Fire Safe Council (FSC), the Nevada County Consolidated Fire District (NCC), and the Grass Valley Fire Department. The Jury reviewed documents from various County departments and non-profit organizations. Jury members have

also attended fire-related public presentations, which are growing in frequency and increasing in attendance.

## **Discussion**

The Jury's investigation looked at County-wide ingress and egress viability of roads in cases of fire, as well as a variety of fire prevention activities, including evacuation planning, defensible space inspections, defensible space ordinances, public responsibility, and public engagement.

The communal and individual responsibilities pertaining to fire remain immense. Wildfire knows no artificial boundaries. Residents in one fire district are not protected from fire because their home is down the road from a fire that started in an adjacent fire district.

Local fire districts recognized this reality when they worked together to form a joint operating agreement that sends the nearest staffed fire engine to the scene of a fire regardless of where the fire started. The goal, of course, is to remove the danger and to keep the fire from spreading. Local fire districts also share a common dispatch center, again recognizing that it makes sense to cooperate rather than duplicate efforts and services. Perhaps someday the firefighting efforts for the County will be consolidated even more.

This report will focus more on fire prevention than emergency response. In the wake of recent, incredibly destructive fires, residents often are told that it is not a matter of "if" but "when" the next fire will occur. Given limited time constraints and budgets, the Jury believes that a coordinated, County-led fire prevention program is the best way to achieve positive results.

Many private and public lands pose significant wildfire hazards. The reasons for these deficiencies are numerous and the responsibility for fixing them diffuse, making it a difficult issue to address effectively. The awe-inspiring natural spaces abundant in the Sierra foothills make the County an inherently desirable place to live but they also put the County at great fire risk. The desire to live amongst the trees can be hard to reconcile with mandatory setbacks and foliage density limitations. People are sometimes reluctant to remove, at their own expense, parts of what they love about their property. And yet, the data on the efficacy of prevention measures is clear: the more they are implemented by responsible landowners, the safer every resident of this county will be.

### **Fire Prevention**

Current County fire prevention activities are patchworked. Some local fire districts staff and fund prevention efforts, others do not. Not all fire districts have dedicated fire prevention staffing. The County funds four part-time defensible space inspectors reporting to the OES; the Public Works Department maintains ingress and egress viability on public roads. OES writes grant applications to fund prevention activities. Local non-profit agencies such as FSC deal with public education, chipping programs, Firewise USA certifications from the National Fire Protection Association, etc.

Nevada County fire districts have done a great job with fire suppression by cooperating with each other through joint operating agreements and a shared dispatch center. Today, we have a coordinated effort that allows an available fire truck closest to a fire to respond regardless of in which district the fire is burning.

Fire prevention deserves this same kind of coordination. It is possible for each of the eight fire districts to develop their own fire prevention activities with the expectation that they will align and coordinate with each other appropriately. The Jury believes that a far better approach is for the County to employ a fire prevention leader with the responsibility and funding to manage the County's fire prevention activities in a proactive, coordinated manner.

### **Defensible Space**

Landowners are ultimately responsible for ensuring that their properties are in compliance with all applicable defensible space ordinances and statutes.

PRC 4291 governs the defensible space requirements applicable to all properties which pose a potential fire risk. It mandates that a person who "owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining" a potentially hazardous property must maintain a defensible space of vegetation management of 100 feet extending from structures. The zone within 30 feet of the structure is subject to even further scrutiny.

Though not officially mandated in PRC 4291, the zone from 100-200 feet is subject to additional defensible space guidelines. Homeowners must also take into account the degree of slope on their property as steeper areas have additional requirements. While some of the mandated specifics depend on various characteristics of the property and structure(s), all property owners must at all times:

- remove vegetation within 10 feet of the outlet of a chimney or stovepipe,
- prevent any vegetation overhanging a building from containing dead or dying wood, and
- keep roofs of structures free of vegetative materials.

The *Wildland Fire Action Guide*, prepared by officials from international and national fire organizations, includes as best practices measures beyond those mandated by law. These include different preparatory actions for each of three zones of defensible space on a property. The first zone, comprising areas within 0-30 feet of a home (or to the property line), are subject to the strictest guidelines, including the following.

- Use hard, noncombustible surfaces in areas immediately adjacent to the home (0-5 feet).
- Use non-wood, low-growing vegetation, succulent plants in particular.
- Do not store firewood or other combustible materials within this initial zone, or within 30 feet of any other structures such as garages, decks, etc.
- Trim all branches at least 10 feet back from all roofs.

Recommendations for the second zone, comprising the areas between 30-100 feet from a home, include the following.

- Create vegetation groups ('islands') to break up continuous fuels around structures.
- Remove ladder fuels to create separation between low-level vegetation and tree branches.
- Keep yards free of leaf and needle debris.
- Keep grass and wildflowers under 8 inches in height.

Recommendations for the third zone, comprising the areas between 100-200 feet from a home, include the following.

- Create and maintain a minimum of 10 feet between the tops of trees.
- Remove ladder fuels to create separation between low-level vegetation and tree branches.
- Remove dead trees and shrubs.

The County has contracted with NCC to manage four part time OES defensible space inspectors. County defensible space inspectors performed only about 600 inspections last year, a small fraction of the properties in the County subject to inspection.

Some property owners in recent years have had trouble finding contractors to clear their properties during peak clearing months.

The County has no enforcement mechanism for defensible space violations occurring on unoccupied properties. The County has not budgeted for abatement at present, putting the cost burden of compliance fully upon the landowner.

In 1975, the County employed six full-time defensible space inspectors. At present, the County employs only four part-time defensible space inspectors. Inspectors' hours are capped at 1,000 per year by current County employment practices and inspectors generally work between April and November.

County job postings for defensible space inspectors available at the time of this report list a salary range of \$18.50 to \$21 per hour. Competitive positions at other fire districts have a starting salary of \$25 per hour.

Some elements of ordinances passed by the BoS must be adopted by local fire districts to be enforced. The County adopted Hazardous Vegetation Ordinance No. 2411, an update to Article 7 of Chapter IV of the Nevada County General Code, on March 26, 2019. Previously, responsibility for issuing notices and citations was limited to Fire Officials. Now, the ordinance allows OES staff, Code Enforcement Officers, and Public Officials to issue Notices to Abate to property owners for defensible space violations. If noncompliance is still in evidence after three inspections, a citation may be issued. A fine structure accompanies this ordinance as well, with fines not to exceed \$130 for the first violation, \$700 for the second within one year of the first, and \$1,300 for the third within one year of the first.

The County has no authority to force adoption of this ordinance by local fire districts. The ordinance does not provide additional funding for staffing or other resources necessary for its enforcement.

### **Public Education and Outreach**

The trend on public engagement has been positive. Recent County outreach efforts, such as more town halls and the recently published *Ready Nevada County* OES fire handbook, have increased.

Volunteer and non-profit organizations such as the FSC have also been increasingly active on a variety of prevention fronts, public fire-safety-related meetings have seen increased attendance, more communities each year are moving towards and achieving Firewise USA certification, and the emergency notification system CodeRED has seen growth in participation.

The FSC and other organizations are consistently leading important efforts within the community to promote preparedness. Nearly half of the County's residents live in a Firewise USA compliant community though not all of these communities are currently certified as such. Cost is often a barrier to certification. The waiting list for certification is 25 communities long, including 10 communities that have been fast-tracked by the County.

The FSC periodically offers a wildland fire class, which teaches homeowners to view their properties as a firefighter would in order to increase awareness and implementation of best fire prevention practices. The class takes between 32 and 64 hours to complete.

### **Evacuation Planning**

Legal responsibility for mandated evacuations ultimately rests with the Nevada County Sheriff's Office. Comprehensive evacuation planning for fires is rendered extremely difficult by the inherently random, complex, and unique conditions surrounding each fire, including wind speed and direction, humidity, and other meteorological factors. Evacuation planning is therefore more effectively understood as a combination of preparation activities undertaken by individuals and the County which, collectively, best prepare the populace for all potential fire eventualities.

The growing population drawn by the area's natural beauty also exacerbates evacuation contingency planning. Many communities in the county were simply not built with evacuations of a scale commensurate with their current populations in mind. This problem deepens as communities continue to grow.

OES and fire officials recommend that residents become familiar with as many different potential evacuation routes out of their neighborhoods as possible and not to rely upon any single evacuation route or plan. These additional evacuation routes may include anything traversable by vehicles in case of emergency (dirt roads, trails, pastures, drainage ditches, etc.).

In 2018, only \$442 was spent on zoned evacuation planning, in which areas are evacuated in a staggered fashion. There is no comprehensive County fire evacuation plan.



## **Ingress and Egress**

The Jury found deficiencies in the ingress and egress viability of roads within the County in cases of fire as well as in road clearing practices.

According to the County's website, there are approximately 600 miles of County-maintained road, and 2,200 miles of private road in the County. The County has a stated goal of clearing 100 miles of county-maintained road per year in cooperation with the FSC. Prior to 2018, the pace of County road clearing averaged between 50 and 100 miles per year. The County has identified a list of the 50 highest-priority roads for clearing. Best practices dictate clearing each County road every three to five years at a minimum. Even if the County meets their goals and maintains current levels, up to 75% of the roads in the county may not be maintained in accordance with best practices. The responsibility for the maintenance and clearing of private roads belongs to property owners.

Funding for road clearing by the County was cut during the 2007-2009 recession. Funding is inconsistent year-to-year due to its grant-based nature. As of April 9, 2019, \$465,000 in ingress and egress grants and matching funds had been awarded and approximately \$8.1M in grants and matching funds were pending. The County is currently seeking grants to fund additional road clearing and other ingress and egress improvements and maintenance activities.

Many of the most dangerous ingress and egress situations in the County occur on privately owned roads. Some private roads are simply considered "no go zones" for fire engines and other emergency response vehicles if a fire occurs.

The data shows that the majority of property owners want to comply with all relevant ordinances. The County must interact in a coordinated, proactive way with property owners.

The County is not authorized to clear private roads without expressed written permission from the owner or a Notice to Abate. At present, PG&E is the only entity legally authorized to clear private property without such permission.

## **CodeRED and Nixle**

CodeRED and Nixle are emergency mass notification systems. CodeRED was implemented by the County in 2014. Landlines in western Nevada County are automatically enrolled in CodeRED. Residents are encouraged to also add their cell phone numbers to the CodeRED notification database as mobile devices are not automatically enrolled and instead must opt-in. Residents who live in Nevada County east of Donner Summit should register for Nixle emergency alert notifications. The Truckee Police Department and Truckee Fire Protection District routinely provide public messaging and emergency notifications via Nixle.

Additional preparation activities include, but are not limited to:

- keeping all egress routes clear,
- keeping all gates on egress routes unlocked,
- maintaining 10 feet of mandated clearance around all driveways,

- having a “neighborhood buddy” or burner phone that uses a different service provider than your primary phone in case your cell service goes out,
- signing up for CodeRED or Nixle with all phones,
- having a “go bag” prepared and placed in a vehicle, and
- getting involved with the Firewise USA certification efforts in your community.

## **Findings**

- F1.** The majority of the responsibility for both fire prevention and evacuation route knowledge falls upon the public.
- F2.** OES is in the process of hiring four part-time defensible space employees for 2019, each limited to 1,000 hours per year. This staffing level affords the County far less fire protection compared to 1975, when six full-time inspectors were employed.
- F3.** There is no fire prevention coordinator accountable for comprehensive fire prevention efforts between fire districts, the County, non-profits, homeowners’ associations, and residents.
- F4.** The County does not allocate sufficient budgetary resources for its abatement ordinance or fire prevention efforts.
- F5.** Fire season has extended over time, especially recently, to the point that many officials now consider it as “year-round.”
- F6.** There is no comprehensive County fire evacuation plan.
- F7.** Due to the unpredictable nature of fires, a variety of evacuation routes are necessary.
- F8.** County residents have taken an increasingly proactive role in fire prevention.

## **Recommendations**

The Nevada County Grand Jury recommends the following:

- R1.** The County should establish a dedicated fire prevention coordinator reporting directly to the County Executive Officer with regular reports to the Board of Supervisors.
- R2.** The defensible space inspection program should be expanded into a year-round program staffed by a minimum of two full-time employees in addition to the four current, part-time positions.
- R3.** The County should ensure that all County-maintained roads are cleared at least every five years to comply with best practices.

- R4.** The County should fund additional programs to aid homeowners in vegetation management and removal.
- R5.** County residents should have multiple evacuation routes and contingency plans in place.
- R6.** County residents should have a “go bag” prepared and accessible with everything they need in case of evacuation.
- R7.** Non-profits should continue to expand their public outreach efforts.

### **Request for Responses**

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses from the following:

- Nevada County Board of Supervisors for:
  - Findings F2 and F4
  - Recommendations R1, R2, R3, and R4
  - Due by 10 August 2019
- Nevada County Chief Executive Officer for:
  - Recommendation R1
  - Due by 9 September 2019
- Nevada County Office of Emergency Services for:
  - Recommendation R2
  - Due by 9 September 2019
- Nevada County Department of Public Works for:
  - Recommendation R3
  - Due by 9 September 2019

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## **RESPONSES**

In the Report above, the Grand Jury requested responses from:

The Nevada County Board of Supervisors  
The Nevada County Executive Officer  
The Nevada County Office of Emergency Services  
The Nevada County Department of Public Works

Only the Nevada County Board of Supervisors responded. All others chose to allow the Nevada County Board of Supervisors make their responses for them.

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COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Vice-Chair Heidi Hall, 1<sup>st</sup> District  
Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Susan Hoek, 4<sup>th</sup> District  
Chair Richard Anderson, 5<sup>th</sup> District  
  
Julie Patterson Hunter,  
Clerk of the Board

July 9, 2019

The Honorable Judge Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**RE: County of Nevada Reponses to Grand Jury 2019 Report entitled Facing Year-Long Fire Seasons, Are We Prepared?**

Honorable Judge Anderson,

Please find enclosed the County of Nevada's responses to the Grand Jury's 2019 Facing Year-Long Fire Seasons, Are We Prepared? Report as approved by the Board of Supervisors at their regularly scheduled meeting on July 9, 2019.

Sincerely,

Jeffrey Thorsby  
Senior Administrative Analyst

Encl.

## NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

### 2019 Nevada County Civil Grand Jury Report

### Facing Year-Long Fire Seasons, Are We Prepared?

DATED July 9, 2019

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

#### A. RESPONSES TO FINDINGS

F2: OES is in the process of hiring four part-time defensible space employees for 2019, each limited to 1,000 hours per year. This staffing level affords the County far less fire protection compared to 1975, when six full-time inspectors were employed.

**Disagree.**

**In 1975, Nevada County Public Works Building Inspection Division employed six (6) building inspectors who's primary responsibility was to inspect for structural, electrical, and the plumbing of new building development. The same year, the Nevada County Agriculture Commissioner employed two (2) Senior Agricultural Inspectors with the primary responsibility of inspecting for the use of agricultural pesticides and pest control methods. Nevada County Emergency Services only employed 1 Assistant Civil Defense Co-ordinator with the primarily responsibility to keep the County in a state of perpetual readiness for any man-made or natural disaster.**

**However, the County has maintained between two and four (2-4) inspectors since 1989 as referenced in the County's Cal FIRE Defensible Space Inspection Memorandum of Understating (MOU). Historically, the County hired inspectors that were supervised and managed by Cal FIRE in an effort to help augment CalFIRE's inspector staffing levels.**

F4: The County does not allocate sufficient budgetary resources for its abatement ordinance or fire prevention efforts.

**Disagree.**



**The County has increased its overall Emergency Management budget by 88% since FY2017/18 from \$622,443 to \$1,292,996 in FY2019/20. Within the overall service budget unit, the County has quadrupled its Defensible Space Inspection Program and prevention efforts. Moreover, Nevada County Public Works is projecting to spend approximately \$708,000 for vegetation removal along the County's maintained roadways for FY 2019/20, which is approximately 30% of the Roads-Maintenance service budget unit.**

## **B. RESPONSES TO RECOMMENDATIONS**

R1: The County should establish a dedicated fire prevention coordinator reporting directly to the County Executive Officer with regular reports to the Board of Supervisors.

**This recommendation will not be implemented because it is not warranted.**

**The Program Manager of the Office of Emergency Services who oversees the County's fire prevention program regularly reports to the Director of Information General Services, who reports directly to the County Executive Officer. Subsequently, the Board of Supervisors receive periodic reports as requested by the County Executive Officer or by the Board of Supervisors directly.**

R2: The defensible space inspection program should be expanded into a year-round program staffed by a minimum of two full-time employees in addition to the four current, part-time positions.

**The recommendation requires further analysis.**

**In FY 2018/19, the work schedules of the part-time inspectors were staggered and scheduled to provide inspection services over the winter months that typically were not covered, as snow and weather permitted. This year the County entered into a new partnership with Nevada County Consolidated Fire District (NCC) to manage and lead the County's Defensible Space Inspection Program. In early 2020, the County and NCC will evaluate the effectiveness of the program, the collaboration with CAL FIRE's inspection program, overall combined inspection results and impact, and then make recommendations to the Board of Supervisors on how to mature the program further.**

R3: The County should ensure that all County-maintained roads are cleared at least every five years to comply with best practices.

**The recommendation will not be implemented because it is not reasonable.**

**Although the County maintains 560 miles of road, not all roads can be cleared with currently available resources, including the funding source for road maintenance and gas tax funds, within 5 years. Although the County strives to address vegetation on as many road miles as possible and continues to apply for grant funding to further supplement those efforts, some roads require annual maintenance while others are narrow dirt roads serving no residences and therefore require less maintenance.**

R4: The County should fund additional programs to aid homeowners in vegetation management and removal.

**This recommendation has been implemented.**

**The County has applied for grant funding for vegetation management and removal programs. Additionally, the County recently provided green waste receptacles for the public free of charge.**

**Special Districts:  
What the Public Should Know**

2018-2019 Nevada County Grand Jury

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# Special Districts: What the Public Should Know

## Summary

Special districts are types of local government formed to provide services and infrastructure in their communities. They are governed by the residents they serve. The 2018-2019 Nevada County Grand Jury (Jury) investigated special districts because they provide essential services, have substantial fiscal and administrative responsibilities, and are often not well understood or engaged with by the public. The Jury surveyed two dozen special districts that operate in Nevada County. This report shares self-reported special district data divided into categories based on budget size. This report is intended to aid the public in better understanding their special districts, illuminate special district management and operations, and help special districts follow legal requirements and best practices.

The Jury found that special districts are more likely to perform better with public awareness, involvement, and oversight. The Jury encourages Nevada County residents to know about and participate in the special districts that serve their residences and businesses. Participation can include:

- reviewing special district websites,
- being aware of meeting agendas,
- attending meetings,
- reading meeting minutes,
- participating in electing new board members,
- serving on the board,
- volunteering for their special districts,
- reading and discussing articles in local papers about their special districts, and
- filing complaints if there are problems.

There are numerous organizations, checklists, and programs that can be used by special districts as resources to improve their service to the public. The Jury encourages special districts to comply with all applicable legal requirements, review and explore expanding their public outreach programs, consider establishing citizen oversight committees, seek and employ best practices, and pursue certifications and accreditations.

## Glossary

**LAFCo** Nevada County Local Agency Formation Commission  
**Jury** 2018-2019 Nevada County Grand Jury

## **Background**

This report is intended to aid the public in better understanding their special districts, illuminate special district management and operations, and help special districts follow legal requirements and best practices.

Special districts are agencies governed by local residents to provide services and infrastructure in their communities. In California, grand juries investigate local governments, including special districts. The Superior Court of Nevada County website describes the Nevada County Grand Jury as “a judicial body sanctioned by the Superior Court ... to inquire into and review the conduct of county government and special districts.” The website also says the Nevada County Grand Jury acts as “the conscience of the community.”

The Jury investigated special districts because they provide essential services, have substantial fiscal and administrative responsibilities, and are often not well understood or engaged with by the public. The Jury created a survey focused on special district management, which was sent to the 24 special districts that were both independent – meaning they were governed by an elected or appointed board – and had Nevada County Local Agency Formation Commission (LAFCo) boundary oversight. This survey excluded dependent special districts, which are run by officers of a local agency or their appointees, and excluded special districts that operate in Nevada County but have boundary oversight by the LAFCo of a different county in which they also operate. Some special districts that operate in Nevada County also operate in Placer, Sierra, Yuba, and El Dorado counties. This survey also excluded school districts, which are not considered special districts under the law.

## **Approach**

The Jury developed a survey that was sent to 24 special districts operating in Nevada County (see Appendix A). The self-reported data in the responses was analyzed; the Jury found grouping special districts into categories based on budget size facilitated analysis and comparison. The Jury also conducted interviews, conducted independent research, reviewed best practices materials, and observed a training hosted by Nevada County LAFCo.

## **Discussion**

### **Special Districts**

Special districts are types of local government formed to provide services and infrastructure in their communities. They are governed by the residents they serve. They often supply essential services such as water or road maintenance. The United States Census Bureau defines special districts as providing

specific services that are not being supplied by existing general purpose governments. Most perform a single function, but in some instances, their enabling legislation allows them to provide several, usually related, types of

services. The services provided by these districts range from such basic social needs as hospitals and fire protection, to the less conspicuous tasks of mosquito abatement and upkeep of cemeteries.

Special districts benefit from the community knowing about them and participating in them. Some districts recognize this advantage by having a citizen oversight committee representing the public. Special districts are governed by residents in the communities they serve. Residents fill positions as board members and sometimes as volunteer staff. Special districts have substantial autonomy – what the United States Census Bureau describes as “substantial administrative and fiscal independence from general purpose local governments” – so they benefit from community oversight. Residents fund special districts through property taxes and service fees. They can also receive funding from grants and other sources. Nevada County property tax bills show some fees paid to fund local special districts in the section titled “VOTER APPROVED TAXES / TAXING AGENCY DIRECT CHARGES & SPECIAL ASSESSMENTS / FEES” but do not include services that are billed separately, such as Nevada Irrigation District (NID) water fees. Tax bills are distributed via postal mail and accessible online at: <https://www.mynevadacounty.com/365/My-Tax-Bill>

Here are examples of tax bills with special district assessments:

2018-2019

COUNTY VALUES, EXEMPTIONS, AND TAXES				
PHONE #	DESCRIPTION	PRIOR	CURRENT	BILLED
INQUIRIES 530-265-1285	LAND	0	59522	59522
VALUATIONS 530-265-1232		0	0	0
TAX RATES 530-265-1244		0	0	0
EXEMPTIONS 530-265-1232	STRUCTURAL IMPROVEMENTS	0	134197	134197
PAYMENTS 1-888-243-1366		0	0	0
PERS PROP 530-265-1232		0	0	0
ADDR CHGS 530-265-1232		0	0	0
		0	0	0
<b>NET TAXABLE VALUE</b>				<b>193719</b>
<b>VALUES X TAX RATE PER \$100 1.000000</b>				<b>\$1,937.20</b>

VOTER APPROVED TAXES / TAXING AGENCY DIRECT CHARGES & SPECIAL ASSESSMENTS / FEES						
PHONE #	CODE	DESCRIPTION	ASSESSED VALUE	X	TAX RATE / 100	= TAX AMOUNT
(530) 265-1244	35100	Voter Debt: Grass Valley Elem 2018	193719		0.023082	\$44.72
(530) 265-1244	35400	Voter Debt: Nevada Jt Union H.S. 2002	193719		0.007390	\$14.32
(530) 265-1244	35401	Voter Debt: Nevada Jt Union H.S. 2016	193719		0.019000	\$36.80
(530) 889-4173	35504	Voter Debt: Sierra College SFID #2 2004	193719		0.022795	\$44.16

PHONE #	DESCRIPTION	DIR CHRG	PHONE #	DESCRIPTION	DIR CHRG	PHONE #	DESCRIPTION	DIR CHRG
(866) 807-6864	Nev Co Consolid. Fire 2012	\$56.98	(866) 807-6864	Nevada Co Consolida	\$123.14	(530) 265-1402	CSA 16-Western Co S	\$29.70

PENALTY & COST	\$0.00	AGENCY TAXES DIRECT CHARGES FEES	\$140.00 \$209.82 \$0.00
<b>AGENCY TAXES + DIRECT CHARGES + FEES + PENALTY + COST + DELINQUENT PENALTIES</b>			<b>\$349.82</b>

<b>1st INSTALLMENT \$1,143.51</b>	<b>2nd INSTALLMENT \$1,143.51</b>	<b>TOTAL TAXES</b>
<b>PAID ON 11/07/2018</b>	<b>PAID ON 11/07/2018</b>	<b>\$2,287.02</b>

*Special district fees listed on a Nevada County property tax bill retrieved via website*

QUESTIONS? PHONE NUMBERS:	VOTER APPROVED TAXES, TAXING AGENCY DIRECT CHARGES AND SPECIAL ASSESSMENTS	ASSESSED VALUE	X	TAX RATE	=	AGENCY TAXES
530 889-4173	SIERRA COLLEGE SFID #2	303,600		.000231		70.13
530 265-1244	NUHS SERIES A & B	303,600		.000077		23.38
530 265-1244	NUHS ELECTION OF 2016-SERIES A ROUNDING ADJUSTMENT	303,600		.000190		57.68 <0.01>
530-265-1411	* LAKE WILDWOOD SEWER MAINTENANCE			045		712.00
530-265-1402	* CSA 16-WESTERN COUNTY SOLID WASTE SYSTEM			139		29.70
530-265-1411	* LAKE WILDWOOD SEWER IMPROVEMENT			179		283.00
530-432-2630	PENN VALLEY FIRE DIST.VOTER APPROVED PARCEL CHARGE			185		75.90
530-432-2630	PV AMBULANCE/RESCUE VOTER APPROVED PARCEL CHARGE			259		112.72
530-432-1990	WESTERN GATEWAY PARK VOTER APPROVED PARCEL CHARGE			267		12.94

*Special district fees listed on a Nevada County property tax bill received via postal mail*

### Surveyed Special Districts

In 2018, the Jury surveyed the 24 special districts that were both independent and had Nevada County LAFCo boundary oversight. The surveyed special districts included:

- eight fire districts,
- four recreation and park districts,
- four community service districts,
- three water districts,
- two cemetery districts,
- one public utility district that provided both water and electricity,
- one sanitation (wastewater) district, and
- one resource conservation district.

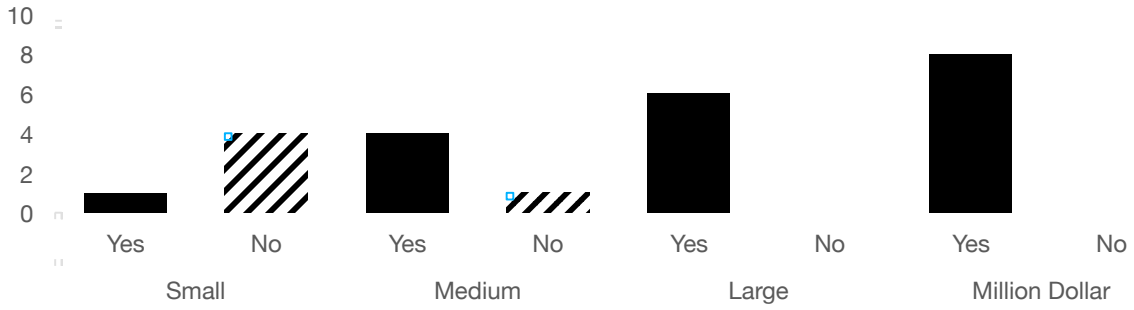
Special districts are funded by a combination of taxes, service fees, grants, and other revenues. The surveyed special districts had annual operating budgets ranging from \$12,800 to \$59.5 million. The Jury found that grouping special districts into categories based on budget size facilitated analysis. The categories used were:

- small-budget districts for annual operating budgets under \$100,000,
- medium-budget districts for annual operating budgets from \$100,000 up to \$200,000,
- large-budget districts for annual operating budgets from \$200,000 up to \$1 million, and
- million-dollar-budget districts for annual operating budgets of \$1 million or more.

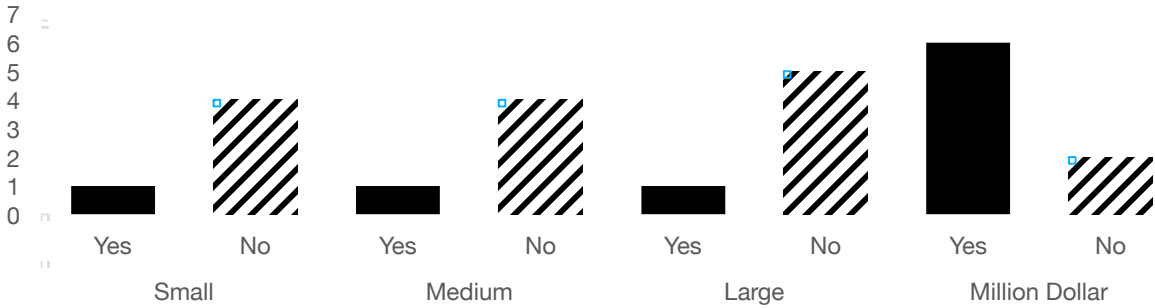
When grouped by budget size, the special districts surveyed tended to have similar characteristics. All data provided was self-reported by the special districts. The Jury hopes that sharing its analysis of the information gathered will benefit both the public and the special districts themselves.



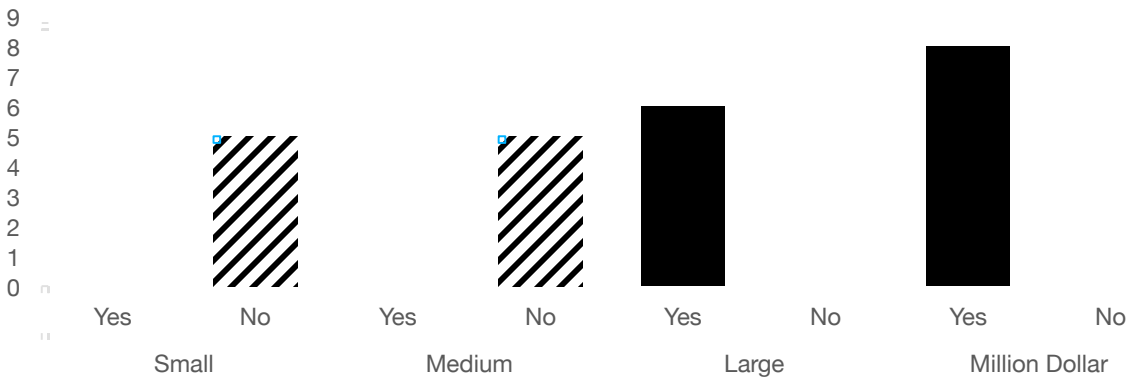
### Reported Having a Website



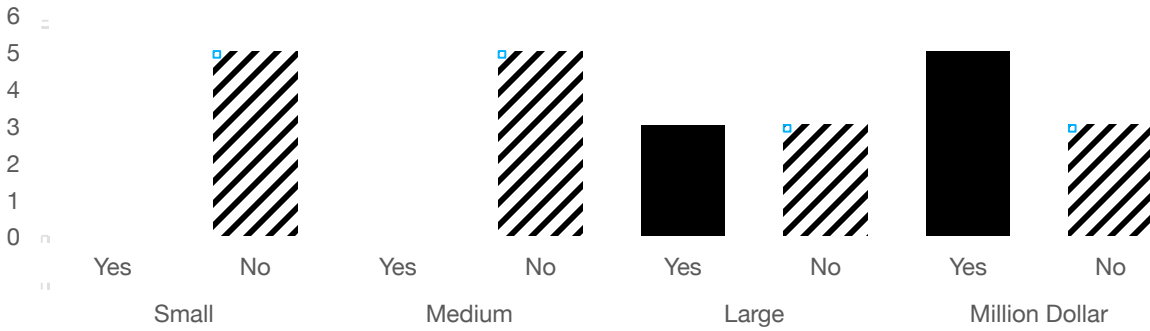
### Reported Compensating Board Members



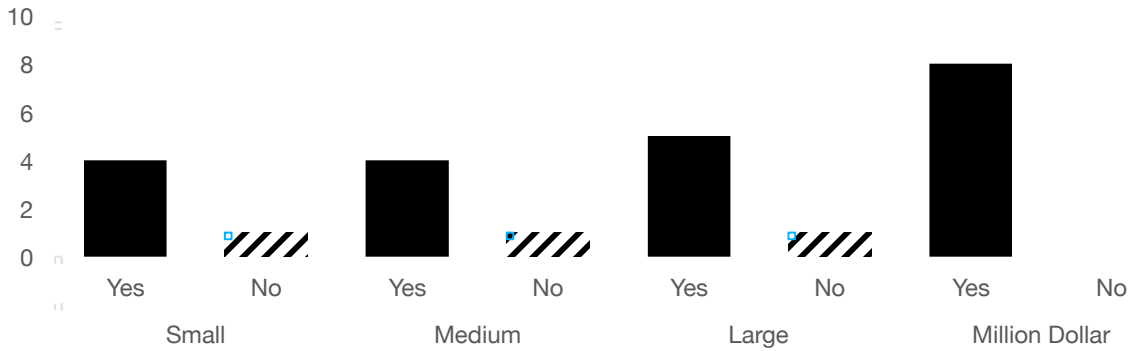
### Reported Having Full Time Employees



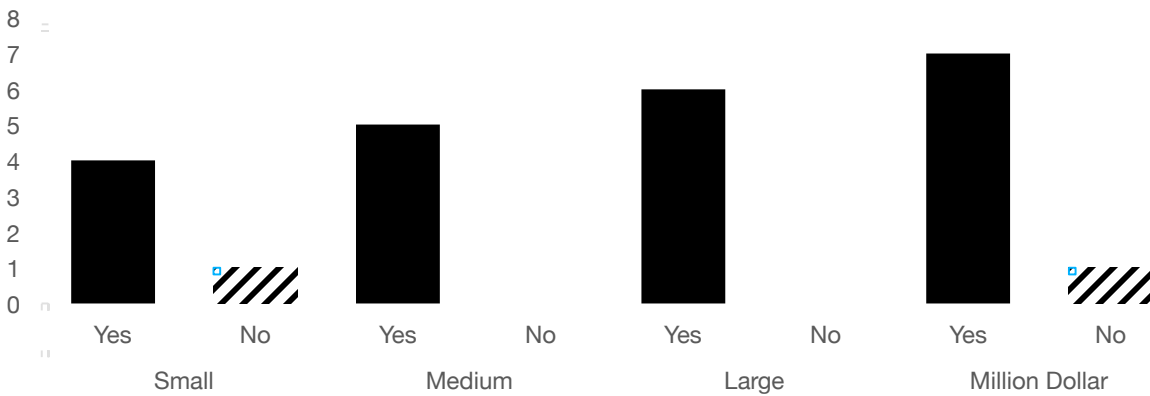
### Reported Having a Finance Committee

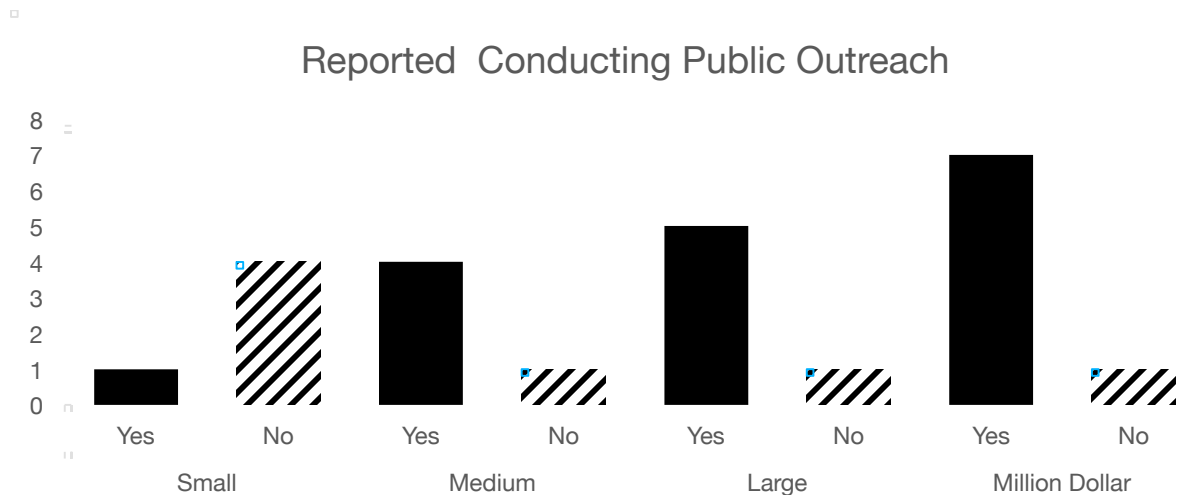


### Reported Having a Code of Conduct or Conflict of Interest Policy



### Reported Being Current with Audit Submissions





**Small-Budget Districts**

Special districts with annual budgets under \$100,000 were classed by the Jury as small-budget districts. The Jury surveyed five special districts of this size. Their budgets ranged from \$12,800 to \$69,250.

