

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

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## **Continuity Report, March 1, 2023:**

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

**2020-2022 Grand Jury Findings and  
Recommendations**

**2022-2023 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 2022-23 Tuolumne County Grand Jury's Continuity Report is a compilation of the 2020-2021 and 2021-22 Grand Jury reports.

On June 30, 2022, the 2020-2022 Tuolumne County Grand Jury issued its final report which included the following investigative reports:

- Tuolumne County Adult Protective Services (APS)
- Tuolumne County Dambacher Detention Center
- Tuolumne County Employee and Public Safety
- Tuolumne County Mother Lode Regional Juvenile Detention Facility
- Tuolumne Utilities District
- Sierra Conservation Center

The 2022-2023 Grand Jury received all responses from required elected officials and governing bodies within the required time frame with one exception. Most 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 § 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**

APS	Adult Protective Services
CDCR	California Department of Corrections and Rehabilitation
CAO	County Administrative Officer
CIP	Capital Improvement Plan
DSA	Deputy Sheriffs Association
GREC	Gold Ridge Educational Center
HHS	Tuolumne County Department of Health and Human Services Agency
HVAC	Heating, Ventilation and Air-Conditioning
MLRJDF	Mother Lode Regional Juvenile Detention Facility
OSHA	Occupational Safety and Health Administration
PG&E	Pacific Gas & Electric Company
PLPRP	Phoenix Lake Preservation and Restoration Plan
SCC	Sierra Conservation Center
SMS	Safety Management System
SPWB	State Public Works Board
TCGJ	Tuolumne County Grand Jury
TCSOS	Tuolumne County Superintendent of Schools
TUD	Tuolumne Utilities District

## **BACKGROUND**

The 2020-2022 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.

### **2020-2022 Response Statistics**

A total of six reports were issued by the 2020-2022 TCGJ. These reports made a cumulative total of 32 recommendations. The 2022-2023 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 2020-2022 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, §933.05(b)(1)-(4), which requires the respondent to report one of the following actions:

<b>The recommendation has been implemented</b> , with a summary regarding the implemented action.
<b>The recommendation has not yet been implemented</b> , but will be implemented in the future, with a timeframe [sic] for implementation.
<b>The recommendation requires further analysis</b> , 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.
<b>The recommendation will not be implemented</b> because it is not warranted or is not reasonable, with an explanation.

A 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 summary of the response is provided below the table.

# 1. Review of Responses to the Tuolumne County Adult Protective Services Report

## Summary

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 dependents and elderly adults with a protective need in Tuolumne County. A dependent adult is any person 18 to 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. The Grand Jury believes that the recommendations in this report will serve to not only raise awareness of the existence of APS, but also improve the administration of the services the agency provides. This will further protect elderly people from serious abuse and neglect.

## Findings

- F1. *“APS does not have enough resources or staff to properly assess, investigate, and address cases putting our vulnerable residents at risk for elder abuse.”*
- F2. *“The salaries of the key roles or positions in APS are not competitive with counties surrounding Tuolumne County impacting staff recruitment and morale.”*
- F3. *“There are limited training opportunities for both new and existing staff in the APS Department stunting staff advancement and impacting workflow.”*
- F4. *“There is a lack of community awareness and knowledge regarding the role of APS. There is also a misunderstanding by the public and other county agencies about that role. It is often thought that APS is trying to remove seniors from their homes when in truth APS tries to connect seniors to the proper resources that will allow them to stay in their homes.”*
- F5. *“The organizations and agencies that interact with older residents, and/or where one might expect to find information about APS, are almost completely lacking the knowledge of the County’s APS department. Opportunities for informing and/or connecting residents with vital services are lost.”*



F6. *“Mandated Reporters are not consistently aware of their responsibilities as such potentially causing an under-reporting of elder abuse cases.”*

F7. *“APS provides an admirable service to the senior and dependent residents of Tuolumne County. The HHSA staff is dedicated and committed to serving APS. Often when associates do leave APS, they stay within the department to continue to serve the community.”*

## Recommendations and Responses

The Grand Jury requested responses from the:

- Tuolumne County Board of Supervisors to recommendations R1 through R6
- Tuolumne County Human Resources Director to recommendations R1 through R6
- Tuolumne County Administrative Officer to recommendations R1 through R6

The County Human Resources Director, Social Services Director and Agency Manager issued a joint response to recommendations R1 through R6. The Board of Supervisors approved the response in their meeting minutes July 5 but did not formally reply to the Grand Jury. The Grand Jury was notified via an email from the County Administrative Officer regarding the approval from Board Meeting minutes dated July 5. No signature page for the APS response was provided. Further, the submitted response was incomplete as text was missing and several responses were not in the proper format. The 2022-23 Grand Jury did not see a response from the Tuolumne County Administrative Officer; however, a response was not required.

