

2017-2018 Tuolumne County Civil Grand Jury Final Report



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2017-2018
Tuolumne County
Grand Jury Report

Superior Court of California
County of Tuolumne
By: Diana Neeley Clerk



**Tuolumne County
Grand Jury**

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<http://tuolumnecounty.ca.gov/?NID=386>



County of Tuolumne Civil Grand Jury

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370

June 21, 2018

The Honorable Kate Powell Segerstrom
Superior Court Judge of Tuolumne County
60 North Washington Street
Sonora, CA 95370

Dear Judge Powell Segerstrom;

The 2017-2018 County of Tuolumne Civil Grand Jury is honored to present a final report on investigations, inspections, and observations undertaken during its year of service. This report is the culmination of countless hours of hard work and dedication to bring this Final Report to you and the citizens of Tuolumne County.

We began our term as 19 members. Throughout the year, 12 members left the grand jury for various reasons. We completed our term with 17 standing members. We met as a group every Wednesday (with the exception of 2 days) and put in countless hours in committees, conducting interviews, investigating and writing reports. Through our combined investigations, we conducted 96 interviews with county officials, managers, and members of the public to complete six investigative reports.

Topics of investigation were selected based on citizen complaints and concerns, city and county departments that had

not been reviewed by the Grand Jury for some time, and correctional facilities that require annual review. It is our hope that the reports we completed will shed a light on government functions that can be improved on to better serve the citizens of Tuolumne County.

On behalf of the entire Grand Jury, we want to express our thanks and gratitude to you, Judge Kate Powell Segerstrom, for your support and guidance throughout the year. In addition, we wish to convey our sincere thanks to County Council, Sarah Carrillo and Tuolumne County District Attorney, Laura Krieg for their guidance through this process. And to all the county staff that were so responsive to all of our needs, we thank you as well.

There is really nothing that can prepare you for serving on the Civil Grand Jury; the learning curve is steep and just when you think you have things figured out, it is almost over. It has been my pleasure and a privilege to have had the opportunity to serve as Foreperson on this Grand Jury and to work alongside so many dedicated citizens. I found it personally rewarding to work with this hard working group as we tackled issues, resolved differences, and sought solutions. Serving on the Grand Jury has certainly been a learning experience, one that none of us will forget. It is an experience I would recommend to anyone who has the time, willingness, and concern for our government.

Respectfully,

Linda Johnstone

Linda Johnstone
Foreperson
Tuolumne County Grand Jury 2017-2018

Table of Contents

Table of Contents	7
Members of the 2017-2018 Grand Jury	9
Acknowledgement	9
Introduction	10
Grand Jury Responses	11
Review of Responses to the Tuolumne County 2016-2017 Civil Grand Jury Report	15
Summary	15
Review of Responses to the Report on Sierra Conservation Center and Baseline Conservation Camp	19
Review of Responses to the Report on the Tuolumne County Jail	21
Review of Responses to the Report on the Tuolumne County Board of Supervisors	25
Review of Responses to the Report on the Groveland Community Services District	30
Review of Responses to the Report on Sonora's Tuolumne County Library	33
Review of Responses to the Report on the Fire Department and Dispatch	43
Review of Responses to the Report on the Information Technology Department	50
Review of Responses to the Report on the Motherlode Regional Juvenile Detention Center	82
Sierra Conservation Center	85
Tuolumne County Jail	99
Mother Lode Regional Juvenile Detention Center	109
Groveland Community Services District	115
Tuolumne County's Deteriorating Roads	131
Tuolumne County Economic Development Authority	151
Submission of Complaints	183

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Members of the 2017-2018 Grand Jury

Linda Johnstone
Foreperson

Mark Massman
Foreperson pro tem

Christie Balcom
Secretary

Luis Alecio

Richard Haratani

Keith Arnett

LeeAnn Hatton

Cathy Arreguin

Mitch Hrdlicka

Daska Babcock

Susan Julian

Eric Bettencourt

Brad Keaster

Sandy Chesson

Ron Lane

Michael Cunningham

John Moore

Acknowledgement

The 2017-2018 Grand Jury would like to acknowledge and thank the jurors who served but were unable to complete their term.

Introduction

Mission Statement

The mission of the 2017-2018 Tuolumne County Grand Jury is to provide the citizens of Tuolumne County with an unbiased oversight and nonpartisan analysis of local government. As civic-minded citizens, we the Grand Jurors, will accomplish this by investigating the operations of City and county governments, as well as tax-supported agencies and districts by state law. Our Tuolumne County report will act as a public information function, offering practical recommendations for improving government operations as well as other agencies within Tuolumne County.

Disclaimer

During the 2017-2018 Grand Jury year any juror who had, or may appear to have had, a conflict of interest in any report or investigation was recused. These jurors were excluded from all parts of the investigation, including interviews, deliberations, writing and approval of this report. There were no jurors who were recused from investigations due to conflicts of interest. One juror did not realize there was a conflict of interest until the draft report was submitted to county counsel. When the conflict was pointed out, the Grand Jury voted to omit that report from the final report.

Grand Jury Responses

History

Grand Juries have existed in California since the original constitution of 1849-1850. The codification of the Grand Jury law in California came about in 1872 with the adoption of a Penal Code. Grand Jury law is found in Penal Code §888-939.91.

Organization

The Civil Grand Jury is not the same as a trial or “petit” jury selected to hear evidence in a single case. Instead, a Grand Jury is impaneled for a one-year term, typically running from July 1 to June 30.

The Grand Jury’s role is to assure that county government, special districts, and city government are upholding honest and efficient practices and operate in the best interest of the citizens of Tuolumne County. Additionally, the Grand Jury is charged with the annual investigations of the County Jail, and the California Conservation Center (located within the County of Tuolumne).

Functions and Duties

The Grand Jury is a judicial branch of government typically referred to as “an arm of the court.” The Grand Jury does not function as an executive or legislative branch and is not a police agency.

The Grand Jury reviews and evaluates procedures, methods, and systems used by an agency to determine if there is a more efficient and/or economical way to perform their various functions. The Grand Jury does not mandate policy changes; instead, the Grand Jury makes recommendations to improve procedures, systems, and methods of operation.

Complaints and Responses

The Grand Jury receives complaints via U.S. Mail, electronic mail, verbally, or anonymously. The complaints range from alleging suspicious conduct by a county official to government inefficiencies.

Once a complaint is received, it is logged and assigned a number for reference and securely filed. The complaint is then brought before the Grand Jury to discuss the scope of the complaint and whether or not it is within the jury's jurisdiction to perform an evaluation. Once it has been determined the complaint is valid and is accepted by the jury for investigation, a committee is formed to perform an investigation. The Grand Jury cannot investigate disputes between two private parties.

All complaints are kept strictly confidential. Records cannot be inspected or subpoenaed.

Complaints received late in the term of the sitting Grand Jury are looked at on a case by case basis to determine the scope of a possible investigation. If it is determined that the investigation will take more time than the seated Grand Jury's term, the investigation will likely be passed on to the next Grand Jury.

The final report resulting from the investigation will have facts, findings, and recommendations which are presented to the presiding Superior Court Judge for approval.

Agencies investigated by the Grand Jury are required to respond to the report findings and recommendations within 90 days of this published report.

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence

confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

How to Read Grand Jury Reports

Each report is divided into several sections:

1. The **Summary** provides a general overview of each individual investigation and previews each individual report.
2. **Glossary** defines uncommon and specialized terms used within the report.
3. **Background** contains some general factual information intended to provide an overall view of the agency and issues investigated.
4. **Methodology** provides information about how the Grand Jury determined the facts and came to its conclusions.
5. **Discussion** contains detailed factual information developed from the investigation and may be organized into *subsections* by topics relevant to the findings.
6. **Findings** bridge the gap between the facts in the discussion resulting in recommendations and/or commendations. A finding is a conclusion or value judgment reasonably based on one or more facts from the background or discussion sections. Findings usually identify what needs to be fixed, improved, or corrected through the recommendation, or may point to something that is being done well through a commendation.

Example of a Finding: “The Grand Jury finds that the non-standardization of payroll submissions to the controller is unnecessarily time-consuming, expensive, and subject to error.”

7. **Recommendations** and/or **Commendations** must be reasonably based on at least one finding and state what the grand jury believes should be done, when and by whom, or by which agency, to solve the problems identified in the findings. Recommendations should be specific, logically related to the problems identified in the findings, reasonably achievable and financially feasible, and not in violation of any laws.

Example of a Recommendation: “The Grand Jury recommends that the controller should reorganize all county payroll functions by December 31, 2015, so that there is a standard procedure of payroll submissions.”

8. **Responses:** Penal Code §933.05 directs that, if required by the Grand Jury, the governing board, or elected official who was the subject of the investigation, is required to respond to the specific findings and recommendations. The Grand Jury can also invite other public officials, such as department heads or managers to respond to findings and recommendations.

SEND ALL RESPONSES TO:

**Honorable Judge Kate Powell Segerstrom
Tuolumne County Superior Court
60 North Washington Street
Sonora, CA 95370**

9. The **Bibliography** provides additional resources and references used in the writing of the report and allows the reader to find related information.

Review of Responses to the Tuolumne County 2016-2017 Civil Grand Jury Report

Summary

The 2016-2017 Tuolumne County Grand Jury issued its final report on June 30, 2017. The report consisted of eight investigative reports.

California Penal Code §933 requires elected officials or agency heads to respond within sixty days of the issuance of a Grand Jury report, when a response is required. Governing bodies are required to respond within ninety days.

Elected officials and government agencies must respond to recommendations made in Grand Jury reports indicating their agreement or disagreement with those recommendations, and the reasons and action taken with regard to the recommendations. These responses are to be sent to the presiding judge of the Superior Court. The Grand Jury is responsible by law to ensure that each response is submitted within the required time frame and is otherwise compliant with California Penal Code §933.

The 2017-2018 Tuolumne County Grand Jury has received and reviewed all responses submitted to the 2016-2017 Grand Jury's investigative reports. Most agencies responded by either accepting and agreeing with the recommendations, stating that they had already been implemented, or had plans for implementation as required by California Penal Code §933.05. Where there was disagreement, reasons were noted.

Glossary

BOS	Board of Supervisors
CAO	County Administrative Officer
CRA	Community Resources Agency
FY	Fiscal Year
GM	General Manager
HR	Human Resources
JPA	Joint Powers Authority
LCFF	Local Control Funding Formula
N/A	Not Applicable
TCBOS	Tuolumne County Board of Supervisors
TCSO	Tuolumne County Sheriff's Office
TUD	Tuolumne Utilities District
TWSOP	Treated Water System Optimization Plan

Background

The 2016-2017 Tuolumne County Grand Jury made requests for responses from the following agencies:

- The City of Sonora Fire Department
- The Sierra Conservation Center

- The Groveland Community Services District Board of Directors
- The Groveland Community Services District General Manager
- The Tuolumne County Ambulance
- The Tuolumne County Animal Control
- The Tuolumne County Behavioral Health Department
- The Tuolumne County Board of Supervisors
- The Tuolumne County CAO
- The Tuolumne County Counsel
- The Tuolumne County CRA/Env. Health/Survey Department
- The Tuolumne County Director of Human Resources
- The Tuolumne County DA-VW Advocacy & Outreach Office
- The Tuolumne County Facilities Management Office
- The Tuolumne County Fire Department
- The Tuolumne County Health Department
- The Tuolumne County IT Department
- The Tuolumne County Jail Commander
- The Tuolumne County Office of the District Attorney
- The Tuolumne County Office of the Public Defender
- The Tuolumne County Probation Office
- The Tuolumne County Recreation Department
- The Tuolumne County Regional Juvenile Center
- The Tuolumne County Sheriff
- The Tuolumne County Social Services
- The Tuolumne County Standard Park
- The Tuolumne County Supervising Librarian
- The Tuolumne County Veterans Service Office
- The Tuolumne County Victim Witness Office
- The Tuolumne County WIC
- The Tuolumne County Youth Centers

Complete responses as submitted are available online:

<https://www.tuolumnecounty.ca.gov/1052/2017-Grand-Jury-Report>

Methodology

The 2017-2018 Grand Jury evaluated responses to the 2016-2017 Grand Jury's Recommendations to ensure compliance with the law. The Grand Jury evaluated each response using the questions listed in the table below. The Grand Jury's determination for each Response is listed below each Recommendation.

Grand Jury Evaluation of 2016/2017 Report Responses:

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
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Review of Responses to the Report on Sierra Conservation Center and Baseline Conservation Camp

Summary

The 2016-2017 Tuolumne County Grand Jury reports that the Sierra Conservation Center (SCC) continues to maintain a high level of safety and security for both inmates and staff. The Grand Jury finds that the operation of the correctional facilities continues to meet the requirements and standards that earned the SCC accreditation with the American Correctional Association (ACA) in 2014. The SCC is currently compliant with 525 ACA standards. It is non-compliant with five issues: of those, three were non-mandatory infrastructure issues and two were policy issues. At 98.8% compliance with ACA issues, SCC will receive re-accreditation in August 2017. This re-accreditation has been completed.

Recommendations and Responses

The following individual responded to the recommendations as listed below:

The SCC Warden: *R1*.

Findings

- F1. Facility has deteriorating conditions which shows water damage in the dorms, the Chapel and several other buildings throughout the facility as there are 25 items identified by Sierra Conservation Center Environmental Health Survey that remain unaddressed.*

Recommendations and Responses

- R1. Develop a timeline for corrective action on the remaining items within the Sierra Conservation Center Environmental Health Survey (EHS). (F1)*

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	YES	YES

Review of Responses to the Report on the Tuolumne County Jail

Summary

In the 2016-2017 Tuolumne County Grand Jury Jail Report, the Grand Jury found the existing jail to be outdated and overcrowded, creating potential health and safety issues. The new jail, initially scheduled to open in 2019, would alleviate these issues. However, the delay in the construction of the new jail necessitates immediately addressing these issues.

Inadequate ventilation in the garage structure and raw sewage being funneled and captured in plastic trash cans is alarming. The lack of adequate labels or hazard warnings on the electrical panels and access doors is concerning.

In addition, it was found that the jail is understaffed, and there is no formal recruitment plan in place for new officers.

The jail has numerous work programs created under the auspices of the Jail Industries Authority (JIA) that benefit the community and provide training to inmates, both men and women. Time spent in these programs counts towards reduction of an inmate's sentence and keeps them productive.

Recommendations and Responses

The following individuals responded to the recommendations as listed below:

The Tuolumne County Sheriff: *R1, R2, R3, R4, R5, R6.*

The Tuolumne County Jail Commander: *R1, R2, R3, R4, R5, R6.*

The Tuolumne County Code Compliance Officer: *R3.*

Findings

- F1. The jail is currently understaffed by two officers.*
- F2. Construction of the new jail facility is delayed. As a result, the current outdated facility will be in use for much longer than projected.*
- F3. Dispatch and Administrative services will remain at the current facility.*
- F4. There are potential health and safety issues at the current facility.*
- F5. Sewage leaks in the basement are captured in large open containers, creating health and safety issues.*
- F6. The male officers' locker room and the training classroom share the same space resulting in a disruptive environment for training.*
- F7. Female officers have to walk through the male officers' locker room to get to their locker room which creates a privacy and potential legal issue.*

Recommendations and Responses

R1. Institute a formal officer recruitment plan. (F1)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE	ACCEPT	AGREE	YES

R2. This facility will continue to be used for dispatch and administrative services so health and safety issues need to be addressed immediately. (F2, F3, F4)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE	ACCEPT	YES	YES

R3. Have the County Code Compliance Officer complete an immediate and thorough inspection of the current facility. (F3, F4, F5)

R4. Correct the plumbing issues. (F4, F5)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE – R3, R4	OFFERED EXCUSE – R3, R4	YES – R3, R4	YES – R3, R4

R5. Find a less disruptive, county-owned space for training purposes. (F6)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE	AGREE	AGREE	N/A

R6. Build a partition or create a separate entrance for the female officers' locker room. (F7)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
DISAGREE	OFFERED EXCUSE	NO	N/A

Review of Responses to the Report on the Tuolumne County Board of Supervisors

Summary

The 2016-2017 Tuolumne County Grand Jury was asked by the County Administrative Officer (CAO) to investigate methodologies that would automatically award the County Board of Supervisors (BOS) salary increases. Due to the recession and out of a sense of service they have not accepted a pay raise since 2006. Noting that the BOS had not been investigated by the Grand Jury since 2006-2007, the 2016-2017 Grand Jury decided to audit the Tuolumne County Supervisors' job responsibilities.

After investigation and research the Grand Jury recommends that the Board of Supervisors receive the same pay raise that county employee bargaining groups receive and recommends that it vote on its own raise in public.

With concerns about the Board of Supervisors' workload, and its ability to respond to county issues, the Grand Jury urges the Supervisors to concentrate their efforts on identifying the "Critical Few" commitments and duties regularly. The BOS is also strongly encouraged to purchase and use more current software enabling them to improve tracking progress to goals, by marking milestones, as well as organizing data to allow all board members to stay immediately informed on the many ongoing projects in Tuolumne County.

Recommendations and Responses

The following individuals responded to the recommendations as listed below:

The Tuolumne County Board of Supervisors: *R1, R2, R3, R4, R5, R6.*

The Tuolumne County CAO: *R2, R3, R4, R5.*

Findings

- F1. With various committee responsibilities (commonly 10 to 15 per supervisor), bi-monthly board meetings, committee meetings, and representing the county in regional, state and national interests, the job of a Tuolumne County Supervisor often entails 40 to 60 hours per week which is more than a part-time position.*
- F2. State and federal representation is a key role for the Board due to Tuolumne County's higher than normal ratio of public non-taxable lands to private taxable land.*
- F3. State and federal representation is also needed to solicit and procure more grant monies to cope with the recent states of emergency with fire, drought, tree mortality and flood-caused road damage emergencies confronting the County.*
- F4. All Supervisors are performing daily tasks (e.g., calendaring, email, communications, tracking program status) which consume time they might spend on more strategic planning and oversight. These tasks might be handled by assistants, representatives in committee meetings, or through updated processes and procedures.*
- F5. Many vacancies are apparent in BOS advisory committees that need to be filled.*
- F6. The status of the County of Tuolumne 5 Year Program and Major Projects Plan is tracked within a Microsoft Excel spreadsheet. The individual managing this activity states that it is cumbersome and difficult to update.*

- F7. *Each of the two most common methods for granting supervisorial pay in California-an average based upon raises granted to various civil bargaining groups and raises equal to those received by California State Superior Court Judges-brings with them negatives that need to be considered when approving a raise method. However, using the average raises granted (in Tuolumne County's case) to the county employee bargaining groups is the most straightforward and logical way to determine a raise.*
- F8. *Raises granted without a vote because of an ordinance agreed to in the past, can cause significant issues with transparency and absolve supervisors of their elected responsibilities.*
- F9. *While supervisors have a right to accept or reject a pay raise, rejection of a fiscally responsible pay raise can cause significant problems in achieving the County Supervisors' stated goal of growing the pool of potential county supervisors.*

Recommendations and Responses

- R1. *The BOS should consider reviewing their interactions, efficiency, and effectiveness within the existing structure of committee and commission activities. (F1, F2, F4, F5)*

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE	ACTION ONGOING	YES	ONGOING

R2. The CAO and BOS should seek tools to help facilitate the update of the status of programs and projects in real-time across agencies, committees, and commissions. This will ensure that all stakeholders have access to the most current information in one place and that programs and projects status is highly visible to the Board, County agencies, and the public. (F3, F4, F6)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFERED EXCUSE	NO	NO

R3. Tuolumne County Supervisors should receive a pay raise equal to the increases negotiated with all county bargaining groups thus establishing fiscally responsible consistent and stable pay practices for the position of current Supervisors and all future Supervisors. (F1, F2, F7, F8, F9)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	OFFERED EXCUSE	YES	YES

R4. In the interest of transparency, the 2016-2017 Grand Jury does not favor automatic increases in pay and recommends that Board of Supervisors vote on every compensation issue. (F7, F8, F9)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	OFFERED EXCUSE	YES	YES

R5. The Supervisors should vote to accept fiscally responsible pay raises, thus working toward the goal of making the BOS job more financially attractive to potential supervisors. Supervisors not desiring a raise have the option to return all or part to the county. (F9)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	OFFERED EXCUSE	YES	YES

R6. The BOS should consider hiring assistants to help Supervisors balance their time across responsibilities and allow for more preparation and strategic planning. (F1, F2, F3, F4, F6)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	OFFERED EXCUSE	YES	YES

Review of Responses to the Report on the Groveland Community Service District

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the Groveland Community Services District (GCSD) for possible violation of the Ralph M. Brown Act. This alleged violation occurred during an exploration of privatization of the District's water system. The investigation revealed that the GCSD did violate the Brown Act by discussing an important item which was not included on published meeting agendas for two board meetings. Grand Jury recommendations include increased training in the Brown Act and in the Raker Act.

Recommendations and Responses

The following individuals responded to the recommendations as listed below:

The GCSD Board of Directors and GCSD General Manager: *R1, R2, R3, R4.*

Findings

- F1. The Board of the GCSD violated the Brown Act (§54954.2(a)(1) at the June 13, 2016, and July 11, 2016, meetings.*
- F2. Assigning a study on privatization of the GCSD water services to the Budget Committee, an ad hoc committee, raised questions about transparency.*
- F3. The directors that have attended training in various aspects of managing small districts have found it valuable.*

F4. Unfortunately, no training has been received in the requirements of the Raker Act of 1913, the legislation that created Hetch Hetchy Reservoir and GCSD's water supply.

Recommendations and Responses

R1. Continue training in the Brown Act for new and returning directors (F1)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
AGREE	ACCEPT	YES	ONGOING

R2. New issues beyond the normal operation of GCSD should be undertaken by an ad hoc committee. (F2)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	OFFERED EXCUSE	YES	NO

R3. All directors should receive continued CSDA training in the appropriate behavior of board members, being successful, and being productive. (F3, F4)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	ONGOING	ONGOING

R4. All directors should receive training in the Raker Act. Formal training in the content of the Raker Act might be difficult to come by. If training is not available, providing directors with a summary of the act, highlighting the parts that affect GCSD, and including it in the policy manual would be helpful. (F4)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	YES	ONGOING

Review of Responses to the Report on Sonora's Tuolumne County Library

Summary

In the 2016-2017 Library Report, the Tuolumne County Grand Jury recommends that the Board of Supervisors restore the Tuolumne County Library budget, personnel, and services to pre-recession levels. It also highlights the need to fill the Director of Library Services position that was eliminated due to budget cuts in 2010.

