COUNTY OF TUOLUMNE
GRAND JURY
12855 Justice Center Drive
Sonora CA, 95370

Continuity Report, February 11, 2022:

The bridge that connects the previous Grand Jury to the current Grand Jury

2019-2020 Grand Jury Findings and Recommendations

2020-2022 Grand Jury Review of Responses

Tuolumne County Superior Courthouse

SUMMARY

The Tuolumne County Grand Jury (TCGJ) functions as a civil watchdog, investigating county government departments and agencies, joint powers authorities, special districts and city governments. Over the course of a one year term of service, the TCGJ completes multiple investigations addressing all manner of topics across the county. Reports are written and published with findings and recommendations, and include due dates for responses from the entities investigated. The California Penal Code defines the manner and time frame for responses. Because the term of each TCGJ is limited, tracking of the responses becomes the responsibility of the subsequent jury.

Due to the pandemic, the 2019-2020 Tuolumne County Grand Jury's term was extended from June 30 to December 31, 2020. The next Grand Jury was impaneled in February 2021 and their term ends June 30, 2022. Normally there would be a 2020-2021 Grand Jury who would be responsible for tracking the responses of the 2019-2020, but it became the task of the 2021-2022 Grand Jury.

On June 26, 2020, the 2019-2020 Tuolumne County Grand Jury issued its final report. It included investigative reports on:

- Amador Tuolumne Community Action Agency
- Tuolumne County Employment Practices
- Tuolumne County Fire Safety
- Tuolumne County Jail
- Tuolumne County Transit Program
- Tuolumne Utilities District
- Sierra Conservation Center and Baseline Camp

The 2021-2022 Grand Jury received all responses from required elected officials and governing bodies within the required time frame. Many of the agencies accepted the Grand Jury's findings and took recommended corrective actions in a reasonable time frame. When an agency disagreed with the Grand Jury's recommendations, they usually provided explanations.

Disclaimer:

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

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GLOSSARY

ACES	Animal Care and Equipment Services
ATCAA	Amador Tuolumne Community Action Agency
County Counsel	Primary legal advisor to the Board of Supervisors and other county departments, committees, and commissions.
DAR	Dial-A-Ride – On-demand bus service provided by TCTA, serving customers unable to utilize fixed-route bus lines.
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
GFCI	Ground-fault circuit interrupter
GHG	Greenhouse Gas
Public Defender	Director of program providing legal counsel and representation to adult and juvenile indigents charged with criminal violations
PUPP	Prisoners Uniting People & Puppies
SCC	Sierra Conservation Center
Team ELITE	Evacuation of Livestock in Tuolumne Emergencies
TCBC	Tuolumne County Business Council
TCGJ	Tuolumne County Grand Jury
TCTA	Tuolumne County Transit Agency
TCTC	Tuolumne County Transportation Council
TEDA	Tuolumne Economic Development Authority
TUD	Tuolumne Utilities District
ZEV	Zero-Emission Vehicle

BACKGROUND

The 2019-2020 Grand Jury requested responses from certain agencies and officials, and required responses from the following elected officials and governing bodies:

- Tuolumne County Board of Supervisors
- Tuolumne County Sheriff
- Tuolumne Utilities District Board of Directors

If the Grand Jury has issued a report about any public agency, California Penal Code 933 requires the governing body to respond within ninety days to the presiding judge of the Superior Court. If a report contains findings or recommendations relating to a department or agency headed by an elected county official, that official must also respond within sixty days.

2019-2020 Response Statistics

There were seven reports issued by the 2019-2020 TCGJ. These seven reports made a cumulative total of 29 recommendations. The 2021-2022 TCGJ reviewed all responses from the investigated agencies and found all elected officials and governing bodies responded on time. In many cases responses were also submitted, though not required, from appointed officials and agency directors.

