

Tuolumne County Civil Grand Jury 2020-2022 Final Report Summaries



Photo by Berry Kercheval, 2022

INSIDE:

<u>Tuolumne County Civil Grand Jurors</u>	2
<u>Foreperson's Message</u>	3
<u>Continuity Report</u> (released 2/11/2022)	4
<u>Adult Protective Services Report</u> (released 4/15/2022)	5
<u>Tuolumne Utilities District Report</u> (released 5/12/2022)	7
<u>Dambacher Detention Center Report</u> (released 6/3/2022)	11
<u>Mother Lode Regional Juvenile Detention Facility Report</u> (released 6/14/2022)	12
<u>Employee and Public Safety Report</u> (released 6/24/2022)	13
<u>Sierra Conservation Center</u>	16
<u>Disclaimer</u>	16
<u>The Civil Grand Jury Experience</u>	17
<u>Response Tracking</u>	19

Tuolumne County Grand Jury Final Report Summaries

Tuolumne County Grand Jury



Tuolumne County 2020-2022 Civil Grand Jury

Judge Laura Krieg, Supervising Judge
Hector Gonzalez, Court Executive Officer



Sarah Carrillo, County Council
Cassandra Jenecke, District Attorney

Alicia Bergmann, Foreperson

Gregory Humphrey, ProTem

Jeanie Smith, Secretary

Dan Belarmino

Michael Cunningham

Lorna Dean

Elisabeth Esposito

Cynthia Gugg

Paul Gugg

Gail Harrison

Berry Kercheval

Lawrence Marum

Sonja Marum

Valerie Ogletree

Conal O'Neill

Eric Stouffer

Tuolumne County Grand Jury Final Report Summaries

Foreperson's Message

June 30, 2022

To the Citizens of Tuolumne County:

As the foreperson on the 2020-2022 Tuolumne County Grand Jury, it has been my privilege and honor to serve for and serve with many wonderful people who call our county their home. It is a special, diverse, wise, and giving community.

There are so many people to acknowledge and thank for their contributions. And if I miss a name or five, you can chalk it up to the sheer number of smart, talented, and committed people we, as your Grand Jury, got the privilege of interacting with on an almost weekly basis.

The first group I want to thank and appreciate are the 16 jurors who served this term to completion. What an amazing core of bright, funny, engaging, inquisitive, and committed women and men from all ages and careers and walks of life. This committed group agreed to participate for an extended term to work through the COVID19 pandemic, which truly changed how everyone would and could work together on tasks, challenges, and opportunities that few of us have faced in our lives and careers. It was an epic journey where we learned to engage with and trust each others' opinion, inquisitiveness, and plain hard work. Thank you, my new friends.

Many thanks also to key members of the Tuolumne County Superior Court:

- Judge Krieg, Supervising Judge, for selecting a diverse group of people to serve on our jury.
- Judge Siebert, Presiding Judge, for training us on how to avoid bringing personal biases and inspiring us to be better jurors.
- Hector Gonzalez, Court Executive Officer, for his invaluable support to make our jury successful.

Thank you, as well, to our incredibly helpful Tuolumne County staff:

- Trevor Gregg, IT Supervisor, for always having the time to address our technology questions.
- Liz Peterson, Senior Administrative Analyst, for listening to our concerns about in person meeting and helping us find solutions.
- District Attorney and County Counsel, for the hours of time reviewing reports and providing guidance to help us understand our roles.

Finally, and on behalf of the 2020-2022 Tuolumne County Civil Grand Jury, I am pleased to share summaries of the six investigative reports released during our term. We hope this new format will encourage more of you to review these reports, spark an interest in the civil grand jury system, and possibly encourage some of you to volunteer to be a grand juror in the future. You will not regret the experience.

Submitted respectfully and with gratitude to so many,

Alicia Bergmann

Tuolumne County Grand Jury Final Report Summaries

Continuity Report

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. 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 Grand Jury's term was extended from June 30 to December 31, 2020. The next Grand Jury was impaneled in February 2021 with a term that ran through June 2022. The 2020-2022 Grand Jury was responsible for tracking the responses of the 2019-2020 Grand Jury.

The 2019-2020 Tuolumne County Grand Jury issued its final report that 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 2020-2022 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. In a lengthy response, one agency disagreed with all the Grand Jury's findings and several of its recommendations. When an agency disagreed with the Grand Jury's recommendations, they usually provided explanations.



Photo by Berry Kercheval, 2022

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.

There were seven reports issued by the 2019-2020 TCGJ with a cumulative total of 29 recommendations. The 2020-2022 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.