The Grand Jury's review focuses on other issues as well. It recommends that hours and days of library operation be increased, as they were reduced in budget cutting efforts. Along with restoring hours of operations, the Jury recommends that the Board of Supervisors reopen the closed Jamestown Branch Library.

Financial aspects and future sustainability of the library are also considered by the Grand Jury. The report suggests the county undertake a study of a parcel tax and/or sales tax to produce revenues that would be dedicated for use by the Library, such as San Joaquin, Sonoma and Nevada Counties have done. Inclusion of the library into the 2017-2021 5 Year Plan is also urged.

Recommendations and Responses

The following individuals responded to the recommendations as listed below:

The Tuolumne CAO: *R1, R2, R3, R4, R6, R7, R8, R10, R11, R12, R14, R15.*

The Tuolumne County BOS: *R1, R3, R5.*

The Tuolumne County Supervising Librarian: *R1, R2, R3, R4, R6, R7, R9, R10.*

The Tuolumne County Director of Human Resources: *R2, R10, R11, R12, R13.*

The Tuolumne County Fire Department: *R10.*

The Tuolumne County IT Department: *R4, R15.*

Findings

- F1. The lack of a Director has resulted in the library not having a direct voice with either the CAO or the Board of Supervisors.*
- F2. The unfulfilled promise of a new Director has resulted in a vague chain-of-command, inadequate outreach to service clubs, and lack of grant writing.*
- F3. Job titles in the current library organizational chart, when compared to the County job descriptions, are confusing and misleading resulting in an unclear chain-of-command.*
- F4. To keep the libraries operational, some employees work beyond their permitted hours and perform duties not in line with their job descriptions, without compensation, resulting in low employee morale.*
- F5. There is insufficient time for staff to recruit, train and supervise volunteers which adversely impacts programs and operations.*
- F6. Without a current study on library hours and usage, it is unknown if the current branches, hours and days of operation are meeting the needs of our community.*

- F7. *The Board of Supervisors failed to pursue their 2014-2018 5 Year Sustainability Plan. As a result of this, no study was started to look for alternate methods of funding the library.*
- F8. *The method of tracking fines and payments on paper is antiquated and leaves it open to loss of records.*
- F9. *There is no backup Bookmobile librarian putting the Bookmobile visits at risk of loss of service.*
- F10. *The Bookmobile does not need to be replaced, but the exterior, including decals and paint, is faded.*
- F11. *The emergency evacuation plan is not posted in an area for general viewing. Additionally, at the time this report was written, there have been no fire drills or in-person safety classes for over three years leaving the employees and patrons at risk.*
- F12. *Relief workers, who are paid staff, are not required to take online safety courses, leaving them at risk.*
- F13. *An ergonomic study has not been done to evaluate the library work areas or equipment to help increase productivity and sustain the health of library employees.*
- F14. *Performing an internet search for the Tuolumne County Library website gives results that are confusing to the users.*
- F15. *Offering only email hyperlinks on the Tuolumne County Library's website could cause confusion for the average computer user who might not have an email client configured.*

Recommendations and Responses

- R1. *Undertake a study of a parcel tax and/or sales tax increase to supplement the general fund budget for the library by*

December 31, 2017 in order to be on the June 2018 General Election Ballot. These funds would be used to hire a Director of the Library Services with the equivalent of an ALA accredited Master of Library Science Degree and who would report directly to the CAO. This Director would also provide the required Annual Report to the Board of Supervisors. Funds would also be used to expand hours of operation and hire additional staff to meet the needs of our community. (F1, F2, F4)

[Library's Response: I agree that a study of parcel or sales tax to supplement the library budget needs to occur. However, this is a process of careful study and planning leading up to the vote in order to ensure that it passes. It will take longer than the suggestion given here. Further analysis is needed.]

[Library's Amended Response: I agree that without a Director of Library Services as department head there has not been a direct voice to the Board of Supervisors and to department meetings. However, the library has had excellent communication with the CAO, and has been able to make presentations at critical times to the Board of Supervisors.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
LIBRARY-YES REVISED-YES CAO & BOS-YES	LIBRARY -ACCEPTED REVISED-OFFERED EXCUSE CAO & BOS- IMPLEMENTING	LIBRARY-NO REVISED-NO CAO & BOS- YES	LIBRARY-NO REVISED-NO CAO & BOS- YES

- R2. *Clarify the chain-of-command and update the organizational chart to better reflect the County job descriptions and titles.*
(F2, F3)

[Library Response: This will be implemented in the next few months as staff changes occur.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	YES	COMPLETED

- R3. *Perform a study to determine optimal library branch locations, hours, and days of operation. Based on this study, generate a plan to best meet the needs of patrons.* (F6)

[Library Response: This will be implemented after a library director is hired this fiscal year.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	ACCEPTED	NO

R4. Increase hours to permit recruiting and training of volunteers.
(F5)

[Library Response: Increased hours, one benefit, being more time to train volunteers will happen when funding improves.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	LIBRARY-AVOIDED REVISED-OFFERED EXCUSE CAO-ACCEPTED	LIBRARY-NO REVISED-NO CAO-YES	NO

R5. Include the library in the BOS 2017-2018 5 Year Plan. (F7)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R6. Identify fines and fees in the budget under revenue. Determine the best method to track and report receipts. (F8)

[Library Response: Fines and fees are currently identified in the library budget under Revenue, Library Services (0001602100477210). This includes revenue from fines, fees for lost and damaged items, copying, printing, library card replacement. Daily receipts are made on the County financial software (PeopleSoft) directly to the County Auditor's Office by the Library Operations Supervisor.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
LIBRARY-YES CAO-YES	LIBRARY-ACCEPTED CAO-EXCUSE	LIBRARY-NO CAO-YES	LIBRARY-NO CAO-NO

R7. Train a substitute Bookmobile Librarian. (F9)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R8. Repaint the exterior of the bookmobile and restore the interior to like new condition. (F10)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
CAO-YES	CAO-ACCEPT	CAO-YES	CAO-NO

*R9. Procure new bookmobile sponsors who will supply removable sponsor decals and pay a recurring fee for advertising. (F10)
[Library Response: We plan to have a fundraising campaign to help with Bookmobile expenses such as: refurbishing the interior and exterior. This will be with the help of Friends of the Tuolumne County Library and occur during this fiscal year.]*

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R10. Staff should have an annual emergency drill and an in-person fire safety class. The fire department should provide fire extinguisher training and conduct annual fire and safety inspection and post at least one emergency evacuation plan visible to the public. (F11)

[Library Response: Staff will have an emergency drill at the end of next staff meeting. As soon as scheduling permits, we will hold a fire safety class led by the fire department.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED FUTURE ACTION	YES	YES

R11. Post at least one emergency evacuation plan visible to the public. (F11)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R12. Require all paid staff to take online safety courses. (F12)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED	YES	YES

R13. Complete an ergonomic study of the work area, and prepare an implementation plan. (F13)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFERED EXCUSE	YES	YES

R14. Evaluate and update the library website. Look into search engine optimization and improving the usability of the library website. (F14)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFERED EXCUSE	NO	NO

R15. Add a “Contact the Library” form to send messages directly to library staff. (F15)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFERED EXCUSE	NO	NO

Review of Responses to the Report on the Fire Department and Dispatch

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the organization of the Tuolumne County Fire Department and the Tuolumne County Dispatch system.

Early on in this investigation it was discovered the county was going to hire an outside consulting firm to conduct a study of Tuolumne County Fire/First Responder and Emergency Medical Services this year. They have since contracted with Matrix Consulting Group for this purpose. This study will review many of the same safety, organizational, and sustainability concerns that were brought up during this Grand Jury investigation.

Some issues which may or may not be reviewed by Matrix Consulting Group were reviewed by the Grand Jury. The current contract between Tuolumne County and CAL FIRE, along with having one person fill both the role of Tuolumne County Fire Chief and CAL FIRE Unit Chief, is addressed within this report. Volunteer firefighters and the county's existing resources are other areas of this Grand Jury investigation.

The dispatch system, used to answer 911 calls made in Tuolumne County, is a system the Grand Jury reported on as well.

Recommendations and Responses

The following individuals responded to the recommendations as listed below:

Tuolumne County Board of Supervisors: *R1, R2, R3, R4, R6, R7, R9.*

Tuolumne County CAO: *R1, R4, R6, R7, R9*

Tuolumne County Fire Department: *R5, R8, R9*

Tuolumne County Sheriff: *R2, R3, R5, R6, R9*

Tuolumne County Ambulance: *R9*

County Counsel: *R1*

Findings

- F1. Having the same person fill the role of both Tuolumne County Fire Chief and CAL Fire Chief does not provide equal representation for either agency and may represent a conflict of interest.*
- F2. The CHP should not continue to be the primary contact for Tuolumne County cellular 911 calls as time and data can be lost in transferring calls. Merced CHP Dispatch does not know the geographical layout of Tuolumne County.*
- F3. Taxes, which pay for 911 services, are being charged for voice transmission via landline or cellular calls; however written text is becoming more of the standard mode of communication.*
- F4. Fire and EMS resources are not adequately distributed in the county. The nearest ambulance to Pinecrest is stationed at Mono Vista which is 23 miles (or 29 minutes) away. The majority of 911 calls are medical, but there are only four EMS stations in Tuolumne County.*
- F5. The order of information (incident type, community, and location) given to first responders after a pre-alert dispatch tone is sometimes inconsistent, and may result in delay of response.*

- F6. *Fire resources unnecessarily responding to emergency medical aid calls that are not life threatening can result in excessive wear and tear to expensive fire trucks and expose civilians to the danger of responding fire engines.*
- F7. *The current mechanism for funding the County fire system is unsustainable.*
- F8. *Currently there is not a standing agenda item specifically dedicated to UORs during the monthly Tuolumne County Fire Chief's meeting, but rather the UORs are addressed via a phone conversation or email, resulting in little opportunity for group discussion.*
- F9. *There is a loss of time and possible loss of data when calls are transferred to multiple dispatch centers.*

Recommendations and Responses

- R1. *Explain to the Grand Jury how having the same person in the role of Tuolumne County Fire Chief and the TCU's CAL FIRE Chief, while being paid by both the county and the state, is not a conflict of interest. (F1)*

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
DISAGREE	OFFERED EXCUSE	NON-ISSUE	N/A

- R2. *Continue implementing and developing RED Project to route GPS data to the appropriate dispatch center. (F2)*

[Already implemented and routing of cell traffic has improved greatly.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ALREADY IMPLEMENTED	YES	N/A

- R3. *Support and lobby to capture a percentage of fees from cellular phone providers for the Tuolumne County cellular device 911 calls or texts routed to Tuolumne County. (F3)*

[As of July 2017-Not implemented yet per State Funding. Board of Supervisors will attempt to add 2018 Legislative Platform in December 2017 while seeking support from CSAC and RCRC.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	NOT IMPLEMENTED YET	YES

- R4. *Relocate some existing re equipment and personnel. Add EMS stations to areas where they are capable of responding more quickly to emergencies. (F4, F6)*

[Relocate some existing fire equipment and personnel. Add EMS stations to areas where they are capable of responding quickly to emergencies. The Board of Supervisors will have to consider after review of the Matrix Consulting Group finishes

their study and should know by end of year 2017.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT AND BEGIN TO IMPLEMENT ACTION	NO	YES

R5. Develop a consistent protocol and universal language to be used by all dispatchers. (F5)

[Sheriff: The Tuolumne County Sheriff's Office already has protocols in place that dictate what information is provided to the deputies and in what order. The Tuolumne County Sheriff's Office Dispatchers already provide information to deputies in specific order using a universal language. I cannot speak to Cal Fire's Dispatch center and protocols.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPTED AND BEGAN TO IMPLEMENT ACTION	YES	N/A

R6. Establish an Emergency Medical Dispatch and train PSAP call takers to become EMD dispatchers. (F6)

[The Board of Supervisors to consider the outcome of the Matrix Consulting Group study and other stakeholders and will then consider concepts outlined in the study report.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT AND BEGIN TO IMPLEMENT ACTION	YES	NO

R7. *Institute a fair mitigation/ building fee program that would help fund fire equipment replacement. (F7)*

[This has already been implemented. The County established a growth impact mitigation (GIGER) fee program several years ago to help fund capital needs associated with new development. Revenues were modest at \$12,000 for Fire Capital in FY 2016/2017.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ALREADY IMPLEMENTED	YES	ONGOING AND TAKING CORRECTIVE ACTION

R8. *Include a standing agenda item for the monthly Tuolumne County Fire Chiefs' meeting to address issues recorded in the UOR's as a formalized way of giving productive input. Use this feedback to improve the dispatch process and eliminate*

confusion surrounding the unusual occurrence. (F8)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

- R9. *Relocate the existing independent dispatch centers to a multi-agency dispatch center in the County. Having a multi-agency dispatch center would prevent response delay and loss of information. In addition, there would be cost benefits for facilities and utilities by combining these agencies. (F9)*

[BOS and CAO: This recommendation will not be implemented as it would be unreasonable to expect that such a study could be performed within the 6-month time frame usually allowed by the Grand Jury's instructions. However, the Board will consider adding this to its next 5-Year Plan and 2018 Goals (February/March 2018). It should be noted that both the Sheriff and CalFire Unit Chief support conducting such a study while noting that much research will be required with the support and participation of multiple stakeholders.]

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFERED EXCUSES	NO	NO

Review of Responses to the Report on the Information Technology Department

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the Tuolumne County Information Technology Department. The Grand Jury was terrified. Security, policy and procedures, training, and project management need to take more prominence in the IT Department and throughout Tuolumne County.

Serious security issues exist throughout the county's fleet of devices, and staff are untrained and unfamiliar with current best practices to respond to security incidents. This, along with inconsistent training and event tracking result from a lack of clearly defined processes and an atmosphere that addresses issues in a reactive manner instead of proactively anticipating potential problems. Staff do not look further than the county for input on how processes could be improved.

Innumerable issues exist with hardware and software, leaving catastrophic risk of damage to county resources which will inevitably be shouldered by taxpayers. IT facilities lack appropriate physical security and utilize sprinklers for fire suppression. Unaudited access to IT facilities is granted to third parties. Backups are stored in volatile locations, exposed to environmental risks.

Few policies exist per standard industry guidelines, and those that do exist are woefully out of date. The lack of many formal policies and procedures has allowed inconsistency in processes and legal compliance to permeate the IT department policies for training, password management, data retention, disaster recovery, secure data destruction, logging, auditing, and legal compliance do not exist and therefore cannot be observed.

Expensive hardware is not being utilized to capacity. Audits are not being performed of computers, facilities, network access devices and logs.

- Network equipment is not being maintained.
- Servers are not being maintained.
- End user devices are not being properly maintained.
- Canary Testing is not being performed.
- A large portion of the hardware in the county is End-Of-Life and no longer supported by the vendor.
- The Storage Area Network is still incomplete.

A common phrase repeated in medicine is, “If it’s not written down, it didn’t happen.” This is no less true in technology or politics. The ticketing platform is incapable of providing consistent tracking of support requests. Staff are not adequately trained in their support systems, software, and maintenance methodologies and are not keeping sufficient records to be able to reduce their labor through process reuse.

Insufficient staff are employed to support the vast array of users and departments they're assigned. The county needs a security analyst and should implement staggered schedules to ease the imposition that current maintenance requires. While there is an adequate pool of local candidates, hiring and promotion are prioritized from within and from other county departments. This creates a knowledge vacuum of staff trained with the most current technological needs.

The Tuolumne County project approval process neglects to include IT in final approval to prevent damaged equipment. There is no consistent project management process.

County websites suffer from serious security and reliability issues, Search Engine Optimization (SEO) problems, neglect to adhere to standards, and utilize more resources than are required on current platforms.

While some of these discoveries will take a sea change to implement properly, more than half of them can be resolved in minutes with the right knowledge or training.

The Grand Jury report details the immediate need to address each of long-term issues and other problems that result from a lack of clearly defined processes.

The following individuals responded to the recommendations as listed below:

The Tuolumne CAO: *R1, R2, R3, R4, R5, R6, R7, R8, R11, R13, R26, R27, R28, R29, R30, R31, R32, R37.*

The Tuolumne County IT Department: *R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53.*

The Tuolumne County Counsel: *R3, R22, R23.*

The Tuolumne County BOS: *R1, R2, R3, R4, R5, R6, R7, R8, R10, R11, R13, R26, R27, R28, R29, R30, R31, R32, R37.*

The Tuolumne County Director of Human Resources: *R1, R2, R3, R4, R5, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R35, R36, R37, R40, R43, R44, R47, R48, R49.*

The Tuolumne County Fire Department: *R6, R28, R29, R30, R31.*

The Sonora City Fire Department: *R6, R28, R29, R30, R31.*

The Tuolumne County Facilities Management Office: *R6, R26, R27, R28, R29, R30, R31, R32, R43.*

The Tuolumne County Ambulance Service: *R22.*

The Tuolumne County Behavioral Health Department: *R22.*

The Tuolumne County DA-VW Advocacy & Outreach Office: *R22.*

The Tuolumne County Office of the District Attorney: *R22, R23.*

The Tuolumne County Health Department: *R22.*

The Tuolumne County Human Resources Office: *R22.*

The Tuolumne County Jail: *R22.*

The Tuolumne County Probation Office: *R22, R23.*

The Tuolumne County Office of the Public Defender: *R22, R23.*

The Tuolumne County Recreation Department: *R22, R23.*

The Tuolumne County Regional Juvenile Center: *R22.*

The Tuolumne County Sheriff: *R22.*

The Tuolumne County Social Services: *R22.*

The Tuolumne County Standard Park: *R22.*

The Tuolumne County Veterans Service Office: *R22.*

The Tuolumne County Victim Witness Office: *R22.*

The Tuolumne County WIC: *R22.*

The Tuolumne County Youth Centers: *R22.*

The Tuolumne County CRA/Environmental Health/Survey Department: *R23.*

The Tuolumne County Animal Control: *R23.*

Findings

- F1. *IT staffing was significantly reduced starting in 2008, but expectations have grown, leading to the inability of the IT Department to deliver what county departments are asking for in a timely manner.*
- F2. *There is no IT director. The IT manager reports to a deputy CAO causing a possible conflict of interest. The CAO is responsible for budgeting, and this can conflict with the interests of the IT Department leaving no one at the Director level to advocate on behalf of the IT Department.*
- F3. *The IT Project demand from multiple departments throughout the county creates delays in many projects and conflicts between departments.*
- F4. *Security falls under Risk Management, which is the responsibility of Human Resources. The IT Department operates in a manner where security is not its responsibility, creating serious security and reliability issues throughout the county.*
- F5. *IT Department staff are constantly “putting out fires” and do not have a lot of time to train. Training is often interrupted in order to work on issues.*
- F6. *County facilities do not take into account the needs of IT equipment, leading to critical county infrastructure being in danger of destruction if fire suppression equipment were activated.*
- F7. *Labor and cost estimates for projects have consistently been underestimated and have suffered from scope creep contributing to delays in project delivery. (F6)*

- F8. *The projects of highly “visible” departments are prioritized while other work is deprioritized, impacting long-term projects and Maintenance and Operations. (F9)*
- F9. *The Tuolumne County IT Department has no consistent project tracking system, does not break work into milestones, and cannot provide immediate project status reports. (F8)*
- F10. *There is no formal policy for documentation of processes, procedures, or work performed. Documentation is not mandated, nor is it consistent. Documentation should be written to both, account for how software or equipment is installed or maintained, and also to permit others to learn how the work was done. Accurate and complete documentation eases the burden for future maintenance, and allows the work to be reproduced if additional equipment or software must be configured in the same way.*
- F11. *Staff are not given sufficient time to perform infrastructure maintenance.*
- F12. *There is no security analyst or specialist in the IT Department. Lack of sufficient time for existing staff to address security issues proactively dedicated security staff, leaves the county at increasing and unnecessary security risk.*
- F13. *There is no formal Password Protection Policy (PPP). No complexity requirements are required for some systems and no password expirations are imposed. No requirements or limitations exist for password reuse, sharing, distribution, storage, or breach reporting. Lack of clear password rules reduces overall security, allowing for common and reused passwords to ease the effort involved in hacking any account from years or months to as little as seconds.*
- F14. *There is no current formal Disaster Recovery Plan/Policy (DRPP). Without a formal plan to address disaster response,*

any reaction will have to be created under duress, without the time or forethought that proper planning provides

- F15. *There is no current formal backup retention/Data Retention (DR) policy. Data backups are kept at most for one year and for as little as two weeks. This may conflict with transparency and data retention requirements under the California Public Records Act and California Government Code §26202.*
- F16. *There are no persistent email archives. While some emails will not be required to be kept, some email messages are parts of the decision-making process, and records may be required. This may conflict with transparency and data retention requirements under the California Public Records Act and California Government Code §26202.*
- F17. *There is no formal training policy. Continuing education is critical for any organization, but particularly one where a failure to address issues in a timely fashion will incur costs that must be shouldered by county taxpayers.*
- F18. *There is no formal policy for Secure Data Destruction (SDD) and/or drive wipe before decommissioning old hardware. Failure to consistently destroy sensitive information leads to significant security and privacy risks.*
- F19. *There is no formal Information Logging Standard (ILS) policy, or Security Information and Event Management (SIEM) policy or procedure for log, hardware, software, or reporting audits which prevents compliance with HIPAA and PCI DSS, prevents accurate source-tracking for infections, and places the weight of IT on emergency response instead of planned and coordinated activities.*
- F20. *There is no formal policy for ongoing SB272 (§6270.5 of the California Public Records Act) compliance, which may violate SB272.*

- F21. *There are no formal policies or procedures in place for maintaining IT equipment in Tuolumne County leading to grossly out of date networking equipment, security equipment, and other systems being years behind in required maintenance.*
- F22. *The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires regular software and Operating System (OS) maintenance, as well as regular review and auditing to remain in compliance with steep penalties for failure.*
- F23. *The Payment Card Industry Data Security Standard (PCI DSS) requires any organization collecting payments via credit card to perform regular security maintenance, complete application maintenance, restrict physical access to devices that can access cardholder data, regularly test device and network security, create and maintain an Information Security (InfoSec) policy, store logs for a minimum of one year, and perform log audits.*
- F24. *The county does not have a Reverse Whois (RWhois) record, which provides third parties a direct contact for issues relating to any network issues discovered such as botnet, malware, or spam originating from their network.*
- F25. *The county has hundreds of IP addresses assigned, though only 21 named devices, many of which do not require a dedicated IP address. The allocation of this many IP addresses to an organization that is not using them efficiently violate the Number Resource Policy Manual (NRPM), which requires a minimum 50% utilization of allocated IPv4 resources. IPv4 exhaustion is here and more than 200 IP addresses are being wasted by Tuolumne County.*
- F26. *The Morning Star facility lacks security cameras.*
- F27. *The Morning Star facility lacks physical security for the server room.*

- F28. *The Morning Star facility server rooms use sprinklers for fire suppression.*
- F29. *The Morning Star facility server room leaves tape backups exposed.*
- F30. *The NOC leaves tape backups exposed.*
- F31. *The NOC uses sprinklers for fire suppression.*
- F32. *There is no formal policy for supervised third-party NOC access, which violates HIPAA, PCI DSS, and creates other potential security.*
- F33. *The current ticketing platform is outdated and unsupported. It does not enforce tracking of important data, creating inconsistent records. This prevents preemptive action to address hardware, software, and end-user issues.*
- F34. *The existing SAN is full, making long-term backups and recovery impossible, and creating a situation where staff needs to prioritize what electronic records departments can retain. Certain records must be kept for two years under California Government Code §26202, and it appears that this is not being done.*
- F35. *Firmware updates that address security vulnerabilities are being neglected for every single network access device - router, switch, wireless access point, firewall, and enterprise appliance - in the fleet.*
- F36. *IT Department staff are not monitoring vendor websites for patch information, allowing hardware and software to remain insecure and years out of date, making county devices easy targets for attackers.*
- F37. *IT Department staff are not consistently participating in mailing lists, newsgroups, guides, forums and other patch management systems, limiting their exposure to information*

about updates, processes, and issues to address known problems.