Four of these districts had financial reserves. Four indicated they were current with submitting their certified financial audits to the Nevada County Auditor-Controller. All five of the districts indicated they had copies of their past three audits, current operating budget, and current financial reports available.

Four of the districts had bylaws. One of the districts had a website.

None of the districts had employees and the number of volunteers ranged from one to five.

Four of the districts had written conflict of interest policies and three had written code of conduct policies.

One district had a written reimbursement policy. None of the districts had written credit card use, check-signing, or nepotism policies. Three indicated they had policies and procedures manuals.

One district compensated board members \$90 per meeting; the others did not compensate board members.

Two of the districts had standing finance committees. None of the districts had ad hoc or any other standing committees.

One district reported conducting public outreach via mailings; the other four indicated they conducted no public outreach.

### **Medium-Budget Districts**

Special districts with annual budgets from \$100,000 to \$200,000 were classed by the Jury as medium-budget districts. The Jury surveyed five special districts of this size.

None of these districts had any full-time employees; four had three or four part time employees. Four districts used volunteers.

Two districts had a written credit card use policy. Two had written reimbursement policies. Three districts had written check-signing policies. Four districts had both a written conflict of interest policy and a written code of conduct policy. One had neither.

One district compensated board members \$100 per meeting; the others did not compensate board members.

Four of the districts indicated they had no public outreach programs; the other performed outreach to community groups.

Three districts had bylaws, one reported that bylaws were in process, and one cited a Nevada County Board of Supervisors formation resolution that can be used in lieu of creating bylaws.

All five of the districts indicated they were current with submitting certified financial audits to the Nevada County Auditor-Controller. None had finance committees.

All five of the districts reported that copies of their past three certified financial audits, current operating budgets, and current financial reports are available.

Four of the five districts had websites. Each website offered access to agendas and minutes. Four posted a list of the board members on their websites, four provided a map of their service area, two offered their past three certified financial audits, two provided their budgets, and one posted their bylaws online.

### **Large-Budget Districts**

Special districts with annual budgets from \$200,000 to \$1 million were classed by the Jury as large-budget districts. The Jury surveyed six special districts of this size, four of which were fire districts, making up half of the fire districts surveyed.

All of these districts had employees (either full or part time) and three used volunteers.

Half of the districts had standing finance committees. Five of six had written credit card policies. Four had written reimbursement policies. Three had written check-signing policies.

Four districts had written conflict of interest policies. Five had written code of conduct policies.

One district compensated board members \$200 per month; the others did not compensate board members.

Five districts had public outreach programs. One did not.

All of the districts were current with submissions of their audits to the Nevada County Auditor-Controller.

All of the districts had active websites but only four of six posted minutes and agendas on those websites. Four of six had bylaws, none offered them on their websites. Two posted their past three audits on their websites. All posted the names of their board member and maps of their service areas.

All of the districts reported copies of their past three audits, current operating budgets, and current financial reports are available.

### **Million-Dollar Districts**

Special districts with annual budgets over \$1 million were classed by the Jury as million-dollar districts. The Jury surveyed eight special districts of this size.

These districts ranged from having eight to 201 full time employees. Seven of the eight districts had an employee handbook. One reported not having a policies and procedures manual.

All of the districts had written policies for code of conduct, credit card use, reimbursement, check-signing, and conflict of interest. Six had written nepotism policies.

Six of the districts offered compensation for attending meetings, ranging from \$75 per meeting to \$14,851 per year.

Seven districts reported conducting several public outreach programs; one did none.

All of the districts had websites. All had agendas and minutes available on their websites. One district reported charging customers if printed copies were requested.

All of the districts had financial reserve policies. Seven were current with submitting their certified financial audits to the Nevada County Auditor-Controller. Five had standing finance committees.

Two districts reported they did not have bylaws; five of the remaining six offered their bylaws on their websites. All reported posting their current budgets on their websites. Seven had their past three certified financial audits on their websites. Seven posted their policies and procedures manuals on their websites. One district did not offer a map of its service area on its website. Six offered a board member list, including length of time in office, and five posted an organizational chart.

### **Special District Laws**

California has substantial legislation regarding special districts. The California Government Code (§ 16271) defines special districts as existing

for the local performance of governmental or proprietary functions within limited boundaries. ‘Special district’ includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

Special districts must comply with a number of state laws that help protect or aid consumers.

- The Public Records Act (California Government Code § 6250) requires that all public records maintained by state and local agencies be made available to all members of the public.
- The special district audit requirement (California Government Code § 26909) allows residents to access audits of every special district within the county.
- The special district website requirement (California Government Code § 53087.8) specifies districts have a website with contact information.
- Ethics law AB1234 (California Government Code § 53234) describes California requirements that guide elected officials and agency staff to ethically serve their communities.
- The Ralph M. Brown Act (California Government Code § 54950) guarantees residents’ rights to attend and participate in special district meetings. The act delineates many rights including the rights to be given notice of meeting topics and to record meetings.

### **Special District Best Practices**

Not all districts surveyed were in full compliance with legal requirements or industry best practices. Special districts should ensure they are meeting all legal requirements, such as maintaining the minimum number of board members and keeping their financials and audits up to date. The Nevada County Elections Office prepared a document that specifically addressed filling vacancies on special district boards called *How To Fill A Vacancy*:

<https://www.mynevadacounty.com/DocumentCenter/View/13780/How-to-Fill-a-Vacancy-PDF>

Once all minimum legal requirements are met, special districts can focus on best practices such as performing public outreach. For example, a special district may want to perform outreach with local schools by awarding an annual scholarship, conducting outreach events at schools, or offering an internship program. Additional outreach might come in the form of events, open houses, public workshops, website postings, email alerts, direct mail, brochures, flyers, factsheets, newsletters, an information center or kiosk, newspaper advertising and articles, billboards, radio appearances, etc.

There are many resources for determining best practices. The Institute for Local Government is a non-profit organization promoting “good government at the local level with practical, impartial, and easy-to-use resources for California communities.” Their *Good Governance Checklist: Good and Better Practices* offers two levels of recommendations, which they term

“Minimum Standards/Good Practices” and “Beyond the Minimum/Better Practices.” Some Minimum Standards include offering a five year financial forecast and making complete current fiscal year budgets available on agency websites. The full checklist is available at: [https://www.ca-ilg.org/sites/main/files/file-attachments/checklist\\_v4.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/checklist_v4.pdf)

The Jury published reports *Special Districts’ Compliance with Brown Act and Ethics Laws* with details on those topics and *A Path to Transparency for Special Districts* with website and bylaws best practices recommendations. The 2015-2016 Nevada County Grand Jury report *Being A Better Board Member* offers best practices guidance and training information for board members.

There are many resources available to special districts to learn about best practices in their particular area(s) of service. In addition to the California Special Districts Association, there are numerous organizations special districts can join and use as resources. For example, water districts may explore the Association of California Water Agencies; recreation and park districts may explore the California Association of Recreation and Park Districts.

The Special District Leadership Foundation describes itself as a “non-profit organization formed to promote good governance and best practices among California’s special districts through certification, accreditation and other recognition programs.” Their *High Performing District Checklist* outlines best practices in the areas of finance and human resources. Their *District Transparency Certificate of Excellence* promotes transparency in operations and governance, with an emphasis on website content and outreach efforts.

### **Public Participation**

Special districts are governed by elected or appointed boards and funded by the public they serve. Participation by residents is vital. Broad understanding of their functions and funding helps districts operate in alignment with constituent needs. The public can learn more about and get involved with their special districts by:

- learning what special districts serve their residences and businesses,
- reviewing special district websites,
- being aware of meeting agendas,
- attending meetings,
- reading meeting minutes,
- participating in electing new board members,
- serving on the board,
- volunteering for their special districts,
- reading and discussing articles in local papers about their special districts, and
- filing complaints if there are problems.

Participating in electing new board members means being informed about who is running, and electing people with a broad diversity of skill sets, a basic financial understanding, management skills, and have the time to serve.

## Findings

- F1.** When grouped by budget size, the special districts surveyed tended to have similar characteristics that help the public have relevant expectations of their districts.
- F2.** Special districts generally perform better with public awareness, involvement, and oversight. Performing additional public outreach could encourage more public participation.
- F3.** Legal requirements for special districts ensure public access and effective and responsible operation. Not all surveyed Nevada County special districts were fully complying with special district laws. Because special districts are entrusted with public funds it is especially important to keep current with legally required audit filings and other laws.
- F4.** Best practice recommendations allow special districts to serve the public more effectively. Adopting best practices provides consistency the public can use in evaluating districts. Not all Nevada County special districts were complying with recognized best practices.
- F5.** There are numerous organizations, reports, and programs that can be used by special districts as resources to improve their service to the public.

## Recommendations

- R1.** Nevada County residents should know what special districts serve their residences and businesses.
- R2.** Nevada County residents should participate in their special districts by:
- reviewing special district websites,
  - being aware of meeting agendas,
  - attending meetings,
  - reading meeting minutes,
  - participating in electing new board members,
  - serving on the board,
  - volunteering for their special districts,
  - reading and discussing articles in local papers about their special districts, and
  - filing complaints if there are problems.
- R3.** Special districts and the public should read the Jury's reports *Special Districts' Compliance with Brown Act and Ethics Laws* and *A Path to Transparency for Special Districts*, and the 2015-2016 Nevada County Grand Jury report *Being A Better Board Member*.



- R4.** Special districts should comply with all applicable legal requirements.
- R5.** Special districts should seek and employ best practices.
- R6.** Special districts should consider establishing citizen oversight committees.
- R7.** Special districts should review and explore expanding their public outreach programs.
- R8.** Special districts should pursue certifications and accreditations such as the Special District Leadership Foundation's *District Transparency Certificate of Excellence*.

### **Requests for Responses**

No responses are requested.

## **Appendix A: Surveyed Special Districts**

### **Small Districts**

- Beyers Lane Community Service District
- Kingsbury Greens Community Services District
- Mystic Mines Community Services District
- Oak Tree Park and Recreation District
- San Juan Ridge County Water District

### **Medium Districts**

- Bear River Recreation and Park District
- Lake of the Pines Ranchos Community Services District
- Truckee Cemetery District
- Washington County Water District
- Western Gateway Recreation and Park District

### **Large Districts**

- Nevada County Resource Conservation District
- Nevada Cemetery District
- North San Juan Fire Protection District
- Ophir Hill Fire Protection District
- Peardale-Chicago Park Fire Protection District
- Rough and Ready Fire Protection District

### **Million Dollar Districts**

- Higgins Fire Protection District
- Nevada County Consolidated Fire District
- Nevada Irrigation District
- Penn Valley Fire Protection District
- Truckee-Donner Public Utility District
- Truckee-Donner Recreation and Park District
- Truckee Fire Protection District
- Truckee Sanitary District

**Career Technical Education:  
An Alternative to the Traditional  
College Prep Experience**

2018-2019 Nevada County Grand Jury

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# **Career Technical Education: An Alternative to the Traditional College Prep Experience**

## **Summary**

“Career Technical Education [(CTE)] is an education strategy designed to prepare students for ongoing education, long-term careers, citizenship, and entry into the work place.”<sup>1</sup>

Strong, effective CTE programs are necessary to fill skilled positions in agriculture, the automotive industry, construction, the business sector, medicine, and many other industries. They are vital for the development of rewarding careers for Nevada County (County) non-college-prep high school students and for the economic growth of the County.

Business representatives, especially in the construction fields, expect basic vocational programs that prepare individuals for entry into trades. However, a conflict exists because schools are required to adhere to the more complex 2005 State Board of Education CTE model that includes college entry-level courses.

Nevada Joint Union High School District (District) has developed a robust CTE program encompassing numerous industry sectors and pathways. Throughout the District, there are more than 1,200 students enrolled in CTE classes in 16 pathways. The District’s report on its 2020 strategic plan includes an aggressive strategy for continuing CTE development, business partnerships, and community outreach.

Significant steps taken by the District Board of Trustees in the 2018-2019 school year include approval of new CTE classes, memorandums of understanding with other counties for collaboration and CTE teacher training, and CTE facility modernization projects to be completed over the next two years. Currently there are four capital development projects underway: construction, culinary, and two agricultural.

Other resources that are being utilized to develop the District CTE industry sectors are internship and work experience programs, the Strong Workforce and Get Focused Stay Focused programs, career technical student organizations, and dual enrollment with Sierra College, a community college.

Critical links between the business community and the District CTE industry sectors are the internship and Work Experience Education programs, providing students with hands-on experience in vocational fields and local businesses with needed entry-level staff. The District currently has formal agreements with fourteen local County businesses. These businesses are providing internships to students primarily from the Automotive and Sports Medicine pathways.

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<sup>1</sup> *What is Career Technical Education*, Nevada Joint Union High School District, <https://www.njuhsd.com/Academics/Career-Technical-Education-CTE/index.html>

District leadership reports that approximately 20 students from these two pathways are currently placed in internships.

The state-funded Strong Workforce Program was developed to ensure that career technical education and workforce development courses, credentials, certificates, degrees, industry sectors, and pathway offerings are responsive to the needs of employers, workers, civic leaders, and students.

Administrators at both high school and community college levels have determined that too many of their students are not completing their courses and graduating. The Get Focused Stay Focused program is designed to provide a student with comprehensive guidance in developing an educational plan to prepare for and complete preparation for the career of their choice.

A career technical student organization is an extracurricular group for CTE students to further their knowledge and skills. There are nine national career technical student organizations in the United States with two – Future Farmers of America (FFA) and SkillsUSA – active in the District. Membership is provided by the District.

FFA is the most active and visible career technical student organization in the District and a major reason the agricultural industry sector is the most developed and successful. SkillsUSA is the most versatile of all of the career technical student organizations and is applicable for students in any career pathway, but is less developed. The District chapter has expanded membership to four pathways.

Sierra College has an important local influence. It has an impressive CTE program containing certifications and degrees that are available to District students through dual enrollment.

Challenges for the District include funding, advisory committees, staffing, post-completion tracking, alignment of class schedules, and certification. See the body of the report for more details.

CTE, like all technical fields, is constantly expanding and changing. There has been substantial progress made by the District in developing CTE. Advisory committees, the Strong Workforce Program, internship programs, and Work Experience Education partners are significant and critical links to the community but more organized and regular outreach is needed to keep the public informed of progress. Increased local industry involvement with County CTE industry sectors is encouraged.

The Jury commends District administration, CTE staff, advisory committees, business partners, and students for their continuing dedication and collaboration. This has created a CTE program that is remarkable for a school district of its size.

## Glossary

<b>A-G</b>	University of California college compliance criteria
<b>CTE</b>	Career Technical Education
<b>County</b>	Nevada County
<b>District</b>	Nevada Joint Union High School District
<b>FFA</b>	Future Farmers of America
<b>Jury</b>	2018-2019 Nevada County Grand Jury
<b>ROP</b>	Regional Occupational Program

## Approach

The 2018-2019 Nevada County Grand Jury (Jury) became aware of questions regarding CTE programs in County high schools through several newspaper articles. The Jury determined that an investigation into the status of CTE in County high schools was indicated. A cross-section of District CTE personnel, representatives of local businesses and industries, and other community members with knowledge or experience of occupational education programs were interviewed. District board meetings were attended. The Jury also reviewed County occupational education history and funding processes, and individual school websites, reports, and curricula.

## Background

Strong, effective CTE programs are necessary to fill skilled positions in agriculture, the automotive industry, construction, the business sector, medicine, and many other industries. These programs are vital for the development of rewarding careers for County non-college-prep high school students and for the economic growth of the County.

CTE has been an important and necessary alternative to the traditional college prep experience across the country and in the County for decades. In 2005 the California State Board of Education determined that the Regional Occupational Program (ROP) needed to be updated and standardized, and should include basic college entry options for every student. It adopted the California Career Technical Education Model Curriculum Standards, rewriting the ROP program and changing occupational education:

The California Career Technical Education Model Curriculum Standards are organized in 15 industry sectors, or groupings, of interrelated occupations and broad industries. Each sector has two or more career pathways. A career pathway is a coherent sequence of rigorous academic and technical courses that allows students to apply academics and develop technical skills in a curricular area. Career pathways prepare students for successful completion of state academic and technical standards and more advanced postsecondary course work related to the career in which they are interested.

Narrow, job-skill-oriented secondary vocational programs of the past – that prepared individuals almost exclusively for entry into trades – have given way to broader CTE programs. These programs teach rigorous academic concepts within the context of career education. The CTE curriculum standards show direct linkages to California’s content standards in English-language arts, mathematics, history – social science, science, and visual and performing arts, and they provide learning opportunities in many venues both within and outside the traditional classroom.

The State Board of Education also superimposed a set of University of California college compliance criteria (A-G) on pathway development. Even if a student is not college bound they need to complete a minimum of 15 college-prep courses. The college criteria required in the CTE model are history, English, mathematics, laboratory science, a foreign language, visual and performing arts, and a college-prep elective.

CTE industry sectors are more complex and difficult to develop, fund, administer, and staff than the earlier ROP programs. Business and industry representatives are asking for vocational programs that prepare individuals for entry into trades but schools are required to adhere to the State Board of Education CTE model.

## **Discussion**

The Nevada Joint Union High School District includes seven public high schools:

Comprehensive High Schools	Bear River High School Nevada Union High School
Early College High School	Ghidotti Early College High School
Independent Study Schools	North Point Academy Nevada Union Adult School
Continuation High Schools	Nevada Union Tech High Silver Springs High School

The District has developed a robust CTE program encompassing numerous industry sectors and pathways. In the 2018-2019 school year, Nevada Union High School had 843 students (53%) enrolled in CTE courses and Bear River High School had 424 students (69%) enrolled. See the table below for details provided by the CTE Steering Committee. Many students take CTE classes even though they plan on attending college.



## 2018-2019 Career Technical Education

### Bear River High School

<u>Industry Sector</u>	<u>Pathway</u>	<u>Enrollment</u>
Agriculture	Agriscience	106
	Ag Mechanics	116
Education	Social Justice	30
Arts Media & Entertainment	Online Media	30
	Publication	29
	Graphic Design	30
	Tech Theater	36
Information & Communication Technology	Computer Science	47
<b>Total Enrollment (69%)</b>		<b>424</b>

### Nevada Union High School

<u>Industry Sector</u>	<u>Pathway</u>	<u>Enrollment</u>
Agriculture	Horticulture	111
	Ag Mechanics	115
	Agriscience	87
Transportation	Automotive	49
Hospitality	Culinary	149
Manufacturing	Design & Engineering	61
Arts Media & Entertainment	TV Broadcast (DCA)	60
	Production & MNGL Arts	59
	Tech Theater	28
Health Medical	Sports Medicine	50
Building & Construction Trades	Woodworking	69
Information & Communication Technology	Computer Science	5
<b>Total Enrollment (53%)</b>		<b>843</b>

CTE courses are also available to students at North Point Academy, Nevada Union Tech High, and Nevada Union Adult Education. No charter school currently offers CTE programs.

Internship and Work Experience Education programs are a critical link between the business community and District CTE industry sectors. These programs provide students with hands-on experience in their desired vocational fields and local businesses with needed entry-level staff.

The District currently has formal joint venture agreements with fourteen local County businesses. These businesses are providing internships to students primarily from the Automotive and Sports Medicine pathways. District leadership reports that approximately 20 students from each pathway are currently placed in internships. Additionally, there are a few students who are engaged in Work Experience programs outside their school commitments.

## **Funding**

Federal funding for CTE comes through the Carl D. Perkins Career and Technical Education Act. While state funding gives local education districts control over the distribution of CTE funding, the only CTE-designated funding at the state level is a per-pupil CTE “add on.” As a result, funding for CTE industry sectors within the District is reduced and local education districts give priority to college prep programs.

Over the past five years, the gap in funding has been filled with compliance-based, competitive grants from public and private sources. Grant writing has become a critical component of CTE. It is a technical, time consuming, and critical requirement for a successful CTE program. Some grants can be utilized across all industry sectors and pathways while others are more narrowly focused. Specific reporting requirements are attached to each grant.

For the current school year, the CTE “add on” approximates \$602K and grant funding approximates \$392K. Additionally, the District has allocated funding of \$740K out of its general fund. Total expenditures to support the CTE program approximate \$1.7M.

## **Administration**

The District’s 2020 strategic plan contains objectives and goals related to CTE, such as:

- developing internship programs,
- working with NU Tech High to connect CTE completion and Work Experience Education more explicitly and build the program as a unique early/alternative graduation option,
- sharing resources as efficiently and effectively as possible, and
- assisting in the alignment of class schedules to facilitate pathway completion.

Significant steps taken by the District Board of Trustees in the 2018-2019 school year include approval of new CTE classes, memorandums of understanding with other counties for collaboration and CTE teacher training, and CTE facility modernization projects to be completed over the next two years. A proposal to create a position for a Director of CTE and State/Federal Programs is also under consideration. Other resources that are being utilized to develop the District CTE industry sectors are described in the following paragraphs.

### **Internship and Work Experience Education Programs**

CTE programs can be expensive to develop due to initial specialized building modification, equipment, safety, and code requirement costs. In spite of this, major pathway projects are underway for agriculture facilities at both Nevada Union High School and Bear River High School, construction facilities at Silver Springs High School, and culinary facilities at Nevada Union High School.

Currently, CTE teachers are often the primary contact for initiating and maintaining the business relationships necessary for internship and Work Experience Education programs. They are also responsible for the frequent site visits that are required.

The District and CTE staff are actively working to improve internship and Work Experience Education programs and increase the number of students participating in them. Programs such as the Strong Workforce Program will provide more process standardization and collaboration between business sectors and CTE pathways.

### **Strong Workforce Program**

The Strong Workforce Program was developed through Assembly Bill 1602 in 2017 to expand and improve CTE throughout the state. The K-12 state education, economic, and workforce development initiative was developed for the purpose of expanding the availability of high quality, industry-valued career technical education.

Any local education district participating in the program ensures its CTE and workforce development courses, credentials, certificates, degrees, industry sectors, and pathway offerings are responsive to the needs of employers, workers, civic leaders, and students. The program receives state funding.

A memorandum of understanding was approved between the Nevada County Superintendent of Schools and the District for coordination of the K-12 Strong Workforce Program at the April 2019 Board of Trustees meeting. As the lead administrative agency, the Superintendent of Schools will receive and administer any allocated funds and submit the necessary plans, applications, and all fiscal claims.

### **Get Focused Stay Focused**

Administrators at both high school and community college levels have determined that too many students are not completing their courses and graduating. Get Focused Stay Focused is a state program that consists of three interrelated components.

1. High school students complete a comprehensive guidance course during their first year to identify their interests and life goals, discover a career aligned to those interests and goals, and develop an educational plan to prepare for that career.
2. The course culminates with the development of an online, skills based, ten-year career and education plan that is updated each year throughout high school and used by advisors for counseling and instructors for academic coaching.
3. During the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades, students update their ten-year plans as they take a series of follow-up instructional modules that help them expand their career and education options. They learn the process for selecting and applying to post-secondary education and identifying the skills needed in the workforce.

The District is implementing this program with the incoming 9<sup>th</sup> grade class in 2019.

## **Dual Enrollment**

Sierra College has an important local influence. It has an impressive CTE program containing certificates, certifications, and degrees that are available to District students through dual enrollment.

High school juniors and seniors may enroll in up to two dual enrollment classes per semester. Additionally, high school students may take advanced placement high school courses and receive college credit for such courses. Participation is difficult for CTE students because class schedules do not match.

District and college administrations meet regularly to ensure availability and continuity in CTE industry sectors and classes for all students.

## **Career Technical Student Organizations**

A career technical student organization is an extracurricular group for CTE students that further their knowledge and skills by participating in activities, events, conferences, and competitions. There are nine national career technical student organizations in the United States with two – FFA and SkillsUSA – active in the District. Membership is provided by the District.

### Future Farmers of America

All students enrolled in the Agriculture Industry Sector in the District are automatically enrolled in FFA. The long term, ongoing support of FFA and the commitment of local teachers are major reasons the Agriculture industry sector is the largest and strongest in the District. For decades many students in the County have spent extensive extra-curricular time in FFA and have won awards in local, state, and national competitions in parliamentary procedure, public speaking, extemporaneous speaking, and agricultural mechanics. FFA students and their activities are very visible on school campuses and in the community.

FFA is dedicated to preparing students for careers in the Agriculture, Food, and Natural Resources clusters. It has a total membership of more than 669,000, with 8,630 chapters across all 50 states. The vision of FFA is to “grow leaders, build communities, and strengthen agriculture.” It focuses on more than just hands-on skills needed in the agricultural industry; students also develop skills like leadership and communication.

### SkillsUSA

SkillsUSA is the most versatile of all of the career technical student organizations and is available to students in any career cluster or pathway. SkillsUSA has more than 360,000 members and 19,000 chapters across all 50 states. The District chapter has expanded membership to include four pathways. Overall, the SkillsUSA framework is designed to cover workplace, personal, and technical skills grounded in academics. In order to help members shape these skills, the organization provides leadership training, employability skills curriculum, skills assessments, conferences, and competitions. Included in the program is a Career Essentials Credential.

## **Advisory Committees**

Advisory committees play a vital role in CTE programs. Although they have no administrative or legislative authority, they provide understanding between schools and the communities they serve. Advisory committees bring balanced judgement to local problems and help give continuity and support. All CTE industry sectors must have, under law, an advisory committee.

Additionally, districts must have a district-level advisory committee comprised of representatives from each of the advisory committees. A district advisory committee helps the local board of trustees with the development, implementation, and evaluation of CTE programs. These committees must meet regularly and often enough to carry out their assignments. The minimum number of meetings is two per year; best practice is between three and eight per year.

The District currently has a CTE Steering Committee that serves as the District advisory committee. Advisory committees for several of the industry sectors exist but additional advisory committees are needed.

## **Staffing and Training**

Staffing is a critical factor in CTE program development. A CTE teacher is required to have specialized industry experience, a teaching credential or certification, leadership ability, and an affinity for working with high school students. Programs have been discontinued because a teacher left and a replacement with appropriate skill and experience was not available. Counselors and instructional leaders must be knowledgeable in all aspects of CTE programs.

There are limited opportunities for CTE teacher training or collaboration in the regular school schedule. Some individual pathway collaboration takes place automatically but cross-industry sector and cross-pathway interaction seldom occurs. More workshops or group discussions would provide the most valuable training for CTE staff training program development.

It is difficult to keep all levels of staff up to date on departmental budgets, planning, and changes. CTE teachers and other staff could develop lesson plans, organize field trips, etc. more efficiently if they knew what budget amounts were available in their departments and had a voice in planning. Standardization of routine processes, forms, and reporting criteria across pathways make training and information sharing easier.

## **Challenges**

### **Post-Completion Tracking**

There is little data available on the success rate of CTE programs, i.e., how many students have gone on to vocational careers in the County or to college in CTE-related majors. Follow up data is necessary in order to measure CTE effectiveness and plan for future development.

### **Alignment**

Students at District high schools cannot currently take advantage of classes at other campuses because of distance, transportation, and incompatible class schedules. District administration recognizes that this results in missed training and career opportunities for students. Alignment of class schedules across District schools is in progress.

### **Certification**

CTE administration and staff recognize there is a lack of much needed certification of District CTE training available to students upon graduation. Students can report pathway completion, internship or Work Experience Education references, and career technical student organization participation but there is much to be done to provide entry-level certification.

Certificates for completion of OSHA 10- and 30-hour online courses, a valid driver's license, and CPR training are basic credentials that some CTE students have been assisted in achieving, giving them better entry-level credibility. These and other entry-level qualifiers could be expanded in all pathways.

## **Conclusions**

CTE, like all technical fields, is constantly expanding and changing. There has been substantial progress made by the District in developing CTE. Advisory committees, the Strong Workforce Program, internship programs, and Work Experience Education partners are all significant and critical links to the community. More organized and regular outreach is needed to keep the general public informed of progress.

Increased local industry involvement with County CTE programs is encouraged. Communication between the District and representatives from the several industries has commenced. Other industry sectors and pathways would benefit from business participation. Development of meaningful industry sectors requires a collaborative partnership between the District, industry, teachers, and students. Students will benefit from the additional hands-on experience provided through internships and Work Experience Education. Businesses can assist in developing students with a broader skill set who are more prepared to enter the local workforce.

The Jury commends District administration, CTE staff, advisory committees, business partners, and students for their continuing dedication and collaboration. This has created a CTE program that is remarkable for a school district of its size.

## **2018-2019 Detention Facility Inspection Report**

2018-2019 Nevada County Grand Jury

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# 2018-2019 Detention Facility Inspection Report

## Summary

The 2018-2019 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the Nevada County (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code § 919(b). The Jury toured and inspected the Wayne Brown Correctional Facility (Wayne Brown), the Carl F. Bryan II Juvenile Hall (Juvenile Hall), the Washington Ridge Conservation Camp (Washington Ridge), and two holding facilities: the Nevada County Sheriff’s Office’s Truckee Sub-Station (Truckee Jail) and the Nevada County Superior Court Holding Facility in Nevada City (Nevada City Holding Facility).

In general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail.

The Jury made the following recommendations.

- Improve Correctional Officer recruiting and staffing processes.
- Complete a comprehensive review of the Inmate Welfare Fund (IWF) at Wayne Brown.
- The Board of Supervisors should make a decision on the use of Juvenile Hall.
- The Board of Supervisors should examine the need for security improvements at Juvenile Hall and the Nevada City Holding Facility.

## Glossary

### 2015-2016 Report

**AB 109**

**Cal Fire**

**CDCR**

**CO**

**County**

**GED**

**IWF**

**Jury**

**Juvenile Hall**

**Nevada City Holding Facility**

**NCSO**

**SCFAO**

Grand Jury’s 2015-2016 Report entitled

Carl F. Bryan II Regional Juvenile Hall - Is It Worth the Cost?

California Public Safety Realignment Act of 2011

California Department of Forestry and Fire Protection

California Department of Corrections and Rehabilitation

Correctional Officer

Nevada County

General Education Diploma

Wayne Brown Inmate Welfare Fund

2018-2019 Nevada County Grand Jury

Carl F. Bryan II Juvenile Hall

Nevada County Superior Court Holding Facility

Nevada County Sheriff’s Office

Sheriff’s Chief Fiscal Administrative Officer

**TAY**  
**Truckee Jail**  
**Washington Ridge**  
**Wayne Brown**

Transitional Age Youth Program  
Nevada County Sheriff's Office's Truckee Sub-Station  
Washington Ridge Conservation Camp  
Wayne Brown Correctional Facility

## **Background**

The California Constitution of 1849 provides in Section 23 of Article 1 that a grand jury "be drawn and summoned at least once a year in each county." Accordingly, the Superior Court in each of the 58 counties in the State yearly impanels a grand jury whose primary function is to investigate the operation of the various officers, departments, and agencies of local government. A grand jury may examine all aspects of county and city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

California Penal Code § 919(b) requires each county's jury to inquire annually into the condition and management of public prisons within the county. The subject of this report is the result of the 2018-2019 Nevada County Grand Jury's (Jury) inquiry into the condition and management of the public prisons in the County.

## **Approach**

The Jury inspected each of the public prisons in the County as follows:

Carl F. Bryan II Juvenile Hall	August 9, 2018
Nevada County Sheriff's Office's Truckee Substation	August 16, 2018
Nevada County Superior Court Holding Facility	September 13, 2018
Wayne Brown Correctional Facility	October 11, 2018
Washington Ridge Conservation Camp	January 17, 2019

These inspections included a walk-through of each facility, interviews, and a review of procedures and documents related to each facility. In addition, the Jury reviewed previous grand jury reports on the facilities.

The Jury observed the condition of each building and discussed the management of each facility with its staff. Where appropriate, the infirmary was inspected for any insufficiencies and hazardous conditions. The kitchen in each facility, where present, was inspected. Educational and vocational programs as well as discipline and inmates' grievance procedures were reviewed. Policies for inmate classification, orientation, and visitation were also reviewed.

The following describes the current condition of each facility.

## Wayne Brown Correctional Facility

Wayne Brown was originally opened in 1992 with a rated capacity of 239 inmates. Its capacity has varied over the years. At the time of the Jury's inspection there were 225 inmates in custody (175 males and 50 females) of ages ranging from 19 to 80 years. The average stay is 17 days, up from 14 days in previous years. The current facility rated capacity is 283 inmates with five additional beds in the medical unit to be used as needed. Inmates are segregated by gender and individual classifications based in part on the seriousness of each inmate's offense and term of sentence.

In addition to inmates from the County, the facility houses inmates from the California Department of Corrections and Rehabilitation (CDCR) assigned under the California *Public Safety Realignment Act of 2011* (AB 109). The current population of inmates is approximately one-quarter Federal and three-quarter's County pursuant to a contract with the Federal Bureau of Prisons and other California county agreements.

At the time of the Jury's inspection there were 46 Correctional Officers (COs). The ratio of male to female COs is approximately 50/50. Nine of the COs are supervisors. Management must create four teams from the remaining 37 officers. The facility is short staffed by 10-12 COs due to availability (sickness, vacations, etc.) and must make up the shortfall through the use of overtime. The facility faces an ongoing challenge attempting to maintain mandatory minimum staffing due to a lack of applicants who can pass the background check needed to qualify.

Sixty percent of the inmates at this facility are repeat offenders, a statistic slightly lower than the statewide average. The Wayne Brown staff is working to reduce the number of repeat offenders by introducing evidence-based treatment programs with proven outcomes. An example is Moral Reconciliation Therapy, a systematic cognitive behavior program aimed at increasing an inmate's moral reasoning. Other programs, such as a recent Arts Program brought in from the community, have been well received and are reported to reduce inmate anxiety.

Housing costs per day, per inmate are \$177.27. The State reimbursement rate for inmates from other counties is \$77.17 per day.

During the last year there were eight attempted suicides and one death due to natural causes at Wayne Brown. There were no escapes from this facility in the last year.

The Jury visited the housing pods and recreational room; toured the intake area including the sally port, holding cells, and safety cell; and reviewed the booking process. The housing and intake areas were well maintained and clean. It appeared that there were sufficient surveillance cameras to maintain the safety of inmates and staff. Inmates were oriented to rules and procedures via a handbook given to each inmate upon entry into the facility. There was a grievance process in place with appeals to various levels as necessary. There were approximately 400 grievances filed per year.

Environmental Health and Nutrition inspections of the facility are made periodically.