View [full report](#)

Tuolumne County Grand Jury Final Report Summaries

Adult Protective Services

Adult Protective Services (APS) is a branch of the Tuolumne County Department of Health and Human Services Agency (HHSA). It has been seven years since the Tuolumne County Grand Jury last provided a comprehensive review of the APS. This lapse prompted the 2020–2022 Grand Jury to conduct a new investigation to determine how APS is presently addressing the needs of the county's older population, specifically in the area of elder abuse.

APS functions to serve all dependent and elder adults with a protective need in Tuolumne County. A *dependent* adult is any person 18 through 64 years of age who has physical or mental limitations which restrict his/her ability to carry out normal activities. An *elder* adult is any person 65 years of age and older. APS investigates situations where dependent and elder citizens are abused or exploited or where they cannot care for themselves with the aim of protecting and supporting them in their home environment whenever possible. Participation is voluntary in APS activities. Each client has the right to refuse services, if they so choose. Clients are not charged for services.

In a nine-month period in 2021 there were nearly 500 referrals to APS in Tuolumne County. More than half of all referrals related to self-neglect, and three-fourths of these regarded health and safety. The most frequent referrals for elder abuse were for financial exploitation (42%) followed by psychological/mental abuse (20%) and neglect (19%).

The Grand Jury interviewed several members of APS' highly capable and dedicated, yet shorthanded, staff who are available to provide direct aid, counseling, and services. They also provide connections to other resources for additional help like rides, meals, and in-home services. Considering the recent changes in the heightened number of cases, and the lack



Photo by Sonja Marum, 2022

of investigators and social workers available to take on the additional workload, it appears that many *at risk* seniors may not be getting the help they need.

The Grand Jury investigated sectors of the community to find out how much awareness there is about APS. The Grand Jury concluded that very little information is available in the community about the agency. Seniors end up alone for various reasons and may not realize there is help for them. As seniors begin to feel invisible, self-neglect may become a problem. Families with senior members often don't know how to handle these situations because they don't know where to turn. The impact may be a reduction in the quality of life and loss of independence for many of our citizens that could be prevented.

California law requires certain professionals to be Mandated Reporters of elder abuse. This includes health care providers, caregivers, pharmacists, clergy, and social workers. The Grand Jury found that many Mandated Reporters did not understand their legal role.

Information about elder abuse and the services provided by APS were not available at the facilities and organizations that provide care for

Tuolumne County Grand Jury Final Report Summaries

Adult Protective Services

the elderly. APS has not adequately addressed public education and awareness in Tuolumne County and appears understaffed and underpaid compared to neighboring counties. Despite this, APS is to be commended for its dedication and prompt response to referrals, resolving 168 of 213 cases (79%) within 30 days of referral.

The Grand Jury believes that the recommendations in this report will serve to not only raise the awareness of the existence of APS, but also improve the administration of the services the agency provides. This will further protect elders from serious abuse and neglect.

View [full report](#)

Recommendations

R1. The management of HHSA, through the Tuolumne County Board of Supervisors, should advocate for increased funding from federal and state resources. The State of California recently announced a \$31 billion budget surplus. The time seems right to aggressively seek additional funding. Increased staffing should be a priority to address the previous staff cuts that were not replaced. The Grand Jury recommends that positions to be added should include at least one full time social worker for APS. This should be completed by the end of the calendar year 2022.

R2. The Grand Jury recommends that the Tuolumne County Board of Supervisors consider an off-cycle increase in the pay level of the respective social services staff. It is recommended that a class and compensation study be performed of the parity of salaries be completed and the salary adjustments made before the end of the calendar year 2022.

R3. The Grand Jury recommends that APS should provide formalized training for all new social services staff. This should include training on all policies and procedures. Continuing education should be provided for established employees. If on-line training is appropriate, time and resources should be provided to the employees during regular work hours.

R4. APS should take the lead to develop a formalized community approach to public awareness, prevention, and education of elder abuse. The Grand Jury recommends that within six months the HHSA create a temporary position or hire an independent contractor as a Community Awareness and Outreach Analyst to address the apparent lack of community awareness. This individual should analyze the need for outreach and training, and create a program of written and social media outreach to inform the public and community at large about elder abuse and the services available to aid and protect seniors over 65 in need of help. The person hired should have a background in marketing, skills in communication, and social media marketing, and be able to set up an ongoing maintenance system to annually monitor the effectiveness of the efforts.

R5. APS should actively contact the agencies where information about the role of APS would be of value. APS should request of these organizations that the APS brochure be prominently placed in the lobby, reception area, or bulletin board. APS should educate the management of these agencies about the mission of APS. The Community Awareness and Outreach Analyst should be directed to implement these recommendations.

R6. The Grand Jury Recommends that APS should spearhead a campaign to educate Mandated Reporters regarding the methods to recognize and report suspicions of elder abuse. The Community Awareness and Outreach Analyst should be directed to implement this recommendation.

