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Tuolumne County Grand Jury Report

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Tuolumne County Grand Jury

2 South Green Street, Sonora, CA 95370
Phone (209) 533-5568
tcgjforeman@mlode.com
www.tuolumnecounty.ca.gov

June 30, 2020

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

Dear Judge Powell Segerstrom:

The members of the 2019-2020 Tuolumne County Civil Grand Jury are pleased to submit our final report for fiscal year 2019-2020 to you and the citizens of Tuolumne County pursuant to California Penal Code Section 933(a).

This report comes from hours of hard work and dedication by the individual Grand Jury members during a most unusual time in our history. During this Grand Jury tenure, we faced P.G. & E. public safety power shutoffs, threats of catastrophic wildfire, and a world-wide pandemic that effectively closed-down society across the globe for several weeks. Jurors overcame the trepidation of transitioning to electronic meetings, and back to a combination of in-person and online weekly meetings.

It has been our primary goal to be fair, accurate, and thorough in our investigations and hope that our recommendations are received accordingly. The Grand Jury received and reviewed 27 citizen complaints, and now presents to you and the public eight individual reports consolidated into one final report.

This Grand Jury acknowledges the many challenges facing our city, county, and special districts during this difficult time, and expresses our appreciation for their dedication to public service.

As this year's Foreperson, it has been my distinct pleasure and privilege to serve alongside such a talented, dedicated, and fun group of Tuolumne County citizens comprising this Grand Jury.

The important work of the Grand Jury could not be accomplished without your encouragement and guidance, and assistance from District Attorney Laura Krieg, County Counsel Sarah Carrillo, Deputy County Administrator Maureen Frank, Executive Assistant Christina Cunha, and Superior Court Jury Clerk Diana Neeley. In addition, I wish to acknowledge the California Grand Jurors' Association for its excellent training and outstanding website resources.

Respectfully,

Luann Hopkins, Foreperson



Tuolumne County Grand Jury Members 2019-2020

July 2, 2019 - June 30, 2020

Luann Hopkins
Foreperson

Stan Smith
Foreperson Pro tem

Ashley Beighley
Secretary

Troy Anddal

Trudy Craig

Jeffrey Fountain

April Raines

Shelah Ball

Jill Dalton

Tina Flores

Patricia Romano

Michael Barnard

Dale DeLillo

Wendy Gull

Lori Moitoza

James Beaty

Donna Elias

Thomas Moraitis
Report Design

Kevin Wychopen

Acknowledgement

The 2019-2020 Grand Jury wishes to acknowledge and thank those jurors who served but were unable to complete their term.

Mission Statement

The 2019-2020 Tuolumne County Grand Jury will conduct investigations as an independent and confidential panel to ensure that governmental funds are appropriately used, services are effectively and fairly delivered and that accounts are properly audited. The Tuolumne County Grand Jury report to the public will be delivered in an understandable, fair, and timely manner.

Tuolumne County Grand Jury Disclaimer

The Grand Jury recognizes that a conflict of interest may arise during its investigations. In such instances the juror may ask to be recused from all aspects of an investigation. Those members do not investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the perception of a conflict of interest existed on the part of a member of the 2019-2020 Tuolumne County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejections of any related subject.



California Grand Juries

The California Penal Code describes the organization, powers, duties, and general structure of the Grand Jury. All of California's 58 counties are required to have a Civil Grand Jury.

The Grand Jury is a judicial body composed of nineteen citizens. It is impaneled to act as an "arm of the court," as authorized by the State Constitution, to be a "watchdog" for the people of the community. Its activities are funded by the County which adopts a budget for the Grand Jury.

The present Grand Jury system evolved from earlier ecclesiastical courts beginning in 1164 when Henry II of England impaneled the first 16-man Grand Jury to remove criminal indictments from the hands of the church. In 1635 the first American Grand Jury was impaneled in the Massachusetts Bay Colony and by 1683 Grand Juries were present in all the colonies. These early Grand Juries began the practice of returning "presentments." Which were primarily against public officials and different from criminal indictments.

Only seven states now have some form of Grand Jury with any type of "watchdog" function. California, where Grand Juries have existed since the original constitution in 1850, has the last remaining comprehensive Grand Jury system.

The Grand Jury's jurisdiction is countywide. It covers any elected or appointed official and any government body connected to the County, including a city, special district, joint-powers

agency, housing authority, all special purpose assessing or taxing districts, plus jails and prisons in the County. School districts are covered as to their operations and administration, but policy and curriculum are state functions and are outside the Grand Jury's jurisdiction. Private partnerships and contracts can be investigated only regarding the local government aspects of any contract. The Superior Court is a state body and cannot be investigated.

Complaints and Responses

The Grand Jury received complaints through the U.S. Mail, verbally, Electronic Mail at tcgjforeman@mlode.com, or anonymously. Complaints range from alleging suspicious conduct by a county official to government inefficiencies.

Grand Jury Address and Website

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

Once a complaint is received, it is logged, assigned a reference number, and securely filed. The complaint is then read to the full grand jury to discuss the scope of the complaint and if it falls within the Grand Jury's jurisdiction. Once the Grand Jury determines the complaint is valid and accepted by the jury for investigation, it is assigned to the appropriate investigative committee.

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 the 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 in the report.
3. Background contains some general 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 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 communications. 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 recommendations, or may point to something that is being done well through a commendation.

7. Recommendations 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.

8. Responses are required by Penal Code Section 933.05 directing 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 the findings and recommendations.

SEND ALL RESPONSES TO:
The Honorable Kate Powell Segerstrom
Tuolumne County Superior Court Judge
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.



Tuolumne County Grand Jury

Report Distribution List

Courts

- Superior Court Presiding Judge
- Superior Court Supervising Judge

Tuolumne County

- Board of Supervisors (5)
- Treasurer/Tax Collector
- District Attorney
- County Administrative Officer
- County Counsel
- Personnel and Risk Management
- Transportation Council
- Sheriff's Office

City of Sonora

- City Council (5)
- City Administrator

Correctional Facilities

- Sierra Conservation Center
- Baseline Conservation Camp

Others

- Amador Tuolumne Community Action Agency (ATCAA)
- State of California Attorney General's Office
- California Grand Jurors' Association
- Tuolumne County Public Library
- Tuolumne Utilities District
- Union Democrat Newspaper
- Clark Broadcasting
- myMotherLode.com
- 2019-2020 Tuolumne County Grand Jury (19)
- 2020-2021 Tuolumne County Grand Jury (19)



Tuolumne County Grand Jury

2019-2020

Final Report

July 2, 2019 – June 30, 2020



Stevenot Bridge over New Melones Lake.

Photo: Luann Hopkins



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Amador Tuolumne Community Action Agency Report

The ABC's of ATCAA

June 30, 2020



Tuolumne County from Yankee Hill Rd.

Photo: Luann Hopkins



Amador Tuolumne Community Action Agency Report (ATCAA)

The ABC's of ATCAA

Summary

The primary function of the Tuolumne County Grand Jury is to conduct civil investigations into the operations of county agencies within its jurisdiction. The reports of the Grand Jury are published, among other places, online and in local media - and they are available to the public. The purpose of this report is to inform the community about Amador Tuolumne Community Action Agency (ATCAA), an agency offering support and services to members of our community living at or below the poverty line.

This report includes a brief history of Community Action Agencies in general, and a glimpse into the many diverse and comprehensive programs that ATCAA administers in the pursuit of supporting the most vulnerable members of Tuolumne County.

Glossary

ATCAA	Amador Tuolumne Community Action Agency
CAA	Community Action Agency
CSBG	Community Service Block Grant
JPA	Joint Powers Agreement
ATCR Inc.	Amador Tuolumne Community Resources Inc. a 501(c)3 non-profit corporation
EOA	Economic Opportunity Act of 1964
CAP	Community Action Programs
OEO	Office of Economic Opportunity
CDBG	Community Development Block Grant
EFAP	Emergency Food Assistance Program
LI-HEAP	Low Income Home Energy Assistance Program
DOE	(US) Department of Energy
TCRCD	Tuolumne County Resource Conservation District CalWorks
HSP	CalWORKS Housing Support Program
HAP	Housing Assistance Program (Section 8)
HUD	(US Department of) Housing and Urban Development
CoC	Continuum of Care
BOS	Board of Supervisors
HHS	(US Department of) Home Health Services
YES Partnership	Youth Empowerment Solutions Partnership
CARB	California Air Resources Board

Background

President Johnson appointed Sargent Shriver, who was the first director of the Peace Corps, to draft the Economic Opportunity Act and to get the program approved by Congress. Shriver is also credited with being “the architect” of the War on Poverty. After the Economic Opportunity Act became law, Shriver became director of the newly created Office of Economic Opportunity (OEO), and he spent 1964-1968 traveling all around the country as he familiarized himself with the true scope and plight of poverty in the United States. He was passionate about the various programs that were created because of the EOA, and many of those programs continue to be vital sources of support to the poor of America today.

Amador Tuolumne Community Action Agency (ATCAA), formed in 1981, is a part of the Community Action Agency (CAA) network in the United States.

The goal of a CAA is to identify and address the specific issues that low-income people encounter in their own unique communities, to empower them to become self-sufficient. People working directly to address the root causes of poverty in individual communities can create new opportunities for growth and a way out of poverty. ATCAA has developed a comprehensive approach to the unique challenges and needs of those living at or below the poverty line here in Tuolumne County.

In his State of the Union address in 1964, President Lyndon Johnson declared a “War on Poverty,” which led to the passage of The Economic Opportunity Act (EOA) on July 23, 1964. Community Action Agencies were an integral part of the EOA, and they introduced the concept of allowing federal aid to flow into communities directly, giving them their own autonomy in determining the ways in which those funds could best support the poor.

One of the main components of the EOA was the Community Action Programs (CAP), which were designed to allow “maximum feasible participation” of under-privileged people to determine for themselves how to address the issues facing them. As the federal government continued to encounter opposition to this approach, they eventually created the Community Service Block Grant (CSBG) which came to replace the provisions of the Economic Opportunity Act, and allowed block grants to go directly to states and communities.

In 1981, neither Amador nor Tuolumne counties had the required population (a minimum of 50,000 each) to qualify for the Community Service Block Grant (CSBG) funding, and so the two counties combined to meet that requirement. Calaveras County opted out of the program at that time. The two counties formed a Joint Powers Agreement (JPA), which enables ATCAA to be a public non-profit agency. Amador Tuolumne Community Resources, Inc. (ATCR Inc.), is a non-profit corporation formed in the 1990s to assist the agency.

Methodology

- ▶ Site visit and in-person interviews with six ATCAA Program Directors and Executive Personnel
- ▶ Reviews of various partner agency websites

- ▶ Internet research regarding the Employment Opportunity Act, the War on Poverty, the development of Community Action Agencies and Tuolumne County economic demographics and statistics

The 2019-2020 Grand Jury reviewed the following documents:

- ▶ ATCAA 2019 Board of Directors Roster
- ▶ ATCAA 2019 Current By-Laws
- ▶ ATCAA 2019 Audited Basic Financial Statements
- ▶ ATCAA Income statement by department 7/19 - 12/19
- ▶ Financial spreadsheets and accounting for several individual ATCAA programs
- ▶ Tuolumne County Board of Supervisor board meeting video
- ▶ Amended title 13 California Code of Regulations Section 2025 Article 4.5
- ▶ California Air Resources Board Truck and Bus Regulation Compliance Requirement overview rev. June 18th, 2019

Discussion

ATCAA's Organization

As a community action agency, ATCAA is responsible for managing the main Community Service Block Grant (CSBG) from the federal government, which provides the bulk of their funding for services. There are several other funding sources from state and local grants and donations, and the amounts and availability of these sources are constantly changing. Some of the CSBG grant is also allocated directly to the state in some cases, and then the state passes those funds along to the counties. There are numerous regulations and stipulations for the management of all these funds, which ATCAA is also responsible for managing. Coordination of all these funding sources and regulations is a complicated process of management and accountability.

ATCAA is also responsible for coordinating the efforts of numerous local agencies, as well as other state and federal programs that are part of the CSBG constellation of assistance. Each of the programs that ATCAA offers to the community has a director who is responsible for all the financial accounting for their program. Directors may also be responsible for the coordination or management of additional staff and volunteers, as well as multiple partners in the local community. Each director is responsible for the management of many moving parts to keep each program running efficiently.

For ATCAA to receive funding from the CSBG, they are required to maintain a board consisting of three parts, including representatives from the public, private, and low-income sectors. ATCAA's board has no less than 15 members and no more than 18 members at any given time.

Public sector members are appointed public officials who have the authority to implement policies and changes within their respective communities. The Board of Supervisors (BOS) of both Amador and Tuolumne counties each provide two members to serve on ATCAA's Board. These same members also constitute the membership of the Joint Powers Governing Board and they serve concurrently in these capacities. An additional member, one who is an elected

official of a city or municipality, is selected by each BOS as the third member of the Public Sector.

Private sector members are selected to assure that varied and broad interests of Amador and Tuolumne county communities are represented and involved. Members may come from business, industry, labor, or faith-based groups. Priority is given to those individuals who have shown a commitment to diverse views and an interest in social service interests. Low-income representative members may or may not themselves be poor, but they must be able to represent the interests of those who are. Members must reside in the neighborhood served and can participate fully in all aspects of board membership.

This tripartite structure provides ATCAA with the necessary information to address "a wide range of community needs and views." Members of the public and low-income sectors serve for a period of 10 years - a substantial commitment of time and energy to the essential work the agency does.

Tuolumne County Poverty Statistics and Demographics

U.S. Census information is used by federal, state, and local agencies to determine funding for over 100 different programs benefiting communities nationwide. The last census was conducted in April of 2010 and the U.S. Census Bureau began mailing out surveys to American homes in mid-March for the 2020 census. ATCAA will rely on this updated information as they manage their many outreach programs that benefit our community here in Tuolumne County.

According to the 2010 census, the median income in Tuolumne county was \$54,325 annually. Between 2013 and 2017, the Census Bureau conducted a community survey to estimate growth and/or decline in various categories. According to the US Department of Home Health Services (HHS), poverty guidelines for 2020 used to determine eligibility for community assistance programs allow a single person household an annual income of \$12,760, and a four-person household an annual income of \$26,200. In the interim survey mentioned above, the estimates are not differentiated with regard to single person households (which include a number of seniors and persons living on social security income) but there are approximately 1,152 people residing in Tuolumne county with an income between \$25,000 and \$34,999.

People between the ages of 65-74 make up the largest group of the local population, followed by children aged 5-17. There is also a large population of veterans in Tuolumne county, over 50% of whom are veterans of the Vietnam War. These populations are the most vulnerable and at-risk for issues of ill-health and financial disaster, which can lead to their joining the ranks of the poor. Currently, the largest population already at or below the poverty line in Tuolumne County are men and women aged 25-34 and women between the ages of 64 and 74.

The programs, services, and collaborative efforts of ATCAA provide a vital lifeline for the most vulnerable members of the Tuolumne County community.

ATCAA Food Bank

Grant funding for ATCAA's food bank comes out of a Community Development Block Grant (CDBG) provided by the US Department of Housing and Urban Development (HUD).

The monies from this grant are used for all total costs in the coordination of the food bank - including food stores and administrative costs. Additional food is sourced out of a federal program called the Emergency Food Assistance Program (EFAP).

Grant funds are used to purchase food from Second Harvest and Cal Foods - food banks operated nationally and statewide, respectively. There are several local stores and businesses that donate food.

Part of the CSBG grant mandates that a community action agency provide services regarding nutrition. ATCAA accomplishes this by working with the UC Davis Nutrition and Wellness Department to select and purchase healthy food items, and to educate food bank recipients in healthy nutritional eating habits.

The ATCAA food bank coordinates monthly distribution sites all over Tuolumne County, in addition to neighborhood partner distribution food pantries that operate every day of the week, all month long. Flyers with days, times, and locations of distribution sites are widely available throughout the county. ATCAA's food bank received 1,054,778 pounds of food in 2019 and distributed 940,009 pounds of food to the clients of Tuolumne County. The lesser amount distributed was due to food spoilage or items not usable because of various food handling mandates. The food bank director oversees all financial management and accounting, as well as administrative matters. There is a small staff of two full-time coordinators and several full-and part-time associates who manage operations and client intake and who work with volunteers. The food bank is always in need of volunteers, particularly tradespeople (such as electricians or people trained in refrigeration maintenance) or people who can drive a truck or forklift (no special licensing is required).

Through the years, Tuolumne County food banks have faced many challenges including: recessions, keeping equipment maintained and up-to-date, food recalls, the changing demographics of people who don't have enough food for themselves or their families, and providing healthy food options for low-income people and families.

One of the challenges the food bank is currently facing is the need to replace the diesel truck. The truck is used for pickups, deliveries, and distribution. They will no longer be able to register the truck they are currently using due to a regulation impacting companies using diesel trucks in California. The California Air Resources Board (CARB) has been phasing in Title 13, California Code of Regulations Section 2025 for several years. This regulation, effective January 1, 2020, made 2019 the last year the food bank's current truck could be registered. The cost of a new truck that meets CARB requirements now and into the foreseeable future, will be a significant expense. This is a challenge many organizations are facing this year, but a more significant challenge for a non-profit agency.

ATCAA's food bank is well-organized, creative, and passionately managed. It provides a comprehensive and diverse source of food for clients in need in Tuolumne County.

Food bank services include the following:

- ▶ Emergency food assistance program
- ▶ Senior farmer market program
- ▶ Food for kids
- ▶ Holiday food program
- ▶ Neighborhood partner pantries

In 2019, the food bank received 656,416 pounds of donated food and distributed a total accumulation of 940,009 pounds of food throughout the community to approximately 200 individuals each month. The Turkey Drive in November collected 1,100 turkeys to help fill holiday food baskets.

The food bank program has 590 local volunteers who spent a collective 10,356 hours in 2019 serving those in need on a regular basis.

ATCAA's Low Income Home Energy Assistance Program

Major grant funding for ATCAA's Low Income Home Energy Assistance Program (LIHEAP) comes out of a federal fund distributed to the states and administered by HHS. Additional, smaller funding comes out of the Department of Energy (DOE), Tuolumne County Resource Conservation District (TCRCD), and California's Prop. 84: Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

LIHEAP provides utility assistance to qualified clients, by way of a once-yearly credit payment to either PG&E or one of the several local propane vendors. Qualification for assistance includes income level, number of dependents in the home, proof of residence and amount of rent. Grant funds also offer weatherization measures, to help clients cut down on their energy costs by helping with various home improvements. ATCAA has a crew of three to seven staff members who provide an in-home analysis to assess issues that may satisfy the program protocols and qualify for funding. The Prop. 84 funding provides a similar in-home water conservation program for qualified clients. A relatively new solar program is being implemented and ATCAA's energy department staff are currently in training with five homes slated for conversion.

ATCAA also has a small fund available to help clients who are in danger of having their power shut off due to non-payment. ATCAA staff act as a liaison with PG&E to prevent a shut off and will work with clients moving forward to help them with money management and an affordable payment plan. ATCAA will also provide weatherization measures if necessary.

ATCAA's LIHEAP program provides essential assistance to low-income residents in Tuolumne County, while operating on a dwindling amount of state and federal funding.

In 2019, the Home Energy Assistance Program served 4,402 individuals:

- ▶ Utility payment assistance was provided to 3,894 individuals
- ▶ Weatherization assistance was provided to 2,432 households
- ▶ Individuals with improved energy efficiency/or energy burden reduction in their homes were 298

ATCAA's Housing Program

Grant funding for ATCAA's housing program comes from numerous federal, state, and local sources. HUD administers a grant at the federal level which requires individual communities to coordinate services under the auspices of a Continuum of Care (CoC). HUD's definition of a CoC is "a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximize

self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.” State funding includes several emergency housing sources, and Tuolumne County also funds a variety of programs and shelters. ATCAA serves both Amador and Tuolumne counties in the CoC, along with representatives of Mariposa and Calaveras counties.

The funding amounts vary, and they are determined based upon bi-annual “point in time” counts, which serve only as a “snapshot” of the amount of homeless in these communities. Members of the CoC are required to collect and submit data to HUD’s Homeless Management Information System, their database which collects and analyzes client-level data and data on the provision of housing and services to the homeless.

ATCAA coordinates a comprehensive spectrum of programs and services to our homeless population (approximately one third of whom are over the age of 55), in both Tuolumne and Amador counties. Programs include a homeless shelter that sleeps approximately 30 people and several local properties administered by Stanislaus County Housing Authority (Tuolumne County does not have its own housing authority).

ATCAA has agreements in place with local motels/hotels and provides vouchers for people when another emergency housing is unavailable. The number of vouchers vary according to availability. There are some units available in Sonora, Columbia, and other parts of the county that help clients with affordable temporary housing while they explore job opportunities and strive to achieve housing stability on their own. ATCAA has a liaison service with local landlords to help clients get into rental properties—providing a business model of stability to potential landlords and teaching clients about responsible bill paying and being a good tenant.

The housing system consists of multiple funding sources, properties, and agencies that are in a constant state of flux according to availability and need, with need typically being greater than supply. ATCAA also works with Give Someone a Chance, a local agency which, among other things, provides a mobile unit for showers and toilet facilities to Tuolumne County homeless encampments.

Homelessness is a steadily increasing and vast problem. Many people here in Tuolumne County are one disaster away from finding themselves in dire straits. As the issue continues to grow, funding for solutions is shrinking. ATCAA works against the odds to ensure as many people as possible have a roof over their heads and a stable living situation.

ATCAA Participation in YES Partnership

ATCAA coordinates Tuolumne County’s Youth Empowerment Solutions (YES) partnership—a coalition of local agencies who are “dedicated to supporting youth and families by preventing suicide, substance and child abuse.” Grant funding for YES partnership comes from Tuolumne County Behavioral Health and the Sonora Area Foundation, in addition to some private donations. The partnership is managed by an Executive Committee and ATCAA acts as the fiscal agent.

The partnership consists of a 13-sector coalition, including members of local law enforcement, education, public health, faith-based communities, families, and youth. The work of the partnership includes multiple training opportunities for members of the community. Trainings in-

clude identifying possible suicidal ideations, as well as suicide prevention and intervention. In the event of possible suicide, support groups for survivors of suicide and mental-health first aid are also covered. There is a peer-group mentoring program for high school students, which the partnership would like to expand to elementary-aged children as well—although these programs are always suffering from a lack of funding and are often difficult to sustain. Friday Nite Live is a program developed in the mid-1980s, originally as an alternative social scene for local youth; since the early 1990s the program has shifted its focus to a youth development program which includes teaching leadership skills, and project management. All staff and members of YES partnership are trauma informed and understand the need for a trusted adult, other than a parent, in a youth’s life.

In 2018, there were 18 reported suicides in Tuolumne County, an increase of four from 2017. The number of adults and youth who exhibit suicidal behavior is much greater than the number of reported suicides. The number of people directly affected by suicide or attempted suicide is variable, but at any given time, five percent of the population is living with thoughts of suicide. The number of suicide deaths in Tuolumne County is difficult to determine for any given year, because the data collected by the California Department of Public Health is aggregated among Amador, Calaveras, and Tuolumne Counties, with the most recent publicly available report dated March 2019.

The Grand Jury recognizes that the county needs the services that YES Partnership offers, and ATCAA’s involvement in the coalition is one of the most vital functions of the agency.

Findings

- F1.** Title 13, California Code of Regulations, Section 2025, effective January 1, 2020 requires the replacement of the diesel truck used for the essential pick up, delivery and distribution for the food bank. At the time of this Grand Jury inquiry, a replacement truck had not been obtained.
- F2.** ATCAA is meticulous in its duties of coordinating multiple-funding sources and federal, state, and local regulations. Likewise, in the general management of the agency and individual programs, the Grand Jury found their performance to be exemplary as they employ creative and frugal solutions to address diminishing resources.
- F3.** ATCAA practices a spirit of cooperation and collaboration with neighboring counties in pooling resources and partnership activities, to help as many people in need as possible.

Recommendations

- R1.** The Grand Jury recommends ATCAA identify a means to replace the truck used for food bank pick up, delivery and distribution, through funding sources such as grants, loans, budgeting for replacement, and/or donations and community fund-raising efforts. (F1)

Commendation

The Grand Jury initially decided to investigate ATCAA out of a desire to learn more about the agency. Most of us had only a limited understanding of the services ATCAA provides to the com-

munity of Tuolumne County. During the investigation we learned of the compelling history of Community Action Agencies, and were subsequently deeply impressed by the professionalism, innovation and creativity, and dedication to our community demonstrated by ATCAA. People from all walks of life, often with successful careers in the private sector, have come to direct the agency and are managing the programs and services with the highest degree of integrity and compassion for the clients of Tuolumne County. There is an open atmosphere of cooperation with the entire Motherlode area, including non-agency programs in both Calaveras and Mariposa counties. The programs and services discussed in this report represent only a partial accounting of the diverse and comprehensive work that ATCAA does in the community, and the Grand Jury commends ATCAA for a job well done.

