

2023 - 2024

**TUOLUMNE COUNTY
GRAND JURY REPORT**



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Tuolumne County 2023-2024 Civil Grand Jury

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Court Executive Officer**



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Sonora

Sonora

Sonora

Sonora

Sonora

Columbia

Columbia

Jamestown

Soulsbyville

Chinese Camp

Tuolumne

Sonora

Sonora

COUNTY OF TUOLUMNE GRAND JURY

12855 Justice Center Drive
Sonora CA, 95370



Honorable Judge Hallie Gorman Campbell
Superior Court of California, County of Tuolumne

June 30, 2023

Dear Judge Campbell:

I am pleased to present to you the 2023-2024 Tuolumne County Grand Jury Report, which reflects the culmination of rigorous investigations, thoughtful analysis, and collaborative efforts by the members of the civil grand jury.

Throughout this past year, our grand jury diligently examined various aspects of county governance, with a focus on LAFCO, CSAs, TCTA, the Sheriff's Dispatch Center, and Tuolumne County detention facilities. Our objective was to identify areas of improvement, promote accountability, and advocate for positive change within our community.

We are proud to report that our findings and recommendations, as outlined in the attached report, reflect a commitment to transparency, integrity, and the best interests of the public. We believe the insights gleaned from our investigations can inform policy decisions, enhance operational efficiency, and benefit the residents of Tuolumne County.

We would like to express our gratitude to all the members of the Grand Jury for their dedication, professionalism, and tireless efforts throughout the investigative process. This gratitude is extended to those jurors who were not able to complete their tenure on the jury. Additionally, we extend our appreciation to the many others who supported the Grand Jury's work. We would like to thank Court Executive Officer Hector Gonzales (and his steadfast advocacy for the Grand Jury), DA Cassandra Jenecke, County Counsel Sarah Carrillo, Joyce Barnes, and the acting Jury Clerk.

As for future Tuolumne County Grand Juries, we hope that over the next year you receive support and encouragement as you voluntarily examine aspects of county government. Recent Grand Juries have grappled with not having a designated meeting room, with the lack of IT support - a disadvantage of functioning independently of other entities, and with the extent of time and energy that can be required by grand jury service. Having said that, we can state with confidence that service on the Grand Jury will contribute to the ongoing efforts to improve Tuolumne County governance and uphold the principles of justice, accountability, and public service.

Sincerely,

Deborah Johnston

Deborah Johnston
Tuolumne County Grand Jury Foreperson



The Tuolumne County 2023-2024 Civil Grand Jury Report Consists of the Following Six Individual Reports:

- 1. Continuity Report dated June - 2024, Pages 1-39, 2022-2023 Grand Jury Findings and Recommendations with 2023-2024 Grand Jury Review of Responses**
- 2. County Service Areas (CSAs) in Tuolumne County - Road Maintenance in Subdivisions Report dated June 10, 2024, Pages 1-36**
- 3. Tuolumne County Jail and Detention Center Report dated June 6, 2024, Pages 1-10**
- 4. Tuolumne County 911: Sheriff's Dispatch Center Report dated May 31, 2024, Pages 1-20**
- 5. Tuolumne County Local Agency Formation Commissioner (LAFCO) Report dated June-2023, Pages 1-22**
- 6. Tuolumne County Transit Agency Report dated May 31, 2024, Pages 1-15**

Each of the above Final Reports may be seen at:

<https://www.tuolumne.courts.ca.gov/general-information/grand-jury>

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



Continuity Report, June - 2024:

2022-2023 Grand Jury Findings and Recommendations

2023-2024 Grand Jury Review of Responses



Tuolumne County Superior Court

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.

On June 26, 2023, the 2022-2023 Tuolumne County Grand Jury issued its final report which included the following investigative reports

- Tuolumne County Airports
- Tuolumne County Elections
- Tuolumne County Jails and Prison
- Tuolumne County Schools

The 2023-2024 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. Once the final Grand Jury Report is published, elected officials have 60 days, and agencies have 90 days to respond to findings and recommendations. (Penal Code Sec. 933(c).)

Summary of responses received by the Grand Jury:

Respondent		Date of Response	Timely?
Schools	Big Oak Flat Groveland USD	7-24-2023	Yes
	Twain Harte Elementary	8-29-2023	Yes
	Bellevue Elementary	9-15-2023	Yes
	Columbia Union Elementary	8-24-2023	Yes
	Curtis Creek Elementary	9-20-2023	Yes
	Gold Rush Charter	No Response	
	Jamestown Elementary	9-13-2023	Yes
	Sonora Elementary	7-26-2023	Yes
	Sonora UHSD	9-28-2023	Yes
	Soulsbyville Elementary*	8-10-2023	Yes
	Summerville Elementary	9-18-2023	Yes
	Summerville UHSD	8-01-2023	Yes
	Twain Harte Elementary	8-09-2023	Yes
	TCSOS	8-28-2023	Yes
Airports		8-15-2023	Yes
Elections		8-15-2023	Yes
Dambacher/Juv. Detention Center		8-15-2023	Yes
Sierra Conservation Center		No Response	

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.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS	3
GLOSSARY	5
BACKGROUND	6
METHODOLOGY	7
REVIEW OF RESPONSES	
1. Review of Responses to the Airports Report	7
2. Review of Responses to the Tuolumne County Elections Report	13
3. Review of Responses to the Jail and Prison Facilities Report	16
4. Review of Responses to the School Safety Report	
Bellevue School	17
Big Oak Flat School District	20
Columbia School District	21
Curtis Creek Elementary	22
Gold Rush Charter School	25
Jamestown Elementary	26
Sonora Elementary	28
Sonora High School District	29
Soulsbyville Elementary	32
Twain Harte School District	38
TCSOS	40

GLOSSARY

ALICE	ALICE Training is a component of emergency preparedness in schools, that prepares students, staff and administrators to respond for active shooter incidents.
GJ	Grand Jury
TCGJ	Tuolumne County Grand Jury
TCSS	Tuolumne County Superintendent of Schools
USD	Union School District
UHSD	Union High School District

BACKGROUND

The 2022-2023 Grand Jury requested responses from certain agencies and officials, and required responses from the following elected officials and governing bodies:

- Board of Supervisors (Airports)
- Sheriff
- Auditor/Registrar of Voters
- Superintendent, Big Oak Flat Unified School District
- Superintendent, Twain Harte Elementary School District
- Superintendent, Bellevue Elementary School District
- Superintendent, Columbia Union Elementary School District
- Superintendent, Curtis Creek Elementary School District
- Principal, Gold Rush Charter School
- Superintendent, Jamestown Elementary School District
- Superintendent, Sonora Elementary School District
- Superintendent, Sonora Union High School District
- Superintendent, Soulsbyville Elementary School District
- Superintendent, Summerville Elementary School District
- Superintendent, Summerville Union High School District
- Superintendent, Twain Harte Elementary School District
- Superintendent, Tuolumne County Superintendent of Schools
- Public Information Officer, Sierra Conservation Center

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 four reports were issued by the 2022-2023 Tuolumne County Grand Jury. These reports cumulatively totaled 68 recommendations. The 2023-2024 Tuolumne County Grand Jury reviewed all responses from the investigated agencies and found all elected officials and governing bodies responded on time--with the exception of one agency that did not respond. In some cases, responses were also submitted, though not required, from appointed officials and agency directors.

METHODOLOGY

Findings and recommendations from the 2022-2023 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:

The recommendation has been implemented , with a summary of what was done.
The recommendation has not yet been implemented , with a schedule and summary of what will be done.
The recommendation requires further analysis , with an explanation of the scope, parameters, and time frame of the proposed analysis or study not to exceed six months from the date of publication of the Grand Jury report.
The recommendation will not be implemented , with a reasoned explanation supporting that it was unwarranted or unreasonable.

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.

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 2023-2024 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.

Review of Responses

1. Review of Responses to the Airports Report

Tuolumne County has two airports managed by the County Airports Department, which is managed by the Public Works Department. Columbia Airport was established on January 4, 1940. Pine Mountain Lake Airport was established January 2, 1970.

The 2022-23 Grand Jury Report included findings and recommendations concerning the airport's operations, hangars and facilities, finances, and advisory committees.

Summary - Airport Operations Findings

F1.1. *The airports have been poorly managed.*

F1.2. *The airports' facilities need upgrading and added maintenance.*

F1.3. *Deer having access to the runways creates a serious safety issue.*

Recommendations and Responses

R1.1. *Customer service and responsiveness need to be improved and monitored by County Management. (F1.1)*

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

The airport's management has been moved under the direct supervision of the public works department. Also, a qualified airport manager has been recruited.

R1.2. *A concerted effort should be made to improve the look of the airports, with available resources, and make them more inviting to both local and transient users. (F1.2)*

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

Signs have been replaced, numbering and painting of all tie-down areas has happened, new picnic tables and benches have been ordered. A painting schedule for the main buildings has been created and a request for quotes is out for replacement of roofs on the main buildings. Scheduled maintenance schedules have been created and management is working on improving maintenance protocols.

R1.3. *The removal of deer from Columbia Airport should be made a high priority to avoid a tragic accident. (F1.3)*

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

Deer have been removed as of May 15, 2023. Airport staff perform daily checks for wildlife and fencing failures. Tenants have been advised to close gates and inform them of the deer mitigation efforts.

