

NOVEMBER 2014 GENERAL ELECTION IN NEVADA COUNTY

SUMMARY

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

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

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

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

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

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

GLOSSARY

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

ePoll Book – an electronic Poll Book touch-screen tablet

eSlate – an electronic ballot

FED – Field Election Deputy

eScan – an electronic machine using optical scan technology to scan each paper ballot when completed by voters

VBM – Vote by Mail

BACKGROUND

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

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

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

Poll worker’s duties include:

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

APPROACH

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

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

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

DISCUSSION

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

Training

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

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

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

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

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

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

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

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

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

Page 31 also states:

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

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

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

Election Day

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

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

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

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

Page 19 in the Manual, states in part:

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

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

The California Elections Code section 14216 states, in part:

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

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

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

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

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

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

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

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

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

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

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

Page 25 of the Manual states, in part:

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

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

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

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

FINDINGS

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

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

RECOMMENDATIONS

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

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

REQUEST FOR RESPONSES

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

From the following individuals:

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

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

Appendix A

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

Poll Location _____

Observer _____

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

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

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

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

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



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

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

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

September 21, 2015

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

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

Dear Judge Anderson,

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

FINDINGS:

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

Partially Agree:

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

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

Partially Agree:

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

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

Partially Agree:

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

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

Partially Agree:

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

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

Agree:

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

Partially Agree:

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

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

Partially Agree:

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

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

Agree:

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

Partially Agree:

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

RECOMMENDATIONS:

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

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

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

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

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

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

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

The recommendation has been implemented:

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

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

The recommendation has been implemented:

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

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

The recommendation has been implemented:

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

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

The recommendation has been partially implemented:

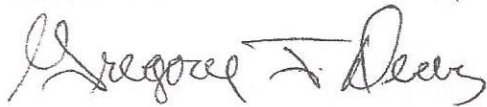
This recommendation was implemented in the June 2014 elections. However, due to the training of new election staff, the surveys did not make it into the Field Election Deputies supplies for the November 2014 election. The FED's checklist has been updated to include distributing the surveys to the workers,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

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

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

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

Sincerely,



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



LEAGUE OF WOMEN VOTERS®
OF CALIFORNIA
EDUCATION FUND

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

EASY VOTER GUIDE: PURPOSE AND PRODUCTION

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

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

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

7/2015

EXHIBIT A



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

September 8, 2015

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

Dear Mr. Diaz:

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

933.05.

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or

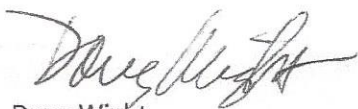
department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters

over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

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

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

The Grand Jury appreciates your cooperation.



Doug Wight
Foreman Grand Jury 2015 - 2016

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

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

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

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

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

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department