Bibliography

Amador Tuolumne Community Action Agency - Website <https://www.atcaa.org>

- ▶ ATCAA 2019 Annual Report
- ▶ ATCAA Board of Directors Roster (from website)
- ▶ ATCAA Board By-Laws - adopted 1981; Current revision December 13, 2019
- ▶ ATCAA Audited Basic Financial Statements, Izabal, Bernaciak & Company, CPA - for the year ended June 30, 2019
- ▶ ATCAA Income statement by department - 7/1/19 to 12/31/19
- ▶ ATCAA Fiscal Officer Narrative - 2/2020
- ▶ 2019 ATCAA Food Bank Poundages
- ▶ Tuolumne County ATCAA Food Donation/Distribution Summaries - 7/2019 to 2/2020
- ▶ ATCAA List of Housing Program Funds; Contracts and Grant descriptions
- ▶ ATCAA Housing Resources Organizational Chart as of August 2019 Not Just the Tip of the Iceberg - YES Partnership suicide statistics; Tuolumne County 2018

California Department of Health Data Brief, Overview of Homicide and Suicide Deaths in California, March 2019

HHS - Office of the Assistant Secretary for Planning and Evaluation; Poverty guidelines 1/8/2020

US Census Bureau - American Factfinder/2013 - 2017 American Community Survey 5-year estimates: Tuolumne County employment demographics

Economic Opportunity Act of 1964
https://en.wikipedia.org/wiki/Economic_Opportunity_Act_of_1964

Community Services Block Grant
https://en.wikipedia.org/wiki/Community_Services_Block_Grant

John F. Kennedy Presidential Library and Museum: R Sargent Shriver
<https://www.jfklibrary.org/learn/about-jfk/the-kennedy-family/r-sargent-shriver>

What is a Community Action Agency?
<http://communityservices.us/about/detail/category/community-action-agency/>

Thomson Reuters Westlaw; California Code of Regulations - § 100605.
Tripartite Board Composition
[https://govt.westlaw.com/calregs/Document/I8957DE20D4C011DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I8957DE20D4C011DE8879F88E8B0DAAAE?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Tuolumne County Economic Data - statistics and demographics
<https://datausa.io/profile/geo/tuolumne-county-ca>

CDBG: Community Development Block Grant Programs - HUD website
<https://www.hudexchange.info/programs/cdbg/>

Second Harvest Food Bank of San Joaquin and Stanislaus Counties
<https://www.feedingamerica.org/find-your-local-foodbank/second-harvest-food-bank-of-san-joaquin-and-stanislaus-counties>

California Association of Food Banks <http://www.cafoodbanks.org>

Fooducate (website/app - ATCAA Food Bank resource for healthy food items)
<https://www.fooducate.com>

Thomson Reuters Westlaw - California Code of Regulations: § 2027. In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks
[https://govt.westlaw.com/calregs/Document/I2AB20E90119F11E1A2C38BD546D5DB2F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I2AB20E90119F11E1A2C38BD546D5DB2F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

YES Partnership website <http://www.yespartnership.net>

HUD Exchange: Homeless Management Information System
<https://www.hudexchange.info/programs/hmis/>

Central Sierra Continuum of Care website <https://www.centralsierracoc.org>

Give Someone a Chance website <https://givesomeoneachancetc.org>

Ocean Protection Council - Prop. 84: Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 <http://www.opc.ca.gov/prop-84/>

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Tuolumne County Employment Practices

Rules, Regs and Recruiting June 30, 2020



The mighty oak, a symbol of strength.

Photo: Luann Hopkins



Tuolumne County Employment Practices

Rules, Regs and Recruiting

Summary

The Tuolumne County Civil Grand Jury is widely known for its government watchdog functions. However, one of the lesser-known duties of the Grand Jury is to dispel significant public misconceptions. This report lays to rest misconceptions of the county's handling of its recruitment for Public Defender.

Additionally, this report discusses how the public defender salary is determined, personnel rules and regulations, and succession planning, with findings and recommendations for improvement.

Glossary

At-Will	Job classification that affords no legal recourse for the employee, in the event of termination, with or without cause.
CAO	County Administrative Officer reports to Board of Supervisors, responsible for overall county management
County Counsel	Primary legal advisor to the Board of Supervisors and other county departments, committees, and commissions
Deputy County Counsel	Legal advisor to county departments, under the direction of County Counsel
Ethical Wall	A screening mechanism that protects a client from a conflict of interest by preventing one or more lawyers within an organization from participating in any matter involving that client
FPPC	Fair Political Practices Commission
Key Employee	A position of unique value to an organization
External Recruitment	Method to fill vacant position that is available to any qualified person

Internal Recruitment	Method to fill vacant position from within existing staff
Public Defender	Director of program providing legal counsel and representation to adult and juvenile indigents charged with criminal violations
Status Quo	The existing state of circumstances
Succession Plan	A process and plan to identify and develop new leaders within an organization

Background

In January 2019, Tuolumne County’s Public Defender retired after twenty-six years of county employment. County staff began an external recruitment process for his replacement. The recruitment and appointment process subsequently became the subject of local public controversy.

The Grand Jury became aware of citizen concerns regarding transparency, conflicts of interest and unfair treatment in county hiring and employment practices for this key county position.

Following an initial inquiry, including both a review of public documents and conversations with concerned citizens, the Grand Jury chose to proceed with an investigation.

Methodology

The Grand Jury reviewed the following documents:

- ▶ Tuolumne County Board of Supervisors Meeting Agenda Materials and Minutes
- ▶ Tuolumne County Public Defender Job Description
- ▶ Tuolumne County Executive/Confidential Unit Compensation Plan
- ▶ Tuolumne County Compensation Schedules
- ▶ Koff & Associates Compensation and Classification Spreadsheet
- ▶ Tuolumne County Personnel Rules and Regulations
- ▶ Tuolumne County Code
- ▶ Tuolumne County Conflict of Interest Protocols for Indigent Defense Counsel
- ▶ Tuolumne County Conflict of Interest Protocols for County Counsel
- ▶ Tuolumne County Conflict of Interest Protocols for Public Defender
- ▶ California Fair Political Practices Commission (FPPC) Website
- ▶ California Government Code
- ▶ Letter from Deputy County Counsel to FPPC: Request for Formal Opinion
- ▶ Letter from FPPC to Deputy County Counsel: Letter of Advice
- ▶ Deputy County Counsel June 3, 2019 Email to Union Democrat Newspaper
- ▶ Deputy County Counsel July 16, 2019 Statement to the Board of Supervisors

During this investigation, the Grand Jury interviewed seven people including key county staff.

Discussion

Public Defender Recruitment and Appointment

The position of Tuolumne County Public Defender is an appointed, at-will position that serves at the pleasure of the Board of Supervisors. The Board of Supervisors is the hiring authority for this position (Government Code §27700 et seq.).

In January 2019 Tuolumne County’s long-term Public Defender retired after twenty-six years of county employment. This retirement provided a rare opportunity for qualified individuals to apply for an important leadership position. County Human Resources began an external recruitment process to search for a replacement. The external recruitment process includes advertising in local news outlets, professional organization publications and statewide job posting websites.

In response to the search efforts, thirteen applications were received. Of those thirteen applications, five were dismissed by human resources because they did not meet the minimum qualifications laid out in the job description.

Seven applicants were interviewed by two different panels. The first panel was comprised of county employees, who interviewed the applicants for overall fit within the county culture. The second panel, comprised of professional peers interviewed the applicants for their knowledge, skills, and abilities.

The two-panel process resulted in four applicants who were recommended for interview by the Board of Supervisors. Of those four applicants, two withdrew from competition, and the remaining two applicants were interviewed by the Board.

One of the thirteen applicants for the position is the spouse of a member of the Board of Supervisors. This applicant is and has been employed as a Deputy Public Defender for 7.5 years.

The Fair Political Practices Commission (FPPC) was created in the aftermath of the Watergate scandal. California was the first state to pass a comprehensive political reform package. Proposition 9, known today as The Political Reform Act, was passed as a ballot measure by California voters in the June 1974 election. The Act includes provisions regulating campaign finance, lobbying activity, and conflicts of interest.

A legal opinion concerning this potential conflict of interest (due to the spouse of the applicant serving on the Board of Supervisors) was requested and received by the FPPC.

The FPPC opined that the conflict preventing this applicant from applying for the open Public Defender position applies to the Board of Supervisors in its entirety. Therefore, the spouse could not simply recuse themselves, and allow the remaining supervisors to vote on such an appointment. Further, because this applicant’s employment with the county predated the spouse’s elected term, status quo employment is allowed.

The public expressed concerns of perceived conflicts of interest and unfair treatment of candidates for the Public Defender position.

Public perception, including letters to the editor of the Union Democrat Newspaper suggested that this applicant was treated unfairly and was denied the opportunity to apply for the position in favor of another candidate. The Grand Jury has determined that this perception is not based in fact.

The successful candidate for the Public Defender position is the spouse of Tuolumne County Counsel. Again, the public perceived a conflict of interest because County Counsel is the chief legal advisor to the Board of Supervisors and as such would typically advise the Board of legal boundaries in hiring practices. Additionally, County Counsel typically would review negotiated employment contracts with county department heads, of which Public Defender is one.

The ethical wall is a common and routine practice in law firms to avoid conflicts of interest. In this instance, an ethical wall was created, thereby removing County Counsel from all involvement in the recruitment, appointment, and contract negotiations of the Public Defender.

Behind the ethical wall, a deputy county counsel served as an advisor to the Board of Supervisors for the purpose of the Public Defender recruitment. During this assignment, Deputy County Counsel reported to the CAO, and paper and electronic files were kept in a location not accessible to County Counsel. This report does not examine how this arrangement may have affected the working relationship between County Counsel and Deputy County Counsel on other matters.

In addition, County Counsel and the Public Defender entered into separate Conflict of Interest Protocol Agreements with Tuolumne County to memorialize and define how their conflicts of interest would be addressed during their respective tenures.

The Conflict of Interest Protocols drafted by an outside law firm, Hanson Bridgett LLP of Sacramento, directs, in part as follows:

The County Counsel's Office and the Public Defender's Office are not prohibited from appearing or advising on the same cases or matters. However, County Counsel and Public Defender will use best efforts not to appear or advise on cases or matters that spouse also appears on the County's behalf. In the event either is required to appear on or advise on cases or matters that spouse also appear on, each will provide client with written disclosure of relationship with spouse.

The Public Defender Conflict of Interest and Protocol Agreement transfers juvenile dependency and LPS conservatorship matters to the Conflicts Division within the Public Defender's office.

County Counsel is recused from all matters related to the Public Defender employment contract.

The Grand Jury notes the inconsistency among the sources of advice and legal support for the Board of Supervisors elected/appointed spouses, versus the Public Defender/County Counsel who are also spouses, and public officials.

Request for Advice from the FPPC, a neutral organization, free of cost, for the Board of Supervisors conflict questions, is accessible for public scrutiny. Whereas for County Counsel and Public Defender a legal opinion from a private law firm is protected under attorney-client privilege. Furthermore, the Conflict of Interest protocols drafted by the private law firm (not a neutral organization) are subject to legal fees.

Further, this report does not address how the County Counsel/Public Defender conflict of interest arrangement affects their work with other county departments, agencies, or the courts.

Department Head Salaries

Another source of public concern surrounds the salaries of Public Defender and other county department heads. The public expressed concerns regarding elevated salaries for Public Defender and others in the face of a \$4.2 million budget deficit.

The Grand Jury reviewed the Tuolumne County Executive/Confidential Unit Compensation Plan, the Koff & Associates Compensation and Classification Study materials, and current county salary schedules.

The 2014 Koff & Associates Compensation and Classification Study revealed significant disparities between current pay and market rates for most employee classifications. Tuolumne County uses several similar counties (Amador, Calaveras, El Dorado, Mariposa, Merced, Placer, Stanislaus, and San Joaquin) to compare salaries for each position/classification of county employees. Elected department head salaries are tied to the closest similar non-elected county position for comparison purposes.

Following completion of the Koff Study, the county determined it was financially unable to match current salaries to full market value and decided to adjust pay schedules to a percentage of market median. In the case of the Public Defender, the pay variation between current and market median is approximately 30%. A plan was devised to bring salaries closer to the median of the market over time.

It was determined by County Administration and Human Resources to recruit for the Public Defender position at a salary that more closely matches the median of the market for that position, to attract qualified and desirable candidates. Ultimately, the Public Defender was hired with a starting salary several pay ranges above the classification of the prior Public Defender and other elected department head positions. Consequently, other elected department head salaries were reclassified to a higher salary range to maintain parity among those classes of county positions.

County Personnel Rules & Regulations

The Grand Jury, during this investigation discovered that the County Personnel Rules and Regulations are dated August 1997. Much has changed in twenty-two years in employment law and human resources best practices; most notably in the State of California. An update of the County's Personnel Rules and Regulations is long overdue.

During the investigation, the Grand Jury also learned that across the range of departments that some mid-level employees are unable to qualify for department head positions because they lack supervisory experience. Most County departments are too small to impose a hierarchical structure for mid-level staff to gain such experience. The County does not have a succession plan in place to identify, train and mentor promising candidates for future leadership roles.

Succession planning systematically identifies, assesses, and develops talent as a key component for organizational success. It is an ongoing process that enables an organization to plan or recover when critical talent is lost.

Findings

- F1.** Despite public perception, conflict of interest rules were not violated during the recruitment and appointment of the Public Defender.
- F2.** Despite public perception, adequate precautions were in place in the form of an ethical wall to remove County Counsel from all involvement in the appointment of the Public Defender.
- F3.** The Tuolumne County Personnel Rules and Regulations were last updated in 1997, leaving them woefully in need of an update to current human resource practices.
- F4.** Tuolumne County does not have a key employee succession plan in place, which stifles upward mobility and professional growth for certain mid-level positions.
- F5.** Conflict of Interest Agreements were entered into with the County and County Counsel and the County and the Public Defender to establish and maintain conflict of interest protocols.
- F6.** Salaries for Tuolumne County Public Defender and other similar department heads are fair and equitable as determined by an independent study.

Recommendations

- R1.-2.** To avoid public misperceptions, the Grand Jury recommends County Administration improve methods of communication and transparency during high-level and potentially controversial personnel activities, by explaining its goals through various methods such as print, voice, and social media. The FPPC should be consulted whenever possible so that opinions and advice on conflicts of interest that are of public interest are neutral, cost effective, and open and accessible to the public. (F1, F2)
- R3.** The Grand Jury recommends 1997 Personnel Rules and Regulations are updated, approved, and posted to the County website by December 31, 2020. (F3)
- R4.** The Grand Jury recommends County Administration and Human Resources develop a Key Employee Succession plan by June 30, 2021. (F4)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertain-

ing to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

From the following county officials within 60 days:

- ▶ The Tuolumne County Administrative Officer: R3
- ▶ The Tuolumne County Administrative Officer: R4

Invited Responses

- ▶ The Tuolumne County Administrative Officer: R1-2
- ▶ The Tuolumne County Human Resources Director: R3, R4

Bibliography

California Government Code Section 27700 et seq; Board of Supervisors is hiring authority for the position of Public Defender

County Conflict of Interest Protocol Regarding Indigent Defense Contract Official/Employee Covered: County Counsel, March 31, 2017

County Conflict of Interest Protocol Regarding Public Defender's Office Official/Employee Covered: County Counsel, June 30, 2019

County Conflict of Interest Protocol Regarding Public Defender's Office Official/Employee Covered: Public Defender, June 30, 2019

Deputy County Counsel Request for a Formal Opinion for Member of Board of Supervisors, February 20, 2019

Letter to the Editor: Union Democrat June 22, 2019

Letter to the Editor: Union Democrat June 22, 2019

Union Democrat Article: People React to Tuolumne County Potentially Not Being Able to Use All Beds at New Jail, August 20, 2019

State of California Fair Political Practices Commission Letter of Advice: File No. A-19-034; dated August 21, 2019

Tuolumne County Board of Supervisors Meeting Materials, June 18, 2019

Tuolumne County Public Defender Position Description, April 2019

Tuolumne County Board of Supervisors Agenda Report: Employment Agreement Public Defender, June 18, 2019

Tuolumne County 2017-2020 Executive/Confidential Unit Compensation Plan, and amendments thereto

Tuolumne County Code, Chapter 2.12.110; Appointment of Department Heads

Tuolumne County Personnel Rules and Regulations, August 1997

Tuolumne County Compensation and Classification Study, Koff & Associates, 2014

Tuolumne County Job Code Listing
<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/11761/Classification-Listing>

Tuolumne County Pay Range/Step Table
https://www.tuolumnecounty.ca.gov/DocumentCenter/View/527/Pay_Ranges?bidId=

Deputy County Counsel Email to Union Democrat, June 3, 2019

Disclaimer

This report was issued by the 2019-2020 Tuolumne County Grand Jury except for two jurors who are related to former employee(s) of Tuolumne County, or who has a real or perceived bias. These grand jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.

Tuolumne County Organizational Chart - Exhibit A:



Vision: Tuolumne County is a place where all citizens enjoy opportunities to thrive in a safe, healthy and productive community.



Tuolumne County Fire Safety Report

Are We Ready?

June 30, 2020



Tuolumne County Fire Safety Report

Are We Ready?



Tuolumne County Fire in Cooperation with Cal Fire & USFS Photo: Tuolumne County Website

Summary

It is not a question of will we have a catastrophic fire in Tuolumne County, but of when. That is the prevailing sentiment the Grand Jury heard from local experts and stakeholders.

As Tuolumne County has been settled, the activities of gold mining, livestock grazing, logging, recreation and tourism have shaped the economy and the likelihood of a devastating fire that threatens lives, livelihood and our natural resources upon which the community depends.

Tuolumne County is not a wealthy county and has struggled to adequately fund county fire services. To survive a truly disastrous event, fire protection and fire readiness must be a continued priority for visitors and residents of Tuolumne County and these priorities need to be at the forefront of the agendas of all elected officials.

Tuolumne County faces unprecedented danger to life and property from wildfire. The Grand Jury reviewed the conditions that make us vulnerable, examined the status of current fire protection resources and made recommendations on how elected officials and the community can prepare for and survive the inevitable destructive fire.

This report focuses on four areas of concern with findings and recommendations for improvement.

1. Fire Service Delivery
2. Lessons Learned from the Camp Fire, Evacuations, Public Service Announcements
3. How Individuals Can Prepare
4. Animal Evacuations

The Grand Jury understands the scope of this report does not cover the vast universe of fire safety in Tuolumne County. The scope of this report is limited to a general background; however, as this Grand Jury has the unique opportunity with its extended term, this subject may be revisited later in a subsequent report.

Glossary

BLM Bureau of Land Management: an agency within the United States Department of the Interior responsible for administering public lands

Fire Safe Council	Organization that helps California residents to acquire knowledge and resources to better prepare for wildfires
Firewise	Program with resources to help neighborhoods prepare their homes for fire safety
Human-Animal Bond	The relationship between people, animals, and their environment.
MOU	Memorandum of Understanding: a type of agreement between two or more parties, indicating an intended common line of action
Matrix Report	First Responder and EMS Study prepared by the Matrix Consulting Group, and presented to the Tuolumne County Board of Supervisors, June 2019
PSA	Public Service Announcement
Type 1 & 2 Fire Engines	Built for structural fire fighting
Type 3 Fire Engine	Built for mountainous and remote areas. Typically, 4-wheel drive
Type 6 Fire Engine	Wildland Fire vehicle designed to assist in transporting firefighters along with a limited amount of water & other equipment
USFS	United States Forest Service
WUI	Wildland Urban Interface: a zone of transition between unoccupied land and human development

Methodology

The Grand Jury conducted interviews of local officials, stakeholders, and officials involved with the Camp Fire including:

- ▶ U.S. First Congressional District Office
- ▶ Butte County Supervisor, District 4

The Grand Jury reviewed documents and resources noted in the Bibliography.

Background

Tuolumne County is 2,274 square miles or 1.45 million acres, 77% of which is under the jurisdiction of a government agency: The United States Forest Service, the National Park Service, the Bureau of Land Management, and the State of California. Most residents, over 53,000 people, live on or near Highway 108, Highway 120, or Highway 49. These are mostly two-lane roads and on an average day can handle traffic adequately.

Researchers estimate that California forests historically burned at intervals of about 25 years, prior to European settlement. Due to growth and low-density development in our community and the lack of regular burning to reduce fuel buildup (as was the practice of Native Americans and ranchers), the local landscape is even more susceptible to a destructive fire. The prevalence of homes in the mixed conifer forests and chaparral/oak woodlands makes the need to suppress any fires of primary importance. Many residences have been built at the wildland-urban interface which adds to the imminent danger of a disastrous fire.

Of the 20 most destructive fires in California’s history, 10 have happened within the last four years. According to Stanford University School of Earth, Energy, and Environmental Sciences, in the last 50 years, summer temperatures have increased by 2.5 degrees and extended periods of drought have become normal. As weather patterns continue to change, attitudes about wildfire need to change as well and actions need to be directed at protecting the community in ways that are unprecedented.

Recent wildfire events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days from mid-August until late October but was not declared officially out until November 2014 after mild winter rains failed to completely extinguish it. In 2018 a total of almost 1,900,000 acres burned in California making it the most devastating fire season in history. These fires caused at least 88 deaths primarily in the town of Paradise during the Camp Fire.

A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding, and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road. In addition, on holiday weekends or during large-scale events, highways and roads can quickly become dangerously congested. If an evacuation occurs before Sonora and Tioga passes are open, most traffic will have to pass through Sonora and Jamestown or Columbia. When the passes are open, people may be able to evacuate using the mountain passes, as was done during the Donnell Fire in 2018.

Tuolumne County is crisscrossed by thousands of miles of Pacific Gas & Electric Company (PG&E) lines transmitting electrical power which carry significant potential fire risk. Many of these power lines are not easily accessible by ground; if wind and other fire-related conditions are unfavorable, they are not accessible by air thus making fire suppression difficult, or impossible as observed in the early stages of the Camp Fire. It should be noted that PG&E is not responsible for all fires which started in Tuolumne County, with some of our most devastating fires caused by lightning or human actions.

Discussion

Each individual fire department or district in the County is responsible for managing its own financial resources and operations, and by law must adhere to annual spending limitations requiring a balanced budget (Government Code §7900). Each department must spend within their financial limitations. Revenues for fire departments and districts are not adequate for operational expenses and equipment replacement. Specifically, limitations occur because the apportionment of tax revenue is inadequate to fund fire protection services in Tuolumne County.

Fire Service Delivery

The First Responder and EMS Study prepared by the Matrix Consulting Group (Matrix Report) and presented to the Tuolumne County Board of Supervisors on June 11, 2019, discusses the interdependent nature of Tuolumne County's fire service delivery. This extensive report offers options to maximize fire and first responder coverage and response times, as well as efficient use of fire and first responder resources. Options are also offered to provide for long-term financial stability of both the fire service delivery and first responder systems. The current fire protection system in Tuolumne County consists of:

- ▶ Fire Districts
- ▶ Community Service Districts
- ▶ City Fire Department
- ▶ Tribal Fire Department
- ▶ County Service Areas
- ▶ United States Forest Service
- ▶ CAL FIRE

Four fire service models were explored in the Matrix Report:

1. Modified Status Quo - operating fire service as it exists today with some modifications to boundaries in the north part of the County, Ponderosa Service Area, and the Columbia Fire Department
2. Forming a Countywide Fire Department/District – A Countywide Fire Service as either a stand-alone county fire department; expansion of fire districts, or expansion of the Tuolumne County Fire Department utilizing CAL FIRE
3. Expanding Fire Districts – expanding existing fire district boundaries to include all unincorporated areas of the county currently covered under contract with CAL FIRE
4. Expanding CAL FIRE contract services

The study participants and stakeholders did not agree on which service model would provide the best service delivery for the cost. However, the Matrix Report ultimately recommends the creation of a countywide fire district. The County would determine service levels and consider tax assessments to fund the newly formed countywide fire district.

According to the Matrix Report the 2017-2018 expenditures exceeded revenues by \$1,586,957. The projected shortfalls continue to grow with a projected shortfall of \$2,077,554 by fiscal year 2022/2023. It is important to note that these projections do not include replacing aging equipment and fire apparatus.

Tuolumne County currently contracts with CAL FIRE for firefighting services including dispatch. CAL FIRE is the largest fire department in the state of California, and therefore can offer smaller fire departments coverage as needed.