Summary - Columbia Airport Hangers and Facilities

Findings

F2.1 *At a cost of almost \$4 million, Project 1906 excavated, rebuilt, and repaved the Airport's ramp, apron, and taxi lane areas. Little or no transition work was done, resulting in major operational and safety issues with many hangars.*

F2.2 *Tenant interviewees unanimously agreed that there are cosmetic, structural, and maintenance issues that need to be addressed.*

F2.3 *Availability of hangar space at Columbia Airport does not adequately meet present demand, which decreases the Airport's ability to potentially increase revenue and serve the population.*

Recommendations and Responses

R2.1. *The transition strip between the new and old pavement should be corrected.* (F2.1)

RESPONDENT	RESPONSE
Board of Supervisors	The response language differs from the Penal Code requirements

The recommendation will be implemented in the future dependent of available resources.

If a recommendation is to be implemented at a future date, there are only two responses permitted by Penal Code 933: “The recommendation has not yet been implemented, with a schedule and summary of what will be done”, or “The recommendation requires further analysis, with an explanation of the scope, parameters, and time frame of the proposed analysis or study not to exceed six months from the date of publication of publication of the Grand Jury report.”

Therefore, the response does not meet one of the four Penal Code 933 response choices.

R2.2. *Cosmetic and structural problems should be corrected.* (F2.2)

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

The backlog of maintenance issues is being addressed by the current airport team.

This response indicates that the recommendation to correct cosmetic and structural problems is being addressed, it seems to omit the details of how the airport team is addressing the problems.

Although the response is vague, it does meet the Penal Code 933 allowable response.

R2.3. *Tuolumne County should explore options to increase the availability of hangars.* (F2.3)

RESPONDENT	RESPONSE
Board of Supervisors	The response language differs from the Penal Code requirements

Current obstacles exist for the new construction of hangars, such as water supply challenges for fire suppression. The response suggests that “An audit of existing hangar leases and enforcement of hangar agreements could increase the availability of hangars strictly for aviation purposes.”

However, if a recommendation is to be implemented at a future date, there are only two responses permitted by Penal Code 933: “The recommendation has not yet been implemented, with a schedule and summary of what will be done”, or “The recommendation requires further analysis, with an explanation of the scope, parameters, and time frame of the proposed analysis or study not to exceed six months from the date of publication of publication of the Grand Jury report.”

Therefore, the response does not meet one of the four Penal Code 933 response choices.

Summary - Pine Mountain Lake Airport

Findings

F3.1 *The airport is presently in good condition; although, the taxiway needs crack repair.*

F3.2 *The Pilot Controlled Lighting System is original to the Airport, over fifty years old, and has not been upgraded.*

Recommendations and Responses

R3.1. *The taxiway should be repaired.* (F3.1)

RESPONDENT	RESPONSE
Board of Supervisors	The response language differs from the Penal Code requirements

Response indicates future planning for implementation of this recommendation.

However, if a recommendation is to be implemented at a future date, there are only two responses permitted by Penal Code 933: “The recommendation has not yet been implemented, with a schedule and summary of what will be done”, or “The recommendation requires further analysis, with an explanation of the scope, parameters, and time frame of the proposed analysis or study not to exceed six months from the date of publication of publication of the Grand Jury report.”

Therefore, the response does not meet one of the four Penal Code 933 response choices.

R2.2. *The Pilot Controlled Lighting system should be assessed for improvement.* (F3.2)

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

The lighting system appears to be intermittent, and it is being addressed. The County has provided funding to replace the Constant Current Regulator. However, the lighting system may have multiple issues that may call for a total replacement at a great cost.

Because the response indicates that the lighting system is being assessed, the recommendation has been implemented.

Summary - Airports Financial Review

Findings

F4.1 *County oversight of airport budget and administration has been sub-optimal.*

F4.2 *The log of airport employee work assignments is only used to capture some work orders.*

F4.3 *Because not all work orders are logged, it is not possible to verify whether assigning 20% of Columbia Airport's labor to PMLA is an accurate representation of PMLA's true operating cost.*

F4.4 *Public Works does not currently have a lease or pay rent for their Fleet Services property located on Columbia Airport property, whereas other departments do.*

F4.5 *Property taxes collected on planes are not assigned to either airport; the funds go to the County General Fund.*

F4.6 *PMLA would have been revenue neutral, or close to revenue neutral, from 2017 to 2022 had property tax revenue from planes been assigned to the Airports, or if the Airports had been combined into a singular enterprise fund.*

Recommendations and Responses

R4.1. *To increase airport revenue generation, it may help if the County Administration takes a more active role in budget oversight and in airport operations management. (F4.1, F4.2, F4.3)*

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

Response indicates "Already implemented". However, the response also indicates disagreement with this finding. Therefore, "Already implemented" likely suggests that respondent asserts that the county administration has taken an active role in budget oversight, unlike the grand jury findings.

Because the response included one of the four Penal Code 933 responses, this response meets statutory requirements.

R4.2. *The County should consider combining the Columbia Airports and Pine Mountain Lake enterprise funds for administrative ease and to represent how the airports are managed by one staff. (F4.1, F4.2, F4.3, F4.5, F4.6)*

RESPONDENT	RESPONSE
Board of Supervisors	The response language differs from the Penal Code requirements.

Response indicates that County Administration and the Auditor-Controller have been exploring this option. However, no planning specifics (for example, timelines) have been provided for exploring this recommendation.

If a recommendation is to be implemented at a future date, there are only two responses permitted by Penal Code 933: “The recommendation has not yet been implemented, with a schedule and summary of what will be done”, or “The recommendation requires further analysis, with an explanation of the scope, parameters, and timeframe of the proposed analysis or study not to exceed six months from the date of publication of publication of the Grand Jury report.”

Therefore, the response does not meet the Penal Code 933 requirements.

R4.3. If the enterprise funds stay separate (R4.2), the County should reassess whether charging 20% of Columbia’s labor expense is accurate. (F4.1, F4.2, F4.3)

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

Response indicates that the County administrative costs will continue to be billed at 20%. However, a Maintain X software program is being used to accurately log the technician labor hours spent at each of the airports.

R4.4. In the absence of information from the FAA to the contrary, the Public Works department should pay rent for the facility on airport grounds to ensure the security of Federal funding in the past and future. (F4.4, F4.5, F4.6)

RESPONDENT	RESPONSE
Board of Supervisors	The recommendation has not yet been implemented

Response indicates a timeline (mid-fiscal year) for an intent to use road funds for a Roads/Fleet building purchase and improvements.

Because the response included a timeline for implementation, it satisfies the Penal Code response.

R4.5. The County should consider attributing 50% of property taxes collected on aircraft to the airport at which they reside; or include this source of revenue when considering if the airports are revenue generating or neutral. The remainder should go to schools as required by code, as it is currently. (F4.3, F4.4, F4.5, F4.6)

RESPONDENT	RESPONSE
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Board of Supervisors	The response language differs from the Penal Code requirements.
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Response indicates that County Administration and the Auditor-Controller are exploring this option. No planning details (such as timelines) were included in the response.

If a recommendation is to be implemented at a future date, there are only two responses permitted by Penal Code 933: “The recommendation has not yet been implemented, with a schedule and summary of what will be done”, or “The recommendation requires further analysis, with an explanation of the scope, parameters, and time frame of the proposed analysis or study not to exceed six months from the date of publication of publication of the Grand Jury report.” This response did not include a schedule, timeframe, or details for planning the analysis.

Therefore, the response did not include one of the four Penal Code 933 responses.

Summary - Airports Advisory Committee

Findings

F5.1 *The Board of Supervisors is not receiving valuable and sufficient input that the AAC can provide, to be able to make decisions about the airports.*

F5.2 *The rules governing the AAC were outdated, overly rigid and, thus, did not encourage participation.*

Recommendations and Responses

R5.1. *The AAC should be re-established.*

RESPONDENT	RESPONSE
Board of Supervisors	Recommendation has been implemented

On August 8, 2023, the Board of Supervisors approved a new Airport Advisory Committee.

R5.2. *The rules governing the AAC should be rewritten in the following way to encourage more participation:*

- *A Board member is not required to attend.*
- *Frequency of meetings should be set by necessity and need, not necessarily monthly.*
- *Meeting announcements should be targeted and distributed in such a way as to encourage both public and aircraft owner/user participation.*

RESPONDENT	RESPONSE
Board of Supervisors	The recommendation will not be implemented

In 2023, the Board of Supervisors approved a Governing Body Handbook that applies to all county appointed bodies. The Airport Advisory Committee will have to conform to the Governing Body Handbook.

2. Review of Responses to the Tuolumne County Elections Report

Findings

F2.1 The TCED has a strong support staff of over 30 supporting the Tuolumne County elections. Their training is both efficient and effective as evidenced during interviews and tours. The Election Center clearly demonstrated their knowledge both on Election Night and ballot processing observations. The Vote Center staff knew the process thoroughly during our interviews and observations.

F2.2 With the precinct 4007 printed ballot error, a printer proof process to verify the ballots prior to printing did not appear to be in effect. The error was not discovered until a precinct voter came to the Election Office. Understanding the time constraints, a review and approval still should be performed. The ballot corrections, once discovered, were handled swiftly and with great care to be sure all affected voters received updated ballots.