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.”* (F1)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

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.”* (F2)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	<b>The recommendation has not yet been implemented</b> but will be implemented in the future.

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.”* (F3)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	<b>The recommendation will not be implemented</b> because it is not warranted.

APS Social Workers are required to participate in educational programs. They are offered during work hours for both Core training and ongoing training for professional growth,

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.”* (F4)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	The response language differs from the Penal Code requirements.

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.”* (F5)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	The response language differs from the Penal Code requirements.

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.”* (F6)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and County Human Resources Director et al	The response language differs from the Penal Code requirements.

## Commendation

*“The Grand Jury is delighted to report that it found the entire staff and leadership of APS give 100% of themselves to making a difference in the lives of the seniors in Tuolumne County. They should be applauded for their understanding, commitment, hard work, and sincere loving care they are giving to our community. The APS system for intake, referral, and case management is well understood by the employees in each of their individual roles to process and protect elders in need of help.”*

## 2. Review of Responses to the Tuolumne County Dambacher Detention Center

### Summary

California Penal Code §919(b) mandates that the Grand Jury in each county inspect the condition of all public prisons every year. California Penal Codes §919(a), 925 and 925(a) authorize the Grand Jury to investigate city and county jails and other detention facilities. The Dambacher Detention Center is named after Sheriff J.H. Dambacher, the county's longest serving sheriff. The construction of this facility was completed in October 2020; all inmates were moved in January 2021. The new jail facility is designed with safety, efficiency, and improvements that will provide a better overall working environment and facility. The Grand Jury found the new facility to be state of the art and impressive yet not excessive. For safety reasons, all interviews were conducted virtually. The live site tour was deferred until the COVID-19 cases in the county were at a level deemed safe.

### Findings

F1. *“The new Dambacher Detention Center facility offers vastly improved safety and security for inmates, staff, and the public at large through a multitude of design improvements compared to the old jail.”*

F2. *“The new Dambacher Detention Center facilities and esthetics offer an improved environment for inmates and staff that could be expected to result in behavioral benefits in the inmate population as well as help with staff recruitment and retention.”*

F3. *“The new Dambacher Detention Center has expanded classroom facilities to support improved educational and training opportunities for inmates as compared to the old jail and the hiring of an educator demonstrates commitment to improving educational programs for inmates.”*

F4. *“Mechanical HVAC systems at Dambacher Detention Center have not been working properly or reliably, which endangers some inmates with heat sensitivities. The new system problems, which could be caused by design or installation errors, have persisted for an unreasonable amount of time.”*

F5. *“The hot water system has not been reliable, causing hardships to inmates who must take cold showers and cannot have hot beverages. The new system teething problems, which could be caused by design or installation errors, have persisted for an unreasonable amount of time.”*

F6. *“Education programs were largely suspended during the COVID-19 pandemic, and this has adversely affected inmates by failing to keep inmates occupied with productive activities that focus on positive behavior. These programs can impact public safety with reduced recidivism and increase prison safety with improved conduct; this opportunity is being missed.”*

F7. *“While Dambacher Detention Center has the technological infrastructure in place to be able to offer virtual education and programs it has not done so during COVID-19 when in-person programs have been limited. This lack of programs has adversely affected inmates by failing to keep inmates occupied with productive activities that focus on positive behavior. These programs can impact public safety with reduced recidivism and increase prison safety with improved conduct; this opportunity is being missed.”*

F8. *“The staffing shortage at Dambacher Detention Center causes mandated overtime which can lead to staff burnout, lower staff retention and adversely affects the County budget.”*

F9. *“The discrepancy in pay compared to other counties leads to higher staff turnover and recruitment challenges.”*

## Recommendations and Responses

The Grand Jury requested responses from the:

- Tuolumne County Board of Supervisors to recommendations R1 through R4
- Tuolumne County Sheriff-Coroner to recommendations R1 through R4
- Tuolumne County Human Resources Director to recommendation R4

The Grand Jury received responses to recommendations R1 through R4 from the Tuolumne County Administrator and Human Resources Director. The 2022-23 Grand Jury did not see a response from the Tuolumne County Administrative Officer; however, a response was not required. The responses largely agreed with the recommendations.