Fire and emergency drills are performed twice a year and every two years the Nevada City Fire Department conducts an inspection. This facility has an Automatic Emergency Defibrillator and all staff members are trained to use it. The staff is also trained in First Aid and CPR.

All cooking and baking is performed in-house at Wayne Brown. The kitchen is commercial grade and staffed by inmates who are eligible to do such work. The crews of all men or all women alternate on working the AM or PM shifts.

Educational programs are provided that can lead to a General Education Diploma (GED), a high school diploma, or community college level credits. The courses are free and are taught by three high school teachers paid by the Wayne Brown Inmate Welfare Fund (IWF). The facility also provides programs to treat drug/alcohol abuse and anger management.

During the inspection of Wayne Brown, the Jury inquired into the operation and management of the IWF. The IWF is established by Penal Code § 4025 which states:

The sheriff of each county may establish, maintain, and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and sell these goods, articles, and supplies for cash to inmates in the jail.

Subsequent subsections of § 4025 speak to other sources of revenue for the IWF.

The 2017-2018 Nevada County Grand Jury in its *Detention Facility Inspection Report* identified a number of concerns regarding the IWF that included:

- management of the fund,
- lack of financial audits,
- Nevada County Sheriff's Office (NCSO's) conservative approach to the use of the IWF,
- compliance with the NCSO Corrections Division Directive 64,
- lack of a IWF Committee, and
- lack of inventory records.

During its investigation into the management and operation of the IWF the Jury found:

- The IWF is a separate trust fund in a separate line item in the NCSO financial account. The annual NCSO budget request is prepared by the NCSO and submitted for approval by the Nevada County Board of Supervisors. The Sheriff's Chief Fiscal Administrative Officer (SCFAO) administers the NCSO account. The County Auditor-Controller audits the NCSO account, however the IWF account is not separately audited.

- The SCFAO reviews requests for the IWF budget and removes those that are considered inappropriate. The account had a balance of \$440,419.02 at the end of FY 2017-2018 compared to a balance of \$282,273.55 at the end of FY 2014-2015. The expenses for FY 2017–2018 were \$84,712.59, reflecting again a very conservative approach to the use of the IWF. The IWF receives a commission of 25% on all items sold in the commissary.
- A review of the NCSO Corrections Division Directive 64 revealed that it had been revised with a new effective date of June 12, 2018. The revision does not mention an IWF Committee. There is also no requirement for inventories or inventory records. The Jury was told that the County only requires inventories of capital assets valued in excess of \$5,000 and that the IWF has none in that category.
- A review of the NCSO Corrections Division Directive 64 found that it was in compliance with the requirements of Penal Code § 4025.

### **Carl F. Bryan II Juvenile Hall**

Pursuant to California law, only persons under 18 years of age at the time of their violation can be held in juvenile detention facilities. For a variety of reasons discussed in detail in the Jury’s 2015-2016 report, entitled *Carl F. Bryan II Regional Juvenile Hall - Is It Worth the Cost?* (2015-2016 Report), there is an ongoing national and local trend away from incarceration of juveniles in favor of alternatives to detention including release on recognizance, release on bond, community support, and formal evidence-based monitoring programs. At the time of the Jury’s inspection there were five male inmates, aged 13 to 17 years. This facility has a capacity for 60 inmates but is currently staffed for 30 inmates. All five inmates were from Nevada County.

As discussed in the 2015-2016 Report, one result of the decrease in juvenile detention and the maintenance of state-mandated staffing levels has been a steadily rising cost per inmate. A new California program called the Transitional Age Youth program (TAY) has been implemented at juvenile halls. TAY applies to inmates who are 18 years of age or older but under 21 years of age on the date their offense was committed. Under California law, juveniles under the age of 18 must be held in a juvenile holding facility. It permits incarceration of such inmates outside of county jails in facilities such as juvenile halls that offer programs for rehabilitation. Modifications have been made to Juvenile Hall so that inmates in the TAY program can be housed there but not co-mingled with the 17 and younger inmates. It was anticipated by staff that the TAY program would increase the number of inmates at Juvenile Hall and reduce the cost per inmate. At the time of the Jury’s inspection there were no inmates in the TAY program present.

The total budget for Juvenile Hall this year is \$2.9 million, down from \$3.3 million a year ago. The goal for 2019-2020 is under \$2.5 million. These budget reductions are due to reductions of

staff. An ad hoc committee looked into whether the facility should be closed, re-purposed in its function, or share operations with other county holding facilities.

At the time of the Jury's visit the need for the following facility improvements were noted.

- The Main Pod control panel is in need of repair.
- Two additional cameras with swivel capabilities would improve security.
- Recording capabilities for all cameras would improve facility surveillance.

There are numerous programs and incentives to help inmates get a fresh start. Recreational facilities and educational programs are provided. Inmates are able to acquire work skills in gardening and the culinary arts. All meals are prepared onsite and inmates can earn culinary worker certifications that can be used for work after they are released.

The interaction between inmates and COs appeared to be cordial. The staff appears to be forward thinking and firm but respectful of their charges.

### **Washington Ridge Conservation Camp**

Washington Ridge, located northeast of Nevada City off Route 20, is one of 44 conservation camps administered jointly by the CDCR and the California Department of Forestry and Fire Protection (Cal Fire). The cooperation between CDCR and Cal Fire is impressive. While in the camp the inmates are under the supervision of CDCR but when working as firefighters or performing community service projects they are under the supervision of Cal Fire. CDCR officers are on duty at all times.

Washington Ridge has a resident inmate capacity of approximately 100 but can handle up to 300 additional fire fighters when necessary to respond to major disasters. During the Jury's visit there were 74 inmates assigned to Washington Ridge including support inmates assigned to do the cooking, cleaning, and yard and equipment maintenance. The camp is self-sufficient. It has its own water wells and a back-up generator that can run the entire camp.

Washington Ridge has five transport and support vehicles, each supporting a crew of 12-17 inmates. Each vehicle is equipped to be self-sufficient for days if necessary. At the time of the Jury's visit only four vehicles were being maintained because of the lack of inmates at the camp. The primary cause of the camp operating below capacity is the reassignment of non-violent offenders from State prisons to county jails as mandated by AB 109. As a consequence of AB 109, the eligible pool of inmates available for assignment to conservation camps has decreased over the years. In response, the CDCR and Cal Fire have started to broaden the requirements for eligibility to serve time in the conservation camps. In addition, they encourage county sheriffs to transfer eligible inmates from county jails to conservation camps. At the time of the Jury's visit there were no NCSO inmates serving at Washington Ridge.

The firefighting inmates are rigorously trained to perform very dangerous duty. Even though many man-hours of service are provided yearly fighting fires within the State the number of accidents is very low. Fire crews average 2,000 hours each on a fire line. In 2018, there were 91,750 total fire-fighting hours recorded by camp inmates. The total operating budget for the camp is approximately \$6M. In addition to firefighting the crews perform needed work in the community. Local projects include cutting firewood, working in public parks, and performing needed work for nonprofit programs such as maintenance of parks and sports fields. Full crews are available to counties, cities, and certain nonprofit organizations for approximately \$200.00 per day.

Each inmate has a trust account that can be used for commissary purchases and phone calls. Inmates earn \$1.45 per day. Inmates who have learned a skill in camp earn \$2.65 per day. Inmates who are on a fire line or performing other emergency type work earn \$1.00 per hour. These amounts were doubled in March of 2019.

Inmates may have pre-cleared visitors on Saturday and Sunday between the hours of 8:30 AM to 5 PM.

The Jury toured the dormitories, recreation hall, cafeteria, woodshop, wood mill, tool repair shop, equipment shop, and fire transport and support vehicle garages. Washington Ridge continues to be a well-run and maintained facility. The Jury has no recommendations for changes or improvements at this time.

### **Nevada County Sheriff's Office's Truckee Sub-Station**

The Truckee Jail is used to temporarily hold inmates arrested in eastern Nevada County until they can be transferred to Wayne Brown and it houses inmates transferred from Wayne Brown to stand trial at the Truckee Branch Courthouse. The Truckee Jail also serves as a holding facility for the Truckee Police Department, the Sheriff Departments of Sierra and Placer Counties, and the California Department of Parks and Recreation. This facility has a capacity for 12 inmates. At the time of the Jury's visit there were two male inmates. This is a Type I holding facility with a maximum holding time of 96 hours. Their current housing cost is \$130-\$140 per day with a reimbursement cost of \$77 per day for non-county inmates. The facility must be staffed with one Sheriff's Deputy and two COs at all times. They are down two positions and that shortage requires, on average, 12 hours overtime per week. Transportation to and from Wayne Brown is the responsibility of NCSO deputies. In addition to staff on duty, first response medical personnel and the local fire department serve the facility as needed. For nonemergency medical attention inmates are transported to Wayne Brown.

The Truckee Jail was built in the early 1960s and its age is showing. Nevertheless, it appears to be adequate for its limited use.

## **Nevada County Superior Court Holding Facility**

The Jury inspected the Nevada City Holding Facility including its administrative offices, the security monitoring station, its cells, the hallways leading to the courtrooms, and the sally port through which the inmates are brought into the facility. The deputies and COs were questioned regarding their duties, inmates treatment, safety of the inmates, safety of the public, security, maintenance of the inmates' hygiene level, and air quality in the building.

Inmates brought to the Nevada City Holding Facility arrive in a law enforcement vehicle at the sally port and are escorted into the holding area where they are secured in individual cells. When it is time for the inmate's court appearance, the inmate is chained and handcuffed, then escorted through public hallways and the lobby into a courtroom where the inmate is guarded by an armed deputy sheriff.

The Nevada City Holding Facility includes a control room where multiple cameras allow the COs to monitor the movements of inmates from the cells to the courtrooms. There are cameras directed at some entrances and exits to the courthouse and on the exterior of the building to help control access. The Jury noted that if additional cameras and alarms were positioned at the front and back doors of the courthouse, increased security would result. At the time of the Jury's visit it was noted that the camera monitoring process was very slow. We were told this is a problem caused by the age of the building and that the cost of the internal wiring upgrades required were slowing down the work. The Jury also noted that video is not recorded nor retained for future review.

The cell area was clean and well maintained and nothing appeared to be a potential danger for either the inmates or the COs who supervise the inmates.

Although there is little risk of escape, the location of a public access door into the lobby on the east side of the first floor does present an enticement to prisoners. Because of the restraints employed and the alertness of the officers, prisoners who attempt to flee are unlikely to be successful.

The Courthouse is showing its age but appears to be maintained and kept in a serviceable condition.

### **Findings**

- F1.** In general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail.
- F2.** There is a significant staffing shortage of Correctional Officers within Nevada County.
- F3.** The use of evidence-based programs at Wayne Brown has had a positive impact.



- F4.** Education programs funded by the IWF provide opportunities for inmates to obtain a GED, high school diploma, or community college credits increasing their potential for success upon release.
- F5.** The IWF committee was deleted from the NCSO IWF Policy (Sheriff's Corrections Division Directive 64).
- F6.** IWF expenditures for inmates are conservative and do not match revenues; and they also appear to be restrictive.
- F7.** The substantial funds in the IWF account provide the opportunity to introduce new programs or reduce the commissions charged for purchases.
- F8.** Financial oversight is limited with no requirement for audits of IWF funds or the taking of inventory of IWF purchased equipment.
- F9.** An ad hoc committee has made a presentation to the Board of Supervisors suggesting the repurposing of Juvenile Hall. No decision has been made at the time of publication.
- F10.** The Main Pod control panel at Juvenile Hall is in need of repair.
- F11.** Two additional cameras with swivel capabilities would improve security at Juvenile Hall.
- F12.** Recording capabilities for all cameras would improve facility surveillance at Juvenile Hall.
- F13.** The entrance and exit surveillance cameras at the courthouse are insufficient.
- F14.** The holding facility camera monitoring station at the courthouse needs to be updated.

## **Recommendations**

The Nevada County Grand Jury recommends:

- R1.** The Nevada County Human Resources Office should increase the priority for Correctional Officer staffing.
- R2.** NCSO should revisit IWF Policy to consider reestablishment of an Inmate Welfare Committee, establish periodic audits of IWF funds and resources, and review revenue and expenditure policies to balance revenue and expenditures.
- R3.** The Nevada County Board of Supervisors should expedite a decision on the use of Juvenile Hall.

- R4.** The Nevada County Probation Department should provide the necessary repairs and additional surveillance capability to Juvenile Hall.
- R5.** NCSO should request the Court to provide additional improvements in security cameras and monitoring capabilities.

### **Request for Responses**

Pursuant to Penal Code § 933.05, the Nevada County Grand Jury requests responses from the following:

Nevada County Human Resources – Finding F2 and Recommendation R1 by 11 August 2019.

Nevada County Sheriff's Office – Findings F5, F6, F7, F8, F13, F14 and Recommendations R2, R5 by 12 July 2019.

Nevada County Board of Supervisors – Finding F9 and Recommendation R3 by 12 July 2019.

Nevada County Probation Department – Findings F10, F11, F12 and Recommendation R4 by 11 August 2019.

## **RESPONSES**

In the Report above, the Grand Jury requested responses from:

Nevada County Human Resources  
Nevada County Sheriff's Office  
The Nevada County Board of Supervisors  
Nevada County Probation Department

Nevada County Human Resources and Nevada County Probation Department did not respond, choosing to allow the Nevada County Board of Supervisors make their responses for them.

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COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Vice-Chair Heidi Hall, 1<sup>st</sup> District  
Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Susan Hoek, 4<sup>th</sup> District  
Chair Richard Anderson, 5<sup>th</sup> District

Julie Patterson Hunter,  
Clerk of the Board

July 9, 2019

The Honorable Judge Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**RE: County of Nevada Responses to Grand Jury 2019 Report entitled Detention Facility Inspection Report**

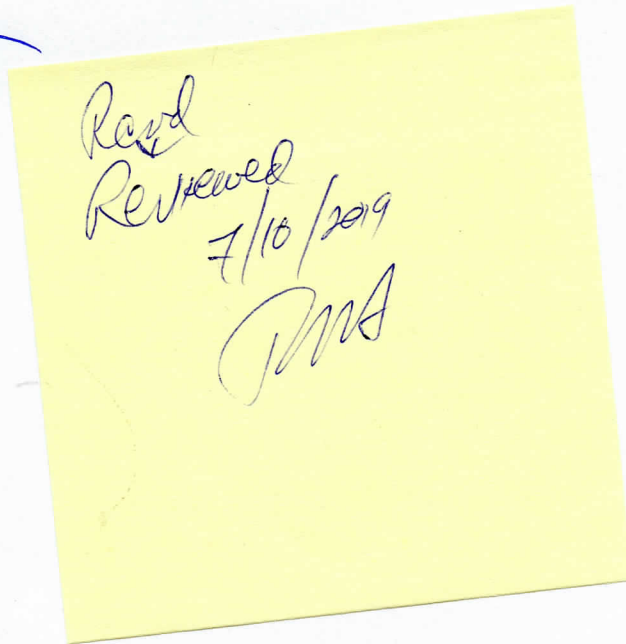
Honorable Judge Anderson,

Please find enclosed the County of Nevada's responses to the Grand Jury's 2019 Detention Facility Report as approved by the Board of Supervisors at their regularly scheduled meeting on July 9, 2019.

Sincerely,

Jeffrey Thorsby  
Senior Administrative Analyst

Encl.



**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO**

**2019 Nevada County Civil Grand Jury Report**

**Detention Facility Inspection Report**

**DATED July 9, 2019**

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, Probation, County Counsel, Public Defender, Behavioral Health, and Health and Human Services agency representatives or testimony from the Board of Supervisors and county staff members.

**A. RESPONSES TO FINDINGS**

F2. There is a significant staffing shortage of Correctional Officers within Nevada County.

**Agree.**

F9. An ad hoc committee has made a presentation to the Board of Supervisors suggesting the repurposing of Juvenile Hall. No decision has been made at the time of publication.

**Agree.**

F10. The Main Pod control panel at Juvenile Hall is in need of repair.

**Agree.**

F11. Two additional cameras with swivel capabilities would improve security at Juvenile Hall.

**Agree.**

F12: Recording capabilities for all cameras would improve facility surveillance at Juvenile Hall.

**Agree.**

**B. RESPONSES TO RECOMMENDATIONS**

R1: The Nevada County Human Resources Office should increase the priority for Correctional Officer Staffing.

**The recommendation has been implemented.**

**Nevada County has deployed an aggressive recruitment strategy that has included: 1) Implementing a new streamlining testing processes for Correctional Officers on May 22; 2) Setting up career events at various locations such as Beale Air Force Base; 3) Developing a targeted marketing brochure; 4) Developing a fast-track recruiting approach for Correctional Officers from other counties; and 5) Further utilizing extensive social media advertising tools.**

R3: The Nevada County Board of Supervisors should expedite a decision on the use of Juvenile Hall.

**This recommendation has been implemented.**

**The Board of Supervisors provided direction on June 25, 2019 for the future use of Juvenile Hall.**

R4: The Nevada County Probation Department should provide the necessary repairs and additional surveillance capability to Juvenile Hall.

**The recommendation requires further analysis. The Probation Department will conduct an analysis with the purpose of identifying the programmatic components and costs of remodeling Juvenile Hall into a more youth center focused facility within the next six months. The County will then prepare a Request for Proposals (RFP) if warranted based on the analysis to address Findings 10, 11, 12 in the Grand Jury Report dated May 7, 2019.**

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

July 12, 2019

*Rec'd &  
Reviewed  
7/15/19  
JMA*

The Honorable Thomas M. Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Response to the 2018-2019 Nevada County Grand Jury's Detention Facility Inspection Report:

Dear Honorable Judge Anderson:

The Nevada County Sheriff's Office appreciates the opportunity to respond to the 2018-2019 Nevada County Grand Jury report entitled Detention Facility Inspection Report. In addition to the Grand Jury's inspection, the following is a list of inspections for the adult detention facilities in the county:

<u>Type</u>	<u>Last Completed</u>	<u>Frequency</u>
<b>Federal:</b>		
PREA <i>(Prison Rape Elimination Act)</i>	2/16/2019	Every 3 years
DOJ/ Jail Summary <i>(Department of Justice)</i>	1/31/2019	Annual
USMS <i>(United States Marshals Service)</i>	9/19/2019	Annual
Board of Prisons	10/18/2019	Annual
Census	2/16/2019	Every 10 years
<b>State / Local:</b>		
DOJ / Death in Custody	1/31/2019	Annual
BSCC <i>(Board of State and Community Corrections)</i>	1/29/2018	Biennial
Health-Medical/Mental	4/24/2019	Annual
Environmental	1/18/2019	Annual
Nutritional Evaluation	9/10/2018	Annual
Grand Jury	9/2/2018	Annual
Values Act /Transfer Reporting	2/26/2019	Annual
Fire	8/15/2017	Biennial

We would like to encourage the Grand Jury to include the upper management staff of the Sheriff's Office in its inquiries and investigations. There are times when questions can be answered in advance of the Grand Jury's final report, thereby easing or eliminating concerns.



## Findings

- F5 The IWF committee was deleted from the NCSO IWF Policy (Sheriff's Corrections Division Directive 64).

**Agree.**

- F2 IWF expenditures for inmates are conservative and do not match revenues; and they also appear to be restrictive.

**Agree. By statute, the use of the funds is restricted to certain expenditures. According to the California Penal Code Section 4025(e), "[t]he money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates."**

**We will be carefully looking at whether it is prudent and a fiscally sound practice to match revenues with expenses, thereby leaving no fund balance.**

- F7 The substantial funds in the IWF account provide the opportunity to introduce new programs or reduce the commission charged for purchases.

**Agree. The Sheriff's Office is always looking for new programs to reduce recidivism.**

- F8 Financial oversight is limited with no requirement for audits of IWF funds or the taking of inventory of IWF purchased equipment.

**Agree that there are no requirements for audits. However, the Auditor performed a review of the IWF approximately one year ago and found no irregularities. The only inventory items purchased with IWF funds are those typically not required by law, e.g. microwaves ovens to heat their commissary items. There is a visual inventory on these items everyday by correctional staff, as well as other items used by the inmates; if a microwave oven is missing, it is readily apparent and is investigated immediately.**

- F13 The entrance and exit surveillance cameras at the courthouse are insufficient.

**Agree. However, every additional camera that is added, places an additional burden on the courthouse central control officer who is tasked with monitoring these cameras, along with many other duties. Watching a new entrance or exit camera requires another existing camera to go unmonitored.**

**F14** The holding facility camera monitoring station at the courthouse needs to be updated.

**Agree.**

### **Recommendations**

**R2** NCSO should revisit IWF Policy to consider reestablishment of the Inmate Welfare Committee establish periodic audits of IWF funds and resources, and review revenue and expenditure policies to balance revenue and expenditures.

*This recommendation had already been implemented. As the Grand Jury is aware, Penal Code Section 4025 does not require an Inmate Welfare Fund ("IWF") Committee ("Committee") but NCSO's prior policy had a provision for one. The Committee has not met for several years due to the non-controversial and routine expenditures from the fund. However, Sheriff Moon has already committed to reinstate the Committee prior to this report by the Grand Jury. Additionally, and previous to this report, the Auditor has reviewed the IWF and found no concerns. We have been working with the Auditor to set up a regular process moving forward.*

*Additionally, the expenditures and revenues are reviewed by staff on a regular basis. These expenditures have been somewhat conservatives in the past due to the uncertain future of revenue generated by the IWF (at one point, the FCC had passed regulations significantly reducing, or in some cases eliminating, telephones sales commissions which would have placed a burden on taxpayers).*

**R5** NCSO should request the Court to provide additional improvements in security cameras and monitoring capabilities.

*This recommendation will not be implemented because it is not reasonable. The NCSO has no authority to over the security system in the courthouse; it is the sole responsibility of the Nevada County Superior Court ("NCSC") to maintain the system, to include any replacements or upgrades. The NCSO is fully confident that the NCSC is aware of the operational status of their surveillance system, as well as the need for any upgrades or replacements.*

Sincerely,



Shannan Moon  
Sheriff/Coroner/Public Administrator

**REPORTS ON RESPONSES TO THE  
2017-2018 GRAND JURY REPORTS**

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<b>Report on Responses to the 2017-2018 Report: Detention Facility Inspection Report</b>	<b>229</b>
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## **REPORTS ON RESPONSES TO 2017-2018 GRAND JURY REPORTS**

The Grand Jury usually releases its reports late in the July to June term. Pursuant to California Penal Code Sections 933(c) and 933.05, there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. The governing body of an agency that is the subject of the report has 90 days to submit a response, while elected officials and department heads are allowed 60 days to respond. Responses may include additional information for clarification.

Accordingly, most if not all of the responses to reports are received after a new Grand Jury has been empaneled. As a result, the review and publication of the responses become the responsibility of the new Grand Jury. Responses are reviewed to ensure their sufficiency under the law and to provide a basis for oversight of promised changes. When factual disputes are raised in the responses, further investigation may be done. If it is determined that more information is needed, Grand Jury committees may meet with the respondents. Finally, when the new Grand Jury finds it appropriate, reports about the investigation of prior responses may be published.

The responses are published in this Grand Jury Final Report to provide public access to them. The full reports and responses may be found on the Grand Jury Reports website: <http://nccourt.net>.

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**Report on Responses  
to the 2017-2018 Grand Jury Report:  
Safety and Security at Nevada County Schools**

2018-2019 Nevada County Grand Jury

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# **Safety and Security at Nevada County Schools**

## **A Report on Responses to the 2017-2018 Grand Jury Report**

### **Summary**

The 2018-2019 Nevada County Grand Jury (Jury) has reviewed the responses to the 2017-2018 Jury report entitled *Safety and Security at Nevada County Schools* (The Report) and inquired about progress toward implementation of those responses where appropriate. This report contains the results of follow-up interviews and information gathered to determine if the agencies are following through with the recommendations in and responses to The Report.

It was immediately apparent to the Jury after reading the responses that safety at our schools is extremely important to the Superintendent of Schools (SoS) and Nevada County school districts. Even though the SoS has no formal authority over the school districts it was clear that recommendations and training given by the SoS are taken seriously, modified where necessary, and quickly implemented by almost all school districts.

School districts have been provided with substantial information and training opportunities by the SoS. They have implemented site-specific modifications and additions in major areas, such as parents' guides, the appropriate use of social media, and classroom security and visibility. It is now up to school administrators, teachers, parents, and guardians to ensure that their individual schools are maintaining and continuing to improve these measures.

Another indication of cooperation and progress is the formation of the Community Agencies United for Safe Schools and Safe Streets (CAUSSSS) committee. This is a group of school administrators and directors, law enforcement agencies, the courts, the district attorney, the Probation Department, Child Protective Services, the Office of Emergency Services, and the Behavioral Health Department. CAUSSSS holds monthly meetings to provide an opportunity for confidential sharing of problem areas with open discussion and collaboration.

There is one group The Report does not address except in passing: the parents and guardians of the students. The importance of parents and guardians being fully acquainted with the safety policies and practices of the schools their children attend cannot be overstated.

Parents and guardians should determine how much their children know and understand about school and classroom safety and emergency procedures. Do they know if their child's teacher has a quick reference guide which lists emergency procedures and is it readily accessible in their classroom? In addition, they should read all communication from their child's school regarding emergency procedures. They should receive information at a minimum at the start of each semester. If they have concerns or want more information, they should contact the school principal or the school board to make their concerns known.

The Jury commends the SoS and school districts in Nevada County for working hard to improve and safeguard the safety of their students.

## Approach

In addition to reading The Report and all of the responses submitted, the Jury researched public documents related to school safety, especially those available from the SoS, local school districts and school websites, law enforcement, and other sources.

Interviews were also conducted with agency personnel directly involved with school safety and security in Nevada County.

## Glossary

<b>Jury</b>	2018-2019 Nevada County Grand Jury
<b>SoS</b>	Nevada County Superintendent of Schools
<b>The Report</b>	2017-2018 Nevada County Grand Jury report <i>Safety and Security at Nevada County Schools</i>
<b>CAUSSSS</b>	Community Agencies United for Safe Schools and Safe Streets

## Discussion

It was immediately apparent to the Jury after reading the responses to The Report that safety and security at our schools is extremely important to the SoS and Nevada County school districts. Even though the SoS has no formal authority over the school districts, it was clear that recommendations and training given by the SoS are taken seriously, modified where necessary, and quickly implemented by almost all of the districts. The SoS has an outstanding staff that recommends, evaluates, and assists in the implementation of school safety plans.

The most apparent indication of cooperation between the SoS and school districts is the similar wording of some of the responses. In some cases, the wording is exactly the same and implies a coordinated approach, at least to the task of responding to The Report.

Another indication of cooperation is the existence of CAUSSSS. This group holds monthly meetings to provide an opportunity for confidential sharing of problem areas with open discussion and collaboration. Participants include school personnel, government agencies, and first responders:

- SoS office,
- school administrators and directors,
- all schools in the western Nevada County, representing all districts, charter and private,
- Grass Valley Police Department,
- Nevada City Police Department,
- Nevada County Sheriff's Office,
- California Highway Patrol,
- Nevada County Superior Court,

- School Resource Officers,
- Nevada County Child Protective Services,
- Nevada County Consolidated Fire Department,
- Nevada County District Attorney,
- Nevada County Public Health Department,
- Nevada County Probation Department, and
- Nevada County Office of Emergency Services.

In addition, the SoS meets with the superintendents of the school districts monthly and school safety is a regular topic.

The Jury learned that every school in western Nevada County is compliant with SoS recommendations and is exceeding them in many cases. Each school has a safety council to discuss site-specific safety issues. The Tahoe Truckee Unified School District operates under the auspices of the Placer County Board of Education.

Local law enforcement supplies trained officers as School Resource Officers to some schools. The use of School Resource Officers should be increased but funding is a major impediment. Only Nevada Union, Bear River, and Silver Springs high schools have a Resource Officer on site. They can also respond to situations at other schools nearby but when minutes count that response may not be timely enough. Some remote schools are not located near one of these high schools, therefore response would be slower. Fortunately, all local law enforcement agencies, the Sheriff's Office, and the California Highway Patrol respond to 911 calls.

All Nevada County schools have an outdoor assembly area identified for emergency evacuations. Some of them have adjusted their approach to outdoor assembly after the Parkland, Florida shooting in which the assailant used the fire alarm in an attempt to create confusion. Previously, schools placed a high priority on ensuring attendance at the assembly areas before allowing students to disperse or return to classes. Many schools have changed their approach to place attendance lower in priority than safety and have identified multiple assembly areas so that students can go to the nearest or safest one instead of the one assigned to them. Outdoor assembly drills needs to be frequently practiced to instill muscle memory and minimize confusion.

Some teaching staff are resistant to drills because of the time they take away from instruction. The Jury recommends schools identify a minimum number of drills to be exercised during a given school year and encourage teaching staff to include time for them. This, of course, should be done without publishing a schedule of safety drills.

The Jury commends the SoS and school districts in Nevada County for working hard to improve and safeguard the safety of their students. There is one group The Report does not address except in passing: the parents and guardians of the students. The importance of parents and guardians being fully acquainted with the safety policies and practices of the schools their children attend cannot be overstated.

Parents and guardians have a responsibility to read the communications from their child's school regarding emergency procedures. They should ask their child the following questions:

1. Does your classroom have an inside door lock?
2. Do you know how to lock the classroom door?
3. What has the school taught you about RUN.HIDE.FIGHT.?
4. Do you understand what RUN.HIDE.FIGHT. means?
5. When was the last time you had a practice drill?
6. How often do practice drills happen?

Parents or guardians should ask themselves the following questions:

- Do you know if your child's teacher has a quick reference guide which lists procedures for emergencies?
- Is this guide readily accessible in a standard location in each classroom?
- Who shows this reference guide to substitute teachers?
- Is there a list of emergency phone numbers posted in the classroom?

If parents and guardians have questions or want more information, they should contact the school principal or the school board to make their concerns known.

## Jury Comments on Responses

The following are summary comments about the responses to the recommendations in The Report.

**Recommendation #1:** The Nevada County Superintendent of Schools should coordinate with school districts, law enforcement, parents and guardians, and students in the development of a highly summarized parents' guide on what to do and not do when a lockdown or other emergency happens. This guide should contain uniform instructions that are generic to all schools. Additionally, each school should add instructions that are site specific to their school location and circumstances and distribute to teachers, parents and guardians, and high school students at the beginning of the year and each semester thereafter.

- The SoS developed a generic guide titled *School Safety Information for Parents* which was distributed to each of the school districts. The guide addresses communication during an emergency and the frequency of drills. It outlines specific procedures for the following emergencies: earthquake, fire, lockdown, shelter in place, and reunification off site. Each school was responsible for adding site-specific instructions and distributing the guide to parents. Distribution of the guide varied from posting on the school website to sending the document home with students. Parents who have not seen the guide should consult with their child's school.

**Recommendation #2:** The Nevada County Superintendent of Schools should coordinate with school districts, law enforcement, parents and guardians, and students to develop a uniform, workable plan that responds to the appropriate use of social media during actual emergencies and drill exercises.

- The SoS has developed a model for best practices relating to the use of social media, *Communication During an Emergency*. This model has been distributed as part of the generic guide titled *School Safety Information for Parents*. It includes, but is not limited to:
  - prohibiting mass texts and calls to students' personal cell phones as they may alert intruders,
  - prohibiting mass texts and calls to students' personal cell phones that tie up the system and prevent safe and effective responses, and
  - prohibiting unverified social media posts that may cause confusion and misinformation.

**Recommendation #3:** The Nevada County Superintendent of Schools should develop the means to train teachers in uniform safety and security protocols and include the exercise and use of the "ALICE" standard in each of the schools. Additionally, each school district's board should direct and fund the deployment of this training and exercise.

- The SoS has offered free training to all schools and teachers through its Safety School Climate Coordinator. All school districts have taken advantage of this training except Union Hill. The ALICE (Alert-Lockdown-Inform-Counter-Evacuate) standard is a

specific response to an active shooter incident. Schools were initially trained in ALICE but have since simplified to the Federal Homeland Security Department's best practice for response which is referred to as RUN.HIDE.FIGHT. It is believed that RUN.HIDE.FIGHT is easier for administrators, teachers, and students to recall in the midst of an incident.

**Recommendation #4:** The Nevada County Superintendent of Schools should coordinate with districts and schools to establish a standard means of *secure* communication between the front office and the teachers, regardless of their location.

- On a site-specific basis, improvements have been made to address this concern. Public address systems, speakers, and intercoms in classrooms have been upgraded. While these methods allow for communication in an emergency, they may not be secure. Some schools have an unpublished telephone number that can be used for direct teacher to front office communication via cell or classroom telephone. Many locations have invested in portable two-way radios that allow for continued communication even when a teacher leaves the classroom. This method should be expanded across all schools.

**Recommendation #5:** Each district and school should conduct a thorough physical evaluation of classroom security and visibility including inside door locks, appropriate shading, and camera systems. Each school should be required to be in conformance with the physical demands and characteristics of a comprehensive school safety plan.

- The majority of districts have significantly upgraded camera surveillance of their campuses. Most have done a comprehensive review of their primary classrooms and inside door locks and window shading have been installed.

At least three districts have installed lock boxes containing a master key as requested by law enforcement agencies so they would have immediate access to all buildings. At least one district has purchased lockdown kits for every classroom. Most districts responded that evacuation routes were posted throughout the schools and regular drills followed by staff meetings were scheduled.

Not all schools have utilized SoS services. Some schools have not implemented inside door locks for all classrooms and locks for other rooms and buildings on their campus or increased camera coverage of their physical plants. This should be a priority project for those schools.

**Recommendation #6:** The Nevada County Superintendent of Schools, school districts, and local law enforcement should collaborate on the use and deployment of Resource Officers that encompass all of our schools.

- The Jury wishes to compliment the Nevada County Sheriff's Office and the Grass Valley Police Department for their efforts to deploy School Resource Officers. The Sheriff's Office has assigned a School Resource Officer to both Nevada Union and Bear River high schools with additional duties to respond to needs at other schools in their



immediate areas. The Grass Valley Police Department has assigned a School Resource Officer to cover the Park Avenue campuses of Silver Springs High School and the Sierra Academy. The Department continues to seek funding to assign School Resource Officers to other Grass Valley campuses.

The Nevada City Police Department does not currently employ a School Resource Officer because of limited funding but has participated in activities with the Grass Valley Police Department to acquaint students with officers. The Department hopes to hire a part-time School Resource Officer in the future.

The Jury encourages the Grass Valley and Nevada City police departments to investigate potential sources of funding for School Resource Officers. For example, the California Commission on Peace Officer Standards and Training (POST) and the federal Office of Community Oriented Policing Services (COPS) both indicate on their websites that grants are available.

**Recommendation #7:** A working group of the Nevada County Superintendent of Schools, the Nevada County Sheriff's Office, the Grass Valley Police Department, the Nevada City Police Department, Nevada County Behavioral Health (especially concerning behavior of the assailant), and school administration and staff should be created to develop a model program for all schools to utilize when examining and creating their own outside assembly and accounting program.

- SoS has initiated a working group to work with the above agencies. The Community Agencies United for Safe Schools and Safe Streets known as CAUSSSS meets monthly.

With continued meetings and participation of all agencies involved in CAUSSSS a model plan can be developed, which can be adapted to each school with their particular requirements and needs specific to each schools size, population and campus.

**Recommendation #8:** Following the creation of a model program for outside assembly and accounting, each school district should direct their schools to exercise this model and, in conjunction with local law enforcement, develop and incorporate the site-specific procedures necessary to conduct a safe and secure school evacuation.

- All school districts responded with full or partial agreement. All law enforcement agencies also agreed and stated that they were available to work with schools to develop and assist them in developing site-specific procedures. Nevada Joint Union High School and Union Hill reported that they had implemented the recommendations, including adjustments to assembly areas. In May the southern Nevada County schools along with the SoS organized a school and community forum where all members of the community were invited to understand how each agency is important to overall school safety. Parents may wish to request additional site-specific details from their local schools.