Tuolumne County Grand Jury Final Report Summaries

Tuolumne Utilities District: Water is Life

In drought-susceptible Tuolumne County, water is a critical ingredient for our lives and livelihoods. The county's largest supplier of water, Tuolumne Utilities District (TUD), was formed in 1992 and has consolidated other water systems and inherited infrastructure, some of which dates back to the Gold Rush. This process of consolidation and acquisition continues as TUD is negotiating the acquisition of historic water rights and infrastructure from Pacific Gas & Electric Company (PG&E) that would include reservoirs, power generating equipment, and the Tuolumne Main Canal.

The 2020–2022 Tuolumne County Grand Jury investigated TUD to better understand its plans and operations. TUD has previously been investigated by several grand juries over the past decade. Some of the findings and recommendations from the 2019–2020 Grand Jury were disputed by TUD which, when added to the recognized importance of the agency's operations and the significance of its proposed projects and acquisition, prompted the current investigation. Also drawing the Grand Jury's attention, TUD has often been in the news and has had frequent changes in general managers and members of the board of directors.

The Grand Jury is thankful for the district's cooperation and impressed by the staff and leaders with whom it had the opportunity to discuss TUD's critical functions.

View [full report](#)

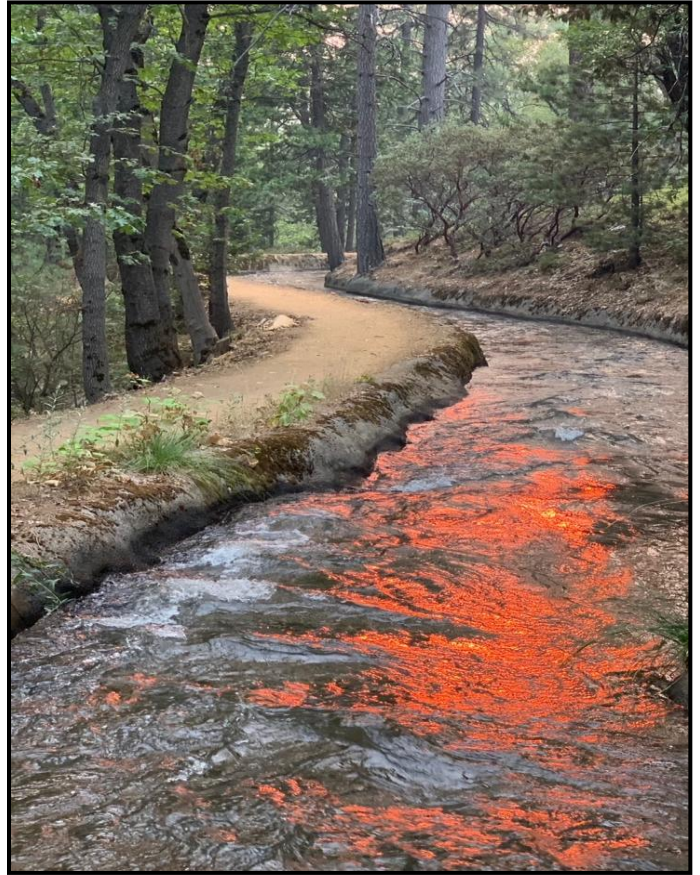


Photo by Paul Gugg, 2022

When the well's dry, we know the worth of water.

- Benjamin Franklin

Tuolumne County Grand Jury Final Report Summaries

Tuolumne Utilities District: Water is Life

Part 1. Finance, Management, and Operations

With regard to finances, the Grand Jury found that TUD maintains its course to keep rates low in accordance with the 2015 rate study; however, revenue has not kept pace with the need to improve its aging infrastructure, offset inflation, and ensure the district is positioned to capitalize on highly-anticipated and much-needed grants. Likewise, the Grand Jury found that TUD's budget is not providing adequate contingency reserve funding, as illustrated by the discrepancy between damage from one 2022 storm event compared to the contingency

funding set aside in the Fiscal Year 2022 budget. This report, therefore, includes recommendations for improvements in this regard.

The Grand Jury also investigated TUD's new connections policy, finding that the agency has a clear and appropriate new connections process and has not impeded county development through denial of new connections. On this basis, this report includes a commendation to TUD for facilitating new connections, despite the challenges of geography and infrastructure in its service area.

Recommendations

R1.1: TUD should continue to seek grant funding for its capital improvement needs. Recognizing the recent passage of the Infrastructure Investment and Jobs Act, the next several years could be a watershed opportunity for funding upgrades to aging infrastructure in the utilities sector. TUD should ensure it is prepared to meet oncoming changes by:

- staying abreast of grant qualification thresholds (i.e., proportional rate percent of MHI);
- dedicating the best people and pool resources to prepare successful grant applications; and
- ensuring it has adequate resources for matching/contributing grant and loan funding requirements.