- F38. *Servers throughout the county are out of date and some critical services run on software that is eight years beyond EOL, placing them at severe security risk and increased risk of instability.*
- F39. *IT does not patch servers with the majority of applicable updates, leaving them insecure.*
- F40. *The current update process does not consistently include Canary Testing, placing all devices at increased risk of collateral failure.*
- F41. *Nearly all of the updates that are installed are delayed a month, then installed on all affected devices simultaneously during normal business hours. This interrupts normal business processes and increases the risk associated with these devices until they are patched.*
- F42. *Line of business applications (as many as 300 separate applications) are not consistently maintained, leaving critical applications potentially unstable and insecure.*
- F43. *Post-update device restarts are not being forced, allowing devices to remain insecure until the user chooses to restart manually.*
- F44. *Most user devices are still running 32-bit Operating Systems (OS) because a 64-bit OS image has not yet been approved for county-wide use, wasting resources within each device and slowing device performance, impacting Tuolumne County staff time.*
- F45. *Some critical line of business applications can no longer be used or upgraded because they require 64-bit Operating Systems (OS), leaving departments unable to function.*

- F46. Not all staff are fully trained in their Remote Monitoring & Management (RMM) solutions, requiring manual intervention for diagnostics and reporting, wasting time and resources.*
- F47. Malware infections are a daily occurrence and only those reported to IT are discovered and addressed. The resolution for most infections on Tuolumne County hardware is to re-image the device (or devices), which causes loss of user data and prevents data collection for sourcing infections to determine intent (such as spear phishing, ransom, botnet, or general infection), which prevents adequate response to targeted attacks.*
- F48. Ransomware has taken down parts of the network on multiple occasions, also causing server data breaches. Servers have no defense enabled against network-aware malware or user negligence.*
- F49. Tuolumne County is using software firewalls that are EOL, putting the entire county infrastructure at risk.*
- F50. Tuolumne County is using hardware firewalls that are EOL, putting the entire county infrastructure at risk.*
- F51. Physical access to devices is possible in every department the Grand Jury visited. Toolkits that allow network-level hijacks are available online for under \$50, so one doesn't need to be a "highly-nuanced state-sponsored actor" to be able to hijack Tuolumne County networks.*
- F52. Physical access to network ports is possible in almost every department the Grand Jury visited, exposing the network to security risks.*
- F53. There is no Network Device Integrity (NDI) Methodology in place which creates inconsistency in security response to network issues.*

- F54. Sender Policy Framework (SPF) is not in use, exposing Tuolumne County to potential abuse from spam messages and phishing messages with forged address from Tuolumne County addresses.*
- F55. Domain Keys Identified Mail (DKIM) is not in use, exposing Tuolumne County to potential abuse from spam messages and phishing messages with forged address from Tuolumne County addresses.*
- F56. No formal policy or process is in place for external vendor access, creating inconsistency and potential security issues.*
- F57. Several website security issues exist.*
- F58. Websites use expired or no SSL certificates, increasing the risk of data leakage or compromise.*
- F59. The Bring-Your-Own-Device (BYOD) management platform is externally visible, exposing the entire network to abuse.*
- F60. The county website does not support SSL.*
- F61. There are several domains that present the same content for the Tuolumne County Website, impacting Search Engine Optimization (SEO) efforts and canonicalization.*
- F62. The robots.txt file Sitemap reference is invalid.*

Recommendations and Responses

- R1. Hire at least two mid-level industry-experienced IT professionals to increase the capacity of the department. (F1)*

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R2. Hire one more technical support analyst to assist county users who require help. (F1)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R3. Hire a Chief Information Officer (CIO) or IT Director that would report directly to the CAO and not a deputy CAO. That individual must have an experienced IT background and not have any other responsibilities within the county administration. Should the position not be created/filled, we request that the CAO, BOS and County Counsel explain why the current arrangement is not a conflict of interest. (F2)

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YES	ACCEPT	YES	NO

R4. All County departments must be made aware of needs of the other departments and work together to prioritize their IT needs. (F3)

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YES	ACCEPT	YES	YES

R5. Security training must take place for members of the IT Department. It is preferred that training take place off-site instead of online or on-site training, so they are not interrupted during training. (F4, F5)

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YES	ACCEPT	YES	NO

R6. Involve the IT Department in all aspects of planning and implementation of how buildings are set up for proper IT infrastructure. The IT Department should be included in final approval of County building plans. (F6)

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YES	ACCEPT	YES	YES

R7. Investigate project management methodologies such as Agile, Lean, and Kanban. The Jury also recommends that the county investigate software for project management to improve project estimation and tracking capabilities. (F3, F7, F9)

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YES	ACCEPT	YES	YES

R8. Prioritize projects based on the needs of the entire county, both government and citizens. All projects and project requests should go through the standard ITSB procedures, and prioritization should also include maintenance on IT equipment so that technical debt is not accrued. (F8)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R9. Create an up-to-date and actively maintained knowledge base about how networks, hardware, and software are installed and configured. (F10)

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YES	ACCEPT	YES	NO

R10. Modify IT Department work schedules to stagger some staff so some Maintenance & Operations can be performed after hours in other department. (F11)

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YES	OFFER EXCUSES	NO	NO

R11. The Grand Jury strongly recommends hiring a dedicated security analyst. (F4, F12)

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YES	ACCEPT	YES	NO

R12. Create, maintain and observe a Password Protection Policy (PPP) that incorporates complexity requirements, password expiration, limits reuse, sharing, distribution, and storage, and requires breach reporting. (F13)

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YES	ACCEPT	YES	NO

R13. Create, maintain and observe a Disaster Recovery Plan/Policy. (F14)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R14. Create, maintain and observe a Data Retention (DR) policy for email, data, and stateful work that complies with California law and the Freedom of Information Act (FOIA). (F15, F16)

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YES	ACCEPT	YES	NO

R15. Create, maintain and observe a formal IT Training Policy that incorporates best practices for documentation, maintenance, security, monitoring, and ensures that attendees are not pulled away during training. (F17)

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YES	ACCEPT	YES	NO

R16. Create, maintain and observe a Secure Data Destruction (SDD) policy. (F18)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R17. Create, maintain and observe an Informational Logging Standard (ILS) policy and Security Information and Event Management (SIEM) policy and procedure, ensuring that logs are regularly and actively audited. (F19, F22, F23)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R18. Create, maintain and observe a policy for ongoing SB272 (\$6270.5 of the California Public Records Act) compliance. (F20)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R19. Create, maintain and observe a policy and procedure for maintaining network equipment (routers, switches, firewalls, wireless access points, peripherals, and enterprise appliances) that incorporates no less than weekly firmware checks and vendor monitoring for all network equipment, and decommission planning for hardware approaching EOL. (F21, F35, F36, F37)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R20. Create, maintain and observe a policy and procedure for maintaining end-user equipment that incorporates Canary Testing, Operating System (OS) updates and monitoring, application updates and monitoring for all installed applications, update installation windows outside of individual department business hours, force system restarts outside of individual department business hours, change monitoring to identify irregular activity, and replacement planning for hardware, applications, and Operating Systems approaching EOL. (F21, F36, F37, F40, F41, F42, F43)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R21. Create, maintain and observe a policy and procedure for maintaining server equipment that incorporates Canary Testing, Operating System (OS) updates and monitoring, application updates and monitoring for all installed applications and services, change monitoring to identify irregular activity, and replacement planning for hardware, applications, and Operating Systems approaching EOL. (F21, F36, F37, F38, F39, F40, F42, F43)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R22. Create, maintain and observe a policy and procedure for HIPAA compliance. Each affected Department should be aware of their obligations and actively participate and pursue full compliance. (F22)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R23. Create, maintain and observe a policy and procedure for PCI DSS 13 compliance. Each affected Department should be aware of their obligations and actively participate and pursue full compliance. (F23)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R24. Direct the county's Internet Service Provider to create an RWhois record and populate it with appropriate role-based contact information. (F24)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R25. Migrate all public services to SNI-capable devices and consolidate IP addresses. Eliminate the vast majority of IP addresses that are not in use. If SNI were implemented, the ongoing costs for dedicated IP addresses could be reduced to as few as five (or a single CIDR/29) vs the current 256 IP address allocation of a Class C network (CIDR/24). Depending on how the county negotiated their current pricing, they could be paying as much as \$5000/month for IP addresses. Savings could be in the tens of thousands of dollars per year. (F25)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R26. Immediately install security cameras at the Morning Star facility. (F6, F26)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R27. Immediately replace the doors, door locks, and implement audited security access devices for the server rooms at the Morning Star facility. (F6, F27)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R28. Replace the sprinklers with HFC-227ea fire suppression systems, or any other electronics-friendly fire suppression system, at the Morning Star facility. (F6, F28)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	YES	NO

R29. Immediately move tape backups into fireproof safes at the Morning Star facility. (F6, F29)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	AVOID	NO	NO

R30. Immediately move tape backups into fireproof safes within the NOC. (F6, F30)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	AVOID	NO	NO

R31. Replace the sprinklers with HFC-227ea fire suppression systems, or any other electronics-friendly fire suppression system, within the NOC. (F6, F31)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R32. All third-party access to the NOC should be supervised and logged. (F32, F36)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R33. A replacement ticketing platform must be researched, obtained, and implemented as soon as possible. The replacement ticketing platform should enforce device, user, and technician identification, and provide for canned responses, Frequently Asked Questions (FAQ), Knowledge Base (KB), and self-help integration for ticket submission, multiple support queues and automated technician/group assignment. The county must create, maintain and observe a policy and procedure for ticket, FAQ, and KB management, and require ticket data audits on a weekly basis. (F33)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	NO	NO

R34. The SAN upgrade must be completed with the highest priority. The SAN must be installed within 30 days of publication of this report. (F34)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R35. Complete and actively maintain a hardware audit to obtain an accurate Asset Management accounting of actual network devices in use throughout all county facilities. The audit should include the exact location, make, model, serial number, and patch level with firmware hash, installation date, observation date, MAC address, routable addresses, department affiliations, responsible parties and any other applicable notes. Vendor websites should be actively monitored for each device model for updates and EOL. This Asset Management system should be integrated into the Network Analyst's workflow to ensure that all hardware is properly observed and maintained. (F35, F36, F37)

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YES	ACCEPT	YES	YES

R36. County IT staff should be mandated to participate in online forums and mailing lists related to their duties. This should include SANS, SANS Internet Storm Center (ISC), the National Institute of Science and Technology (NIST), NIST's Computer Security Resource Center (CSRC), the Internet Engineering Task Force (IETF), US Computer Emergency Readiness Team (US-CERT), CSO, Patch Management, SaferPC, and the various Stack Exchange sites. (F36, F37)

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YES	ACCEPT	YES	YES

R37. Wherever possible, EOL devices should be replaced or terminated. Where this is not possible, we recommend that alternatives, such as Microsoft Premium Assurance, be sought out to minimize collateral damage from unsecurable devices. (F38)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
NO	AVOID	NO	NO

R38. Immediately prepare and approve a 64-bit Operating System image and gradually roll it out to all supported devices, prioritizing those departments that require 64-bit Operating Systems for line of business applications. Approval should occur within 90 days of publication of this report. (F44, F45)

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YES	ACCEPT	YES	YES

R39. All IT staff needs to be actively trained in the RMM solutions. (F46)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R40. Create, maintain, and observe a policy and procedure for malware events that does not treat them as a mere nuisance, but treats each incident as a potential disaster. Each affected device should be fully audited and user logs should be actively reviewed until the source of the observed infection and any other identified infections can be rooted out. Detection signatures and edge rules should be modified to address any discoveries, thus preventing similar infections in the future. Any infected users should be required to attend end user security training. (F47)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	AVOID	NO	NO

R41. Immediately install and maintain File Server Resource Manager (FSRM) on all servers for ransomware signatures. User accounts triggering events matching ransomware signatures should be immediately locked out across the network, with alerts being sent to Network Analysts and Technicians for fast response. Likewise, bulk erases, often a result of user error, should lock out accounts and trigger Network Analysts response. This should be performed within 10 days of publication of this report. (F48)

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YES	ACCEPT	YES	NO

R42. Immediately replace all hardware and software firewalls. (F49, F50)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R43. Perform regular on-site inspections of all county facilities to inspect the state of all hardware, validate that devices have not been physically compromised or tampered with, move physically susceptible devices away from locations where guests have access, and look for susceptible network access points. Susceptible access points should trigger a work order for facilities management to remove the accessible port. Technicians should document and photograph all hardware and network access points on each visit for their records. (F51, F52)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R44. Create, maintain, and observe a policy and procedure for Network Device Integrity (NDI) Methodology. (F53)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	YES	NO

R45. Implement an SPF record for all county domains, even those domains that are not actively in use. This simple DNS text record for SPF compliance is likely as easy as running this command on their DNS servers: "dnscmd /recordadd co.tuolumne.ca.us TXT "v=spf1 ip4:50.203.5.128/29 a mx -all" Repeat for all domain names. This should be performed within 10 days of publication of this report. (F54)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R46. Implement DKIM for all county domains and mail relaying servers. (F55)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R47. Create, maintain, and observe a policy and procedure for external vendor access that integrates the Principle of Least Privilege (POLP), mandates audits of vendor activity, and requires logging of all vendor access within the ticketing platform. (F56)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	NO	NO

R48. Immediately patch websites and actively monitor vendor websites for updates. (F36, F37, F57)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R49. Disable and remove all websites that are no longer in use. (F36, F37, F57)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

R50. Enable and maintain SSL on all county websites. Renew expired certificates. (F58, F60)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	YES

R51. Disable external access to the BYOD website. If that is not possible due to remote activation constraints, enable and require port-knocking to ensure that unauthorized users cannot abuse the site. (F59)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	OFFER EXCUSES	YES	NO

R52. Select one preferred domain name and perform an HTTP 301 Redirect from all other variations to the preferred domain. (F61)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	AVOID	NO	NO

R53. Correct the robots.txt file to conform to the Sitemaps standard.
(F62)

Did the agency's response address the subject of the findings and recommendations?	Did the agency attempt to avoid the issues, offer excuses, or accept and begin to implement the action within six months of the published date of the report?	Did the agency's response indicate that it would take the necessary action to correct the problem?	Did the agency provide a specific date by which it would take the necessary corrective action?
YES	ACCEPT	YES	NO

Review of Responses to the Report on the Motherlode Regional Juvenile Detention Center

Summary

Thirty-seven years ago the need for a local juvenile hall was highlighted among other recommendations of the Tuolumne County Grand Jury Report of 1979-1980. Jurors endorsed the participation in a joint study on constructing a juvenile hall for Tuolumne, Calaveras and Amador counties.

The 2016-2017 Grand Jury, in recognition of the completion of this long awaited youth facility, chose to visit the Mother Lode Regional Juvenile Detention Center and introduce it to the citizens of Tuolumne County.

Tuolumne County has never had a juvenile detention facility. This caused several problems for law enforcement, probation officers, youths, and their families. The lack of a county facility, much less one nearby, resulted in law enforcement having to transport offending youths to distant facilities such as those in Bakersfield, Marysville, and Nevada City. Probation officers often needed to travel long distances to meet with the minors in custody. This scenario made it extremely difficult for families of the youths to visit them and support them.

The County of Tuolumne received approximately \$16 million in grant funds to build a juvenile detention facility. The facility design and operation is a departure from other facilities that are used throughout the State of California. The Superintendent explained that this design had a purpose. Many facilities look similar to an adult county jail or prison. This facility was built to keep the youths and the general public safe, and the specific design creates a rehabilitative environment to provide a higher level of services for youths and their families.

Recommendations and Responses

There were no recommendations for this report.

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Sierra Conservation Center

Summary

The Sierra Conservation Center is a men's prison located at 5100 O'Byrne's Ferry Road in Jamestown, California. Most inmates are from southern California and transfer to SCC to be trained in firefighting. The SCC provides a variety of other vocational training and educational opportunities for inmates.

The SCC's facilities are showing their age. Inspectors and inmates alike reported vermin, mold, and other hygiene issues, particularly in the original sections of the prison constructed in 1965. Staff and inmates alike suffer in the hot summer months.

Statewide incentives to decrease prison populations through rehabilitation and release, most recently including The Public Safety and Rehabilitation Act of 2016, require extensive efforts to implement at the facility. Preparing inmates for re-entering society remains a challenge, as does managing large inmate populations effectively.

The Grand Jury's investigation was compromised by SCC's failure to comply with confidentiality requirements for Grand Jury investigations. SCC management actively prevented staff from signing the Grand Jury's admonishment form. SCC management shared information among themselves regarding the Grand Jury's lines of inquiry. The SCC management sat in on every inmate interview. This report closes with recommendations to improve compliance in future years.

Glossary

ACA American Correctional Association

BCC Baseline Conservation Camp

CAP	90 Day Corrective Action Plan
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health
Grand Jury Admonishment Form	A legal form setting forth the confidentiality requirements for Grand Jury interviews and requesting acknowledgement of willingness to comply therewith.
IT	Information Technology
MAC	Men's Advisory Council
Prop. 57	Proposition 57, The Public Safety and Rehabilitation Act of 2016
SCC	Sierra Conservation Center

Background

California Penal Code § 919(b) requires the Grand Jury in each county to inquire into and inspect the condition and management of the state prisons within its jurisdiction. The Sierra Conservation Center (SCC) and Baseline Conservation Camp (BCC) are prison facilities operated by the California Department of Corrections and Rehabilitation (CDCR) and therefore subject to the Tuolumne County Grand Jury's inspection and inquiry.

In addition to managing its own facilities, the SCC oversees 20 centers for training inmates in firefighting techniques. One of those 20 centers is the BCC in Jamestown, California.

The American Correctional Association (ACA) inspected and accredited the SCC in 2017. The California Department of Public Health inspected the SCC in 2017.

Methodology

Grand Jury Tours and Interviews

In the course of this year's inspections, the Grand Jury visited the SCC five times.

On November 29, 2017, the Grand Jury met with the Sierra Conservation Center's warden and department heads and toured two of the three prison yards and related facilities. During the tour, members of the Grand Jury had the opportunity to speak briefly with inmates, including with one of the prison's two Men's Advisory Councils (MACs).

On December 11, 2017, the Grand Jury toured the third prison yard of the SCC and the Baseline Conservation Camp.

A subcommittee of Grand Jury members visited the SCC again on December 28, 2017, to interview staff; on May 1, 2018, to interview members of both MACs; and on May 3, 2018, to interview additional staff members and inspect summer temperature logs. The Grand Jury also corresponded with the SCC management throughout the year to obtain additional information.

Inmates' Letters

The Grand Jury received and considered letters from several SCC inmates expressing concerns about living conditions at the prison. The District Attorney's office referred to the CDCR one complaint of staff conduct potentially falling under the Prison Rape Elimination Act.

Additional Documents Reviewed

Accreditation Report: Sierra Conservation Center, Jamestown, California. American Correctional Association Commission on Accreditation for Corrections, Oct. 10, 2017.

California Proposition 57 - Adopted Regulations. State Office of Administrative Law, May 1, 2018. Accessed via https://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/NCDR/2017NCR/17-05/Adopted-Regulations-Effective-May-1-2018.pdf on May 2, 2018.

Environmental Health Survey Report -- August 2017. California Department of Public Health, Oct. 6, 2017.

90-Day Corrective Action Plan. Sierra Conservation Center, August 2017.

https://www.cdcr.ca.gov/Facilities_Locator/docs/SB601/SCC-SB601-Quarterly-Statistical-Report.pdf

2017 Statistical Report (SB601) - Sierra Conservation Center. California Department of Corrections and Rehabilitation, Nov. 16, 2017. Accessed via https://www.cdcr.ca.gov/Facilities_Locator/docs/SB601/SCC-SB601-Quarterly-Statistical-Report.pdf on May 16, 2018.

2016 Statistical Report (SB601) - Sierra Conservation Center. California Department of Corrections and Rehabilitation, Feb. 13, 2017. Accessed via https://www.cdcr.ca.gov/Facilities_Locator/docs/SB601/archives/2016/SCC-SB601-Quarterly-Statistical-Report.pdf on May 16, 2018.

Discussion

Conditions at the SCC Facilities

Inmates residing in the older, A/B wing of the Sierra Conservation Center reported vermin, infrequent deep cleaning of the kitchen, recurring mold in housing units, and some instances of inadequate access to hand soap and cleaning supplies.

These concerns are corroborated by the most recent California Department of Public Health (CDPH) Environmental Health Survey Report. When inspecting the SCC in August, 2017, the CDPH found live and dead cockroaches, rodent droppings, and/or dead rodents in kitchen areas; dust accumulated in kitchen equipment, food debris accumulated in an oven, and no soap in the dispenser at a kitchen hand-washing sink. The CDPH found mold in various housing units. The CDPH also found, in various locations, improperly labeled chemicals as well as fire extinguishers that were not recorded as having been inspected on the required schedule. CDPH inspectors further noted that regulations require there to be a food safety-certified staff person at the SCC's firehouse, yet the firehouse had none.