F2.3 Physical access to the Election area is a concern, as witnessed primarily during Election Night. The open areas could not all be monitored by staff. Observers and visitors could walk into areas they should not have access to.

F2.4 Safety of election staff and election centers and ballot boxes should be of paramount concern. The TCGJ did not see a formal safety review or debrief following the election

F2.5 In conjunction with the physical access concerns, a formal procedure for access to the Dominion hardware for software updates and for election downloads was not readily available. The TCGJ did not see a formal procedure provided when all related documentation was requested.

F2.6 The VCA is fully implemented in Tuolumne County. TCED has an extensive community outreach program

Recommendations and Responses

R2.1. All material, printed or available only online, should have a vetting process or material signoff. This includes the ballots printed and mailed offsite. Online proofs should be approved, even if the TCED creates and submits the files. (F2)

RESPONDENT	RESPONSE
Tuolumne County Auditor /Controller & Registrar of Voters	Recommendation has been implemented

This recommendation was created due to F2.2. In that finding, ballots for a certain precinct did not include elections for the Tuolumne Parks and Recreation, and thus the TCGJ recommended that a system be developed for proofing the ballots before being sent out. The response indicated that such proofing has been, and is, in place and that the omission of the Tuolumne Parks and Recreation candidates was due to recent redistricting. In any case, the response indicated that this recommendation has been implemented.

R2.2 For both physical site and Dominion system access, formal procedures should be established including a two-person integrity rule. A minimum of two County staff should be

present during all ballot build uploads, software downloads and external drive scans. The TCGJ was not provided with any documentation regarding site and Dominion hardware access security plans. (F3, F5)

RESPONDENT	RESPONSE
Tuolumne County Auditor /Controller & Registrar of Voters	The response language differs from the Penal Code requirements.

While this recommendation does not directly state that a site and Dominion hardware access “plan” be created, it is reasonable to assume that the TCGJ recommended such a (written) plan. The response indicated that a “two-person integrity rule is our practice” but did not discuss the lack of documentation of the plan or the existence/creation of such a plan.

This response report assumes that the recommendation was not implemented because a plan does not exist.

Therefore, the response does not meet one of the four Penal Code 933 responses.

R2.3 A comprehensive volunteer and Election and Vote Center debrief plan should be established and fully documented. This should include protocols for ballot box pick-ups, Vote Center ballot pick-ups and deliveries to the Election Center. The TCGJ did not see any formal debrief procedures to document what went well and what did not go well. (F4)

RESPONDENT	RESPONSE
Tuolumne County Auditor /Controller & Registrar of Voters	The response language differs from the Penal Code requirements.

The recommendation is to establish a fully documented Election and Vote Center debrief plan.

The response indicated that debriefing is the usual practice (except for the election prior to the TCGJ report, due to staff shortages). However, the TCGJ recommendation was to establish a fully documented plan. Because the response did not address the fully documented plan, this response does not meet one of the four Penal Code response choices.

R2.4 Community outreach, voter presentations, printed material, and voter education through media channels should be continuously improved. The TCGJ was impressed with the depth and breadth of the materials. (F6)

RESPONDENT	RESPONSE
Tuolumne County Auditor /Controller & Registrar of Voters	Recommendation has been implemented

This recommendation commended the Elections Office on outreach materials and should be continuously improved. The response indicated that the Elections Office will continue to work with the State on education materials, deadlines, and due dates for voters.

3. Review of Responses to the Jail and Prison Facilities Report

3.1 Jail Findings

F1. The Jail is currently short staffed. Not all programs are functioning at their full capacity.

F2. Due to the staffing shortage, there are no longer inmate work crews. The work program contributed to a significant reduction in recidivism and tracking shows 72% of those enrolled in work programs don't come back.

Recommendations and Responses

R1. Continue the dialogue with the Board of Supervisors to ensure competitive wages and benefits for the staff. (F1-F2)

RESPONDENT	RESPONSE
Sheriff-Coroner	Recommendation has been implemented

The response indicated that the Sheriff's Office will continue the dialogue with the Board of Supervisors to ensure competitive wages for staff.

R.2 Share updates proactively with the local press and social media to help increase awareness of the benefits the institution provides to the community. (F3)

RESPONDENT	RESPONSE
Sheriff-Coroner	Recommendation has been implemented

The response indicated that the Sheriff's Office will continue to use their social media platforms to increase awareness and expand their outreach.

3.2 Motherlode Regional Juvenile Detention

Facility Findings

F4. It is the shared opinion of the Grand Jury that the Tuolumne County Juvenile Detention Facility is a valuable and effective institution that is staffed by qualified and competent personnel. It was evident that staff are dedicated to helping the Youth exit the system successfully and build skills needed for successful lives outside the system.

F5. The detention center also benefits on a grand scale from its indispensable volunteer work force.

Recommendations and Responses

None.

3.3 Sierra Conservation

Center Findings

F6. The staff was friendly, professional, articulate, and knowledgeable.

F7. We learned that the prison is fully staffed with correctional personnel but there are shortages in staffing for many of the other departments, such as, medical, education, and all other rehabilitation services offered to the prisoners.

F8. There are a tremendous number of services and opportunities available that benefit staff, the incarcerated, and the public at large.

Recommendations and Responses

R3. Share successes and positive programs with the local press so that they may help the public stay aware of the benefits and effectiveness of the programs.

RESPONDENT	RESPONSE
Public Information Officer, SCC	No response

4. Review of Responses to the School Safety Report

4.2 Bellevue School

Findings

F1.1 ALICE training is an annual process, with engagement between the local Sheriff's office and the students and staff at Bellevue. The school also runs monthly drills for various emergency situations, which are documented in the school office. Notably, at Bellevue Elementary School, parents are also invited to come into the classrooms for education and participation in active shooter drills.

F1.2 The school safety plan continues to be updated routinely, staff are provided with it and concurrent education during the training week before the school session starts.

F1.3 All doors have a quick-lock system, which is effective and smooth in allowing drills and actual lockdowns to occur as quickly as possible. These locks are universally installed across the school and the staff interviewed felt comfortable and experienced with using them. There are also many cameras in the gymnasium and outsides of the school that are utilizable by staff.

F1.4 A great deal of the perimeter of the school is not fenced in and leads to fields or wild lands.

Recommendations and Responses

R1.1 ALICE training should continue to be yearly, if not twice a year, and the Tuolumne County Sheriff should prioritize and promote engagement with students and education around lockdowns and potential threats to the school. (F1.1)

RESPONDENT	RESPONSE
Bellview Elementary School District Superintendent/Principal	Recommendation has been implemented

The response stated that ALICE training does take place twice per year for staff and students, with an invitation to parents to attend the classroom presentation from the Sheriff's Department.

Therefore, the recommendation has been implemented.

R1.2 The school safety plan must be updated routinely, and staff are provided with it and concurrent education during the training week before the school session starts. (F1.2)

RESPONDENT	RESPONSE
Bellview Elementary School District Superintendent/Principal	Recommendation has been implemented

The response indicates that the school safety plan is reviewed and updated by the School Site Council and governing board before March 1st each year. Also, staff participate in school safety training before the start of each school year.

Therefore, the recommendation has been implemented.

R1.3 Administration should continue to monitor and evaluate to see if additional fencing is possible to add. (F1.4)

RESPONDENT	RESPONSE
Bellview Elementary School District Superintendent/Principal	Recommendation has been implemented

The response states that the school will continue to monitor and evaluate to see if additional fencing is possible to add.

Therefore, this recommendation has been implemented.

4.3 Big Oak Flat Groveland School

District Findings

F2.1 ALICE training is an annual process for staff, with engagement between local law enforcement. The school also runs monthly drills for various emergency situations, including fire, earthquake and lockdown drills and active shooter drills, documented in the school office.

F2.2 The school safety plan continues to be updated routinely. Staff and substitutes are provided with updated plans and concurrent education during the training week before the school session starts.

F2.3 There are cameras covering about 70% of the access areas on the campuses. About 50% of the campuses are fenced.

Recommendations and Responses

R2.1 ALICE training should be conducted yearly with staff and students, if not twice a year. (F2.1)

RESPONDENT	RESPONSE
Big Oak Flat Groveland USD Superintendent	Recommendation has been implemented.

Response indicates that annual ALICE training will continue to be implemented. Therefore, this recommendation has been implemented.

R2.2 The district should ensure the safety plan continues to be updated routinely, and that all teachers, staff, students and parents are provided with copies and pertinent training to develop current understanding. (F2.2)

RESPONDENT	RESPONSE
Big Oak Flat Groveland USD Superintendent	Recommendation has been implemented

Response states “implemented”. Further, the district will continue to follow the yearly protocol for the district-wide Comprehensive Safety Plan. Although the response did not state that the Comprehensive Safety Plan includes a routine update, or that staff students and parents are provided copies of the pertinent training, the response does state “implemented”.

Therefore, the recommendation has been implemented.

R2.3 Administration should evaluate the viability of adding additional fencing. (F2.3)

RESPONDENT	RESPONSE
Big Oak Flat Groveland USD Superintendent	The response language differs from the Penal Code requirements.

The response indicates that the district *will* seek out funding for fencing and fill in gaps where natural barriers do not exist.

Therefore, the recommendation has not been implemented.