R1.2: Because the timing and availability of grant funding are beyond TUD's control, the TUD Board of Directors should also consider undertaking a new rate study by January 2023 that addresses CIP funding, specifically:

- the funding of infrastructure consolidation projects already in the CIP;
- ensuring revenue supports not just the marginal cost of supplying water but CIP and inflation; and
- identifying additional savings opportunities that could be applied to infrastructure modernization and improvement.

R1.3: The TUD Board of Directors should consider undertaking a new rate study by January 2023 that re-evaluates the adequacy of TUD's contingency reserve funding. This should include an analysis of the sufficiency of the two percent contingency target reserve and how reserve fund levels are tracked and reported.

Tuolumne County Grand Jury Final Report Summaries

Tuolumne Utilities District: Water is Life

Part 2. Personnel and Leadership Changes

Leadership changes are a natural part of organizational maturity and community politics.

This report includes findings on the potential costs of leadership changes and offers recommendations on how TUD can minimize unnecessary personnel change, establish time-proven selection criteria, and retain the district's best workers.

Recommendations

R2.1: Prior to the next performance review/compensation cycle, the TUD board should adopt a policy that establishes the process for hiring and firing, evaluating the performance of, and adjusting the compensation of the general manager.

R2.2: The TUD board should consider including a role for TUD department managers and other agency employees (e.g., via a "360-degree" review process) in any policy adopted pursuant to R2.1. Similarly, TUD should consider involving subordinate employees in the hiring process and performance review appraisals for other members of the TUD staff such as department managers.

R2.3: Particularly in light of recent trends in the labor market, TUD should, within the next year, consider:

- commissioning an updated evaluation of employee salary structures and benefits packages; and
- adopting a policy for the regular evaluation of manager and other employee salary structures that:
 - uses a salary survey allowing for comparison with other comparable agencies in the region that provide water and wastewater services and are comparable in size to TUD; and
 - requires a new salary survey, at a minimum, every five years and posts the survey on TUD's website, along with compensation information for TUD board members and employees.

Tuolumne County Grand Jury Final Report Summaries

Tuolumne Utilities District: Water is Life

Part 3. Water Rights and Future Development

Involved in a critical water rights and facilities acquisition project, TUD must be transparent and garner community support to a degree it has not needed in its thirty-year existence. The agency must also prepare for its new roles in wildlife enhancement and recreation that are natural adjuncts to the PG&E acquisition and

unfinished Phoenix Lake Preservation and Restoration Plan. To accomplish these activities, which are currently outside of its primary mission, and to update its aging infrastructure, the Grand Jury calls on TUD to be laser-focused on developing a plan for acquiring funding and amending its strategic plan to include stronger environmental and recreational goals and objectives.



Recommendations

R3.1: TUD should designate a “point person” to answer public inquiries regarding the PG&E acquisition. Without further delay, TUD should disclose to the public all non-confidential information regarding the current state of discussions regarding the PG&E acquisition.

R3.2: TUD should provide a clear explanation of the benefits to the TUD ratepayer associated with the direct costs of the proposed acquisition, as well as ancillary costs such as the hiring of a professional negotiator and a public relations firm.

R3.3: By June 2023, TUD should actively develop a plan and pursue funding for full implementation of the PLPRP.

R3.4: The TUD board should amend its strategic plan to include stronger environmental and recreational goals and objectives by June 2023.

Tuolumne County Grand Jury Final Report Summaries

Dambacher Detention Center: A new day for Tuolumne County

Dambacher Detention Center, the new Tuolumne County Jail, has been housing inmates since January 2021. The Grand Jury finds the facility to have vastly improved security, aesthetics, and offers an improved environment for inmates and jailers alike compared to the old jail. The facility offers increased capacity and has medical and dental facilities reducing the need to transport inmates to outside services. There are more classrooms, exercise yards, and a layout that permits safer movement of inmates within the complex. A well-designed intake area allows new detainees to be processed into the jail effectively, efficiently, and more safely. Virtual visiting rooms have been an asset during COVID-19.

Some problems with the mechanical systems have plagued the facility, including loss of hot water and loss of heating and cooling. Although improved classroom facilities are available, they have largely been unused due to COVID-19 and educational programs have been at a standstill. Staffing shortages and forced overtime have been an ongoing issue that has carried over from the old jail and may be causing burnout and further staff losses. There also have been staff losses due to transfers to other counties, to the Sheriff patrol division and some injury losses. Recruiting has not been yielding as many new employees as needed. Offering more competitive salaries could improve recruitment success.