Aging Equipment

Tuolumne County currently has the following fire apparatus:

- ▶ Type 1 engines — 15, Built for structural fire fighting
- ▶ Type 2 engines — 16, Built for structural fire fighting
- ▶ Type 3 engines — 9, Typically 4-wheel drive, rural & mountainous areas
- ▶ Type 6 engines — 3, Wildland Fire vehicles designed to assist in transporting firefighters along with a limited amount of water & other equipment
- ▶ Water Tenders — 5
- ▶ Aerial Ladder — 1, (Sonora City Fire Department)
- ▶ Squad Vehicles — 2, (not including command vehicles or pick-ups)

Per the Matrix Report, fire apparatus older than 15 years, that have been properly maintained and are still in a serviceable condition, have been assigned to reserve status.

There are five fire engines which are 35+ years old and an additional 10 fire engines which are 25+ years old. Projected replacement cost is \$500,000 to \$650,000 per fire engine depending on the manufacturer and the configuration of the vehicle. The longer replacement is postponed, the more expensive the equipment becomes. It is estimated to be well over \$7,500,000 for the County to replace 15 of the oldest engines over a two-year period.

There are several ways to pay for this equipment. Some service districts have implemented special assessments for property owners in their district. Another option for funding would be sales taxes dedicated to funding for equipment replacement, maintenance, wages, and benefits for firefighters. Recent efforts to increase the sales tax were not approved by the voters of Tuolumne County; however, a parcel tax could be explored as a possible solution.

In 2019 Tuolumne County purchased a Type 1 Fire Engine to replace the current fire engine that is in use at the Tuolumne County Fire Department (TCFD) Station 76 in Jamestown. It is currently being built at Hi-Tech Emergency Vehicle Services in Oakdale, CA. TCFD will take possession of the new fire engine when construction is complete. The cost of this fire engine is \$683,841.

Additionally, Tuolumne County invested \$98,535 in equipment to provide strategic fuel breaks that aid in defending the community from wildfire. The purchased equipment is a skid steer loader which is a piece of equipment that is used for fuels reduction. The attached masticating head allows this equipment to be used to grind brush.

Lessons Learned from the Camp Fire Public Service Announcements Evacuations

Butte County had an extensive evacuation plan in place when the Camp Fire ignited near the town of Paradise, California on November 8, 2018, at 6:45 am. It only took 90 minutes for the fire to burn seven miles. By 10:45 the fire had grown to 20,000 acres and consumed the town of Paradise. This is an extreme example, but one that provides important lessons.

Excessive winds funneling through Jarbo Gap were the cause of the rapid rate of spread, but the start of the fire was a spark from a downed electrical line.

As a result of the destruction of the town of Paradise, a change in the Town Code Chapter 8.58 - *Defensible Space and Hazardous Fuel Management* was updated. The ordinance states that:

The Town Council of the Town of Paradise declares that the uncontrolled growth and accumulation of weeds, grasses, hazardous vegetation and combustible materials or obstructions on lands or lots within the town are dangerous or injurious to neighboring property and the health, safety and welfare of the citizens, residents and visitors of the Town of Paradise community. Such growth and accumulation create fire hazards, reduce the value of private property, and create a hazard to the health, safety, and general welfare of the public.

In Tuolumne County, there is no rule about fuel hazard reduction on vacant properties, nor is there any rule to require a ten-foot clearance along roads and driveways, or that the Fire Marshall can require clearances beyond 100 ft. The Town of Paradise ordained these rules because of the devastation of their town.

The Sheriff's Department has tools to use in the event of a major fire. Some of these include reverse 911 calls, patrol units using a public address system, the local radio stations, the Emergency Broadcast System and Everbridge. Everbridge is an App that can be downloaded for free on a smartphone and it sends, at no cost, alerts to subscribers. Unfortunately, not everyone has a smart phone or cellular service where they live and must rely on other ways of receiving vital messages.

Every single household should have an evacuation plan and supplies at the ready to respond immediately when an order to evacuate is given. It is also important to know your neighborhood and be aware of all entrances and exits from your neighborhood or place of employment. If children or young adults are attending school, it is important to know the emergency evacuation plans for their schools and practice what to do if evacuations are ordered. Know the call numbers of the local radio stations (93.5 KKBN, 93.1 KFBK, 102.7 KVML, AM 1450 KVML, and 92.7 KZSQ).

Residents and visitors to Tuolumne County must follow evacuation orders or risk their own and other's loss of life.

Fire Safe Councils

Fire Safe Councils are often created in response to a recent fire or a group of neighbors eager to spread a fire-safe message which, if embraced by the community, can empower the residents to allow their community to effectively respond to fires.

Fire Safe Councils throughout California educate homeowners about community wildfire preparedness activities, while working with local fire officials to design and implement projects that increase the wildfire survivability of their communities. Many Fire Safe Councils have successfully implemented such projects as hazardous fuel reduction, community wildfire protection planning, and homeowner training.

Tuolumne County does not participate in the Fire Safe Councils program but does collaborate with the Highway 108 and Yosemite Fire Safe councils.

Firewise USA

Firewise USA is a voluntary program that provides a framework to help neighbors get organized, find direction, and take action to increase the ignition resistance of their homes and the community. The Firewise USA program is co-sponsored by the Department of the Interior and the National Association of State Foresters.

To become a Firewise USA neighborhood, it is necessary to form a board/committee that is composed of residents and local fire departments. In addition, state forestry agencies, elected officials, emergency managers, property owners/managers all participate. This group collaborates on identifying the Firewise site's boundary and size. Firewise sites need to have a minimum of 8 individual single-family dwelling units and are limited to a maximum of 2,500.

There are currently seven certified Firewise communities in Tuolumne County:

- ▶ Gold Springs Ranch, Columbia
- ▶ Ridgewood 108, Sonora
- ▶ Cedarview, Twain Harte
- ▶ Tuolumne Drive, Twain Harte
- ▶ Mira Monte, Tuolumne
- ▶ TELLARA, Sonora
- ▶ Mark Twain-Sierra, Twain Harte

The County's goal is to have at least 20 communities (neighborhoods, subdivisions, etc.) established. The NFPA website offers a full listing of Firewise communities in California. <https://www.nfpa.org/>

Animal Evacuations

Tuolumne County residents watched in horror as the town of Paradise burned, knowing that Tuolumne County could be in the same situation. In the aftermath of the Camp Fire, which claimed the lives of 88 people, many have assumed that Butte County was surprised and unprepared for such a catastrophe. This is not an entirely justified assumption. The 2008 Butte County Grand Jury Report warned of such an event ten years earlier and recommended specific actions to be taken for the improvement of evacuation routes deemed inadequate. Additionally, the fire officials in Paradise divided the city into fourteen districts for sequential evacuation. All such efforts proved to be futile during the rapidly expanding inferno.

According to Butte County officials, their unpreparedness in dealing with animal evacuations added to the congestion and resulted in chaos significantly increasing the threat to human life. They believe that the human-animal bond causes people to refuse to evacuate at a time when seconds count as they face leaving their animals behind. Also, they found that people who are not at home when the disaster strikes will often try to get through emergency lines to rescue their animals.

According to those Butte County officials, citizen anger and hysteria increased dramatically with the realization that their animals were in imminent danger. Within hours, in desperation, elected county officials realized that they would have to begin an animal rescue operation. They reversed previous decisions to not use outside resources, such as Cowboy 911 and North Valley Animal Disaster Group. Once enlisted, these organizations brought their trained members with their own equipment to mount an effective rescue effort.

Bringing in outside help was not without problems. It initially caused resentment and conflict with existing local private and government organizations which caused unfortunate, but temporary, delays. However, in the end, the outside help proved instrumental in saving countless animal lives. The volunteer force rescued over 5,000 animals and cared for 5,000 more behind emergency lines, thereby reducing risk to the lives of their owners. Tuolumne County Animal Control does have some temporary facilities available for limited evacuations. A copy of an animal evacuation plan was requested by the Grand Jury, and as of this writing it has not been received. This lack of documentation has led the Grand Jury to conclude that Tuolumne County does not have an established plan.

Findings

- F1.** The Matrix Report gives conflicting information when explaining different options for the improvement of Tuolumne County’s fire protection delivery system. There is disagreement among those who had input into the Matrix Report regarding its findings and recommendations.
- F2.** Most of the fire engines and equipment in the county are old and becoming obsolete. There are no comprehensive plans or consistent budget allocations for replacement.
- F3.** The Grand Jury identified an overall lack of evacuation preparedness in the county, especially relating to dissemination of information to the public.
- F4.** Tuolumne County, with its large animal population, is comparable to Butte County in its unpreparedness to mount an effective full-scale animal evacuation in the event of a widespread disaster.
- F5.** Tuolumne County officials have demonstrated indifference to the issues relating to large-scale animal rescue by not having an animal evacuation plan in place.
- F6.** During a widespread disaster small, local animal evacuation volunteer groups will be inadequate and often completely unavailable, as they struggle to deal with their own evacuation issues.
- F7.** Tuolumne County code regarding defensible space and fuel modification is not adequate to protect residents, property owners, and natural resources, because it does not address fuels on vacant property, or require fuel reduction along neighborhood roads to maintain a safe clearance.

Recommendations

- R1.** The Grand Jury recommends that all stakeholders, including the public, conduct a peer review of the recommendations on the state of Tuolumne County’s fire departments with emphasis on cost and plausibility of implementation prior to deciding on recommendations made in the Matrix Report. It is essential that all communities be represented in any deliberation and decisions. (F1)

- R2.** The Grand Jury recommends that Tuolumne County create and implement an ongoing plan for replacement of aging fire engines and equipment, including a dedicated revenue source. (F2)
- R3.** The Grand Jury recommends that Tuolumne County create and implement a saturation of public service messages now, before there is an imminent threat to the community. The public needs to be made aware of evacuation plans. Public service announcements should direct the public to where the plans can be reviewed. (F3)
- R4.** The Grand Jury recommends that preparedness for animal rescue become the responsibility at a higher level in county government rather than the small, understaffed Animal Control Department. Butte County's experience should serve as an example to those at the top of emergency response teams that they need to be actively involved in the issues of animal evacuation. (F4)
- R5.** The Grand Jury recommends that Tuolumne County plan for multiple animal-holding evacuation centers to mitigate various blocked evacuation routes. Corresponding sources of feed and care must be addressed as part of an evacuation plan. (F5)
- R6.** The Grand Jury recommends that Tuolumne County enter a Memorandum of Understanding for animal evacuation with outside organizations such as Cowboy 911, or other non-profit groups with experienced personnel to provide training upon request. This should be done with the cooperation and participation of local animal control groups to avoid unnecessary conflicts and delays. (F6)
- R7.** The Grand Jury recommends that Tuolumne County review and update current policy on Defensible Space and Fuels Management to ensure maximum protection of Tuolumne County citizens, animals, and natural resources. (F7)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 90 days to the presiding judge of the superior court.

- ▶ The Tuolumne County Board of Supervisors respond to R1, R2, R6, R7

Comment within 60 days to the presiding judge of the superior court:

- ▶ The Tuolumne County Administrator is requested to respond to R2 and R3.
- ▶ The Tuolumne County Director of Animal Control R4, R5, and R6.

Bibliography

- 2008 Butte County Grand Jury Report
- 2019 Marin County Grand Jury Fire Report
- California Fire Safe Councils <https://cafiresafecouncil.org/>
California Government Code
- California State Constitution
- California Special District Association Website
- Cowboy 911 <https://www.facebook.com/groups/270203390408097/>
- First Responder and EMS Study prepared by the Matrix Consulting Group
https://tuolumneco.granicus.com/MetaViewer.php?view_id=5&clip_id=353&meta_id=54651
- Fresno County Fire Protection District Website
- Firewise USA <http://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>
- Institute for Local Government Budgeting for Local Governments
- KAAD-LP Community Public Radio, Equestrian Arts
- National Fire Protection Association
- North Valley Animal Disaster Group
- PBS Documentary: Frontline Fire in Paradise, 2019
https://r.search.yahoo.com/_ylt=Awr9DRVsg7NeE1cALaBXNyoA;_ylu=X3oDMTEydWlqdWlwBGNvbG8DZ3ExBHBvcwMyBHZ0aWQDQjk4NDdfMQRzZWMDc3I-/RV=2/RE=1588825068/RO=10/RU=https%3a%2f%2fwww.pbs.org%2fvideo%2ffire-in-paradise-ncamrn%2f/RK=2/RS=A4epfuXBC5cRRAIYs6bU3W4Cqiw-
- Stanford University School of Earth, Energy, & Environmental Sciences
- Tuolumne County Board of Supervisors Meeting Agenda Materials, June 11, 2019
- Tuolumne County population, income, and land size
- Tuolumne County Code 15.20.060
<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/2690/Chapter-1520---Fire-Safety-Standards?bidId=>
- Town of Paradise Municipal Code Chapter 8.58 Defensible Space.
https://library.municode.com/ca/paradise/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.58DESPHAFUMA
- Visual observations while traveling throughout Tuolumne County
- U.S. Census

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Tuolumne County Jail Report

Farewell Old Jail
June 30, 2020



Entrance to Law and Justice Center.

Photo: Luann Hopkins



Tuolumne County Jail Report

Farewell Old Jail

Summary

California Penal Code §919(b) requires the grand jury to inquire into the condition and management of “public prisons” within the county. “Public prisons” is not defined in the Penal Code; however, it is generally accepted by grand juries across the state that a public prison is a state operated adult correctional facility. Most grand juries also inquire into county and city jails within their jurisdiction.

The Tuolumne County Jail is operated by the Tuolumne County Sheriff’s Department. The existing jail facility is old, deteriorating, and obsolete.

Construction of a new jail is underway and expected to open in the Summer of 2020. Jail operations and custody of inmates will move to the new facility. Sheriff’s office administration and dispatch will remain in the building adjacent to the old jail until accommodations are made at the new Justice Center. Because this is a transitional period it is unrealistic to make meaningful grand jury findings and recommendations relative to the existing jail structure. However, unsafe conditions are addressed in this report.

The 2019-2020 Grand Jury received citizen complaints regarding living conditions in the jail and determined that regarding bedding provided to inmates, Tuolumne County Jail exceeds Title 15 requirements.

The Grand Jury encourages a smooth transition to the new jail, continuation and expansion of successful inmate programs, workplace safety, and attention to pride and care for the new facility.

Glossary

ABS	Modern piping, non-toxic and resistant to abrasion
BSCC	Board of State Community Corrections. The state agency that inspects county jails for compliance with minimum regulatory standards
Detainee	A person who is detained in custody
GEO	GEO Reentry Services offers full-service evidence-based, cognitive-behavioral treatment programs and day reporting for probationers
HCS	Hazard Communications System

Inmate	A person confined to an institution such as a jail or prison
Jail	Tuolumne County Jail
MSDS	Material Safety Data Sheet
PPE	Personal Protective Equipment
Sallyport	A secure, controlled entry to a prison or jail
Tank	Term used to describe housing units used to house inmates
TCSO	Tuolumne County Sheriff’s Office
Title 15	California Code of Regulations, Crime Prevention and Corrections. Minimum Standard for Local Detention Facilities

Background

California Penal Code §919(b) mandates that the Grand Jury in each county inspect the condition of all public prisons every year. Sections 919(a), 925, and 925a authorize the Grand Jury to investigate city and county jails and other detention facilities.

Methodology

Members of the 2019-2020 Tuolumne Grand Jury inspected the Tuolumne County Jail facility on November 15, 2019, and January 9, 2020. Research included interviews with employees, independent contractors, staff, inmates and officers.

The Jail Commander provided the jurors with copies of a Grand Jury Summary Report prepared in advance to assist jurors with the tour and inspection.

Members of the Grand Jury reviewed the following documents:

- ▶ Tuolumne County Sheriff’s Office Policy and Procedures Manual
- ▶ California Code of Regulations, Title 15 Minimum Standards for Local Detention Facilities
- ▶ Jail Training Program Manual
- ▶ Inmate Orientation and Rule Book
- ▶ BSCC Jail Inspection Handbook for Grand Jurors
- ▶ Copies of grievances and responses thereto
- ▶ CAL/OSHA Guide to the California Hazard Communication Regulations
- ▶ Title 8 California Code of Regulations §5192(q). Hazardous Waste Operations and Emergency Response.

Discussion

Citizen Complaints

The 2019-2020 Grand Jury received citizen complaints regarding living conditions in the jail. Concerns were expressed regarding provision of adequate bedding, timely and correct dispensing of medications, ability of inmates to file grievances, and the physical condition of shower and toilet facilities in the group cells (tanks).

Grand Jury Tour and Site Inspection

November 15, 2019 and January 9, 2020, the Grand Jury inspected the Tuolumne County Jail. Upon entry into the sallyport at garage level, the Jail Commander and Sergeant issued warnings and instructions. Juror identities were verified.

The grand jury tour and inspection included the following:

- ▶ General description of the facilities, including age
- ▶ Staff and inmate levels
- ▶ Medical services
- ▶ Inmate intake & booking
- ▶ Housing occupancy, gender allocations, hygiene, meals, and daily hours and routines
- ▶ Control room procedures
- ▶ Break room facilities
- ▶ Locker room facilities
- ▶ Rooftop yard
- ▶ Inmate property storage
- ▶ Program room
- ▶ Mechanical room and inmate-firefighter staging for donning and doffing fire gear

Medical Services

The medical unit is operated for 16 hours per day. There is one nurse on duty at a time. The medical unit does not have the ability to be used for inmates' dental needs. Instead, inmates are driven once a month to a local dental clinic to receive dental care.

Intake and Booking

When individuals are brought to the jail, they can be placed into cells which include two holding cells, two sobering cells, one dress-out cell for changing clothes, and one safety cell. Unlike holding cells, sobering cells do not have benches or phones. Inmates are advised of their charges and given a list of their property.

Inmates are given a court date if applicable and an opportunity to make phone calls. Inmates are then photographed, fingerprinted and either released from custody or placed into housing.

Housing

The jail has 14 separate housing units that house both male and female inmates (housed separately) across a wide variety of different classifications. Several of the housing units contain separate cells within them that allow for housing between one and four inmates each. Administrative segregation inmates are locked down for 23 hours per day and are given one hour each day to make phone calls, order commissary, and take showers. Inmates are provided three meals a day, including one cold and two hot meals.

Lockdown occurs each night from 10:00 pm until 5:00 am. During lockdown, televisions are turned off, trash and cleaning supplies are collected, and individual cells are locked.

Control Room

The control room is manned by one booking clerk and a Sergeant/Watch Commander. Booking clerks are responsible for assisting and ensuring the safety and security of the facility, observing and documenting inmate movement and/or events, electronically operating doors, communicating with inmates, observing staff movement and interactions with inmates, booking inmates, coordinating with the courts and other agencies, monitoring video surveillance cameras, answering phone calls and communicating with staff and the public through a variety of methods.

Break Room

The break room contains a small table with six chairs, two refrigerators, a microwave, and an attached bathroom.

Locker Room

The male and female staff have separate locker rooms, each with their own entrance. The men's locker room can be utilized for training when no other facilities are available.

Rooftop Yard

The yard is located on the roof of the jail and is fully enclosed with fencing and protected with black mesh. It contains a toilet, sink, drinking fountain, phone, two pull-up bars, and two benches. Inmates are allotted three hours of yard time per week.

Property Storage

This is a secure area where inmate supplies are kept including jail clothing and cleaning supplies. There is also a separate secure area for inmates' personal property.

Program Room

There is currently one small room that is used for all the inmate programs offered. The law library is sometimes used for inmate programs when not in use for video arraignment, interviews, or other services.

Grand Jury Observations

The movement of inmates was observed and appeared to be safe and secure. Officer weapons and personal items were observed being placed into secure lockers.

The hostage policy, however, was not explained (enforcement agencies do not honor “hostage for trade” events) until after jurors were inside the booking area and several minutes into the tour, when a juror asked directly about the hostage policy.

In the booking area and quite by chance, jurors observed deputies handling an out-of-control detainee. The procedures that were followed showed the utmost care and concern for the staff, visitors, inmates, as well as the detainee.

One observation that was consistent with all the inmates who were interviewed (around 24) was that they liked the way the deputies treated them. They felt they were treated fairly and with respect.

A small computer terminal is in the tanks the jurors observed. It was explained by the Jail Commander that the computer terminals are used for inmates to communicate with approved family members, access the jail handbook, and file grievances. Use of computers and email by inmates is tightly controlled.

The inmate grievance procedure is outlined in both the inmate handbook, on page 15, and the department operations manual (DOM) in section 6.34.

Inmates may file a grievance relating to any conditions of confinement, including medical care, classification actions, disciplinary actions, program participation, telephone, mail, visiting procedures, food, clothing, and bedding.

Inmates are required to follow the grievance procedure:

1. First, speak with the post deputy, which may result in a quick solution to the grievance. If step one does not resolve the problem inmates may then proceed to step two.
2. File a formal grievance.
3. A written response is given within a reasonable amount of time.
4. Grievance appeals must be in writing and follow the chain of command.

Jail Facility

The original Tuolumne County Jail at this site was built in 1959. That includes what is now the delivery entrance, inmate coordinator’s office, staff bathroom, food service office, dry storage, kitchen, deputy post, storage closet, laundry room, medical unit and housing units A through I.

The building was added onto in 1985, including the program room, video arraignment room, sergeant’s office, deputy post, and housing units J and K. The final addition was completed in 1994 and included P tank, and housing units L through O, visiting attorney booth, control room, booking area, break room, staff bathroom, staff offices, intake area including holding cells 1 through 6, and the lieutenant’s office.

The grand jury inspected two of the womens’ cells, N tank and O tank. Each tank accommodates approximately 10 female inmates in an open cell room with bunk beds. The toilets and showers are behind a half-wall to afford some amount of privacy, and the two showers have curtains. Jurors observed that two sheets and two blankets are provided to the inmates, whereas Title 15 article 14 section 1270 requires only one sheet and one blanket each. A pillow must be purchased through the commissary by the inmate and leaves with the inmate at release. The temperature in the tanks seemed reasonable for the season.

Additionally, jurors observed that the ceramic tile in the women’s shower stall area showed signs of excessive duress. It appears that damage and wear was not recent but has grown worse over time. Tiled areas, and especially grouted joints deteriorate at a rapid pace once the decay begins. This area may not have been cleansed properly as mildew was prevalent in certain areas.

Jurors noted problematic conditions in the ground floor corridor area. The cast iron drainpipe developed a leak and was repaired with ABS piping. The leak sprayed and drenched the adjacent electrical panel rendering it unsafe. Jurors were informed by jail personnel that individual electrical breakers were removed, cleaned, dried and reset in place. Part of the danger of this situation is not entirely from the breakers themselves but by saturating the electrical wire (copper wire, wound with paper insulation, and wrapped with plastic sheathing). Once the paper insulation is saturated, it becomes a conductor and can cause further problems especially if all outlets running from those wires are not grounded. The fix was a funneled plastic sheet that drained into a 30-gallon barrel which was half full of captured water, only three feet from the electrical panel. The Grand Jury was provided with a September 2017 invoice recommending breakers be replaced due to rust. Jail personnel stated that the barrel and water are monitored for safety. However, it is apparent the work to replace the breakers was not performed, despite recommendations by previous Grand Juries.

Safe Workplace

The Grand Jury inspected for compliance with the Hazardous Chemical Communication System Regulatory Requirements under the California Labor Code and the California Occupational Safety and Health Act. Although cleaning chemicals and paint were located onsite, the only hard copy Material Safety Data Sheets (MSDS) identifying chemicals and necessary personal protective equipment (PPE) were found in the kitchen. These included only the information provided by one vendor and were missing those of other chemicals found throughout the facility. It should also be noted that although the MSDS called for PPE to be used, Grand Jury members were informed that PPE was only offered to the inmates if they requested it.

This means that the inmates would need to have been in the kitchen using the chemicals from that specific vendor, found the MSDS located on the wall and then requested the PPE. This appears to leave out all other chemicals used by inmates and staff.

Due to the small size of the current facility and the rooms within, the potential for chemical exposure to its population is considerably heightened.

Hazardous Chemical Communication System

Regulatory Requirements under the California Labor Code and the California Occupational Safety and Health Act state, "All employers in California are legally obligated to provide and maintain a safe and healthy workplace for employees. The hazard communication regulation emphasizes workplace safety and requires employers to inform their employees of the hazardous substances to which they are exposed at the job site." Requirements for developing, implementing, and maintaining a hazard communication program are found in Title 8 of the California Code of Regulations §5194.

These requirements are met through an online MSDS management system accessible on computer desktops.

Jail Staffing and Inmate Population

Jurors learned that the inmate population is about 147 male and female, whereas the new jail facility will accommodate 230 inmates. This number includes various classifications: general population, protective custody, high risk, and work-status inmates.

Jail staffing levels at the time of this report include:

- ▶ 1 Jail Commander
- ▶ 1 Sergeant/Watch Commander
- ▶ 1 Sergeant/Operations
- ▶ 1 Sergeant/Administrative
- ▶ 5 Deputies
- ▶ 1 Classification Deputy
- ▶ 3 Work Crew Deputies
- ▶ 4 Transportation Deputies
- ▶ 1 Booking Clerk

Jail Programs

The Inmate Coordinator detailed a significant number of rehabilitation opportunities and inmate programs utilizing a team of over 60 volunteers and staff from other agencies. The focus of the programs is to provide services to those inmates who have demonstrated that they are motivated to help themselves.