METHODOLOGY

Findings and recommendations from the 2019-2020 Grand Jury's reports are excerpted in italics in each section. All agency responses to the Grand Jury's recommendations are then summarized in tables asking whether the response complied with one of the four options set forth in Penal Code, Section 933.05(b)(1)-(4), which requires the respondent to report one of the following actions:

The recommendation has been implemented, with a summary regarding the implemented action.
The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe [sic] for implementation.
The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe [sic] for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed not to exceed six months from the date of the publication of the Grand Jury report.
The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Further explanation is provided below the table where clarification is warranted. In some cases the language used by the respondent did not fall into one of the four statutory categories. These are marked with "The response language differs from the Penal Code requirements," and a brief summary of the response is provided below the table.

1. Review of Responses to the Amador Tuolumne Community Action Agency Report

Summary

According to the Amador Tuolumne Community Action Agency (ATCAA) Report, the 2019-2020 Grand Jury initially decided to investigate ATCAA out of a desire to learn more about the agency. As stated in the report, most of the Grand Jury members had only a limited understanding of the services ATCAA provides to the community of Tuolumne County. During the investigation, the Grand Jury learned of the compelling history of Community Action Agencies, and its members were subsequently deeply impressed by the professionalism, innovation and creativity, and dedication to our community demonstrated by ATCAA. The Grand Jury found that 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 people of Tuolumne County. The report described an open atmosphere of cooperation with the entire Mother Lode area, including non-agency programs in both Calaveras and Mariposa counties. The Grand Jury explained that the programs and services discussed in the report represent only a partial accounting of the diverse and comprehensive work that ATCAA does in the community and the Grand Jury commended ATCAA for a job well done.

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 and Responses

The report had one recommendation—to seek funding for a new delivery truck. ATCAA did not respond to this recommendation; however, a response was not required.

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)

The 2021-2022 Grand Jury confirmed that ATCAA has since obtained a new delivery truck that meets current California Air Resources Board standards.

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 community 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 [sic] 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."

2. Review of Responses to the Tuolumne County Employment Practices Report

Summary

The report lays to rest misconceptions related to the County's handling of its recruitment for the position of 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.

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 and Responses

The Grand Jury requested responses from the:

- Tuolumne County Administrator to recommendations R1, R2, R3, and R4
- Tuolumne County Human Resources Director to recommendations R3 and R4

The Grand Jury received responses to recommendations R1 through R4 from the Tuolumne County Administrator and Human Resources Director. With one exception, the responses largely agreed with the recommendations.

R1, R2. *"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)"*

RESPONDENT	RESPONSE
Tuolumne County Administrator	**The recommendation has not yet been implemented**, but will be implemented in the future.

R3. *"The Grand Jury recommends 1997 Personnel Rules and Regulations are [sic] updated, approved, and posted to the County website by December 31, 2020. (F3)*"

RESPONDENT	RESPONSE
Tuolumne County Administrator and Human Resources Director	**The recommendation has not yet been implemented**, but will be implemented in the future.

The County's response indicated that updated personnel rules had been drafted, were currently under review, and should be presented to the Board of Supervisors for adoption by March 2021. As of the writing of this report, the Personnel Rules and Regulations on the Tuolumne County website are still dated 1997.

R4. *"The Grand Jury recommends County Administration and Human Resources develop a Key Employee Succession plan by June 30, 2021. (F4)"*

RESPONDENT	RESPONSE
Tuolumne County Administrator and Human Resources Director	**The recommendation will not be implemented** because it is not warranted.

The County does not have a formal key employee succession plan, but holds regular conversations with department heads to discuss potential promotions and training opportunities.

3. Review of Responses to the Tuolumne County Fire Safety Report

Summary

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 for how elected officials and the community can prepare for and survive an inevitable destructive wildfire.