The SCC prepared a 90-day Corrective Action Plan ("CAP") for internal use in response to the CDPH's Environmental Health Survey Report. The CAP document provided to the Grand Jury in May 2018 lists most of the deficiencies as having been addressed by way of work orders handled within the SCC. In response to the CDPH findings of vermin, the CAP notes that pest control visits regularly and will continue to do so.

Ten months after the CDPH's inspection, the CAP states that the inmate restroom in the Hazardous Materials - Motor Pool area still lacks a soap dispenser at the hand washing sink and that in Facility C, Building 2, the upper level shower -- in which CDPH observed mold and deteriorated paint -- is still awaiting remediation.

Summer Heat

Inmates reported and SCC staff confirmed that the prison facility gets hot during the summer. Most of the prison lacks air conditioning. Some inmates estimated their dorm temperatures reached 110 or 120 degrees Fahrenheit during the summer of 2017. SCC management

informed the Grand Jury that the SCC's request to the CDCR to install air conditioning has been pending for years.

Prison management explained that general population inmates with special medical needs are housed in the F-section of the B-yard because that section tends to be slightly cooler than others. During the summer months, prison staff take hourly temperature readings there and in Facility C, which houses the sensitive needs inmates. Indoor temperatures are not taken in any other areas of the prison. Cooling measures - primarily, distribution of ice - are effected when the indoor readings reach designated trigger points starting at 90 degrees Fahrenheit.

In response to inmates' complaints about temperatures in the dorms, the Grand Jury reviewed every page of the hundreds of pages of temperature logs recorded by SCC staff during the unusually hot summer of 2017. The temperature records appeared to have been kept carefully and thoroughly. Many different prison staff were involved in the recording of the temperatures. At no time did the indoor temperature readings recorded by SCC staff exceed 99 degrees.

Safety Warning Translations

Inside the C-facility is a prominent sign that reads, "NO WARNING SHOTS," followed in Spanish by, "NO SE AVISA PARA DISPARAR." The back-translation of the Spanish version is, "THERE IS NO WARNING FOR SHOOTING." Grand jury members were informed that the SCC's management and staff include multiple individuals who speak Spanish and that the imperfect translation of this safety warning had previously been observed by management.

Prop. 57 and Rehabilitative Program Credits

One of the focuses of the SCC over the past year has been the implementation of the Public Safety and Rehabilitation Act of 2016 ("Prop. 57"), passed by California voters in November 2016. Under

Prop. 57, certain prison inmates can earn time off their sentences for participating in certain rehabilitative or educational programs.

There are two types of rehabilitative programs, aside from academic programs, for which inmates can earn credits under Prop. 57.

“Milestone” programs require satisfactory completion of courses spanning several months. “Rehabilitative Achievement Credit” (RAC) programs are designed for shorter-term participation. Fifty-two RAC program hours are converted to one week of time off an inmate’s sentence.

The CDCR’s computer system SOMS (Strategic Offender Management System) was not designed to track inmates’ participation hours as closely as the RAC programs require. Prison staff reported that throughout 2017, inmates frequently questioned the accuracy of their RAC program hours tallies. Staff reported having to spend many hours responding to inmates’ inquiries regarding the tallying of their RAC credits by reviewing inmates’ attendance records, manually adding up their program hours, and compiling individualized responses to inmates.

The CDCR updated its computer system in early 2018. In May 2018, staff reported that RAC program hours can now be tallied using automated reports which can then be provided to inmates.

Another issue with the RAC programs is the degree to which actual participation is required in order for inmates to earn RAC credits. California Code of Regulations, section 3043.4(a), states as follows:

The award of Rehabilitative Achievement Credit requires verified attendance and satisfactory participation in approved groups or individual activities which promote the educational, behavioral, or rehabilitative development of an inmate.

Final regulations implementing Prop. 57 were filed on May 1, 2018. Section 3043.4(a) remained unchanged.

Inmates' physical attendance at RAC programs is closely tracked to ensure the "verified attendance" component of this regulation is satisfied.

Pursuant to CDCR guidance, however, the SCC does not do anything to measure an inmate's "satisfactory participation" in the RAC programs for which he is awarded credit. If this remains the case, some inmates will earn time off their prison sentences by sitting through RAC programs without actively participating in any way.

Education Credits

The SCC's facilities include classrooms where inmates can study for a General Equivalency Degree (GED). To be awarded a GED, inmates must pass tests covering four subject areas. Many inmates stay at the SCC for relatively brief periods before being dispatched to work in firefighting camps. Historically, this made it difficult for SCC inmates to prepare for and pass the entire, four-subject GED exam before departing.

In 2017, the SCC changed its GED curriculum and test-taking practices to permit inmates to study and test in one subject at a time. It is the first California prison to do so. The SCC's education office reports a 22% increase in the number of GEDs awarded between April 2017 and April 2018. Education staff attribute the increase in awards of GED's to these changes.

Re-Entry Preparation

Inmates and some prison staff raised concerns about inadequate opportunities to prepare for re-entry into society upon the inmates' completion of their sentences. Prison staff and inmates alike identified technology training as a persistent gap in re-entry preparation for the prisoners. For security reasons, inmates are not permitted to use modern technologies such as internet-equipped computers, tablets, or cell phones.

There are some opportunities through the prison's existing educational programs for inmates to learn basic office technologies in the classroom.

Several inmates and staff noted that there are also 14 new computers, purchased several years ago for inmate training purposes, sitting in a warehouse at the SCC. The new computers are not equipped with any software. The SCC has no budget for purchasing software and no IT staff to set them up, maintain them, or teach inmates to use them.

Inmates and some prison staff also mentioned inadequate transition planning, in the sense of life skills and re-entry plans, as an ongoing issue for inmates being released from SCC.

Group Punishment

Inmates complained of situations where a few individuals disobeyed SCC operating procedures but prison staff took corrective action against an entire yard or dorm rather than just the individuals involved. Inmates referred to such actions as “group punishment.” Inmates expressed particular concern that prison staff, while effecting group punishment, have on occasion made statements to those being punished to the effect of, “I’m doing this to you all because of *that guy*.” The obvious concern is that such comments tend to put “*that guy*” at risk of being assaulted by inmates from the punished group.

Prison management and staff acknowledged that group punishment is not a best practice and can be illegal. The inmates were generally unable or unwilling to provide dates on which “group punishment” actions had occurred. A query of the SCC’s computerized grievance records turned up none containing the phrase, “group punishment.”

Compliance with Grand Jury Procedures

During the Grand Jury’s investigation, SCC management asserted the position that prison managers and staff are not required to sign the Grand Jury’s admonishment form acknowledging the confidentiality of all Grand Jury interviews. In fact, prison management asserted

they have *never* signed or allowed SCC staff to sign the Grand Jury admonishment form. Prison management went so far as to intervene when a SCC staff member was presented with an admonishment form for signature. SCC management instructed the staff member not to sign the confidentiality form and threatened to have the Grand Jury members ejected from the premises.

The Grand Jury invited the SCC to provide legal authority for the proposition that it is not bound by the confidentiality requirements of Grand Jury investigations. None was provided. The Grand Jury is not aware of any such authority.

Apart from being unwilling to sign the Grand Jury's admonishment forms, SCC management appeared to fall short of full compliance with the confidentiality requirements governing Grand Jury investigations. Between one visit and the next, some prison managers and staff demonstrated awareness of lines of inquiry opened by Grand Jury members with other SCC managers or staff during the previous visit; in other cases, supervisors' responses to earlier lines of inquiry were indirectly communicated to Grand Jury members by others during later visits.

SCC management also informed the Grand Jury that they "always" sit in on Grand Jury interviews with inmates and they did so in this year's interviews. This resulted in the inmates' interviews taking substantially longer than necessary to complete, as SCC management offered their own explanations and opinions in response to inmates' statements. Aside from the inefficiency, there is an obvious lack of confidentiality with this arrangement, which likely inhibits inmates' willingness to share information.

Findings

- F1. According to the SCC's Corrective Action Plan as of May 2018, the hand-washing sink of the inmates' restroom in the Hazardous Materials / Motor Pool area still lacks a soap dispenser, as noted in the CDPH inspection report from August 2017.
- F2. According to the SCC's Corrective Action Plan as of May 2018, the upper-level shower of Building 2 in Facility C is still awaiting remediation of the mold and deteriorated paint that were noted in the CDPH inspection report from August 2017.
- F3. Temperatures as recorded in the SCC facilities that were monitored last summer did not reach as high as 100 degrees Fahrenheit. Temperatures were not recorded in many sections of the prison.
- F4. At least one safety warning displayed in Spanish in Facility C, which reads, "NO SE AVISA PARA DISPARAR," imperfectly conveys the information shown in the parallel warning in English.
- F5. The SCC's current practice of declining to evaluate an inmate's "satisfactory participation" in connection with awarding credits for RAC programs leaves considerable room for inmate manipulation of the system for earning rehabilitative program credits.
- F6. This year's Grand Jury's investigation was compromised by SCC management's refusal to abide by the confidentiality requirements of Grand Jury investigations.

Recommendations

- R1. Install a soap dispenser at the hand-washing sink of the inmates' restroom in the Hazardous Materials / Motor Pool area.
- R2. Remedy the mold and deteriorated paint in the upper-level shower of Building 2 in Facility C.
- R3. Consider recording temperatures in Facility A and other sections of the prison during the summer months.
- R4. Review all safety warnings displayed in Spanish or other foreign languages and revise any translations that are unclear.
- R5. Select and make known to the inmates one or more measures, in addition to mere physical presence, by which SCC staff or program facilitators will evaluate whether an inmate has met the "satisfactory participation" requirement for earning RAC hours credits.
- R6. Review and commit the SCC to full compliance with the confidentiality requirements of Grand Jury investigations, including as follows:
 - (a) SCC managers who meet with the Grand Jury or its representatives shall read and sign the admonishment form;
 - (b) SCC management shall allow SCC staff who are being interviewed by the Grand Jury to sign the admonishment form;
 - (c) SCC management and staff shall refrain from discussing the Grand Jury's lines of questioning amongst themselves or asking SCC employees to disclose information requested by or provided to the Grand Jury, and

(d) Grand Jury members shall be permitted to interview inmates outside the presence of SCC management (albeit with correctional officer(s) present to the extent required by law);

Request for Response

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The SCC Warden is requested to respond to recommendations: R1, R2, R3, R4, R5, R6.

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Tuolumne County Jail

Summary

The Tuolumne County Jail is operated by the Tuolumne County Sheriff's Office. The existing jail facility is aged and deteriorating but, according to state inspectors, the Sheriff's Office nevertheless has managed to comply with regulatory standards. Construction of a new, \$40 million jail is underway and expected to be completed in late 2019 .

The planning for the opening of the new jail provides a sensible juncture for the Sheriff's Office to update its jail management software and its internal procedures, including those relating to transgender inmates and immigration detainees.

Glossary

BSCC	California State Board of State and Community Corrections - state agency that inspects county jails for compliance with minimum regulatory standards.
ICE	U.S. Immigration and Customs Enforcement, the federal immigration agency principally responsible for issuing immigration holds/detainers.
Immigration hold, or immigration detainer	A form request by a federal immigration authority to a local law enforcement agency asking for at least 48 hours' notice before an inmate's release.
INA	U.S. Immigration and Nationality Act
TRUST Act	California's Transparency and Responsibility

(A.B. 4)	Using State Tools Act, Assembly Bill No. 4 - a state law, effective January 1, 2014, establishing parameters for when local law enforcement may keep an individual in criminal custody pursuant to an immigration detainer.
TRUTH Act (A.B. 2792)	Transparent Review of Unjust Transfers and Holds Act, Assembly Bill 2792 - a state law, effective January 1, 2017, creating mandatory notice and procedural protections for individuals in the custody of local law enforcement agencies in the event that federal immigration authorities wish to interview them.
Values Act (S.B. 54)	California Values Act, Senate Bill No. 54 - a state law, effective January 4, 2018, establishing parameters under which state and local law enforcement agencies may engage in immigration enforcement activities and requiring certain data - including numbers of individuals transferred to immigration custody – to be reported to the California Department of Justice

Background

California Penal Code § 919(b) requires the Grand Jury in each county to inquire into and inspect the conditions of all jails within its jurisdiction every year. Sections 919(a) and 925 authorize the Grand Jury to investigate city and county jails and other detention facilities. This year's Grand Jury inspected the Tuolumne County Jail.

Methodology

The Grand Jury toured the Tuolumne County Jail and met with some of its managers and staff on October 4, 2017.

The Grand Jury met again with the jail's management on November 1, 2017, for a question-and-answer session and to inspect the plans for the new jail facility to be constructed over the next two years.

The Grand Jury also interviewed County employees whose work involves jail inmates and local residents who have served time in the jail within the last five years.

The Grand Jury corresponded with the Sheriff's Office to answer additional questions and obtain additional documents.

Additional Documents Reviewed

- 2016-2018 Biennial Inspection. State of California Board of State and Community Corrections, Aug. 16, 2017.
- California Transparency and Responsibility Using State Tools Act. Cal. Assembly Bill No. 4, eff. Jan. 1, 2014, Cal. Gov. Code §§ 7282, 7282.5; accessed via http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0001-0050/ab_4_bill_20131005_chaptered.pdf on May 29, 2018.
- California Transparent Review of Unjust Transfer and Holds Act. Cal. Gov. Code §§ 7283, 7283.1, and 7283.2; eff. Jan. 1, 2017, accessed via https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2792 on May 29, 2018.
- California Values Act. Cal. Senate Bill No. 54 (2017-18 Reg. Sess.), eff. Jan. 4, 2018; Cal. Gov. Code §§ 7284, 7284.2, 7284.4, 7284.6, 7284.10, and 7284.12, and repealing Cal. Health & Safety Code § 11369; accessed via https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54 on May 29, 2018.
- “Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act.” Information Bulletin No. DLE-2018-01, California Department of Justice, Division of Law

Enforcement, Mar. 28, 2018, accessed via
https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dl_e-18-01.pdf on May 29, 2018.

- Maclean, Alex, “Jail Construction Begins in Earnest after Slight Delay from March, April Showers,” The Union Democrat, May 17, 2018, accessed via <http://www.uniondemocrat.com/localnews/6246399-151/jail-construction-begins-in-earnest-after-slight-delay> on May 29, 2018.
- Procedure No. 6.11: Classification Plan. Tuolumne County Sheriff’s Office, Jan. 27, 2010 (rev. Dec. 16, 2016).
- Procedure No. 6.88: Immigration Holds & ICE Access. Tuolumne County Sheriff’s Office, Mar. 2, 2015 (rev. June 21, 2017).
- Procedure No. 6.97: Transgender and Gender-Variant Inmates. Tuolumne County Sheriff’s Office, Jul. 15, 2015 (rev. Dec. 16, 2016).
- Russo, Francine, “Where Transgender Is No Longer a Diagnosis,” Scientific American, Jan. 6, 2017, accessed via <https://www.scientificamerican.com/article/where-transgender-is-no-longer-a-diagnosis/> on May 29, 2018.
- “Transgender People, Gender Identity, and Gender Expression,” American Psychological Association’s web site, accessed via <http://www.apa.org/topics/lgbt/transgender.aspx> on May 29, 2018.
- “What Is Gender Dysphoria?” American Psychiatric Association’s web site, accessed via <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria> on May 29, 2018.

Discussion

Facilities and Inspections

The Tuolumne County Jail is an old and deteriorating facility. Construction of a new, \$40 million jail, which will be known as the Sheriff J.H. “Jack” Dambacher Detention Center, is substantially funded and already underway. The construction of the new facility can be viewed via webcam at https://app.truelook.com/?u=hd1520967667#tl_live.

The State of California’s Board of State and Community Corrections (BSCC) inspected the existing jail facility for compliance with minimum regulatory standards on June 27, 2017. The inspection covered the status of local fire and health inspections, compliance with physical plant standards (based on the standards in place at the time of original design of the jail), and a review of the jail’s maintenance of and compliance with its policy manual and written procedures. The BSCC inspection report, dated August 16, 2017, found no areas of non-compliance and commended the jail staff for their excellent work under challenging circumstances in the old facility.

Funding Needs

Jail Management Software

Jail management advised the Grand Jury that the jail management software currently in use is outdated and does not interface with the court’s computer system, but that newer software with those capabilities is available for purchase. Jail management identified a pressing need for funding to acquire updated jail management software and to train staff in its use. Ideally, the new software would be acquired and staff trained in time for the opening of the new jail facility in 2019.

On-Site Health Services

Jail management and other County employees identified a need for more on-site medical care, including mental health care, than is currently available in the jail. The jail has medical staff on-site only part of the time and spends considerable resources transporting inmates off-site to medical facilities for evaluations and/or treatment.

Delay in the administration of medication to new inmates with existing prescriptions, including for mental health conditions, was reported by County employees as a cause of concern.

Jail Procedures

The Grand Jury reviewed specific jail procedures relating to inmate classification, transgender inmates, and immigration detainees.

Transgender Inmates

Procedure No. 6.97, which pertains to the housing of transgender inmates, begins with a glossary that defines several terms related to sexuality or gender identity. Some of these definitions are outdated or poorly defined and extraneous to the substance of the procedure.

For example, the procedure's glossary offers a definition of "Gender Identity Disorder," which it erroneously equates with "Gender Dysphoria." Nowhere in the body of the procedure is reference made to this (or any other) mental disorder. In 2012, the American Psychiatric Association removed Gender Identity Disorder from its list of recognized psychiatric disorders. This development is not reflected in the procedure.

Immigration Holds

Sheriff's Office Procedure No. 6.88 ("Procedure 6.88"), pertaining to immigration holds, was last revised in June 2017. The revisions reflect the California TRUST Act, which took effect January 1, 2014, limiting the implementation of federal immigration detainees. It has

also been updated to reflect the California TRUTH Act, effective January 1, 2017, which creates mandatory notice and procedural protections for individuals in custody.

A third state law, the California Values Act, which took effect on January 4, 2018, modifies the circumstances under which local law enforcement agencies may engage in immigration enforcement activities. By October 2018, the California Attorney General is to release model policies to aid law enforcement agencies in implementing the Values Act.

Procedure 6.88 states that, pursuant to the TRUST Act, an immigration detainer will not be used to keep an inmate in jail beyond when he or she is otherwise eligible for release. If ICE issues an immigration detainer, the Sheriff's Office will evaluate the inmate's current charges and prior convictions before release. The Sheriff's Office will notify ICE of the inmate's release date in advance if the inmate is charged with a "serious felony," as defined in Penal Code section 1192.7, or a "violent felony," as defined in Penal Code section 667.5(c), or a felony punishable by imprisonment in state prison, other than for domestic violence, and a court has found probable cause for the charge. The Sheriff's Office will also notify ICE of the inmate's release date in advance if the inmate has been convicted of a serious felony, a violent felony, a felony punishable by imprisonment in the state prison; any felony conviction or a misdemeanor conviction within the last five years for a crime that could have been charged as a felony from among a list of crimes included in Procedure 6.88; a federal crime that is an "aggravated felony" as defined in the INA, section 1101(a)(43)(A)-(P); or if the inmate is required to register on the California Sex and Arson Registry. An inmate may be held for up to 48 hours beyond his or her scheduled release date if any of the foregoing conditions is met. Procedure 6.88 also specifies procedural safeguards regarding advisements of rights and consent that the Sheriff's Office has put in place for inmates pursuant to the TRUST Act and the TRUTH Act.

The Sheriff's Office describes its current practice with regard to immigration detainees as follows: when the Sheriff's Office receives an immigration detainer, it conveys the inmate's release date to ICE. (An inmate's release date can also be obtained by calling a telephonic information line and providing the inmate's name or identification number.) The Sheriff's Office does not transfer any inmate directly to ICE's custody. If an inmate is due to be released from the jail, the Sheriff's Office releases the inmate; if ICE agents are waiting outside to detain the inmate, they may do so. The Sheriff's Office does not track whether jail inmates with immigration detainees end up being detained by ICE upon release.

The Sheriff's Office reports that between January 2015 and December 2017 it received seven immigration detainees for Tuolumne County jail inmates. No immigration detainees have been received in 2018 to date. Of those seven detainees received between 2015 and 2017, one inmate is still in jail; another was transferred to state prison with the immigration detainer still in place; the remaining five were released from jail after serving their sentences or with their criminal cases still pending. The Sheriff's Office is unable to report how many, if any, of those five were taken into immigration custody upon release from jail.

FINDINGS

- F1. Sheriff's Office Procedure No. 6.97, relating to housing of transgender inmates, includes defined terms that are outdated or inaccurate and extraneous to the procedure itself.
- F2. Sheriff's Office Procedure No. 6.88 has not been revised to reflect the California Values Act, S.B. 54, which took effect January 4, 2018.
- F3. The Sheriff's Office's stated practice is to provide an inmate's release date in response to a request from a federal immigration authority. This practice differs from the Sheriff's Office's written Procedure No. 6.88, which states that the Sheriff's Office will review an inmate's criminal charges and convictions and determine

whether one of the enumerated circumstances applies before providing the release date to the immigration authority.

RECOMMENDATIONS

- R1. Revise and update the Sheriff's Office Procedures as needed. (F1, F2)
- R2. Review the Sheriff's Office's practices to ensure they comply with the most up-to-date version of Procedure No. 6.88. (F3)

REQUEST FOR RESPONSES

Pursuant to Penal Code §914.1, the following responses are required within 60 days:

- Tuolumne County Sheriff: R1, R2.

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.

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Mother Lode Regional Juvenile Detention Facility

Summary

The Mother Lode Regional Juvenile Detention Facility (MLRJDF), located at 12784 Justice Center Drive in Sonora, California, is operated by the Juvenile Division of the Tuolumne County Probation Department. Construction of the MLRJDF was completed last spring and the facility opened on April 10, 2017. The MLRJDF houses youth who are detained in connection with juvenile delinquency proceedings.

The Grand Jury did not investigate the reasons for the lower than forecast numbers of youth detained, as sentencing decisions are not made by those running the facility.

Glossary

MLRJDF Mother Lode Regional Juvenile Detention Facility - the juvenile detention center for Tuolumne County, located in Sonora, California.