Jail Programs include:

- ▶ GEO Jeep Program - a comprehensive program that includes Moral Resonance Therapy, Parent Effectiveness, Anger Management, Release Preparation, Educational, and Individual Counseling.
- ▶ Education Services Program - HiSet (High School Equivalency Test) is a GED and High School diploma program. In addition, education services related to adult education and/or college preparation are available. The County Superintendent of Schools offers educational counseling and support services such as tutoring, obtaining records, evaluating students' academic status, and granting diplomas to those who meet the criteria.
- ▶ Release Preparation Program - Inmates are provided with the "Living on the Outside Handbook," and/or GEO "Passport" handbook, and a comprehensive directory of services to help them develop an individual release plan. They are also seen by the Department of Social Services to establish eligibility for Medi-Cal and other community services. A substance abuse counselor will assess their needs for drug and alcohol treatment and referrals.
- ▶ C.A.S.E. (Clean and Sober Experience) Program - This is the Jail drug and alcohol treatment program that is a collaborative between the Sheriff's Office and Behavioral Health. This program features the Phoenix "New Freedom in Cell" curriculum. Volunteer staff supplement this program with services such as AA, NA, Celebrate Recovery, and Road to Recovery. Behavioral Health - Mental health services are available to all inmates on referral by the jail medical staff, custody staff or inmate request. Programs are available through both the Tuolumne County Behavioral Health Department and the contracted medical vendor Wellpath.
- ▶ Work Crew Programs - In-house programs include kitchen, laundry and janitorial. Outside the facility, programs include nursery/agricultural, woodworking, brush-clearing for fire prevention, landscape, and sawyer programs.
- ▶ Other Miscellaneous Inmate Services - Veteran's, Chaplain, Clergy, Bible Study, Native American Social Services, Recreational, Reading Library.

Given the limitations of the current facility in terms of meeting rooms and staffing, the jail is near the maximum number of programs that can be offered.

Findings

- F1.** The policy in which law enforcement agencies do not honor "hostage for trade" events was not explained to the jurors before the jail tour. The hostage policy was explained after the jurors were inside the facility and therefore unable to exercise their decision to not enter the facility and assume the risk.
- F2.** In several instances, inmates expressed appreciation for respectful treatment by jail staff, which the Grand Jury believes is an important aspect of helping in rehabilitation efforts.
- F3.** An impressive number of quality programs are available to inmates.

- F4. The women’s shower stall area shows signs of excessive duress, damage due to wear. Mildew is prevalent in certain areas.
- F5. Electrical panels and damaged plumbing in the ground floor corridor present severe safety elements in dire need of attention.

Recommendations

- R1. The Grand Jury recommends Jail personnel responsible for tours and inspections should alert participants of the “no hostage policy” well in advance of entering the jail. Include the “no hostage policy” in the Grand Jury Summary provided at the beginning of the tour. (F1)
- R2. The Grand Jury recommends continued compassionate and respectful treatment of inmates as warranted. (F2)
- R3. The Grand Jury recommends continued and expanded jail programs in the new jail. (F3)
- R4. The Grand Jury recommends facility personnel take appropriate measures to stop the progress of mildew in women’s shower areas. (F4)
- R5. The Grand Jury recommends replacing electrical panels or installing a waterproof wall separating the plumbing from the electrical. (F5)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

From the following elected or appointed county officials within 60 days:

- ▶ The Tuolumne County Sheriff: R1 through R5.
- ▶ Tuolumne County Risk Manager R1., R5.

From the following governing body within 90 days:

- ▶ Tuolumne County Board of Supervisors R5.

Bibliography

BSCC Jail Inspection Handbook for Grand Jurors

BSCC Seventh Annual Report on Implementation of Community Corrections Partnerships

Plans, July 2019

BSCC Title 15 Evaluation, 2019

Medical/Mental Health Evaluation, 2019

Environmental Health Adult Jail Evaluation, 2019

Adult Jail Nutrition Evaluation, 2019

California Code of Regulations, Title 8, Labor Code

California Code of Regulations, Title 8 §5192(q) Hazardous Waste Operations and Emergency Response

California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities

CAL/OSHA Guide to the California Hazard Communication Regulation

Guide to California Hazard Communications Regulation, May 2012

Target Solutions Hazmat Training Course Description

Tuolumne County Sheriff’s Department Policy and Procedures Manual

Tuolumne County Jail Training Manual

Tuolumne County Inmate Orientation and Rule Book, October 2016

Tuolumne County Jail Inmate Grievances and Responses thereto

Disclaimer

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Tuolumne County Transit Program Report

Transit in Transition

June 30, 2020



Tuolumne County Transit Program Report

Transit in Transition



Tuolumne County Transit Bus.

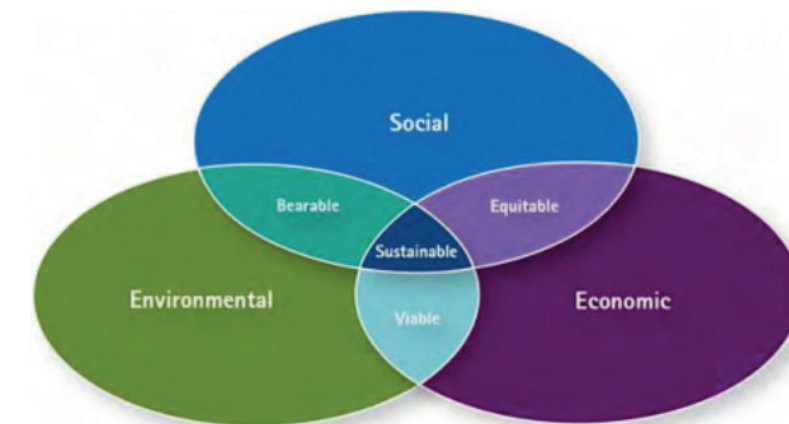
Photo: TCTC Transit Wiki

Summary

The purpose of this investigation is to determine if the Tuolumne County Transit Agency (TCTA) is achieving performance expectations related to ridership and state-mandated reduction of Greenhouse Gas (GHG) emissions. The primary concern presented to the grand jury was that the Agency is operating with low ridership, as observed by the complainant. The Agency operates with a fleet of 22 medium to large diesel-fueled buses which emit high quantities of greenhouse gases. The combination of low ridership and highly polluting buses is the basis of the complaint.

The TCTA provides transportation to the County's transit-dependent community and is mandated to transition to zero-emission vehicles (ZEV) by 2030. Addressing a reduction in GHG is part of the overall sustainable transportation strategy for Tuolumne County. The Agency's focus is on economic, environmental, and social indicators to achieve a well-balanced regional transportation system.

The Three Principles of Sustainability - Figure 1.0



Source: 2016 Final Regional Transportation Plan; Chapter Four

This report documents the efficiency of the transit program and how the Agency is positioned to reduce greenhouse gases to zero emissions. Findings and recommendations regarding improvement of Tuolumne County Transit (TCT) operations are provided to enhance the existing program with the goal of reducing greenhouse gases to mandated levels.

Glossary

ADA	American with Disabilities Act: Federal legislation ensuring accommodations of disabled persons by all public services, facilities, and entities
APTA	American Public Transportation Association: A nonprofit group of public and private sector organizations, that promotes and advocates for the interests of the public transportation industry in the United States
CARB	California Air Resources Board: Responsible for the State's air quality and emission enforcement
DAR	Dial-A-Ride: on-demand bus service provided by TCTA, serving customers unable to utilize fixed-route bus lines
Fixed-Route	Bus lines with established routes and timetable scheduling
Fleet	Groups of motor vehicles typically owned and operated by governmental entities
FTA	Federal Transit Administration: Provides financial and technical assistance to local public transit systems
GHG	Greenhouse gases: CO ₂ , Methane, and other gases that contribute to climate change and global warming
JPA	Joint Powers Authority: A legal entity whereby two or more public entities (e.g. local governments, or utility or transport districts) may jointly exercise any power common to them all. In this report, the two authorities are the City of Sonora and the County of Tuolumne
On-demand	A "call-for-service" curb-to-curb service, utilized by cab companies, rideshare services like Uber and Lyft, and some public bus agencies
RTP	Regional Transportation Plan
TCTA	The Tuolumne County Transit Agency: The governing authority of the transit program, operating under the TCTC
TCTC	The Tuolumne County Transportation Council: The county transportation department overseeing TCTA
TDA	Transportation Development Act: State legislation to improve public transportation services and encourage regional transportation coordination
VMT	Vehicle Miles Travelled: Quantitative performance measurement to evaluate cost effectiveness, and air quality measures in GHG emissions
ZEV	Zero Emissions Vehicle: An electric or hybrid vehicle that emits no exhaust gas from the onboard source of power

Methodology

To research this report, the 2019-2020 Grand Jury interviewed several officials with the County, as well as local pollution control district personnel.

In addition, the Grand Jury also reviewed the documents listed in the bibliography.

Background

History and Governance of the Tuolumne County Transit

The transit operation was transferred from Tuolumne County to the Tuolumne County Transportation Council (TCTC) in 2010 via the Joint Powers Authority (JPA) between Tuolumne County and the City of Sonora. The TCTC became the Regional Transportation Planning Agency tasked with planning for local transportation needs and incorporating rural area needs into the state transportation planning process. Caltrans in 2011, recommended the formation of the Tuolumne County Transit Agency (TCTA) to operate the transit system. The TCTC, as overseer of the TCTA, shares the same staff of five and Board.

A private transportation company, Storer Transit Systems, is contracted to provide the drivers, dispatchers, mechanics, and support staff for the operation and management of the Tuolumne County Transit. Ridership largely consists of transit-dependent groups including the elderly, disabled, low-income, veterans, students, and residents who either do not own a car or are unable to drive.

Discussion

The transit system provides five fixed routes as well as limited on-demand services (Dial-a-Ride) to the transit-dependent communities of Sonora, Columbia, Jamestown, Tuolumne, Twain Harte, Mi-Wuk Village, Sierra Village, Groveland and the Mi-Wuk Rancheria. The Columbia route includes connections to Calaveras County Transit, which links to other regional transit systems. The transit currently operates from 6:00 AM to 7:00 PM on weekdays along the fixed routes with designated stops. Up to ten of the fleet make an average of 300 total trips per day. A minimal fee (\$2 for adults, \$1.50 for students and free for seniors and children under 12) is collected.

Seasonal buses transport recreationists to Dodge Ridge Ski Area and Pinecrest. Most recently, transportation to Yosemite National Park has been added, via the Yosemite Area Regional Transportation System (YARTS). Both seasonal transit and fixed routes with county-to-county connections comply with the program goals of section 5311, FTA (2014), which require rural transit systems to: "enhance access to health care, shopping, education, employment, public services, and recreation."

On Demand Services

For ADA passengers unable to use the transit system, other options are available. Dial-A-Ride services (DAR) offer origin-to-destination service, and are available seven days a week, with

limited availability for the public on Saturdays. The Trip Program was established in 2014 to accommodate transit disadvantaged clients of Groveland. The program is intended to be a 'safety net' service for those not otherwise served by existing transportation and is now available throughout the County. Currently, clients find their own drivers who are reimbursed at the IRS rate of 58 cents per mile. According to TCTA, this is very cost-effective, however is not widely used or advertised because of a limited yearly budget of \$10,000.

Unmet Transit Needs Process

The Transportation Development Act (TDA) requires the Unmet Transit Needs Process be conducted annually by the TCTC. The purpose is to determine whether there are "unmet transit needs that are reasonable to meet" to improve transit/paratransit services. The Council conducts public informational meetings however attendance is low. The TCTC recognizes that public awareness and social service referrals are areas in need of improvement and has applied for a grant to fund a mobility manager who will be responsible for addressing these concerns.

Advertising

The TCTA advertises through its website, social media, public meetings, outreach and community events and direct outreach to Adventist Health, the County Superintendent of Schools, and the Commission on Aging. Schedules, system maps and flyers are available at bus stops. Radio and TV/streaming commercials are other sources of advertising. The Trip Program advertises through brochures, coordination with social service providers, community action groups and transportation providers. Currently, the source of Trip Program users is from referrals from social service providers.

A rider survey conducted by the TCTA in 2019 showed that among the 137 transit riders polled, only four percent had heard about the transit service via advertising. Further, 49 percent had gained knowledge of the transit by simply seeing a bus, the rest of the responses being split between social services, friends and family, bus route map, and 'other'. As to finding route and scheduling information, the majority (69 riders, or 34 percent) did so from either the TCTA website or a pamphlet found on the bus itself. In addition, some members of the Grand Jury attempted to obtain bus schedule information on the TCTA website and social media. These efforts were found to be laborious and the tools were not very user friendly.

Challenges of the TCTA as a Rural Transit Provider

Transportation issues of rural transit operators are significantly different from those in urban regions (Rural Fact Transit Book 2017). Rural transit operators struggle to achieve high-performance measures because:

- ▶ Stakeholders are a small population, unlike urban areas with growing populations,
- ▶ Stakeholders live in remote areas causing vehicles to travel greater distances,
- ▶ Factors such as challenging terrain, poor pavement, inclement weather, frequent stopping, a high percentage of mobility-impaired riders, all combine to yield poor gas mileage, high maintenance costs, and a less regular schedule.

The inequities of evaluating performance measures of rural transit agencies are further exacerbated by current state and federal data collection practices, which require all transit agencies to collect data on passengers per vehicle service hour and passengers per mile. These practices make sense for urban counties because dense populations create high ridership, resulting in high passenger related data. High ridership equates to high productivity which bodes well for urban systems.

State Mandated Data for Performance Measurement

The 2017 TCTA's Triennial Performance Audit was conducted by an independent contractor and pertinent information from the audit is presented in Table 1.0. Staff also evaluates the monthly performance of the transit, including Storer Transit, on its ability to meet the transit needs of the community. The TCTA is preparing for the 2020 audit and welcomes the forthcoming recommendations to improve efficiency.

State Mandated Performance Data -Table 1.0

Generalized Services	FY 14	FY 15	FY 16	FY17
Passengers per Vehicle Service Hour (VSH)	6.3	6.7	6.3	5.9
Passengers per Vehicle Service Mile (VSM)	0.4	0.4	0.4	0.4
Operating Cost per Trip	\$13.72	\$13.22	\$14.32	\$15.55
Operating Cost per Vehicle Service Hour (VSH)	\$86.27	\$87.94	\$85.40	\$92.51
Farebox Recovery Ratio	10.3%	10.1%	8.9%	9.5%
On Time Performance	85.3%	92.2%	92.3%	94.1%

Source: TCT Annual Performance Report 2016/2017

In contrast to urban systems, the TCTA averages 6 passengers per vehicle service hour and 0.4 passengers per vehicle service mile. These low numbers equate to empty or nearly empty buses that challenge the sustainability of the transit system and are the source of the complaint that generated this report. While data on passenger numbers are easy to collect, they are generally low in rural areas and tell very little about how well the TCTA is performing with regards to meeting the community's social and economic needs (see Fig 1.0). It is recommended, in the 2017 Development of Performance Measures for Rural Counties in California, that rural transit agencies collect data on operating cost per mile, as an overall measure of transit service efficiency because these data reflect both fixed and variable costs. However, operating cost per mile was not included in the 2017 audit.

In addition, how well the transit meets the needs of the elderly, the disabled, and transit-dependent is not currently part of the performance evaluation. According to the recent Passenger Analysis conducted by the TCTA, 62% of transit users are elderly or handicapped, and 68% list the transit system as their only means of transportation, making their satisfaction of utmost importance to the TCTA.

While ridership and farebox recovery data show decreasing trends, a significant gain in college students using Fixed Routes 1, 3, and 4 and an increase in monthly pass sales are observed. Students ride for free, and the TCTA is reimbursed by Columbia College. Transporting students to college has profound and long-reaching impacts on society that are not measurable, according to the Cost-Benefit Analysis of Rural Transit, U.S. Department of Transportation 2014. This qualitative type of service is generally not included in performance measures though rural transit agencies are required by the FTA to promote regional connectivity for educational purposes.

Fixed-Route Performance

Farebox recovery ratio is calculated by comparing the revenue generated with the total cost of operation. The Transit Contract requires that the farebox recovery ratio not fall below 10% for any single month to continue funding. The overall farebox recovery for the TCTA, as published in the 2017 audit, is 9.5% for 2017, slightly below the 10% needed for funding renewal. Funding has continued because the state allows advertising revenue from displayed business ads to supplement farebox revenue, thereby allowing the TCTA to meet the minimum requirement.

Farebox Recovery for Each Route - Table 2

Route/Service Area	2015	2016	2017	TDA Funding Goal 10%
# 1 Sonora Loop	15.6%	14.8%	16.4%	Exceeds goal; Route is viable
# 2 Sierra Village - Sonora	8.9%	6.9%	6.5%	Below goal; decreasing ridership
# 3 Jamestown - Sonora-Columbia	9.8%	8.4%	7.7%	Below goal; increasing ridership
# 4 Sonora- Columbia	8.0%	8.3%	7.8%	Below goal; increasing ridership
# 5 Sonora - Tuolumne	7.2%	6.7%	7.4%	Below goal; decreasing ridership

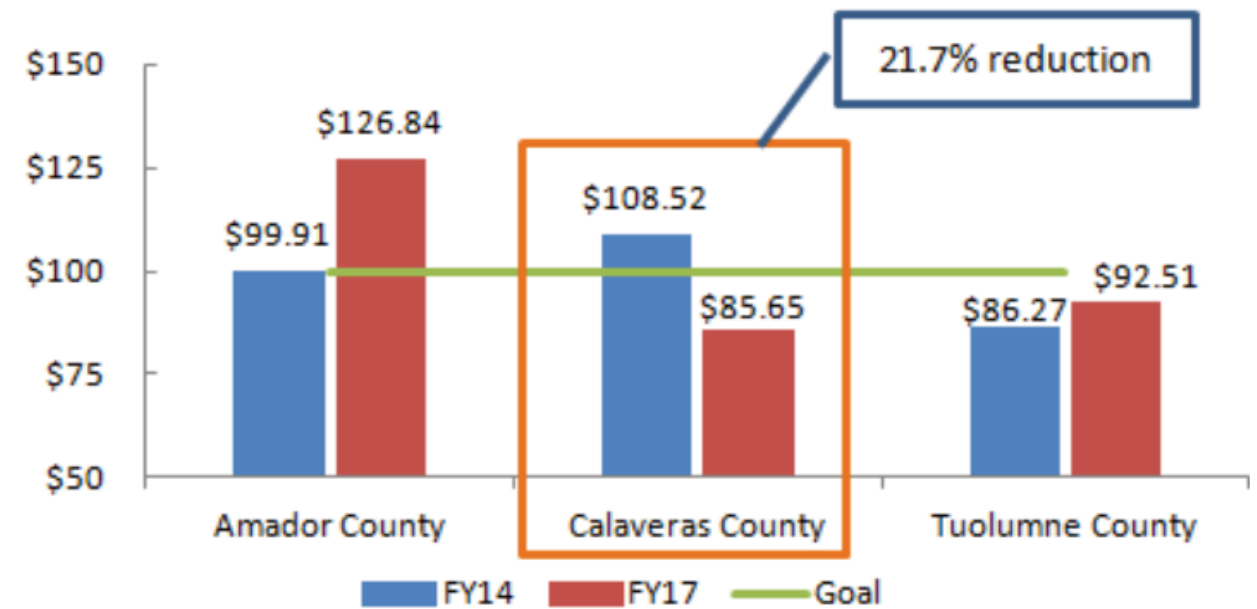
Source: TCTC audit of 2017

As shown in Table 2.0, Route 1 consistently remains the most viable route. Routes 2-5 fall below 10% but are within the expected range of 5-10%. Routes 3-4 show increasing ridership. It is not uncommon for rural transit agencies to have to address low ridership. In fact, the TCTA has eliminated a fixed-route due to low farebox revenue and high operating costs; Route 6 underperformed, was eliminated and converted to DAR after the audit.

As a comparison, farebox revenue in Calaveras County showed that its transit system was operating at 8.78%, below the minimum rate of 10%. According to the Calaveras Enterprise in April 2017, the transit system altered routes and schedules to accommodate frequent riders. Improvements included increased trip frequency on the popular routes; improved connections with feeder routes; reduction of low-performing routes and increased DAR services. As shown on Table 3.0, Calaveras

County successfully reduced cost per vehicle service hour. In peer county transportation plans, a target below \$100 per hour is considered reasonable and this is consistently met by the TCTA.

**Operating Cost per Vehicle Service Hour (VSH)
Vehicle Service Hours: All Routes County Comparison - Table 3.0**



Source: Triennial Performance Audit; Tuolumne and Calaveras County

Greenhouse Gases Emissions Reduction

There are several state laws and executive orders that require transit agencies to reduce greenhouse gases (GHG) by 80% below 1990 levels by 2050. Emission levels have hit the 2020 target, however reductions necessary to reach the 2050 target will be much greater. The main GHG targeted by these laws is carbon dioxide (CO2).

CARB Programs to Reduce Transportation Emissions

Three categories of state programs concerning the TCTA are: (1) reducing emissions from light-duty vehicles, (2) increasing the use of lower carbon fuels, and (3) reducing vehicle miles travelled. These programs provide financial incentives from the state to reduce local costs of adopting lower-emission technologies and penalize others using higher-emission technologies. The TCTA uses light duty vehicles and will be assisted in reaching GHG reduction goals by participating in the following programs:

- ▶ Clean Vehicle Rebate Project - Rebate for purchase/lease of a new zero emissions vehicle (ZEV)
- ▶ Public ZEV Infrastructure Funding - Funding to support the installation of public electric vehicle recharging and hydrogen refueling stations.

Presently, the TCTA has purchased one Chevy Bolt for a staff of five to use and recharge at their office building. In addition, a charging station has been installed at the public library for public use and others are planned for public use this year.

The TCTC/TCTA is mandated to reduce GHG emissions by adopting CARB's strategies, which center on improving vehicle and fuel efficiency, while reducing vehicle miles travelled (VMT). Reducing VMT is essential because as the population grows, any increase in VMT could counter the emissions benefits attained through technological improvements. The TCTC has adopted the Distinctive Communities Growth Strategies, as stated in the 2016 Final Regional Transportation Plan, and is committed to reducing VMT, even with growth in population through 2040.

The Agency must also comply with the CARB Innovative Clean Transit regulation which provides a target and roadmap for meeting the State's air quality targets. With a goal of transitioning to zero emissions technology by 2040, the TCTA must develop a rollout plan detailing how it plans to purchase clean buses, build infrastructure, and train the workforce. Specifically, the Agency must produce a rollout plan by June 30, 2023. Beginning January 1, 2026, 25% of new bus purchases must be ZEVs and by January 1, 2029, all new purchases must be ZEVs. The most challenging obstacles for the TCTA to transition to ZEVs are:

- ▶ The TCTA does not own the facility from which they operate, posing problems for infrastructure development to support ZEVs.
- ▶ Mid-size range ZEV buses are not commercially available currently.
- ▶ Availability and expense of a power source for a bus fleet needs further study.

TCTA Buses and Passenger Vehicles GHG Emissions

From TCTA data, farebox recovery hovers below 10 percent, passengers per hour average 6, producing a rate of 0.4 passengers per mile. The TCTA primarily uses 18-22 passenger seat vehicles on their fixed routes and DAR which use high fuel consumption and emit high levels of CO₂.

A comparison of GHG emissions from transit buses with cars or vans that could potentially be used, is as follows:

- ▶ Cars emit about 19 pounds of CO₂ per gallon of fuel and achieve about 25 mpg.
- ▶ Buses emit about 23 pounds of CO₂ per gallon of diesel and get about 8 mpg.

According to Environmental Protection Agency estimates, if one car or van carries one passenger 25 miles, the vehicle would consume 1 gallon of fuel and emit 19 pounds of CO₂. If a TCTA bus carries one person the same distance, the vehicle would consume 3 gallons of fuel and emit 69 pounds of CO₂.

In this scenario the bus pollutes 3.5 times as much as the other vehicle which is compounded with a fleet of nearly empty buses operating 300 trips daily. When ridership is low, emission output per person of buses is higher than that of smaller vehicles that would be used to carry the same number of people.

With GHG reduction goals in place and plans to purchase ZEVs due by 2023, the TCTA plans on acquiring grants and financial incentives to achieve the goals. Previous performance measures must be augmented with new ones related to GHG reductions. The challenge is what steps should be taken between now and 2023 when the ZEV transition roll-out plan is due. Further, transit agencies must comply with mandates, while continuing to meet the needs of its stakeholders dependent on the TCTA.