R1. *“The Grand Jury recommends having 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.” (F4)*

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Sheriff-Coroner	<b>The recommendation has been implemented</b> , with a summary regarding the implemented action.

The HVAC system is currently operating correctly. The system will be monitored with County maintenance’s assistance. Prompt action will be taken as required.

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.”* (F5)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Sheriff-Coroner	<b>The recommendation has been implemented</b> , with a summary regarding the implemented action.

Currently, the hot water system is working consistently. The system will be monitored with County maintenance’s assistance. Prompt action will be taken as required.

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 September 1, 2022.”* (F6, F7)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Sheriff-Coroner	<b>The recommendation has been implemented</b> , with a summary regarding the implemented action.

In person programs have begun including GED programs, working with Columbia College for online college coursework and GED testing.

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.”* (F8, F9)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors and Sheriff-Coroner	<b>The recommendation has been implemented</b> , with a summary regarding the implemented action.

The staffing shortages at the Jail have caused retention issues. The County was in the process of negotiations with the Deputy Sheriff’s Association (DSA) at the submittal of their response.

## **Commendation**

*“The Sheriff’s Office and Custody Division have done an exemplary job of overseeing design and construction of the new state of the art facility.” (F1-F3). “The Sheriff’s Office and Custody Division leadership, along with Tuolumne County Superintendent of Schools office, should be commended for their commitment to improving educational programs for inmates with the hiring of a full-time educator.” (F3)*

### **3. Review of Responses to the Tuolumne County Employee and Public Safety Report**

#### **Summary**

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 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 was inconsistent 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 183 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.

The responses are recorded in two sections: (1) Safety Planning and Documentation and (2) County Leadership Effectiveness and Support to Employee and Public Safety.



## **Safety Planning and Documentation:**

### **Findings**

F1.1. *“Tuolumne County does not maintain or update safety documents in a manner consistent with prioritizing employee safety, and the lack of a document control system makes it impossible for a Tuolumne County employee to know if a particular copy of a document is the current release or an obsolete version.”*

F1.2. *“The County’s failure to keep safety documents current have caused some County departments to contract with outside entities to obtain current documents adding to County expenditures.”*

F1.3. *“The Tuolumne County Administration Office does not effectively promote keeping safety documentation up to date with OSHA standards and best practices.”*

F1.4. *“Many shortcomings with safety document maintenance and management can be attributed to the County lacking a Safety Management System that would mandate updating, maintaining, and implementing safety documents.”*

F1.5. *“For many years Tuolumne County has not had a functioning and effective Safety Committee that enables County departments to react to new safety issues, to learn from near misses, or steer an improved safety culture within County departments.”*

F1.6. *“The Tuolumne CAO has not followed through with the commitment to update by March 2021 the Personnel Rules and Regulations adopted in 1997, leaving them out of date compared with current human resource best practices.”*

### **Recommendations and Responses**

The Grand Jury requested responses from the:

- Tuolumne County Board of Supervisors to recommendations R1.1 to R1.4
- Tuolumne County Administrative Officer to recommendations R1.1 to R1.4
- Tuolumne County Human Resources Director/Risk Manager to recommendation R1.1 to R1.3

The Board of Supervisors issued a response to recommendations R1.1 through R1.4. The 2022-23 Grand Jury did not see a response from the Tuolumne County Administrative Officer or the Tuolumne County Human Resources Director/Risk Manager; however, a response was not required.

R1.1. *“The 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.”* (F1.1, F1.2, F1.6)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation requires further analysis.</b>

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.”* (F1.3, F1.4)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation requires further analysis.</b>

The Administration will schedule a time to meet with the IT Director and HR Director to determine the next steps forward. A new system will not be in place by December 31, 2022.

R1.3. *“The Tuolumne County Human Resources Director/Risk Manager should ensure the newly reconvened Safety Committee meets its responsibilities as outlined in the new IIPP with participation by all departments. An assessment of implementation should be reported to the Board of Supervisors by December 31, 2022.”* (F1.5)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

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.”*  
(F1.6)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

The recommendation will not be implemented by December 31, 2022. The changes to the Personnel Rules and Regulations will require the County to enter into labor negotiations with respective unions.