## **Appendix I**

### **Summary from the 2017-2018 Grand Jury Report *Safety and Security at Nevada County Schools***

In the wake of several tragic and highly publicized school violence incidents, school safety and violence prevention are major national concerns. Since the year 2000 there have been nearly 190 school shootings in 43 of the 50 states. The shootings have taken place at a rate of about one per month and left more than 250 students and teachers dead.

With a countywide safety assessment of our local schools as an objective, the Nevada County Grand Jury (Jury) interviewed selected officials from schools and school districts as well as the Nevada County Superintendent of Schools (NCSOS). The Jury was interested in determining the extent of deployment of the California legislature's mandated comprehensive school safety plan, Education Code 32280-32289.

Our questions and observations were specific to regulations but general enough to reflect the unique characteristics of the schools which were visited.

The Jury visited 16 of the 42 schools in Nevada County (38%) to see if there were safety programs in place, what they included, and what their feelings were about safety policies already in place.

The Jury contacted the NCSOS office to find out what part it played in overseeing implementation of safety policies.

During the school surveys, the Jury compiled observations from various individual school sites, several of which raised safety concerns within the Jury. A sample of the observations follows.

- All schools had a comprehensive school safety plan in accordance with California Education Code, Section 32280-32289.
- All schools showed a realistic and forthright effort at deploying and executing their safety plan.
- Teacher training on safety and security did not appear to provide enough opportunity to thoroughly instruct the teachers on responsibilities, alternatives, and appropriate methods for dealing with an extreme emergency.
- Evacuation procedures included assembling students and teachers in largely open areas outside. Recent active shooter experience indicates that this procedure should be changed.
- All schools we visited were able to secure their perimeters.

- In most schools, emergency *secure* communication was somewhat lacking or did not exist between front office and teacher.
- Not all classrooms had inside locks or window coverings to prevent observation from the outside. Camera systems were not always present and were inconsistent.
- Notification to parents and guardians appeared to be consistent across those we interviewed. All schools used a telephone-centered message system and some sort of group email. However, the emergence of social media has completely changed the communication dynamics and, instead of fostering communications, has increased the sense of panic in many students, teachers, and parents and guardians.
- There was no comprehensive written statement providing parents and guardians, teachers, and appropriate students with simple instructions of what to do and what not to do in the event of an emergency.
- One consistent issue emerged: *there is a need to establish a presence at each school of some form of Resource Officer.*
- When questioned about possibly arming teachers, an immediate consensus emerged from those interviewed which discarded the idea as unsuitable.

We all want to see our children succeed. We all want the youth of our community to have an educational experience that is mutually positive and respectful. We all want our community to share the mutual responsibilities and the beneficial results of a renowned school system. Toward that end, the Jury asks the entire community to extend themselves, just a bit, toward things that are positive and respectful. We are all neighbors wanting to be neighborly. Some things are impossible to solve at a local level. We should act together toward solving those things that are solvable and refuse to allow a national perspective to pull us apart.

## **Appendix II**

### **Responses to Recommendation #1**

#### **Recommendation #1**

The Nevada County Superintendent of Schools should coordinate with school districts, law enforcement, parents and guardians, and students in the development of a highly summarized parents' guide on what to do and not do when a lockdown or other emergency happens. This guide should contain uniform instructions that are generic to all schools. Additionally, each school should add instructions that are site specific to their school location and circumstances and distribute to teachers, parents and guardians, and high school students at the beginning of the year and each semester thereafter.

#### **Nevada County Superintendent of Schools**

The development of a parent's guide would help to improve communication, alleviate fear, and assure parents that collaboration between responding agencies is in place and practiced. The recommendation requires further analysis, collaboration and discussion between agencies and school sites. Nevada County Superintendent of Schools does not have the authority to require school districts to participate in the development of such a guide but is willing to collaborate and provide resources as requested.

#### **Chicago Park School District**

Agree. Our current emergency plan does not include a parents' guide. A template from the Nevada County Schools Office (NCSOS) that our District could customize would serve as an asset to our community and communicate proper protocol during an emergency.

#### **Clear Creek School District**

Agree. As our current plan does not include a parent guide, uniform instructions developed in conjunction with the Nevada County Superintendent of Schools and law enforcement would provide beneficial information to our community members on what to do and what not to do in an emergency situation.

#### **Grass Valley School District**

Agree. The development of a parent's guide would help to improve communication, alleviate fear, and assure parents that collaboration between responding agencies is in place and practiced. The recommendation requires further analysis, collaboration and discussion between agencies and school sites. The Grass Valley School District is willing to collaborate and participate in the development of such a guide.

### **Nevada City School District**

Agree. The development of a parent's guide would help to improve communication, alleviate fear, and assure parents that collaboration between responding agencies is in place and practiced. The Nevada City Elementary School District will participate in the development of this guide and make it specific to our schools.

### **Nevada Joint Union High School District**

This recommendation is partially implemented. The Nevada County Superintendent of Schools' office employs a School Safety and Climate Coordinator who provides resources, training and services to all schools in Nevada County. The incumbent employee is a former Nevada Joint Union High School District employee and as such, is deeply informed of the needs of the schools in our district. The Nevada Joint Union High School District is interested in continued analysis, collaboration and discussion between agencies in the development of such a parents' guide. However, we want to make it clear that some site specific information about emergency procedures should not be shared with the public so as to not inform the tactics of the assailant and/or interfere with our schools' ability to address emergency situations effectively.

### **Penn Valley Union Elementary School District**

Agree. Our current emergency plan does not include a parents' guide. A template from the Nevada County Schools Office (NCSOS) that our District could customize would serve as an asset to our community and communicate proper protocol during an emergency.

### **Pleasant Ridge Union School District**

The development of a parent's guide would help to improve communication, alleviate fear, and assure parents that collaboration between responding agencies are in place and practiced. The recommendation requires further analysis, collaboration and discussion between agencies and school sites. Pleasant Ridge Union School District would participate in the development of such a guide and is willing to collaborate for completion of a county wide parent's guide.

### **Twin Ridges School District**

Agree. We feel that the Nevada County Superintendent of Schools (NCSOS) has worked well with the districts within the county. They have provided a template that standardizes the process of creating a comprehensive Safety Report. However, our current emergency plan does not include a parents' guide. Any additional assistance in this would be greatly appreciated. Small districts within

the county do not have the human resources that the larger districts have in order to complete these tasks.

### **Union Hill School District**

The recommendation has not yet been implemented, and no timeframe has been established for implementation due to the dependency on other agencies. The development of a parent's guide would help to improve communication, alleviate fear, and assure parents that collaboration between responding agencies is in place and practiced. The recommendation requires further analysis, collaboration and discussion between Union Hill School District, Nevada County Superintendent of Schools and agencies.

### **Nevada County Sheriff's Office**

This recommendation is clearly directed at the NCSOS. We will work to help develop a guide if requested by the NCSOS.

### **Grass Valley Police Department**

The recommendation has been implemented. In early June of 2018, the Grass Valley Police Department was consulted by the Nevada County Superintendent of Schools' office about the development of a "parent's guide" related to lockdown situations and other critical incidents. GVPD staff provided feedback and suggestions regarding the content of a generic "parent's guide".

### **Nevada City Police Department**

The recommendation has not yet been implemented but has been discussed with the Nevada County Superintendent of Schools as well as with local schools and other law enforcement agencies. The Nevada City Police Department is available and willing to provide information and suggestions as to the content of a parent's guide. It is our belief that this would be a better way to keep parents informed and show the true extent that the schools and law enforcement are working together.

## **Responses to Recommendation #2**

### **Recommendation #2**

The Nevada County Superintendent of Schools should coordinate with school districts, law enforcement, parents and guardians, and students to develop a uniform, workable plan that responds to the appropriate use of social media during actual emergencies and drill exercises.

### **Nevada County Superintendent of Schools**

Social media plays a large role in the response to emergencies and drill exercises and should be considered in the preparation of Comprehensive School Safety Plans. Nevada County Superintendent of Schools does not have the authority to require school districts to participate in the development of such a plan but is willing to collaborate and provide resources for best practices as requested.

### **Chicago Park School District**

Agree. The appropriate use of social media by parents and students during actual school emergencies should be addressed in the parents' guide referred to in R1.

### **Clear Creek School District**

Agree. A workable uniform plan for the use of social media during an emergency and drills would be beneficial to our parents and school community.

### **Grass Valley School District**

Agree. Social media plays a large role in the response to emergencies and drill exercises and should be considered in the revisions of the Comprehensive Safety Plans. The Grass Valley School District is willing to collaborate and participate in developing this resource.

### **Nevada City School District**

Agree. Social media plays a large role in the response to emergencies and drill exercises and should be included in the Parent's Guide referred to in Recommendation 1.

### **Nevada Joint Union High School**

This recommendation is partially implemented. The Nevada County Superintendent of Schools' office holds a monthly meeting to bring agencies together in a standing group, Community Agencies United for Safe Schools and Safe Streets, aka CAUS5SS. Held on the first Friday of each month, and hosted by the Grass Valley Police Department, schools, Nevada County office of the

Sheriff, Probation, Child Protective Services, California Highway Patrol, the Office of Emergency Services, Durham School Services and Behavioral Health each attend and share immediate concerns in our schools and on the streets. At the last meeting, it was reported that the NCSOS hosted a South County Safety Forum on Monday, May 7, 2018 at the Bear River High School Theater. Representatives from Nevada County OES, Sheriff's office, CHP, Cal Fire, Higgins Fire District and South County school administrators heard about the collaboration efforts of the aforementioned agencies in working to keep schools safe. The Nevada Joint Union High School District hopes to hold a similar event in the North County in the fall. The Board and Administration of the Nevada Joint Union High school District share the concern of the Grand Jury regarding the use of social media by parents, students and community during possible lockdown situations. The NIUHSD strives to communicate truthful information on a timely basis through our School Messenger system and School District Social Media accounts. Unfortunately, our efforts are often thwarted by unverified information being shared on social Media diverting our attention from the task at hand. The Nevada Joint Union High School District continues to look forward to ongoing collaboration with the NSCOS' office and community agencies as we strive to develop strategies to communicate timely, truthful information and discourage unfounded rumors on social media.

#### **Penn Valley Union Elementary School District**

Agree. The appropriate use of social media by parents and students during actual school emergencies should be addressed in the parents' guide referred to in R1.

#### **Pleasant Ridge Union School District**

Social media plays a large role in the response to emergencies and drill exercises and should be considered in the preparation of Comprehensive School Safety Plans. Nevada County Superintendent of Schools does not have the authority to require school districts to participate in the development of such a plan, but Pleasant Ridge Union School District is willing to collaborate and develop best practices. May of this school year South County schools organized with NCSOS a safety forum which included all first responders of Nevada County.

#### **Twin Ridges School District**

Agree. The district agrees in the idea of having a uniform and workable plan. However, the rural isolation of the Twin Ridges School District reduces and limits the extent of dissemination of information through all social media. Many of our families are not connected either out of choice or the unavailability of these platforms.



### **Union Hill School District**

Social media plays a large role in the response to emergencies and drill exercises and should be considered in the preparation of Comprehensive School Safety Plans. Union Hill School District has included the role of social media in the Comprehensive School Safety Plan. Union Hill School District does not have authority over Nevada County Superintendent of Schools but will work with NCSOS staff as needed to consider the appropriate use of social media in a crisis.

### **Nevada County Sheriff's Office**

This recommendation is clearly directed at the NCSOS. We will work to help develop a workable plan if requested by NCSOS.

### **Grass Valley Police Department**

The recommendation has been implemented. In early June of 2018, Grass Valley Police Department staff, Nevada County Sheriff's Office staff, and Nevada County Superintendent of Schools personnel met to discuss the development of a plan to provide uniform templates to all area schools that could be disseminated via social media during emergencies and training exercises. Appropriate language for a variety of possible scenarios was discussed. The templates included general instructions and information and had space to add specifics depending on the location and event. The Nevada County Superintendent of Schools' office was then going to distribute these templates to area schools along with a plan for distribution method and timing.

### **Nevada City Police Department**

The Nevada City Police Department currently utilizes social media and has their own Facebook page where we would have the ability to disseminate information related to actual emergencies or training exercises. The Superintendent of Schools is in possession of templates that can be used as guidelines in disseminating information during such events. These templates were going to be distributed to local schools for review and input.

## **Responses to Recommendation #3**

### **Recommendation #3**

The Nevada County Superintendent of Schools should develop the means to train teachers in uniform safety and security protocols and include the exercise and use of the “ALICE” standard in each of the schools. Additionally, each school district’s board should direct and fund the deployment of this training and exercise.

### **Nevada County Superintendent of Schools**

The Nevada County Superintendent of Schools, through the Safety and School Climate Coordinator currently offers uniform safety and security protocols and ALICE training free of charge to all schools in Nevada County. It is at the discretion of school sites to take advantage of and secure training dates. Time restraints appear to be a barrier to this recommendation.

### **Chicago Park School District**

Disagree. The NCSOS already has developed a means to train teachers (and students) in uniform safety and security protocols that include "ALICE" training by Chris Espedal, the NCSOS Safety and School Climate Coordinator has already in-serviced staff and students at Chicago Park, with plans to have her back on an annual basis for on-going teacher training. It is not the board's position to direct and fund an exercise such as this; it is an administrative duty.

### **Clear Creek School District**

Disagree. Our school has have taken advantage of the "ALICE" training provided by the Nevada County Superintendent of School's Safety Coordinator. She has also provided input into updating our Comprehensive School Safety Plan. She is scheduled to return at the beginning of next school year to do refresher training for our staff. It is not the responsibility of the school board to direct the deployment of this training and exercise. It is an administrative responsibility.

### **Grass Valley School District**

Partially agree. The Nevada County Superintendent of Schools, through the Safety and School Climate Coordinator currently offers uniform safety and security protocols and ALICE training free of charge to all schools in Nevada County. All schools in the Grass Valley School District participates in this training offered by the Nevada County Superintendent of Schools Office and has implemented the "ALICE" standard in all of our school sites and programs.

### **Nevada City School District**

Disagree. The Nevada County Superintendent of Schools, through the Safety and School Climate Coordinator, currently offers uniform safety and security protocols and ALICE training free of charge to all schools in Nevada County. The Nevada City Elementary School District has sought the training from the School Climate Coordinator, and has implemented the guidance shared.

### **Nevada Joint Union High School District**

This recommendation is partially implemented with full implementation expected during the Fall Semester of 2018. Review of the ALICE standards were covered at staff meetings in the 2018 Spring semester. Many of these review sessions were attended or facilitated by the NCSOS' School Safety and Climate Coordinator. Additionally, the Grass Valley Police Department assisted Silver Springs High School in doing a "run, hide, fight" training with students and staff at the school. The administration of the Nevada Joint Union High School District is in the process of planning a comprehensive ALICE training on the afternoon of our countywide staff development day to be held on Monday, September 17, 2018. We are hoping to use the School Safety and Climate Coordinator along with our Teen CERT (Community Emergency Response Team) to demonstrate various classroom scenarios in which the ALICE (Alert, Lockdown, Inform, Confront, Escape) protocol would be implemented. Teachers and staff will be able to observe the drills and debrief. The Nevada Joint Union High School District would be happy to invite any of the interested feeder school districts to participate in observing the drills and participating in the debrief activities. Lockdown and evacuation drills are held semiannually at our schools, once in the fall, and once during the spring. Students will receive ALICE training during those drills. Additionally, the Board of Trustees did declare its intent to training of staff and student as evidenced Resolution #39-17/18 adopted by the Board of Trustees at our regularly scheduled board meeting of June 13, 2018.

### **Penn Valley Union Elementary School District**

Disagree. The NCSOS already has developed a means to train teachers (and students) in uniform safety and security protocols that include "ALICE" training. Chris Espedal, the NCSOS Safety and School Climate Coordinator, has already in-serviced staff throughout the Penn Valley Elementary School District, with plans to complete "refresher" professional development each year. It is not the Board's position to direct and fund an exercise such as this; it is an administrative duty.

### **Pleasant Ridge Union School District**

The Nevada County Superintendent of Schools, through the Safety and School Climate Coordinator, currently offers uniform safety and security protocols and

ALICE training free of charge to all schools in Nevada County. Pleasant Ridge has used the county Safety and School Climate Coordinator to train staff at Pleasant Ridge Union School District.

### **Twin Ridges School District**

Disagree. The NCSOS already has developed a means to train teachers (and students) in uniform safety and security protocols that include “ALICE” training. Chris Espedal, the NCSOS Safety and School Climate Coordinator has already inserviced staff and students at Twin Ridges for several years in a row. This is an administrative function, not a board duty.

### **Union Hill School District**

The recommendation has not yet been implemented, but will likely be implemented in the future. The Nevada County Superintendent of Schools, through the Safety and School Climate Coordinator currently offers uniform safety and security protocols and ALICE training free of charge to all schools in Nevada County. Union Hill School District Safety Committee was trained by NCSOS on May 21 and October 6, 2014 and teachers were trained on August 12 and November 5, 2014. On August 14, 2017 Patti Carter, Office of Emergency Services, spoke to the staff regarding responsibilities emergency situations. Union Hill School District does not have authority over Nevada County Superintendent of Schools but will work with NCSOS staff as needed.

## **Responses to Recommendation #4**

### **Recommendation #4**

The Nevada County Superintendent of Schools should coordinate with districts and schools to establish a standard means of *secure* communication between the front office and the teachers, regardless of their location.

### **Nevada County Superintendent of Schools**

The Nevada County Superintendent of Schools does not have the authority to establish a standard of communication for school site communication systems. Each school site must consider the communication means and methods in place on their specific site. The Nevada County Superintendent of Schools is willing to provide resources and recommendations for best practices to school sites as requested.

### **Chicago Park School District**

Disagree. Communications during an emergency between our front office and teachers is in place as stated in our local emergency procedures plan. Once teachers have been contacted by the office, a call to the NCSOS to make them aware of our emergency is protocol.

### **Clear Creek School District**

Disagree. It might be difficult for the Superintendent's office to establish a standard means of secure communication at all schools because each school varies in staffing, layout, and equipment. Our school has established procedures for communication between staff and the office in both our Comprehensive and local safety plan.

### **Grass Valley School District**

Disagree. The Nevada County Superintendent of Schools does not have the authority to make recommendations for school site communication systems. Each school site must consider the communication means and methods in place on their specific site. The Grass Valley School District schools coordinate with the District for consistency in this area of safety.

### **Nevada City School District**

Disagree. The Nevada County Superintendent of Schools does not have the authority to make recommendations for school site communication systems. Each school site must consider the communication means and methods in place on their specific site as every school district has different phone and intercom systems.

### **Nevada Joint Union High School District**

This recommendation has been implemented by the Nevada Joint Union High School District. Each school site has a secure telephone number that is not published to the public. Additionally, each classroom has a stocked emergency response bag and a flip chart with protocol for the top 56 likely emergency situations in our schools. The Nevada Joint Unified School District has made great progress in this area due to our Measure I bond funding. We installed a new high end Public Address System at both Bear River and Nevada Union. New speakers were installed throughout the campus at Bear River, which had the older of the two systems. During the summer of 2018, a new fully automated fire alarm system is being installed at Bear River High School replacing the original equipment. The Nevada Joint Union High School District is grateful to the voters of Nevada County, for whom school safety was a priority allowing us to do these and other projects.

### **Penn Valley Union Elementary School District**

Disagree. Communications during an emergency between our front office and teachers is in place as stated in our local emergency procedures plan. Once teachers have been contacted by the office, a call to the NCSOS to make them aware of our emergency is protocol.

### **Pleasant Ridge Union School District**

The Nevada County Superintendent of Schools does not have the authority to establish a standard of communication for school site communication systems. Pleasant Ridge has the ability to communicate at each of their school sites through office to classroom intercom systems. Also, each classroom has a phone that each teacher can be contacted on.

### **Twin Ridges School District**

Disagree. We strongly believe that this is a local decision and would not be effective if it was standardized throughout the county. Our unique isolation and geography is much different than the rest of the other districts within Nevada County. TRESA uses radios as well as an intercom system to communicate with all staff. Once teachers have been contacted by the office, a call to the NCSOS to make them aware of our emergency is protocol.

### **Union Hill School District**

The recommendation has been implemented. Union Hill School District does coordinate with Nevada County Superintendent of Schools regarding communication. There are email notifications and phone calls made when incidents occur. Union Hill School District has a communication protocol with

two-way radios in the hands of every employee for instant communication not matter the location.

## **Responses to Recommendation #5**

### **Recommendation #5**

Each district and school should conduct a thorough physical evaluation of classroom security and visibility including inside door locks, appropriate shading, and camera systems. Each school should be required to be in conformance with the physical demands and characteristics of a comprehensive school safety plan.

### **Chicago Park School District**

Agree. All classrooms at Chicago Park have inside door locks, appropriate shading, and evacuation routes listed by the entrance of the room. There is a camera system installed with 13 strategically placed cameras around the campus for security measures. An updated comprehensive federal and local school safety plan was approved by our safety committee and school board in the spring of 2018. A quick reference guide which lists procedures for emergencies such as lockdowns, evacuation for wildfire, shelter in place, emergency phone numbers, etc., is readily accessible for teachers in their classrooms.

### **Clear Creek School District**

Agree. Clear Creek has inside door locks, shading for doors and windows, and we installed 9 security cameras in December of 2017. We have updated our Comprehensive School Safety Plan and it has been approved by our safety committee and school board. A quick reference Guide which describes what to do in various emergencies has also been updated and posted in rooms throughout the school.

### **Grass Valley School District**

Agree. The Grass Valley School District has conducted a thorough physical evaluation of classroom security and has made improvements including modifying door locks, adding window shades, and security cameras at all school sites, preschools, and district buildings. This is part of the Grass Valley School Districts' Comprehensive Safety Plan and reviewed annually in District Safety Committee meetings.

### **Nevada City School District**

The Nevada City School District did not respond to Recommendation #5.

### **Nevada Joint Union High School District**

This recommendation has been implemented by the Nevada Joint Union High School District. The district intends to continue to follow through with ongoing



assessment and upgrades to the physical safety of our school sites. During the summer of 2017, the Nevada Joint Union High School District installed new surveillance cameras throughout our district. The new cameras have a greater range of coverage and detail than our former cameras. With our new camera system we have been able to catch, correct and prosecute a greater number of both student inappropriate behavior and crimes outside of school hours committed on our campuses. The surveillance system was one of our first funded projects through our Measure B bond issuance increasing school safety dramatically. The Nevada Joint Union High School District is grateful to the voters of Nevada County for whom school safety was a priority, allowing us to do this and other projects.

### **Penn Valley Union Elementary School District**

Agree. It is our protocol to keep all classroom doors locked during the school day as both of our campuses are open where the community has access. Appropriate shading and evacuation routes are posted at the entrance of every room. We have video surveillance on both campuses that are used regularly as needed for safety precautions. An updated comprehensive federal and local school safety plan was approved by our stakeholder groups and Board of Trustees in February 14, 2018. A quick reference guide which lists procedures for emergencies such as lockdowns, evacuation for wildfire, shelter in place, emergency phone numbers, etc., is readily accessible for teachers in their classrooms.

### **Pleasant Ridge Union School District**

Pleasant Ridge Union School District updates their safety plan annually with the assistance of parents, community agencies and school officials. With the required mandatory safety drills, school officials seek input from all members that participate in those safety drills. When the evaluation comes back of needed improvement, the school and district address those issues immediately. All schools within the district have surveillance cameras in strategic locations for safety purposes. The district purchased more last year to cover more outlying areas. All schools within PRUSD update and comply with the site comprehensive safety plan.

### **Twin Ridges School District**

Agree. All classrooms at Grizzly Hill have had inside door bolt locks installed recently and window privacy tinting was added this year to all windows. Evacuation routes are posted by the entrance of each classroom. We have a camera system installed with 11 strategically placed cameras around the campus for security measures.

## **Union Hill School District**

The recommendation has been implemented. The Nevada County Superintendent of Schools does not have the authority to establish a standard of communication for school site communication systems. Each school site must consider the communication means and methods in place on their specific site. The Nevada County Superintendent of Schools does provide resources and recommendations for best practices to Union Hill School District as requested. Union Hill School District conducts an annual review of the school grounds considering inside door locks, appropriate shading, and camera systems. In the last three years Union Hill School District has ordered and installed blinds for every window and door, retrofitted door locks to be locked from the inside, and installed over 30 security cameras. In 2018 UHSD installed four new cameras to increase our visibility for security.

## **Responses to Recommendation #6**

### **Recommendation #6**

The Nevada County Superintendent of Schools, school districts, and local law enforcement should collaborate on the use and deployment of Resource Officers that encompass all of our schools.

### **Nevada County Superintendent of Schools**

The Nevada County Superintendent of Schools does not have the authority or jurisdiction over School Resource officers to make decisions on the use and deployment of Resource Officers. However, collaboration and discussion between schools, districts, and law enforcement on the most effective use and deployment of Resource Officers would be of value. Nevada County Superintendent of Schools is willing to offer support and recommendations for best practices to participating school districts and law enforcement agencies.

### **Chicago Park School District**

Neither Agree nor Disagree. When an officer's presence is needed on campus (which is not very often), our protocol is to contact Dispatch at the County Sheriff's Dept. and they send a deputy out. Sometimes it's a Resource Officer and sometimes it is not. Based on our distance from where our Resource Officers are stationed, I am glad that our needs are not solely limited to the availability of a Resource Officer and a patrol car is sent instead.

### **Clear Creek School District**

Partially Agree. The use and deployment of Resource Officers could be helpful, but funding and school location may not make this recommendation feasible. If an officer's presence is needed on campus, our protocol is to contact Dispatch at the Nevada County Sheriff's Dept. to send a deputy out. Based on the distance from where Resource Officers are stationed and our rural school location, the deployment of a Resource Officer may not meet our needs in an emergency.

### **Grass Valley School District**

Partially Agree. The Grass Valley School District does not have the authority or jurisdiction over School Resource Officers to make decisions on the use and deployment of Resource Officers. However, collaboration and discussion between schools, districts, and law enforcement on the most effective use and deployment of Resource Officers would be of value.

### **Nevada City School District**

Agree. The Nevada County Superintendent of Schools does not have the authority or jurisdiction over local law enforcement agencies to make decisions regarding the use and deployment of School Resource Officers. However, collaboration and discussion between schools, districts, and law enforcement on the most effective use and deployment of Resource officers would be of value.

### **Nevada Joint Union High School**

This recommendation has been implemented by the Nevada Joint Union High School District along with the Nevada County Sheriff's Department and the Grass Valley Police Department. The Nevada Joint Union High School District intends to continue to follow through with these partnerships.

### **Penn Valley Union Elementary School District**

Neither Agree or Disagree. When an officer's presence is needed on campus (which is not very often), our protocol is to contact Dispatch at the Nevada County Sheriff's Dept. and they send a deputy out. Sometimes it is a Resource Officer and sometimes it is not. Based on our distance from where our Resource Officers are stationed, I am glad that our needs are not solely limited to the availability of a Resource Officer and a patrol car is sent instead.

### **Pleasant Ridge Union School District**

Pleasant Ridge School District does not have the authority or jurisdiction over School Resource officers to make decisions on the use and deployment of Resource Officers. However, collaboration and discussion between schools and law enforcement on the most effective use and deployment of Resource Officers would be of value. Nevada County Superintendent of Schools has offered support and recommendations for best practices to participating school districts and law enforcement agencies through monthly CAUSSSS meetings.

### **Twin Ridges School District**

Agree. As was stated in previous responses, our isolation could be an issue because of distance from town to either site within the district. If and when we call dispatch, the response time is based on the location of the closest deputy or other peace officer. Twin Ridges would welcome all collaboration between the above mention organizations.

### **Union Hill School District**

The recommendation has not yet been implemented. The Nevada County Superintendent of Schools and Union Hill School District do not have the

authority or jurisdiction over School Resource officers to make decisions on the use and deployment of Resource Officers. However, collaboration and discussion between Union Hill School and District, and law enforcement on the most effective use and deployment of Resource Officers would be of value. Union Hill School District is willing to consider support and recommendations for best practices from Nevada County Superintendent of Schools and law enforcement agencies.

### **Nevada County Sheriff's Office**

This recommendation has been implemented. The Sheriff's Office currently has Resource Officers assigned to Nevada Union and Bear River High Schools. Our Resource Officers also spend time in our middle schools and respond upon request to our elementary schools. Whenever we have been approached by our local schools regarding Resource Officer positions we have been willing to collaborate. We will continue to collaborate regarding our School Resource Officer Program and would be interested in expanding the program dependent upon personnel and funding.

### **Grass Valley Police Department**

The recommendation has been implemented - as funding has allowed. The presence of an SRO in schools is of incredible importance because of the safety it provides for the campus, but also the community policing aspect and long-term relationships it fosters between youth and law enforcement. When SROs are integrated into a school system, the benefits go beyond reduced violence in schools. The officer builds relationships with students and parents while setting as a resource to students, teachers, and administrators to help solve problems. Over the past few years, the Police Department and the High School District have been looking for opportunities to reintroduce a School Resource Officer (SRO) program at the Park Avenue campus which is in the city limits. (Silver Springs High School & SAEL) In August of 2017, GVPD was able to assign an SRO to be on campus fulltime during the schoolyear through a shared funding agreement for the position. This funding structure and SRO assignment will continue into the future. At this time, due to limited staffing and funding, GVPD is unable to provide a full-time SRO at the other school campuses within the city limits.

### **Nevada City Police Department**

The Nevada City Police Department does not currently have a School Resource Officer on staff. This is due to both staffing levels and ultimately funding. NCPD officers work very close with our local schools and are expected to routinely stop by the schools as workload allows. NCPD has partnered with GVPD in the past and assisted with the Great Summer Youth Academy which has taken place at 7-Hills School in Nevada City. We have also implemented a "Community Connect" program where officers would spend the day at 7-Hills

School playing sports games with the kids and getting to know them. The hope of the Nevada City Police Department for the future, should funding allow, is to employ a part time School Resource Officer to work in our local schools.

## **Responses to Recommendation #7**

### **Recommendation #7**

A working group of the Nevada County Superintendent of Schools, the Nevada County Sheriff's Office, the Grass Valley Police Department, the Nevada City Police Department, Nevada County Behavioral Health (especially concerning behavior of the assailant), and school administration and staff should be created to develop a model program for all schools to utilize when examining and creating their own outside assembly and accounting program.

### **Nevada County Superintendent of Schools**

Nevada County Superintendent of School works closely with all of the above-mentioned agencies in an effort to develop model program resources based on best practices for safety. The development for outside assembly and accounting programs are dependent on school site, size, population, and environment. Input from law enforcement and fire services are sought prior to the establishment of assembly sites and accountability protocol. In response to recent incidents nationwide, assembly locations have been reviewed and changed on some of the Nevada County school sites. Each school site must develop a plan that considers all hazards and security and make accommodations for safe evacuation sites and accountability protocol. Nevada County Superintendent of Schools is willing to offer continued support on this endeavor.

### **Nevada County Sheriff's Office**

This recommendation requires further analysis. If it is the consensus of the suggested participants that this group might be beneficial, we will be happy to participate. It is unclear what a model program for all schools might look like as far as an outside assembly and accounting program since there are so many variables in each school campus and population.

### **Grass Valley Police Department**

The recommendation has not yet been implemented. GVPD is willing and available to participate in a working group as described. However, a large collaborative working group as proposed could only develop a generic program that could offer general principles and guidelines to follow when creating an outside assembly and accounting program. Ideally, each school site should develop their own plan that takes into consideration all variables for their specific campus. At various times over recent years, GVPD has worked with the schools within the city limits to develop these plans. Our SRO continues to work with the schools at the Park Avenue campus on critical incident planning including outside assembly and accounting programs. GVPD is always available to work with the other schools as well.

## **Nevada City Police Department**

The Nevada City Police Department routinely attends the (CAUSSSS) Community Agencies United for Safe Schools and Safe Streets meetings in Grass Valley. This is a working group that is already in place and includes the majority of the agencies listed above. NCPD is always willing and able to participate in the working group. We will also need to collaborate with the local schools in each of our jurisdictions separately as the outside assemblies are site specific.



## **Responses to Recommendation #8**

### **Recommendation #8**

Following the creation of a model program for outside assembly and accounting, each school district should direct their schools to exercise this model and, in conjunction with local law enforcement, develop and incorporate the site-specific procedures necessary to conduct a safe and secure school evacuation.

#### **Chicago Park School District**

Agree. Chicago Park practices evacuation drills on a monthly basis. Students are not excused from the drill until everyone is accounted for. A discussion at the following staff meeting ensues to assure we are operating in the safest, most efficient manner when conducting these drills. Evacuation routes are posted inside each classroom including the computer lab, art room, and gymnasium. A master key has been placed in a lock box (at the request of law enforcement) at the Chicago Park store so they would have immediate access to all buildings on campus upon arrival.

#### **Clear Creek School District**

Agree. We have a fire evacuation plan and have arrangements with neighboring properties to allow for a school evacuation should that be the safest direction to go in case of a school emergency. As a school, we practice fire, shelter in place, lockdown, and earthquake drills as required which includes taking attendance for all classes. We have evacuation routes posted in classrooms and have purchased lockdown kits for every classroom if there is a need to shelter in place for a longer period of time.

#### **Grass Valley School District**

Agree. The Grass Valley School District has a Comprehensive Safety Plan in place and part of that plan is site-specific process and procedures to safely evacuate all students and staff, to a safe off-site location if needed. The Grass Valley School District and all its school sites have specific plans in place and coordinate with local law enforcement and the Nevada County Superintendent of Schools when conducting drills to, to the best of our ability, plan and improve this process.

#### **Nevada City School District**

Partially agree. The development for outside assembly and accounting programs are dependent on school site, size, and environment. Input from law enforcement and fire services are sought prior to establishment of assembly and accountability protocol. Each school site must develop a plan that considers hazards and

security then make accommodations for safe evacuation sites and accountability protocol. Safety is the first priority with accountability following.

### **Nevada Joint Union High School District**

This recommendation has been implemented by the Nevada Joint Union High School District. In response to lessons learned by schools throughout the United States after each tragic school shooting, the Nevada Joint Union High School District has made adjustments to outside assembly areas and intends to continue to follow through with ongoing assessment and adjustments. Regretfully, the Nevada Joint Union High School District must agree with the Grand Jury's conclusion that we cannot absolutely prevent a crisis. However, we can and will improve not only our schools' physical safety but the relationships within our schools and community.

### **Penn Valley Union Elementary School District**

Agree. The Penn Valley School District practices evacuation drills on a monthly basis. Students are not excused from the drill until everyone is accounted for. A discussion at the following staff meeting ensues to assure we are operating in the safest, most efficient manner when conducting these drills. Evacuation routes are posted inside each classroom including the computer lab, art room, and gymnasium. A master key has been placed in a lock box (at the request of law enforcement) so they would have immediate access to all buildings on campus upon arrival.

### **Pleasant Ridge Union School District**

Pleasant Ridge Union School District agrees with this recommendation and has been in conversation with local policing authorities as well as the local fire department to assist with this evacuation. In May of this year, South County schools along with NCSOS organized a school and community forum where all members of the community were invited to understand how each agency is important to overall school safety. PRUSD will continue to work with the local agencies in making sure our students are safe during school hours as well as on the way home.

### **Twin Ridges School District**

Agree. The Twin Ridges Elementary School District practices safety drills on a monthly basis. Students are not excused from the drill until everyone is accounted for. Discussions following these drills with staff allow us to reflect and make changes as necessary. We perceive drills as a fluid process and make adaptations as needed. Further collaboration with law enforcement is planned.