If the district intends to evaluate the viability of adding fencing, there are two appropriate PC 933 responses:

1. The recommendation has not yet been implemented, with a schedule and summary of what will be done., or
2. The recommendation requires further analysis, with an explanation of the scope, parameters, and timeframe of the proposed analysis or study not to exceed six months from the date of publication of the Grand Jury report.

Because the response did not include planning for the implementation of this recommendation (timelines, etc.), this response does not meet one of the four allowed PC 933 responses.

4.4 Columbia Union Elementary

Findings

F3.1: The school conducts various drills, including active shooter scenarios, in collaboration with local police and fire departments. However, no such drill was held last year.

F3.2: Columbia Elementary employs the use of supplies in all classrooms with extended lockdown resources, though it was noted that these may not have been recently updated.

F3.3: During recess periods, the student-to-teacher ratio stands at 50 to 1. For special events, security is managed by coaches and administrative staff.

Recommendations and Responses

R3.1: Ensure the continuation of active shooter and other emergency drills, ideally in collaboration with local law enforcement and emergency services. (F3.1)

RESPONDENT	RESPONSE
Columbia Union Elementary Superintendent	The response language differs from the Penal Code requirements.

The response indicates that active shooter and other emergency drills will *ideally* be in collaboration with local law enforcement and first responders. It is unclear what this response means because the recommendation was to schedule the active shooter and other emergency drills with law enforcement and first responders. Therefore, the response does not meet one of the four PC 933 responses.

R3.2: Regularly update and inspect the content of the classroom supplies available to ensure their readiness for prolonged lockdowns. (F3.2)

RESPONDENT	RESPONSE
Columbia Union Elementary Superintendent	The response language differs from the Penal Code requirements.

The recommendation is to *regularly* update and inspect the classroom supplies. However, the response only included 1. That staff *have* reviewed their supplies, and 2. That the safety committee will be reviewing new items that should be included for *this year*. The response should have included a statement that, for example, a plan or procedure was put in place for periodic review of classroom supplies. (If the intent was to implement the recommendation). Therefore, this response does not meet one of the four PC 933 responses.

R3.3: Consider reducing the student-to-teacher ratio during recess periods to ensure better supervision and safety. (F3.3)

RESPONDENT	RESPONSE
Columbia Union Elementary Superintendent	Recommendation has been implemented.

Before the GJ report was published, the district hired more personnel to address the student-teacher ratios. Therefore, this recommendation has been implemented.

4.5 Curtis Creek Elementary

Findings

F4.1: The school has an accessible safety plan, which is deemed important by the

administration. The plan is executed with the aid of radios used by all staff members, and it is reviewed and edited in collaboration with the Tuolumne County Sheriff's office.

F4.2: Safety drills are conducted monthly and documented in the school's office. The school has also participated in ALICE training, provided by law enforcement, and holds "Get Away" drills specifically for active shooter scenarios.

F4.3: When asked about the plan to have children return to campus after they have practiced the drill, interviewees didn't have a systematic plan.

F4.4: All visitors to the campus are challenged and encouraged to wear identification badges.

F4.5: The school's campus is only 50% fenced, leaving certain areas exposed to potential unwanted guests, while also providing students with potential escape routes in emergencies.

Recommendations and Responses

R4.1: To enhance the effectiveness of the safety plan, it would be beneficial to ensure that all staff members, including substitutes, receive a copy of the plan and are properly trained. This will ensure continuity and efficiency in case of an emergency. (F4.1)

RESPONDENT	RESPONSE
Curtis Creek School District Superintendent	Recommendation has been implemented.

The response states that all staff members currently receive a copy of the plan, and that substitutes will be provided a summary of the emergency procedures as well as the location where the plan is in the classroom where the substitute will be subbing.

Therefore, the recommendation has been implemented.

R4.2: It is commendable that the school is actively engaging in drills and training sessions. To further improve, the school could consider incorporating a wider variety of emergency situations into their drill regimen. Additionally, involving students more directly in these drills can help them understand what to do in a real-life scenario. (F4.2)

RESPONDENT	RESPONSE
Curtis Creek School District Superintendent	Recommendation has been implemented.

The response indicates this recommendation has been implemented. Further, the school is performing all types of scenarios with their students and the students and staff participate in the School Safety Week in which both students and staff participate. Students participate in age-appropriate real-life situations.

Therefore, this recommendation has been implemented.

R4.3: The school should establish a system for ensuring that students know how and when the "Get Away" drill or actual emergency event has ended and how

they should return to the campus safely. (F4.3)

RESPONDENT	RESPONSE
Curtis Creek School District Superintendent	The response language differs from the Penal Code requirements.

The response indicates that students are with staff during getaway drills, and thus students would know (by following staff instructions) what to do and how to return to their classrooms. Further, the school *is looking into* the practice and planning of a reunification plan.

The response indicates that this recommendation requires ‘further analysis’.

Therefore, the recommendation has not been implemented.

The response should have included a statement that, for example, a plan or procedure was put in place to study the reunification plan, or in the least, a projected timeline for doing so. (If the intent was to eventually implement the recommendation).

Therefore, this response does not meet one of the four PC 933 responses.

R4.4: While the practice of challenging visitors and requiring identification is excellent, it could be supplemented with a more formal check-in/check-out system for visitors. This could help track non-staff adults on campus and ensure that everyone on campus has a reason to be there. (F4.4)

RESPONDENT	RESPONSE
Curtis Creek School District Superintendent	The response language differs from the Penal Code requirements.

The response indicates that the district is looking into a software program that prints visitor badges, performs background checks, perform Megan’s Law checks, and notification to staff for “red flags”. This software obviously speaks to the GJ recommendation to formalize a visitor check procedure and would seemingly satisfy this recommendation.

However, this response does not fit any of the four allowable PC 933 responses. In the least, the response should have included a plan and/or timeline in a formal check-in procedure.

Therefore, this response differs from the four allowable PC 933 response choices.

R4.5: To better secure the school grounds, consider completing the fencing around the entire campus. This would help control access points to the school and potentially deter unwanted guests. If this is not feasible due to the natural environment, other security measures could be explored, such as additional surveillance in unfenced areas or strategic landscaping to deter unauthorized access. (F4.5)

RESPONDENT	RESPONSE
Curtis Creek School District Superintendent	Recommendation will not be implemented

The response indicates an agreement with the GJ that there are good reasons for fully fencing in the school perimeter. However, the response also states why it does not plan to do so, including steep hillsides and those costs associated with fencing; and with complete fencing, the students may not have escape routes if a campus danger arises. Further, adult trespassers could easily

scale such fencing (if intruding) and students may not be able to scale the fencing (if needing to escape).

The response does indicate that installing additional cameras is being considered. However, PC 933 requires details on planning (timelines, etc.) if a recommendation is intended to be implemented in the future.

Therefore, the response indicates that this recommendation will not be implemented.

4.6 Gold Rush Charter School

Findings

F5.1: While ALICE training is part of the yearly plan for The Country School, it is not clear if this occurred during the COVID years amidst school closures and times of uncertainty. The most recent drill was in January 2022 and an interviewee stated that the school was actively trying to schedule another drill for this calendar school year but was waiting on Sheriff availability. The ALICE training is listed in the school's safety plan.

F5.2: There are no cameras on school premises. While the school does try to greet visitors to the campus and give sticker badges stating that the visitor has been approved by the office, this does not happen always. Of note, during the interview with the grand jury, a repair person from an outside hired agency entered the interview room while in search of the main office. This demonstrates that it is possible to walk on campus and not be directly greeted by staff.

F5.3: Communication between the main office and individual classrooms is supported through radio provided to all teachers and staff. At this time, the PA system is not working effectively in all areas of the school.

Recommendations and Responses

NOTE: A response was not rendered by Gold Rush Charter School. After the timeline expired for the response, a letter from the GJ supervising judge was sent to the Gold Rush Charter School principal, requesting the response. But as of the date of drafting this report, no response has been received.

R5.1: Administration should continue to support and update the safety plan. The posted evacuation maps are very helpful to substitutes who may be less familiar with the campus, but it would also be extremely helpful to give substitutes a copy of the safety plan for perusal as they are coming to work. (F5.1)

RESPONDENT	RESPONSE
	N/A

R5.2: Cameras on campus are advisable, if at least to monitor the main entrances and exits. Many ways to walk onto campus exist and staff are not always able to greet and have them go through correct badging in process. (F5.2)

RESPONDENT	RESPONSE
	N/A

R5.3: An updated PA system offers clear, fast, and universal communication to all teachers and students, and staff should work to update this PA system as soon as possible. (F5.3)

RESPONDENT	RESPONSE
	N/A

4.7 Jamestown Elementary

Findings

F6.1: Jamestown Elementary employs the ALICE training methodology, undertaken annually with local law enforcement offices' involvement. The school conducts an active shooter drill once a year in cooperation with the sheriff. Besides ALICE, fire and earthquake drills are also conducted.

F6.2: The school safety plan at Jamestown Elementary is readily accessible and is executed by the administration. It is updated routinely, and staff training occurs before the school year starts. The staff training logs are maintained by the school secretary.

F6.3: Jamestown Elementary's campus is mostly fenced in, except for a small portion in the front. The school has security cameras installed. The school follows a safety protocol for releasing students to parents in case of an evacuation, and it has practices in place for firearm/weapon prevention, such as searching backpacks as necessary.