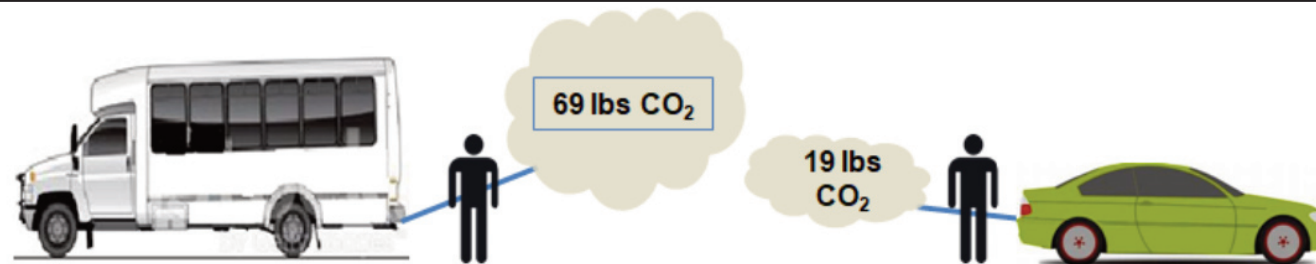
The Grand Jury reviewed many documents in which GHG reduction requirements are outlined, strategies for reducing GHG are established and incentives for early transitioning are provided. The TCTA stated that the Short-Range Transit Plan (not published) will also guide the implementation of GHG reduction measures.

Findings

- F1.** The Grand Jury finds that some fixed routes consistently display low and declining ridership.
- F2.** TCTA uses oversized and fuel inefficient buses to accommodate an expected, but unmaterialized, increase in ridership, and their continued use is counterproductive to state efforts to minimize GHG emissions.
- F3.** The Grand Jury finds that the criteria for performance evaluation do not reflect rural transit challenges.
- F4.** Despite advertising efforts, access to transit information is difficult for the public, and could contribute to lowered public awareness and ridership.
- F5:** TCTC cannot justify pursuing costly infrastructure development for a ZEV fleet, due to not owning their current facility.

Recommendations

- R1.** The Grand Jury recommends that the TCTA examine overall routes and schedules; remedial measures such as consolidation, expanding DAR, increasing Trip Program funding, and increasing bus frequency on popular routes should be considered (F1)
- R2.** The Grand Jury recommends, prior to the rollout of the ZEV transition plan, any vehicles purchased for replacement purposes should be smaller fuel-efficient vehicles and should be used for DAR and fixed routes with low ridership. (F2)
- R3.** The Grand Jury recommends that the TCTA self-audit performance with quantitative measures including operating costs per hour, operating costs per mile and vehicle miles travelled, as well as qualitative measures such as community benefit and passenger service. (F3)
- R4.** The Grand Jury recommends improving website usability, and revising and improving advertising strategies, public outreach venues and implementing the improvements outlined in the 2019 Passenger Analysis. (F4)



R5. The Grand Jury recommends that the TCTC pursue a permanent location to begin installing infrastructure to support transitioning to ZEVs. Further, the Council should take advantage of incentives and funding by participating in state incentive programs (F5)

Request for Response

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

From the following elected or appointed county officials within 60 days:

- ▶ The Tuolumne County Transportation Council Executive Director: R1 - R5.

Bibliography

2017 and 2019 LAO's analysis of CA greenhouse emissions legislation

2016 Final Regional Transportation Plan

2019 Central Sierra Fleet Analysis

2019 Zero Emission Vehicle Infrastructure

2019 APTA Transportation Report

2017 Triennial audit of TCTA

2019 TCT Passenger Analysis

Rural Transit Performance Measurement by Laurel J. Radow and Chris Winters

2014 Cost-Benefit Analysis of Rural Transit, U.S. Department of Transportation

From Cars to Buses: Using OCTA Ridership to Analyze the Emission Benefits of Bus Transportation by John Naviaux 2011

Traffic Congestion and Greenhouse Gases, Barth and Boriboonsomsin UC Riverside Center for Environmental Research and Technology 2009

Calaveras Transit FY 2016-17 Mid-Year Performance Report April 11, 2017

Amador County Short Range Transit Development Plan for Years 2014 through 2019

Reinke, Damkovich and Landon 2017 Development of Performance Measures for Rural Counties in California

Tuolumne County Public Power Authority

Rural Fact Transit Book 2017

Disclaimer

This report was issued by the 2019-2020 Tuolumne County Grand Jury except for one juror who is related to an employee of Tuolumne County Transportation Council, or who has a real or perceived bias. This grand juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Tuolumne Utilities District Report

Water Under the Bridge June 30, 2020



Tuolumne Utilities District Report

Water Under the Bridge

Summary

The 2019-2020 Grand Jury received citizen complaints regarding potential conflicts of interests with individual members of the Board of Directors (Directors), and whether it is appropriate for Tuolumne Utilities District (TUD) to participate through membership in a private organization that is not subject to open public meeting laws or public transparency protocols. Additionally, complainants were concerned about the overall financial health of the TUD, and a water supply agreement for which terms were seemingly difficult to interpret, thus requiring further review.

This report covers elements of the Rate Study FY16-21, the Mountain Springs Golf Course (Teleli Golf Club) Water Supply Agreement, District Water Rules and Regulations, and actions taken by a Director with potential conflicts of interest issues. This report includes findings regarding these matters, with recommendations for improvement.

Glossary

1:100 Rainfall Year	The estimated probability of a storm event happening in any given year. A 100-year event has a 1 percent chance of occurring in any given year
Acre Feet	An acre foot of water equals about 326,000 gallons, or enough water to cover an acre of land 1-foot deep
Annual Inflator	A formula to determine how much prices have increased over the last 12 months
Capacity Charges	Fees that are charged when a residential or commercial facility is connected to District water or sewer system to directly pay for growth-related capital improvements or debt service
CIP	Capital Improvement Plan. A short-range plan which identifies capital projects, schedule, and financing to complete the projects
Connection Fees	The actual cost to install a new service connection
Dry Year Land Bank	An area of land that is set aside for future use



TUD Headquarters, Sonora

Photo: Luann Hopkins

FPPC	Fair Political Practices Commission. A five-member independent nonpartisan commission responsible for administration of the Political Reform Act, ensuring public officials act in a fair and unbiased manner in governmental decision-making
FY	Fiscal Year (July 1 - June 30)
NPDES	National Pollution Discharge Elimination System. A provision of the Clean Water Act that prohibits discharge of pollutants into waters of the U.S. unless a special permit is issued by the EPA, a state, or a tribal government
MID	Miner's Inch Day. A term used in water measurement. One miner's inch flowing for one day is equivalent to 1.5 cubic feet per minute or 11.22 gallons per minute
Raw Water	Untreated water to be utilized for purposes other than human consumption. This water is generally provided through the District's ditch system
Recitals	Statement of fact as they pertain to an agreement
Reclaimed Water	Also called recycled or wastewater reuse, is wastewater that is treated and used for purposes such as irrigation
Septage	Excrement and other waste material contained in or removed from a septic tank
Supplemental Water User	A user of raw water prior to January 1, 2016, that contracted annually with the District for water determined to be in surplus of then needed supply
TEDA	Tuolumne Economic Development Authority. Owned and operated as a component unit of the Tuolumne Band of Me-Wuk Indians for economic development purposes
TCBC	Tuolumne County Business Council
TUD	Tuolumne Utilities District

Methodology

The 2019-2020 Grand Jury interviewed several individuals, and reviewed hours of TUD Board meeting archived videos. The Grand Jury studied, in depth, the documents listed in the bibliography.

Background

The mission of the Tuolumne Utilities District is to "provide responsible water and wastewater services for our customers with great customer service in a socially, financially, and environmentally responsive manner at a fair value."

The TUD was formed in 1992 by the action of Tuolumne County voters. TUD receives its water under a 1983 contract with Pacific Gas & Electric (PG&E), which sold the water system, excluding water rights, to Tuolumne County, the system purveyor prior to TUD.

Between 1992 and 2008, TUD acquired over 17 systems, including water and sewer systems throughout Tuolumne County and within the City of Sonora. The conditions of the acquired systems varied widely; most were in a state of disrepair and/or regulatory non-compliance, and/or financially challenged.

TUD provides raw water, treated water, sewer, septage, and reclaimed water services to approximately 14,000 customers throughout Tuolumne County and the City of Sonora. Sewer service is provided to approximately 6,000 residential and commercial accounts, and 587 untreated, or raw water accounts. In addition, TUD provides regional sewer services to subscriber agencies such as the Jamestown Sanitary District and the Twain Harte Community Services District. TUD owns and operates 11 water systems and 5 sewer systems.

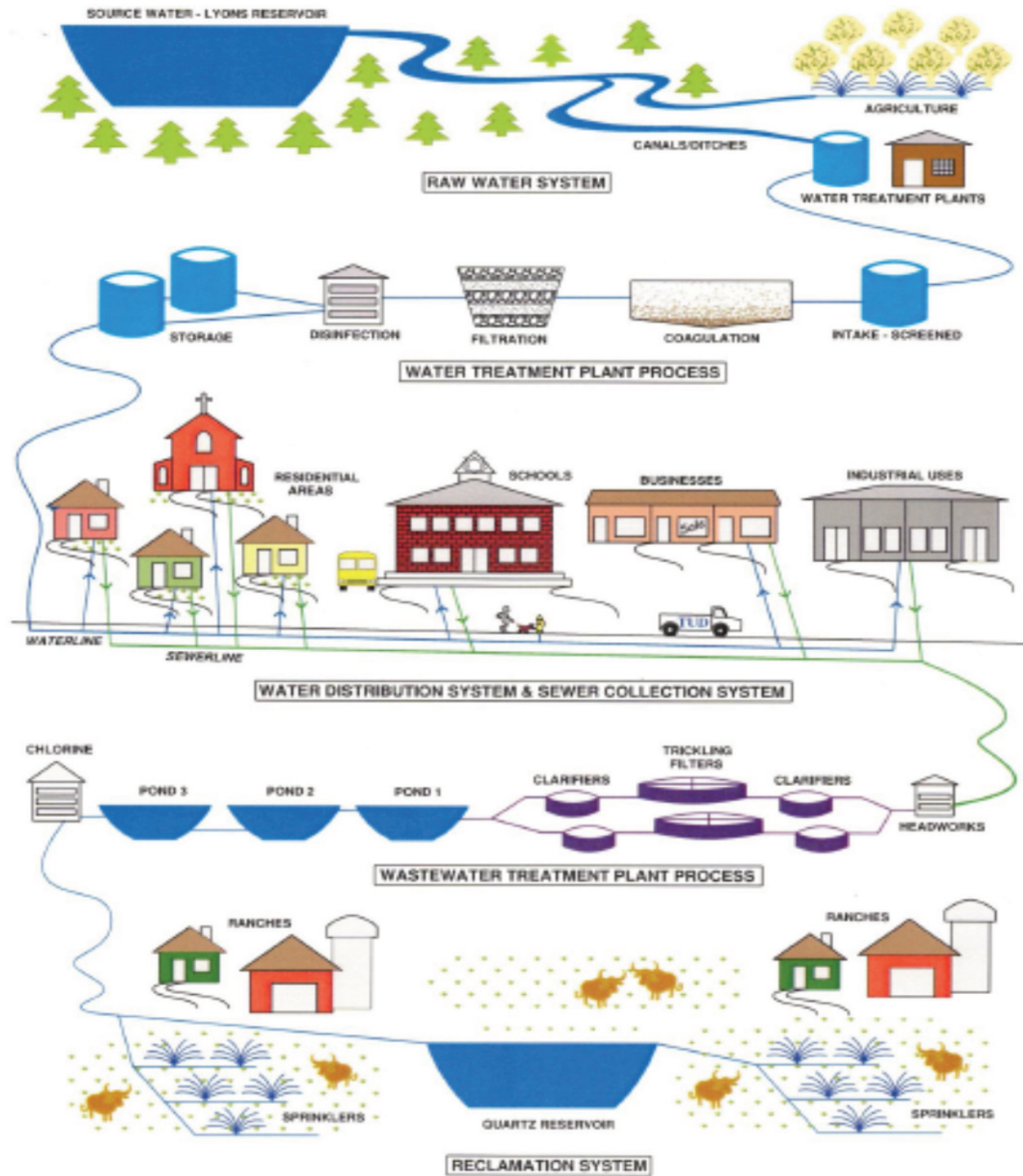
TUD has an estimated treated water service population of 29,000, with an additional 2,000 served through wholesale service via the Muller Water Company, Sleepy Hollow Water Users Association, Sonora Meadows Mutual Water Company, and the Sonora Water Company. An estimated 24,000 people are served by TUD's sewer collection, treatment, and/or reclamation services.

Almost 95% of the water TUD distributes originates from the South Fork Stanislaus River through PG&E Lyons and Strawberry (Pinecrest) Reservoirs. PG&E owns and operates a canal and flume system to deliver water from Lyons Reservoir to the Phoenix Powerhouse. TUD owns and operates a total of 70.4 miles of ditch, flume, pipe, and tunnel infrastructure that diverts raw water from the PG&E system. TUD's raw water system serves various classes of customers including agricultural and supplemental; ditch domestic use (residential); commercial and industrial; resale to other water agencies; and flat monthly rate users.

TUD's treated water system includes various water storage and delivery facilities, transmission pipelines, treatment facilities, pump stations, and distribution pipelines. TUD operates and maintains 4 water reservoirs, 14 treatment plants, 78 treated water storage tanks, 51 transfer and booster pump stations and 330 miles of potable water distribution pipelines. TUD's treated water serves classes of customers including residential, commercial, industrial, fire, institutional, and irrigation.

TUD's sewer system provides sewer collection and treatment services, and reclaimed water for agriculture and irrigation. The collection system is composed of approximately 140 miles of pipeline ranging in size from 2-inch diameter up to 18-inch diameter and 29 sewer pumping stations. TUD operates and maintains one primary level treatment facility and one secondary level regional treatment facility. Treated sewer effluent is stored in Quartz Reservoir and is distributed for agricultural uses on 672 acres of lands around the Jamestown area.

The following graphic represents a simplified view of the water and sewer distribution system.



Source: Tuolumne Utilities District

The 2019-2020 Grand Jury received citizen complaints regarding potential conflicts of interest with a Director (who shall be identified as “Director B” throughout this report), and whether it is appropriate for TUD to participate through membership in a private organization that is not subject to open public meeting laws or public transparency protocols. Additionally, complainants are concerned with unnecessary expenditures considering the imposed ratepayer increases (2016 - 2020), overall financial health of the TUD, and a water supply agreement for which terms were seemingly difficult to interpret, thus requiring further review.

FY 16-21 Rate Study

The purpose of the Rate Study FY16-FY21 was to establish objectives for improving TUD’s financial performance over the five-year period from Fiscal Year 2016 - 2021. Correcting revenue shortfalls in the areas of operations, maintenance and capital improvement projects was the main objective of the Study. The Water Enterprise Fund, which is designed to provide funding for all water-related expenses, was severely underfunded at the time of the study and identified as a ‘shortfall that must be rectified’. Supporting data from the 2020 Operational Budget show that a Water Fund of \$1.3 million and a Sewer Fund of \$930,000 have been established, from a start of zero dollars in 2015. The shortfall has been addressed through a combination of many factors, including, but not limited to, the following:

- ▶ Adopted annual rate increases
- ▶ Increasing number of customers
- ▶ Organizational savings through efficiency measures
- ▶ Vacant positions
- ▶ Deferred maintenance
- ▶ Timing and prioritization of capital and emergency projects
- ▶ Receipt of grant funding

The Grand Jury recognizes significant progress with the establishment of the Water Enterprise Fund.

However, some areas of concern were identified and evaluated by the Grand Jury to determine if progress was made toward objectives identified in the 2015 study, noting that ratepayers are in the final year of the five-year increase.

One concern is that TUD is a recipient of Federal and State grants and loans. Under these programs, “the District is required to establish a system of user charges that recovers operations, maintenance and replacement costs from users on a basis proportionate to use. Guidelines and state laws also require a fair and equitable apportionment of costs based on customer type.”

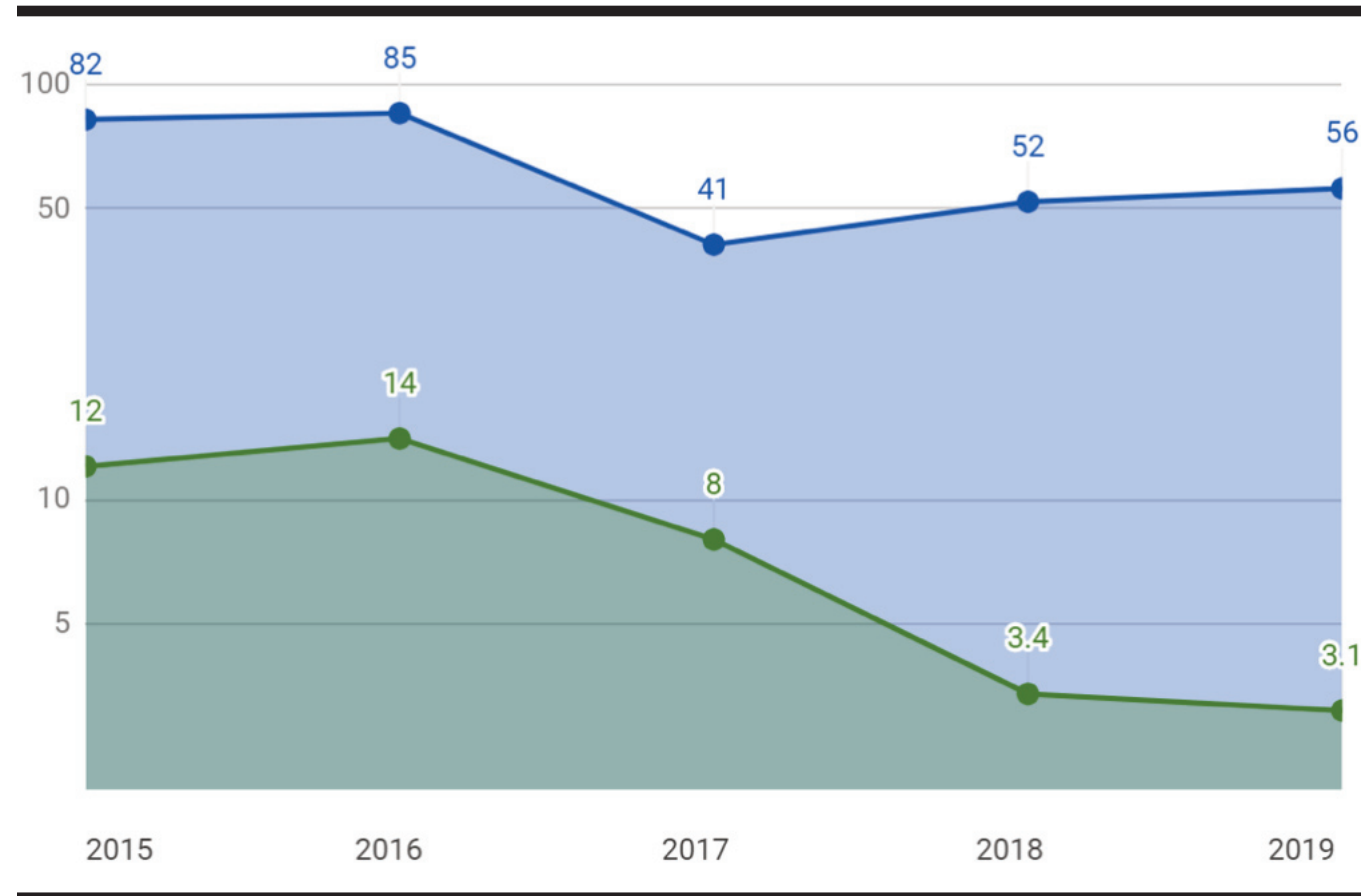
When asked if TUD was any closer to establishing a system in which user charges equal all utility costs, including capital improvements and replacements, TUD decision-makers state that they are closer than they were five years ago, but the magnitude of infrastructure replacement could be in the hundreds of millions of dollars. While nowhere near the needed level, they have created a Capital Improvement Plan FY20-24 (CIP) fund of approximately \$2 million since 2015, when their CIP fund was zero dollars.

Secondly, raw (untreated) water customers have a separate rate structure, different from treated water customers. Some raw water users are metered while others are unmetered, contributing to a \$305,000 revenue shortfall.

A grant for the purchase of meters has been secured by TUD for unmetered users, and that work is partially completed. Planned raw water maintenance projects have been deferred because of the shortfall. Over the five-year period, a shortfall still exists because unmetered raw water users have yet to be charged for their proportionate share to offset raw water use expenses.

Lastly, the Rate Study projected that revenue from capacity charges/connection fees would drop and flatline over the five-year period. Regarding actual new water and sewer connections, TUD states that the number increased initially, then fluctuated from 2016 -2019, respectively: 82, 85, 41, 52, and 56. However, TUD's actual annual connection fee revenues for water and sewer from 2015 through 2019 only declined steadily, from \$1.6 million, \$1.2 million, \$847,000, \$304,000, and back up to \$313,000.

New Users and Revenue Collected - Figure 1.0



Source: Ashley Beighley

Other than slow rates of growth and development in the county, no other explanations were given for the revenue shortfall. According to Figure 1.0, even the increase in new customers did not result in an increase in revenue, suggesting that capacity/connection fees are still too low and not keeping pace with the demand.

The last comprehensive update to connection fees was done in 2014, with the involvement of a public advisory committee consisting of two TUD Directors, TUD staff, the City of Sonora, Tuolumne County Board of Supervisors, Board of Realtors, Twain Harte CSD, and Tuolumne County residents. The committee recommendation for updating connection fees, including an annual inflator, was ultimately adopted by the TUD Board of Directors. Connection fees are charged for all new water and sewer connections, with collected funds deposited into a restricted water or sewer capital fund that can only be used for enhancing system capacity. Staff could not recall any other increases in capacity/connection fees prior to the five-year increase in conjunction with the Study. It is noted that there is an annual inflator over the five-year study, yet the revenue decreased significantly over the five years, from \$1.6 million to \$313,000, as shown in Figure 1.0.

The Grand Jury learned that, prior to the hiring of the new General Manager, there was an emphasis on keeping capacity/connection fees down, with the goal of enticing new business and development to Tuolumne County. With the new policy of screening requests through the General Manager, staff is not approached on a one-on-one basis with such requests. With only the recent increases in capacity/connection fees and previous practice of low developer fees, it is likely that capacity/connection fees had not kept pace with development, contributing to low revenues from this source since the formation of TUD. This does not, however, explain the discrepancy between the number of new connections and overall amount of revenue collection in the past few years.

Mountain Springs Golf Course Water Supply Agreement

The Tuolumne Utilities District and the Tuolumne Economic Development Authority, Inc. (TEDA), the economic development component of the Tuolumne Band of Me-Wuk Indians, negotiated a mutually beneficial agreement to add 68 acres of irrigated area to their Regional Reclamation System. The acreage includes golf course greens and fairways associated with the newly purchased Teleli Golf Club, previously called Mountain Springs Golf Course, and previously owned by the Mountain Springs Development LLC. The source of the reclamation water is treatment plant effluent from TUD and the Jamestown Sanitation District which is stored in Quartz Reservoir. The details of the agreement were prepared by TUD staff and presented at the regular board meeting of February 26, 2019, stating that the District was confronting three issues related to the sustainability of its Reclamation System:

- ▶ Insufficient acreage of available lands to empty Quartz Reservoir following a high rainfall year.
- ▶ Insufficient volume of reclaimed water on low rainfall years to satisfy irrigation demands of existing users.
- ▶ Long-term assurance that existing reclaimed water users will continue to irrigate.

The staff presentation also raised the following points:

- ▶ The State Water Board requires that the District be able to accommodate a 1:100 rainfall year without the need to discharge treated wastewater into Woods Creek. The District does not currently have a permit to allow for such a discharge.

▶ Although the District's storage facilities are adequate to contain the estimated inflow during a singular 1:100 rainfall year, there is insufficient land to fully empty Quartz Reservoir prior to the start of the next rainfall season.

▶ To fully empty Quartz Reservoir each year, the District needs to secure the use of an additional 60 acres of irrigable land.

▶ The District currently has a deficiency of approximately 75 acres of "dry year land bank" in the form of lands that can be left fallow on most years and only irrigated in years following above average rainfall.

The agreement to serve Mountain Springs Golf Course (Teleli Golf Club) proposes the use of two different water sources, raw water and reclaimed water, to be used in various combinations to mitigate the risk posed by dry years with reduced reclaimed water supply. Staff concluded that the proposed agreement provides the District the needed flexibility to manage its reclaimed water supply and will serve as the template for future agreements with reclaimed water users.

Implementation Costs

The addition of Teleli Golf Club as a reclamation water user requires the construction of pipelines and pump stations to transport reclaimed water from Quartz Reservoir to the Golf Course. The fiscal impact to TUD is estimated to be up to \$500,000 for the cost of reclaimed water conveyance to the point of delivery, with the District having sole discretion on timing and availability. Both parties will collaborate to acquire State Water Board and/or Regional Water Quality Control permits.