Background

California Penal Code sections 919(a) and 925 authorize the Grand Jury to investigate city and county jails and other detention facilities in its jurisdiction. This year's Grand Jury inspected the Mother Lode Regional Juvenile Detention Facility.

Methodology

The Grand Jury toured the MLRJDF on October 10, 2017, and met its management and staff.

Members of the Grand Jury returned to the MLRJDF to observe breakfast being served in February 2018 and spoke briefly with some of the detained youth at that time.

The Grand Jury also interviewed County employees who work with the youth detained at the MLRJDF and one former detainee who had served time in the new facility.

Additional Documents Reviewed

- Monthly Menu
- Mother Lode Regional Juvenile Detention Facility (MLRJDF): April 10, 2017 - June 30, 2017 (PowerPoint presentation prepared and presented by MLRJDF).
- Tuolumne County Protocol for Welfare and Institutions Code Section 241.1(e) Dual Status Youth (AB 129)
- Youth Weekday Schedule (provided by MLRJDF)
- Youth Weekend/Holiday Schedule (provided by MLRJDF)

Discussion

Capacity, Staffing, and Usage

The MLRJDF is a modern facility built to house up to 30 youth. It is currently staffed to house up to 16 youth. The facility has housed an average of 6.3 youth per day since it opened. The MLRJDF's 13 staff include a facility superintendent and a part-time behavioral health clinician who focuses on child trauma. At least one member of the staff is multilingual.

The MLRJDF has memoranda of understanding in place with Amador, Calaveras, Inyo, and Mariposa Counties for their youth to be housed at the MLRJDF.

Meals

The facility's management reports that the low number of youth in detention has prevented the MLRJDF from being able to enter into a cost-efficient contract for meal service apart from the one in place for the inmates of the Tuolumne County jail.

Grand Jury members observed the detained youth being served breakfast on a school day. The breakfast food served consisted primarily of dry-looking wheat bread, packets of peanut butter, and applesauce. According to the menu posted on the wall at the MLRJDF, that was a typical breakfast; on alternating days a cold, hard-boiled egg is the protein served in place of peanut butter packets. Detained youth expressed dissatisfaction with the quality of the food served, although most were willing and able to eat the food served. MLRJDF management and staff corroborated the frequency of such complaints.

Health Care

There is a nurse on site two hours per day. Detained youth experiencing medical emergencies are taken to Adventist Health Sonora for treatment.

Mental health services are provided both for individual detainees and also in group settings.

School

The facility has two classrooms. The Gold Ridge Educational Center provides educational services on-site under the auspices of the Tuolumne County Superintendent of Schools. The on-site school's main goals are improving students' literacy and achieving credit recovery. Gold Ridge's faculty can work with the youth to establish or update Individualized Education Programs (IEPs), when appropriate, or explore options for college or vocational training. A typical school day includes about 3.5 hours minutes of academic study time plus time for physical education.

Commissary

Youth, through good behavior, can earn points to use to buy commissary items including snacks, hygiene products, and iPad time.

Treatment of Detained Youth

All persons interviewed in connection with the Grand Jury's investigation, including current and former youth detainees, indicated that detainees are treated well by the MLRJDF staff and management.

Child Welfare Investigations Involving Youth in Delinquency Proceedings

MLRJDF management, Juvenile Probation, and other County employees who work with youth detainees all reported that many of the youth detained at the MLRJDF come from homes where there are past or present safety concerns. Some, but not all, of the youth who are detained at the MLRJDF come from homes that already have investigations open with Child Welfare Services.

Juvenile Probation, which oversees delinquency proceedings, is a child welfare agency in its own right, meaning it is empowered to investigate child welfare issues and develop alternate living arrangements for youth in delinquency proceedings when needed.

One County employee who works with youth in delinquency proceedings expressed a concern that youth in unsafe home situations who first come into contact with the County through juvenile delinquency, rather than child welfare, proceedings do not receive the full benefit of the services available through Child Welfare Services.

There does exist a written protocol for joint assessments of a youth's situation by Child Welfare Services and Juvenile Probation, as required under California Welfare and Institutions Code section 241.1(e). Tuolumne County finalized its protocol in October, 2008. Juvenile Probation confirmed that in the last three years, there has not been any instance of that protocol being employed for a youth whose

first contact with the County was through delinquency rather than child welfare proceedings.

Findings

- F1. Youth housed at the MLRJDF expressed significant dissatisfaction with the jail food served there.
- F2. Tuolumne County has a written protocol for joint assessments by Child Welfare Services and Juvenile Probation under Welfare and Institutions (W&I) Code section 241.1(e), the “Dual Status Youth” protocol that has not been employed in the last three years for any youth whose first contact with the County is through juvenile delinquency rather than child welfare proceedings.

Recommendations

- R1. Review the options for feeding the youth detainees at the MLRJDF something other than the food served to Tuolumne County Jail inmates.
- R2. Review the files of youth who are in delinquency proceedings and determine whether the W&I section 241.1(e) protocol should be employed for any additional youth.

Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office of agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.

Mother Lode Regional Juvenile Detention Facility Superintendent is requested to respond to recommendation: R1.

Tuolumne County Probation Department, Juvenile Division Manager is requested to respond to recommendation: R2.

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Groveland Community Services District

2017/2018 Tuolumne County Civil Grand Jury Report



Photo credit Christian deRyss

Summary

The 2017-2018 Tuolumne County Grand Jury received several letters and emails from members of the Groveland, Big Oak Flat, and Pine Mountain Lake communities requesting investigation into the Board of Directors, Management, and Operations of the Groveland Community Services District (GCSD). These concerned citizens expressed a lack of transparency by the Board and management that had contributed to a lack of public trust.

The Grand Jury began an investigation of GCSD in October 2017. At that time, the Board of Directors consisted of three of the requisite five members. In September 2017 two board members resigned due to concerns that aspects of the decision making process were not in the best interest of the community. Their primary reasons for departing

are “ a deep split in how the district’s business should be run,...unprofessional dealings over a non-fruitful \$25,000 recruitment process for a new district general manager...a specific but unnamed director for [out of control] bad behavior and temper tantrums at public and staff meetings that they say continue to disable due order and decorum.” Union Democrat 2/27/2017

The General Manager (GM) in place when the Grand Jury began the investigation retired December 31, 2017. An acting GM was selected until an interim GM was announced February 2018. The interim GM has since been contracted as the permanent, part-time GM.

In January 2018, another Board member resigned, citing, “*accusations from members of the public...causing undue scrutiny on his family*” as reported in the Union Democrat, January, 9, 2018. As of March, 2018, three new Board Members were added to fill vacant seats.

Through our investigation, we were able to substantiate concerns regarding violations of GCSD policies and lack of transparency while the District was under the previous leadership. This has contributed to the loss of public trust. The GCSD Employee Handbook, revised October 19, 2016, Business Ethics and Conduct, states, “*The continued success of GCSD is dependent upon customers’ trust and we are dedicated to preserving that trust. Employees owe a duty to GCSD and its customers to act in a way that will merit the continued trust and confidence of the public.*”

At the close of our investigation, the Grand Jury has witnessed a more positive and transparent environment at Board meetings with the three new Directors and the new GM in place. Under the current management, the District is making great strides in regaining the peoples trust. Members of the public reported these changes are hopeful signs for improvement at the District.

The District’s new management has eliminated subcommittees (with the exception of the Park subcommittee) to ensure all Board members are fully informed. They are also in the process of developing norms of conduct for Board Members and a written protocol for Board meetings.

Glossary

Board	GCSD Board of Directors
Brown Act	California State law which guarantees the public's right to attend and participate in meetings of local legislative bodies.
Certification	Proof through State regulated testing, and sometimes including proven work experience, that an individual has achieved a certain level of knowledge related to water treatment, water distribution and wastewater treatment.
Director	A member of the Board of Directors.
Fiscal Year	The fiscal accounting and budget year for GCSD (July 1 – June 30).
GCSD	Groveland Community Services District
GM	General Manager Acting GM: An individual appointed by the board to temporarily assume the duties of the General Manager while a replacement is found. Interim GM: A General Manager who fills the role for an intervening time.
Hazmat	An abbreviation for “hazardous materials”—substances in quantities or forms that may pose a reasonable risk to health, property, or the environment.

Background

The Groveland Community Services District (GCSD) is a Special District created and funded by Big Oak Flat, Groveland, and Pine Mountain Lake residents.

“Special districts are local government agencies that provide public infrastructure and essential services...and they are governed by board members elected from their local communities or appointed by other voter-approved local bodies. They have corporate powers, so they can hire employees, enter into contracts, and acquire property. Within constitutional limits, they can also issue bonds, impose special taxes, levy benefit assessments, and charge service fees. As public agencies, special districts are held accountable to their local voters. They must file independent audits with the county auditor and annual financial transaction and compensation reports with the State Controller’s Office. Like cities and counties, every special district board must comply with Fair Political Practices Commission (FPPC) regulations, the Public Records Act, and all open meeting requirements in the Brown Act.” - California Special District Association – Special District Formation Guide.

GCSD is subject to regulation by the State of California Department of Water Resources and is subject to financial oversight by the State Controller.

The GCSD Water System distributes treated water to approximately 3,500 customers in the Big Oak Flat, Groveland, and Pine Mountain Lake areas. The System includes three water treatment plants, five storage reservoirs, and approximately 70 miles of distribution piping. The District also owns and operates the regional wastewater collection, treatment, and regional recycled water system, which provides sewer service to approximately 1,500 customers within the District's service area.

The service area covers approximately 15 square miles in southern Tuolumne County. It is bounded on the north by the Tuolumne River, on the south by Mariposa County, on the east by the Stanislaus National Forest, and on the west by Moccasin. GCSD is the owner and operator of the Groveland Water System, which receives water from the City and County of San Francisco's Hetch Hetchy water system.

GCSD manages public park facilities on its properties, including a skateboard park, a youth center, and Mary Laveroni Park. It also has a cooperative agreement with the California Department of Forestry and Fire Protection (CALFIRE) to provide fire protection services for the community.

Oversight of GCSD is provided by five Board members. The General Manager (GM) reports to the Board. This role is supported by Administration, Operations, and Maintenance staff. GCSD employs about sixteen full time employees plus a few independent contractors. Employees and contractors hold a variety of state regulated certifications necessary for the operation of GCSD.

The Groveland Community Services District has been the subject of Grand Jury investigation twice in the last fifteen years.

- The 2011-2012 Civil Grand Jury investigated GCSD and found that, “both the General Manager/District Engineer and the Administrative Finance Manager are compensated in excess of what other Community Services Districts and Tuolumne County pays for similar positions and/or other highly responsible positions”. GCSD challenged the findings, claiming compensation comparables were insufficiently thorough, and declined to implement the recommendations.
- The 2016/2017 Grand Jury investigated and found the Board violated the Brown Act during the exploration of privatization of the District’s water system. It recommended increased Brown and Raker Act training. The District agreed, though this Grand Jury notes some Board members did not attend this training.

There is a consensus among GCSD employees and ratepayers that the District struggles financially to maintain operational integrity and support its aging infrastructure. This is due to the low ratio of ratepayers to the size and complexity of the required treatment facility. Much of the water and sewer infrastructure is forty years old and portions of the system are in need of replacement or upgrade. In recent years, emphasis on operating cost reductions has necessitated

difficult management, personnel, and operating decisions. The District has aggressively cut employee headcount and other operating costs.

The District has been successful in obtaining California State Grant funding for planning and upgrades for a portion of the aging infrastructure. Grant funding for Big Oak Flat and Groveland alone covered 100% of the planning and implementing cost because they are considered “severely disadvantaged” economically by the State of CA. The District is in the process of obtaining additional Grant funding to make further upgrades to the system, including Pine Mountain Lake (PML). By including PML with Big Oak Flat and Groveland, the economic level elevated to “disadvantaged.” This Grant funding will cover less than 100% of the cost of these upgrades, necessitating the need to increase customer rates.

In late 2016, GCSD engaged industry consulting firm, Bartle Wells Associates, to assess and recommend various funding and ratepayer scenarios, to meet the need for upgrades to the district’s sewer infrastructure. This was cited as the primary driver for rate increases. The GCSD Board did not approve the final consultant report in 2017. The District is in the process of clarifying the scope of the sewer system improvement project to, “ensure that the study was comprehensive, accurate, and contained solid funding recommendations for necessary future improvements to the system.” The District is considering potential increased rates effective in September of 2018.

Methodology

The Grand Jury investigated public concerns related to:

- Transparency and management by the Board of Directors
- Employee management and hiring activities
- Management and operations practices

Interviews and Meetings

Twenty-four interviews were conducted with past and present GCSD employees, management, contractors, past and present Board members, and GCSD customers. This included current and former employees who were with the District as far back as 2014. Grand Jury members toured GCSD facilities and attended most of the public GCSD meetings held during the investigation.

Documents

During a wide-ranging investigation, the Grand Jury reviewed documentation provided by interviewees and GCSD, including:

- GCSD Policy Handbooks - 2013 and 2016
- GCSD Classification and Compensation Plans – 2011, 2015 and 2016
- GCSD Board Minutes and Recordings – All meetings January 9, 2017 through December 21, 2017
- Documentation of Bobcat Sale 2014
- Agenda Submittal April 9, 2018 – Surplus Equipment Sales Report – Asbestos Cement Pipe Handling and Disposal
- State of California Certification for all current employees
- GCSD Employment History 2015, 2016 and 2017 (Promotions/Retirements/ New Hires/District Terminations/Voluntary Terminations)
- GCSD Budget – Fiscal Years 2015/16, 2016/17, and 2017/18
- GCSD Organizational Chart 2017-18 (17 Authorized Positions)
- GCSD Operational Policies & Procedures Manual Adopted 10/11/2010

- Section 101 Board Policies and Procedures
- Section 506 Use of Equipment and Vehicles
- Draft Wastewater Rate Study, Bartle Wells Associates, 9/26/2017

Discussion

The discussion below provides an overview of investigation discoveries supported by multiple sources. Many current and former employees expressed concern about possible repercussions from speaking to management about their concerns. The Grand Jury heard from employees who felt threatened with job loss for revealing questionable operating decisions. Several former employees expressed a strong desire to remain anonymous.

Most of the following account took place before the new GM and Directors were in place. Under each item where we have seen a change under the new leadership, we have provided that information in **bold type**.

Board Behavior and Oversight

A) Members of the public described Board outbursts of shouting, disrespectful, and aggressive behavior during public board meetings that left them feeling intimidated and, in one case, unsafe under the previous organization.

Under current management, the Board is developing norms of conduct for Board Members and a written protocol for Board meetings. The Grand Jury has attended most Board meetings since the investigation began and has observed acceptable behavior since the addition of the new Directors.

B) The Board hired a consulting firm in 2017 to gather and evaluate a list of qualified candidates for the GM position. This task was completed, and the top four candidates were interviewed. The Board selected one candidate with a 3 to 2 vote. Ultimately, this candidate was not hired because the board pulled back their offer.

The public was angered that the \$23,000 consultant effort did not result in a permanent hire. Two Directors resigned in frustration because of a counterproductive hiring process.

- C) The acting General Manager presented a contract to bring back the retired GM as a consultant to: a) help with grants and the rate study and b) function as a wastewater plant operator. During the January 8, 2018 Board meeting this prompted one board member to state;

"This smacks of conflict of interest; are you sure you aren't being manipulated? We let ourselves fall into a bad situation. When you have an officer leave and come right back as a contractor, it smells like conflict of interest. I am concerned of the appearance to the ratepayers. The person that used to work for...[him/her]... signs a contract to bring...[him/her]... right back?"

- D) District equipment was determined to be surplus by the equipment committee consisting of 2 Board members. The Board put the equipment up for sale, even though the employees made several appeals to retain the equipment.

Under current management, the Board has agreed to disband the Equipment Committee and let the employees determine which equipment is no longer needed.

- E) Union pay negotiations between management and union workers were conducted by relatives, creating the appearance of a conflict of interest.
- F) The Board reviewed a 2017 employee survey expressing employee dissatisfaction with management and practices. The Directors dismissed the results as; "There are always disgruntled employees." In one case an employee appealed to the Board for assistance with unfair management practices and no action was taken by the Board. These employees had no life-line; resignation was their only choice.
- G) GCSD management have used their attorneys, through intimidating letters and phone calls, in an effort to quell the public

and Grand Jury. A community member and the Grand Jury received letters from an Attorney representing GCSD. Both letters included over-exaggeration or complete untruths as to the receiving party's conduct. The attorney threatened the community member by stating, "the District and/or its employees are prepared to petition the Superior Court to seek any orders necessary to protect employees from your constant and unreasonable harassment." This community member felt threatened and feared attending GCSD public meetings.

It is GCSD policy that only 2 Directors be informed of correspondence from their legal representative, resulting in a Board that is not fully informed.

Employee Management

A) Retention of well-trained and certified employees has been a concern for GCSD. Management and Board members have cited pay as the major obstacle to retention. Our investigation revealed that an inequitable and unprofessional work environment, under previous management, was the leading contributor to retaining highly qualified and skilled workers.

Experienced employees have left and were replaced with less qualified people who were favored by senior management. Select employees enjoyed privileges others did not. Employees with greater seniority had been passed over for others with lesser skills or experience.

When employees expressed their concerns, management, Human Resources and the Board were unresponsive. We learned that employees quit because they felt they fell "out-of-favor" with management. In some cases, these out-of-favor employees were required to communicate with management via email or through someone else. Some employees felt the need to leave a job they cared about. Employees stated dissatisfaction with management as the primary reason for leaving.

Many times employees are required to successfully acquire higher level certifications within set timeframes. We learned of inconsistency with policy. Some employees were told they would be held to the timeframe to keep their job. Others were allowed additional time to complete the requirement, leading to inequity.

- B) Managers informed us that they prefer to hire from within. Our investigation found, in two cases, long-standing job descriptions were rewritten to reduce the requirements to favor internal candidates who did not have adequate certification or experience. Hiring people without certifications required to operate at state mandated levels has left the District with only one person who meets the requirements to oversee wastewater plant operations. As stated by previous management at a Board meeting in 2017, “we have a full crew, but it is a green crew.”

Management and Operations Practices

- A) The Grand Jury learned that previous management underreported the size of sewage spills, or failed to report spills, to avoid fines or avoid cost.

In a cost cutting effort, the staffing level was reduced from 24 in 2013 to 16 in 2017. This resulted in only 10 positions to manage and operate the water, wastewater, collections and distribution systems. Regular maintenance is difficult to accomplish with these minimal staffing levels. Without regular maintenance, the system has a higher probability for failure, resulting in sewer spills.

- B) It was reported to the Grand Jury that approximately 40 pieces of asbestos-reinforced cement pipe, (ACP), were disposed of. GCSD management failed to provide documentation of their disposal process. We were unable to obtain a policy from the District for the disposal of Hazmat.

Current management reported to the Grand Jury, "A written protocol did not previously exist, other than the standard practice and employee (in-field) training to return removed

sections of ACP to the Operations Center and to store this discarded material in a tarp covered pile. An ACP replacement program does not exist, so (stored) discarded quantities of pipe over the years have been relatively small. A formal written ACP handling and disposal procedure has been developed and is currently under internal review. We expect the protocol/procedure to be in place by the end of April 2018 and employees training and certification in May 2018.”

- C) The Grand Jury was informed that some GCSD employees have commonly used District equipment for their personal use. District equipment was used to do side jobs for personal financial gain.

It is District policy that equipment is not for personal use. Per California Government Code Section 8314, and/or Penal Code Section 424, public servants are prohibited from using public resources for personal purposes.

- D) GCSD purchased two vehicles in 2017 without following their procurement procedures. Management presented one bid, stating it was the lowest bid, when in fact at that time it was the only bid. Management misrepresented their bid process to their board and to the ratepayers.

Purchase orders provided to the Grand Jury were generated after the actual dates of order from the Dealership.

The public trust was violated when management misrepresented the truth about the purchase of a new vehicle. Community members suggested that the District look into purchasing a pre-owned vehicle to save money. Management stated that it could be discussed at the following board meeting, when in fact, the new car had already been ordered and the order could not be canceled. The new car was at the District before the next Board meeting. The promised discussion to consider a pre-owned car was not included in the agenda for the following board meeting. Instead, there was an agenda item to discuss the possibility of purchasing pre-owned vehicles in the future.

Findings

The Grand Jury recognizes the facts that have led to these findings are based on actions or inactions of past management. We are making recommendations based on these findings, in an effort to assist GCSD Board and Management to improve functionality and transparency.

- F1. Public confidence and trust has been eroded by disrespectful behavior of Directors at Board meetings and negligent management practices
- F2. Management practices created work conditions that resulted in the loss of highly qualified, experienced and certified employees.
- F3. Management has used District legal counsel communications to intimidate public individuals without full Board knowledge.
- F4. Inadequate staffing levels have increased environmental and safety risks for GCSD.
- F5. Employees have used District equipment for personal use in violation of policy.
- F6. Policy and procedures were not followed for purchasing vehicles in 2017.
- F7. Union pay negotiations between management and union workers were conducted by relatives.

Recommendations

- R1. Develop and enforce standards of orderly conduct by Board members during meetings. (F1)
- R2. Periodically train employees in the problem resolution process outlined under section 710 of the GCSD employee handbook. (F2)
- R3. Offer exit interviews with Board members to all departing employees. (F2)

- R4. Inform all Board members of legal communication before action is taken. (F3)
- R5. Delegate responsible staff for training and proper disposal of Hazmat according to the new Board policy currently in the process of development. (F4)
- R6. Create a “whistle blower” program that protects the confidentiality of employees and the public. (F4)
- R7. Adequately staff operations to meet the requirements for routine inspections and preventative maintenance. (F4)
- R8. Hold employees accountable for violating policies regarding unauthorized equipment use. (F5)
- R9. Hold managers and employees accountable for violations of District purchasing policies. (F6)
- R10. Train GCSD Board members on their conflict of interest policy documented in the Policy Manual of the Board of Directors. (F7)

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office of agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.

The GCSD Board of Directors are requested to respond to recommendations: R1, R2, R3, R4, R5, R6, R7, R8, R9, R10.

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.

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http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8314.

California Penal Code Section 424 -
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=424.

California Air Resources Board, Asbestos NESHAP Program
<https://www.arb.ca.gov/enf/asbestos/asbestos.htm>

Tuolumne County's Deteriorating Roads



Photo credit Mark Massman

Summary

The 2017-2018 Tuolumne County Grand Jury found that, in general, the important Major Arterials and Minor Arterials and Major Collectors are in *good* condition. We also found that, in general, the rest of the County roads (Minor Collectors and Local Roads) are in very *poor* condition. We determined that this is due to overall lack of funding for road maintenance and that the State and County policies give priority to Major Arterials, Minor Arterials, and Major Collectors.