### **Union Hill School District**

The recommendation has been implemented. Union Hill School District works closely with Nevada County Superintendent of School and all of the above-mentioned agencies in an effort to develop model program resources based on best practices for safety. Union Hill currently has an outside assembly and accounting program. Input from law enforcement and fire services are sought prior to the establishment of assembly sites and accountability protocol and Union Hill School District would welcome the opportunity to collaborate in the future evaluation of these programs. In response to recent incidents nationwide, assembly locations have been reviewed.

### **Nevada County Sheriff's Office**

See response to prior recommendation. The Sheriff's Office will work with each of the schools in our jurisdiction to plan for safe and secure school evacuations.

### **Grass Valley Police Department**

The recommendation has not yet been implemented. GVPD is willing and available to work with Grass Valley schools to develop and assist them in incorporating site-specific procedures for a safe and secure school evacuation.

### **Nevada City Police Department**

The Nevada City Police Department has not yet collaborated on a model program but is ready and willing to assist our local schools in developing site specific procedures necessary to conduct a safe and secure school evacuation.

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**Report on Responses to the 2017-2018 Report:  
Detention Facility Inspection Report**

2018-2019 Nevada County Grand Jury

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# **Detention Facility Inspection Report**

## A Report on Responses to the 2017-2018 Grand Jury Report

### **Summary**

The 2018-2019 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Detention Facility Inspection Report* issued by the 2017-2018 Jury and inquired about progress toward implementation of those responses where appropriate. This document contains all of the responses received, any results of follow-up investigation, and any comments the Jury may have on those responses.

### **Comments on Responses**

The 2018-2019 Jury has no comments on the responses.

### **Summary from the Original Report**

The 2017/2018 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the County of Nevada (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code Section 919(b). The Jury toured and inspected the Wayne Brown Correctional Facility (Wayne Brown), the Carl F. Bryan II Juvenile Hall (Juvenile Hall), the Washington Ridge Conservation Camp (Washington Ridge), and two holding facilities: the Nevada County Sheriff’s Office’s Truckee Sub-Station (Truckee Jail) and the Nevada County Superior Court Holding Facility in Nevada City (Nevada City Holding Facility).

There are three problems with the detention facilities that the Jury believes should be addressed.

California law provides that the sheriff in each county may establish an Inmate Welfare Fund (IWF) to pay for services to inmates. The balance in the IWF at Wayne Brown at the end of the 2016-2017 fiscal year was approximately \$400,000. The Nevada County Sheriff’s Office (NCSO) has issued regulations concerning the administration of the Wayne Brown IWF but the regulations are not being followed. While the uses of the IWF are broadly discretionary and no misuses of such funds are apparent, compliance with written policies is important when large amounts of money are being collected and expended. The NCSO should either follow the policies it has promulgated or promulgate new policies that reflect how the IWF is being administered.

The Jury also was concerned by the air quality it experienced in the Nevada City Holding Facility. The Jury became more concerned when it could find no record of the air quality having been tested. The multitude of unhealthy agents that could be present in the ill-ventilated basement of an old building requires at a minimum that testing be done.

Finally, the 2015-2016 Grand Jury reported on the excessive costs associated with maintaining Juvenile Hall when the number of juvenile detainees has radically decreased. That report estimated an excessive cost in the neighborhood of \$2,000,000/year. Juvenile Hall continues in operation notwithstanding that there are now even fewer detainees than there were two years ago. While the programs offered at Juvenile Hall are exemplary, the cost is prohibitive. The Board of Supervisors must investigate alternatives to this over-expenditure of scarce County funds.

Other than those issues, in general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail. The Jury has issued a separate report on conditions related to the transport of prisoners to and from the Truckee Branch of the Nevada County Superior Court.

## **Findings and Recommendations from the Original Report**

### **Findings**

- F1** The written policies and procedures of the Sheriff's Office concerning the Inmate Welfare Fund are not being followed.
- F2** The County continues to spend upwards of \$2,000,000 on Juvenile Hall that could be saved by placing juvenile detainees in juvenile halls in other counties.
- F3** The air quality in the administrative and holding cell area at the Nevada County Courthouse Holding Facility in Nevada City is poor.

### **Recommendations**

The Nevada County Grand Jury recommends:

- R1** The Nevada County Sheriff's Office should comply with the regulations that it has established for the administration of the Inmate Welfare Fund at the Wayne Brown Correctional Facility.
- R2** Alternatively, the Nevada County Sheriff's Office should draft new regulations that describe procedures that actually are being followed in connection with the administration of the Inmate Welfare Fund.
- R3** The Nevada County Board of Supervisors should undertake an urgent review of alternatives to the current use of Juvenile Hall to explore more cost-effective uses of the facility and to explore the placement of Nevada County juvenile detainees in juvenile halls in neighboring counties.



- R4** The Nevada County Sheriff's Office and the Nevada County Board of Supervisors should cause tests to be done of the air quality in the Nevada County Courthouse Holding Facility in Nevada City to insure that it is safe.

### **Respondents to the Original Report**

Nevada County Sheriff's Office – Findings F1 and F3 and Recommendations R1, R2, and R4 by 9 August 2018.

Nevada County Board of Supervisors - Finding F2 and Recommendations R3 and R4 by 9 August 2018.

### **Responses to the Original Report**

Begin on the next page.

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Heidi Hall, 1<sup>st</sup> District  
Chair Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Wm. "Hank" Weston, 4<sup>th</sup> District  
Vice-Chair Richard Anderson, 5<sup>th</sup> District  
Julie Patterson Hunter,  
Clerk of the Board

July 10, 2018

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

Reviewed  
7/13/18  
TMA

**RE: Board of Supervisors' Responses to the FY 2017/18 Nevada County Civil Grand Jury Report, "Detention Facility Inspection Report."**

Dear Honorable Judge Anderson,

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the FY 2017/18 Nevada County Civil Grand Jury Report; dated May 11, 2018 entitled "Detention Facility Inspection Report."

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 10, 2018. The Responses are based on either personal knowledge, examination of official County records, or information received from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the FY 2017/18 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

  
Edward C. Scofield, Chairman  
Nevada County Board of Supervisors

cc: Thomas Achter, Foreman, Grand Jury  
Richard Haffey, County Executive Officer  
Alison Barratt-Green, County Counsel  
Keri Klein, Public Defender  
Phebe Bell, Behavioral Health  
Michael Heggarty, Health and Human Services Agency  
Steve Monaghan, Information General Services  
Michael Ertola, Chief Probation Officer

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

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NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2018 Nevada County Civil Grand Jury Report

Detention Facility Inspection Report

DATED July 10, 2018

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, Probation, County Counsel, Public Defender, Behavioral Health, and Health and Human Services agency representatives or testimony from the Board of Supervisors and county staff members.

**A. RESPONSES TO FINDINGS**

F2. The County continues to spend upwards of \$2,000,000 on Juvenile Hall that could be saved by placing juvenile detainees in juvenile halls in other counties.

**Agree**

**B. RESPONSES TO RECOMMENDATIONS**

R3: The Nevada County Board of Supervisors should undertake an urgent review of alternatives to the current use of Juvenile Hall to explore more cost-effective uses of the facility and to explore the placement of Nevada County juvenile detainees in juvenile halls in neighboring counties.

**The recommendation has already been implemented, in part.**

**A county interdisciplinary workgroup has been established and is reviewing the use and cost of the juvenile hall facility. The workgroup includes Probation, Sheriff's Office, County Executive Office, County Counsel, Public Defender, Behavioral Health and Health and Human Services representatives. As this report notes, the facility was built utilizing Department of Justice (DOJ) funds and any change in use is subject to DOJ approval.**

R4. The Nevada County Sheriff's Office and the Nevada County Board of Supervisors should cause tests to be done of the air quality in the Nevada County Courthouse Holding Facility in Nevada City to insure that it is safe.

**This recommendation will not be implemented at the present time**

To date, no complaints have been lodged by the holding facility or the Sheriff's Office regarding the air quality at the Nevada County Courthouse Holding Facility in Nevada City. The County will make a determination on whether a test should be done of the air quality at the Nevada County Courthouse Holding Facility in Nevada City pending the Sheriff's response to the Grand Jury's Report on findings F3 and R4.

TWABV

NEVADA COUNTY  
SHERIFF'S OFFICE



KEITH ROYAL  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

June 22, 2018

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

RE: Response to Grand Jury Report on the subject of Detention Facility Inspection Report

Dear Honorable Judge Anderson:

The Nevada County Sheriff's Office appreciates the opportunity to weigh in on this report by the Grand Jury, published on May 13, 2018 regarding the Detention Facility Inspection Report. The Sheriff's Office is aware the Grand Jury is mandated to inquire into the condition and management of the public prisons within the County, in this case the jail system. The Sheriff's Office absolutely encourages the Grand Jury to tour any of the facilities, with or without prior notice. We are fully open to input from the Grand Jury and take their outside perspective of Findings and Recommendations seriously.

However, there is no legal requirement that the Grand Jury write a report on any particular aspect of the inquiry. It is wholly unclear why the Grand Jury has again made the decision to point out in a public document a potential security flaw that could compromise the safety of the public, inmates and staff. On prior occasions, the Sheriff's Office has made it very clear how serious it takes any safety and security information and has made prior releases to the Grand Jury of this type of information conditional. The Sheriff's Office would strenuously urge the Grand Jury to refrain from future public releases of Safety and Security information without first consultation with the responsible entities; in this case, the Court and the Sheriff's Office.

FINDINGS:

- F1 The written policies and procedures of the Sheriff's Office concerning the Inmate Welfare Fund are not being followed.

Disagree

The Sheriff's Office disagrees with this finding as it is misleading.

The Grand Jury reports, "Section B of Directive #64 sets forth "Staff Duties" for a Facility Support Lieutenant, an Accounting Assistant, and a Program Manager. Currently, the "Staff Duties" provisions of Directive #64 are not followed. It appears that the listed duties are carried out but not by the staff designated in Directive #64". The Sheriff's Office does not have an employee on

staff under the job classification of "Program Manager" and has not for numerous years. However, the Sheriff's Office does have staff overseeing and managing the programs offered inside the Jail, as well as commissary services.

- F3** The air quality in the administrative and holding cell area at the Nevada County Courthouse Holding Facility in Nevada City is poor.

Disagree

The Sheriff's Office disagrees with the Grand Jury findings because it appears to be based on inaccurate and/or incomplete information.

Per the Grand Jury, "Moreover, no one knew if or when maintenance had been performed on the ventilation system." It can't be discerned who "no one" is. If the Grand Jury is referring to Court Holding Staff, then there's a very small likelihood they would be familiar with the maintenance schedule of the ventilation system. However, by simple inquiry, the Sheriff's Office has learned that County Maintenance inspects the system and changes out the filters on a quarterly basis. They have also responded to off cycle maintenance requests. Neither County Maintenance nor Environmental Health are aware of any air quality complaints by staff at Court Holding.

Per the Grand Jury, "During our visit, two members of the Jury were affected by the quality of the air." This statement is too vague to be of use. In speaking with Environmental Health, they would have expected more information regarding the symptomology of how the two Jury members were affected, approximately eight (8) months ago. Environmental Health did respond to Court Holding on May 16, 2018 to test the air for any chemical contaminants and subsequently reported negative findings. To date, the Sheriff's Office has not received any complaints from staff as to the quality of the air at Court Holding.

Per the Grand Jury, "The age of the building also causes concern about the existence of asbestos possibly being used in its construction. If so, it creates a health hazard to the lungs of everyone who enters the building, and especially those who remain in it for a prolonged period." The Grand Jury presents no factual information in its report that asbestos actually exists, only the possibility drawn from speculation, presumably "due to the age of the building"? During the Sheriff's Office investigation, we found that if in fact asbestos does exist, the health hazard under the circumstances is remote to non-existent. Per Nevada County Environmental Health, asbestos presents no health hazard to the lungs of anyone unless it is disturbed and then becomes airborne.

## RECOMMENDATIONS

The Nevada County Grand Jury recommends:

- R1** The Nevada County Sheriff's Office should comply with the regulations that it has established for the administration of the Inmate Welfare Fund at the Wayne Brown Correctional Facility.

Grand Jury Response  
June 22, 2018

This recommendation will not be implemented. See the Sheriff's Office response for "R2".

- R2** Alternatively, the Nevada County Sheriff's Office should draft new regulations that describe procedures that actually are being followed in connection with the administration of the Inmate Welfare Fund.

This recommendation will not be implemented as proposed by the Grand Jury. There is no need to "draft new regulations". However, the current policy has been revised with minor changes to reflect our current staffing.

- R4** The Nevada County Sheriff's Office and the Nevada County Board of Supervisors should cause tests to be done of the air quality in the Nevada County Courthouse Holding Facility in Nevada City to insure that it is safe.

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

Unfortunately, some of the conclusions in the Grand Jury report appear to be erroneous. The County does have the ability to detect chemicals that may be dispersed through the ventilation system or simply present in a room. During our investigation of the claims made by the Grand Jury, no airborne chemicals were detected by Environmental Health staff. Additionally, there have been no respiratory issues presented or reported by staff working in the Court Holding area. Our investigation showed there have been a few service requests (no heat, air pressure, odd smell, etc.) directed at County Maintenance related to the HVAC system at the courthouse since the first of this calendar year; none involving staff being affected by the air quality. The HVAC systems is regularly maintained and inspected on a quarterly basis by County Maintenance. With the very limited information provided by the Grand Jury in their report, it is impossible to decipher how the "two members of the Jury were affected by the quality of the air."

The Sheriff's Office would like to thank the members of the 2017-2018 Grand Jury for their participation and effort in preparing their reports. We are committed to providing the highest level of safety and security to our community.

Sincerely,



Keith Royal  
Sheriff-Coroner

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**Report on Responses to the 2017-2018 Report:  
Will the Public Suffer Because of Unfunded Pension Liabilities?**

2018-2019 Nevada County Grand Jury

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# **Will the Public Suffer Because of Unfunded Pension Liabilities?**

A Report on Responses to the 2017-2018 Grand Jury Report

## **Summary**

The 2018-2019 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Will the Public Suffer Because of Unfunded Pension Liabilities* issued by the 2017-2018 Jury and inquired about progress toward implementation of those responses where appropriate. This document contains all of the responses received, any results of follow-up investigation, and any comments the Jury may have on those responses.

## **Comments on Responses**

The 2018-2019 Jury has no comments on the responses.

## **Summary from the Original Report**

Most of the pensions of California state and local public employees and teachers are funded through the California Public Employees' Retirement System (CalPERS) or the California State Teachers' Retirement System (CalSTRS). These systems lack the necessary reserves to ensure that funds will be available when needed. This situation, referred to as a Net Pension Liability, requires public employers to increase their annual pension payments into CalPERS and CalSTRS to compensate for the shortage of reserves.

Nevada County agencies have a large and growing Net Pension Liability that must be funded. The availability of funding for new county programs and services as well as continued operations may be impacted. Increases in local taxes may also be necessary.

In fact, the County CEO made the following statement in the 2017-2018 Nevada County Adopted Budget: "the second dark cloud is the continuing increase in pension costs. This year alone there was a 9% increase in CalPERS costs. This will impact the County's ability to give pay increases to its workforce in the future and maintain service levels."

The Nevada County Grand Jury has estimated that the Net Pension Liability for 28 of 31 local public agencies in this county, including local special and school districts, is approximately \$336.3 million.

The annual expense of funding pensions for current and future retirees has risen sharply over the past decade. While every public agency in Nevada County has non-funded pension obligations, some appear to have adequate resources to meet them but many do not. The Grand Jury's aim is

to offer clarity to a complex issue and to encourage public agencies to provide greater transparency to their constituents.

## **Findings and Recommendations from the Original Report**

### **Findings**

- F1** Nearly every Nevada County agency has a Net Pension Liability.
- F2** Many Nevada County agencies, especially schools, lack a sufficient Net Position to successfully comply with the requirement to reduce their Net Pension Liability.
- F3** Some Nevada County agencies, especially schools, have a negative Net Position.
- F4** Transparency demands that financial statements provided by the office of the Superintendent of Schools identify each charter school's Net Pension Liability.
- F5** The strain on Nevada County agency budgets is likely to require cutbacks in services to balance the pension contribution increases.
- F6** Many agencies may spend down their reserves to avoid cutbacks in services.
- F7** New sources of revenue may be requested by many agencies to avoid cutbacks in services or reduction of reserves.
- F8** The public bears most of the risk if CalPERS and CalSTRS investments continue to underperform.
- F9** Higgins Fire Protection District is out of compliance with Government Code 26909 by not filing an audited financial statement for 2015-2016.
- F10** Nevada City School of the Arts' financial statements should reflect their Net Pension Liability.

### **Recommendations**

The Nevada County Grand Jury recommends:

- R5** The Nevada County Chief Executive Officer should provide a separate presentation to the Board of Supervisors describing the County's current Net Pension Liability and providing a plan for addressing the problem. The presentation should not be hidden in the annual budget report presentation.
- R6** Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

- R7** For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.
- R8** Public agencies should consider implementing the suggestions from the League of California Cities.
- R9** Higgins Fire Protection District should comply with Government Code 26909 and file an audited financial statement for 2015-2016.
- R10** Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.
- R11** Nevada City School of the Arts should report its Net Pension Liability in its financial statements.

### **Respondents to the Original Report**

- Nevada County Board of Supervisors for Recommendations R1, R2, and R4 by 10 August 2018.
- City of Grass Valley for Recommendations R2 and R4 by 10 August 2018.
- City of Nevada City for Recommendations R2, R3, and R4 by 10 August 2018.
- Town of Truckee for Recommendations R2 and R4 by 10 August 2018.
- Nevada Irrigation District for Recommendations R2, R3, and R4 by 9 September 2018.
- Nevada County Consolidated Fire District for Recommendations R2, R3, and R4 by 9 September 2018.
- Nevada Cemetery District for Recommendations R2, R3, and R4 by 9 September 2018.
- Ophir Hill Fire Protection District for Recommendations R2, R3, and R4 by 9 September 2018.
- Peardale Chicago Park Fire Protection District for Recommendations R2, R3, and R4 by 9 September 2018.
- Penn Valley Fire Protection District for Recommendations R2, R3, and R4 by 9 September 2018.

- Nevada County Resource Conservation District for Recommendations R2, R3, and R4 by 9 September 2018.
- Higgins Fire Protection District for Recommendations R2, R3, R4, and R5 by 9 September 2018.
- Truckee Cemetery District for Recommendation R3 by 9 September 2018.
- Truckee Donner Public Utilities District for Recommendations R2, R3, and R4 by 9 September 2018.
- Truckee Fire Protection District for Recommendations R2, R3, and R4 by 9 September 2018.
- Tahoe-Truckee Sanitation District for Recommendations R2 and R4 by 9 September 2018.
- Truckee Tahoe Airport District for Recommendations R2 and R4 by 9 September 2018.
- Nevada County Superintendent of Schools for Recommendations R2, R3, R4, and R6 by 10 August 2018.
- Grass Valley School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Chicago Park School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Clear Creek School District for Recommendations R2, R3, and R4 by 9 September 2018.
- John Muir Charter School for Recommendations R2, R3, and R4 by 9 September 2018.
- Nevada City School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Nevada County School of the Arts for Recommendations R2, R3, R4, and R7 by 9 September 2018.
- Nevada Joint Union High School District for Recommendations R2, R3, and R4 by 9 September 2018.

- Penn Valley Union Elementary School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Pleasant Ridge Union School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Twin Ridges Elementary School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Union Hill Elementary School District for Recommendations R2, R3, and R4 by 9 September 2018.
- Bitney College Prep High School for Recommendations R3, R4, and R6 by 9 September 2018.
- Forest Charter School for Recommendations R3, R4, and R6 by 9 September 2018.
- Sierra Montessori Academy for Recommendations R3, R4, and R6 by 9 September 2018.
- Twin Ridges Home Study Charter School for Recommendations R3, R4, and R6 by 9 September 2018.
- Yuba River Charter School for Recommendations R3, R4, and R6 by 9 September 2018.

### **Responses to the Original Report**

Begin on the next page.

COUNTY OF NEVADA  
STATE OF CALIFORNIA  
BOARD OF SUPERVISORS



Heidi Hall, 1<sup>st</sup> District  
Chair Edward C. Scofield, 2<sup>nd</sup> District  
Dan Miller, 3<sup>rd</sup> District  
Wm. "Hank" Weston, 4<sup>th</sup> District  
Vice-Chair Richard Anderson, 5<sup>th</sup> District  
Julie Patterson Hunter,  
Clerk of the Board

July 10, 2018

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

Reviewed  
7/13/18  
JPM

**RE: Response to Grand Jury Report entitled "Will the Public Suffer Because Of Unfunded Liabilities?"**

Dear Honorable Judge Anderson:

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the FY 2017/18 Nevada County Civil Grand Jury Report, dated June 6, 2018 entitled "Will the Public Suffer Because of Unfunded Pension Liabilities?"

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 10, 2018. The Responses are based on either personal knowledge, examination of official County records, or information received from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the FY 2017/18 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

Handwritten signature of Edward C. Scofield in blue ink.

Edward C. Scofield, Chairman  
Nevada County Board of Supervisors

cc: Thomas Achter, Foreman, Grand Jury  
Richard Haffey, County Executive Officer  
Martin Polt, County Deputy Officer  
Alison Barrett-Green, County Counsel

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website: <http://www.mynevadacounty.com/nco/bos>

PRINTED ON RECYCLED PAPER



NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2018 Nevada County Civil Grand Jury Report

Will the Public Suffer Because of Unfunded Pension Liabilities?

DATED June 10, 2018

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

**A. RESPONSES TO FINDINGS**

F1. Nearly every Nevada County agency has a Net Pension Liability.

**Agree**

**Responding only for the County of Nevada agencies.**

F2. Many Nevada County agencies, especially schools, lack a sufficient Net Position to successfully comply with the requirement to reduce their Net Pension Liability.

**Disagree.**

**Responding only for County of Nevada agencies. Annual required contributions (ARC) set by CalPERS are intended to pay down the Net Pension Liability over a period of time. The County has always met the ARC and expects to do so in the future.**

F3. Some Nevada County agencies, especially schools, have a negative Net Position.

**Disagree.**

**Responding only for the County of Nevada agencies. The County's total net position as of June 30, 2017 was positive \$270 million.**

F5. The strain on Nevada County agency budgets is likely to require cutbacks in services to balance the pension contributions increases.

**Partially Disagree.**

The County of Nevada takes this matter very seriously and has taken numerous proactive measures to mitigate the impact of rising pension costs and manage Net Pension Liability impacts. The County maximizes revenue opportunities and has accumulated fund balance to help address rising pension costs. If the economy and revenues drop significantly for a sustained period of time, or there are additional changes from CalPERS requiring higher contributions than are currently known, there may be impacts to services.

F6. Many agencies may spend down their reserves to avoid cutbacks in services.

**Partially Disagree.**

Responding only for County of Nevada agencies. Nevada County has a budget policy, which states that the "budget will only use reserve funds for emergency and one-time expenditures or for purposes that the reserve is designated to fund. Every effort will be used to preserve funds."

This policy has been in place since just after the Great Recession and has led to the County generally maintaining or building reserves in recent years. In addition, the County Board of Supervisors has adopted a Fund Balance Policy, which guides decisions on use of fund balances, generally for emergencies or economic uncertainties or targeted priority expenditures. Every economic downturn causes the consideration of spending reserves to avoid cutbacks in services. This finding is not specific to the pension liability issue.

F7. New sources of revenue may be requested by many agencies to avoid cutbacks in services or reduction of reserves.

**Agree.**

Responding only for County of Nevada agencies. The County of Nevada agencies continuously seek new sources of revenue to fund services. Most of these revenues are from State and Federal sources for specific programs.

F8. The public bears most of the risk if CalPERS and CalSTRS investments continue to underperform.

**Partially Disagree.**

Responding only for County of Nevada agencies. The County of Nevada is unable to respond to this finding as we have no way of knowing how CalPERS and CalSTRS

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will mitigate the risk of underperforming investments or how much risk will be passed on and to whom.

## **B. RESPONSES TO RECOMMENDATIONS**

R1: The Nevada County Chief Executive Officer should provide a separate presentation to the Board of Supervisors describing the County's current Net Pension Liability and providing a plan for addressing the problem. The presentation should not be hidden in the annual budget report presentation.

**This recommendation will not be implemented because it is unwarranted. The County Executive Office already reports specifically on the Net Pension Liability issue multiple times during the year. It is presented in depth during the budget hearings, at the Board of Supervisors Annual Workshop and throughout the year as Board actions are recommended by the County Executive Office. Pension costs have been highlighted in the last twelve budget messages delivered by the CEO and CFO.**

R2: Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**This recommendation will not be implemented because it is not reasonable. Employee pension contributions are determined by the Public Employees' Pension Reform Act of 2013 (PEPRA). County staff currently share in pension contributions by the amount specified in the PEPRA.**

R4: Public agencies should consider implementing the suggestions from the League of California Cities.

**This recommendation will be implemented in part. In reviewing the six stated suggestions from the League of California Cities, the County responds with the following:**

- 1. The recommendation has been partially implemented. The County has funded an irrevocable trust to assist in paying increased pension costs; the County maintains a Pension Contributions assignment in the General Fund to prioritize pension stability; the County pre-pays the Safety UAL; in FY 18/19 the County will consider a Pension Management Policy to provide further direction on managing the pension liability.**
- 2. The recommendation will not be implemented. The foreseeable situation does not warrant the County seeking additional taxes to fund the pension liability.**

3. The recommendation has been implemented. The County participates in the PARS Section 115 Pension Trust program.
4. The recommendation has been implemented. The County's budget policies require departments and programs to streamline resources where needed in an effort to provide the same level of service each year; streamlining has included major department restructuring and consolidation and investment in technology. The County also contracts with community based service providers where possible to maximize service delivery, efficiency and effectiveness.
5. The recommendation has been implemented. Employee organizations contribute their full share of employee contribution costs to the annual required contributions.
6. The recommendation will not be implemented. The County will not issue Pension Obligation Bonds. The League of Cities report referenced recommends *against* issuing pension obligation bonds.



**GRASS VALLEY CITY COUNCIL**  
125 East Main St., Grass Valley, CA 95945  
Tim Kiser, City Manager  
Kristi Bashor, City Clerk

**Council Members**  
Howard Levine, Mayor  
Lisa Swarouth, Vice Mayor  
Jan Arbuckle  
Jason Fouyer  
Ben Aguilar

July 24, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959



Dear Honorable Thomas Anderson –

The following is the City of Grass Valley's (City) response to the 2017-2018 Grand Jury Report – *Will the Public Suffer Because of Unfunded Pension Liabilities*. The City appreciates the Grand Jury's interest in helping to ensure the City's ability to continue providing uninterrupted high levels of service in the wake of increasing pension liability payments by employers countywide.

The City has taken a proactive approach to mitigating the potential impacts of increasing pension payments, particularly as they relate to the annual amortization payment for the City's unfunded pension liability. As demonstrated in the responses to the report's recommendations noted below, the City remains steadfast in maintaining high levels of service while assuring promised current and future pension benefits due its employees remain intact.

The following are our response to the two recommendations noted in the report:

**Recommendation #2:**

Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**Reported Action:** This recommendation has been *implemented*.

The City has successfully bargained with both the Police and Fire labor groups to implement pension "cost sharing", in which the employee is responsible for a paying portion of the employer's pension premium. Both the Police and Fire labor groups currently pay three percent of pensionable salary in addition to the annually required employee share. Payment of additional pension premiums by employees helps enable the City to set-aside reserves specifically assigned

Telephone (530) 274-4310 – Fax (530) 274-4399  
[www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)

for future pension costs, effectively mitigating the impacts of increases in pension costs on City service levels.

As existing contracts with labor groups are opened and re-negotiated in the future, particularly those that do not currently “cost share”, the City will continue to discuss how costs related to pension liabilities may be ultimately shared between both the employer and employees.

**Recommendation #4:**

Public agencies should consider implementing the suggestions from the League of California Cities.

**Reported Action:** This recommendation has been *partially implemented*.

In January 2018 the League of California Cities (League) issued a Retirement System Sustainability Study and Findings which includes suggestions for cities to address fiscal challenges associated with rising pension costs and the potential impacts on sustainability of service levels. Several of the League's suggestions have been or are currently in the process of being implemented.

The City currently has a \$1.75 million Pension Stabilization Reserve earmarked for future pension costs. These reserves are currently held in the City's fund balances, and will soon be recommended for investment into an Internal Revenue Service (IRS) Section 115 Trust Fund as a “Pension Stabilization Program”. The original principal of \$1.75 million, in addition to future investment earnings and additional contributions will be used to systematically pay down pension-related unfunded liabilities and increasing pension costs with the intention of mitigating service level impacts.

As discussed in the response to Recommendation #2 above, the City has also bargained for employer premium cost-sharing and will continue to assure future bargaining sessions include a transparent overview and discussion on pension costs.

\*\*\*

This response was reviewed and approved by the City Council at its July 24, 2018 meeting.

Sincerely,



Tim Kiser, City Manager  
City of Grass Valley

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[www.cityofgrassvalley.com](http://www.cityofgrassvalley.com)



# City of Nevada City

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August 8, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Reviewed  
8/20/18 TMA

Dear Honorable Thomas Anderson,

The following is a response from the City of Nevada City regarding the 2017-2018 Grand Jury Report *Will the Public Suffer Because of Unfunded Pension Liabilities*. The City respects and acknowledges the value of the Grand Jury's attention to this matter and the interest in ensuring the City of Nevada City's ability to maintain provision of high quality full service levels in the wake of the environment of significantly increasing pension costs.

The City has been discussing the increasing CalPERS costs to the City, and has successfully been able to annually budget for these increases. The City staff has also evaluated and presented to the City Council the future impacts on the City's finances associated to the changing actuarial assumptions in the CalPERS methodology calculating pension obligations. The City has recognized that the rising pension costs could have significant impact on the City's budget.

As demonstrated in the responses to the Grand Jury's recommendations, included below, the City has been working towards identifying, researching and implementing approaches to be able to mitigate/absorb these increasing costs while maintaining the quality full services that the City is currently providing, while assuring that current and future pension benefits for City personnel remain intact.

The following are our responses to the three recommendations noted in the report:

**Recommendation #2**

Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

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**Response**

*The recommendation requires further analysis.*

In February 2010 the City approved moving to 2<sup>nd</sup> tier CalPERS formula for new incoming employees. Safety personnel at 2%@55 and Miscellaneous at 2%@60. When the California Pension Employees' Reform Act (PEPRA) was implemented in 2013 new incoming employee formulas were extremely low compared to many other jurisdictions because the PEPRA formulas were tied to the City's 2<sup>nd</sup> tier formulas which were the lowest CalPERS had available at the time. The PEPRA formula for Safety became 2%@57 and 2%@62 for Miscellaneous employees (the lowest PEPRA formulas).

The City has a salary structure that is significantly lower than in the neighboring jurisdictions and with these very low PEPRA formulas, the City has been experiencing an environment in which there is significant difficulty in attracting the "right" employees and impediment in the City's ability to retain good employees. This has proven to increase training costs for the City and impact the institutional knowledge the City once had. For these reason the City needs to further analyze bargaining for greater pension contribution on the behalf of the employee.

The City, prior to 2014, contributed the entire employee portion of CalPERS costs. Since then the City negotiated with all bargaining units to bring each member into alignment with contributing the entire employee portion (not applicable to PEPRA employees as their full contribution is required by the regulatory reform). As of 2017 all employees are paying the full employee portion. The offset in this savings has aided in the City continuing to absorb the increasing pension costs. Currently the City has a total of 13-Safety and Miscellaneous 1<sup>st</sup> tier employees, 2-2<sup>nd</sup> tier employees, and 19-Safety and Miscellaneous PEPRA employees. The increased number of PEPRA employees has also contributed to costs savings in pension normal and unfunded pension obligations.

**Recommendation #3**

For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of the public website.

**Response**

*The recommendation is fully implemented.*

The City's audited annual financials and annual CalPERS actuarial/valuation reports with the City's pension data reside on the website under the Finance and Administration Department.

**Recommendation #4**

Public agencies should consider implementing the suggestions from the League of California Cities.

**Response**

*The recommendation is in the beginning stages of being implemented.*



In January 2018 the League of California Cities presented the "Retirement System Sustainability Study and Findings". Within the study there was a section suggesting "what cities can do today". Outlined were six suggestions; 1) develop and implement a plan to pay down the city's unfunded actuarial liability (UAL), 2) consider local ballot measures to enhance revenues, 3) create a pension rate stabilization program, 4) change service delivery methods and levels of certain public services, 5) use procedures and transparent bargaining to increase employee pension contributions and 6) issue a pension obligation bond.

- 1) The City has not implemented a plan to pay down the City's UAL but will be reviewing different options during the FY 18/19 prior to the beginning of the budgetary process for upcoming FY 19/20.
- 2) The City in the last two years approved the permitting of a medical cannabis dispensary and the permitting of other medical cannabis businesses (nurseries, manufacturing, distribution and testing laboratories). During this process the Council chose to move forward with a ballot measure for taxing medical cannabis businesses. The cannabis business tax ballot measure (Measure "F") passed on June 5, 2018 and will be executed on all permitted cannabis businesses. This will enhance the City's revenue.
- 3) The City is scheduled in the month of August 2018 to meet with two firms who offer 115 Trusts Funds. Once research is complete, City Staff bring forward to City Council a plan to establish a 115 Trust Fund. The City, 5 years ago, recognized the potential for rising pension increases and established a pension reserve of \$175k which could in part or full be used to establish this fund.
- 4) The City's goal during rising pension environment is to do everything possible to mitigate any consideration for reducing public service levels.
- 5) As noted in recommendation #2, transparent bargaining to increase employee pension contributions will require further analysis.
- 6) The City, at this time, does not support or have interest in issuing a pension obligation bond (POB).

This response was reviewed and approved by the City Council at its August 8, 2018 meeting.

Sincerely,



Catrina Olson, City Manager  
City of Nevada City

Town Council

Carolyn Wallace Dee, Mayor

David Tixman, Vice Mayor

Patrick Flores, Council Member  
Jessica Abrams, Council Member  
Morgan Goodwin, Council Member



Department Heads

Jeff Loux, Town Manager

Andy Morris, Town Attorney

Robert Lettich, Chief of Police

Denysele Nishimori, Community Development Director

Kim Szczurek, Administrative Services Director

Juriv Price, Town Clerk

Daniel Wilkins, Public

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

July 20, 2018

Received  
7/24/18  
DME

Judge Anderson and the Grand Jury:

The Town of Truckee ("Town") is in receipt of the Grand Jury's report entitled *Will the Public Suffer Because of Unfunded Pension Liabilities*. This letter will serve as the Town's requested response to the report. The Town appreciates the Grand Jury's attention to this issue and agrees with the importance of diligence related to this issue. The Town has been exercising that diligence routinely and on an ongoing basis.

Grand Jury Recommendations:

R2: Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**The recommendation has been implemented and included in all Town negotiations with the Town's three employee associations over the last twelve years.**

The Town has actively and routinely worked with its employee associations to address the effects of the retirement cost increases related to the CalPERS defined benefit pension plan. The prior two employment contracts transitioned the Town's employees from paying none of the "employee" cost of CalPERS to paying all of the employee costs for the retirement benefit for all employee groups.

The Town has also just completed negotiations with two of the three employee groups (one group has not been completed yet) for five year memorandums of understanding ("MOU"). Those completed MOU's consciously addressed the ever-increasing cost of pensions by focusing on increases in employee compensation that are not eligible for (or required to have) a CalPERS contribution. Examples of this include increased Town contributions to health insurance premiums for employees, and increased contributions to employee deferred compensation, which are not subject to CalPERS contributions, rather than inflation-related salary increases that do increase the Town's CalPERS obligations.