This report focused on the following four areas of concern and associated findings and recommendations for improvement:

- Fire Service Delivery
- Lessons Learned from the Camp Fire, Evacuations, Public Service Announcements
- How Individuals Can Prepare
- Animal Evacuations

The Tuolumne County Board of Supervisors ("Board of Supervisors") and County Administrator (collectively, "the County") disagreed with several of the Grand Jury's findings and recommendations. Although the County accepted recommendation R1 (peer review of the recommendations on the state of Tuolumne County's fire departments and recommendations made in the Matrix Report), it did not set a timetable for completion of analysis or implementation of the recommendation.. The County responded that recommendation R2 (replacement of aging equipment) was contingent on the success of voter funding initiatives. Other responses rejected recommendations on the basis that they were unnecessary due to existing protocols and agreements or did not respond to the recommendations.

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 [sic] 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 and Responses

The Grand Jury requested responses from the:

- Tuolumne County Board of Supervisors to recommendations R1, R2, R6, and R7
- Tuolumne County Administrator to recommendations R2 and R3
- Tuolumne County Director of Animal Control to recommendations R4, R5, and R6

The Board of Supervisors and the County Administrator issued a joint response to recommendations R1, R2, R3, R6, and R7. The Tuolumne County Director of Animal Control did not respond to these recommendations; however, a response was not required.

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)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Tuolumne County Administrator	The response language differs from the Penal Code requirements.

Although the Board of Supervisors and County Administrator accepted recommendation R1, they did not commit to a plan for the recommended actions or give a timetable for the actions.

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)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Tuolumne County Administrator	The response language differs from the Penal Code requirements.

The Board of Supervisors' response stated that such a plan already exists but measures to fund replacement of aging fire engines and equipment have been unsuccessful to date. Fire agencies recently collaborated on a measure to approve a county parcel tax (Measure V), which was not passed in the June 2021 special election. No alternatives were given if Measure V did not pass.

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)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Tuolumne County Administrator	**The recommendation has been implemented**.

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)

The Tuolumne County Director of Animal Control did not respond to this recommendation; however, a response was not required. No one else was asked to respond.

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)

The Tuolumne County Director of Animal Control did not respond to this recommendation; however, a response was not required. No one else was asked to respond.

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*)*

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Tuolumne County Administrator	**The recommendation will not be implemented** because it is not warranted.

The Board of Supervisors and County Administrator responded that agreements satisfying this recommendation already exist with partnerships between Tuolumne County Animal Control, Animal Care Emergency Services (ACES), and Evacuation of Livestock in Tuolumne Emergencies (Team ELITE).

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)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	**The recommendation has not yet been implemented**, but will be implemented in the future.

4. Review of Responses to the Tuolumne County Jail Report

Summary

California Penal Code, Section 919(b), requires the Grand Jury to inquire into the condition and management of "public prisons" within the county. The Tuolumne County Jail is operated by the Tuolumne County Sheriff's Department. The 2019-2020 Grand Jury found that the existing jail facility is old, deteriorating, and obsolete. Its inspection revealed safety concerns that were documented in the Grand Jury's report. Since the Grand Jury's report, construction of a new jail has been completed.

The 2019-2020 Grand Jury received citizen complaints regarding living conditions in the old jail. The Grand Jury determined that the bedding provided to inmates at the Tuolumne County Jail exceeded Title 15 requirements. The Grand Jury encouraged 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. The Tuolumne County Sheriff's Department, Board of Supervisors, and County Administrator largely agreed with the recommendations.

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 and Responses

The Grand Jury requested responses from:

- Tuolumne County Sheriff: recommendations R1 through R5

- Tuolumne County Risk Manager: recommendations R1 and R5
- Tuolumne County Board of Supervisors: recommendation R5

The Tuolumne County Sheriff, Board of Supervisors, and County Administrator provided responses. The 2021-2022 Grand Jury did not see a response from the Tuolumne County Risk Manager, however, one is not required

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)

RESPONDENT	RESPONSE
Tuolumne County Sheriff	**The recommendation has not yet been implemented**, but will be implemented in the future.

R2. *"The Grand Jury recommends continued compassionate and respectful treatment of inmates as warranted."*

RESPONDENT	RESPONSE
Tuolumne County Sheriff	**The recommendation has not yet been implemented**, but will be implemented in the future.