Our investigation discovered a public perception of misuse of funding. Some members of the public believe that funding for road maintenance is being diverted to other uses within the County. We found no substance to support this view.

In reviewing County implementation of the Pavement Condition Survey (PCI) process, we found that this process was being diligently followed for all roads within County responsibility such that the actual condition of roads was thoroughly known, tracked, and documented.

The Grand Jury also noted that many Minor Collector and Local Roads were built to varying design and construction standards

adopted in multiple historical time periods as far back as 1871. As a result, many of the oldest roads may require reconstruction.

Finally, our investigation looked at two possible funding mechanisms for road maintenance, a County sales tax and the expansion of the current Community Service Assessment process used in some communities. Our recommendation is that pursuit of a sales tax program specifically for maintenance of Minor Collectors and Local Roads is the most viable option for Tuolumne County and the City of Sonora.

Background

The 2017-2018 Tuolumne County Grand Jury investigated road maintenance for several reasons:

- The Grand Jury received public complaints about the deterioration of public roads, including concerns that road funding was being diverted for other County needs.
- The passage in early 2017 of California Senate Bill 1 (SB1) is a new statewide funding source. This gas tax increase, which includes significant new funding for road maintenance and safety improvements, includes funds for both cities and counties, and has the potential to positively impact this issue.
- It has been over a decade since the Grand Jury has investigated any aspect of public works within the Tuolumne County Community Resources Agency.

Methodology

In the course of this investigation, the Grand Jury conducted interviews and reviewed documents as listed below.

Interviews

The Grand Jury interviewed 10 individuals representing Tuolumne County residents, Tuolumne County management, City of Sonora management, State and County Audit, and the Tuolumne County Community Resources Agency.

Documents

- 2018 Tuolumne County State of the Roads Report
- 2018 Accounting Report on Organizational Budgets including Public Works Administration, Road Maintenance, Special Districts, and SB1 Transportation Funding
- February 5, 2018 Letter from County Counsel on Roads in Tuolumne County
- April 3, 2018 Union Democrat Article on Road Deterioration
- 2017-2018 Tuolumne County Budget for Road Maintenance
- 2017-2018 Tuolumne County Budget for Road Construction Fund
- California Transportation Commission Information on Senate Bill 1 (Road Repair and Accountability Act of 2017)
- September 20, 2017 Union Democrat Article on Lack of Road Repair Funds
- 2017 Tuolumne County Road Report to the State Controller
- 2017-2018 Annual Budgets for Road Construction and Road Maintenance

- 2017 Tuolumne County Board of Supervisor Agenda Item on SB1 Use
- November 17, 2017 CRA Letter to the Board of Supervisors on Traffic Mitigation Fees
- November 17, 2017 CRA Letter to the Board of Supervisors on Tribal Road Mitigation Fees
- 2015-2016 Tuolumne County Definition of Road Fund Organization Structure
- April 12, 2016 Tuolumne County Community Resources Agency submittal of request for State review of Indirect Cost Rates for use on road projects
- May 10, 2016 Letter from State of California Department of Transportation Audit approval letter for Tuolumne County Community Resources Agency Road Fund Indirect Cost Rate Proposal
- September 9, 2016 Letter from Supervising Engineer to County Board of Supervisors on Modification of Pavement Condition Index Goals
- August 2015 State of California Guidelines Relating to Gas Tax Expenditures for Cities and Counties
- 2014 Tuolumne County State of the Roads Report and 2016 Update
- 2012 Pavement Management Systems Update
- 2011-2012 Tuolumne County Report Status Report on Road Maintenance
- Title 11 Road Standards
- Resolution 20 Road Standards

- 2005 Tuolumne County Public Opinion Survey Results
- Tuolumne County General Plan Circulation Element
- Tuolumne County Board of Supervisors Resolutions 282-87, 287-89, 86-07, 107-09, and 31-13 on Subdivision responsibility for Road Maintenance
- Self Help Counties Coalition Website (www.selfhelpcounties.org)

Discussion

Scope of Discussion

The scope of this investigation and report relates mainly to roads for which the County of Tuolumne has maintenance responsibility. However, the issue of lack of funding for road maintenance also applies to the City of Sonora and is discussed as needed. The road distances are as follows:

- Tuolumne County Roads – 610 miles (520 miles of which are paved) as per the Tuolumne County General Plan
- City of Sonora Roads – 27.5 miles as defined in the City General Plan

A County Grand Jury does not, in general, have authority to investigate Federal, State, or private concerns. It is important to note, however, that there are significant miles of roads within Tuolumne County that are owned and operated by Federal, State, and Private Concerns as listed in the table below (approximate distances).

Type of Road	Miles of Roads
U.S. Forest Service	2200-2500
State of California	145
Private (with or without public rights)	1200-1500
Tribal Trust Land	7.3

Definition of Roads for which the City of Sonora and the County of Tuolumne have maintenance responsibilities

Throughout the long history of Tuolumne County and the City of Sonora, roads have been built by diverse entities, including mining and logging interests, Federal and State government, individuals and private companies, subdivision developers, as well as by the City and County. Ownership of roads brings with it liability and economic responsibilities, as well as operations and maintenance responsibility. Over time, segments of these roads change hands through agreements between owners.

Typically, when the City or County builds a road for public use, it retains ownership of the facility and the responsibility for operation and maintenance. When a road is built by private interests (typically developers) within City or County boundaries, the City or County has the right to accept or not accept the responsibility for maintenance. In some instances, private entities have requested the City or County perform maintenance under contract. Roads in Tuolumne County have been built to different standards. The City and County have maintenance responsibility for the following road classifications:

- Roads built by the County and City for public use and for which they retain operations and maintenance responsibility
- Roads (or portions thereof) previously built by other public agencies for which ownership has been transferred to City or

County. An example of this would be the portion of Washington Street in Sonora which was previously part of California Highway 108. Due to the relocation of Highway 108, it is now in City and/or County jurisdiction.

- Roads built as part of the subdivision process that were built by private interests, but for which the City or County has chosen to accept maintenance and operations responsibility.
- Roads built as part of the subdivision process that were built by private interests but for which the City or County has chosen to accept maintenance and operations responsibility subject to funding being provided by the subdivision community.

While road maintenance in most subdivision communities is the responsibility of the County, please note that there are roads in subdivision communities for which the County has not accepted operations and maintenance responsibility, due to the community *not* agreeing to provide funding. There are also communities that are funding and providing road maintenance without assistance from the City or County.

History of Road Standards in Tuolumne County

Road standards are adopted by the City and County for use in the design and construction of roads. For subdivision developers or private property owners, road standards are, and have been, used as criteria to determine whether the subdivision can be approved and whether the planned project may be eligible for incorporation into the County or City system for operations and maintenance. Tuolumne County's first road standard (Resolution 52) was adopted in 1948, updated by Resolution 20 in 1964, and followed by Title 11 in 1987. There have been subsequent amendments to Title 11.

Road standards cover many aspects of road design and construction such as slope, curves radii, and cross slope as well as defining the level of traffic and vehicle weight that the road can support. Most important to long term maintenance include design of the drainage system, underlying road base (important to the strength of a road), and

wearing surfacing (asphalt or concrete), as well as enforcement of traffic volume and weight ratings.

Our investigation discovered that many roads in the County built prior to 1948 were not built to any known standards. As a result, it is unknown how much effort may be required for maintenance.

Classification of Roads

For the purposes of our investigation, the Grand Jury adopted the Tuolumne County General Plan in categorizing roads. These categories are as follows:

- Minor Arterial Roads (15.8 miles) – High speed, high volume travel corridors for movement between traffic generators such as cities, large towns and resort areas and uninterrupted intercounty travel. These roads include Mono Way and La Grange Road (J59).
- Major Collector Roads (86.3 miles) – Corridors for through traffic within local areas providing service to towns and other major traffic generators within the County which are not directly served by the arterial system. These roads include Parrotts Ferry Road and Tuolumne Road.
- Minor Collector Roads (104.6 miles) – Routes generally serving lower density areas to funnel traffic from groups of local roads onto the major collectors and arterial routes. These roads include Dodge Ridge Road and Wards Ferry Road.
- Local Roads (403.7 miles) – Routes providing direct access to residential property and other areas which are not directly served by the collector or arterial system.

In addition, two common road types for which the County is *not* generally responsible include:

Private Roads:

A purely private road is one that only private owners can access. This is because access is limited by locked gates or fencing. There are a

number of “gated” subdivision communities that have been built in the County, including Pine Mountain Lake and Black Jack Bluffs. Maintenance of private roads is the responsibility of the private owners.

Private Public Roads:

There are many miles of roads that are privately owned, but for which the public has right of access and use. This occurs either intentionally (such as a subdivision) or unintentionally (where the public has used the road for such a long time, such as for access to private property, that the courts have ruled that the public has right of access and use). Public right of access and use does *not* mean that the City or County is responsible for the design, operations, or maintenance of the road or the associated liability, unless the City or County formally agrees to such an arrangement. For this reason, we are careful in this report to not use the term “public road” and will use the terms for roads as listed above.

Road Testing Standards

Standardized processes exist for monitoring, testing, and evaluating the condition of existing roads. These processes are useful for County and City engineers, and are also required for State and Federal funding eligibility. County staff perform regular inspection and testing (upwards of 600 inspections in a given year). Inspections are made of Minor Arterials annually, Major and Minor Collectors every two years, and Local Roads every four years. These inspections are reported to the Board of Supervisors and to Caltrans.

Road conditions in Tuolumne County and the City of Sonora and rate of deterioration are known. The Road Pavement Condition Index (PCI) compiles inspection and testing data using a simplistic scoring and reporting 0 to 100 point format to rate road conditions as follows:

Point Total	Road Rating
0 - 25	Very Poor
25 - 50	Poor
50 - 70	Fair
70 – 100	Good To Excellent

The 2018 Tuolumne County PCI report indicated the following PCI data and Board of Supervisors (BOS) approved goals:

Type of Road	Actual Average PCI	BOS Goal Average PCI	% of Network
Arterial	77	70	5
Major Collectors	53	50	19
Minor Collectors	31	50	20
Local Roads	22-32	TBD	56

Based on the 2018 report, 76% of County roads are in Poor to Very Poor condition. That report also stated that “*with the network PCI average of 33, in order to maintain a roadway network in a “good state of repair”, the County needs \$217.5 million over the next twenty years (\$10.9 million per year). This amount is only for pavement and not the 54 bridges, culverts, traffic signals, street signs, etc. that are a part of the County’s assets which are maintained.*”

County “State of the Roads” Reporting

Residents of Tuolumne County frequently complain about the roads deteriorating in some communities more than others. The State Highways, Arterials, and Major collectors, for example, are in better condition than the Minor Collectors, and Local Roads.

The condition of all of the City and County roads is well known and tracked. This is due to the County and City utilization of the PCI process as explained in the previous section. The Road Supervisor delivers a State of the Roads report to the Board of Supervisors on an annual basis.

According to the 2014 State of the Roads, and its 2016 update, the average PCI of Tuolumne County roads is only 41 out of 100. In contrast, the average for other counties in California is 58 out of 100. An all-inclusive survey of *all* California roads shows a PCI of 66 out of 100.

We also discovered that Tuolumne County road conditions are forecast to deteriorate quickly. Given current funding levels for road maintenance (including the new SB1 funds), the Roads Report forecasts that the PCI will drop to 19 in the next 20 years.

Road Maintenance

Definition of Maintenance:

Road maintenance covers a wide range of elements including clearing drains, replacement signage and striping, asphalt patching and resurfacing, guardrail replacement, signal operation, weed abatement, snowplowing, etc. Major cost elements in road maintenance include clearing of drains, localized re-compaction of base, and asphalt removal and replacement, all of which are the major components of current deterioration concern.

Maintenance Organization and Contracting:

Current maintenance efforts in Tuolumne County consist of three crews of County employees covering four regions. The three crews

currently consist of 20 people total. In the past there have been as many as four crews consisting of 40 people covering the four regions. The smaller crews make it much harder to keep up with the work load. The larger construction jobs are contracted out

Public Concerns Regarding Diversion of Road Funding

One reason for our investigation was a public perception that funding for roads was being diverted. However, the Grand Jury found that that Roads Maintenance funds are *not* being diverted. We studied the funding for the 2017/18 fiscal year and found:

The primary 2017-2018 funding sources for Tuolumne County road maintenance are:

- \$3.6 million in gas tax revenue from multiple programs, which includes \$923 thousand in initial partial year funding from SB1.
- \$1.2 million Federal Revenue (multiple programs including the Tuolumne Band of Me-Wuk Tribal Fund).
- \$254,000 in charges to private entities for County provided road services.

All of these funds are put into a segregated Road Fund which is audited every two years by the State on behalf of State and Federal interests. All funding for construction projects comes from State and Federal grant funding and is not intermingled with maintenance funding.

No County General Funds are utilized for road maintenance. A review of recent County budgets identified one instance where there was a loan from the Road Fund to the County General Fund that was being repaid to the Road Fund.

There is a long-established State/Federal system of allowed loading of “indirect” personnel costs (such as legal, administrative, human resources, etc.) onto the “direct” personnel costs incurred for road work utilizing State and Federal funds. These indirect overhead rates (a percentage of an hour of direct cost for County road department

employees including maintenance) are reviewed and approved annually by the State. The current indirect overhead percentage for Tuolumne County is 24.33 percent. This rate is low in comparison to the other 57 counties in California. This overhead rate is only applied to work performed by County employees, as is the case for road maintenance.

Minor Collectors and Local Roads are the Major Unfunded Problem

Per the previous classifications of roads, most of the road mileage is in the Minor Collector and Local Road categories. These roads are primarily related to, or within, subdivisions. With the assistance of the County Surveyor and County Roads Engineer, the Grand Jury was able to assemble a spreadsheet identifying all of the subdivisions in the County. A summary of this spreadsheet is as follows:

From the year 1871 to today:

- 510 subdivision maps have been recorded within Tuolumne County
- 71 of those maps were filed prior to adoption of the 1952 (and subsequent) road construction standards
- 131 (approximately) have been recorded, placing responsibility for road maintenance funding, either intentionally on private subdivisions such as Pine Mountain Lake or as required by a 1987 ordinance and subsequent County amendments. Most of these communities collect funds through the property tax process or as a Home Owner Association (HOA). The County retains these funds in special district accounts for use only in the District. Actual work may be performed by either the County or the District.
- Only 21 of the 107 non-private subdivisions with responsibility for funding road maintenance are actually doing so.

In summary, the main reasons we discovered for deteriorating roads throughout the County vary. However, we have identified the following contributors:

- General lack of funding
- County policy giving maintenance funding priority to Arterials and Major Collectors
- State and Federal funding comes with policies requiring attention be placed upon the major roads as well as giving priority to other safety concerns.
- Road Construction Standards (or lack thereof) in many older communities, such as Columbia, Twain Harte, and Tuolumne which were built prior to modern road standards.
- Roads being used for higher traffic or truck loading than originally designed.
- Subdivisions that were approved by County subject to the requirement that the subdivision property owners fund road maintenance - but are not.

Road Maintenance Funding Sources

In looking at future funding sources for road maintenance and repair beginning in the 2018/19 fiscal year, the Grand Jury identified the following:

State and Federal Gas Taxes:

Gas taxes are currently generating approximately \$9 million in funding for road maintenance and safety, including the anticipated \$4 million per year from SB1.

Fees Collected by Tuolumne County:

The County collects traffic mitigation fees from a variety of sources. Approximately \$382,000 are collected per year, including fees collected from the Tuolumne Band of Me-Wuk Indians.

Road Maintenance Fees Collected from Community Service Areas:
Collectively, 37 Community Service Areas generate approximately \$466,000 yearly. By 1987 Tuolumne County realized that its previous

practice of accepting new subdivision roads into the County system for operations and maintenance had reached a point where available funding was inadequate to continue this practice. The County adopted Resolution 282-87 which required, as a condition of subdivision map approval, each new subdivision permanently assume the responsibility for funding road maintenance through the creation of Community Service Agreements. This system has remained in place with several subsequent modifying resolutions (287-89, 86-07, 107-09, and 31-13).

Funding Sources Not Currently Being Used

In our investigation, we also noted that sale taxes for the County of Tuolumne and the City of Sonora are *not* currently used for road maintenance and repair. Since 1985 many successful sales tax programs in the State of California have been in the area of incremental sales taxes for transportation (primarily roads) at the County level. Passage of sales taxes is difficult as court rulings have limited passage to receiving a greater than two-thirds (66.67%) positive public vote.

Our review of the Self-Help Counties Coalition website shows that, to date, there have been 24 Counties successfully passing sales tax programs for transportation including: Sonoma, Napa, San Francisco, San Mateo, Santa Cruz, Monterey, Sacramento, San Joaquin, Contra Costa, Alameda, Santa Clara, Stanislaus, Merced, Madera, Fresno, Tulare, Santa Barbara, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial Counties.

The key elements of achieving successful voter support for these programs have been:

- Tax program is for a fixed period (sunsets), usually 10 or 20 years.
- Proposed program commits to accomplish a very specific set of projects.
- Proposed program commits to an audited maintenance-of-effort provision (that funds currently being spent on transportation continue to be spent on transportation).

- Return to Source policy or structure that assures that individual communities or regions receive funding proportional to their contribution to the tax (or other proportional formulae such as percent of population or percent of road miles).

Previous Survey on Public Ranking of Concern

Concerns over road conditions and ideas for funding solutions have existed for some time. In 2005, Tuolumne County retained a consultant to poll as to which issues the public would most support as part of a proposal to implement a sales tax funding program for Tuolumne County. The Public Ranking of Concern Survey requested responders rate five areas of consideration, including Roads and Streets, Parks and Recreation, Sheriff Services, Fire Protection Services, and Building a Juvenile Hall Facility, using a scale of 0 to 10 (10 being most needed). Our review of the base data shows that the sum of responders giving each topic a 5 or better resulted in the following ranking of the issue:

- Roads and Streets – 90.1%
- Fire Protection – 88.7%
- Sheriff Services – 86.8%
- Parks and Recreation – 78.0%
- Building a Juvenile Hall Facility – 66.6%

The Board of Supervisors, however, voted to proceed with a sales tax measure that included funding for Fire Protection and Sheriff Services. That ballot measure did not garner the necessary two-thirds vote and so failed.

Funding Options

Our review of funding options that could fully address the maintenance issue pointed towards, (1) a major expansion of the existing Community Service Agreement (CSA) system and (2) an incremental addition to the existing sales tax.

The CSA system is essentially a property tax which concentrates the tax burden on a limited portion of the road-using population. An expansion of the CSA system, which customizes funding levels to the specific needs of each community, including the issue of older roads not built to standards, would be problematic due to the large number of individual subdivisions.

- There are 463 non-private subdivisions currently without a CSA
- There are currently 376 non-private subdivisions for which the County is responsible for maintenance
- 107 non-private subdivisions are currently responsible for funding their road maintenance. Only 21 are currently doing so.

In addition, an expansion of the CSA system would also need to account for the issue of historic County responsibility for maintenance.

The sales tax approach would be simple to implement as an increment to the existing sales tax system. It would also spread the tax burden across the largest population (all County citizens as well as visitors). The Self-Help Counties Coalition has shown the way to gaining public support for such a program. One issue that would need to be addressed is the potential for double taxation on the 21 subdivisions with active CSA's.

Findings

- F1. Funding for road maintenance (including the new SB1 funds) remains inadequate to reverse the deterioration of the City and County system, particularly the Minor Collector and Local community roads. Current Tuolumne County funding for maintenance will be about \$9 million per year when fully receiving the new SB1 funds. An additional \$4 million per year for 20 years is needed to catch up for all roads.
- F2. The County uses a two-stage approach to allocation of available funds. Minor Arterials and Major Collectors are given first priority, followed by a screening process based on the

Pavement Condition Index process if there are any remaining funds.

- F3. Using the Pavement Condition Index (PCI) as the primary criteria to allocate funds for Minor Collectors and Local Roads is not a true Return to Source policy and disadvantages some communities over others. (Return to Source: a method for fairly and proportionally distributing a general tax back to the various communities of the County)
- F4. The oldest roads in the County (71 of 484 non-private subdivisions) were not built to known road standards for drainage, base, and asphalt topping, and generally require more maintenance than newer roads built to standards.
- F5. The County lacks adequate funding to maintain roads in the 375 non-private subdivisions for which it is responsible.
- F6. Of the 107 non-private subdivision with responsibility for funding of road maintenance, only 21 are currently doing so.

Recommendations

- R1. Tuolumne County continue to maintain priority for State and Federal maintenance funding (including SB1) on Minor Arterials and Major Collector Roads and extend where possible to Minor Collector Roads.
- R2. Tuolumne County and the City of Sonora to conduct a public discussion regarding a sales tax increment for Minor Collector and Local Roads, following the successful approach offered by the Self-Help Counties Coalition (the existing 24 county sales tax programs throughout the State of California).

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office of agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne County Board of Supervisors are requested to respond to recommendations: R1, R2.

The Sonora City Council is requested to respond to recommendations: R2.

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.

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Tuolumne County Economic Development Authority

Summary

The Tuolumne County Economic Development Authority (TCEDA) is a small public agency with a wide field of activity. It was created to 1) be an advocate for and to assist businesses with their issues within Tuolumne County and the City of Sonora and 2) to market the City and County as good places to do business to companies outside to the City and County. TCEDA was formed as a Joint Powers Authority of the City and County to facilitate the City and County working together more efficiently and effectively. The Grand Jury's investigative efforts focused on three primary topics including **general assistance to businesses, management oversight** of the agency, and overall **strategy and direction** for the agency.

The Grand Jury's review of business assistance identified a broad set of interactions between TCEDA and other agencies in the areas of job training, housing, loan funding, planning, zoning and permitting, and referral to other Federal/State/Local entities that provide small business training and development resources. Multiple interviews with active businesses identified satisfaction with the assistance provided by TCEDA. This applied to small and large existing businesses attempting to expand as well as start-up businesses. A few departments or agencies see TCEDA as interfering with normal processes.

The Grand Jury's review of management oversight identified a number of problems related to budgetary control, terms for the Chief Executive Officer (CEO) contract, and board personnel evaluation processes. A structural issue of concern relates to balancing the need for public openness with private industry needs for confidentiality. Another concern relates to the structure of the TCEDA as a Joint Powers Agency that has established its own rules of governance

which, in some cases, do not reflect best practices of either the City or County. Finally, our review identified a general lack of objective and concrete performance metrics or performance reporting.