View [full report](#)



Photo by Cynthia Gugg, 2022

Recommendations

R1: The Grand Jury recommends to have facilities maintenance test HVAC air conditioning systems by June 1, 2022, and if the problems are not resolved and the system is not functioning correctly by July 1, 2022, then hire a third party consultant to analyze and recommend a solution by August 1, 2022.

R2: The Grand Jury recommends that inmate complaints about the availability of hot water continue to be monitored. If complaints continue, then a third-party consultant should be hired to analyze and recommend a solution by August 1, 2022.

R3: The Grand Jury recommends that virtual education and programs be offered during COVID-19 restrictions and continue as additional programs when in-person education and programs are offered. Programs should be in place by September 1, 2022.

R4: The Grand Jury recommends that the Tuolumne County Board of Supervisors consider an off-cycle increase in the pay level of the respective jail staff. It is recommended that a class and compensation study be performed of the parity of salaries be completed and the salary adjustments made before the end of the calendar year 2022.

Tuolumne County Grand Jury Final Report Summaries

Mother Lode Regional Juvenile Detention Facility: A model for youth detention

The Mother Lode Regional Juvenile Detention Facility (MLRJDF) opened in 2017. Previously youths whose detention was ordered by the courts for delinquency or criminal behavior were detained in facilities far from the county. Long travel distances and fees were costly for the county, the courts, Probation and Children's Welfare Services staff, and especially for families. Having a local facility aids family reunification and the return of youths to their local schools and community.

The priority of the juvenile justice system is to rehabilitate rather than to punish. Juvenile crime has decreased in recent decades, but youth detention has an important role in the rehabilitation process for many youths. The majority of youth who are detained have suffered multiple traumas including abuse, neglect or exposure to violence that may have lifelong health consequences. Interventions that address the emotional, educational, behavioral needs of these youths can build resiliency, reduce recidivism and adult criminal behavior, and have been shown to be cost effective.

The Grand Jury found that MLRJDF provides an exceptional and positive environment for detained youths through trauma-informed services that encourage respect, responsibility, and safety. The on-site educational program provides high quality teaching and leads to educational progress for youths, despite special education needs, personal trauma, and variable lengths of stay in detention. The COVID-19 pandemic limited enrichment programs that rely on community volunteers, but these programs are now returning.

Our neighboring counties of Calaveras, Mariposa, Amador, and Inyo rely on MLRJDF as a regional resource. These counties pay for services for their detained youth and to reserve beds. These revenues and state funds defray

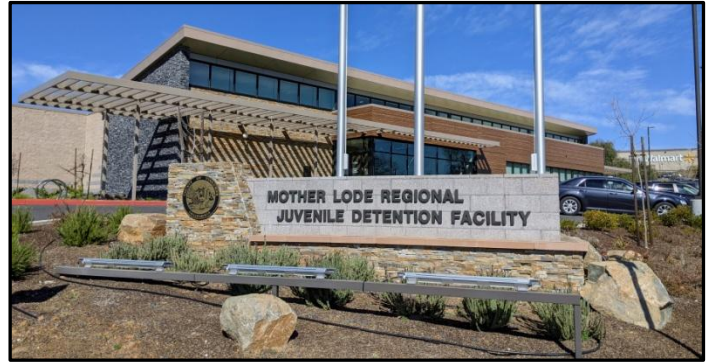


Photo by Cynthia Gugg, 2022

Tuolumne County costs, which has reduced costs per youth per day to less than other out-of-home placements.

The Grand Jury commends the leadership and staff for creating a model program of which we should all be proud.

View [full report](#)

Recommendations

R1: The Tuolumne County Grand Jury recommends continued work with the Department of Public Health, parents or guardians of youths, staff, and prospective volunteers to develop and implement appropriate COVID-19 mitigation measures that will allow a return to enrichment activities that are currently curtailed by September 30, 2022.

R2: The Tuolumne County Grand Jury urges implementation of security upgrades by December 31, 2022.

R3: The Tuolumne County Grand Jury recommends that county Human Resources conduct a review of the salary structure, particularly for entry level staff, at MLRJDF by December 31, 2022.

R4: The Tuolumne County Grand Jury recommends that MLRJDF develop a multi-year plan for accommodation of additional youth and a corresponding staff recruitment plan for additional juvenile correction officers by December 31, 2022.

Tuolumne County Grand Jury Final Report Summaries

Employee and Public Safety

The Grand Jury initiated this investigation due to a citizen complaint regarding employee health and safety, which suggested a lack of leadership by Tuolumne County (County) executives concerning compliance with state safety laws, regulations, and procedures. During the investigation, the Grand Jury found functional deficiencies in the County administration that contributed not just to deficiencies in safety documentation, but other aspects of employee safety and the safety of County residents at large. It was determined that the County does not have a document control system for safety documents, a Safety Management System, or functioning safety committee. The administration lacks a culture that recognizes the importance of safety and that prioritizes, requires, and rewards maintenance of procedures and safety information sharing.