## **County Leadership Effectiveness and Support to Employee and Public Safety:**

### **Findings**

F2.1. *“The Grand Jury finds that the Board meeting rules and regulations adopted pursuant to Resolution No. 23-15 and the Code of Conduct are not consistently followed or well understood by Board members, contributing to inefficient and ineffective meetings.”*

F2.2. *“The Grand Jury finds that the County’s Code of Conduct and Code of Ethics are not specific enough to guide Board of Supervisors and staff behavior towards achieving excellence in governance and the omission of “Provide accurate and usable information” in the recently approved Code of Conduct is unexplained.”*

F2.3. *“The Grand Jury finds that the Board of Supervisors does not have an adequate, structured training requirement for the subjects of ethics, Code of Conduct, or meeting rules of order.”*

F2.4. *“The Grand Jury finds that Supervisors presented material during public Board Meetings without utilizing County professionals to vet the information, resulting in information being presented that was later refuted by the scientific community.”*

F2.5. *“The Grand Jury finds that the draft Tuolumne County Board of Supervisors Governance Manual dated February 2021 has not yet been finalized leaving the Administration without an effective governance document.”*

## Recommendations and Responses

The Grand Jury requested responses from the:

- Tuolumne County Board of Supervisors to recommendations R.2.1-2.4
- Tuolumne County Administrative Officer to recommendations R.2.1-2.4

The Board of Supervisors issued a response to recommendations R2.1 through R2.4. The 2022-23 Grand Jury did not see a response from the Tuolumne County Administrative Officer; however, a response was not required.

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.”* (F2.1, F2.3)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation has been implemented.</b>

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.”* (F2.2)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation requires further analysis.</b>

This will be explored in 2023.

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.” (F2.4)*

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation requires further analysis.</b>

This recommendation was partially addressed by policy adopted by the Board on May 17, 2022, “Board Policy for Members to Place Items on the Agenda”. However, policy is not the purview of the Grand Jury.

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.” (F2.5)*

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

The recommendation has been partially implemented. The Board of Supervisors attended a workshop in August to finalize the new Tuolumne County Governance Manual. The manual was approved on September 6.

## **4. Review of Responses to the Tuolumne County Mother Lode Regional Juvenile Detention Facility Report**

### **Summary**

The MLRJDF opened in 2017 after several decades of discussion and planning. 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. Most of the 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 through Gold Ridge Educational Center (GREC) and the Tuolumne County Superintendent of Schools (TCSOS) 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.

Currently, MLRJDF has the physical facilities to accommodate thirty youths, but due to staffing limitations and COVID, a maximum of sixteen youths is currently accommodated. The Grand Jury recommends the development of a recruitment plan for additional entry level juvenile correction officers and commends the leadership and staff for creating a model program of which we should all be proud.

The Tuolumne County Sheriff's Department, Board of Supervisors, and County Administrator largely agreed with the recommendations.

## Findings

F1. *“The Grand Jury found that MLRJDF provides an exceptional and positive environment for detained youths that has reduced recidivism and fostered rehabilitation through their trauma-informed services and a focus on respectful, responsible, and safe behavioral goals.”*

F2. *“Despite the constraints of the COVID-19 pandemic, a motivated and creative staff have adapted and maintained high quality educational programs and behavioral health treatment.”*

F3. *“The COVID-19 pandemic reduced programs offered by volunteers, including religious, gardening, recreational, and other activities that have negatively impacted enrichment programs.”*

F4. *“A gap in security is evidenced by the escape of one youth. A successful grant application for security upgrades is noted.”*

F5. *“Occupancy rates are being optimized and costs per youth per day are lower than some alternative placements, saving the county costs for detained youth.”*

F6. *“Increasing occupancy to full capacity will require recruitment and retention of additional Juvenile Correction Officers through competitive wage scales and opportunities for advancement.”*

## Recommendations and Responses

The Grand Jury requested responses from:

- Tuolumne County Board of Supervisors to recommendations R1 through R4
- Tuolumne County Chief Probation Officer to recommendations R1 to R3
- Tuolumne County Superintendent MLRJDF to recommendations R1 to R3
- Tuolumne County Human Resources Director to recommendation R3

The Tuolumne County Board of Supervisors, Chief Probation Officer, Superintendent MLRJDF and County Administrator provided responses. The Grand Jury did not see a response from the Tuolumne County Human Resources Director; however, one is not required.