Staff did not present an official cost analysis to the board showing how spending district funds of up to \$500,000 on water conveyance to the Golf Course outweighs the cost of developing TUD's own or other property for recycled irrigation use, but stated that this expense is less than the alternative of purchasing new land or using TUD's land. TUD confirmed to the Grand Jury that a formal cost analysis of the alternatives was not done; however, the conclusions are based on staff knowledge, experience, and expertise.

Given the five-year rate increases imposed upon the ratepayers (2016-2020) and the District's commitment to "scrutinize budgets closely to keep expenses down to avoid excess spending," as stated in the Rate Study, a cost benefit analysis would have been helpful in supporting TUD's assertion that spending \$500,000 of TUD/CIP money represents a cost savings.

Need for Reclamation Storage

It is unclear how urgent TUD's need for acquiring additional irrigation areas was, prior to this agreement, as there was no established date for completion, and no money budgeted for the project. Additionally, the sections pertaining to Reclamation/Recycled Water Use in various documents indicated that the District was well positioned to dispose of 100% of reclaimed water, further substantiating their 2014 decision to relinquish the National Pollution Discharge Elimination System (NPDES) permit. The Water Rate Study explicitly states that the District

had remedied their reclamation storage deficit by constructing a 150-horsepower floating pump and 24,000 square feet of dam armoring to utilize approximately an additional 150 acre-feet of storage at Quartz Reservoir.

The Grand Jury recognizes that any opportunity allowing for use of reclaimed water is beneficial for the District and the community at large, as intended with the agreement with TEDA. However, this agreement warrants scrutiny because, according to TUD decision-makers, it is to be the template upon which future agreements of this nature shall be modeled.

The Agreement details how the Teleli Golf Club would use reclaimed water when it becomes available as a main source of irrigation, but the Agreement also includes their continued use of raw water, in the same manner as did Mountain Springs, the previous owners. With no concrete timeline or allocated funds, it is unclear to the Grand Jury how long the Teleli Golf Club will depend upon raw water for its irrigation. Some of the conditions set forth in the Agreement regarding raw water and reclaimed water uses were also questioned by a TUD Director (who shall be identified as "Director A" throughout this report).

Capacity/Connection Fees

One point of confusion comes from the second recital of the Agreement, which states "WHEREAS, THE DISTRICT AND OWNER acknowledge that the sale of the Golf Course property to OWNER does not include the transfer of any rights to DISTRICT's raw water supplies because capacity/connection fees were never paid for the sixty (60) miner's inch contract for the Mountain Springs Golf Course, such fees totaling of up to over [sic] one million six-hundred thousand dollars (\$1,600,000)."

The Grand Jury understands this to mean:

▶ The agreement does not include the transfer of water rights to the District's raw water supplies. Mountain Springs Golf Course, LLC were not required to pay capacity/connection fees totaling over \$1,600,000, because water rights were not transferred, and water rights will not be transferred to Teleli Golf Club as well.

▶ The collection of capacity/connection fees from new users is normally required as per TUD policy; Mountain Springs Golf Course was not subject to capacity/connection fees because they are treated as a Supplemental Water User. When questioned by Director A if Teleli Golf Club would pay capacity fees, the General Manager responded that Teleli would be charged when they receive raw water. (February 26, 2019, TUD Board of Directors Meeting). This statement is confusing because Teleli is currently receiving raw water under the same terms, costs, and conditions as Mountain Springs Golf Course, and is being "treated as a Supplemental Water User."

During the February 26, 2019, meeting, Director A expressed difficulty understanding the provisions of the agreement and sought clarification on whether capacity/connection fees for raw water would or would not be paid by TEDA, and TUD staff assured the Director that if there is a raw water demand, there would be a capacity fee charged to be able to access raw water. However, the Grand Jury notes that the agreement is confusing to the Grand Jury, TUD Director A, and the public, because Teleli Golf Club already receives raw water supply.

Another question arose regarding Recital 8 in the Agreement, which provides that only after 10 years will a discussion of any volumetric cost of recycled water to TEDA be addressed. There is no definition of volumetric costs in the TUD's Water Rules and Regulations. The Grand Jury is left to interpret it to mean that TEDA will not be charged for any reclaimed water up until that point. The reasoning presented by TUD staff was that they were not prepared to put a value on that water right now, because there was not enough information to do so, "as it's something that's still 10 years in the future." It is unclear to the Grand Jury what this statement means, and exactly why TUD is unable to place a present value on this commodity.

Water Rules and Regulations

TUD Water Rules and Regulations state capacity charges are instituted to ensure that all applicants pay a fair share of the cost burden to provide for essential components of water service infrastructure. They are generally established as a one-time charge levied against developments or new water accounts "In those areas where adequate supply, treatment, storage and transmission facilities are provided by the District, Capacity Fees shall be charged to reimburse the District for its previous investment in the infrastructure with capacity necessary to serve the new connection(s)" (section 3.05.7- Capacity Charges).

Another area of concern is the TUD treatment of TEDA as a Supplemental Water User. TUD has its own system to classify water users and presently does not appear to have a formal classification for the Golf Course which presently uses raw water and in the future will irrigate with reclaimed water for recreational purposes (with a backup of raw water). The lowest priority of access to raw water is supplemental water use, in which surplus water is made available to supplemental water users, primarily for agricultural use and only after other higher priority water needs are met. Delivery of water in this class of customers is not guaranteed by the District and customers pay lower rates than higher priority customers.

The Grand Jury recognizes that this class of customer, Supplemental Water User, does not pay capacity/connection charges. This is because all current Supplemental Water users are existing users and are considered 'grandfathered in'; according to TUD Water Rules and Regulations Section 14.06, Teleli Golf Club would not qualify to continue as such, since the property changed hands. It is unclear why the subject of capacity/connection charges were noted in the Agreement, if TUD was not planning to classify Teleli as a new raw water user, other than to illustrate what could have been (but will not be), charged, because instead, Teleli is to be treated as a Supplemental Water User.

Recital Number 2 Water Rights states: "This Agreement for Water Supply to the Mountain Springs Golf Course confers no right to a water supply, but does confer the ability to receive both recycled water and raw water under the same terms and conditions as the applicable class of customer in the District's most current water Rules and Regulations."

As previously stated, the Grand Jury could not find in TUD's rules and regulations, an applicable class of customer that receives both raw water and recycled water for irrigation purposes to a recreational facility.

Paragraph 6a, Raw Water Delivery, states, "DISTRICT will provide up to 60 miner's inches of

Raw Water to the Golf Course under the same terms, conditions and costs as that class of customers identified as "Supplemental Water Users" in the District's most current Water Rules and Regulations. Raw Water delivery and use shall be subject to OWNER'S obligation to first take recycled water. If OWNER's need for water exceeds the amount of Recycled Water DISTRICT can be made available at that time, then OWNER may use Raw Water."

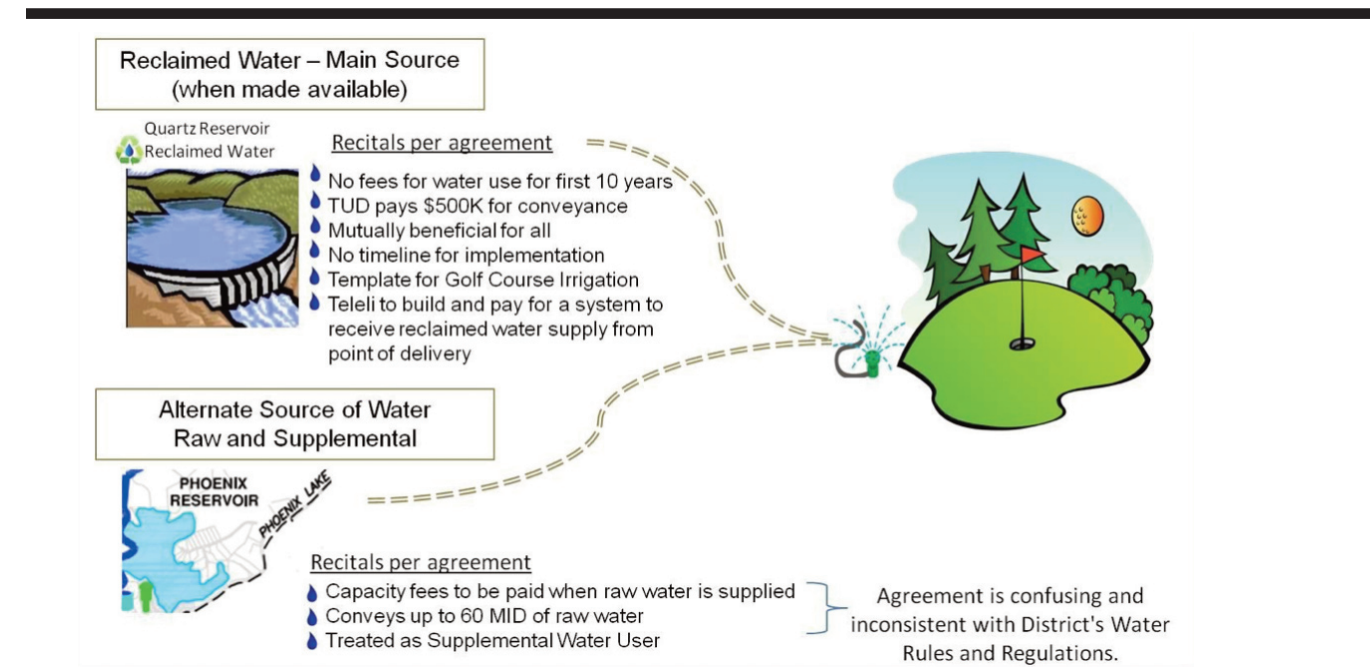
The Grand Jury interprets this to mean that Teleli Golf Club is treated as though it is a Supplemental Water User, although this class of customer is not formally designated. TUD goes one step further and states that raw water may be used if recycled water is not available. Currently, most Supplemental Water Users are ranchers and farmers who are at the end of the water conveyance system and use raw ditch water that is "in surplus of needed supply." By definition, Supplemental Water Users are not guaranteed by TUD that water will always be available and pay low rates for a water source that is not reliable.

The Mountain Springs Golf Course Water Supply Agreement is inconsistent with TUD Water Rules and Regulations in the following manner:

- ▶ As per TUD Rules and Regulations, no supplemental water users were to be created after January 1, 2016, and the Grand Jury recognizes that the Golf Course property was among those accounts grandfathered in. However, that property changed ownership, subjecting it to the new rules. TUD has allowed TEDA and the Teleli Golf Club to be treated as an existing Supplemental Water User, with no formal classification of their new status for using raw and reclaimed water to irrigate a recreational facility.
- ▶ TEDA purchased the Golf Course on April 23, 2019, excluding the possibility of meeting the 2016 deadline for Supplemental Water Users.

The following graphic illustrates an overview of TUD water supply to Teleli Golf Club.

Teleli Golf Course TUD/TEDA Agreement - Graphic 1.0



Conflicts of Interest

The Fair Political Practices Commission (FPPC), enacted by California voters in the 1974 Political Reform Act, recognizes that conflicts of interest in governmental decision-making by public officials pose a significant danger. Public officials whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.

Under the Act, a public official has a statutory conflict of interest regarding a government decision if it is foreseeable that the outcome will have a financial impact on the official's personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. In fact, preventing conflicts of interest is of such vital importance to the people of California that the Act not only prohibits actual bias in decision-making but also "seeks to forestall...the appearance of possible improprieties."

Some of the most common conflicts of interest arise when:

- ▶ An official has a financial interest in a business entity in which the official has invested \$2,000, or more; and the official is a director, officer, partner, trustee, employee, or holds any managerial position.
- ▶ An official has a financial interest in real property in which the official has invested \$2,000 or more.
- ▶ An official has a source-of-income financial interest in an individual or organization if \$500 or more was received by the official within 12 months prior to the governmental decision being made.
- ▶ An official has a financial interest in any individual or an organization, who has given gifts to the official that total \$460 or more within 12 months prior to the decision.
- ▶ An official has a financial interest in decisions that affect the official's personal expenses, income, assets, or liabilities, also known as "personal financial effects"

Existing FPPC Regulation 18702.2 provides the materiality standards for interests in real property. When property is not explicitly involved in the decision, the materiality standards are provided in Regulation 18702.2(a)(7)-(12), which provides that a foreseeable effect is material if the decision changes the property's development or income producing potential, changes the property's highest or best use, changes the property's character, affects real property located within 500 feet of the official's real property, or is of such a nature that the decision would influence the market value of the official's property. Existing Regulation 18702.2(a)(11), the "500 foot rule," provides that a foreseeable effect is material if the governmental decision: Would consider any decision affecting real property value located within 500 feet of the property line of the official's real property (January 19, 2019).

Determining a conflict of interest in a specific decision requires looking at whether an effect on the financial interest is reasonably foreseeable and financially important.

If a conflict of interest exists, the official must disqualify from making a governmental decision including: authorizing or directing any action, vote, or appointment of a person, or obligating the agency to any course of action, or entering into any contractual agreement on behalf of the agency.

A public official makes a governmental decision if the official votes on, provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

Members of the TUD Board are public officials, as they are elected at-large, by the registered voters within their district. Certain public officials (city council members, planning commissioners, and board of supervisors) have a mandated way they must disqualify themselves from a decision. They must publicly identify the interest that creates the conflict, step down from the dais, and leave the room before either the discussion or vote commences.

The TUD Board of Directors Policy Manual states that each member of the Board may receive compensation in the amount of one hundred dollars (\$100) for each day's attendance at meetings of the Board, or for each day's service rendered as a Member of the Board by request of the Board. No member shall receive compensation for more than a total of six (6) days in any calendar month. Statements of meetings attended must be turned in within fifteen (15) days after the end of the month to be included in the following monthly claim summary. The policy further provides that Directors will have the "opportunity" to report to the Board on information and ideas learned at such meetings or events.

The TUD policy however, does not follow the reporting requirements in AB 1234, which states in part, Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

The TUD Travel and Expense Limitation Policy (March 2017) does include reporting requirements pursuant to Government Code §53232.3 to provide a brief oral or written report to the Board at the first meeting following the incurrence of a reimbursed expense. However, Grand Jury review of Board of Directors meetings indicates that not all the directors consistently deliver reports to the Board and the public following incurrence of the expense.

The process for Directors to receive reimbursement for meetings attended, includes filing a form with the Board clerk, or in the case of business-related travel, a travel reimbursement form with itemized receipts attached. If a request from a Director is questioned as unusual, it is referred to the General Manager and Board President. The Finance Director reviews and approves all disbursements prior to issuance. The Grand Jury reviewed several months of Director travel and meetings reimbursements and found that some Directors claim reimbursement for attending the full six meetings (\$600) per month, while others claim only Board of Director meetings. The Grand Jury could not identify a mechanism in the process outlined above to ensure that all Director reimbursement requests are valid.

The Grand Jury identified potential conflicts of interest and/or the appearance of conflicts of interest by a TUD Director (Director B):

1. TUD Director B is employed by the Tuolumne County Business Council (TCBC), a private organization, in which TUD pays annual membership dues, and certain TUD staff and other Directors attend meetings without a publicly posted agenda, and is not open for public participation. Further, Director B has not properly recused him/herself from voting on TUD budget appropriations for annual membership fees to the TCBC which in part, pay for the Director B's TCBC annual salary.

Tuolumne County Business Council

The Tuolumne County Business Council, is a private non-profit organization, founded in 2009, that promotes economic development, and advocates for development and business activities with local government land use and regulatory decision-making. The membership consists mostly of Tuolumne County businesses, and other associations such as Chamber of Commerce, Realtors, and the Tuolumne Economic Development Authority (TEDA). The TCBC does not disclose its meeting content and is not open to the public.

However, if a TUD Director serves as a voting TCBC board member, the TCBC could be subject to the Ralph M. Brown Act (Government Code §54952 (c) (2)). The TCBC Form 990 for 2018 lists the current board members, and as of the filing of the 2018 Form 990EZ (Return of Organization Exempt From Income Tax) there were no current TUD Directors serving as a voting member of the TCBC. The 2019 Form 990 is not currently available at a publicly accessible venue; therefore, the Grand Jury and the public cannot verify the TCBC board composition.

TUD as a member of the TCBC, pays annual membership dues of \$1,000 and pays for at least two staff members to attend TCBC meetings. In the TUD annual budget, membership dues are grouped together in one expense category. Therefore, TUD did not make a finding of public benefit for its membership in the TCBC, a private nonprofit corporation.

Because TCBC is a private nonprofit corporation, and as such, their meetings are closed, and an unknown number of TUD Directors also attend TCBC meetings, it is not possible for the public to determine if a quorum of Directors attend the meetings or not. Further, a review of recent TUD Board meeting minutes revealed that there was no follow-up written staff reports or oral reports, as required by AB 1234, and TUD Board policy. Further, any TUD representation at meetings of other organizations is supposed to be directed and approved by the Board as per TUD policy; however, there is no evidence of Board approval for any Director to attend.

TUD is the only public entity member of the TCBC according to the membership roster on its website. TUD Director B is employed as Executive Director of the TCBC. According to the 2018 IRS Form 990, the TCBC's annual income of \$45,650 is derived from membership dues. The Executive Director's \$34,000 salary consumes 75% of the organization's budget.

2. Director B claimed reimbursement from TUD for attending the June 10, 2019, meeting of the Local Agency Formation Commission (LAFCO), during which Director B advocated for development in which a personal financial interest exists. Further, there were no items on the LAFCO agenda related to TUD business.

3. Director B violated the "500 foot rule" which states the official has a conflict of interest when participating in a governmental decision that affects property within 500 feet of the official's real property, when they failed to recuse themselves from the voting on the Water Supply Agreement with Mountain Springs Golf Course, because Director B owns real property in the subdivision adjacent to the golf course.

Findings

- F1. Despite five years of rate increases, TUD is still falling short of establishing a system where revenue is equal to expenses, including capital improvements and replacements.
- F2. TUD Directors voted on February 26, 2019, to approve the agreement for water supply with Mountain Springs Golf Course (Teleli Golf Club) which the Grand Jury and members of the public find confusing because:
 - ▶ TUD is allowing TEDA to receive raw water for the Teleli Golf Course under the same supplemental water conveyance as did Mountain Springs LLC, even though the property is under new ownership and is not eligible to be grandfathered in as a Supplemental Water User.
 - ▶ The Agreement states that TEDA is to be treated as a Supplemental Water User, which is inconsistent with TUD Rules and Regulations in which no new Supplemental Water Users can be designated after January 1, 2016.
 - ▶ TUD Water Rules and Regulations does not currently have an applicable classification for recreational use, or simultaneous use of either reclaimed or raw water.
- F3. Director B has significant real and/or perceived conflicts of interest between personal business and financial interests, and various actions taken as a TUD Director.
- F4. TUD's membership in the TCBC is of questionable value to ratepayers. TUD is the only public entity member of the TCBC which places TUD Directors in the position of attending meetings closed to the public with the potential to violate open public meeting rules and regulations. In the absence of community involvement, the mechanisms for public accountability are dulled and the value of public scrutiny is lost.
- F5. Director reimbursements for attending meetings on behalf of the TUD are not consistently verified prior to being paid out. TUD Director B claimed and received reimbursement for attending a meeting in which personal business was discussed, rather than TUD business.

Recommendations

- R1. The Grand Jury recommends an independent review of the success of the 2015 Rate Study and five-year rate plan by the end of the 2021 fiscal year. Any proposed increases to ratepayers should include analysis of capacity/connection fees to ensure that rates are equitably spread across various categories of users, to the extent permitted by law. (F1)

- R2.** The Grand Jury recommends that the TUD Board reevaluate the decision made on February 26, 2019, to approve the Mountain Springs Golf Course Water Supply Agreement, and direct staff to present an agreement to the Board that is fully transparent about all fees, classifications of users, and is consistent with adopted rules and regulations, and to amend TUD Water Rules and Regulations with an applicable classification for recreational use, or simultaneous use of either reclaimed or raw water. (F2)
- R3.** The Grand Jury recommends TUD Directors with real and/or perceived conflicts of interest recuse themselves in the same manner as city councils and boards of supervisors by identifying the interest that creates the conflict, recusing themselves, and leaving the room before either the discussion or vote commences. The Grand Jury further recommends TUD obtain updated and formal assistance from the Fair Political Practices Commission to conclusively establish when Director B must disqualify themselves from matters before the TUD Board. (F3)
- R4.** The Grand Jury recommends the TUD Board thoroughly evaluate and update its policy regarding:
- ▶ TUD representation at meetings of outside organizations to ensure it is essential to the benefit of TUD ratepayers and approved by the Board prior to attendance when reimbursements are paid.
 - ▶ Consistently apply to all Directors the requirement to give written or oral reports after attendance at outside meetings and report to the public at the next board meeting following the business-related travel as required by AB 1234.
 - ▶ Membership in and attendance at meetings of organizations which are not subject to California open meetings and open public records rules and regulations. (F4, F5)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

From the following elected or appointed county officials within 90 days:

- ▶ The Tuolumne Utilities District Board of Directors R1 through R4.

Bibliography

California Assembly Bill 1234, signed into law October 7, 2005

California Government Code Section 54950-54963

California Government Code Section 58000-62262

Guidestar <https://www.guidestar.org/>

Tuolumne Utilities District Board Meeting agenda, minutes, and video recording archives 2015-2020

Tuolumne Utilities District Guidelines for Conduct, adopted February 22, 2005, amended November 8, 2005, TUD Resolutions 9-05, and 80-05

Tuolumne Utilities District Board of Directors Policy Manual, adopted August 27, 2019, TUD Resolution No. 17-19

Tuolumne Utilities District Purchasing/Procurement Policy, adopted January 28, 2020 TUD Resolution No. 5-20

Tuolumne Utilities District Travel Expense Limitation Policy: Board Compensation, Revised March 28, 2017

Tuolumne Utilities District Water Rules and Regulations, adopted 1993, amended 2019 <https://tudwater.com/wp-content/uploads/2019/05/2019.05.02-Adopted-Water-Rules-and-Regs-Reso-3-19.pdf>

Tuolumne Utilities District Budget, FY 2020

Tuolumne Utilities District Rate Study FY16-FY21 <https://www.tudwater.com/wp-content/uploads/2015/11/2015-Rate-Study-Approved-11-17-15.pdf>

Tuolumne Utilities District 2019 Strategic Plan, adopted June 11, 2019

Tuolumne Utilities District Capital Improvement Plan FY20-FY24

Tuolumne Utilities District FY 2020 Operating Budget

Tuolumne Utilities District Directors Statement of Meetings Attended, June 2019-January 2020

Tuolumne Utilities District Directors Form 700 Statement of Economic Interests, 2018 and 2019

Tuolumne County Board of Supervisors Agenda and Minutes, December 17, 2019 Meeting

Tuolumne County Local Agency Formation Commission Meeting Agenda and Minutes, June 10, 2019

Tuolumne County Business Council website

Tuolumne County Business Council IRS Form 990, 2016 and 2018

Water Supply Agreement with Mountain Springs Golf Course

Fair Political Practices Commission website
Fair Political Practices Commission February 25, 2015 Letter of Informal Assistance

Ralph M. Brown Act

Appendix A - Agreement for Water Supply to the Mountain Springs Golf Course (Teleli Golf Club)
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Disclaimer

This report was issued by the 2019-2020 Tuolumne County Grand Jury except for three jurors who are related to an employee(s) or elected official of Tuolumne Utilities District, or who has a real or perceived bias. These grand jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Sierra Conservation Center and Baseline Camp Report

Mandatory Inspection Report
June 30, 2020



Facility Entrance Signs

Photo: Luann Hopkins



Sierra Conservation Center and Baseline Camp Report

Mandatory Inspection Report

Summary

Sierra Conservation Center (SCC) was established in 1965 and as of February 12, 2020 houses 4,368 inmates. SCC provides three levels of confinement: minimum, medium, and sensitive need/high security. The facility provides many opportunities for inmates to acquire education, work skills that can be used upon release, mental health services, recreational programs and a wide variety of other programs designed to fulfill the rehabilitation goals of the California Department of Corrections and Rehabilitation.

In addition to the main campus, there is the Baseline Conservation Camp, providing firefighting crew to assist in fighting wildfires and fire prevention around the state.

The California Department of Public Health issued its biennial Environmental Health Survey Report October 2018. Because of the detailed and comprehensive nature of the Environmental Health Survey Report, the 2019-2020 Grand Jury did not consider this inspection an investigation, but rather its statutory duty to visit the local prison facilities.