During the investigation, it was also found that the Tuolumne County Administrative Officer (CAO) has not followed through with the commitment to release the updated County Personnel Rules and Regulations which has left them out of sync with current human resource practices. Also, the Grand Jury observed a lack of adherence to or knowledge of the Code of Conduct and Resolution No. 23-15, that establishes rules and regulations of the Board of Supervisors (Board), leading the Grand Jury to recommend improvements.

The Grand Jury is a non-political body whose purpose is to improve the effectiveness of local government and while it does not review or critique policy, it does involve itself in the effects of policy. Based on our investigation, the Grand Jury is concerned about the lack of a united front from all County officials at the beginning of the pandemic, and discord among Supervisors concerning vaccines, testing, and COVID-19 treatments; and suggests this may have compromised our community's health. Our



County has lost 181 citizens to the current pandemic. The Grand Jury hopes that the Tuolumne County Board of Supervisors and County Administration will have the discussion: Could we have done better?

It is the Grand Jury's hope that Tuolumne County will have a more robust Risk Management Program and functioning Safety Management System in place to provide the service and guidance the community will require before the next pandemic or when disaster strikes, as well as to promote day-to-day prevention of injury and illness.

The Grand Jury extends its gratitude to the many people interviewed during this investigation. The respondents were forthright and respectful. Their dedication to the county and its citizens was apparent.

View [full report](#)

Tuolumne County Grand Jury Final Report Summaries

Employee and Public Safety

Part 1: Safety Planning and Documentation

The Tuolumne County Grand Jury 2020-2022 began a review of the HR Department following a citizen complaint that County safety documents were not being updated and maintained. The Department reports to the CAO and is led by the Human Resources/Risk Manager. There are currently five employees, including the manager. The Department is responsible for the County's human resources, labor relations, organizational development, and Risk Management Programs. This investigation focused on the risk management responsibilities and the County's Safety and Loss Prevention Program.

The County Website states that the Safety and Loss Prevention Program provides a safe environment for County employees and members of the public. The program consists of:

- Safety Committee
- Injury and Illness Prevention Program (IIPP)
- Incident Response
- OSHA and HIPAA compliance

From a review of County documents it was apparent that many documents were out of date and/or were missing approval signatures, making it difficult to determine whether the documents were approved or current. Additionally, a previous Grand Jury's recommendation relating to personnel policies and procedures has gone unresolved and/or unaddressed. While interviewees stated safety was among their very top priorities, implementation of the safety priority was not evidenced by promotion and integration of that priority into the County's daily workplace culture. For example, the process of drafting, reviewing, agendaizing, approving, signing, storing, and updating the County's safety documents is not tracked. The Grand Jury

examined the factors that may have contributed to such documents being decades old, and often unsigned with no proof they were approved.

During the investigation, it became apparent to the Grand Jury that safety documents were not the only classification of County documentation that has been neglected. Important County employee documents, like the Tuolumne County Personnel Rules and Regulations, have not been updated for twenty-five years.

Recommendations

R1.1: Tuolumne County Board of Supervisors should mandate the CAO adopt a policy and a document control system (commercial, freeware, or manual) to ensure that safety documents are maintained, updated, and tracked. This should include the date of approval and date of updates with approval signatures. This should be implemented by December 31, 2022.

R1.2: Tuolumne County Board of Supervisors should require the CAO to adopt a Safety Management System for the County that would oversee not just documentation, but all aspects of safety policy, risk management, safety assurance, and safety promotion. This should be put in place by December 31, 2022.

R1.3: The Tuolumne County Human Resources /Risk Manager should reconvene the Safety Committee and ensure it meets regularly with participation from all departments to monitor and update County safety procedures and promote a safety culture within the County. This should be implemented by December 31, 2022.

R1.4: The Tuolumne CAO should follow through with the commitment to update the Personnel Rules and Regulations. This should be implemented by December 31, 2022.

Tuolumne County Grand Jury Final Report Summaries

Employee and Public Safety

Part 2. County Leadership Effectiveness and Support to Employee and Public Safety

As discussed in Part 1 of this report, several Boards of Supervisors and County administrations over the past decades have neglected to update safety documents and personnel policies. Reductions in staffing during the Great Recession, when HR Department staff was reduced from eight to four employees, likely contributed to or exacerbated this issue. In the twelve years following the Great Recession, HR Department staffing levels remained at reduced levels and the County did not rebuild its safety management capabilities. Only at the end of 2020 was one staff member added. The responsibility for staffing levels lies with the Tuolumne County Administration and the Board of Supervisors.