Recommendations and Responses

R6.1: Jamestown Elementary should continue to complete ALICE training and consider biannual all-school training sessions to ensure that students are reminded of the concepts. This will ensure that all individuals responsible for students are prepared to execute the safety plan in an emergency. (F6.1)

RESPONDENT	RESPONSE
Jamestown Elementary Superintendent	Recommendation has been implemented

The response indicates that annual ALICE training will continue for staff and students. Also, biannual training sessions will be conducted, beginning with the 2023-24 school year. Therefore, this recommendation has been implemented.

R6.2: The school should establish a regular schedule for revising and updating the safety plan (making this information transparent to both staff and parents). Furthermore, involve more staff members in the maintenance of training logs to ensure accuracy and comprehensive coverage. (F6.2)

RESPONDENT	RESPONSE
Jamestown Elementary Superintendent	Recommendation has been implemented.

The response indicated that the safety plan meets California Ed Code requirements, for plan renewal processes. The district management team reviews the safety plan monthly and annual safety goals developed by November of each year, to be approved by the governing board. The response indicates that the safety plan information will be more transparent to staff and parents, by implementing a regular school safety agenda item on the School Site Council monthly agenda; regularly discuss the plan with the Parent Advisory Council; and report out bi- annually to the PTA.

As for the inclusion of more staff for the maintenance of training logs, the District will develop a shared document reporting to all confidential classified management and administration to ensure more than one location and staff member recording the safety information.

Therefore, this recommendation has been implemented.

R6.3: The school should complete the fencing of the remaining portion of the campus to ensure comprehensive perimeter security. Also, the school should add more cameras around the campus, especially in areas where student activity is high. (F6.3)

RESPONDENT	RESPONSE
Jamestown School District Superintendent	Recommendation has been implemented

Response indicates that the campus has been fully enclosed with fencing since the GJ investigated. Also, more cameras were added to the high student traffic areas and the visitor gate area. Currently, there are a combined 47 cameras on the Jamestown and Chinese Camp campuses.

Therefore, this recommendation has been implemented.

4.8 Sonora Elementary

Findings

F7.1: The school does not log its regular monthly drills, which might limit the ability to track progress and areas for improvement.

F7.2: Sonora Elementary has an active shooter protocol in place, with ALICE training that involves parent participation.

F7.3: The school's camera system is not consistently monitored throughout the day, and there are no cameras in the parking lot. This could potentially leave areas of the school vulnerable.

Recommendations and Responses

R7.1: The school should institute a system for logging and reviewing all safety drills.

The documentation should include recording the date, time, type of drill, and debrief to identify any issues arising from the drill. Regular reviews of these logs could help identify trends, areas for improvement, and ensure consistency in safety practices. (F7.1)

RESPONDENT	RESPONSE
Sonora Elementary Superintendent	The response language differs from the Penal Code requirements.

The response indicates that since January 2023, all drills have been logged. However, the response has not indicated whether the logging of safety drills include the date, time, type of drill, and debriefing of the drills. The recommendation is to institute a system for logging and reviewing all safety drills. Therefore, the response discusses only a portion of the recommendation. Because the response does not indicate that the recommendation has not been (fully) implemented, will be implemented (with details of that future implementation), nor that the recommendation will not be implemented, the response does not satisfy any of the four PC 933 responses.

R7.2 Continue the existing ALICE training protocol. (F7.2)

RESPONDENT	RESPONSE
Sonora Elementary School District Superintendent	Recommendation has been implemented.

The response indicates that the existing ALICE training protocol will continue. Therefore, the recommendation has been implemented.

R7.3: Evaluate the current camera surveillance system. This evaluation should aim to identify blind spots, including the parking lot, and periods during the day when monitoring is lax or non-existent. (F7.3)

RESPONDENT	RESPONSE
Sonora Elementary Superintendent	The response language differs from the Penal Code requirements.

The response indicates that as an ongoing process, the district has been identifying needs for more camera coverage and filling the gaps as funding becomes available.

However, if the district intends to follow this recommendation (identify and install needed cameras), a timeline is required in the response.

Therefore, this response does not meet the PC 933 requirements.

4.9 Sonora Union High School District

Findings

F8.1: Sonora High conducts ALICE training (Appendix 1) as part of their safety plan, with staff training taking place on the days before the school session starts. The school has performed two fire drills, one lockdown drill, and one earthquake drill this academic year.

F8.2: The school safety plan is accessible and considered important by the administration. Substitutes receive binders with safety information, ensuring they are informed and prepared in case of emergencies.

F8.3: Sonora High has implemented several security measures, including numerous cameras, four non-uniformed campus security supervisors, and a facial recognition app for visitors, which sends instant notifications to staff.

F8.4 The campus is not fully fenced, with only 50% of the perimeter secured.

F8.5 Firearm and weapon prevention practices at Sonora High include searching backpacks as deemed necessary, using wands if required, and employing a monthly dog search service.
F8.6 Despite having a considerable number of students leaving for classes at Columbia College, the school does not have a system in place for regulating those coming on and off campus.

Recommendations and Responses

R8.1: Regular ALICE Training and Drills - Conduct ALICE training for staff and students more frequently to ensure they are well-prepared for potential active shooter situations. Maintain an updated log of all drills and trainings. Regularly practicing different scenarios can help build confidence and familiarity with emergency response procedures. (F8.1)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	Recommendation has been implemented.

The response indicates that “bi-annual” training will begin during the 2023-24 school year. (Note: because the response indicates that this training will be conducted in each of the Fall and Spring semesters, the GJ assumes that this training will be “semi-annually”).

The district will maintain a current log of all emergency drills and training. Last, recent, and routine collaborative meetings have been held with school superintendents and law enforcement to develop best practices for school safety plans.

Therefore, this recommendation has been implemented.

R8.2 Assess and Update Safety Plans - Regularly review and update the school safety plan to ensure it remains relevant and effective. Include input from staff, students, parents, and law enforcement agencies in the review process to ensure all perspectives are considered and the plan reflects best practices in school safety. (F8.2)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	Recommendation has been implemented.

Response states that the school safety plan will be reviewed by the school management team monthly. The School Site Council will have an agenda item, concerning the school safety plan, on their monthly agenda. The School Site Council includes students, parents, and staff. Therefore, this recommendation has been implemented.

R8.3: Implement an enhanced access control system to control access to offices and other campus areas. This may include using electronic access cards or keypads that require a code for entry. Regular audits of access permissions can help maintain the security of restricted areas. (F8.3)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that enhanced access control systems are being planned. However, if the district intends to follow this recommendation (to utilize enhanced access control systems), a timeline is required in the response.

Therefore, this response does not meet the PC 933 requirements.

R8.4 Consider increasing the fencing perimeter to reduce the risk of unauthorized entry. In addition, consider installing more surveillance cameras and lighting around the school grounds, especially in the back parking lot, to deter potential threats and improve overall safety. (F8.4)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that complete fencing at the Cassina campus is nearly complete. After consulting with its ALICE protocols and local law enforcement, the district does not plan to fully enclose the Sonora HS campus with fencing, mainly to allow unobstructed movement for students who are fleeing unsafe conditions.

Further, the district is implementing cutting-edge camera technology.

The district is looking into additional lighting, particularly in the southeast parking lot. However, the district points out that the lot is leased by the district from the city. The district will contact the city to seek implementation of additional lighting in that parking lot.

The response indicates that the district *has* implemented certain portions of the recommendation and will implement other portions of the recommendation. However, if the district plans for a future implementation of the recommendation, a timeline for that recommendation must be included.

Therefore, this response does not meet the PC 933 requirements.

R8.5 Continue collaborating with local law enforcement agencies to foster a healthy relationship. Regularly involve them in safety drills, training, and planning. Continue use of searches, dogs, and other means to ensure that unsafe items are not being brought on campus. (F8.5)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	Recommendation has been implemented.

The response states that the district will continue to collaborate with local law enforcement agencies and involve them with safety drills, training, and planning, and canine searches. Therefore, this recommendation has been implemented.

R8.6 Monitor Student Movement on and off Campus - Develop a system for tracking and regulating students who leave the campus for classes at Columbia College or for other reasons. This may include a sign-in/sign-out sheet or app, ID scanning, or other methods to ensure the school is aware of students' whereabouts during school hours. (F8.6)

RESPONDENT	RESPONSE
Sonora Union High School District Superintendent	Recommendation has been implemented.

The response indicates that a digital tool is being implemented to track students who leave campus.

Therefore, this recommendation has been implemented.

4.10 Soulsbyville School District

Findings

F9.1: Like most of the schools in the county, Soulsbyville has both in-house ALICE training and assistance by local law enforcement. Full time teachers receive safety training, but substitutes must rely on safety plans in the classroom. They do have cameras and 65% fencing which includes athletic fields and play area.

F9.2: There is not much foot traffic from the surrounding neighborhoods, but all people entering the campus are challenged by any staff members if they do not check into the office. The only crosswalk is in a bad place and has bushes blocking the view of pedestrians and oncoming traffic. The Head Start program is closest to the cross walk. The lack of a crossing guard presents a problem for both pedestrians & traffic.