R4: Public Agencies should consider implementing the suggestions from the League of California Cities.

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Grand Jury Letter  
July 20, 2018

**While the Town appreciates the League's suggestions, the Town has taken actions to minimize its pension liability without affecting services to its constituents or adding taxes. Although the Town declines to implement the League's suggestions, the Town has considered those suggestions and has therefore implemented recommendation R4.**

As mentioned above, the Town has used transparent collective bargaining to address the increasing retirement costs. The Town does not believe that a pension obligation bond or prepayment of the actuarial unfunded liability are prudent financing instruments in this circumstance, particularly given that the Town is in a pooled CalPERS plan. There is no provision in the California retirement law that requires that any prepayment or pay down of an unfunded actuarial liability by an agency in a pooled plan to be credited to that agency in perpetuity. As a result, there is a very real risk that a prepayment would not benefit the Town.

The Town will continue to actively assess the effects of pension costs on its primary mission of providing services to our taxpayers.

Best Regards,



Kim Szczurek  
Administrative Services Director  
Town of Truckee

Cc: Town Council  
Jeff Loux, Town Manager  
Andy Morris, Town Attorney



## NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424  
(530) 273-6185 – Fax: (530) 477-2646 – [www.nidwater.com](http://www.nidwater.com)

July 19, 2018

The Honorable Thomas Anderson  
Supervision Judge of the Grand Jury  
201 Church Street  
Nevada City, CA. 95959



Regarding: Will the Public Suffer Because of Unfunded Pension Liabilities?  
2017-2018 Nevada County Grand Jury

Dear Honorable Thomas Anderson:

The Nevada Irrigation District reviewed the entire report and pursuant to Penal Code section 933.05, provide the following responses:

**R2 Recommendation:**

Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**R2 Response:**

The Nevada Irrigation District negotiates, in good faith, the benefits offered to employees who participate in unions through its' Memorandum of Understanding (MOU) agreements. Required employee contributions toward this benefit are examined during the process which considers the District's current and future financial position. Staff is cognizant of increasing pension costs and partners with the District to share this burden.

Furthermore, the legislature recognized ever increasing pension cost by enacting the California Public Employee's Pension Reform Act (PEPRA) effective January 2013. The act places a higher costs responsibility on new members through mandated cost sharing while extending contributions before reaching retirement.

**R3 Recommendation:**

For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.



## NEVADA IRRIGATION DISTRICT

1036 W. Main Street, Grass Valley, CA 95945-5424  
(530) 273-6185 – Fax: (530) 477-2646 – www.nidwater.com

### **R3 Response:**

As identified in the Grand Jury Report, NID satisfied the three year transparency request. The Nevada Irrigation District's website presents three years of Comprehensive Annual Financial Reports (CAFR). The Required Supplemental Information (RSI) section presents ten years of Net Pension Liability (NPL) information in accordance with GASB Statement No. 68.

### **R4 Recommendation:**

Public agencies should consider implementing the suggestions from the League of California Cities.

### **R4 Response:**

While the District appreciates the grand jury's efforts to solicit assistance from the League of Cities, utility special district operations are not comparable to full service cities. Primarily, cities rely on property and sales tax revenue to fund police, fire, recreational and other non-utility services. These revenues rise and fall with the economic condition of that city and county while utility special districts' do not. Utility special districts are primarily driven by rates and user fees having the ability to stabilize revenues periodically through the Prop 218 process. Cities can reduce services such as police and fire but at the risk of increased crime and higher insurance rates. Nevada Irrigation District (NID), a special water district cannot decrease regulated services unless mandated by State and Federal Laws.

Regarding the recommended alternatives, creating a Section 115 Trust, issuing a pension obligation bond or adopting a shorter amortization schedule to relieve the liability only shifts the Employer Unfunded Accrued Liability (UAL) to another liability that must then be funded. For cities struggling with cash flow, perhaps issuing a 50 or 75-year bond to relieve the 30-Year liability provides temporary cash flow relief.

Cities as well as special districts could consider a local ballot measure to fund the UAL. However, given the financial position of NIDs' PERS plan, that is the cash position to annual payouts as well as the District's ability to control revenue, the Board has elected not to pursue this approach. Furthermore, adopting a separate revenue measure is redundant as NID can accomplish this through its' comprehensive and balanced rate setting strategy. Utility special district's ability to adjust revenues on a periodic basis provides flexibility to manage the highly



## NEVADA IRRIGATION DISTRICT

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volatile UAL. Unfortunately, cities and school districts do not possess this level of revenue control.

In conclusion, there are many variables actuaries employ to estimate an employer's UAL thus increasing the uncertainty that any amortization period will truly relieve the liability. Nevada Irrigation District believes the 30-Year amortization schedule developed by CALPERS actuaries is sufficient to reduce the liability over a reasonable timeframe. Please do not hesitate to contact the District for additional information.

Sincerely,

  
Kenneth Scherzinger, MBA, PL,  
General Manager  
[scherzinger@nidwater.com](mailto:scherzinger@nidwater.com)

  
Marvin V. Davis, MBA, CPA  
Finance Manager/Treasurer  
[davismv@nidwater.com](mailto:davismv@nidwater.com)



## Nevada County Consolidated Fire District

640 Coyote Street Nevada City, CA 95959  
(530) 265-4431  
nccfire@nccfire.com • www.nccfire.com

August 22, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

Reviewed  
8/28/2018  
To: GJ T/MS

Re: Nevada County Consolidated Fire District Board of Directors' Responses to the Nevada County Grand Jury Report, *Will the Public Suffer Because of Unfunded Pension Liabilities*.

Dear Judge Anderson:

As required by California Penal Code Section 933.05 (a), the Nevada County Consolidated Fire District Board of Directors' hereby submits its responses to the 2017-2018 Nevada County Grand Jury Report, dated June 10, 2018 entitled *Will the Public Suffer Because of Unfunded Pension Liabilities*.

The Board of Directors at their regular meeting on August 16, 2018 approved these responses to the Grand Jury's Findings and Recommendations. The Responses are based on either personal knowledge, examination of official District records, and/or information received from the Board of Directors and District staff members.

The NCCFD Board of Directors would like to thank the members of the 2017-2018 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process. Fire Chief Jim Turner and his staff welcome any future inquiries and/or questions that the Grand Jury may have pertaining to the operations and administration of the Fire District.

Sincerely,

Keith Grueneberg, President  
Nevada County Consolidated Fire District  
Board of Directors

cc: Thomas Achter, Foreperson, Grand Jury  
cc: Chris DeSena, Chair, Nevada County Consolidated Fire District Oversight Committee

In their report *Will the Public Suffer Because of Unfunded Pension Liabilities*, the Nevada County Grand Jury made recommendations for Nevada County local agencies. They asked Nevada County Consolidated Fire District for responses on the following recommendations by September 9, 2018.

During the Grand Jury's investigation, neither Fire Chief Jim Turner nor Finance Manager Jeff Van Groningen were contacted to provide pertinent information relevant to the Jury's concerns. Information contained within the Grand Jury's report was information obtained from the 2015-2016 fiscal year. The report does not use the 2016-2017 Audited Financial Statements, which contains additional information on steps taken to mitigate unfunded pension liability during the fiscal year.

**Recommendations and responses:**

**R2 Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.**

R2 response – Currently, Pre-2013 safety personnel pay 9% of their wages to the PERS retirement fund. This can be increased to 12% if agreed to by the employee's labor union via meet and confer, or if such meet and confer results in impasse. An increased employee deduction reduces the employer share paid to CalPERS. To reduce the unfunded pension liability, the cost reduction realized by the employer would need to be paid by the employer to CalPERS to reduce the unfunded pension liability.

**R3 For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.**

R3 response – The annual Audited Financial Statements are, and have been, available on the NCCIFRE.com website as an integral part of the board agenda packages. The District's Audited Financial Statements contain a detailed summary of the pension data. A dedicated link for the Audited Financial Statements will be added to the District's webpage to allow users easier access to the documents.

The District has established a "Citizens Oversight Committee" to enhance transparency to its constituents to oversee District expenditures as they relate directly to the "Special Tax" that was passed in 2012. The Citizens Oversight Committee also reviews the Districts overall fiscal budget and provides comments to the Board of Directors on an annual basis, which are available on the District website.



**R4 Public agencies should consider implementing the suggestions from the League of California Cities.** The suggestions are:

1. Develop and implement a plan to pay down the city's Net Pension Liability (NPL).
2. Consider local ballot measures to enhance revenues.
3. Create a "Pension Rate Stabilization Program."
4. Change service delivery methods and levels of certain public services.
5. Use transparent collective bargaining to increase employee pension contributions.
6. Issue a pension obligation bond.

R4 response –

- Item 1. In the last two years, Nevada County Consolidated Fire District has addressed the paying down of the NPL. The district paid the side fund balances of the unfunded liability, totaling \$697,000. Nevada County Consolidated Fire District has also invested \$150,000 in the Public Agency Retirement Services Section 115 trust for offsetting future pension expense.
- Item 2. Agreed.
- Item 3. A Pension Rate Stabilization Program has been created. See Item 1.
- Item 4. This has been explored and some measures implemented. Further measures may be necessary as pension expenses continue to increase.
- Item 5. See R2 response.
- Item 6. This has been explored and was deemed a risk to avoid at that time. But as economic factors change, it should be revisited periodically.

Conclusion

Nevada County Consolidated Fire District Board of Directors and its Staff, are very aware of the pending unfunded pension liability ramifications for our constituents. CalPERS has taken two significant steps to reduce unfunded pension liabilities. They are a) decreasing the discount rate from 7.5% to 7.0% over a three-year period, and b) modifying the amortization period for payment of unfunded pension liabilities. Both actions have, and will, result in increased pension costs.

Nevada County Consolidated Fire District does the following to stay abreast of current and future pension costs and how they may affect the district:

- Follow current events and legislation activity (example: AB 1149).
- Forecast pension costs using various methods and programs for no less than five-years ahead.
- Budget five-years ahead to identify and mitigate potential financial challenges.

We welcome further inquiries from the Grand Jury which should be directed to Fire Chief Jim Turner or Finance Manager Jeff Van Groningen, who can be contacted at 530-265-4431.

**NEVADA CEMETERY DISTRICT**  
**P. O. Box 2400**  
**Nevada City, CA 95959**  
**530-265-3461**

Honorable Thomas Anderson  
Nevada County Grand Jury  
201 Church Street  
Nevada City, CA 95959

October 29, 2018

Please find attached a second copy of our reply to the 2017-2018 Grand Jury recommendations. Our original replay was mailed to the court on August 15, 2018. We have been notified by the Grand Jury office that they have not received our August 15, 2018 reply. The original reply was signed by all the Nevada Cemetery District Trustees in the original. This copy is the same as the first but not all trustees are available to sign this copy.

We would appreciate a telephone call at 365-3461 when this copy is received by the Clerk of the Grand Jury..

Sincerely yours,

  
Dennis Cassella, Board Chair



NEVADA CEMETERY DISTRICT  
P.O.BOX 2400  
10523 WILLOW VALLEY ROAD  
NEVADA CITY, CA 95959  
530-265-3461 530-265-8706 (fax)

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

August 15, 2018

Your Honor:

In reference to 2017-2018 Grand Jury Report "Will the Public Suffer Because of Unfunded Pension Liabilities?"

**Recommendation R-2.** "Public agencies and public employee union should explore how increasing employee pension contributions can reduce non-funded pension liabilities."

**Partially agree:** We agree that the public agencies should explore the issue of expanding contributions but there are other agencies whose voice must be heard. The California Public Employees Retirement System (CalPERS) has contract language in place which limits the agreements that the employer and employees can make concerning the mutual agreement that can be reached to share the pension costs. It is our understanding that the employee rate cannot exceed 8% in our agreement with CalPERS. We attempted to set the rate at 50%-50% and we informed that such rate for the employee could not exceed 8%.

**The recommendation will not be implemented at the present time.** It is not within our authority to negotiate employee contracts that CalPERS will not honor.

**Recommendation R-3.** " For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website."

**Partially Agree.** Standards should be set for the format of the "summary pension data". We are leery of going beyond the statement of our auditor. Small special districts do not have the knowledge or resources to agree or dispute the findings of our auditors concerning the pension system.

**The recommendation will be implemented** by posting the annual audit on our website. Two years of audits are now posted.

**Recommendation R4.** Public agencies should consider implementing the suggestions from the League of California Cities.

**Partially Agree.** Solutions applicable to a general or charter, city or county may or may not be applicable to an independent (or dependent) special district. Various California codes give specific powers to a special district. In cemetery districts, the power is provided to set rates that align with the cost of providing goods and services. Some goods and services are specifically not allowed to a cemetery district and others are required in subsequent legislation such as setting the fee for endowment services with the use and timing thereof rigidly regulated. One general statement does not apply equally to all.

Additionally, the published suggestions "What Cities can Do Today" begin with #7. The content of the first 6 was not evident.

**The recommendations will not be implemented, at the present time.** Recommendations arising from the specific public agency service industry would have better application.

Respectfully submitted,

**The Trustees of the Nevada Cemetery District**

  
Dennis Cassella, Chair

/S/ signed  
Gerald Bushore, Vice Chair

  
Alan Archer, Trustee

  
Sushila Mertens, Trustee

  
Michael Hurst, Trustee

# Ophir Hill Fire Protection District

P.O. Box 940 ♦ 12668 Colfax Hwy ♦ Cedar Ridge, CA 95924  
(530) 273-8351 ♦ Fax (530) 273-0453 ♦ ophirhillfire.org



Reviewed  
10/4/2018  
MA

September 25, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

RE: Request to Report on the subject of *Will the Public Suffer Because of Unfunded Pension Liabilities*

Dear Honorable Anderson,

Please find enclosed our recommendations to above subject report.

We apologize for our lateness caused by a change in office staff that took place recently.

Respectfully Yours,

A handwritten signature in cursive that reads "Kris Stoeckle".

Kris Stoeckle  
Board Secretary  
Ophir Hill Fire Protection District  
530-273-8351  
kstoeckleohfpd@gmail.com

Enclosure: Statement of Recommendation

Will the Public Suffer Because of Unfunded Pension Liabilities?

Recommendations:

*R2. Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.*

Implementation of this recommendation is not recommended at this time due to the pension contributions are currently paid by the employees/employer as outlined in the CalPERS contract.

*R3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

This recommendation would be considered a work in progress at this time. We have had a change in office staff and we are currently reviewing and updating the existing website to reflect and follow guidelines as suggested. We do not have an estimated time when this project will be finalized.

*R4. Public agencies should consider implementing the suggestions from the League of California Cities.*

This recommendation will not be implemented at this time for the following reasons: The Board of Directors maintain that the Fire District is doing all that can be done to address the Unfunded Pension Liability concerns. Increased employee pension contributions have already taken place. As a Special District, we currently follow the guidelines as per our MOU that works best for all.

**Peardale-Chicago Park Fire Protection District**  
**Responses to**  
**2017-2018 Nevada County Grand Jury Report**  
**Will the Public Suffer Because of Unfunded Pension Liabilities?**

**RECOMMENDATIONS:**

R2. Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

Implementation of this recommendation is not feasible considering that the pension contributions are being paid currently by the employees as part of their retirement contract as specified by CalPERS.

R3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

This recommendation will not be implemented at this time, for the following reasons. The fire district maintains a website as a service to the public and utilizes volunteers to maintain the site. Our financial data is always filed with, and available to the public through, the State Controller's Office. In addition, the Office of the Nevada County Auditor Controller has all copies of audited financial statements on file.

It is the Board of Directors understanding that there is currently a plan to create an additional link to this data on the My Nevada County website, through a collaboration of the Auditor Controller Office and LAFCo. When implemented, we can then link our website to this information. We look forward to the availability of this tool to the public.

R4. Public agencies should consider implementing the suggestions from the League of California Cities.

This recommendation will not be implemented at this time, for the following reasons. The Board of Directors maintain that the Fire District is doing all that can be done to address the Unfunded Pension Liability currently. Increased employee pension contributions have already been implemented. As a Special District (Fire Protection), it would not be feasible to establish a Trust Fund, issue a bond, or change service delivery methods or levels of certain public services.

Reviewed  
PMA  
9/18/18

# PENN VALLEY FIRE PROTECTION DISTRICT

**Fire Chief**  
Don Wagner  
P.O. Box 180  
Penn Valley, CA 95946  
(530) 432-2630  
Fax (530) 432-4561  
dwagner@pennvalleyfire.com



**Directors**  
David Farrell, Chairperson  
Kurt Grindel, Vice-Chairperson  
Joey Jordan, Director  
Terry McMahon, Director  
Bruce Stephenson, Director  
brughson@pennvalleyfire.com

October 22, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

*Reviewed  
10/26/18  
DJA*

Dear Judge Anderson,

Please find attached our response to the Nevada County Grand Jury's 06/06/2018 inquiry into unfunded pension liabilities. It was mailed to the Grand Jury 8/30/2018.

Thank you,

Debbie Hughes  
Office Administrator

**PROTECTING OUR COMMUNITY WITH PRIDE**



## Grand Jury Response

TMA

Before the great recession CalPERS was over 100% funded. Due to this recession many public agencies now have a Net Pension Liability. This liability varies greatly depending on the pension plan offered and the size of the agency.

The Penn Valley Fire Protection District (PVFPD) staffs two stations. Each station is staffed 24/7 with a minimum staffing of two persons. These two personnel cross-staff the equipment at their station. Station 44 has two engines and one ambulance. Station 43 has one engine, one water tender, one ambulance and one rescue vehicle. Dispatch patterns are programmed in to the CAD system to send the most appropriate vehicle from each station. While this may be inconvenient for staff, it is a cost-effective way of providing the best response with available funding. The PVFPD runs very conservative in staffing as well as all areas of operations.

In addition to the fire/rescue services provided by all of the western Nevada County fire departments, PVFPD is the only agency that provides Advanced Life Support (ALS) ambulance transportation. This service has been supported by the voters of Penn Valley.

The PVFPD has the most conservative CalPERS plan offered. In addition, more than half of PVFPD employees are PEPRA employees which requires the employee fund their share of contributions and disallows the district to pay the employees' portion of the pension contribution. The Grand Jury failed to do the proper investigation into the different pension plans of each district as well as how each district manages its Net Pension Liability. The PVFPD was never contacted by the Grand Jury with questions. The conclusions reached by the Grand Jury were incomplete. Please see the attached responses to the Grand Jury report by the PVFPD.

### FINDINGS:

Finding 1. Nearly every Nevada County agency has a Net Pension Liability.

**Agree**

Finding 2. Many Nevada County agencies, especially schools, lack a sufficient Net Position to successfully comply with the requirement to reduce their Net Pension Liability.

**Partially agree. Without performing extensive research and review of the other agencies' Financial Statements, it is not appropriate to render an opinion on the other agencies' Net Positions.**

Finding 3. Some Nevada County agencies, especially schools, have a negative Net Position.

**Partially agree. Without performing extensive research and review of the other agencies' Financial Statements, it is not appropriate to render an opinion on the other agencies' Net Positions.**

Finding 4. Transparency demands that financial statements provided by the office of the Superintendent of Schools identify each charter school's Net Pension Liability.

**Agree**

Finding 5. The strain on Nevada County agency budgets is likely to require cutbacks in services to balance the pension contribution increases.

**Disagree. The PVFPD is not in a position to require cutbacks nor do we have an opinion on other agencies' forecasts. There is not enough information and too many variables to come to a viable prediction.**

Finding 6. Many agencies may spend down their reserves to avoid cutbacks in services.

**Partially agree. It is possible some agencies will spend down their reserves in order to avoid cutting back their services.**

Finding 7. New sources of revenue may be requested by many agencies to avoid cutbacks in services or reduction of reserves.

**Partially agree. It is possible some agencies will look for new sources of income to avoid spending down their reserves so they can avoid service cutbacks.**

Finding 8. The public bears most of the risk if CalPERS and CalSTRS investments continue to underperform.

**Partially agree. CalPERS and CalSTRS employees bear a good amount of risk as well. If the investments underperform, CalPERS can increase the employees' contribution percentage to cover the shortfalls.**

Finding 9. Higgins Fire Protection District is out of compliance with Government Code 26909 by not filing an audited financial statement for 2015-2016.

**Agree**

Finding 10. Nevada City School of the Arts' financial statements should reflect their Net Pension Liability.

**Agree**

**RECOMMENDATIONS:**

Recommendation 2. Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**The recommendation is being implemented. PEPRAs employees, those who became members of CalPERS after January 1, 2013, pay approximately half of their pension contribution toward CalPERS. The District does not pay the employees' share for the PEPRAs employees. The majority of the PVFPD staff pay their own pension contributions and this portion will only increase as more employees are hired and subject to PEPRAs rules.**

Recommendation 3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

**The recommendation will be implemented. The PVFPD website has been updated to include three years of audited financial statements. The links to these documents can be found in the Board of Directors section of the website.**

Recommendation 4. Public agencies should consider implementing the suggestions from the League of California Cities.

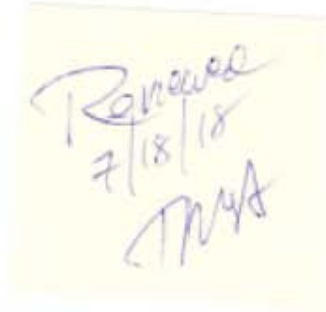
**The recommendation will be implemented to the extent applicable. As previously stated, the PVFPD has the most conservative CalPERS contribution plan offered. In addition, approximately 8.6% of the General Fund was spent on pension liabilities for Fiscal Year 2017-18. This is well below the 11.2% cited in the report from the League of California Cities. Starting with Fiscal Year 2018-2019, CalPERS reduced the payback time period for unfunded liabilities for all agencies. This accelerated payback will reduce long term costs. In the future the PVFPD may consider a ballot measure to help alleviate increasing pension and other direct operating costs. At this time the timing is unknown for such an event.**



**Nevada County  
Resource Conservation District**

113 Presley Way, Suite One, Grass Valley, CA 95945 • (530) 272-3417 • www.ncrcd.org

July 11, 2018



The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

**Regarding:** Nevada County Resource Conservation District's response to Grand Jury report titled, "*Will the Public Suffer Because of Unfunded Pension Liabilities*"

**RECOMMENDATIONS:**

R2. Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

*Partially Agree - The recommendation is being researched presently*

Our retirement policy mimics that of Nevada County's. The District plans to research pension options and add greater personal retirement participation for (new) employees.

R3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

*Agree - The recommendation has been implemented*

Our audited financial statements for years 1999 through 2017 and summary pension data reports for 2016 and 2017 have been uploaded to our website. The summary pension data report for 2018 will be uploaded to our website when it is received.

R4. Public agencies should consider implementing the suggestions from the League of California Cities.

*Disagree - The recommendation will not be implemented at the present time*

The District maintains a secure funding stream and is not confronted with city-size issues and funding. Our district is too small and has too few employees to make implementing the suggestions from the League of California Cities feasible. We do, however, receive Annual Unfunded Accrued Liability invoices from CalPERS and pay them when received.



---

Nevada County Resource Conservation District Board of Directors  
Robert G. Ingram, President  
July 11, 2018



**HIGGINS AREA FIRE PROTECTION DISTRICT**  
of Nevada County  
10106 Combie Road Auburn, CA. 95602

TMA

August 15, 2018

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

**Re: Higgins Area Fire Protection District Response to Grand Jury Report 2017-2018**

Dear Judge Anderson:

The Higgins Area Fire Protection District ("District") has carefully reviewed and considered the Findings and Recommendations of the 2017-2018 Nevada County Grand Jury report, *Will the Public Suffer Because of Unfunded Pension Liabilities?* The report requested responses from the District regarding Recommendations R2, R3, R4, and R5 on or before September 9, 2018. This letter shall serve as the official responses of the District to Recommendations R2, R3, R4, and R5 contained in the Grand Jury report, pursuant to California Penal Code section 933.05, subdivisions (a) and (b).

**A. RECOMMENDATIONS:**

- a. R2. Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

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

**The District has conducted internal discussions regarding ways to implement short-term increases in employee contributions, but is in the process of correcting several errors to its three most recent fiscal year audited financial statements. As soon as those errors are corrected, the District will continue to explore reducing non-funded pension liability through increased employee contributions.**

- b. R3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

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

The District typically posts its financial statements and pension data on its website as recommended; however, the District contracts with an outside firm to audit the District's financial statements, and the District is currently in the process of correcting errors in the 2015-2016 audit report. Those errors carried over to the two most recent financial statements, and the District is correcting all necessary statements. The District will post the corrected financial statements to its website as soon as those errors are corrected.

- c. R4. Public agencies should consider implementing the suggestions from the League of California Cities.

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

The District is discussing plans to adopt and implement the League of California Cities' suggestions, and will report to the County when the League's suggestions have been implemented.

- d. R5. Higgins Fire Protection District should comply with Government Code 26909 and file an audited financial statement for 2015-2016.

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

The District forwards a copy of its final budget to the County Auditor in accordance with Health and Safety Code, section 13895. The District contracts with an outside firm to audit the District's financial statements, and the District is currently in the process of correcting errors in the 2015-2016 audit report. The District will file the corrected audit with the County auditor as soon as those errors are corrected.

## CONCLUSION

The District welcomes and appreciates the Grand Jury's interest in the District's operations, as well as the opportunity to respond to the Recommendations contained in the report. The District is confident this letter effectively addresses the concerns raised by the Grand Jury.

Sincerely,



---

Donnie Militano  
Chairman  
Board of Directors

cc: Members of the Board of Directors  
Jerry Good, Fire Chief  
Thomas Achter, Foreperson, 2017-2018 Nevada County Grand Jury

**Truckee Cemetery District**

P.O. Box 2803

Truckee, California 96160

(530) 587-6553

November 1, 2018

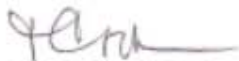
The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church St.  
Nevada City, CA 95959

Reviewed  
11/05/2018  
MA

Dear Sir:

In response to the recommendation R3 in the Nevada County Grand Jury report entitled "Will the Public Suffer Because of Unfunded Pension Liabilities" the Truckee Cemetery District will implement the recommendation by posting the last 3 years' audited financial statements on the District website [www.truckeecemeterydistrict.com](http://www.truckeecemeterydistrict.com). The District maintains no pension plan.

Sincerely,



Tricia Cook, Secretary

Truckee Cemetery District Board of Trustees





## Truckee Donner Public Utility District

August 31, 2018

TMA

Directors  
Joseph R. Aguera  
Jeff Bender  
Bob Ellis  
Tony Laliotis  
Paul Warnerham  
General Manager  
Michael D. Holley

The Honorable Thomas M. Andersen  
Presiding Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Response to Grand Jury Report on the subject of *Will the Public Suffer Because of Unfunded Pension Liabilities.*

Dear Honorable Judge Anderson:

In response to the Grand Jury Report dated June 6, 2018 regarding Unfunded Pension Liabilities.

**FINDINGS:**

F1 Nearly every Nevada County agency has a Net Pension Liability.

**AGREE**

F2 Many Nevada County agencies, especially schools, lack a sufficient Net Position to successfully comply with the requirement to reduce their Net Pension Liability.

**AGREE**

F3 Some Nevada County agencies, especially schools, have a negative Net Position.

**AGREE**

F4 Transparency demands that financial statements provided by the office of the Superintendent of Schools identify each charter school's Net Pension Liability.

**AGREE**

F5 The strain on Nevada County agency budgets is likely to require cutbacks in services to balance the pension contribution increases.

**AGREE**

F6 Many agencies may spend down their reserves to avoid cutbacks in services.

**AGREE**

F7 New sources of revenue may be requested by many agencies to avoid cutbacks in services or reduction of reserves.

**AGREE**

11570 Donner Pass Rd, Truckee, CA 96161 – Phone 530-587-3896 – [www.tdpud.org](http://www.tdpud.org)

F8 The public bears most of the risk if CalPERS and CalSTRS investments continue to underperform.

**AGREE**

F9 Higgins Fire Protection District is out of compliance with Government Code 26909 by not filing an audited financial statement for 2015-2016.

**AGREE**

F10 Nevada City School of the Arts' financial statements should reflect their Net Pension Liability.

**AGREE**

R2 Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**The recommendation has been partially implemented. California reformed its pension laws effective 2013; the District implemented employee cost share in accordance with the laws of the State of California.**

R3 For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

**The recommendation has been implemented. Three years of audited financial statements and summary pension data for the same period are available on the financial page of the District's website.**

R4 Public agencies should consider implementing the suggestions from the League of California Cities.

**The recommendation has been implemented. The District in 2011 issued a Pension Obligation Bond for interest cost savings. The District in 2016 refunded the Pension Obligation Bond to capitalize on additional interest cost savings. The District is also changing its service delivery methods by leveraging technology to streamline service and produce cost efficiencies.**

The Truckee Donner Public Utility District would like to thank the members of the 2017-2018 Grand Jury for their participation and effort in preparing their reports and raising issues of important for the County.



Michael Holley, P.E.  
General Manager

11570 Donner Pass Rd, Truckee, CA 96161 – Phone 530-587-3896 – [www.tdpud.org](http://www.tdpud.org)



**Truckee Fire Protection District**  
*Proudly providing service to portions of both Nevada and  
Placer Counties and the Town of Truckee*

**Board of Directors**

*Gary R. Batta  
Victor R. Hernandez  
Gerald W. Herrick  
Erin E. Prada  
Paul D. Wilford*

**Fire Chief**  
*William G. Seline*

**Division Chiefs**  
*Craig A. Harvey  
Rod A. Brock*

August 21, 2018

*Reviewed  
9/4/18  
TMA*

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Required Responses to the 2017-2018 Nevada County Grand Jury Report

Dear Honorable Thomas Anderson,

The Truckee Fire Protection District Board of Directors and Administration has reviewed the 2017-2018 Nevada County Grand Jury report and has prepared the following required responses.

**FINDINGS:**

F1. Nearly every Nevada County agency has a Net Pension Liability.

**Agree**

F2. Many Nevada County agencies, especially schools, lack a sufficient Net Position to successfully comply with the requirement to reduce their Net Pension Liability.

**Agree.**

F3. Some Nevada County agencies, especially schools have a negative Net Position.

**Agree.** However, TFPD does not have a negative Net Position.

F4. Transparency demands that financial statements provided by the office of the Superintendent of Schools identify each charter schools Net Pension Liability.

**Agree.**

F5. The strain on Nevada County agency budgets is likely to require cutbacks in services to balance pension contribution increases.

**Disagree partially.** While we agree that many Nevada County agencies are in the difficult position of having to consider cutbacks in services, TFPD anticipates that we will be able to maintain current levels of services. However, further increases in pension contributions, may preclude TFPD from increasing our services.

F6. Many agencies may spend down their reserves to avoid cutbacks in services.

**Agree.**

F7. New sources of revenue may be requested by many agencies to avoid cutbacks in services or reduction of reserves.

**Agree.**

F8. The public bears most of the risk if CalPERS and CalSTRS investments continue to underperform.

**Agree.**

F9. Higgins Fire Protection District is out of compliance with Government Code 26909 by not filing an audited financial statement for 2015-2016.

**Agree.** However, we would like to note that we have no independent knowledge of this fact and are relying entirely on the Grand Jury's report as to this finding.

F10. Nevada City School of the Arts' financial statements should reflect their Net Pension Liability.

**Agree.** However, we would like to note that we have no independent knowledge of the laws applicable to Nevada City School of the Arts and are relying entirely on the Grand Jury's report as to this finding.

**RECOMMENDATIONS:**

**R2.** Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**The recommendation has been implemented.** In 2013, "Classic" tier employees of TFPD began paying the full 9% normal member contribution when TFPD ended the employer paid member contribution (EPMC) benefit. Further, during the next employee negotiations in 2019, TFPD intends to explore the option of having employees pay for a share of the employer contributions to CalPERS pursuant to the cost-sharing provisions of Section 20516 of the California Government Code.

**R3.** For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

**The recommendation has been implemented.** The TFPD audited financial statements for the FYE 17, 16 and 15, along with a summary of pension data, can be found on the financial page of the TFPD website at <https://www.truckee-fire.org/district-finances>. The FYE 18 audited financial statement will be uploaded to this site upon its completion.

**R4** Public Agencies should consider implementing the suggestions from the League of California Cities.

1. Develop and implement a plan to pay down the City's Unfunded Actuarial Liability (UAL):

**The recommendation has not yet been implemented, but will be implemented in the future.** While the League of California Cities Study was limited to pension liabilities, it is important to consider that UAL for many public agencies, including TFPD, include OPEB liabilities – retiree health benefits. TFPD began funding its OPEB UAL in 2008 and is now 41% funded. TFPD's present goal is to first pay down its OPEB liability which is less funded than its pension liability which is currently 76% funded. Once the OPEB liability is at a sustainable level, TFPD will focus on improving its pension UAL above and beyond the annual UAL payments required by CalPERS.

2. Consider local ballot measures to enhance revenues:

**The recommendation has been implemented.** In 2008, the District implemented a \$50 per residential property Benefit Assessment to support specific additional personnel and services. In 2017, the District surveyed the Martis Valley portion of the District for the possible implementation of a special tax. Only 44% of the voters were supportive of the possible tax so the District has not continued this initiative.

3. Create a Pension Stabilization Program (PRSP):

**The recommendation will not be implemented because it is not warranted.** The TFPD has made a determination to focus on paying down its OPEB UAL. Any excess funds will be used to make additional payments directly to CalPERS to pay down the TFPD pension UAL. TFPD does not see any present value in creating a pension stabilization program.

4. Change service delivery methods and levels of certain public service:

**This recommendation will not be implemented because it is not warranted.** After the 2008 Great Recession the District experienced a 20% decrease in revenue from property taxes. This forced the District to reduce staffing levels and other ancillary services like defensible space chipping. Staffing levels have returned to 2008 levels, however, other discretionary services/expenses have not been reinstated. Future CalPERS contribution increases will most likely result in a limitation on expanding current services.

5. Use procedures and transparent bargaining to increase employee pension contributions:

**This recommendation has been partially implemented.** In 2013, "Classic" tier employees of TFPD began paying the full 9% normal member contribution when TFPD ended the EPMC benefit. Further, during the next employee negotiations in 2019, TFPD intends to explore the option of having employees pay for a share of the employer contributions to CalPERS pursuant to the cost-sharing provisions of Section 20516 of the California Government Code.

6. Issue a pension obligation bond (POB)

**This recommendation will not be implemented because it is not reasonable.** Based on the recommendation of the Government Finance Officers Association (GFOA), we are not considering this course of action at this time given the volatility of the market and the complexity of POBs.

Sincerely,



Paul D. Wilford  
Chairman  
Truckee Fire Protection District Board of Directors



## TAHOE-TRUCKEE SANITATION AGENCY

A Public Agency  
13720 Butterfield Drive  
TRUCKEE, CALIFORNIA 96161  
(530) 587-2525 • FAX (530) 587-5840

### Directors

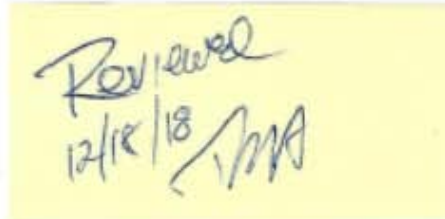
*S. Lane Lewis: President*  
*Dale Cox: Vice President*  
*Jon Northrop*  
*Dan Wilkins*  
*Blake Tresan*

### General Manager

*LaRue Griffin*

December 13, 2018

The Honorable Thomas M. Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959



**Re: Response to "Will the Public Suffer Because of Unfunded Pension Liabilities."**

The Tahoe-Truckee Sanitation Agency has received your request for a response to items R2 and R4 as indicated in your letter dated 13 November 2018. Please accept the following responses from our Board of Directors to the Nevada County Grand Jury accordingly.