R3. *"The Grand Jury recommends continued and expanded jail programs in the new jail."*

RESPONDENT	RESPONSE
Tuolumne County Sheriff	T**he recommendation has not yet been implemented**, but will be implemented in the future.

R4. *"The Grand Jury recommends facility personnel take appropriate measures to stop the progress of mildew in women's shower areas."*

RESPONDENT	RESPONSE
Tuolumne County Sheriff	**The recommendation has been implemented**.

R5. *"The Grand Jury recommends replacing electrical panels or installing a waterproof wall separating the plumbing from the electrical."* (F5

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Tuolumne County Sheriff	**The recommendation will not be implemented** because it is not warranted.

The Board of Supervisors and County Administrator agreed with the recommendation and noted that this issue would "need to be addressed if the building continues to be occupied after the move to the new jail," but no timeline was provided. The sheriff also agreed with the recommendation, but noted that the jail was scheduled to be closed at the end of 2020 and that "this would be an expensive project."

5. Review of Responses to the Tuolumne County Transit Program Report

Summary

The purpose of this investigation was 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 report documents the efficiency of the transit program and how the agency is positioned to reduce GHGs to zero emissions. Findings and recommendations regarding improvement of the TCTA operations are provided to enhance the existing program with the goal of reducing GHGs to mandated levels.

TCTA agreed with most Grand Jury findings but challenged Finding F2, which stated that its fleet consists of over-sized and fuel-inefficient buses. TCTA accepted or partially accepted most recommendations, although it partially disagreed with recommendation R2 to move toward smaller fuel-efficient vehicles. They did not pledge any timetable for its response to recommendation R4 for implementation of a public outreach and advertising program due to a stated need for funding. TCTA did not provide a response to recommendation R5.

Findings

F1. *"The Grand Jury finds that some fixed routes consistently display low and declining ridership."*

F2. *"TCTA uses over-sized and fuel inefficient buses to accommodate an expected, but un-materialized, 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 and Responses

The Grand Jury requested a response from:

- Tuolumne County Transportation Council (TCTC) Executive Director to recommendations R1 through R5

It received a response from the TCTA Executive Director to recommendations R1 through R4.

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)

RESPONDENT	RESPONSE
Tuolumne County Transportation Council Executive Director	**The recommendation has not yet been implemented**, but will be implemented in the future.

R2. "*The Grand Jury recommends, prior to the roll-out 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)

RESPONDENT	RESPONSE
Tuolumne County Transportation Council Executive Director	**The recommendation has not yet been implemented**, but will be implemented in the future.

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 traveled, as well as qualitative measures such as community benefit and passenger service."* (F3)

RESPONDENT	RESPONSE
Tuolumne County Transportation Council Executive Director	**The recommendation has not yet been implemented**, but will be implemented in the future.

R4. *"The Grand Jury recommends improving website usability [sic], and revising and improving advertising strategies, public outreach venues and implementing the improvements outlined in the 2019 Passenger Analysis."* (F4)

RESPONDENT	RESPONSE
Tuolumne County Transportation Council Executive Director	**The recommendation has not yet been implemented**, but will be implemented in the future.

The response indicates that the recommendation "will be implemented in the future" and that the TCTC "will seek funding for an updated Transit Marketing Plan in the next year to address the Grand Jury's findings and recommendations."

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)

RESPONDENT	RESPONSE
Tuolumne County Transportation Council Executive Director	The response language differs from the Penal Code requirements.

The 2021-2022 Grand Jury has not seen a response from the TCTC Executive Director to recommendation R5.

6. Review of Responses to the Tuolumne Utilities District Report

Summary

The 2019-2020 Grand Jury received citizen complaints regarding potential conflicts of interests held by individual members of the Board of Directors (Directors) of the Tuolumne Utilities District (TUD), and whether it is appropriate for TUD Directors to hold 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 TUD.

TUD issued an extensive 17 page reply to the Grand Jury's five findings and four recommendations in which TUD stated "it disagrees" with all Findings and that most of the Grand Jury's recommendations would not be implemented, as summarized below.