F9.3: The ratio of teachers to students at recess is 1:35; on field trips it is 1:10. During hosted school events staff and parents are used as security. After a lock down the students must have their parents come to get them released. Students can contact an adult or use the drop box to report safety concerns.

Recommendations and Responses

R9.1: Staff should maintain and follow up in ALICE training for both students and staff, and involvement with local law enforcement is optimal. Staff should also continue to update and review safety plans if possible. (F9.1)

RESPONDENT	RESPONSE
Soulsbyville School District Superintendent	Recommendation has been implemented

The response states that the district will continue to maintain and follow up ALICE training and continue to review and update safety plans.

Therefore, this recommendation has been implemented.

R9.2 Updates to foot path and traffic flow would be optimal, but given geographic location, this provides many challenges. The blind spot where the crosswalk is located should be evaluated. (F9.2)

RESPONDENT	RESPONSE
Soulsbyville School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the district will meet with the county roads for improvements on the foot

path and traffic flow.

However, if the recommendation is to be implemented at a future date (as the response suggests), a timeline must be included with the implementation plan.

Therefore, the response language does not meet any of the four PC 933 responses choices.

R9.3: Soulsbyville Elementary school should continue to uphold a high standard in considering their student to adult ratio. Soulsbyville should be commended for having much supervision and small ratios for students at recess. (F9.3)

RESPONDENT	RESPONSE
Soulsbyville School District Superintendent	Recommendation has been implemented.

The response states that the district will continue their high standard in student-teacher ratios.

Therefore, the recommendation has been implemented.

4.11 Summerville Elementary School

Findings

F10.1: Staff training occurs before the start of the school year and includes two ALICE training courses annually.

F10.2: Summerville Elementary School places emphasis on preparedness for a potential lockdown. Classrooms are equipped with flip charts for substitutes, and each room has emergency and water supplies.

F10.3: The school has ceased locking its gates and fences based on county advice to facilitate emergency response and to allow children access in the event of a shooter. However, this practice appears to be a point of concern for school administration.

F10.4 The student to adult ratio during recess at Summerville Elementary School is 12:1, which is a reasonable ratio that allows for adequate supervision during these periods.

F10.5 The school has mechanisms in place for students to report safety concerns, including options to send an email or talk to a teacher.

Recommendations and Responses

R10.1 Continue to prioritize and invest in regular safety drills and staff training, including ALICE training. Given the comprehensive nature of this training, consider extending this training to substitute teachers to ensure a uniform response to potential emergencies across all staff. (F10.1)

RESPONDENT	RESPONSE
Summerville School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the district will continue to prioritize regular safety drills and staff ALICE training.

The district's response also indicates that it will commence conversations with county personnel, regarding the training of substitutes.

While the response clearly indicates the district's desire to fully implement this recommendation, if the recommendation is going to be implemented, PC 933 requires a timeline for the implementation (for example, when will the meetings with county personnel occur?).

Therefore, the response language does not meet any of the four PC 933 responses choices.

R10.2 The presence of flip charts for substitutes and emergency supplies in classrooms indicates commendable preparedness. However, it may be beneficial to include a wider range of emergency supplies, including first aid kits, in each classroom. (F10.2)

RESPONDENT	RESPONSE
Summerville School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the district will further analyze the need for additional emergency supplies, to include first aid kits. The district will consult with the County JPA and emergency personnel to determine these needs.

If a recommendation is to be implemented, a timeline is required for a proper PC933 response. The response did not include a timeline, for example, for when they will conduct their analysis or contact the County JPA or emergency services personnel.

Therefore, the response language does not meet any of the four PC 933 responses choices.

R10.3: Engage in a dialogue with county officials to gain clarity on the policy regarding the locking of gates and fences. Exploring options for gates that allow emergency access while maintaining a secure perimeter could be a potential solution. (F10.3)

RESPONDENT	RESPONSE
Summerville Elementary School District Superintendent	The response language differs from the Penal Code requirements.

The response indicates that school administration and school operations personnel will investigate consultation opportunities with Tuolumne County emergency response personnel to discover best practices for school safety.

However, if a recommendation is to be implemented at a future date, a timeline is required for a proper PC933 response. The response did not include a timeline, for example, for when they will investigate consultation opportunities, or when the consultation may occur with the County emergency services personnel.

Therefore, the response language does not meet any of the four PC 933 responses choices.

R10.4 Maintain the commendable current student to adult ratio during recess. Regularly evaluate this ratio to ensure it continues to provide adequate supervision. (F10.4)

RESPONDENT	RESPONSE
Summerville Elementary School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the commendable student to adult ratio will remain.

However, the response did not speak to the “regularly evaluate” portion of the recommendation.

Therefore, the response does not comply with the PC933 response requirements.

R10.5 While the existing channels for reporting safety concerns are good, introduce an anonymous reporting system to encourage more students to report any safety issues without fear of being identified. (F10.5)

RESPONDENT	RESPONSE
Summerville Elementary School District Superintendent	Recommendation has been implemented.

The response states that an anonymous reporting system has been implemented.

Therefore, the recommendation has been implemented.

4.12 Summerville High School

Findings

F11.1: Summerville High School has implemented ALICE training and engages with law enforcement for planning and preparedness.

F11.2: The safety plan at Summerville High School is not only accessible but also continually updated.

F11.3: The campus is partially fenced, and access control is not absolute, as individuals can walk onto campus unchallenged.

F11.4 Most classrooms are equipped for lockdowns with emergency supplies, though not all have food and water.

F11.5 The school employs practices to prevent weapons on campus, such as monitoring break times and behaviors as well as utilizing surprise drug dog visits. They also distribute a classroom discipline policy that outlines the consequences of bringing weapons to school.

F11.6 The ratio of students to adults during recess and breaks is between 30 and 35 to 1.

F11.7 Students are encouraged to report safety concerns to any adult staff member, reinforcing the message "if you see something, say something".

Recommendations and Responses

R11.1 Continue to engage with local law enforcement to practice and review the ALICE training. (F11.1)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	Recommendation has been implemented.

The response states that the district will continue with their existing ALICE protocol.

Therefore, the recommendation has been implemented.

R11.2 Ensure that all substitute teachers receive the same level of safety training as full-time staff. Look into providing them with access to the online training and certification that full-time staff members receive. (F11.2)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the district will work with the County Superintendent of Schools to determine the best way to incorporate substitutes in safety training.

While the response clearly demonstrates the district's intention to implement the recommendation, the PC933 response requirement mandates a timeline for the implementation (for example, when the district will collaborate with the County Superintended of Schools).

Therefore, the response does not comply with the PC933 response requirements.

R11.3: Consider implementing additional access control measures, such as secured entrances or more comprehensive check-in procedures for visitors. Additionally consider increasing the fence perimeter around the campus and extending camera coverage to the tennis courts and softball fields, which currently lack surveillance. (F11.3)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that an additional campus supervisor has been hired, and that they will continue discussions regarding cameras and fencing.

However, plans to implement a recommendation require a detail of those plans, to include a timeline.

Therefore, the response does not comply with the PC933 response requirements.

R11.4 Ensure that all classrooms are fully equipped for lockdown situations, including the provision of food and water in the safety buckets. (F11.4)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that the district will assess the needs of safety security for classrooms.

However, a response that indicates future efforts to implement a recommendation requires, in the least, a timeline.

Therefore, the response does not comply with the PC933 response requirements.

R11.5 Reinstate surprise drug dog visits and continually enforce the classroom discipline policy. Consider additional preventative measures such as metal detectors or increased supervision in areas where students may potentially conceal weapons. (F11.5)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	The response language differs from the Penal Code requirements.

The response states that an additional campus supervisor has been hired, and that consistent discipline policy enforcement is important.

The response does not indicate (nor suggest) that the recommendation has been implemented, that the district plans to implement the recommendation, nor that the recommendation has not been implemented.

Therefore, the response does not comply with the PC933 response requirements.

R11.6 Consider hiring additional staff members to reduce the student-to-adult ratio during recess and breaks. This would also improve supervision during after-hours events. (F11.6)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	Recommendation has been implemented.

The district has hired an additional campus supervisor.

Therefore, the recommendation has been implemented.

R11.7 Create a formalized method for students to report safety concerns, such as a confidential online portal or designated staff members. This would ensure that all student concerns are properly documented and addressed. Additionally, consider the administration's suggestion of hiring more security guards and installing additional cameras to increase surveillance coverage. (F11.7)

RESPONDENT	RESPONSE
Summerville Union High School District Superintendent	The recommendation has not yet been implemented

The response states that the district is looking into implementing the STOP it confidential online reporting system this year.

Because the district has not yet implemented the recommendation but has made plans (with a timeline) for implementation, the response meets the PC933 requirements.

4.13 Twain Harte School District

Findings

F12.1: While ALICE training is part of the yearly plan for Twain Harte School, it isn't clear if this occurred during the COVID years amidst school closures and times of uncertainty. The most recent drill was in January 2022 and an interviewee stated that the school was actively trying to schedule another drill for this calendar school year but was waiting on Sheriff availability. The ALICE training is listed in the school's safety plan.

F12.2: The school is directly in town, making it appealing for members of the public to enter the grounds during school hours. In the field nearest the Twain Harte Market shopping center, a locked gate was recently installed to discourage foot traffic through the school grounds. When non-staff or non-students enter the premises, there are staff who try to greet them and provide education on campus access availability.