During its investigation, the Grand Jury interviewed Board members and administrative officials and watched videos of Board meetings. In addition, the Grand Jury researched best practices for government entities by reviewing education materials produced by the California State Association of Counties and the League of California Cities, comparing these best practices to the governance procedures adopted in Tuolumne County.

The Grand Jury acknowledges that the County administration and Board have difficult positions and responsibilities, particularly with respect to decision-making on the issues of resource allocation and budgeting. Members of the Board also have significant challenges in representing disparate constituents, while having their own goals, platforms, and

opinions. All five members of the Board are in their first term of office, and are working hard to function effectively. Two members have been in office since January 2019, and three since January 2021. The Grand Jury observed that members of the Board and County administrators are passionate and dedicated to their jobs and constituents. In the course of its investigation, however, the Grand Jury observed instances where, in the Grand Jury's opinion, the Board could improve its governance and adherence to its adopted policies and procedures.

Recommendations

R2.1: The Board of Supervisors should undergo induction as well as annual training on the Board Rules and Regulations and Board Code of Conduct and Code of Ethics. This should be implemented by December 31, 2022.

R2.2: The Board of Supervisors should review, revise, and expand the Code of Conduct and Code of Ethics by December 31, 2022 to include additional details with examples and specific guidance.

R2.3: Supervisors should consult with qualified County staff prior to placing technical or health and safety items on the agenda, to provide accurate and usable information. The Board should revise its Rules and Regulations to include guidance on how this is accomplished and documented by December 31, 2022.

R2.4: The Board of Supervisors should complete, obtain independent review, adopt and implement the draft Tuolumne County Board of Supervisors Governance Manual by December 31, 2022. This should include annual training to ensure supervisors and staff are cognizant of the full contents of the Governance Manual.

Tuolumne County Grand Jury Final Report Summaries

Sierra Conservation Center

California Penal Code §919(b) mandates that the Grand Jury shall inquire into the condition and management of the public prisons within the county. No report is required and can only be issued if it is based on a full investigation. The 2020-2022 Grand Jury interviewed leadership of the Sierra Conservation Center, reviewed health reports, toured the facility, and as a result did not find a full investigation necessary. The Grand Jury appreciates the cooperation of the staff, commends them for their dedication to their jobs, and was impressed with the programs offered to inmates.



Archive photo MyMotherLode.com

Disclaimer

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.

CONFIDENTIAL

Recusal

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 2020-2022 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.

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

Tuolumne County Grand Jury Final Report Summaries

The Civil Grand Jury Experience

History & Role

The California State Constitution requires the establishment of a Civil Grand Jury in each of the state's 58 counties. Each county's Civil Grand Jury acts as a civil "watchdog" to oversee the performance of its local government agencies, service districts, and agencies that receive local government grants. This is a different function from a Criminal Grand Jury's role of issuing indictments. Each Civil Grand Jury consists of 19 citizens from all walks of life who dedicate their time to improve local governance. Many are retired and want to contribute to the community, others have a concern about county operations. Some are repeat jurors who offer experience to new jurors and continuity with past juries.

Selection & Training

Grand Jurors are selected from a candidate pool that is developed from voter registration and Department of Motor Vehicle records, as well as interested individuals who submit an application or are nominated by the Superior Court Judges. A random selection from that pool are sent questionnaires, the returned ones are reviewed, and candidates are called in to be interviewed. Those selected are sworn in and take an oath of confidentiality for life.

Thorough training from the California Grand Jurors' Association includes learning about responsibilities and powers, committees, investigation techniques, and report writing. Participants get to know each other — each of whom has a lifetime of expertise to share.

Committees & Investigations

The court appoints a foreperson and each Grand Jury selects its officers that include a foreperson pro tempore and secretary. Jurors organize into administrative and investigative committees. Administrative committees may include editorial, IT, and social. Other committees are topic/investigation related.

"I was fairly new living up here full time and serving on the Grand Jury has provided me an opportunity to learn what's happening and meet some wonderful new friends. It's a commitment but well worth the time and energy."

"For the curious and concerned, service on the Grand Jury is a chance to look under the hood, learn how the county machinery operates, and find out if there's anything that could use oiling or adjustment. I enjoyed the access and cooperation received from the agencies we engaged. I gained the kind of understanding one only gets from first hand appraisal. I made good friends through the challenges we jurors faced together."

"Grand Jury service is time consuming -- no argument there. But while you're spending time deciding on investigations, interviewing principals, writing reports, editing reports, and re-writing reports, you're also learning that your fellow jurors are some pretty incredible people!"

The Civil Grand Jury selects topics for investigation which are approved by a supermajority vote of 12 or more jurors. These may arise from a citizen complaint ([complaint process](#)), concerns gathered from local news, in a review passed on from the previous Grand Jury reports, or periodic reviews of county agencies. Committees investigate through interviews, site visits, and review of documents to develop facts and findings, and make recommendations for improvement of government and service agency functions. Every Grand Jury is mandated to inquire into detention facilities, which in our county includes the jail, juvenile detention facility, and prison.