Glossary

ASU	Administrative Segregation Unit (for inmates needing highest level of supervision)
BCC	Baseline Conservation Camp
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health
EHSR	Environmental Health Survey Report
GED	General Education Development
PUPP	Prisoners Uniting People with Puppies
SCC	Sierra Conservation Center

Background

Pursuant to California Penal Code Section 919 (b), "the grand jury shall inquire into the condition and management of the public prisons within the county". Members of the 2019-2020 Tuolumne County Grand Jury inspected Sierra Conservation Center and Baseline Conservation Camp (BCC) on October 16, 2019.

Methodology

Members of the 2019-2020 Grand Jury conducted a site visit on October 16, 2019, to both Sierra Conservation Center and Baseline Conservation Camp. The Public Information Officer (PIO) provided a walking tour of the Sierra Conservation Center. During the site visit, Jurors made inquiries of SCC and BCC staff and inmates. Jurors made personal observations. Additionally, information was derived from the California Department of Public Health Survey Report, and the SCC Welcome Manual.

Discussion

Sierra Conservation Center is located on 420 acres in Jamestown. As of March 11, 2020, there are 4,283 inmates, though the facility is only designed to house 3,836 inmates. SCC employs about 500 custody staff, 300 non-custody and 200 medical staff with an additional 10 correctional officers at the BCC site.

The tour took six Jurors through Facility A (minimum or lower risk inmates) Facility B (lower risk inmates) and Facility C (for higher-risk inmates, as well as an administrative segregation unit). When Grand Jurors posed questions, all staff were willing to answer them. In a conversation with correctional officers, the Grand Jury learned that some officers participate in charitable events outside of the prison. For instance, several officers run in fundraising marathons.

Medical Facilities

The medical facility at SCC encompasses the basic medical needs of inmates. Services address the dental, vision, mental and physical health needs of inmates. If inmates require additional or more extensive care, they are transported to appropriate hospitals, usually Adventist Health located approximately 15 miles away in the city of Sonora.

While the Grand Jurors were touring the medical section of the prison, an alarm sounded. Jurors were concerned about what it indicated and where the problem was located. However, several minutes elapsed between the sounding of the alarm and the ability of the correctional officers to physically locate its origin. Depending on the cause of the alarm, a delayed response time could endanger medical staff, officers, and inmates.

According to the Public Information Officer (PIO), each staff member wears a Personal Alarm Device (PAD) which, when activated, causes a blue light to flash. This blue light guides staff where to respond but does not pinpoint the exact location of the incident which results in delayed response time.

There are also four other types of alarms: voice, radio, whistle, and phone off the hook. Grand Jurors were unable to hear radio transmissions made by staff as they worked to clear the alarm. The PIO informed us that it was, in fact, an accidental push by a medical staff member and was a common occurrence.

Global positioning system (GPS) utilizes a cellular networking system, satellite monitoring and tracking and computer software to provide officer, staff, or inmate tracking. A transmitter electronically connected to a portable tracking device which communicates position to a surveillance data center is currently in use to provide offender tracking. Active GPS tracking would allow officers to quickly locate an alarm and determine location through mapping software.

The officers determined what was causing the alarm as well as its location. At no time did jurors feel in any danger. The staff was reassuring and handled the situation professionally.

Facility C

Facility C is the section of the prison that houses inmates requiring a higher level of security as well as the ASU. This part of the prison is surrounded by an electrified fence which discharges a lethal shock to anyone who touches it.

During the tour of Facility C, Jurors were shown the vocational building housing the facilities in which inmates make visibility vests and other safety garments. These are purchased by Caltrans and other public entities through the Prison Industry Authority.

There are also building and carpentry skills training where the inmates construct, deconstruct and rebuild small-scale houses. All the vocational activities at the SCC are designed to decrease recidivism, increase prison safety, and enhance public safety by providing offenders productive work and training opportunities.

PUPP Program

In the tour of Facility B, Jurors were able to observe inmates who were participating in the program Prisoners Uniting People and Puppies (PUPP). This program uses specially selected inmates paired with various breeds of dogs. Upon entry, dogs may have obedience issues, but by the time they have spent 12 weeks with their two assigned inmates, they are ready for adoption. A professional trainer comes in once a week to provide guidance to the inmates in their training of the dogs. Dogs that are available for adoption can be found at the Friends of the Animal Community website at <https://www.foac.us/pupp-program/>. Not all dogs shown will have gone through the PUPP program.



Photo courtesy of FOAC

Baseline Conservation Camp

Grand Jurors were also given a tour of the Baseline Conservation Camp and were provided with lunch prior to the tour. The Sergeant in charge also provided a walking tour of the housing units, the grounds, laundry facility, and recreational room. At the time of the BCC tour almost all inmates were off-site so there was no opportunity to talk with inmates.

During the tour, it was noted that some of the cement steps going from the main office to various housing units did not appear to have adequate striping to delineate the top and bottom steps.

Jurors noted that access to the eyewash station was blocked by laundry supplies.

It was also observed that one or more brown electrical outlets next to a sink in Housing Unit 1 did not appear to have a Ground Fault Circuit Interrupter (GFCI). GFCI is commonly used in wet or adverse environments to prevent electrical shock.

Assignment to the BCC is considered one of the best in terms of inmate flexibility; it is sometimes referred to as a "prison without walls" since there are no fences and inmates are allowed more freedom to move from place to place. Since this camp is designed to provide inmates with useful firefighting training as well as a less restrictive environment, escaping, fighting, or other undesirable activities are rare.

Findings

- F1.** Staff is sometimes unable to pinpoint the location of sounding alarms, leading to a delay in distinguishing between a false alarm and a genuine one. False alarms are hazardous to the safety of staff, visitors, and inmates. The alerting system for detecting problems in the medical unit does not immediately identify the location of the alarm.
- F2.** The Grand Jury observed potential non-GFCI outlets at Baseline Conservation Camp, which creates a safety hazard.
- F3.** Inhibited access to the eyewash station at Baseline Conservation Camp was observed by the Grand Jury.
- F4.** At Baseline Conservation Camp markings of the cement steps appear to be inconsistent and do not provide adequate safety to inmates, correctional officers, and visitors.
- F5.** The PUPP program is successful both for inmates and the public. Inmates gain a sense of connection with the dogs and get an opportunity to experience success on a personal level. The public gains access to dogs that are suited for adoption.
- F6.** Participation of correctional officers in community fundraising activities provides an opportunity for the public to observe Sierra Conservation Center personnel contributing to the wellbeing of the community.

Recommendations

- R1. The Grand Jury recommends review of the procedures for notifying visitors inside secure areas about possible alarms and procedures which will generally be followed. Consider updating the alarm system with technology capable of pinpointing where the problem is occurring. (F1)
- R2. The Grand Jury recommends GFCI outlets be installed immediately in all potentially wet areas. (F2)
- R3. The Grand Jury recommends that access to the eyewash station at Baseline Conservation Camp be kept clear at all times, in case of an accident requiring its use. (F3)
- R4. All cement steps and walkways at Baseline Conservation Camp should be inspected immediately and properly marked to prevent any tripping hazard. (F4)

Request for Responses

The following responses are required, pursuant to California Penal Code §933 and §933.05, 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 findings and recommendations pertaining to matters under the control of the governing body and every elected or appointed county official or agency head for which the Grand Jury has jurisdiction shall comment within 60 days to the presiding judge of the superior court.

- ▶ The Sierra Conservation Center Warden is requested to respond to R1.
- ▶ The Baseline Conservation Center Commander is requested to respond to R2, R3, and R4.

Bibliography

Board of State & Community Corrections 7th Annual Report of Implementation of Corrections Partnerships Plans, July 2019

California Department of Public Health Environmental Health Safety Report, August 2018

Sierra Conservation Center Welcome Manual, 2015

Disclaimer

This report was issued by the 2019-2020 Tuolumne County Grand Jury except for one Juror who is employed by and one Juror whose family member is employed by the Department of Corrections and Rehabilitation. These Grand Jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the grand jury do not identify the individuals who have been interviewed. Penal Code §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.



Continuity Report

June 30, 2020

The bridge that connects the previous grand jury to the current grand jury

2018-2019 Grand Jury Findings and Recommendations
2019-2020 Grand Jury Review of Responses



Pigeon Flat Campground, Middle Fork Stanislaus River

Photo: Luann Hopkins



Review of Responses Tuolumne County 2018-2019 Grand Jury Report

Summary

On June 26, 2019, the Tuolumne County Grand Jury issued its final report. It included five investigative reports: Tuolumne County Economic Development Authority/Economic Prosperity Council of Tuolumne County, Tuolumne County Jail, Sierra Conservation Center and Baseline Camp, the Mother Lode Regional Juvenile Detention Facility, and the Groveland Community Services District.

Elected officials and government agencies must respond to recommendations made in the Grand Jury Reports indicating their agreement or disagreement with those recommendations, and the reasons and actions taken. California Penal Code §933 tasks the Grand Jury to ensure that each response requested is submitted within the required time frame of 60 days for appointed officials and 90 days for elected officials. California Penal Code §933.5 further requires that the responses either state acceptance and agreement with the recommendations and whether the recommendations have already been implemented or a plan and timeline for implementation is noted; or, if there is disagreement, reasons are given.

The 2019-2020 Grand Jury received all responses from requested officials and agencies within the required time frame. Most of the agencies accepted the Grand Jury's recommendations and took the appropriate corrective actions in a reasonable time frame. When an agency disagreed with the Grand Jury's recommendations, they provided reasonable explanations. There was one letter accompanying the response to a report that stood out because of its defensive tone. In response, this report will include a brief history of the 2018-2019 Grand Jury's findings and recommendations concerning TCEDA.

Background

The 2018-2019 Grand Jury requested responses from the following entities:

- ▶ City of Sonora
- ▶ Tuolumne County Chief Administrative Officer
- ▶ Sierra Conservation Center
- ▶ Mother Lode Regional Juvenile Detention Facility
- ▶ Tuolumne County Jail
- ▶ Tuolumne County Board of Supervisors
- ▶ Groveland Community Services District Board of Directors

Methodology

All responses to recommendations are shown on a chart asking four questions:

- ▶ 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 action?

Review of Responses to the Report on TCEDA/EPCTC Oversight

Summary

The 2018-2019 Grand Jury investigated the Tuolumne County Economic Development Authority (TCEDA)/Economic Prosperity Council of Tuolumne County (EPCTC). It was the third Grand Jury investigation on this agency, one by the 2010-2011 Grand Jury and another by the 2017-2018 Grand Jury. The 2010-2011 investigation discussed the needs for measurable goals and oversight. The 2017-2018 Grand Jury investigation recommended a full financial audit and a conflict-of-interest analysis in the interest of full transparency. The conflict-of-interest analysis recommended by the 2017-2018 Grand Jury was completed by the County Counsel's Office. However, the TCEDA Board voted to not release any of the information citing attorney-client privilege. The Board could have waived this privilege in response to public requests for transparency but chose not to. The 2018-2019 Grand Jury asked for this conflict of interest analysis, but was denied. The financial audit was not completed due to the dissolution of TCEDA/EPCTC.

Just before the release of the 2018-2019 Grand Jury Report on TCEDA/EPCTC, the Joint Powers Agreement funding that entity was dissolved. The Grand Jury proceeded to issue its report in the interest of encouraging a more transparent process and better oversight in the future.

Responses were requested from the County Administrator's Office and the City of Sonora. The letter from the County Administrator's Office including their responses was troubling to this Grand Jury. <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/13040/County-response-from-tceda-2018-2019> It was disrespectful, defensive and argumentative, stating, "We find the report factually inaccurate, unbalanced and not well documented." It goes on to criticize the use of articles in the Union Democrat as "unreliable." The sources listed in the 2018-2019 Grand Jury Report also include TCEDA's and the county's own documents as well as several interviews, which are confidential by law. We expect that the general tone of the County Administrator's Office's response does not signal how transparency and oversight will be handled by this department in the future.

An evaluation of the responses to the 2018-2019 Grand Jury Report follow. Minor edits were made to correct grammar, punctuation, or typographical errors, but did not change the meaning of the finding or response.

The County Administrator's Office was asked to respond to Recommendations 1 through 5.

Finding leading to the recommendation

F1. Effective economic development is crucial to Tuolumne County, which lags behind the state in economic health.

Recommendation

R1. Tuolumne County and the City of Sonora maintain continuous investment in economic development going forward. (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	Implemented

Findings leading to the recommendation:

F2. There are multiple instances of lack of control and oversight by the TCEDA/EPCTC Board over the agencies.

F9. There was a lack of clarity on how to define economic development and how to measure TCEDA's effectiveness to develop the County's economy.

Recommendation:

R2. A new Economic Development entity be developed and be accountable to the CAO of the County. (F2,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	Partially Accepted	Yes	Implemented

Findings leading to the recommendation:

F1. Effective economic development is crucial to Tuolumne County, which lags behind the state in economic health.

F2. There are multiple instances of lack of control and oversight by the TCEDA/EPCTC Board over the agencies.

F3. This lack of oversight from the Board of Directors allowed the TCEDA Director to be compensated at a high level compared to other counties in California, and to other employees in Tuolumne County.

F4. The Employment Agreement for the TCEDA Director was overly broad with its benefits, travel and expense policies that surpass other County employees/managers.

F5. Private allowance and benefit negotiations of the TCEDA Director's contract hid the true and far-reaching compensation package from other County employees, and from the public.

F6. TCEDA misused public funds.

Recommendation:

R3. Tuolumne County appoints an Economic Development leader who is a County employee, under County policies and procedures, with standard County compensation packages. (F1 ,F2, F3, F4, F5, 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	Accept	Yes	Implemented

Findings leading to the recommendation:

F7. The majority of TCEDA/EPCTC monies were not clearly accounted for in publicly available documents for approximately 10 years.

F8. There was a lack of clarity on how to define economic development and how to measure TCEDA's effectiveness to develop the County's economy.

Recommendation:

R4. The County develops measures to track progress of economic development. (F7, 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?
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Yes Accept Yes Implemented

Findings leading to the recommendation:

- F10.** Two previous Grand Jury investigations indicated significant mismanagement issues and lack of measurable effectiveness of the TCEDA, which indicates a longstanding, structural incompetency of the agency.
- F11.** The County and City acknowledged the failure of the agency by dissolving it in 2019, even before the financial and managerial audits were complete.
- F12.** The TCEDA Board is responsible for countless hours spent by County Counsel and TCEDA's employees in responding to lawsuits and public records requests, and in three investigations by grand juries, because of its ongoing lack of transparency and its mismanagement.

Recommendation:

R5. The CAO and the City Administrator educate their respective elected officials and managers of "Code of Conduct" and "Code of Ethics" expectations as public servants, by providing ethics training on an annual basis, to ensure that they understand that their primary missions are to serve the public of Tuolumne County. (F10, F11, 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?
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Yes Accept Yes Implemented

The City of Sonora was asked to respond to Recommendations 1 and 5.

Findings leading to the recommendation:

- F1.** Effective economic development is crucial to Tuolumne County, which lags behind the state in economic health.
- F5.** Private allowance and benefit negotiations of the TCEDA Director's contract hid the true and far-reaching compensation package from other County employees, and from the public.

Recommendation:

R1. Tuolumne County and the City of Sonora maintain continuous investment in economic development going forward. (F1)

Findings leading to recommendation:

- F10.** Two previous Grand Jury investigations indicated significant mismanagement issues and lack of measurable effectiveness of the TCEDA, which indicates a longstanding, structural incompetency of the agency.
- F11.** The County and City acknowledged the failure of the agency by dissolving it in 2019, even before the financial and managerial audits were complete.
- F12.** The TCEDA Board is responsible for countless hours spent by County Counsel and TCEDA's employees in responding to lawsuits and public records requests, and in three investigations by grand juries, because of its ongoing lack of transparency and its mismanagement.

Recommendation:

R5. The CAO and the City Administrator educate their respective elected officials and managers of "Code of Conduct" and "Code of Ethics" expectations as public servants, by providing ethics training on an annual basis, to ensure that they understand that their primary missions are to serve the public of Tuolumne County. (F10, F11, 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?
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Yes Accept Yes Implemented

Review of Responses to the Report on Sierra Conservation Center and Baseline Conservation Camp

Summary

Each year, the Grand Jury is tasked with visiting and reporting on the Sierra Conservation Center and Baseline Conservation Camp. The 2018-2019 Grand Jury sent a group of its members to tour these facilities and asked for a response to their recommendation from the Camp Commander.

Findings leading to recommendation:

F1. No first aid kit at wood shop.

Recommendation:

R1: Install a first-aid kit in the wood shop area. (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

The Grand Jury requested responses from the Sheriff's Office, and the Board of Supervisors for each of their four recommendations.

The Tuolumne County Sheriff's Office was asked to respond to Recommendations 1 through 4.

Finding leading to recommendation:

F1. The Jail is currently understaffed by four officers. With the opening of the new jail in 2019, additional officers will need to be hired.

Recommendation:

R1: Recruit officers to fill current vacancies. This may include seeking additional budget funding. (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	Implemented

Finding leading to recommendation:

F2. Safety issues found in the 2017-2018 Grand Jury Report have not been addressed. These would include the gray water being collected in drums rather than repairing the pipes and correcting the extension cord running down the hall.

Recommendation:

R2: Address safety and health issues. These will need to be addressed if the building continues to be occupied as planned. (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?
Yes	Offered Excuse	No	No

Finding leading to recommendation:

F3. There appeared to be a lack of adherence to security protocol.

Recommendation:

R3: Adhere to security measures. This could entail refresher training on admitting private citizens into the Jail. (F3)

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?
Partial*	Partial	Yes	Implemented

**2019-2020 Tuolumne County Grand Jury Note: The "private citizens" mentioned in the Report were the members of the Grand Jury. The Report states: "Upon initial entry to the Jail, Grand Jury badges were not checked, nor were the Grand Juror members asked about having prohibited items on their persons." This was not addressed in either response.*

It is important to note that when the 2019-2020 Grand Jury completed inspection of the Jail, security protocols were followed.

Finding leading to recommendation:

F4. Better educational opportunities and rehabilitative programs may reduce incarcerations.

Recommendation:

R4: Pursue educational opportunities and rehabilitation programs for inmates. This may include studying for and obtaining a GED or post secondary degree. And counseling services. Maybe some retired professionals would be willing to donate their time. (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	Accept	Yes	Implemented

The Tuolumne County Board of Supervisors was asked to respond to Recommendations 1 through 4.

Finding leading to recommendation:

F1. The Jail is currently understaffed by four officers. With the opening of the new jail in 2019, additional officers will need to be hired.

Recommendation:

R1: Recruit officers to fill current vacancies. This may include seeking additional budget funding. (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	Implemented

Finding leading to recommendation:

F2. Safety issues found in the 2017-2018 Grand Jury Report have not been addressed. These would include the gray water being collected in drums rather than repairing the pipes and correcting the extension cord running down the hall.

Recommendation:

R2: Address safety and health issues. These will need to be addressed if the building continues to be occupied as planned. (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?
Yes	Offered Excuse	No	No

Finding leading to recommendation:

F3. There appeared to be a lack of adherence to security protocol.

Recommendation:

R3: Adhere to security measures. This could entail refresher training on admitting private citizens into the Jail.

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?
Partial*	Partial	Yes	Implemented

Finding leading to recommendation:

F4. Better educational opportunities and rehabilitative programs may reduce incarcerations.

Recommendation:

R4: Pursue educational opportunities and rehabilitation programs for inmates. This may include studying for and obtaining a GED or post secondary degree. And counseling services. Maybe some retired professionals would be willing to donate their time. (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	Accept	Yes	Implemented

Review of Responses to the Report on Groveland Community Services District

Summary

The 2018-2019 Grand Jury investigated the Groveland Community Services District based on a number of complaints from community members. Issues concerned fiscal mismanagement, wastewater treatment issues, intimidation of rate-payers and public trust issues.

The Groveland Community Services District Board of Directors was requested to respond to recommendations: R1 through R15.

Findings leading to recommendations:

- F1.** The GCSD is financially stressed and does not have the funds to maintain and replace all its equipment and technology needs.
- F2.** There is inadequate staffing to perform standard maintenance.
- F4.** Wastewater issues regarding lift stations and routine maintenance are not being properly addressed.

Recommendation:

R1: Increase field staff in 2019 to maintain reliability, efficiency, and long-term health of the GCSD. (F1, F2, 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	Yes

Findings leading to recommendation:

- F1.** The GCSD is financially stressed and does not have the funds to maintain and replace all its equipment and technology needs.
- F2.** There is inadequate staffing to perform standard maintenance.

Recommendation:

R2: Investigate the use of designated reserves and other creative sources of revenue for the wastewater system to address the current "crisis" or "reactionary" mode of operations. (F1, 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?
Yes	Accepted	Yes	In Progress

Findings leading to recommendation:

F3. The high cost of the fire and park areas under the jurisdiction of GCSD is not sustainable under the current budget projections.

Recommendation:

R3: Pursue a voter bond measure or special tax in the next two years to offset park and fire services costs. (F3)

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	No

Findings leading to recommendation:

F2. There is inadequate staffing to perform standard maintenance.

F4. Wastewater issues regarding lift stations and routine maintenance are not being properly addressed.

Recommendation:

R4: To mitigate odors, hire a vacuum truck and thoroughly clean and flush to remove solids from all lift stations when the odors are the worst and complaints occur, which currently includes Lift Station 2 and 7. (F2, 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	Yes

Findings leading to recommendations:

F2. There is inadequate staffing to perform standard maintenance.

F4. Wastewater issues regarding lift stations and routine maintenance are not being properly addressed.

Recommendation:

R5: Implement regular, on-going, routine procedures for maintenance of the waste water collection system, and hire a designated pump station field maintenance staff for regular and routine upkeep. (F2,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	Implemented

Findings leading to recommendation:

F1. The GCSD is financially stressed and does not have the funds to maintain and replace all its equipment and technology needs.

F6. GCSD is funding subcontractors for jobs that fall under the duties and obligations of the General Manager Consultant.

Recommendation:

R6: Invoice the General Manager Consultant for past GCSD payments to consultants/subconsultants that performed the job duties of the GM Consultant, and amend the 2018/2019 Budget to remove overlapping service expenses. (F1, 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	Rejected	No	No

Findings leading to recommendation:

- F6.** GCSD is funding subcontractors for jobs that fall under the duties and obligations of the General Manager Consultant.
- F8.** Confrontational, intimidating behaviors toward rate-payers by GCSD representatives have occurred.
- F9.** The GCSD is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.

Recommendation:

R7: Create a procedure regarding communications with the public that includes training of consultants/subconsultants on how to handle sensitive and difficult issues and complaints. (F6, 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?
Yes	Accepted	Yes	Implemented

Findings leading to recommendation:

- F8.** Confrontational, intimidating behaviors toward rate-payers by GCSD representatives have occurred.
- F9.** The GCSD is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.

Recommendation:

R8: Undertake an annual community building event (such as a picnic or potluck) that is out of the board room context and encourage open discourse among rate-payers, staff, and board members to foster better relationships. (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?
Yes	Accepted	Yes	Yes

Findings leading to recommendation:

- F8.** Confrontational, intimidating behaviors toward rate-payers by GCSD representatives have occurred.
- F9.** The GCSD is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.

Recommendation:

R9: Develop a clear reporting structure for handling complaints by identifying and publishing names with contact information including phone numbers for the currently undesignated "outside consultants" identified to field complaints against the GCSD in Resolution 2019-02, and not allow these "outside consultants" to be funded by the GM Consultant. (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?
Yes	Offered Explanation	Yes	Implemented

Findings leading to recommendation:

- F8.** Confrontational, intimidating behaviors toward rate-payers by GCSD representatives have occurred.
- F9.** The GCSD is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.

Recommendation:

R10: Combine the public and staff complaint reporting structures for one method for handling complaints in which both the public and GCSD staff have access to the currently undesignated "outside consultants" identified in Resolution 2019-02. (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?
Yes	Rejected	Yes	Implemented

Findings leading to recommendation:

- F1.** The GCSD is financially stressed and does not have the funds to maintain and replace all its equipment and technology needs.
- F2.** There is inadequate staffing to perform standard maintenance.

- F3.** The high cost of the fire and park areas under the jurisdiction of GCSD is not sustainable under the current budget projections.
- F4.** Wastewater issues regarding lift stations and routine maintenance are not being properly addressed.

Recommendation:

R11: Modify the November 2018 Communications Plan to target a date that the GCSD expects to transition from "crisis" mode to "regular and routine" operations mode. (F1, 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?
Yes	Rejected	No	No

Findings leading to recommendation:

- F9.** The GCSD is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.
- F10.** Board meetings are excessively long.

Recommendation:

R12: Change Board meeting times and agenda items to accommodate more local residents who work during the day and limit meetings to two hours. (F9, 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?
Yes	Rejected	No	No

Finding leading to recommendation:

F11. Board minutes do not adequately capture the substance of the meetings.

Recommendation:

R13: Document the substance of key discussions during Board meetings in Board minutes, and insert a timestamp in Board minutes to cross reference audio recordings. (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	Accepted	Yes	Implemented

Finding leading to recommendation:

F12. The GCSD website is difficult to navigate.