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.”* (F3)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors, Chief Probation Officer, Superintendent MLRJDF and County Administrator	<b>The recommendation has been implemented.</b>

R2. *“The Tuolumne County Grand Jury urges implementation of security upgrades by December 31, 2022.”* (F4)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors, Chief Probation Officer, Superintendent MLRJDF and County Administrator	<b>The recommendation has been partially implemented but will be implemented in the future.</b>

The Probation Department was awarded a grant to address several needed security improvements to the juvenile facility. Facility construction was funded using SB 81 grant funding and will require additional approval from both the California Department of Corrections and Rehabilitation (CDCR) and the State Public Works Board (SPWB) for structure modifications. With the CDCR prioritizing modifications, the expectation is the most critical issues posing a risk will be addressed by December 31, 2023.



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.”* (F6)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors, Chief Probation Officer, Superintendent MLRJDF and County Administrator	<b>The recommendation requires further analysis.</b>

The staffing shortages at the juvenile facility have caused retention issues. The County was in the process of negotiations with the Deputy Sheriff’s Association (DSA) at the submittal of their response. Department leadership continually assesses all aspects of employee pay, satisfaction, retention and wellness into account. Working with the Board of Supervisors, County Administration, County committees and Human Resources, Department leadership develops strategies to improve recruitment and retention of Juvenile Correction Officers.

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.”* (F6)

RESPONDENT	RESPONSE
Tuolumne County Board of Supervisors, Chief Probation Officer, Superintendent MLRJDF and County Administrator	<b>The recommendation requires further analysis.</b>

The County will need to complete research to determine if the region and/or County needs additional beds. The Board of Supervisors approved a new Senior Correction Officer position for Fiscal Year 2022-23. Two other positions were upgraded, providing for a balanced ratio of supervisors to staff.

## **Commendations**

*C1. The MLRJDF is to be commended for an exceptional, quality program. This is a model of best practices for juvenile justice and addresses the multiple traumas suffered by youths who are detained. Tuolumne County is commended for finally meeting the longstanding need to have these services in the county. (F1, F2)*

*C2. The coordination between the staff of MLRJDF/Probation Department, GREC, and TCSOS to provide an educational program adapted for a transient population of youth who are at high educational risk has allowed these youth to make educational progress at a time of high disruption in their lives. (F2)*

*C3. The Tuolumne County Grand Jury commends MLRJDF for its efficient operations and reduction in costs to Tuolumne County through securing funding from regional counties and the state. (F5)*

## **5. Review of Responses to the Tuolumne Utilities District Report**

### **Summary**

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 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 been the subject of past Tuolumne County Grand Jury reports, most recently in 2020; however, multiple topics including: TUD's aging and historic infrastructure, personnel issues, the proposed PG&E acquisition, and the question of securing water rights to serve users in Tuolumne County have not been comprehensively addressed by grand juries in recent years. 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.

The Grand Jury's investigation covered a diverse cross-section of issues. The findings and recommendations are grouped into three sections (which share common threads). These sections are identified as follows:

- Finance, Management, and Operations
- Personnel and Leadership Changes
- Water Rights and Future Development

# Finance, Management, and Operations

## Findings

F1.1. *“Considering its inherited and aging infrastructure, TUD’s existing rate structure is not adequate to fund its capital improvement needs should significant grant funding not materialize. While the agency is doing a good job in maintaining affordable rates, living within its means, and seeking external funding, it relies heavily on sources beyond its control to fund its CIP. This creates a risk of further deferring important capital improvements.”*

F1.2. *“TUD’s budget is not providing adequate contingency reserve funding, as illustrated by the discrepancy between the estimated \$100,000 in damage from the December 2021 storm event compared to the \$19,486 set aside in the Fiscal Year 2022 budget for the water contingency fund. The ability of TUD customers to survive and thrive requires the agency to have a robust capacity to budget and to plan for the unforeseen without relying on emergency declarations, grants, or assistance from other agencies in the short response term.”*

F1.3. *“TUD has a clear and appropriate new connections process and has not impeded county development through denial of new connections.”*

## Recommendations and Responses

The Grand Jury requested responses from:

- TUD Board of Directors to recommendations R1.1 through R1.3.
- TUD General Manager to recommendation R1.1.