1. **Recommendation R2:** Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**Recommendation R2 Response:** *The recommendation has not yet been implemented, however, the Agency intends to explore the recommendation during its upcoming employee negotiations within the upcoming months.*

2. **Recommendation R4:** Public agencies should consider implementing the suggestions from the League of California Cities.

**Recommendation R4 Response:** *The recommendation has not yet been implemented, however, the Agency intends to develop and implement a plan to reduce its NPL within the 2019 calendar year.*

Should you have any further questions please contact our office and we will be glad to assist you.

Regards,

LaRue Griffin,  
General Manager



**TRUCKEE TAHOE AIRPORT DISTRICT**  
10356 Truckee Airport Rd.  
Truckee, CA 96161  
(530) 587-4119 tel  
(530) 587-2984 fax  
[WWW.TRUCKEETAHOEAIRPORT.COM](http://WWW.TRUCKEETAHOEAIRPORT.COM)

**DIRECTORS**  
LISA WALLACE  
TERESA O'DETTE  
JOHN JONES  
JAMES W. MORRISON  
RICK STEPHENS

August 28, 2018

TMA

Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Re: Response to June 11, 2018 Grand Jury Report (Unfunded Pension Liabilities)

Dear Judge Anderson:

Pursuant to the 2017 -18 Grand Jury Report regarding unfunded liabilities, this District was requested to respond to recommendations R2 and R4. Our responses are below:

**R2 Public Agencies and Public Employee Unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.**

The employees of the Truckee Tahoe Airport District are not unionized nor do they have an association or bargaining unit. All pay scales have been adopted by the Board of Directors which includes an identification of the amount of contributions by the District and the employees. There are three levels of contributions;

- "Classic" employees, whose contributions are 12.212 percent by the District and 8 percent the employee;
- One employee was hired in 2013 and is a "mid-level" employee wherein the District contributes 7.634 percent and the employee contributes 7 percent;
- Effective January 1, 2013, the District adopted the California Public Employee's Pension Reform Act "PEPRA" and pursuant to that all employees hired after its adoption are subject to that Act wherein the District contributes 6.842 percent and the employee contributes 6.25 percent.

It should also be noted that the District is paying down its unfunded liability per an agreement with Cal PERS in addition to making the required contributions for current payroll. The unfunded liability has always been noted on the District's Balance Sheet and the District has recognized and addressed the unfunded liability for years.

**R4 Public Agencies should consider implementing the suggestions from the League of California Cities.**

connected, by more than a runway  
[WWW.TRUCKEETAHOEAIRPORT.COM](http://WWW.TRUCKEETAHOEAIRPORT.COM)



Suggestion 7: As noted above, the District has a plan which it is implementing pursuant to its agreement with Cal PERS.

Suggestion 8: The District does not intend to submit a ballot measure to enhance revenues as our revenues are sufficient to meet all financial commitments.

Suggestion 9: The District has discussed and is considering creating a pension rate stabilization program.

Suggestion 10: The District did not need to reduce or eliminate its services during the Great Recession.

Suggestion 11: As noted above, the District does not have an employee organization and therefore has not considered entering into such an agreement although we have adopted the PEPRA protocols.

Suggestion 12: The District has not and is not considering issuing a pension bond obligation.

As you can see, it is the District's belief that we have adequately addressed the unfunded liabilities and should encounter no difficulties in carrying through with our agreement with Cal PERS on this issue.

Yours truly,



KEVIN SMITH, A.A.E.  
General Manager



SCOTT W. LAY, SUPERINTENDENT

380 CHURCH POINT CIRCLE  
GRASS VALLEY, CA 95945  
530-478-6400 • FAX 530-478-6410

July 9, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?". I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

Both school employers and school employees have been concerned about this issue and we're glad the state of California made attempts to solve it starting in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. Most schools in Nevada County are still facing declining enrollment which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the Nevada County Superintendent of Schools Office response in regard to Recommendations is as follows:

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to Local Educational Agencies (LEA) in Nevada County and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the LEA, Union or employee levels would not impact the unfunded liability as this liability is legally that of the pension systems. The LEA and employee offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long term liabilities.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this as a great tool to provide transparent information to the public and will post links to three years of audited financial statements on the Nevada County Superintendent of Schools (NCSoS) website immediately. Summarized pension data is included with the audited financial statements.

**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to the LEA's in Nevada County. LEA's are however, planning for many years of increased contributions to CalPERS and CalSTRS. Each agency, including the NCSoS will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.


**Recommendation 6**

*Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.*

Because the charters schools that report under the NCSoS financials are considered to be part of the organization for audit purposes, the cost to split out each LEA's portion of the unfunded liability may not be practical. The Net Pension Liability that is reported under the NCSoS annual audit does include each charter schools portion. We will explore the possibility of projecting and reporting each agencies portion of the liability separately with our external auditor.

Once again, I would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our local schools. My office, alongside the professional organizations we belong to, will continue to voice our concern and lobby our elected officials to pay down this unfunded liability at the state level where it originated. The Governor and the Legislature need to look at the budget surplus as one potential source to help pay off the debt.

Sincerely,

  
Scott W. Lay  
Nevada County Superintendent of Schools



# Grass Valley School District

10840 Gilmore Way  
Grass Valley, CA 95945  
(930) 273-4483  
FAX (930) 273-0248

**Eric Fredrickson**  
Superintendent

SENT VIA CERTIFIED MAIL: 7014 3490 0000 2199 1013

October 19, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Response to Report Required

Dear Honorable Thomas Anderson:

The following is a copy of the required response to the 2017-18 Nevada County Grand Jury report entitled, "*Will the Public Suffer Because of Unfunded Pension Liabilities?*" This response was mailed to the above address on August 20 2018.

Sincerely,

  
Donna M. Hardy  
Administrative Assistant

RECEIVED  
OCT 26 2018  
10/26/18  
MA

Bell Hill Academy  
(930) 273-2281

Scotten School  
(930) 273-6472

Lyman Gilmore Middle School  
(930) 273-8479

Grass Valley Charter School  
(930) 273-8723

Child Development  
(930) 273-9528



## NEVADA COUNTY GRAND JURY

Eric Rood Administration Center

950 Maidu Avenue

Nevada City, California 95959

Telephone: 530-265-1730

Email: [grandjury@nccourt.net](mailto:grandjury@nccourt.net)

14 October 2018

Eric Fredrickson, Superintendent  
Grass Valley School District  
10840 Gilmore Way  
Grass Valley, California 95945

### Response to Report Required:

Enclosed is a copy of a report prepared by the 2017-2018 Nevada County Grand Jury entitled *Will the Public Suffer Because of Unfunded Pension Liabilities*. You were asked to respond to this report on 6 June 2018 with your responses due by 9 September. Your responses have not been received.

California Penal Code §933 requires a response to a Grand Jury report "no later than 90 days" from "the governing body of the public agency." Please be advised that your responses are now past due. Please submit your responses on or before 15 November 2018.

The report was published 11 June 2018 and posted on the Grand Jury's Website:  
<http://nccourt.net/divisions/gj-reports.shtml>.

The California Penal Code also requires that responses to Grand Jury reports be addressed to:

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, California 95959

To assist you in writing your response, we are enclosing a copy of Section 933.05 (a) of the Penal Code and an example of the correct format for responding.

The Grand Jury appreciates your cooperation.

Gordon Mangel  
Foreperson, 2018-2019 Nevada County Grand Jury



*Mailed 8/20/18*

10840 Gilmore Way  
Grass Valley, CA 95945  
930 273-4483  
FAX 930 273-0248

# Grass Valley School District

**Eric Fredrickson**  
Superintendent

August 14, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?" I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

Both school employers and school employees have been concerned about this issue and we're glad the state of California made attempts to solve it starting in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. The Grass Valley School District is still facing years of declining enrollment, which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the Grass Valley School District's response in regard to Recommendations is as follows:

## RECOMMENDATIONS:

### **Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to the Grass Valley School District, and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the LEA, Union or employee levels would not impact the unfunded liability, as this liability is legally that of the pension systems. The employer and

Bell Hill Academy  
(930) 273-2288

Scotten School  
(930) 273-6472

Lyman Gilmore Middle School  
(930) 273-8479

Grass Valley Charter School  
(930) 273-8723

Child Development  
(930) 273-9528

employee offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long-term liabilities.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this as a great tool to provide transparent information to the public. The Grass Valley School District has and shall continue to post links to at least three years of audited financial statements on the Grass Valley School District's website. Summarized pension data is included with the audited financial statements. This information can be accessed on our district website at: <http://www.gvsd.us/Community/Transparency/Budget/index.html>

**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to the the Grass Valley School District. We are however, planning for many years of increased contributions to CalPERS and CalSTRS. The Grass Valley School District will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.

Once again, I would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our local schools. My office, alongside the professional organizations we belong to, will continue to voice our concern and lobby our elected officials to pay down this unfunded liability at the state level where it originated. The Governor and the Legislature need to look at the budget surplus as one potential source to help pay off the debt.

Sincerely,



Eric Fredrickson  
Superintendent



CHICAGO PARK SCHOOL DISTRICT  
15725 Mt. Olive Road, Grass Valley, CA 95945  
(530) 346-2153 Fax (530) 346-8559  
Dan Zeisler, Superintendent

Katie Kohler, Principal

July 16, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Reviewed  
9/4/18  
TMA

Dear Honorable Thomas Anderson:

Schools across the state have taken on the burden of a multi-billion dollar shortfall in CalSTRS and CalPERS. As a result, school districts are enduring significant increases in employee benefit contributions that far exceed cost of living adjustments allocated by the state. This is jeopardizing the quality of education (extra-curricular studies, small class sizes, etc.). With declining enrollment and teacher demands for salary increases to offset their personal increased personal retirement contributions, we have some very challenging years ahead of us. Throw in the inevitable recession, and it will be very difficult to sustain a budget that is not qualified by the county.

Here is the requested response from the Chicago Park School District regarding "Unfunded Pension Liabilities:"

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to the Chicago Park School District. CalPERS and CalSTRS are the responsible entities regarding public employee pensions. If we did choose to reserve any funds (if they were available), it could not impact any unfunded liability as this liability is legally that of CalSTRS and CalPERS.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*



We agree with this, and will post links to three years of audited financial statements which include summarized pension data, on the Chicago Park School District website as soon as our IT returns from summer break in early August. In addition, it was duly noted that in Appendix B of your report – *FINANCIAL DATA TRANSPARENCY*, Chicago Park School District was rated at “Not Easily” in reference to ease of transparency on our website. We have looked at other school websites that were listed as “Transparent,” and made necessary changes on our home page to be included in that category.

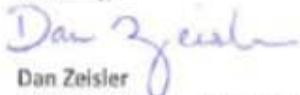
**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

This report is not applicable to the Chicago Park School District. We are however, budgeting for many years of increased contributions to CalPERS and CalSTRS. In order to maintain a 17% reserve, we will decrease other areas of spending to incorporate these additional costs into the budget.

In conclusion, I would like to thank the Grand Jury for looking into this issue that has created great budgetary hardship for our local schools, which will seemingly get worse in future years. I can only hope that the legislature can acknowledge that there needs to be another way to fund our pension system than taking from already threadbare school allocations.

Sincerely,



Dan Zeisler  
Superintendent – Chicago Park School District

July 24, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Reviewed  
8/28/2018  
TMA

Dear Honorable Thomas Anderson:

Schools across the state have taken on the burden of a multi-billion dollar shortfall in CalSTRS and CalPERS. As a result, school districts are enduring significant increases in employee benefit contributions that far exceed cost of living adjustments allocated by the state. This is jeopardizing the quality of education (extra-curricular studies, small class sizes, etc.). With declining enrollment and teacher demands for salary increases to offset their personal increased personal retirement contributions, we have some very challenging years ahead of us. Throw in the inevitable recession, and it will be very difficult to sustain a budget that is not qualified by the county.

Here is the requested response from the Clear Creek Elementary School District regarding "Unfunded Pension Liabilities:"

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to the Clear Creek Elementary School District. CalPERS and CalSTRS are the responsible entities regarding public employee pensions. If we did choose to reserve any funds (if they were available), it could not impact any unfunded liability as this liability is legally that of CalSTRS and CalPERS.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this, and will post links to three years of audited financial statements which include summarized pension data, on the Clear Creek Elementary School District website as soon as our IT returns from summer break in early August.

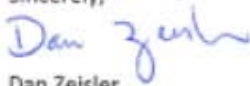
**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

This report is not applicable to the Clear Creek School District. We are however, budgeting for many years of increased contributions to CalPERS and CalSTRS. In order to maintain a 22% reserve, we will decrease other areas of spending to incorporate these additional costs into the budget.

In conclusion, I would like to thank the Grand Jury for looking into this issue that has created great budgetary hardship for our local schools, which will seemingly get worse in future years. I can only hope that the legislature can acknowledge that there needs to be another way to fund our pension system than taking from already there school allocations.

Sincerely,



Dan Zeisler

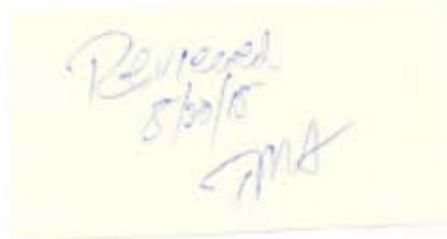
Superintendent – Clear Creek Elementary School District



John Muir Charter Schools  
117 New Mohawk Drive, Suite F  
Nevada City, CA 95959  
Phone: 530.272.4008  
Fax: 530.272.4009  
Web: [www.johnmuircs.com](http://www.johnmuircs.com)

August 6, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959



Dear Honorable Thomas Anderson:

The following is John Muir Charter Schools' (JMCS) required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension liabilities?". I am grateful to the Grand Jury for looking into a matter that John Muir Charter Schools has been concerned about in recent years.

The John Muir Charter Schools governing board, administration, and staff have been concerned about this issue and we are glad the state of California made attempts to solve the pension liability issue beginning in 2014. This attempt at resolution, however, has put a tremendous financial burden on JMCS as an employer and on JMCS employees. In most cases, the increase in the JMCS employer contribution to pay down this state debt far exceeds the increases in revenue that are proposed by the state. There are no new funding streams directed towards JMCS or public schools in general to offset these increasing contributions, and it is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget.

Simply put, there is no money to set aside to solve California's unfunded pension liabilities. JMCS enrollment and average daily attendance revenues are cyclical, and JMCS has been in declining enrollment for three years meaning reduced revenues each year. Any money set aside to offset additional pension liabilities would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, John Muir Charter Schools response in regard to Recommendations is as follows:



John Muir Charter Schools  
117 New Mohawk Drive, Suite F  
Nevada City, CA 95959  
Phone: 530.272.4008  
Fax: 530.272.4009  
Web: [www.johnmuirs.com](http://www.johnmuirs.com)

---

## **Recommendations:**

### **Recommendation 2:**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce nonfunded liabilities.*

This recommendation is not applicable to John Muir Charter Schools (JMCS is its own Local Educational Agency) and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved by JMCS as an employer or by JMCS employees would not impact the unfunded liability, as this liability is legally that of the pension systems. JMCS employer and employee contributions offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long-term liabilities.

### **Recommendation 3:**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

JMCS agrees this is an appropriate practice to provide transparent information to the public, and accordingly, we will post links to the most three years of governing board approved audited financial statements on the JMCS website. Summarized pension data is included with the audited financial statements.

### **Recommendation 4:**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to John Muir Charter Schools. Through our multi-year budget projection process, JMCS is planning for increased STRS contributions (to 19.1%) through the fiscal year 2020-21, and PERS contributions (to 25.7%) through the fiscal year 2024-25. In the absence of future revenue increases to offset these increased pension contributions, JMCS will decrease other areas of spending to incorporate these additional costs into our annual operating budgets.



John Muir Charter Schools  
117 New Mohawk Drive, Suite F  
Nevada City, CA 95959  
Phone: 530.272.4008  
Fax: 530.272.4009  
Web: [www.johnmuircs.com](http://www.johnmuircs.com)

---

Once again, on behalf of the JMCS governing board, administration and staff I would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our programs. JMCS will continue to voice our concern and work with our elected officials to pay down this unfunded liability at the state level where it originated, but we will also plan accordingly to offset these contribution increases through the multi-year budgeting process.

Sincerely Submitted,

A handwritten signature in blue ink, appearing to read "R.J. Guess", is written over a horizontal line.

R.J. Guess  
Chief Executive Officer  
John Muir Charter Schools

CC: John Muir Charter Schools Governing Board  
Scott Lay, Nevada County Superintendent of Schools



Reviewed  
9/4/18  
TMA

August 28, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson,

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?". I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

Both school employers and school employees have been concerned about this issue and we're glad the state of California made attempts to solve it starting in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. Most schools in Nevada County are still facing declining enrollment which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the Nevada City School District response in regard to Recommendations is as follows:

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to Local Educational Agencies (LEA) in Nevada County and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the LEA, Union or employee levels would not impact the unfunded liability as this liability is legally that of the pension systems. The LEA and employee offset this

800 Howe Lane, Nevada City, California 95959 • Phone: 530.263.1820 • Fax: 530.263.1822

unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long term liabilities.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this as a great tool to provide transparent information to the public. Along with the two years of audited financial statements that were already posted we have added three more years. Summarized pension data is included with the audited financial statements.

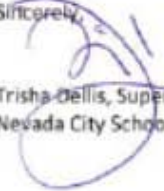
**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to the LEA's in Nevada County. LEA's are however, planning for many years of increased contributions to CalPERS and CalSTRS. Each agency, including the NCSoS will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.

Once again, I would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our local schools. My office, alongside the professional organizations we belong to, will continue to voice our concern and lobby our elected officials to pay down this unfunded liability at the state level where it originated. The Governor and the Legislature need to look at the budget surplus as one potential source to help pay off the debt.

Sincerely,

  
Trisha Dellis, Superintendent  
Nevada City School District





Reviewed  
9/11/18  
TMA

September 9, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

RE: Grand Jury Report: "Will the Public Suffer Because of Unfunded Pension Liabilities?"

To the Honorable Thomas Anderson:

The Nevada County Grand Jury has requested that the Nevada City School of the Arts respond to recommendations 2, 3, 4, and 7 of the report, "Will the Public Suffer Because of Unfunded Pension Liabilities?" We appreciate the opportunity to comment on relevant portions of the report pursuant to Penal Code section 933.05(b).

**RECOMMENDATIONS:**

2. Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**The recommendation requires further analysis.**

**Nevada City School of the Arts properly audits its financial statements as a non-profit organization and not as a governmental agency. Because Governmental Accounting Standards Board (GASB) rules do not apply to the School and because non-funded pension liabilities are not relevant to a non-profit audit report, the School is not aware of the amount, if any, of a net pension liability. Although not legally required, to cooperate with the Grand Jury the School's next audit report will include an added disclosure footnote that will contain the calculated amount of any net pension liability. The amount of any such liability will determine whether the School will agree to explore how to reduce it.**

3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

**The recommendation will not be implemented at the present time but will be implemented in the future.**

**Nevada City School of the Arts will provide links to three years of audited financial statements on its public website by September 30, 2018. However, the School will not have summary pension data available, as mentioned above, until 2019.**

4. Public agencies should consider implementing the suggestions from the League of California Cities.

**The recommendation requires further analysis.**

**As mentioned above, because Nevada City School of the Arts audits its financial statements as a non-profit organization, the School has not determined a possible net pension liability. In the School's next audit report, there will be an added disclosure footnote that will include the calculated amount of any net pension liability. The amount of any such liability will determine whether the School will consider implementing the suggestions from the League of California Cities.**

7. Nevada City School of the Arts should report its Net Pension Liability in its financial statements.

**The recommendation will not be implemented at the present time but will be implemented in the future.**

**As mentioned above, because Nevada City School of the Arts audits its financial statements as a non-profit organization, the School has not determined a possible net pension liability. In the School's next audit report, there will be an added disclosure footnote that will include the calculated amount of any net pension liability.**

Sincerely,



---

Jeff Corbett, Board Chairman

Nevada City School of the Arts



*Reviewed  
8/20/18  
TMA*

[Bass River High School](#)
[Cassidy Berg College Prep School](#)
[Dixie Union High School](#)
[North Park Academy](#)
[NCCSIS](#)
[North Springs High School](#)

July 30, 2018

The Honorable Thomas Anderson  
 Supervising Judge of the Grand Jury  
 County of Nevada  
 201 Church Street  
 Nevada City, CA 95959

RE: **Response to Grand Jury Report: "Will the Public Suffer Because of Unfunded Pension Liabilities?" Recommendations #2, 3, and 4.**

Dear Honorable Judge Anderson:

The following is the Nevada Joint Union High School District's statutorily required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?" The district appreciates the opportunity to provide information and perspective on an issue of significant concern to this and all other local education agencies (LEAs) in Nevada County.

**Background**

In 2013, the state legislature and governor enacted the Public Employees Retirement Pension Reform Act. Under the law, employer and employee contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) were significantly increased pursuant to a multi-year graduated formula. The largest proportion of these contribution increases fell to employer agencies. Although state funding for public education has increased significantly since 2013, the state was restoring funding that was essentially lost to LEAs due to state budget reductions during the Great Recession. This additional "unfunded mandate" was placed on LEAs with no corresponding increase in funding. The table below displays the district's estimated cost increases for state required PERS and STRS contributions on behalf of district employees.

**Estimated Cost Increases to NJUHSD  
 PERS and STRS Required Employer Contribution  
 As of July 1, 2018**

CAL PERS			
2017-18	2018-19	2019-20	2020-21
\$ 875,205.21	\$ 1,075,658.60	\$ 1,237,827.03	\$ 1,399,343.94
CAL STRS			
2017-18	2018-19	2019-20	2020-21
\$ 2,948,577.90	\$ 3,246,308.70	\$ 3,505,382.39	\$ 3,640,736.45

11645 Ridge Road • Grass Valley, CA 95945  
 ph 530.273.3351 • fax 530.273.3372 • web njuhsd.com



[East View High School](#) | [Gardner King College High School](#) | [Hessmer Valley High School](#) | [North Road Secondary](#) | [SST Joint](#) | [Tahoe Valley High School](#)

As shown in the table above, the district's legally required contributions are increasing significantly over the next several years. This new and increasing funding requirement must be subsumed within the district's overall budget. As a result, less funds are available for other educational, staffing, and programmatic priorities. This cost increase, along with other growing fixed obligations, are now outpacing the district's projected revenue increases. District revenues, like all other LEAs in the state, are largely pre-determined via the state's Local Control Funding Formula. As a result, LEAs have less control over their fiscal conditions than that of other local government agencies.

The district's long term fiscal challenges are further complicated by continued declining enrollment. Because the state's public education system is largely funded by average daily attendance, drops in enrollment equate to corresponding declines in revenues. The district projects, and has budgeted for, continued declines in enrollment in its board adopted three-year fiscal projection. Due to overall budget challenges, any funds set aside to address state required PERS and STRS contribution increases would likely have to come from other educational programs and/or services. This would undoubtedly negatively impact instructional and student services throughout the district.

#### **Report Recommendations**

As required by law, the district's response in regards to the report's Recommendation #2, 3 and 4 is as follows:

##### Recommendation 2:

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation cannot be implemented and is not applicable to LEAs. Under state law, PERS and STRS are the responsible governmental agencies that oversee and set public employee pension contributions for all LEAs in the state. The district has no legal authority to set and/or adjust employee contribution rates to either pension system. Jurisdiction and authority to address this recommendation lies with the state and the governing boards of both pension systems.

##### Recommendation 3:

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

The district will explore the feasibility of implementing this recommendation. The district's employee pension obligations are reported in the district's adopted budget and its state required annual independent fiscal audit. Both documents are loaded to the district's website annually. In addition, all LEAs in the county operate on the same financial management system. The system is administered and overseen by the Nevada County Superintendent of Schools (NCSOS) office. The district will work with NCSOS to see how this recommendation can be implemented universally for all LEAs in the county.

##### Recommendation 4:

*Public agencies should considering implementing the suggestions from the League of California Cities.*

This recommendation cannot be implemented and is not applicable to LEAs. Funding for public education in the state is governed and administered under separate state statutes and regulations unique to LEAs in the state. The district is, however, projecting additional years of contribution increases to both pension systems. These increases will create further fiscal and



[New River High School](#) | [William Ledy College High School](#) | [Green Valley High School](#) | [North Park High School](#) | [Red Rock](#) | [West Valley High School](#)

policy challenges to the district in the near future. The district will likely be forced to curtail and/or decrease funding in other important areas to meet the state's contribution requirements. The district does not anticipate increases in state appropriated revenues to address these growing cost obligations.

On behalf of the district's Board of Trustees, thank you for the Grand Jury's interest and examination of this important issue. Rising pension contributions to PERS and STRS pose significant challenges to the district's long term fiscal health, as well as that of all other LEAs in Nevada County. We urge the Grand Jury to join us in advocating to state officials that appropriate funding be provided to LEAs statewide to meet this statutorily required obligation. Thank you for the opportunity to respond. Please contact me if the district can be of further assistance on this matter.

Sincerely,

Brett W. McFadden  
Superintendent

cc: Board of Trustees, NJUHSD  
The Honorable Scott W. Lay, NCSOS  
Superintendents, Nevada County school districts

**PENN VALLEY UNION ELEMENTARY SCHOOL DISTRICT**

14806 Pleasant Valley Rd., Penn Valley, CA 95946-9722  
Phone (530) 432-7311 Fax (530) 432-7314  
www.pvuesd.org



To:

July 19, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

*Revised  
8/20/18  
TMA*

RECEIVED  
AUG - 6 2018  
BY: .....

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?". I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

The Penn Valley Union Elementary School District (PVUESD) administration and Board of Trustees have been concerned about this issue since increases to contributions began in 2014. It is projected that school districts will be required to contribute an additional 2% each year as mandated by CalPERS and by Legislation for CalSTRS until the problem has been resolved. This increase by the State has put a tremendous financial burden on school districts as there are no new funding streams directed toward schools to help support the pension liability issues. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. Most schools in Nevada County are still facing declining enrollment which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the PVUESD response in regard to Recommendations 2, 3 and 4 are as follows:

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to PVUESD and will not be implemented because CalPERS and the Legislation, who controls CalSTRS, are the responsible entities regarding public employee pensions. Any funds reserved by PVUESD or its employees would not impact the unfunded liability as this liability is solely the responsibility of the pension system - CalPERS and Legislation (CalSTRS). The PVUESD and its employees offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS Board and our Legislation (CalSTRS) in their efforts to fund the long-term liabilities.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this recommendation as we always wish to be transparent to the public. We will post links to three years of audited financial statements on the PVUESD website immediately. Summarized pension data is included with the audited financial statements. Our website address has changed to [www.pvuesd.org](http://www.pvuesd.org) as of July 1, 2018.

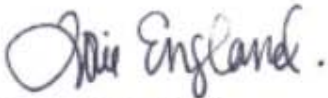
**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to the PVUESD. However, PVUESD has been planning for many years of increased contributions to CalPERS and CalSTRS based on legal requirements set forth by the CalPERS Board and our Legislation. PVUESD will continue to decrease other areas of spending to incorporate these additional costs into the budget as there is no new revenue anticipated to fund these mandated increased costs.

Once again, I would like to thank the Grand Jury for looking into the unfunded pension liability that creates a huge challenge for school districts. Our administration and Board of Trustees will continue to work with various professional organizations to have our voice heard regarding the concerns and challenges the pension liabilities has on educating children. The Governor and Legislature need to look at the budget surplus as one potential source to help pay the debt they unfortunately did not plan for many years ago.

Sincerely,



Torie F. England, Ed.D.  
Superintendent



September 5, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Reviewer 9/14/18  
TMA

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?". I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

Both school employers and school employees have been concerned about this issue and we're glad the state of California made attempts to solve it starting in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. Most schools in Nevada County are still facing declining enrollment which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the Nevada County Superintendent of Schools Office response in regard to Recommendations is as follows:

**RECOMMENDATIONS:**

**Recommendation 2**

*Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

This recommendation is not applicable to Pleasant Ridge Union School District and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the LEA, Union or employee levels would not impact the unfunded liability as this liability is legally that of the pension systems. The LEA and employee offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long term liabilities.



*The Pleasant Ridge Union School District provides a safe and engaging environment where students develop academic, social and life skills to become productive, responsible citizens in a constantly changing global society.*





**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this as a great tool to provide transparent information to the public and will post links to three years of audited financial statements on the Pleasant Ridge Union School District website immediately. Summarized pension data is included with the audited financial statements.

**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

As mentioned in the response to Recommendation #R2 above, this report is not applicable to the LEA's in Nevada County. LEA's are however, planning for many years of increased contributions to CalPERS and CalSTRS. Each agency, including Pleasant Ridge Union School District, will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.

Once again, we would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our local schools.

Sincerely,

  
Rusty S. Clark  
Superintendent



## **Twin Ridges Elementary School District**

*James Berardi, Superintendent/Principal*

16661 Old Mill Road  
Nevada City, CA 95959

(530) 265-9052  
FAX (530) 265-3049

December 3, 2018

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

Dear Judge Anderson,

This letter serves as my response to the 2017-2018 Grand Jury Report on **Will the Public Suffer Because of Unfunded Pension Liabilities**.

### Recommendations:

*2: Public Agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded liabilities.*

The recommendation will not be implemented at this time.

The Twin Ridges Elementary School District views this recommendation as not applicable to Local Educational Agencies (LEA) because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Our general fund and other reserves would not impact the unfunded liability as it does not belong to us. The district and our employees offset this unfunded liability indirectly through the increased contributions.

*3: For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

The recommendation will be implemented.

Twin Ridges agrees with this and it will be implemented as soon as our new webpage is up and running. Transparency and access should be the goal of all public institutions.

*4: Public agencies should consider implementing the suggestions from the League of California Cities.*

The recommendation will not be implemented at this time.

These suggestions are not applicable to the Twin Ridges Elementary School District. (Please see #2 above) However, we are planning for on-going increased contributions to CalPERS and CalSTRS and this cost are budgeted into our annual budget and have a direct impact on employee negotiations and other services we provide.

Yours in Education,

James Berardi



David Curry, Superintendent

*A Tradition of Excellence Since 1868*

July 25, 2018  
The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

A handwritten note on a yellow sticky note that reads "Reviewed TMA 8/24/2018". The signature "TMA" is written in blue ink, and the date "8/24/2018" is written in black ink.

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-2018 Nevada County Grand Jury report entitled, "Will the public Suffer Because of Unfunded Pension Liabilities". The report was received by Union Hill School District on June 8, 2018. We thank you for looking into something that has been a challenge to UHSD and other districts for some time now.

We are grateful to the Grand Jury for the review of unfunded pension liabilities. The Union Hill School District views employee pensions as important in the recruitment and retention of school employees. Retirement contributions have increased over the years and recently surpassed 10% of our budget. We were pleased the state of California attempted to solve it beginning in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. We appreciate your statement, "There is no absolute means to prevent a crisis from happening within our County" but seek to plan, prevent, and mitigate all that we can to reduce risk, threats, and disasters.

As required by Penal Code Section 933.05, the following is Union Hill School District's response in regard to Recommendations:

**RECOMMENDATIONS:**

2. Public agencies and public employee unions should explore how increasing employee pension contributions can reduce non-funded pension liabilities.

**This recommendation is not applicable to Union Hill School District and will not be implemented in the future.**

**This recommendation is not applicable to Union Hill School District and will not be implemented in the future because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the District, Union or employee levels would not impact the unfunded liability as**

10879 Bartlett Drive Grass Valley, CA 95945 Ph. 530.273.0647 Fax 530.273.5626 www.uhsd.k12.ca.us



David Curry, Superintendent

*A Tradition of Excellence Since 1868*

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**this liability is legally that of the pension systems. The District and employee offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long-term liabilities.**

3. For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.

**The recommendation has not yet been implemented, but will be implemented as soon as possible.**

**We agree this would be a great tool to provide transparent information to the public and will post links to three years of audited financial statements on the Union Hill School District website as soon as possible. Summarized pension data is included with the audited financial statements.**

4. Public agencies should consider implementing the suggestions from the League of California Cities.

**The recommendation has not yet been implemented, and will not likely be implemented in the future.**

**As mentioned in the response to Recommendation #2 above, this report is not applicable to the Union Hill School District. We are however, planning for many years of increased contributions to CalPERS and CalSTRS. Union Hill School District will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.**

Thank you for your countywide safety assessment of our local schools. We continue to make changes based on "lessons learned" to assure the safety and security of our staff and students in Union Hill School District.

Sincerely,

A handwritten signature in blue ink that reads "David B. Curry".

David B. Curry  
Superintendent



## Bitney Prep High School



Gordon Mangel  
950 Maidu Ave.  
Nevada City, CA 95959

January 15, 2019

Dear Mr. Mangel:

In response to the 2017-18 Nevada County Grand Jury report titled *Will the Public Suffer Because of Unfunded Pension Liabilities?* I am responding to items R3, R4 and R6.

First, I want to apologize for the delay in responding. We had a new Director come on-board this year and in the transition into here position this item was overlooked.

Here is our response for the required items:

**R3 For the purposes of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.**

Bitney Prep High School has contracted with a professional to add a financial page to its public website and include a link to the Audits for the last three years which are currently posted on the Nevada County Superintendent of Schools website.

**R4 Public agencies should consider implementing the suggestions from the League of California Cities.**

Bitney Prep High School will follow the guidance and instruction of the Nevada County Superintendent of Schools in meeting the suggestions from the League of California Cities.

**R6 Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.**

We were not able to separate out the NPL for each agency. In our response to the report we indicated that this may not be an option due to the excessive amount of time and cost involved in having this calculation performed.

Once again I apologize for the delay in this response and hope that our responses meet the need of the Grand Jury.

Sincerely,

Kristin Mayville

Bitney Prep High School Director



**Forest Charter School**  
*A Personalized Learning Public Charter School*  
*Accredited by the Western Association of Schools and Colleges*  
530-265-4823

August 16, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

TMA

Dear Honorable Thomas Anderson:

I appreciate the efforts of the Grand Jury for researching and creating the report titled, "*Will the Public Suffer Because of Unfunded Pension Liabilities?*". The following is our required response to that report.

Forest Charter School administrators, board members, and staff have discussed the concerns over the impact of the increased costs required to support the State's unfunded pension liability. While we appreciate the State of California taking steps to ensure the fiscal solvency of the pension system, we are also keenly aware of the fiscal impact on the school. The increased costs exceed any increase in state revenue and there are no new funding resources to help offset this cost. To help meet this unfunded liability, Forest Charter School supplements the increase by earmarking a portion of our ending fund balance to bridge the gap of the increased costs. By 2020, we plan to fully fund our pension liability through our annual revenue. However, this increased cost will likely impact programs.

As required by Penal Code Section 933.05, Forest Charter School's response to the recommendations is as follows:

**Recommendations:**

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

**Agree**

Forest Charter School is sponsored by the Nevada County Superintendent of Schools (NCSoS) and our annual audits are coordinated by NCSoS. As our sponsoring agency, NCSoS is going to post three years of audited financial statements on its public website. To facilitate the public's access, we will provide links to these statements on the financial page of our school's public website. Summarized pension data is included with the audited financial statements.

In addition, to increase transparency for the public, Forest Charter School will post our current year budget and budget narrative on the financial page of our public website. The budget and budget narrative will also be available as part of the board packets posted on our website.

**Recommendation 4**

Public agencies should consider implementing the suggestions from the league of California cities.