The General Manager and three of the five members of the Board of Directors who were in place during the Grand Jury's investigation are no longer serving in those capacities. This includes the director, referred to as "Director B" in the Grand Jury report, who was the subject of the conflict of interest allegations.

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 and Responses

The Grand Jury requested responses from:

- TUD Board of Directors to recommendations R1 through R4.

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)

RESPONDENT	RESPONSE
TUD Board of Directors	**The recommendation will not be implemented** because it is not warranted.

The TUD Board of Directors did not agree with the Grand Jury's finding, and therefore did not accept the recommendation.

R2. *"The Grand Jury recommends that the TUD Board re-evaluate 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)

RESPONDENT	RESPONSE
TUD Board of Directors	**The recommendation will not be implemented** because it is not warranted.

TUD's response states that it "disagrees with this recommendation," that the Mountain Springs Golf Course agreement is already fully transparent, and that TUD will not modify the agreement or TUD's rules and regulations.

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)

RESPONDENT	RESPONSE
TUD Board of Directors	**The recommendation will not be implemented** because it is not warranted.

TUD's response agrees that "all elected officials should recuse themselves while making public decisions on behalf of the organizations they represent when a conflict of interest exists" and states that TUD Directors "do and have consulted with the FPPC" regarding conflicts of interest. However, TUD's response maintains that the agency complied with all applicable conflict of interest rules, whereas the Grand Jury identified potential conflicts of interest and/or the appearance of conflicts of interest by a TUD Director.

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)

RESPONDENT	RESPONSE
TUD Board of Directors	**The recommendation will not be implemented** because it is not warranted.

TUD disagreed with the recommendation to review the policy on representation at outside organizations, explaining that the agency had recently "reviewed and updated its Board Policies

and Procedures consistent with industry best practices." TUD's response, however, did not explain what those practices entailed or how they addressed the Grand Jury's recommendations.

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

Summary

Each year, the Grand Jury is tasked with inquiring into the condition and management of the Sierra Conservation Center and Baseline Conservation Camp. 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 their inspection an investigation, but rather its statutory duty to visit the local prison facilities. The 2019-2020 Grand Jury sent a group of its members to tour the Sierra Conservation Center and Baseline Conservation Camp.

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. *"The Grand Jury observed inhibited access to the eyewash station at Baseline Conservation Camp."*

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 well being of the community."*

Recommendations and Responses

The Grand Jury requested responses from:

- The Sierra Conservation Center Warden to recommendation R1

- The Baseline Conservation Camp Commander to recommendations R2 through R4

The Sierra Conservation Center Warden issued a response to all four recommendations that largely accepted the Grand Jury's 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)

RESPONDENT	RESPONSE
Sierra Conservation Center Warden	**The recommendation will not be implemented** because it is not warranted.

The Sierra Conservation Center Warden states that the recommendation "has been noted," but explains that visitors are informed "about possible alarms and what procedures to follow" and that the alarm system meets "current statewide standards."

R2. *"The Grand Jury recommends GFCI outlets be installed immediately in all potentially wet areas."* (F2)

RESPONDENT	RESPONSE
Sierra Conservation Center Warden	**The recommendation has not yet been implemented**, but will be implemented in the future.

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)

RESPONDENT	RESPONSE
Sierra Conservation Center Warden	**The recommendation has been implemented**.

R4. *"All cement steps and walkways at Baseline Conservation Camp should be inspected immediately and properly marked to prevent any tripping hazard."* (F4)

RESPONDENT	RESPONSE
Sierra Conservation Center Warden	**The recommendation has been implemented**.

2020 - 2022 TUOLUMNE COUNTY GRAND JURY

CONTINUITY REPORT

I authorize the 2020 - 2022 Tuolumne County Grand Jury Continuity Report to be released on or after the date of my signature.

DATED this 7th day of February, 2022.

LAURA LESLIE KRIEG
Assistant Presiding Judge