Recommendation:

R14: Update GCSD website's Board agenda packet links to include labels with dates, active links to the Policy and Procedures Manual, and include all supporting exhibits in Resolution links. (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

Finding leading to recommendation:

F7. There is no time conflict in the General Manager Consultant representing several water districts at one time. However, given the new full-time employment position of a GCSD General Manager, there is a time conflict in the ability to perform full-time duties and part-time work at several other districts.

Recommendation:

R15: Require on-site, regularly scheduled 40 hours for a full-time General Manager. (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	Accepted	Yes	Yes

Complete responses to the 2018-2019 Grand Jury "Findings" as submitted by the subject agencies are available online at: <https://www.tuolumnecounty.ca.gov/1198/2019-Grand-Jury-Report>

Appendix A

Document 6.a: Mountain Springs Water Agreement (Document format may differ slightly from original.)

RECORDED AT REQUEST OF
AND RETURN TO:
TUOLUMNE UTILITIES DISTRICT
18885 Nugget Blvd.
Sonora, CA 95370

Doc # 2019003754
Page 1 of 13
Date: 4/23/2019 10:30A
Recording Requested By:
TUOLUMNE UTILITIES DISTRICT
Filed & Recorded in Official Record
of COUNTY OF TUOLUMNE
KAENAN WHITMAN
COUNTY RECORDER
Fee: \$0.00

AGREEMENT FOR WATER SUPPLY TO THE MOUNTAIN SPRINGS GOLF COURSE

THIS AGREEMENT is executed on **February 26, 2019**, by and between **TUOLUMNE UTILITIES DISTRICT**, a California special district organized pursuant to Water Code § 30000 et seq., hereinafter called DISTRICT, and the **TUOLUMNE ECONOMIC DEVELOPMENT AUTHORITY, INC.**, a federally chartered corporation wholly owned by the TUOLUMNE BAND OF ME-WUK INDIANS, a federally recognized Indian Tribe, hereinafter called OWNER (collectively called "PARTIES").

Recitals

WHEREAS, OWNER is purchasing the Mountain Springs Golf Course, hereinafter called Golf Course, more particularly described in Exhibit A and by reference hereto, incorporated herein; and

WHEREAS, DISTRICT and OWNER acknowledge that the sale of the Golf Course property to OWNER does not include the transfer of any rights to DISTRICT's raw water supplies because capacity/connection fees were never paid for the sixty (60) miners inch contract for the Golf Course with such fees totaling of up to over one million six hundred thousand dollars (\$1,600,000); and

WHEREAS, DISTRICT collects, treats, and disposes of effluent, hereinafter referred to as Recycled Water, for beneficial uses, which after permitting would include golf course irrigation; and

WHEREAS, OWNER seeks a water supply from DISTRICT, and is willing to use both Recycled Water and raw water; and

WHEREAS, DISTRICT is willing to provide raw water to OWNER, but only if OWNER used Recycled Water as its primary supply; and

WHEREAS, DISTRICT and OWNER agree that a water supply agreement will provide benefits to the PARTIES; and

WHEREAS, the PARTIES intend to enter into this agreement so that the OWNER will have a reliable water supply for the non-potable uses at the Golf Course and that the DISTRICT will have a permanent location for the beneficial use of Recycled Water.

IT IS MUTUALLY AGREED by and between DISTRICT and OWNER as follows:

1. Recitals. The foregoing recitals are incorporated by reference as if fully set forth herein.
2. Water Rights. This Agreement for Water Supply to the Mountain Springs Golf Course, hereafter referred to as "Agreement", confers no right to a water supply, but does confer the ability to receive both Recycled Water and raw water under the same terms and conditions as the applicable class of customer in the District's most current Water Rules and Regulations.
3. Definitions.
 - a. Recycled Water. Water treated at DISTRICT's Sonora Regional Wastewater Treatment Plant and available for delivery by DISTRICT to OWNER under this Agreement subject to such terms and conditions as may be imposed by Law. Recycled Water does not include raw water as defined below.
 - b. Raw Water. Untreated or "raw" water delivered through the DISTRICT'S raw water system and made available to OWNER pursuant to DISTRICT's most current Water Rules and Regulations.
 - c. Points of Delivery.
 - 1.) Recycled Water - the point of delivery shall be a metering device located at the boundary between DISTRICT owned property (APN: 059-070-080) and an easement located on APN: 059-070-075, more specifically identified in Exhibit B as "Recycled Water Point of Delivery."
 - 2.) Raw Water – the point of delivery shall be the metering device located at Phoenix Dam to measure the flow released by the DISTRICT into Sullivan Creek for subsequent withdrawal by the OWNER at a point of diversion to be determined by the OWNER. The current point of diversion is shown for reference only on Exhibit B as "Raw Water Point of Diversion."
 - d. Golf Course. The Mountain Springs Golf Course owned and operated by OWNER as set forth in Exhibit A "Property Description."
 - e. Law. Legislation, statutes, regulations and policies of federal, state and local government agencies, including DISTRICT.
 - f. Force Majeure Event. Flood, earthquake, an act of God and any other event beyond the reasonable control of the Parties; final judgment awarded by any court having jurisdiction, which judgments or injunctive relief have not been sought by any of the Parties; any change in law relating to water rights or water quality requirements for Recycled Water which makes DISTRICT's compliance with this Agreement impracticable; or an emergency event beyond the control of DISTRICT which renders impossible the continued provision of water service to the area to meet basic health and sanitation needs.

g. Liability. Liability, losses, claims, damages, expenses, demands, settlements and costs (including, but not limited to, interest, penalties, attorney, expert witness and consulting fees, and litigation costs).

4. Obligations of OWNER.

a. Minimum Quantity. OWNER shall accept a minimum of **160** acre-feet per calendar year from DISTRICT, based on an estimated historical use of approximately 2.4 acre-feet per acre and a total of 68 acres of fairway and green, hereinafter referred to as "AFY", of recycled water ("Minimum Quantity") for use on the Golf Course. OWNER expressly understands and agrees that the Minimum Quantity is an absolute minimum quantity, and that OWNER's obligation to accept the Minimum Quantity is not dependent on the irrigation needs of the Golf Course, the quality of the Recycled Water, or any other factor whatsoever.

b. Additional Quantity. OWNER shall exercise its best efforts to use up to an additional **160** AFY ("Additional Quantity"), based on an estimated use of 2.0 acre feet per acre on an additional 80 acres of irrigable land, on the Golf Course if requested by DISTRICT. OWNER shall modify the Golf Course and complete any other actions as required to enable OWNER to accept the Additional Quantity within twelve (12) months after notice by DISTRICT.

c. Potential Phasing of Deliveries: The DISTRICT reserves the right to phase in the delivery of the Minimum Quantity as recycled water supplies become available. As Recycled Water supplies become available, the DISTRICT will provide written notice to OWNER of the firm supply. The OWNER shall be obligated in accordance with this Agreement to take delivery of the Minimum Quantity of 160 acre feet listed in section 4(a).

d. Modify Golf Course Facilities and Operations. OWNER, at its sole cost expense shall modify its facilities, including, but not limited to, pumps, motors, electrical controls and equipment, signage, installation of purple pipe and purple meter boxes denoting the use of Recycled Water, storage ponds, landscaped areas and other features of the golf course, in order to utilize Recycled Water for both the Minimum Quantity and Additional Quantity. In addition, OWNER will modify Golf Course operations to comply with any and all conditions subject to the permit require the use of Recycled Water.

e. Commitment to Take Recycled Water. OWNER acknowledges that DISTRICT is dependent on OWNER to dispose of Recycled Water, and that serious health and safety consequences, financial, legal, environmental and other consequences may result from OWNER's failure to take Recycled Water as agreed. OWNER acknowledges that DISTRICT is relying on OWNER's Agreement to take the Minimum Quantity and to exercise its best efforts to take the Additional Quantity. Accordingly, OWNER agrees that it shall not: refuse to take at least the Minimum Quantity for any reason except a Force Majeure Event; change the use of the Golf Course, directly or indirectly, that would result in the reduction of the need for Recycled Water; refuse to invest sufficient funds to modify the Golf Course to accept the Additional Quantity; or take any other action which limits OWNER's ability to convey, store or accept Recycled Water or Additional Quantity, for any reason whatsoever. OWNER's failure to take the Minimum Quantity or to exercise its best efforts to facilitate OWNER's acceptance of the Additional Quantity shall be considered a material breach of this Agreement and DISTRICT

may refuse to deliver any water to OWNER. OWNER further agrees maintain at all times the necessary pipelines, pumps, motors and appurtenances to take raw and recycled water up to and including the point of delivery. Such maintenance shall be exclusive of DISTRICT owned and operated facilities. OWNER agrees that in the event that the property is no longer operated as a Golf Course, or otherwise ceases to dispose of Recycled Water under the terms of this agreement, DISTRICT reserves the right to continue to use the property at DISTRICT's sole expense for the disposal of Recycled Water.

f. Compliance with Law. OWNER's use and disposal of all water provided under this Agreement shall at all times comply with Law, including compliance with District's most current Water Rules and Regulations and Wastewater Ordinance, which may be further limited by District, resolutions and policies as may be amended, water moratoriums and water shortage emergencies established under Water Code Section 350 et seq.

g. Access to Facilities. OWNER agrees to provide DISTRICT's personnel unlimited access on a 24-hour per day / 7-day a week basis to OWNER's pumping, storage, transmission, distribution and irrigation facilities, including the controls and equipment used to operate these facilities at the golf course for purposes of monitoring and compliance with this agreement. In addition, OWNER agrees to allow DISTRICT to install such electronic, radio, telemetry and/or other equipment, at DISTRICT's sole discretion and expense, in order to monitor the use of recycled and raw water. Such access shall include, but not be limited to, vehicle access to OWNER's property, building access where equipment is housed and access to equipment and facilities used for pumping, storage, transmission, distribution and irrigation.

h. Recorded Easement. OWNER agrees to have this agreement and a permanent easement on the golf course property for use of Recycled Water recorded with the County of Tuolumne Recorder's Office.

5. Obligations of DISTRICT.

a. Recycled Water Discharge Permit. Upon execution of this Agreement, DISTRICT will diligently pursue a State Water Board and/or Regional Water Quality Control Board permit in coordination with OWNER for discharge of Recycled Water on the Golf Course. OWNER and DISTRICT shall each bear their own costs for compliance with the permit, except as otherwise set forth in a separate written agreement. OWNER may also be named on the permit.

b. Recycled Water Quantity. Absent a Force Majeure Event, DISTRICT shall make available to OWNER at the Point of Delivery (1) the Minimum Quantity; and (2) a maximum of the lesser of (a) OWNER's ability to take in addition to the Minimum Quantity, the Additional Quantity under Section 4b. of this Agreement, or (b) the amount of Additional Quantity that DISTRICT allocates for delivery. The DISTRICT shall provide a minimum of 350 gallons per minute (gpm) flow rate at the Recycled Water Point of Delivery and maintain a minimum pressure of 5 psi.

c. Recycled Water Quality. Absent a Force Majeure Event, DISTRICT shall ensure that the Recycled Water meets applicable water quality criteria set forth in Title 22 of the California Code of Regulations for disinfected secondary-23 recycled water, as of the date of the execution of this Agreement. If Title 22 is amended to impose new criteria on Recycled Water,

DISTRICT shall use its best efforts to satisfy that criteria within a reasonable period of time.

d. Recycled Water Facilities. DISTRICT shall be wholly responsible for and bear the entire liability associated with facilities used for treatment and conveyance of Recycled Water up to the Golf Course facilities' Recycled Water Point of Delivery. DISTRICT at its sole discretion will determine the type of conveyance facility to be constructed and the timing for construction of those facilities. DISTRICT shall have no responsibility or liability whatsoever for measurement, conveyance, storage, costs or use facilities at or after the Recycled Water Point of Delivery, or for the Golf Course.

e. Discharge Permit. DISTRICT will work with OWNER to pursue a State Water Board and/or Regional Water Quality Control permit for discharge of Recycled Water on the Golf Course.

6. Raw Water Delivery.

a. DISTRICT will provide up to 60 miner's inches of Raw Water to the Golf Course under the same terms, conditions and costs as that class of customers identified as "Supplemental Water Users" in the District's most current Water Rules and Regulations and may be further limited by District water ordinances, re policies as may be amended, water moratoriums and water shortage emergencies established under Water Code Section 350 et seq. Such Raw Water delivery and use shall be subject to OWNER's obligation to first take Recycled Water under Section 4 of this agreement. If OWNER's need for water exceeds the amount of Recycled Water DISTRICT can make available at that time, then OWNER may use Raw Water.

b. DISTRICT makes no guarantees, warranties, or any promises whatsoever as to availability, quantity or quality of Raw Water. DISTRICT has no responsibility or liability whatsoever for facilities used to store, divert, or convey Raw Water operated by the Raw Water Point of Delivery. OWNER shall be wholly responsible for and bear any and all liability associated with these conveyance facilities.

7. Permitting and Construction of Recycled Water Facilities.

DISTRICT shall coordinate with OWNER on the timing and conditions of the permitting process for the use of Recycled Water on the Golf Course. After receipt of the necessary permits DISTRICT shall notify OWNER at least 6 months in advance of the DISTRICT's intent to commence construction activities associated with bringing a pipeline and other appurtenances to allow for the delivery of Recycled Water. Within six (6) months of completion of the construction work by DISTRICT, OWNER shall complete all construction work to allow for the delivery of Recycled Water on OWNER's property and begin using Recycled Water on the Golf Course.

8. Cost of Recycled Water. There shall be no volumetric cost for Recycled Water for the first 10 years from the first date of full or partial delivery of recycled water. Following the expiration of 10 years, volumetric charges maybe imposed, at the discretion of the DISTRICT, and in accordance with the DISTRICT's then current Wastewater Ordinance. However, in no case shall Recycled Water charges exceed the charges the OWNER would have paid for the same volume of Raw Water.

9. Indemnification/Hold Harmless.

OWNER will indemnify, defend and hold harmless DISTRICT and its directors, officers, employees, agents and authorized volunteers from any liability arising out of or connected with the control, carriage, handling, use, disposal, distribution or quality of water supplies made available to OWNER under this Agreement, or for changes in water quality at or downstream of the Points of Delivery, unless the cause of such liability, change or violation is DISTRICT's willful or negligent action or inaction in making water available before the Points of Delivery, in which case the liability of DISTRICT and DISTRICT's directors, officers, employees, agents and authorized volunteers shall only exist to the extent of such willful or negligent action or inaction.

10. Successors in Interest. The rights and obligations under this Agreement shall accrue to the benefit of and be binding upon the successors and assigns of the parties hereto; however, OWNER shall not assign or transfer (by operation of law or otherwise) its interest or any part thereof without the prior written consent of DISTRICT, which consent shall not be unreasonably withheld.

11. Attorney's Fees. If either party brings any action to enforce this Agreement, or for the breach thereof, the losing party shall pay the prevailing party's costs and reasonable attorneys' fees and costs (including, without limitation, including, but not limited to, interest, penalties, attorney, expert witness and consulting fees, and litigation costs) incurred in connection with the action.

12. Cooperation. The parties shall promptly do all acts and execute and deliver all instruments required or convenient to carry out the purpose and intent thereof.

13. Notices. All notices and demands or other communications under this Agreement shall be in writing and shall be given by one party to the other at the following addresses for each:

<u>OWNER</u>	President TEDA, Inc. P.O. Box 1300 Tuolumne, CA 95379 V (209) 928-9391
DISTRICT	General Manager Tuolumne Utilities District 18885 Nugget Blvd. Sonora, CA 95370 V (209) 532.5536 / F (209) 536.6485

Any such notice or other communication shall be deemed delivered on the day on which it is mailed by certified mail or, in the case of any such notice or other communications not mailed by certified mail, on the date of actual delivery.

14. Review by Counsel. It is agreed and acknowledged by OWNER and DISTRICT that the

provisions of this Agreement have been arrived at through negotiation and that OWNER and DISTRICT have had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

15. Assignment. Neither party hereto shall assign, delegate, sublet or transfer any interest in or duty under this Agreement without written consent of the other, which such consent shall not be unreasonable withheld, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

16. No Waiver of Breach. The waiver by DISTRICT of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

17. Obligations. All of OWNER's duties and obligations under this Agreement make up the consideration for DISTRICT entering into this Agreement; therefore, if any duty or obligation of OWNER hereunder becomes non-enforceable, DISTRICT may elect to terminate this Agreement. Alternatively, DISTRICT may elect to modify the Agreement to ensure adequate consideration to DISTRICT, subject to written agreement by OWNER.

18. No Third-Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the Parties do not intend to create any rights in third parties.

19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without giving effect to conflict of laws principles. Any action to enforce this Agreement shall be venued in Tuolumne County.

20. Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to California Code of Civil Procedure §1856. Any other agreement, whether express or implied, is null and void. No amendment or modification of this Agreement shall be effective unless and until such amendment or modification is evidenced by a writing signed by both PARTIES.

21. Time of Essence. Time is and shall be of the essence in this Agreement and of each and every provision contained in this Agreement.

22. No Joint Venture. Nothing in this Agreement will be construed to create an association, joint venture, trust or partnership, or to impose a trust or partnership covenant, obligation or liability between the PARTIES.

23. Term of Agreement. The term of this Agreement shall be for an initial period of thirty (30) years commencing upon the first delivery and use of recycled water on the golf course, or other lands. This Agreement shall automatically renew for additional periods of ten (10) years unless Owner or District gives the other party written notice one year prior to a renewal. Additionally, because each party is dependent on the other for water (OWNER) and disposal of Recycled Water (DISTRICT), the Agreement

may otherwise be terminated, and/or the obligations hereunder cease only upon mutual written Agreement of the PARTIES, except that DISTRICT may suspend or terminate delivery of treated effluent due to Force Majeure, treatment/conveyance malfunction or failure, or for health or safety reasons.

24. Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

25. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original instrument, but all of which together shall constitute one and the same instrument.

26. Representations, Warranties and Covenants. DISTRICT and OWNER hereby each represents and warrants to the other that:

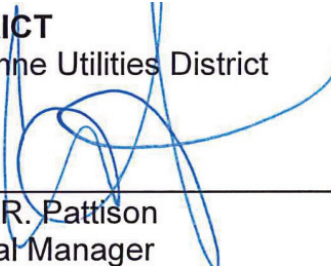
a. The execution and delivery of this Agreement, been duly authorized by all necessary action on its part, and it has full power, right and authority to enter into this Agreement and to perform its obligations hereunder;

b. Neither the execution and delivery of this Agreement by it, nor the performance by it of any of its obligations under this Agreement, violates any applicable federal, state or local law, whether statutory or common, or regulation, or its charter documents, it any, or constitutes a violation of, or a breach or default under, any agreement or instrument, or judgment or order of any court or governmental authority, to which it is a party or which it or any of its property is subject;

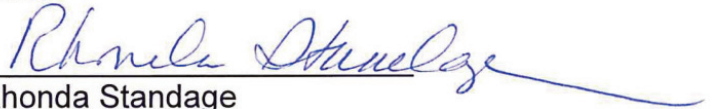
c. This Agreement is a valid and binding obligation of it, enforceable against it in accordance with its terms, except as such enforceability may be limited by equitable principles or by bankruptcy or other laws affecting creditors, rights generally.

27. Recording. DISTRICT shall record this Agreement against the Golf Course property.

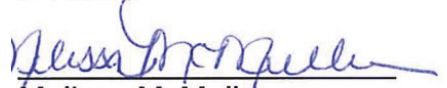
IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first written above,

DISTRICT
Tuolumne Utilities District


Edwin R. Pattison
General Manager

OWNER
Tuolumne Economic Development Authority,
Inc.


Rhonda Standage
President

ATTEST:


Melissa McMullen
Clerk to the Board
Tuolumne Utilities District

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)
County of Tuolumne)

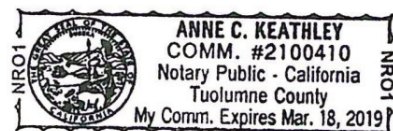
On Feb. 25, 2019 before me, Anne C. Keathley, Notary Public
(here insert name and title of the officer)

personally appeared Rhonda Stordage

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Anne C. Keathley

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s)
- Signer(s) Thumbprint(s)
- _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tuolumne)

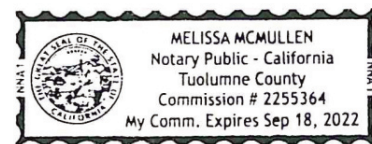
On April 22, 2019 before me, Melissa McMullen, Public Notary
Date Here Insert Name and Title of the Officer

personally appeared Edwin R. Pattison
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Melissa McMullen
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

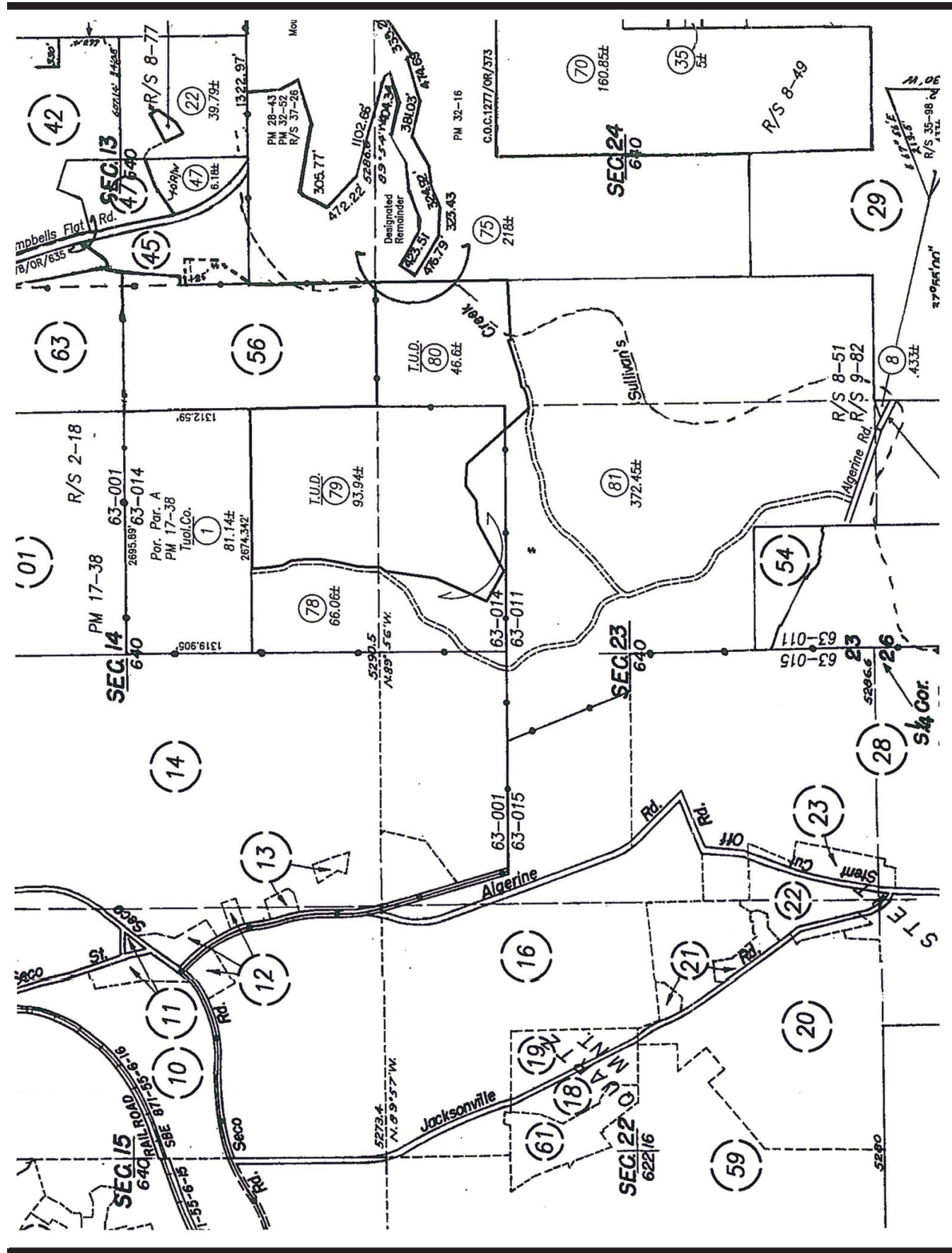
Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

- | | |
|---|---|
| Signer's Name: _____ | Signer's Name: _____ |
| <input type="checkbox"/> Corporate Officer -- Title(s): _____ | <input type="checkbox"/> Corporate Officer -- Title(s): _____ |
| <input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Partner -- <input type="checkbox"/> Limited <input type="checkbox"/> General |
| <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact | <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact |
| <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator | <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| Signer Is Representing: _____ | Signer Is Representing: _____ |

Teledi Golf Course - Exhibit A



Project