The Grand Jury's review of strategy and direction focused on the recently adopted *5 Year Work Plan* for the agency. The agency is currently refocusing much of its effort towards the attraction of external businesses to the City and County. There are weaknesses in the range of support mechanisms available to attract new businesses to the City and County such as the lack of business ready properties and recent reduction of State and Federal funding of revolving loan funds.

Glossary

Biomass	Organic matter used as a fuel, especially in a power station for the generation of electricity
Bricks & Mortar	A traditional business that operates in a building, when compared to one that operates over the internet
Business Plan	A document setting out an organization's future objectives and strategies for achieving them
CEO	Chief Executive Officer
EPCTC	Economic Prosperity Council of Tuolumne County
Family Wage	A family wage is a wage that is sufficient to raise a family
IT	Information Technology, including hardware, software, communications, data storage, and security
JPA	Joint Powers Authority
Living Wage	A wage that is high enough to maintain a minimum standard of living for a single individual
Management Audit	An independent examination and appraisal of the efficiency and effectiveness of management and organization
Marketing Plan	A document outlining an organization's

Metrics	marketing strategy and tactics Quantifiable measures organizations use to track, monitor and assess the success or failure of various processes
Pro Bono	Providing professional advice without compensation
TCEDA	Tuolumne County Economic Development Authority
The Brown Act	The Brown Act (California Government Code, section 54950, et seq.) guarantees the public's right to attend and participate in meetings of local legislative bodies. The Brown Act was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. The Act has been interpreted to apply to email communication as well.

Background

In the fall of 2017, the Grand Jury became aware of citizen concerns regarding the transparency and efficacy of the Tuolumne County Economic Development Authority. Concerns focused on TCEDA's budget, management transparency, and return on investment.

The Grand Jury chose to investigate TCEDA based on several persistent and important local issues: Tuolumne County's ongoing budgetary challenges, lack of tax revenue, and limited family wage opportunities. In addition, TCEDA had not been evaluated by a Grand Jury since its creation as a City/County Joint Powers Authority in 2009.

Following an initial inquiry, which included both a preliminary review of public documents, and observation of public TCEDA board meetings, the Grand Jury voted to proceed with a full investigation.

Methodology

Documents

The Grand Jury reviewed the following documents:

- TCEDA Joint Powers Contract and Agreement Summary Sheet
- TCEDA Website (TCEDA.net)
- Governments Working Together - A Citizens Guide to Joint Powers Agreements
[\(http://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinal_version2.pdf\)](http://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinal_version2.pdf)
- TCEDA JPA Contract and Agreement Summary Sheet)
- TCEDA Financial Policy
- TCEDA Travel and Business Expense Policy
- Structure of Tuolumne County Small Business Revolving Loan Committee
- TCEDA CEO Reports to the Board for 2017
- TCEDA Guide to Business Grants
- TCEDA Guide to Business Incentives
- TCEDA Executive Director (CEO) Job Description
- Monthly TCEDA Board of Director meetings, minutes, and agendas
- TCEDA's 5-Year Work Plan
- The City of Sonora, and Tuolumne County General Plans
 - City of Sonora General Plan, Chapter 10 Economics
 - Tuolumne County General Plan, Economic Development Section
- 2017 CEO Expense Reports
- 2017 CEO Calendar
- 2017 CEO Timecards (sampling)
- TCEDA Board Agenda and Minutes for 2017/18

- TCEDA Request for Proposals Downtown Outreach Consulting Services
- TCEDA Approved Financial Policies
- 2015 Guidelines for Business Assistance Program funded by Tuolumne County with Community Development Block Grants
- 2013 Tuolumne County Revolving Loan Fund Loan Advisory Board Meeting Agenda
- 2012 Tuolumne County Small Business Loan Fund Summary
- TCEDA Statement of Net Position for Fiscal Years Ended 2015, 2016, and 2017
- Tuolumne County Living Wage Calculation (<http://livingwage.mit.edu/counties/06109>)
- Sampling of 2018 Union Democrat Fictitious Business Licenses
- IRS Form 990 Tax Return of Organization Exempt from Income Tax
- TCEDA CEO Slides on Projected New Jobs, Percentage of Jobs by Wage, and Estimated Capital Investment
- June 20, 2017 Union Democrat article, County budget turmoil: state mandates, federal cuts, rising debt
- July 17, 2017 Union Democrat, Letters to the editor, Innovation Lab

Site Tours

The Grand Jury visited businesses and attended TCEDA board meetings.

Interviews

During this investigation, the Grand Jury interviewed 23 people including TCEDA Board members and staff, senior City, County and Federal agency managers, and established as well as new local businesses in the City and County.

Discussion

TCEDA Background

In September, 2009, the County of Tuolumne and the City of Sonora signed a Joint Powers Agreement (JPA) to create the Tuolumne County Economic Development Authority. According to Title I, Division 7, Chapter 5 (commencing with Section 6500) of the Government Code of the State of California, “a Joint Powers Agreement may be made between multiple government agencies in order to combine their powers and resources to work on common problems and more efficiently and effectively deliver services.”

The TCEDA JPA was specifically created to address mutual economic concerns facing the City of Sonora and the County of Tuolumne as a whole. Specific concerns mentioned in the original contract include:

1. Business and employment opportunities for its residents
2. The income needed to create, expand, and sustain essential services provided by both private business and local government

Additional values included creating a healthy economy “that respects and that acknowledges the value of and utilizes the community's history, heritage and natural resources.”

The original JPA agreement mandated that TCEDA address seven areas:

1. Business retention and expansion
2. Business attraction
3. Business assistance programs
4. Identification of appropriate locations for and creation of shovel ready commercial and industrial properties including but not limited to adaptive reuse

5. Support the creation, expansion and rehabilitation of public infrastructure needed to support and sustain local business and industry (e.g. road, water, power, sewer, telecommunications, etc.)
6. Assist with educational and training opportunities tailored to equip and support the community's workforce
7. Pursuit of funding sources to facilitate all of the above.

Further, the original contract specifies that the goals, policies and implementation programs of TCEDA "shall be generally consistent with those contained in the Economic Development Element of the Tuolumne County General Plan and Economics Element of the City of Sonora General Plan."

TCEDA Governing Board and Functioning

The Governing Board of TCEDA consists of seven members:

- 2 Tuolumne County Supervisors selected by the Board of Supervisors.
- 2 City of Sonora Council members selected by the Sonora City Council.
- 3 At-Large members appointed by the City and County members of the Governing Board. At-large board members include representation from Mother Lode Job Training, a community nonprofit, and a local attorney.

The Chambers of Commerce, Columbia College, and community safety-net service providers are not currently represented on the Board.

City and County appointed Board members must vacate their board seats upon ceasing to hold their public office. The Grand Jury was not able to find or verify any further guidelines regarding length of service or term limits for TCEDA Governing Board members. Other

than reimbursement for travel and incidental expenses, Board members serve in a voluntary capacity.

As a JPA, TCEDA is required to hold monthly meetings and is bound by the Ralph M. Brown Act (beginning with Section 54950 of the Government Code of the State of California). The board is required to have an appointed Chairman, Vice-Chairman, and Secretary.

Tuolumne County officials serve in mandated financial and legal positions. The County Treasurer-Tax Collector is designated as the Treasurer for the TCEDA board. Likewise, the Clerk/Auditor is the County Auditor-Controller, accountable for all funds and reporting of all receipts and disbursements. County Counsel serves as Legal Advisor.

TCEDA Budget and Funding

The County and City share the funding for TCEDA. The County covered 77% and the City of Sonora was responsible for 23% (per agreed formula). During this investigation the TCEDA reviewed and adopted the budget for the 2018/19 fiscal year in the amount of \$460,732. (see Appendix A for budget details.)

TCEDA is also expected to pursue additional funding sources. Funds are to be used for "ordinary administrative and operating expenses", "payment of fees and costs incurred ... for any economic development services, programs or projects implemented."

TCEDA is required to keep accurate and detailed financial accounts for all budget categories. Account books are open for public inspection at all times. The Auditor-Controller audits these books annually.

TCEDA Budget Categories (2018-2019)	
Employee Costs	\$330,729
Operation Costs	\$116,584
Contingency (Board direction)	\$ 13,419

CEO Compensation

The TCEDA CEO has been working under contract for the TCEDA JPA since its inception with an initial contract dated March 11, 2009. The CEO is currently compensated under the terms of Tuolumne County's Executive/Confidential Compensation Plan. Current compensation as of June 24, 2018 includes:

- \$163,634 base annual salary
- Other Employment Benefits per the Compensation Plan (https://www.tuolumnecounty.ca.gov/DocumentCenter/View/519/Executive_Confidential_MOU_)
- \$500 per month car allowance
- \$200 per month Information Technology (Phone+) allowance
- A severance pay provision (1 month salary per each year worked, up to a maximum of 6 months, if terminated by the Board prior to completion of the contract period)
- **Vacation Time** - During the last three years (2015, 2016, 2017), the TCEDA's CEO used a cumulative total of 120 hours of vacation time and cashed out a total of 720 hours of vacation time. In addition, beginning on September 11, 2017 through October 9, 2017, the CEO's calendar shows him to be in England, which he lists as comp time and remote working. Of that time, four days are listed as vacation.

Current TCEDA Location, Staffing, and Operations

During the course of this investigation, the TCEDA physical location was located at 99 North Washington Street, Sonora, California. TCEDA maintains a digital presence through its website: <http://www.tceda.net/>.

The TCEDA Governing Board did not change during the course of our investigation. TCEDA employees included a salaried Chief Executive Officer (CEO) and an hourly Administrative Assistant. The

CEO works under contract to the JPA (not an employee of either the City or County). Mid-way into our investigation, the following two staff changes were made:

- The TCEDA Administrative Assistant resigned and was not replaced (pending approval of the new budget).
- TCEDA also contracted with a part-time, project-specific consultant.

Business Assistance Performance

The Grand Jury surveyed public leaders and private business owners on what they thought the primary role of TCEDA to be. Responses were:

- Assure a business friendly environment in the City and County
- Be an advocate for business needs
- Help businesses solve problems with government departments
- Help businesses distinguish between and connect with available support resources

The Grand Jury interviewed a number of large and small businesses as to the issues most important to conduct, maintain, or expand their business operations in Tuolumne County. Frequently mentioned issues were:

- Zoning and Permitting Processes
- Lack of Affordable housing
- Training Programs for Employee Skills
- Financial Assistance Programs for Business
- Availability of Business-Ready Properties
- Business Assistance

Local businesses describe TCEDA as having accomplished the following:

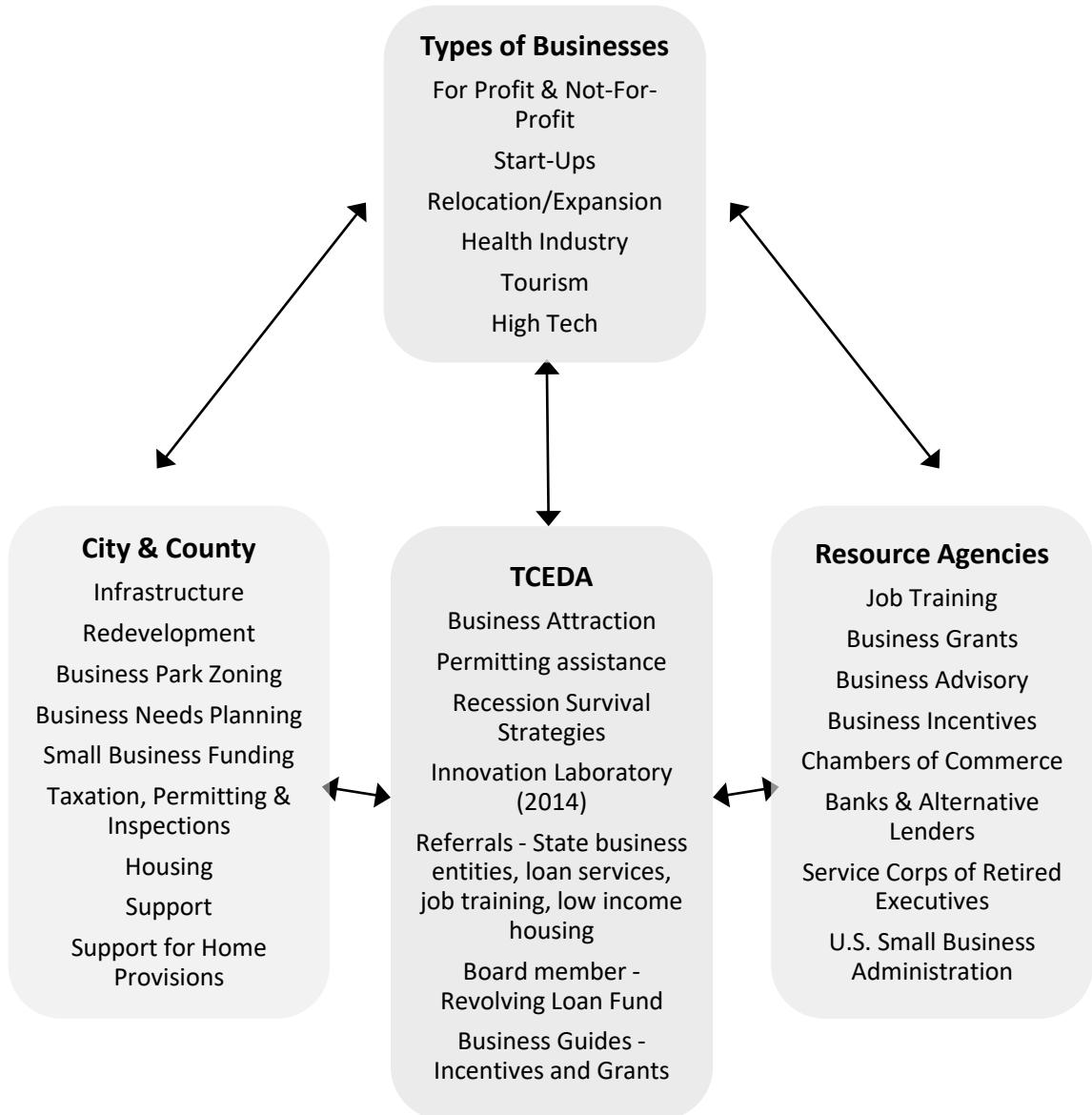
- Built and maintained relationships with multiple state and local resource agencies
- Built and maintained lines of communication with relevant City and County departments
- Maintained strong support from the TCEDA Board
- Maintained strong support between TCEDA Board and City and County hierarchies

City, County and TCEDA Roles

Economic development is a very broad field with many interconnected entities and roles. As the Grand Jury collected information and conducted interviews, it was evident that, while the TCEDA, as a JPA, plays an important role, it does not control all aspects of economic development. See Figure 1 below.

Both redevelopment and Loan Funding have been greatly reduced due to past legal actions on redevelopment and reduced funding from state and federal programs. The Grand Jury did not observe progress on the development of a commercial zoning district or pursuit of a business/industrial park either by City or County.

Figure 1: Economic Roles in Tuolumne County



Business Assistance Procedures

The Grand Jury interviewed several businesses with regard to the support provided by TCEDA. Most responses were specific to their individual business situations. While some businesses favorably mentioned services such as assistance with regulations and red tape, other businesses were unaware of TCEDA or of what help they could receive.

The Grand Jury learned that there were other services provided directly by TCEDA (such as expediting planning, permitting, and inspection processes) as well as a range of services available either directly to businesses or by referral from TCEDA staff and Board. A comprehensive guide (or matrix of services) available directly from TCEDA or by local or State/Federal funded agencies (such as the Incentives and Grants Guide) does not exist.

TCEDA has been in operation for over eight years. The Grand Jury experienced a very informal agency with few standard operating processes or best practice procedures. There is no database of businesses served, issues addressed, or reflections on lessons learned. During the course of this investigation, the Grand Jury was informed that a new database software system was being implemented in the Fall of 2017. TCEDA was not able to provide the Grand Jury with a comprehensive list of all past or current businesses served, nor a list of all businesses in the pipeline of development and/or assistance.

Authority, Operation, and Oversight

The efficiency and transparency of the TCEDA were of particular interest to the Grand Jury. As such, we investigated several key areas of TCEDA management processes and procedures. Specifically, we looked at expense reporting and financial auditing, the nature of and degree to which the managing board provided oversight, and applicable organizational goals and metrics.

Expense Documentation & Audits

As specified by the original JPA agreement, the Tuolumne County Auditor is tasked with conducting a yearly financial audit as well as reviewing monthly operational, travel, and TCEDA client related expenses. The latter category includes employee travel costs, meal and alcohol allowances, hotel, and incidental costs related to the stated purposes of TCEDA.

Our investigation found that TCEDA, as a JPA, has created a unique set of policies in its reporting practices, as compared to its founding partners, Tuolumne County and the City of Sonora. In contrast to the best practices, check and balance processes utilized in City, County, State and Federal travel and expense reporting policies, we discovered several noteworthy differences in TCEDA travel and expense reporting procedures:

- The CEO authorizes his own travel without Board input.
- The CEO is not required to submit expense reports to the Board for approval. The CEO approves his own expense reports.
- The CEO is allowed to approve exceptions to TCEDA travel and entertainment expense policy, including his own.
- The CEO is allowed to expense alcohol for entertainment purposes, which is unique as compared to other government agencies.
- The CEO does not identify to anyone the specific persons (or number of persons participating) or organizations being entertained (primarily meals), nor the purpose of the meeting.
- The CEO's 2017 expense report identified persons being entertained with TCEDA funds, only as *Clients, Prospects, or*

Partners. These labels were used inconsistently. The CEO's contract states that all entertaining is to be with *Clients*. The Grand Jury interpreted this term to mean current or prospective business owners.

- A conservative comparison of calendared appointments with expense reports indicates that 53% (86 of 162) of entertainment meal expenses were spent on TCEDA Board members (excluding the City Mayor), County Supervisors, and Managers.
- An interviewee indicated that he paid for his own meals. This could apply to others but there is no documentation of this nor any procedure to track whether or not this was actually deducted from the bill. Furthermore, review of the bill seems to indicate more than one person being entertained.

Public/Private Information Balance and the Brown Act

The TCEDA is a public agency utilizing public funding and must be compliant with the Brown Act and conduct of public business in the spirit of public openness. However, many of the TCEDA external interactions are with private businesses who consider their business dealings to be a private and confidential matter. Based on a review of the minutes, there appears to be a conflict between the business that is being conducted by TCEDA and the Brown Act. This may be a Brown Act violation because interactions with and assistance provided to businesses are not being discussed at public TCEDA meetings.

When asked by the Grand Jury for a comprehensive list of businesses and information on assistance provided by TCEDA, the Grand Jury was told by TCEDA that no such information exists. During interviews with Board members, the Grand Jury was told that such

information *does* exist. However, nobody ever produced the requested information to the Grand Jury.

The Grand Jury found no process that allows independent audit by oversight entities such as the TCEDA Board, City and County attorneys, Courts (including The Grand Jury), and other appointed auditors.

The CEO keeps TCEDA records on a computer purchased and supported with TCEDA funds. Only the CEO has complete access to all files.

Board Relationships

Many TCEDA Board members and the TCEDA CEO serve on overlapping non-profit and JPA boards. The following Board relationships and entities were noted:

Economic Prosperity Council of Tuolumne County (EPCTC)

The TCEDA Board and CEO also sit as the respective Board of Directors and Director for the EPCTC, a tax-exempt corporation which receives private donations and grants primarily used for training. A TCEDA at-large board member provides pro bono legal services for the EPCTC.

Health Lit Now

TCEDA at-large board members currently serve as President and Legal Counsel for the organization. The TCEDA CEO is the Treasurer. Health Lit Now has received funding from the EPCTC. Health Lit Now is a tax-exempt corporation providing education on healthcare industry careers in the school systems of Tuolumne and Calaveras Counties.

Tuolumne County Revolving Loan Fund

The TCEDA CEO is a board member for the Tuolumne County Small Business Revolving Loan Fund. The Revolving Loan

Fund uses federal and state funding to assist start-up or expanding small businesses.

Mother Lode Workforce Development Board

A TCEDA at-large Board member is Executive Director of the Mother Lode Workforce Development Board, a public board receiving federal, state, and private funding for workforce development in Amador, Calaveras, Mariposa, and Tuolumne Counties.

TCEDA Mission and Strategy

TCEDA strategies are based on their original JPA Agreement and their current *Five Year Work Plan* (“Plan”) (See Appendix B). The Grand Jury evaluated the Plan and found concerns related to the following Action Items:

Action Item A Measurable Outcome:

“Ongoing visits are made with existing businesses and assistance is provided. A minimum of 250 client visits will be conducted.”

1. The TCEDA has hired a consultant for an initial six-month period to visit 20 existing businesses to identify companies with the capability to expand, meet living wage criteria, and willing to participate. Consultant cost for the six months is \$26,962.00.

Based on the figures provided in the TCEDA Plan, the Grand Jury interprets that the five-year business expansion effort requires continued utilization of the recently retained consultant beyond the initial six-month contract. If so, over the course of five years, this is an expenditure of approximately \$270,000.

2. Action Item A of the Plan stresses attracting companies that can provide Living Wage jobs. The Family Wage in Tuolumne County, as defined by the Living Wage Calculator (livingwage.mit.edu/counties/06109), varies from \$25 to \$40

per hour, depending on family size and number of full and part time wage earners.

The calculator also identifies the current wages earned by a range of jobs in the County. It indicates that most of the people earning a Family Wage are either highly educated, professional, or highly trained.

The Grand Jury found that TCEDA's presentation slide on wages for anticipated new jobs is incorrect, showing an average of \$20.85/hour. (See Appendix C) A calculation check shows TCEDA's average living wage forecast to actually be \$16.39/hour. This is substantially less than the lower end of a living/family wage for Tuolumne County, as defined by the Living Wage Calculator (See point 2 above). This is not in-line with the nationally recognized MIT Living Wage calculations for Tuolumne County.

3. The Plan fails to identify any measurable Family Wage salary criteria expected of companies receiving TCEDA assistance. (See Appendix C)

Action Item B Measurable Outcome:

"A minimum of 500 "out of county" businesses are contacted, market to and/or visited."