F12.3: While some of the buildings are older in nature, staff are working to update security measures to ensure that students are safe in the present day. Notably, there was a new locked gate installed along a back pathway into the primary school at the request and suggestion of teachers. Doors have devices to allow teachers to lock from the inside swiftly, and there has been fencing installed, where possible, but much of the school is open.

Recommendations and Responses

R12.1: The district should ensure that the safety plan is updated routinely, and that all teachers, staff, students, and parents are provided copies and pertinent training to develop current understanding. ALICE training should be yearly, and the Tuolumne County Sheriff's Office should prioritize and promote engagement with students and education around lockdowns and potential threats to the school. (F12.1)

RESPONDENT	RESPONSE
Twain Harte School District Superintendent	Recommendation has been implemented.

Response states that the School Safety Plan is reviewed annually by the School Site Council and adopted by the school board before March 1 of each year. Copies of the School Safety Plan are available in the school office. Both administrators will complete ALICE train-the-trainer certification. ALICE drills will be held annually with the Tuolumne County Sheriff's Office.

R12.2: Staff must continue to address fencing opportunities and find solutions to highly trafficked areas, during school hours. Dedicated personnel for greeting on-campus visitors, or community members passing through would be ideal. (F12.2)

RESPONDENT	RESPONSE
Twain Harte School District Superintendent	The recommendation has not yet been implemented

While not implemented yet, the response states that the district has consulted with an architect to begin planning for improved perimeter fencing. The response states that this should be implemented during the 2023-24 school year.

Because the response was not implemented, but the district has made plans (with a timeline) to implement the recommendation, the response satisfies the PC 933 response requirements.

R12.3: Door locking devices work, but technology around this should be updated, making the locks stronger and more efficient. It is commendable that changes have been made at the request of the teachers, and this participation is critical to staff and students feeling heard, safe, and supported at school. (F12.3)

RESPONDENT	RESPONSE
Twain Harte School District Superintendent	The recommendation will not be implemented

The response states that the current door lock structure is within current best practices (including technology). Therefore, the district will not implement this recommendation.

4.14 Tuolumne County Law Enforcement and Superintendent of Schools Office

Findings

Tuolumne County Sheriff's Office and Sonora Police Department Interviews:

- 1. Multiple Law Enforcement Agencies: Tuolumne County has law enforcement agencies available to respond to school incidents, which can ensure a robust response in case of emergencies.*
- 2. Involvement in School Safety: Local law enforcement is actively involved in reviewing and making recommendations regarding the school's safety plans. They also provide ALICE training and host monthly meetings for school administrators to address safety-related topics.*
- 3. Response Times: Law enforcement response times to school incidents vary, ranging from as little as two minutes to just under fifteen minutes, depending on the nature of the incident and the location of the responding officers at the time of the report.*
- 4. School Resource Officers (SROs): The County has budgeted funds and received grants to pay for SROs, but there is currently a shortage of staff to fill these positions. SROs are considered an important aspect of school safety, providing an immediate response capability, and fostering trust between students and law enforcement.*
- 5. ALICE Training: ALICE training is provided to school staff and students, but it is not mandated by the state or county. The frequency and type of training are adjusted based on the needs of each school.*
- 6. Safety Plan Improvements: Law enforcement officers suggest several improvements to enhance school safety. These include standardized safety plans, the creation of ALICE training videos for parents, the presence of SROs on campuses, the installation of modern automated locking devices in classrooms, and the evaluation and potential implementation of school fencing.*
- 7. Infrastructure Improvements: Local law enforcement recommends evaluating school fencing on a case-by-case basis. They believe that a solid perimeter fence could greatly improve school safety, but also recognize that the school's topography can provide escape routes and hiding places for staff and students in certain cases.*
- 8. Parental Involvement: There is an ongoing initiative to develop training videos for parents about ALICE practices, highlighting the importance of parental involvement in ensuring school safety.*

Recommendations

NOTE: Recommendations for this section were not formatted like the other reports. Specifically, this section (the Tuolumne County Law Enforcement and Superintendent of Schools Office) is formatted as 4.14. And each finding is not formatted as “F14.1”, “F.14.2”, etc. (like other reports). Also, each recommendation is not formatted as “R14.1”, “R14.2”, etc. Therefore, this response report will analyze the *overall* findings and recommendations.

The Grand Jury strongly recommends the establishment of a collaborative framework among local law enforcement, the Superintendent of Schools office, and all school districts in Tuolumne County to ensure the regular provision of ALICE (Alert, Lockdown, Inform, Counter, Evacuate) training. This training is vital in equipping students, staff, and the wider school community with the knowledge and skills necessary to respond effectively to emergency situations.

Given the critical nature of this training, it is suggested that this responsibility should ultimately fall to the Superintendent of Schools office. As the central agency overseeing all school districts, the Superintendent’s office is in the optimal position to take the lead to coordinate and ensure the consistent implementation of ALICE training across all schools in the county. In addition to ALICE training, it is suggested that the Tuolumne County Superintendent of Schools Office develop a compilation of each school’s safety plan available to all substitutes. This centralization of responsibility would ensure a unified approach to safety measures, facilitating the standardization of safety procedures, and limiting errors or confusion.

To ensure the effectiveness and relevance of the training, it is recommended that the ALICE training be provided on an annual or bi-annual basis to staff and students. Regular training would help to keep the school community's knowledge and skills up-to-date and ensure that new staff and students are also adequately trained.

In developing and implementing the ALICE training, the Superintendent's office should work closely with local law enforcement. Their expertise and understanding of the local context would greatly enhance the relevance and effectiveness of the training. Law enforcement can also provide practical insights and guidance, making the training more realistic and hence more useful.

Finally, transparency and communication between these entities are paramount. The Superintendent of Schools office, law enforcement, and individual school districts should maintain open lines of communication to address any concerns, share best practices, and continuously improve the safety measures in place.

Implementing this recommendation would demonstrate a strong, united commitment to school safety, ensuring that all students and staff in Tuolumne County are empowered with the knowledge and skills necessary to keep themselves and others safe during emergencies.

RESPONDENT	RESPONSE
Tuolumne County Superintendent of Schools	Recommendation will not be implemented.

The response states that the County Superintendent of Schools has no authority over the individual school districts regarding specific/individual school safety policy and training. The response states that taking on this responsibility is beyond the scope of that office.

The response did include that the County Superintendent of Schools Office does many things to collaborate and provide services to individual districts, concerning school safety. The response indicates that the County Superintendent of Schools will not implement this recommendation.

**COUNTY OF TUOLUMNE
GRAND JURY
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County Service Areas (CSAs) in Tuolumne County, June 10, 2024: Road Maintenance in Subdivisions



SUMMARY

County Service Areas (CSAs) are used for many different purposes throughout California. In Tuolumne County, CSAs have mainly been used for maintaining roads in subdivisions. They are dependent special districts governed by the Board of Supervisors. Although there were only 17 CSAs left in Tuolumne County by the end of 2023, it is important to note that they cover and affect over 1,000 households.

Tuolumne County stopped accepting roads in subdivisions into the county-maintained road system in 1987. A policy manual for CSAs was developed soon after that and has remained unchanged since 1992. The Grand Jury found outdated sections in the manual and noted that some topics had not been addressed in the manual at all. These missing policies included how to dissolve CSAs and how to handle complaints. The timing and utility of the engineer's report also should be addressed. While Public Works has made efforts to keep the work done for CSAs separate from the general efforts of Public Works, there remains a need for more transparency in financial reporting.

In 2008, the state law governing CSAs was substantially revised requiring that CSAs be financially sustainable in the long term and removed the requirement for annual elections. Since the elections in 2009, the Board of Supervisors no longer has annual budgets to approve or reports to review for CSAs. There is a concern that governmental and public understanding of CSAs has declined since then.

The finances of the CSAs are subject to audit as part of the Tuolumne County financial records. This appears to meet the requirement for an annual audit. However, the Board of Supervisors does not review the results of the audits. The only external review comes from the state.

County Service Areas have enabled road maintenance to continue in subdivisions. An updated Policy Manual can help CSA management be more transparent and accountable to those who live on these roads.

TABLE OF CONTENTS

SUMMARY.....	2
TABLE OF CONTENTS	3
GLOSSARY.....	4
BACKGROUND.....	5
METHODOLOGY.....	5
DISCUSSION.....	10
Policy Manual.....	10
Engineering Reports	12
Notifications for Prospective Buyers	13
Board of Supervisors Training	13
Audit.....	13
CSA and Possible Expansions.....	13
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	15
Findings	15
Recommendations	16
Commendations.....	17
REQUEST FOR RESPONSES	17
BIBLIOGRAPHY	18
APPENDIX A	19
CSA History	19
APPENDIX B	21

GLOSSARY

Ad Valorem	A tax based on the assess value of something, here referring to the 1% property tax on real estate in California
BOS	Tuolumne County Board of Supervisors
CCI	Construction Cost Index
CSA	County Service Area
GIS	Geographical Information System, a relational database that includes spatial information
HOA	Homeowner's Association.
LIDAR	Lasar Imaging, Detection, and Ranging uses laser to more closely map landforms, tree canopy, and other objects.
PRD	Permanent Road Divisions
SOI	Sphere of Influence an analysis done by LAFCO.