**Disagree**

As articulated in the response from the Nevada County Superintendent of Schools, this recommendation is not applicable to Local Educational Agencies (LEA) in Nevada County and will not be implemented because CalPERS and CalSTRS are the responsible entities regarding public employee pensions. Any funds reserved at the LEA, Union or employee levels would not impact the unfunded liability as this liability is legally that of the pension systems. The LEA and employee offset this unfunded liability indirectly through the increased contributions imposed by decisions made by CalPERS and CalSTRS in their efforts to fund the long-term liabilities. However, Forest Charter School is planning for increased contributions to CalPERS and CalSTRS.

**Recommendation 6**

*Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.*

**Agree**

The Net Pension Liability for charter schools is important information and should be transparent to the public. We will work with the Nevada County Superintendent of Schools (NCSoS) to ensure that this is available and we will provide links on the financial page of our public website to this information.

I would like to once again express my appreciation to the Grand Jury for looking into this ongoing concern. We hope that the legislature can find additional funding streams to support this pension liability so that students' educations are not impacted.

Sincerely,



Peter Sagebiel  
Executive Director  
Forest Charter School



Sierra Montessori Academy  
18229 Duggans Road  
Grass Valley, CA 95949  
530-268-9990

TMA

August 29, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?". I am grateful to the Grand Jury for looking into a matter that school districts have been concerned about for years.

Both school employers and school employees have been concerned about this issue and we're glad the state of California made attempts to solve it starting in 2014. However, this attempt by the state has put a tremendous financial burden on both the employer and the employee. In most cases the increase in the schools contribution to pay down this state debt far exceeds the increases to revenue that are proposed by the state. There are no new funding streams directed toward schools to help pay this down. It is also important to remember that schools will finally be funded back to the same level as in 2007-08 with the recently signed 2018-19 state budget. Simply put, there is no money to set aside to solve the state's unfunded pension liabilities. Most schools in Nevada County are still facing declining enrollment which means less revenue each year. Any money set aside would come directly out of already underfunded classrooms and would directly impact students in a negative way.

As required by Penal Code Section 933.05, the Nevada County Superintendent of Schools Office response in regard to Recommendations is as follows:

**RECOMMENDATIONS:**

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree with this as a great tool to provide transparent information to the public and will post links to three years of audited financial statements on the Nevada County Superintendent of Schools (NCSoS) website immediately. Summarized pension data is included with the audited financial statements.

Sierra Montessori Academy shall not discriminate against any individual in admission, the administration of programs or employment on the basis of race, religion, color, ethnicity, gender, national origin or sexual orientation or any other basis prohibited by federal or state law.



**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

We have been planning for many years of increased contributions to CalPERS and CalSTRS. Each agency, including the Sierra Montessori Academy will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.

**Recommendation 6**

*Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.*

Because the charter schools that report under the NCSoS financials are considered to be part of the organization for audit purposes, the cost to split out each LEA's portion of the unfunded liability may not be practical. The Net Pension Liability that is reported under the NCSoS annual audit does include each charter schools portion. We will explore the possibility of projecting and reporting each agencies portion of the liability separately with our external auditor.

Once again, I would like to thank the Grand Jury for looking into this issue that has the potential for dire consequences to our local schools. My office, alongside the professional organizations we belong to, will continue to voice our concern and lobby our elected officials to pay down this unfunded liability at the state level where it originated. The Governor and the Legislature need to look at the budget surplus as one potential source to help pay off the debt.

Sincerely,



Stephen De Sena

Director

Sierra Montessori Academy

Sierra Montessori Academy shall not discriminate against any individual in admission, the administration of programs or employment on the basis of race, religion, color, ethnicity, gender, national origin or sexual orientation or any other basis prohibited by federal or state law.



**Twin Ridges Home Study Charter School**

111 New Mohawk Road  
Nevada City, CA 95959  
(530) 478-1815  
www.trhs.us

September 6, 2018

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

*Reviewed*  
*9/11/18*  
*AMA*

Dear Honorable Thomas Anderson:

The following is the required response to the 2017-18 Nevada County Grand Jury report entitled, "Will the Public Suffer Because of Unfunded Pension Liabilities?".

- Twin Ridges Home Study Charter School for Recommendations R3, R4, and R6 by 9 September 2018.

As required by Penal Code Section 933.05, the Twin Ridges Home Study Charter School response in regard to Recommendations is as follows:

**RECOMMENDATIONS:**

Recommendation 3

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree that in the name of transparency, these financial documents should be made available to the public. Our last three years of audited financial documents can be found within the district's Audited Annual Financial report and we will post the past three years on our website. Summarized pension data is included with the audited financial statements. We will make it a top priority moving forward to work with the Nevada County Superintendent of Schools to post these documents individually for Twin Ridges

Home Study Charter on our site.

<https://www.twinridgeshomestudy.org/school-documents-and-plans/>

**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

From Scott Lay, Superintendent of Schools: This report is not applicable to the LEA's in Nevada County. LEA's are however, planning for many years of increased contributions to CalPERS and CalSTRS. Each agency, including the NCSOS will decrease other areas of spending to incorporate these additional costs into the budget as there are no increases to revenue anticipated to fund these cost increases.

**Recommendation 6**

*Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.*

From Scott Lay, Superintendent of Schools: Because the charters schools that report under the NCSOS financials are considered to be part of the organization for audit purposes, the cost to split out each LEA's portion of the unfunded liability may not be practical. The Net Pension Liability that is reported under the NCSOS annual audit does include each charter schools portion. We will explore the possibility of projecting and reporting each agencies portion of the liability separately with our external auditor.

Sincerely,



Kelley Soper, Director

Twin Ridges Home Study Charter School

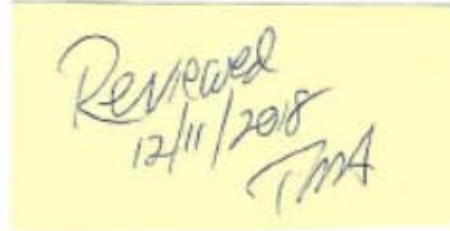


11005 Adair Avenue Grass Valley CA 95945 (530) 271-6000

November 28, 2018

Re: Unfunded Pension Liabilities Report

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959



Dear Honorable Thomas Anderson:

First of all, we wish to acknowledge the enclosed late response letter to your previous inquiry. As you may know, we have undergone extensive transitions moving our school site, and onboarding our new administrative team. Our team has been forming this year and we have had a strong start considering the situation, and this miss in response is quite unfortunate and we are addressing this within our own structure.

In regards to the Grand Jury request for responses, Yuba River Charter School was asked to respond to Recommendations R3, R4, and R6.

**Recommendation 3**

*For the purpose of transparency and easy access, each agency should provide links to three years of audited financial statements and summary pension data for the same period on the financial page of its public website.*

We agree and will post our audited financial statements on our governance/financial page of our website. Summarized pension data is included with the audited financial statements.

**Recommendation 4**

*Public agencies should consider implementing the suggestions from the League of California Cities.*

These are:

1. *Develop and implement a plan to pay down the city's NPL (We have projected in our multiyear budgets the growth in both PERS and STRS retirement, so that we have a realistic picture of the potential draw those increases will have. Even though other revenue has been increasing, we haven't expanded programming looking towards the future years that will require greater reserves.)*
2. *Consider local ballot measure to enhance revenues (We would support any such local ballot measures. This all-encompassing Grand Jury Report looks like a solid foundation in order to consolidate various local agencies' potential mutual interest in addressing this situation.)*



30005 Adams Avenue - Grass Valley, CA 95945 (530) 272-6000

3. *Create a "Pension Rate Stabilization Program".* (Besides our continual efforts to keep strong reserves, we haven't locked our savings in to one potential need)
4. *Change service delivery methods and levels of certain public services.* (We have been actively discussing on an Administrative and Board level the possibility of "getting out of PERS". As our Tax ID number has never been used for payroll (we use the County's), we have one chance to get out of PERS if we were to change payroll services and use our number. There are ramifications such as staff retention, as this could affect current staff retirement, and we are looking at creative solutions such as supplementing with a 403B match, or some other comparable "off ramp" from the commitment to PERS. This conversation is also happening with staff, and not yet near a point of implementation, as we are still weighing the pros and cons.
5. *Use transparent collective bargaining to increase employee pension contribution.* (We haven't broached increasing employee contributions at this date. It seems less viable for our school community)
6. *Issue a pension obligation bond.* (Through review we wouldn't support borrowing to pay back something we would then have to pay back at a greater amount down the road).

**Recommendation 6**

*Nevada County Superintendent of Schools should report the Net Pension Liability for charter schools that are part of its agency's audit.*

(For our response, we will present what came from NCSoS, as we are currently under their payroll, as stated above):

NCSoS: Because the charters schools that report under the NCSoS financials are considered to be part of the organization for audit purposes, the cost to split out each LEA's portion of the unfunded liability may not be practical. The Net Pension Liability that is reported under the NCSoS annual audit does include each charter schools portion. We will explore the possibility of projecting and reporting each agencies portion of the liability separately with our external auditor.

In closing, this issue is one that is highlighted and discussed at all of our budget meetings. How quickly the rates are increasing are continually alarming and we, as a school entity, see the coming years of unfunded increases in our liabilities as something of grave concern. As this Grand Jury investigation progresses, we would appreciate being a part of whatever kind of community solutions that may be found together.

Respectfully,

Karin Meadows

Business Manager, Yuba River Charter School



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## **LOOKING BACK REPORT**

**Looking Back: Law Enforcement Evidence Handling Units**

**331**





## **LOOKING BACK REPORTS**

Occasionally, an issue is recurring or a response indicates that action will take a number of years for completion. Investigative committees may examine past reports and inquire into progress on these issues. They may report on the current status of a situation, whether resolved or not, in a Looking Back Report so as to keep the issue in the public eye. Depending on the complexity of the issue and therefore the report, an Investigative Report may be issued instead of a Looking Back Report.

The full reports and responses may be found on the Grand Jury Reports website:  
<http://nccourt.net>.

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**Looking Back:  
Law Enforcement Evidence Handling Units**

2018-2019 Nevada County Grand Jury

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## **Looking Back: Law Enforcement Evidence Handling Units**

### **Summary**

The Nevada County Grand Jury (Jury) periodically inspects evidence handling unit (EHU) facilities and interviews the evidence technicians and management of the Nevada County Sheriff's Property Unit (SPU), the Grass Valley Police Department EHU, the Nevada City Police Department EHU, and the Town of Truckee Police Department EHU. The proper collection and retention of evidence is a crucial part of our judicial system both for prosecution of criminal acts and exoneration of the innocent. The results of these inspections and interviews are reported along with the 2018-2019 Jury's recommendations.

Jury reports are published for the edification of the public and the impacted agencies. The Jury's most recent EHU reports were *Law Enforcement Evidence Handling Units (2015-2016 Report)* and *Law Enforcement Evidence Handling Units – A Report on Responses to the 2015-2016 Grand Jury Report (2016-2017 Report)*.

The 2015-2016 Report involved an in-depth look at EHUs covering:

- facilities,
- staffing and training,
- written policies,
- audits and inventories, and
- purging and disposal of evidence.

The 2018-2019 Jury decided to again explore the status of the various EHUs with emphasis on the progress made by each law enforcement agency in implementing the Jury's recommendations. This report contains the results of follow-up interviews and information gathered in that process.

Overall the Nevada County EHUs are properly staffed and managed. Attention needs to be given to inventory audits especially given the recent turnover of the Nevada County Sheriff and the Nevada City Police Chief.

Policies and procedures are in place at all locations. Consolidation of the Grass Valley and Nevada City EHUs should be considered. The Nevada City EHU would benefit from a more secure evidence check-in procedure.

## Glossary

<b>2015-2016 Report</b>	<i>Law Enforcement Evidence Handling Units</i>
<b>2016-2017 Report</b>	<i>Law Enforcement Evidence Handling Units – A Report on Responses to the 2015-2016 Grand Jury Report</i>
<b>EHU</b>	Evidence Handling Unit
<b>GVPD</b>	Grass Valley Police Department
<b>Jury</b>	Nevada County Grand Jury
<b>NCPD</b>	Nevada City Police Department
<b>NCSO</b>	Nevada County Sheriff's Office
<b>POST</b>	Commission on Peace Officers Standards and Training
<b>SPU</b>	Nevada County Sheriff's Property Unit
<b>TPD</b>	Truckee Police Department

## Approach

The 2018-2019 Jury inspected the EHUs of the Nevada County Sheriff's Office (NCSO), the Grass Valley Police Department (GVPD), the Truckee Police Department (TPD), and the Nevada City Police Department (NCPD). The staff and supervising personnel of each unit were interviewed.

The Jury's inspection of the various EHUs occurred as follows.

- |  |                    |
|--|--------------------|
| • Truckee Police Department EHU                      | August 16, 2018    |
| • Grass Valley Police Department EHU                 | August 30, 2018    |
| • Nevada City Police Department EHU                  | September 27, 2018 |
| • Nevada County Sheriff's Office Property Unit (SPU) | December 20, 2018  |

In the course of these inspections, the Jury also reviewed the current evidence handling policies of each law enforcement agency:

- Truckee Police Department: Commission on Peace Officers Standards and Training (POST) – *Evidence and Property Management Guide*,
- Grass Valley Police Department: *Lexipol Property and Evidence Policy 804*,
- Nevada City Police Department: *Lexipol Property and Evidence Policy 804*, and
- Nevada County Sheriff's Office: *Evidence Procedures, and General Order 66*, effective date, July 1, 2018.

The Jury reviewed the 2015-2016 and 2016-2017 Reports and the responses requested to the 2015-2016 Report. This report discusses those matters where the affected law enforcement agency has, or has not, implemented its responses to the 2015-2016 Report. No responses were required in the 2016-2017 Report.

## **Discussion**

### **Truckee Police Department**

In its 2015-2016 Report, the Jury expressed concern that the TPD was not, consistent with best practices, conducting external biennial audits of the property held in its EHU.

A contractor conducted an external audit of the TPD EHU in April 2017. A review of that audit did not reflect any matters of material concern. There was a full inventory check performed at the same time. Additionally, the TPD conducts a “continuous inventory” as recommended in the *POST Evidence and Property Management Guide*. Unless there is a change in staff, a biennial inventory is not required. The next audit is due in 2019-2020. All evidence destruction is double-checked. Guns are taken to a location in Carson City, Nevada and destroyed.

The 2015-2016 Report noted that the TPD EHU needed more space. A new EHU annex has been completed and is being used for large items in the Truckee Public Works compound. Additionally, the TPD has installed a new database software system, “File on Que”, a standalone system that tracks every action. They continue to use the old system, “Executive Information Services”, for older evidence.

Both the TPD Property Unit Manager and Supervisor are POST certified for evidence handling.

The facility has been significantly upgraded with more secure access controls and improved storage of evidence prior to EHU processing.

### **Grass Valley Police Department**

In its 2015-2016 Report, the Jury expressed concern that the GVPD was not conducting external biennial audits of the property in its EHU.

The Jury determined that the GVPD is now in full compliance with the need for external biennial audits. An audit is due in 2018-2019.

Further, in its 2015-2016 Report the Jury recommended that the GVPD and the NCPD consolidate their EHUs. While such consolidation is under continuing consideration by both GVPD and NCPD, it has not occurred.

Certification of the GVPD EHU evidence technicians has been completed. The facility is well managed and no deficiencies were noted.

### **Nevada City Police Department**

The NCPD EHU is located with the police department within City Hall. It is small but meets evidence and property standards. As described in the 2015-2016 Report, the evidence and property check-in area has locked wooden drawers where evidence or property is placed prior to transfer into the secure EHU area. Even though this area is within the police department’s space,

the Jury is concerned that the evidence could be compromised. An example of a more secure method of transfer is the use of metal lockers that can only be opened from inside the EHU once the lockers are closed.

The 2015-2016 Report also found the EHU was staffed with two sworn officers and recommended that the NCPD should expedite its efforts to obtain and train a non-sworn evidence technician to reduce personnel costs and to free sworn officers to perform their primary duties. The EHU staff now consists of a fully trained and certified, non-sworn Community Services Officer as well as a fully trained and certified, sworn officer.

The need for periodic inventories and biennial audits of EHUs as a best practice was stressed in the 2015-2016 Report. The NCPD EHU's last biennial audit was in August 2013. A request for a biennial audit by POST was made in October 2016 but has yet to be scheduled due to lack of available POST personnel. The recent employment of a new Chief of Police is cause for a full inventory to be conducted.

The NCPD EHU has a Property and Evidence Policy Manual and is in compliance with POST and Lexipol standards. The PS.Net/RMS inventory management system is used for inventory control and evidence barcode marking.

#### **Nevada County Sheriff's Office**

The NCSO's SPU is the largest and most complex of the Nevada County EHUs investigated.

Both the NCSO Property Unit Manager and Supervisor are POST and California Association of Property and Evidence certified.

The physical organization of the NCSO SPU is impressive with small to medium items in separate containers stored on rolling racks, and sensitive items such as pistols, long guns, money, drugs, and electronic items kept in separate locked rooms. Only the Property Unit Manager and Supervisor have unlimited access to the facility. There is a special procedure available if and when emergency access is required.

Of particular note is the construction underway (with completion expected in late 2019) of a Class A DNA laboratory that will greatly speed data analysis that currently takes 21 days. The Property Unit Manager is undergoing training in forensics, crime scene investigation, and fingerprint analysis for use in the laboratory. When completed, the laboratory will enjoy standalone air conditioning, air filtering, a shower, and independent power backup. In the future the laboratory's services may be available to other Nevada County law enforcement agencies. When the NCSO implements its adoption of body-worn cameras and the DNA laboratory is functional, additional staff may be needed at the NCSO SPU.

The 2015-2016 Report noted that the NCSO SPU did not have any current written manual covering the operation of the SPU. Such manuals are available for law enforcement's use from POST and Lexipol. This deficiency was corrected with the adoption of NCSO *Evidence Procedures General Order 66*, effective July 1, 2018, which provides documentation of the required evidence handling policies for the SPU.



As a result of the election of a new Nevada County Sheriff in 2018, an inventory of all evidence in the SPU is required.

### **Findings**

- F1.** Overall the EHU's in Nevada County are properly staffed, well managed, and have required documentation and procedures in place.
- F2.** Consolidation of the NCPD and GVPD EHUs would likely reduce administrative and overhead costs, and improve efficiency.
- F3.** Due to the election and seating of a new Nevada County Sheriff, a complete inventory of the SPU is required.
- F4.** Due to the employment of a new Nevada City Chief of Police, a complete inventory at the NCPD EHU is required.
- F5.** Due to the use of wooden drawers at the NCPD EHU, evidence could be compromised.

### **Recommendations**

- R1.** Consolidation of the GVPD and the NCPD EHUs should again be considered.
- R2.** A complete inventory of the NCSO SPU must be conducted.
- R3.** A complete inventory of the NCPD EHU must be conducted.
- R4.** The NCPD EHU check-in area should be upgraded to provide more secure storage.

### **Request for Responses**

Pursuant to Penal Code Section 933.05, the Nevada County Grand Jury requests responses from the following individuals:

Nevada County Sheriff – Finding F3 and Recommendation R2 by 27 July 2019.

Nevada City Chief of Police – Findings F2, F4, F5 and Recommendations R1, R3, R4 by 27 July 2019.

Grass Valley Chief of Police – Finding F2 and Recommendation R1 by 27 July 2019.

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## **RESPONSES**

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**SHANNAN MOON**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

July 23, 2019

The Honorable Thomas M. Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

*Recd  
&  
Reviewed  
7/26/19  
TMA*

RE: Response to the 2018-2019 Nevada County Grand Jury's Looking Back: Law Enforcement Evidence Handling Units:

Dear Honorable Judge Anderson:

The Nevada County Sheriff's Office appreciates the opportunity to respond to the 2018-2019 Nevada County Grand Jury report entitled Looking Back: Law Enforcement Evidence Handling Units. We would like to encourage the Grand Jury to include the upper management staff of the Sheriff's Office in its inquiries, interviews and investigations. There are times when questions can be answered in advance of the Grand Jury's final report, thereby easing or eliminating concerns.

### Findings

**F3** Due to the election and seating of a new Nevada County Sheriff, a complete inventory of the SPU is required.

**Agree.**

### Recommendations

**R2** A complete inventory of the NCSO SPU must be conducted.

*This recommendation has already been implemented; an inventory is underway as of January 2019 and will be completed in the next few months. The delay in completion is due to ongoing construction at the SPU.*

Sincerely,

Shannan Moon  
Sheriff/Coroner/Public Administrator



# NEVADA CITY POLICE DEPARTMENT

NEVADA CITY, CALIFORNIA



July 11th, 2019

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson,

The following is the responses from the Nevada City Police Department to Findings F2, F4 and F5 and Recommendations R1, R3 and R4 of the 2018-2019 Grand Jury Report "Looking Back: Law Enforcement Evidence Handling Units."

The Nevada City Police Department has been working very hard over the past several years to improve our Evidence Handling Unit. We appreciate all of the feedback from the Grand Jury.

Below are the responses from the Nevada City Police Department.

Please let me know if you should have any additional questions.

Respectfully,

Chief Chad Ellis

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## **Finding F2:**

Consolidation of the NCPD and GVPD EHU's would likely reduce administrative and overhead costs, and improve efficiency.

## **Disagree**

**Over the past several years the Nevada City Police Department has changed the way the EHU has been handled. In the past, a Lieutenant was tasked with being in charge of the EHU which does have a high administrative overhead cost. In the past year the department has sent a community service officer to Evidence Technician School and now the Community Service Officer is running to majority of the EHU at the fraction of the cost it was to have a Lieutenant handle the day to day operations. Consolidating the EHU's (if it was to move to GVPD) could potentially cause less efficient property releases of found property and safe keeping as individuals could no longer take possession of their property in Nevada City and would have to drive to Grass Valley.**



# NEVADA CITY POLICE DEPARTMENT

NEVADA CITY, CALIFORNIA



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## **Finding F4:**

Due to the employment of a new Nevada City Chief of Police, a complete inventory at the NCPD EHU is required.

**Agree**

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## **Finding F5:**

Due to the use of wooden drawers at the NCPD EHU, evidence could be compromised.

**Partially agree.**

**While the findings suggest that the wooden drawers in NCPD's EHU should be replaced or evidence could be compromised, the drawers have been in use for several years with no evidence being compromised with their use.**

---

## **Recommendation R1:**

Consolidation of the GVPD and the NCPD EHUs should again be considered.

**The recommendation will not be implemented at the present time.**

**NCPD feels that recently placing a Community Service Officer in charge of the EHU has lowered the overhead cost for the city and approved efficiency. With that said the Nevada City Police Department and the Grass Valley Police Department work extremely close together and are continuously looking at ways we can approve efficiency for our agencies. Future discussions between the Chiefs will include the pros and cons of consolidating the EHU's.**

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## **Recommendation R3:**

A complete inventory of the NCPD EHU must be conducted

**The recommendation will be implemented.**

**With Chief Ellis being recently appointed a complete inventory of the EHU will be conducted. It is estimated that this complete inventory will be completed by the end of November 2019.**

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# NEVADA CITY POLICE DEPARTMENT

NEVADA CITY, CALIFORNIA



## **Recommendation R4:**

The NCPD EHU check-in area should be upgraded to provide more secure storage.

**The recommendations will not be implemented.**

**While the findings suggest that the wooden drawers in NCPD's EHU should be replaced or evidence could be compromised, the drawers have been in use for several years with no evidence being compromised with their use. The budget for the 2019/2020 fiscal year has been complete and money to replace the drawers was not part of the budget. Its possible that the following fiscal year money for capital improvements (upgrade the EHU) could be included.**





**City of Grass Valley  
Police Department**  
"Dedication, Excellence"

**Alexander K. Gammelgard**  
Chief of Police

July 24, 2019

*Rec'd  
&  
Reviewed  
7/26/19  
[Signature]*

The Honorable Thomas Anderson  
Supervising Judge of the Grand Jury  
201 Church Street  
Nevada City, CA 95959

Dear Honorable Thomas Anderson,

The following is our response to the 2018-2019 Grand Jury Report – Law Enforcement Evidence Handling Units. The Grand Jury's interest in this topic is appreciated.

As you know, the Grand Jury conducted an investigation on this topic and the findings, conclusions and recommendations of their report are sometimes specific to a particular agency and other times more general in nature and applicable to multiple agencies. Grass Valley Police Chief Alex Gammelgard and staff were directed to review and respond to the Grand Jury's report.

The Grand Jury Report notes one finding and one recommendation related to the Grass Valley Police Department's Evidence Handling Unit. They are both related to the consideration of a consolidation of the NCPD and GVPD EHU's. The following are our responses to **Finding F2** and **Recommendation R1**.

**Finding F2:**

Consolidation of the NCPD and GVPD EHU's would likely reduce administrative and overhead costs and improve efficiency.

**RESPONSE:** *We disagree partially with the finding.*

**Recommendation R1:**

Consolidation of the GVPD and the NCPD EHU's should again be considered.

**REPORTED ACTION:** *The recommendation will not be implemented because it is not warranted or is not reasonable.*

**Explanation for Response and Action:**

At various times over the past several years, GVPD and NCPD staff have discussed and considered consolidation of our Evidence Handling Units. On the surface, this might seem like a feasible option that could benefit both agencies. The Grand Jury report asserts this when it states that consolidation "would likely reduce administrative and overhead costs and improve efficiency." However, after thorough consideration, we have identified several reasons why consolidation would present significant challenges and incur some significant costs. Some of these reasons are as follows:

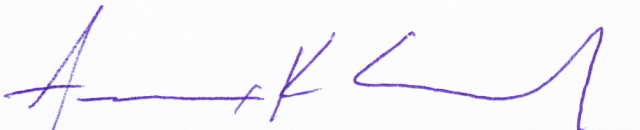
- Based on existing technologies and proper protocols for booking evidence and property, consolidation would make the process more time consuming and less efficient for Nevada City Police Officers. It would increase their evidence processing time, increase the distance they must travel after most arrests to book property/evidence, and increase the time patrol officers are away from their city.
- Currently, the Grass Valley Police Department Evidence Handling Unit does not have the physical space to accommodate additional property items from another department. Therefore, consolidation would require an expansion or relocation of the EHU which would incur potentially significant costs. There are no plans for an expansion at the GVPD facility at this time.
- Storing property in the City of Grass Valley would make the process more cumbersome and less convenient for Nevada City residents. They would have to travel to Grass Valley to retrieve found property, stored property, or releasable evidence.
- Grass Valley would have to hire additional staff to assist with the increased workload.

For these and other reasons, we have determined that consolidation is not the best path forward at this time. However, our agencies are always open to ways in which we can consolidate and/or collaborate to make operations more efficient or cost-effective. Consolidation of our EHU's as well as other police functions is something we will continue to consider and discuss and may prove a to be a viable option in the future should circumstances permit.

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This response was reviewed and approved by City Council at its July 23 meeting.

Sincerely,



Alexander Gammelgard - Chief of Police  
Grass Valley Police Department

## **APPENDIX**

<b>Citizen Complaint Guidelines</b>	<b>349</b>
<b>Grand Jury Citizen Complaint Form</b>	<b>351</b>
<b>Consider Becoming a Grand Juror</b>	<b>353</b>
<b>Application to Become a Grand Juror</b>	<b>355</b>

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## CITIZEN COMPLAINT GUIDELINES

The Grand Jury receives complaints from Nevada County citizens concerning a variety of grievances. These complaints are assigned to one of the standing committees for action.

The Grand Jury may refuse to act on a complaint, particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or is out of the Grand Jury's jurisdiction. Some complaints may remain open for action by the following Grand Jury as deemed appropriate.

### Submission of a Complaint

Complaints must be in writing and legible. All normal attempts to resolve the problem should have been taken prior to the submission of a complaint. When these efforts have been proven unsuccessful, a complaint form should be prepared and submitted.

### Content of a Complaint

The complaint form is designed to help an individual supply pertinent data regarding the reason for the complaint.

1. Identify yourself with your full name, correct mailing address, and a phone number where you can be contacted during office hours.
2. Identify the nature of your complaint.
3. Identify all of the people involved and how they might be contacted.
4. Furnish copies of documents that may support your allegations. **According to California Evidence Code 140 all submitted documents are evidence and will not be returned.**
5. Be specific reporting the reasons for your claim. Avoid making broad statements.

### Confidentiality

The *complainant's identity is rigorously guarded* and the Grand Jury is forbidden by law to release any information about its investigations.

You will receive written acknowledgment of your complaint after it is received. The acknowledgment will be mailed to the address on the complaint form. You may not receive any other communication from the Grand Jury.

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**PLEASE LIST OTHER PERSONS OR AGENCIES YOU HAVE CONTACTED ABOUT THIS COMPLAINT.**

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**DESCRIBE THE ACTION YOU WISH THE GRAND JURY TO TAKE.**

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**PROVIDE ADDITIONAL INFORMATION YOU BELIEVE MAY BE HELPFUL IN AN INVESTIGATION.**

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**COMPLAINANT:**

**The information in this form is true, correct, and complete to the best of my knowledge.**

**Date:** \_\_\_\_\_

**Name (please print):** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

*Your confidentiality will be rigorously protected.  
All complaints addressed to the Grand Jury will be acknowledged promptly.*



## **CONSIDER BECOMING A GRAND JUROR ARE YOU UP TO THE CHALLENGE?**

Have you ever seen a newspaper article that outlined a study and a report done by our Nevada County Grand Jury? Have you wondered about what this “thing called Grand Jury” is all about? Indictment proceedings behind closed doors and the power to subpoena citizens and documents in the course of an investigation ... the activities of grand juries have always been shrouded in a bit of mystery.

The grand jury is one of the oldest civil institutions in America. Its roots can be traced as far back as the Norman conquest of England in 1066, where a body of notable citizens was chosen to protect the community. In 1635, the first American grand jury was empaneled in the Massachusetts Bay Colony and by 1683, grand juries were present in all of the colonies.

Today, although 42 states have some form of grand jury, only California and Nevada mandate that County Grand Juries be impaneled every year to conduct civil investigations of county government and to hear evidence to decide whether to return indictments.

The functions of a County Grand Jury include indictment, accusation, and, by far the most frequently exercised function, civil investigation and reporting (also known as the “oversight function”).

Investigations by a Grand Jury may be undertaken as a result of a complaint from the community or as a result of data analysis, inspections, or interviews conducted by Grand Jurors. Over the past decade, Nevada County Grand Jury investigations have resulted in reports that include topics such as:

1. *Alternative Education: NUHS Telecommunications Partnership Academy: 2006-2007*
2. *Compensation and Benefits Review of the County Board of Supervisors: 2007-2008*
3. *Child Protection and Welfare: 2010-2011*
4. *Vagrancy in Nevada County – Illegal Campfires: 2014-2015*
5. *Body Worn Cameras: 2015-2016*

This short sample of report titles is taken from the more than 80 reports issued by the Nevada County Grand Jury over the past 10 years. “The Superior Court – County of Nevada” web site (<http://nccourt.net>) has all of these reports available for access to the general public.

In Nevada County, citizens volunteer to serve as members of the Grand Jury. The application period closes each year on 1 May. From this pool of volunteers, 19 are selected by the Superior Court and they serve for a period of one year, beginning in July.

What kinds of people serve as Grand Jurors? Grand Jurors come from all walks of life. There are retired lawyers, engineers, school principals, building contractors, medical professionals, military officers, business owners, homemakers, government employees ... and the list goes on.

What kinds of attributes and skills are necessary? You need to be able to take an unbiased look at the way government works and, when necessary, offer solutions or suggest more efficient management of operations. You also need to possess strong personal ethics, curiosity, computer literacy, and high energy to face the workload. Grand Jurors operate under a strict code of behavior and confidentiality. Grand Jurors lawfully function only as a body so you need to be a team player. Expect to be in session for up to three days each week. "Homework" is a necessary part of the job as well. A Grand Juror will often put in between 15 and 20 hours in a week.

Do not expect much group or individual publicity ... all panel sessions are conducted in secret. In July, at the beginning of the jury term, you are sworn in by the Supervising Judge of the Grand Jury and instructed that you are expected to maintain complete secrecy of Grand Jury proceedings both during and after the year has concluded. There is some remuneration.

The Grand Jury recruitment process begins in February. The hours are not incidental, the pay is almost non-existent, there is pressure and no public recognition, but it is incredibly interesting, mind expanding, and vitally important.

To borrow a phrase from a credit commercial, "WHAT'S IN YOUR WALLET ... WOULD YOU LIKE IT TO BE A NEVADA COUNTY GRAND JURY BUSINESS CARD?"

Are you up to the challenge?

For further information on the Nevada County Grand Jury, peruse any of the reports, or to obtain an application access <http://nccourt.net>.

## Nevada County Grand Jury Application

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Home Telephone:** \_\_\_\_\_

**Business Telephone:** \_\_\_\_\_

**Mobile Phone:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

*The California Penal Code, Section 893 sets forth the qualifications for Grand Jurors. The following eight questions are included to determine if you meet the Penal Code requirements.*

	<u>YES</u>	<u>NO</u>
1. Are you a United States citizen?	_____	_____
2. Are you 18 years of age or older?	_____	_____
3. Have you been a resident of Nevada County for at least one year?	_____	_____
4. Do you speak English?	_____	_____
5. Are you currently serving as a trial juror?	_____	_____
6. Are you within one year of having been discharged as a grand juror?	_____	_____
7. Have you ever been convicted of malfeasance in office or of any felony?	_____	_____
8. Are you currently serving as an elected public official or an elected member of a public agency's board?	_____	_____

**Please complete the following questions:**

1. How many miles (round trip) is it from your residence to the Eric Rood Administrative Center? \_\_\_\_\_
2. Are you now or have you ever been involved in litigation against Nevada County or any local public agency? \_\_\_\_\_
3. Rank your skill level with a computer (1 = poor, 5 = expert). \_\_\_\_\_
4. Indicate your age range: 18-25 \_\_\_ 26-34 \_\_\_ 35-44 \_\_\_ 45-54 \_\_\_ 55-64 \_\_\_ 65-74 \_\_\_ 75+ \_\_\_
5. State your level of education: \_\_\_\_\_
6. Indicate your gender: Female \_\_\_\_\_ Male \_\_\_\_\_
7. How many years, if any, have you previously served on a Grand Jury? \_\_\_\_\_

**Please explain:**

1. Your experience with community organizations or public agencies and the length and nature of that experience.

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2. Describe any previous research or investigative experience.

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3. Describe any issues you might have investigating any local county or city governmental department or private or non-profit agency.

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4. What do you think are some of the major problems facing city and county government?

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5. An appointment to the Nevada County Grand Jury generally demands attendance at Grand Jury meetings, as assignment and regular attendance to two committees, and extensive investigative duties. If appointed, how many hours each week can you devote to these responsibilities?

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6. Describe any physical or sensory impairments (vision, hearing, etc.) you have.

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7. Why would you like to serve on the Grand Jury?

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8. Have you or your spouse ever been employed by a governmental body or agency and, if so, in what capacity?

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9. Describe any special skills or knowledge you have about any of the following subjects:

Computers and IT	_____
Finance & Accounting	_____
Management	_____
Interviewing	_____
Research	_____
Writing & Editing	_____
Law Enforcement	_____
Teaching	_____

*Pursuant to Penal Code Section 903.2, I understand that if my name is drawn as a Grand Juror or alternate, I may be required to attend grand jury training; if I am seated as a Grand Juror, I will be available to attend grand jury meetings and devote the required time to complete Grand Jury work for one year, from July through June. I further understand that if my name is drawn as an alternate, I will remain available for one year to serve as a member of the Grand Jury if called upon.*

*I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Nevada County Grand Jury  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, California 95959

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**GRAND JURY  
COUNTY OF NEVADA  
Eric Rood Administration Center**  
950 Maidu Avenue  
Nevada City, California 95959  
Phone: 530-265-1730  
Email: [grandjury@nccourt.net](mailto:grandjury@nccourt.net)