The TUD Board of Directors provided responses. The 2022-2023 Grand Jury did not see a response from the TUD General Manager; however, one was not required.

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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

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: supporting 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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation requires further analysis.</b>

TUD recognizes the need for a new rate study, and we will re-evaluate the adequacy of TUD’s contingency funding at that time. We would like this to be timed with PG&E negotiations for assets and water rights acquisitions; however, this may not be possible.

### Commendation

*“TUD staff should be commended for their efforts to facilitate new connections, despite the challenges of geography and infrastructure in its service area.”*

### Personnel and Leadership Changes

#### Findings

F2.1a. *“The frequent termination and turnover of TUD general managers over the last decade has carried both tangible and intangible costs, including costs associated with the payment of severance pay and benefits, impacts to employee morale, and a reduction in productivity associated with changes in leadership priorities.”*

F2.1b. *“Adoption of a board-approved policy that establishes the process for the selection, termination, evaluation, and compensation of the general manager would assist the TUD Board of Directors in pre-empting the higher than ideal turnover in this key position and the tangible and intangible costs described in F2.1a.”*

F2.2. *“TUD department managers and other agency employees may be uniquely suited to assist the TUD board in assessing qualifications of general manager applicants and evaluating the performance of the general manager or other senior TUD employees, but there is no TUD board- approved policy encouraging the involvement of subordinate employees in hiring and performance review appraisals of the general manager or other senior TUD staff.”*

F2.3. *“The competitiveness of TUD employee compensation is an important consideration in the district’s ability to recruit and retain the quality personnel upon which it is so dependent.”*

## Recommendations and Responses

The Grand Jury requested responses from:

- TUD Board of Directors to recommendations R2.1 through R2.3.
- TUD General Manager to recommendation R2.3.

The TUD Board of Directors provided responses. The 2022-2023 Grand Jury did not see a response from the TUD General Manager; however, one was not required.

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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation will not be implemented</b> because it is not warranted.

The criteria are established in the current general manager’s contract and were reached through negotiation between the Board and 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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented</b> but will be implemented in the future.

The TUD Board agrees to involve TUD managers, staff and employees in the process of hiring, evaluating performance and adjusting the compensation of the general manager as appropriate.

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: 1) 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 2) 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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

TUD plans to conduct another total compensation study preceding its next contract negotiations with the Laborer’s Union, which has been the District’s practice. Since 2017, TUD has conducted four comprehensive total compensation studies for market comparison.

## Water Rights and Future Development

### Findings

F3.1. *“There has been a lack of transparency about the status, progress, potential conclusion, and possible effects of the proposed acquisition of PG&E property and water rights on TUD and the ratepayers. Potential effects of this lack of transparency include public confusion and ultimately a risk to public support for the proposal.”*

F3.2. *“The PLPRP has been only partially implemented and has not addressed important opportunities for recreation or environmental benefits.”*

F3.3. *“TUD has an important opportunity to protect, preserve, and enhance the environment, and to enrich recreational opportunities in the county that are not adequately addressed in their strategic plan, its staffing, and funding.”*



## Recommendations and Responses

The Grand Jury requested responses from:

- TUD Board of Directors to recommendations R3.1 through R3.4.
- TUD General Manager to recommendation R2.3 through R3.

The TUD Board of Directors provided responses. The 2022-2023 Grand Jury did not see a response from the TUD General Manager; however, one was not required.

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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has been implemented.</b>

With the PG&E negotiations in mind, TUD has already taken steps to address this Recommendation by filling the community outreach with an external affairs specialist.

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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation will not be implemented</b> because it is not warranted.

The transactional costs associated with the acquisition are contained in the District’s Audited Financial Statements and Operating Budget under “legal expenses” and “consultants”. Some of the details related to legal expenses are protected under attorney-client privilege.

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

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

The TUD Board hopes to 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.”*

RESPONDENT	RESPONSE
TUD Board of Directors	<b>The recommendation has not yet been implemented but will be implemented in the future.</b>

The TUD Board agrees to consider amending its Strategic Plan to strengthen its environmental and recreational goals at an upcoming strategic planning session.

## **6. Review of Responses to the Sierra Conservation Center Report**

### **Summary**

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.