1. This goal is not supported by analysis of target businesses or needed TCEDA resources. There is no plan to work with businesses that are directly interested in working in Tuolumne county. This Measureable Outcome does not specify how this will be documented or evaluated.
2. The expected cost of this effort over 5 years, the expected return (increased tax revenue) over time to the County, and the

breakeven payback period for this TCEDA investment are not specified or defined.

3. Recent presentations by TCEDA have forecast \$356 million in capital investment and 1836 new jobs. Despite two requests, TCEDA provided the Grand Jury with no time frame or backup. When asked for clarification of these numbers, TCEDA was not able to cite independent industry sources. (See Appendix C)

Action Item C Measurable Outcome:

“New businesses are encouraged to start up in Tuolumne (County). Visits will be conducted with any known new start-ups.”

1. ”Encourage” is not a measurable outcome. There are no data demonstrating recent successful efforts.

Action Item D Measurable Outcome:

“An established and ongoing relationship is maintained with housing and workforce partners.”

1. The Measurable Outcome is vague and not measurable.

Action Item E Measurable Outcome:

“Areas of focus are researched, prioritized and studied. At least two studies are conducted and discussed by TCEDA Board. With future action plans implemented.”

1. The Grand Jury repeatedly inquired about the content or focus of the proposed two studies. Despite areas of focus identified in the Plan (Appendix B), multiple interviewees indicated no clear areas of intended focus for the studies other than a possible survey of business owners. No standard research strategies or best industry practices were found for determining the most effective research design and topic.

Business and Marketing Plans

TCEDA is a City and County investment to promote business and job growth together or separately in each jurisdiction. TCEDA is intended to operate on business principles creating a return on investment for the City and County.

Current planning documents do not reflect best practices for a standard business or marketing plan. If standard business and marketing plan topics were applied to TCEDA, documents would include the following (**current deficiencies are bolded**):

Business Plan:

- Definition of TCEDA Mission and Business Goals
- Internal Market Analysis (**not formalized**)
- Organization and Management Processes
- **Support/Controls (Checks and Balances)**
- **Definition of Services to be and not to be provided**
- Funding Requirements
- **Financial Goals**
- **Projections**
- Reporting

Marketing Plan:

- Objectives
- **External Market Analysis and Definition**
- **Analysis of Strengths, Weaknesses, Opportunities, and Threats**
- **Setting of Specific Short and Long Term Prospect Goals with Resource and Financial Requirements**
- **Interim (Quarterly) Reporting on Action and Programs**
- **Annual Reevaluation**

Findings

- F1. Businesses have an inconsistent awareness of the existence of TCEDA and the services it offers.
- F2. TCEDA's refusal to disclose the specific nature of its activities or the identities of business clients does not allow for independent oversight or auditing and may impact Brown Act compliance.
- F3. TCEDA does not follow best practices for public agencies with regard to transparency in the use of public funds.
- F4. TCEDA Board fails to provide effective operational oversight and does not verify or monitor the accuracy of information presented to the public.
- F5. TCEDA lacks both internal and public transparency regarding the appropriateness of budget expenditures.
- F6. TCEDA policy on entertaining "Clients" is loosely interpreted beyond the original intent of the CEO contract.
- F7. TCEDA lacks sufficient metrics and procedures to evaluate its effectiveness.
- F8. TCEDA Board and Staff serve on multiple boards and appear to be in conflict of interest.
- F9. The CEO's vacation policy allows for both abnormally low use of vacation time and abnormally high cashing out of vacation time.

Recommendations

- R1. TCEDA develop a Business Support Guide (similar to the Incentives and Grants guides) that indicates business support services offered by TCEDA and other local, state, and federal resources. (F1)

- R2. The County Auditor retain an independent firm to perform a Management Audit of TCEDA operating policies and practices. The Board of Supervisors and the City Council of Sonora fund the County Auditor in retaining an independent firm. (F2, F3, F4, F5, F7)

The audit will include:

- a. Best practice for comparable agencies with specific recommendations on implementing a check and balance system for pre-approval and post-approval of travel and entertainment.
- b. A set of minimum disclosure requirements that includes the purpose of each meeting/trip/meal, specific entertainment participants and their organizations, who accepted a meal.
- c. Performance metrics and management reporting.
- d. Identification of a process for specific independent review and approval of exceptions to policies.
- e. Policies in regard to TCEDA interactions and disclosures with private businesses.
- f. Policies regarding meals and alcohol.
- g. Identifying whether the CEO is correctly identifying work time on time cards

- R3. TCEDA Board consider and implement recommendations that result from the Management Audit. (F2, F3, F4, F5, F7)
- R4. TCEDA to obtain Certification by the California Joint Powers Association. (F3)
- R5. County Counsel review possible conflicts of interest for TCEDA Board members serving in various capacities on multiple boards. (F8)
- R6. TCEDA Board develop, describe and approve a formal policy specifically defining “Clients” and acceptable entertainment of Clients, as well as defining a policy of acceptable entertaining

of Board members and other officials of the City and County.
(F6)

- R7. TCEDA Board establish a maximum amount of accrual of vacation time for the CEO per fiscal year. (F9)

Responses

Pursuant to Penal Code §914.1, the following response is *required* within 60 days:

- The Tuolumne County Auditor: **R2**
- The City Council of Sonora: **R2**
- The Tuolumne County Board of Supervisors: **R2**

Pursuant to Penal Code §933c, the following response is *required* within 90 days:

- TCEDA Governing Board: **R1, R3, R4, R5, R6, R7**
- Tuolumne County Counsel: **R5**

Responses are to be submitted to the Presiding Judge of the Tuolumne County Superior Court in accordance with the provisions of Penal Code §933c.

Reports issued by the grand jury do not identify the individuals who have been 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

FY18 and FY19 TCEDA Budget

FY19 TCEDA Proposed Budget

	Revenues	FY18 Appv. Budget	FY18 Est. Ending Bal.	FY19 Proposed Budget
Acct Code Local Revenues				
469845	City Of Sonora	\$102,841	\$102,841	\$102,841
469875	County of Tuolumne	\$344,292	\$344,292	\$344,292
	Subtotal of Revenues	\$447,133	\$447,133	\$447,133
461650	Miscellaneous Revenue - State/Federal Grants	\$1,000	\$0	\$0
486115	Miscellaneous Revenue - Other Grants	\$1,000	\$8,000	\$2,000
472311	Miscellaneous Revenue - Reimbursements	\$11,500	\$11,500	\$11,500
441110	Miscellaneous Revenue - Interest Income	\$99	\$99	\$99
	Total Revenues	\$460,732	\$466,732	\$460,732
Expenditures				
Employee Costs				
511110	Regular Salaries	\$194,446	\$194,400	\$198,720
512109	PERS Fixed	\$26,096	\$26,000	\$33,479
512110	PERS	\$27,551	\$27,550	\$18,260
512115	Post Retirement Medical	\$600	\$575	\$600
512120	Deferred Compensation	\$12,116	\$12,110	\$12,228
512225	Life Insurance	\$118	\$117	\$117
512125	Disability- Employer Paid	\$580	\$580	\$557
512210	Employees Group Insurance	\$32,113	\$32,113	\$32,705
512230	Cell Phone Stipend	\$2,400	\$2,400	\$2,400
512310	Workers Compensation Insurance	\$2,500	\$2,500	\$2,500
512215	Employee Physicals	\$0	\$0	\$0
512410	F.I.C.A.	\$13,372	\$13,372	\$13,686
512420	Unemployment Insurance	\$950	\$950	\$950
	Vacation Reserves Per Board Direction	\$14,396	\$14,396	\$14,526
	Total Salaries and Benefits	\$327,238	\$327,063	\$330,729
Operations Costs				
521310	Communications	\$4,500	\$4,250	\$3,750
521425	Food Other	\$1,250	\$1,000	\$1,000
522510	Maintenance - Buildings/Improvements	\$3,500	\$3,250	\$3,250
523210	Dues and Memberships	\$7,000	\$7,000	\$6,500
525110	Office Expense	\$3,000	\$3,000	\$3,000
525150	Office Expense - Postage	\$1,250	\$980	\$1,000
526109	P S & S - Marketing	\$37,500	\$27,245	\$25,000
526110	P S & S - Professional Services	\$12,000	\$11,000	\$12,000
526124	P S & S - Auditor/Controller	\$1,500	\$1,400	\$1,500
526201	P S & S - Insurance	\$2,000	\$2,000	\$2,000
526211	P S & S - Web Site	\$1,000	\$975	\$1,000
527110	Publications and Legal Notices	\$1,000	\$900	\$900
527310	Rents and Leases - Buildings/Improvements	\$27,500	\$27,500	\$27,500
529120	Travel - Training and Seminars	\$8,500	\$15,000	\$14,000
529130	Transportation and Travel - Private Auto	\$0	\$6,000	\$6,000
529210	Utilities	\$4,000	\$4,000	\$4,000
529910	Expendable Equipment	\$1,575	\$1,575	\$1,434
529950	Expendable Equipment - Computer	\$3,000	\$3,000	\$2,750
	Total Service and Supplies	\$120,075	\$120,075	\$116,584
691110	Contingency Per Board Direction (3%)	\$13,419	\$13,414	\$13,419
	Total Other Charges	\$0	\$0	\$0
	Total Expenditures	\$460,732	\$460,552	\$460,732
	Needed from County/City to balance budget:	\$447,133	\$359,100	\$447,133
469845	City of Sonora Funding @23%	\$102,841	\$87,261	\$102,841
469875	County of Tuolumne Funding @ 77%	\$344,292	\$271,839	\$344,292
	Other	\$13,599	\$19,599	\$13,599
	Balanced Budget	\$0	\$6,180	\$0

<http://www.sonoraca.com/wp-content/uploads/2017/03/CC-4-2-18-proposed-budget.pdf>

Appendix B

TCEDA Five Year Plan 2017-2022

Mission Statement

Promote a diverse and growing economy by pursuing business retention, expansion and attraction that enhances quality of life in Tuolumne County.

Purpose Statement

The TCEDA is vested with the power to effectively implement, coordinate and administer general economic development programs within the County of Tuolumne, State of California, including the City of Sonora, in accordance with local, state and federal laws. General economic development programs shall include, but are not limited to: 1) business retention and expansion; 2) business attraction; 3) business assistance programs; 4) identification of appropriate locations for and creation of “shovel ready” commercial and industrial properties including but not limited to adaptive reuse; 5) support the creation, expansion and rehabilitation of public infrastructure needed to support and sustain local business and industry (e.g. roads, water, power, sewer, telecommunications, etc.); 6) assist with educational and training opportunities tailored to equip and support the community’s workforce; and 7) pursuit of funding sources to facilitate all of the above. In carrying out its general mission of economic development, the goals, policies and implementation programs of the TCEDA shall be generally consistent with those contained in the Economic Development Element of the Tuolumne County General Plan and Economics Element of the City of Sonora General Plan.

Action Item – A

- Manage a business retention and expansion program focused on companies with the growth potential of five or more jobs.

Facilitate job creation by working with existing businesses to expand or relocate their facilities within our county. Help by assisting them in accessing capital, training personnel and expanding their markets. Focus will be on companies that pay a family wage.

Measurable Outcome: Ongoing visits are made with existing businesses and assistance is provided. A minimum of 250 client visits will be conducted.

Action Item – B

- Manage a comprehensive business attraction and recruitment program.

Use new and existing techniques to recruit businesses for Tuolumne County. Attend industry meetings, networking events, trade shows and conduct in-person company visits focusing on companies that can benefit from our three main attractions (natural surroundings, available natural resources, growing healthcare needs). Dedicate a majority of the time on companies that hire at least 20 employees and that pay a family wage.

Measureable Outcome: Minimum of 500 “out of county” businesses are contacted, marketed to and/or visited.

Action Item – C

- Provide start up assistance to local businesses.

Facilitate job creation by working with start-up businesses within our county. Help by assisting them in developing their business skills, accessing capital, training personnel and expanding their markets. Focus will be on companies that pay a family wage.

Measurable Outcome: New businesses are encouraged to start up in Tuolumne County. Visits will be conducted with any known new start-ups.

Action Item – D

- Encourage workforce development and workforce housing.

Work closely with workforce partners to form innovative partnerships to assist our businesses in hiring and/or training employees and providing a pathway for local youth to establish careers in the community.

Additionally, work diligently on training of residents for future career fields that are expected to expand. Help local planners, builders, real estate firms, non-profits and other interested partners expand the availability of workforce housing.

Measurable Outcome: An established and ongoing relationship is maintained with housing and workforce partners.

Action Item – E

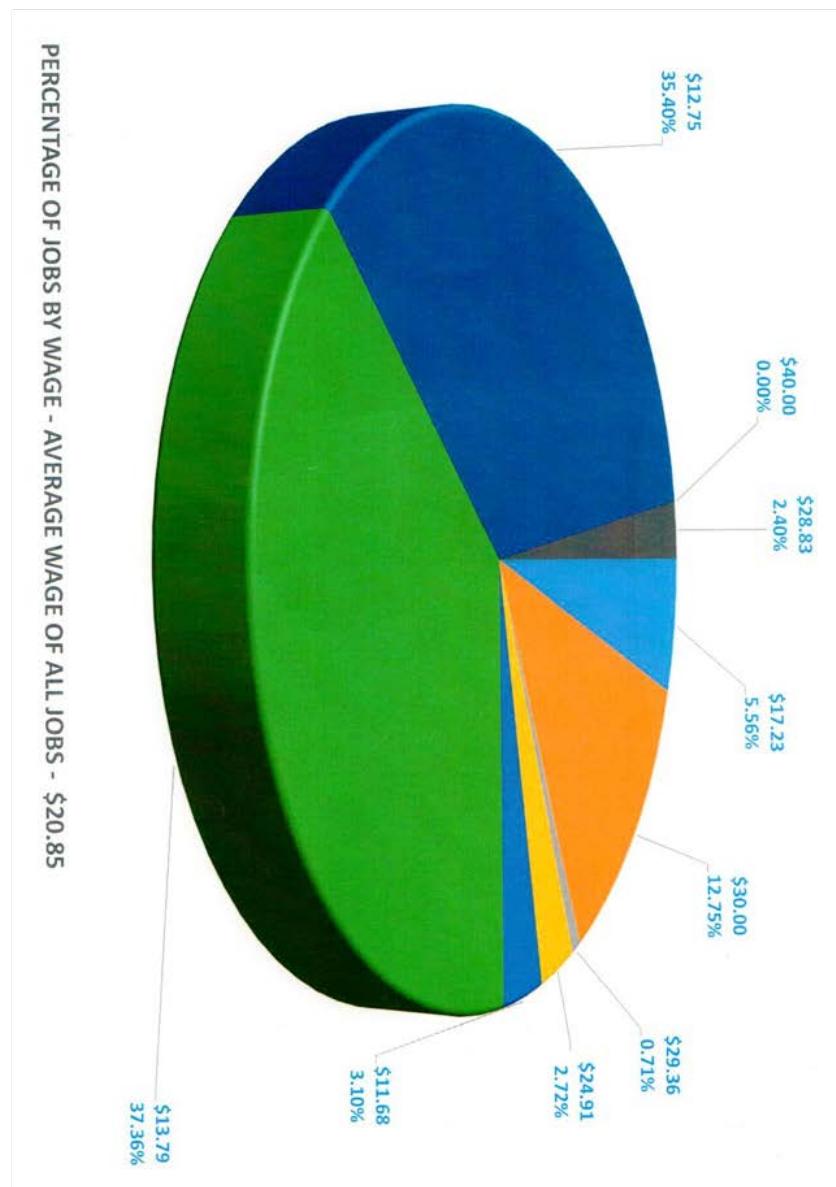
- Long term research and planning is conducted to find additional growth opportunities for Tuolumne County.

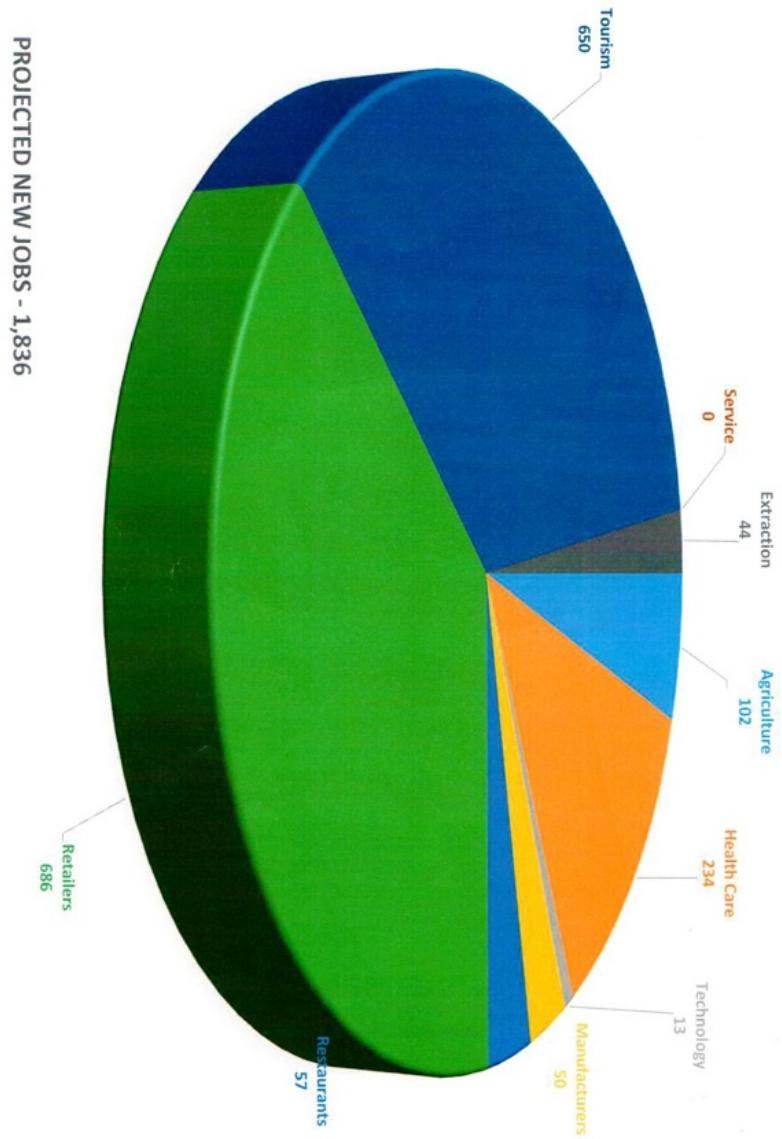
Research and/or hire researchers to review possible avenues of growth for Tuolumne County.

- Health Care, with a focus on senior care and research and development
- Forestry biomass to “product” research and development
- Water conservation and associated research and development
- Changes in retail from “brick and mortar” to online and delivery services
- Changing downtowns and what can be done to keep them vital

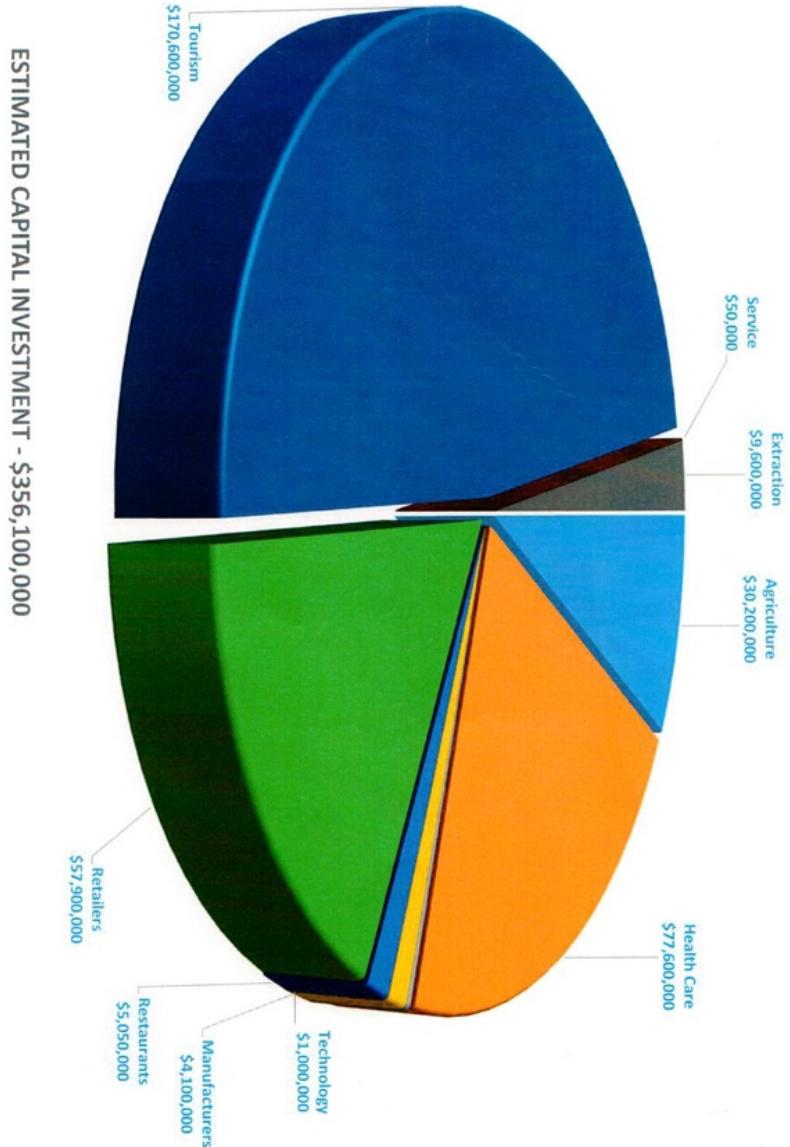
Measureable Outcome: Areas of focus are researched, prioritized and studied. At least two studies are conducted and discussed by TCEDA Board. With future action plans implemented.

Appendix C
TCEDA Presentation
Fall 2017





PROJECTED NEW JOBS - 1,836



ESTIMATED CAPITAL INVESTMENT - \$356,100,000

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Submission of Complaints

Complaints can be submitted to the Grand Jury via U.S. Mail, electronic mail, verbally and/or anonymously.

Grand Jury Address and Website

Tuolumne County Superior Court
41 W. Yaney Street
Sonora, CA 95370
www.co.tuolumne.ca.us

Action Regarding Complaints

Each Grand Jury determines whether a complaint is within the Grand Jury's jurisdiction, and meets the investigation criteria, and timeframe. All complaints are evaluated and acknowledged. Not all complaints are investigated.

Agencies and/or Departments Required to Respond

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office or agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.