Tuolumne County Grand Jury Final Report Summaries

The Civil Grand Jury Experience

Jurors with any conflicts of interest must recuse themselves from associated investigations. The entire Grand Jury meets weekly in a plenary session, while committees meet separately.

Reports

Grand Jury reports are released to agencies and the public after approval by the jury, legal advisors, and judge. They become part of the official records of the Superior Court and are found on the court and county websites. They may be released throughout the year or at the end of the Grand Jury term. Each report includes a discussion of the facts, the methodology used to verify these facts, judgements (findings), and recommendations of the jury. Recommendations state specific actions to be taken by relevant agencies or governing bodies for the purpose of improving government functioning, monitoring the effective use of government funds, and identifying possible corruption. Reports may also issue commendations when excellence and best practices are identified.

COVID-19 and Grand Jury Service 2020-2022

Due to the pandemic of COVID-19 this jury had an extended service year from February 2021 through June 2022. The Grand Jury Suite in the former Tuolumne General Hospital was inadequate for social distancing, so we began to meet virtually through Google Meet. Most plenary meetings, nearly all committee meetings, and most interviews were done remotely. This was safer during the pandemic and was highly efficient. Jurors learned to work collaboratively on documents through this remote work and we came to appreciate the convenience of working remotely.

Jury Service

Grand jurors serve voluntarily for one year beginning in July. They are paid \$15 for each Grand Jury meeting, plus mileage. Grand jurors are not paid for individual committee

"After retirement I missed the opportunity to work on collaborative writing projects. Investigating facts, making judgements (findings) and looking for ways to improve county services (recommendations) is both challenging and rewarding and can contribute to this community that we love."

"I learned so much about how our county operates. It was a wonderful experience, but very challenging at times. I met some wonderful people and some great friendships."

"When I started, I had no idea what a Civil Grand Jury was. Through training and exposure to different viewpoints, I now have a new awareness about this county and appreciation for the dedicated people who serve it. I have come out a better citizen from my time served with the Civil Grand Jury."

meetings. If you [want to apply](#) or if you receive an application in the mail, consider joining - it will be well worth your time!



Photo by Kercheval, 2022

Tuolumne County Grand Jury Final Report Summaries

Response Tracking

2020-2022 Tuolumne County Grand Jury - Required and Invited Responses					
Report Name	Report Date	Agency/Department	Responder	Required Invited Not required	Response Due
Continuity - ATCAA	2/11/2022	ATCAA		Not required	Not required
Continuity - Employment Practices	2/11/2022	Human Resources		Not required	Not required
Continuity - Fire Safety	2/11/2022	BoS, CAO, Animal Control	Kelle Schroeder, Animal Control	Not required	Not required
Continuity - Jail	2/11/2022	BoS, Sheriff, Risk Manager		Not required	Not required
Continuity - Transit Program	2/11/2022	Tuolumne Transit Council		Not required	Not required
Continuity - Tuolumne Utilities District	2/11/2022	TUD Board	Barbara Balen, Board President	Not required	Not required
Continuity - Sierra Conservation Center	2/11/2022	SCC	SCC Warden	Not required	Not required
Adult Protective Services	4/15/2022	Board of Supervisors	Anaiah Kirk, Chair	Required	7/15/2022
		County Administrator	Tracie Riggs, CAO	Invited	7/15/2022
		HHSA	Rebecca Espino, Director	Invited	7/15/2022
Dambacher Detention Center	6/3/2022	Board of Supervisors	Anaiah Kirk, Chair	Required	9/2/2022
		Sheriff	Bill Pooley, Sheriff	Required	8/3/2022
Tuolumne Utilities District	5/12/2022	TUD Board	Barbara Balen, Board President	Required	8/11/2022
		TUD General Manager	Don Perkins, GM	Invited	8/12/2022
Mother Lode Regional Juvenile Detention Facility	6/14/2022	Board of Supervisors	Anaiah Kirk, Chair	Required	9/13/2022
		Probation	Dan Hawks, Chief Probation Officer	Invited	8/13/2022
		MLRJDF	Annie Hockett, Superintendent	Invited	8/13/2022
		Human Resources	Paul Loehr, HR Dir/Risk Manager	Invited	9/13/2022
Employee and Public Safety	6/24/2022	Board of Supervisors	Anaiah Kirk, Chair	Required	9/23/2022
		County Administration	Tracie Riggs, CAO	Invited	9/23/2022
		HR Director/Risk Manager	Paul Loehr, HR Dir/Risk Manager	Invited	9/23/2022