BACKGROUND

County Service Areas began in 1953 to provide services to those who were willing to pay. They cover unincorporated parts of the county and can be used for a variety of services including extended police, fire, parks and recreation, libraries, local television, water, and garbage. They can be formed by a vote of the board of supervisors or by a petition of registered voters. They can be funded by special taxes approved by a 2/3 vote or as benefit assessments that were subject to annual approval at a public hearing. They are covered by the County Service Area Law (California Government Code §25210.1 et seq.), which was last modified in 2013.

When new subdivisions are created, the maintenance of any new roads is considered as part of the approval process. In 1987, Tuolumne County decided it could not accept the responsibility to maintain additional roads, so a different method of funding road maintenance had to be used. Specifically, the Tuolumne County Board of Supervisors (BOS) resolved to use County Service Areas (CSAs). CSAs are dependent (vs. independent) special districts governed by the Tuolumne County BOS. These districts ensure that those who use services pay for them.

Although CSAs can be used for a variety of purposes, in Tuolumne County, CSAs have mainly been used for road maintenance. In subdivisions created after 1987. A board resolution 282-87 in 1987 required that a CSA be created to maintain the roads for any new subdivision. New roads created by development would no longer be taken into the county road system. Tuolumne County has more CSAs and special districts than neighboring counties. In 2008, Tuolumne County had 49 CSAs, Calaveras had 11, and Amador and Mariposa Counties each had four CSAs.¹ Based on the 2023 reports² for the 17 active CSAs, they had over \$3,600,000 in reserves and covered 1,024 parcels, 65 roads, and 34 miles of roads.

An examination of the websites for Calaveras (<https://publicworks.calaverasgov.us/CSA>) and Mariposa Counties showed that information available online about CSAs can vary greatly. Calaveras has a page under Public Works for CSAs with links to general information on CSAs as well as the County ordinance. In addition, there was a page for each CSA with any LAFCO actions as well as BOS resolutions on Benefit Assessments. That in turn had a folder with the past three years of actual budgets and expenses for that CSA. In contrast, Mariposa had the most recent Sphere of Influence (SOI) analysis and Municipal Services Review for all of the CSAs in a single document. Tuolumne County has the current annual report for each CSA on its Public Works website.

CSAs have not been looked at in depth in the last 20 years by the Grand Jury. In 2007, the Grand Jury interviewed the Director of Public Works and wrote up a two-page report³. In 2012, the Grand Jury did a much more extensive study on roads and had more information on CSAs⁴. The 2018 report⁵ also

¹ California Senate Local Government Committee. Serving the Public Interest: A Legislative History of SB 1458 and the “County Service Area Law.” (2008, p. 11)

² Reports prepared by Public Works available at <https://tuolumnecounty.ca.gov/617/Special-Districts>

³ Tuolumne County Civil Grand Jury. Tuolumne County Grand Jury Final Report 2006-2007. (2007) Available at <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/1488>

⁴ Tuolumne County Civil Grand Jury. Final Report of the Civil Grand Jury 2011-2012. (2012) Available at <https://www.tuolumnecounty.ca.gov/518/2012-Grand-Jury-Report>

⁵ Tuolumne County Civil Grand Jury. 2017-2018 Tuolumne County Civil Grand Jury Final Report. (2018) Available at <https://www.tuolumnecounty.ca.gov/1132/2018-Grand-Jury-Report>

addressed roads in subdivisions as part of their study of roads. The 2018 Grand Jury pointed out that much of road maintenance is not funded, that only 21 subdivisions had CSAs, and recommended the use of a sales tax for that purpose.

The engineering staff for county Public Works provide the current reports for CSAs on their website. The reports include projected budget amounts for major maintenance projects, and other expenses including snow removal. Last year was a significant snow year, and for six of the 17 active CSAs, the projected snow plowing expenses exceeded the total tax assessment income for those CSAs for the entire year. As a result, all the income for those six CSAs may have been spent paying for snow plowing, leaving nothing for other maintenance or to build reserves for major road work.

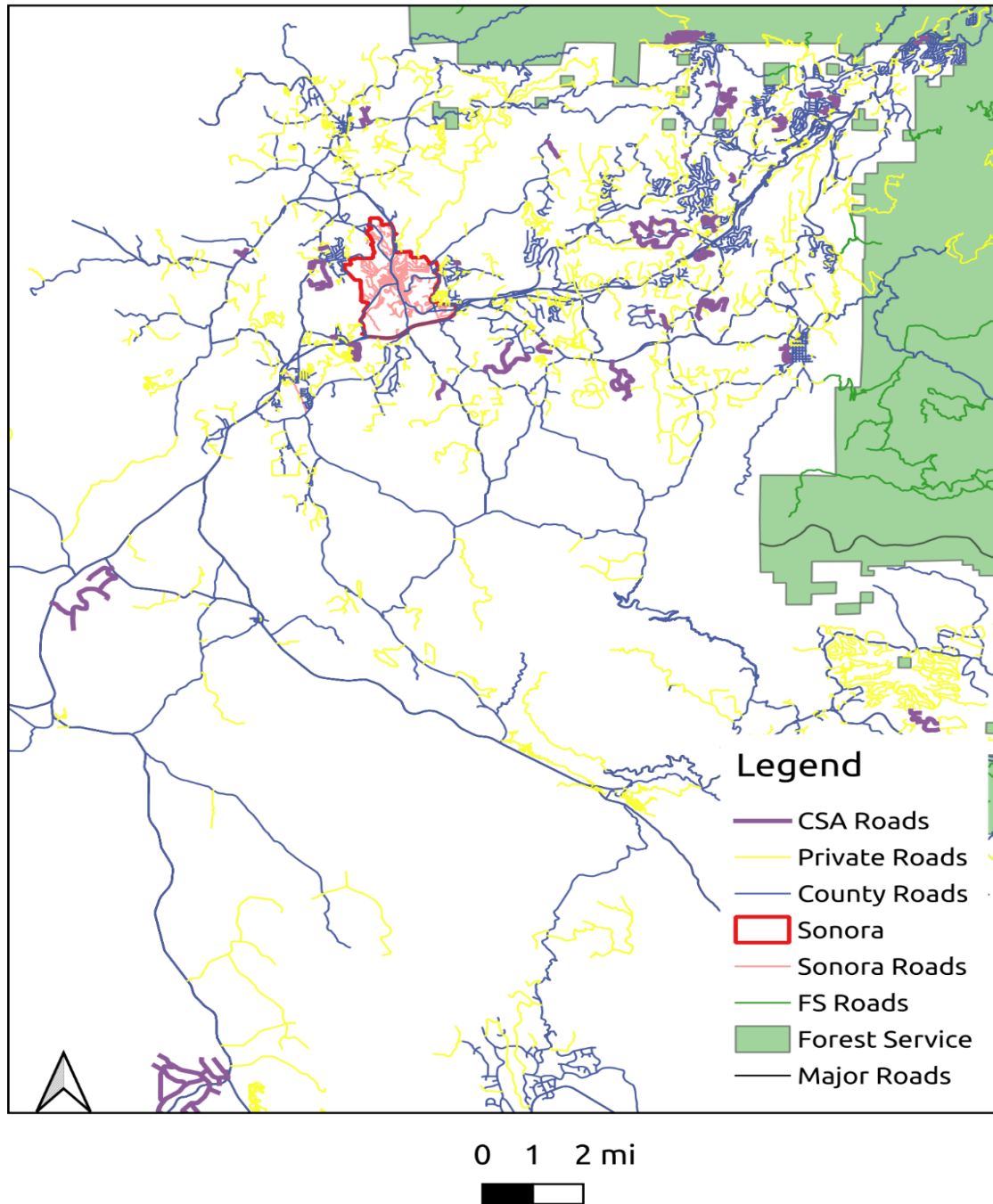
In looking over these reports, the Grand Jury also noticed the financial information did not include the actual expenses from the previous year. The projected overhead expenses (as budgeted) were over \$3,000/mile. Projected interest for two of the CSAs appeared to be at a different rate than the rest of them. No CSAs had formed since 2009 and about half of the 34 listed were inactive. For these reasons, the Grand Jury decided to take a closer look.

As of 2024, there have been 60 CSAs proposed or formed. Of the 43 being tracked now⁶, 16 are active, eight have been dissolved, and 19 are inactive. Please see Figure 1 for current locations.

Figure 1. CSA Roads Map, also shows the large number of private roads and the roads in older subdivisions, which were incorporated into the county road system.

⁶ (CSA Fund List.xlsx)

CSA Roads



In our investigation, we also looked over documents about the history of the CSAs from the beginning until now. That information is summarized in Appendix A. We found that the policy manual that governs CSAs has not been updated since 1992. Both a revised Attachment A and Exhibit A have been added to it (see Appendix B). With the changes of Senate Bill (SB) 1458, the budgets are no longer approved by vote annually. HOAs and Permanent Road Divisions (PRDs) now exist as alternatives to CSAs. No CSAs have been formed since 2009 in Tuolumne County. Two PRDs were formed, but those subdivisions have not been developed yet, so the PRDs are not active.

METHODOLOGY

For the initial research, the Grand Jury compiled a summary spreadsheet from the 17 individual CSA reports found on the web⁷.

For the investigation, the Grand Jury conducted eight interviews with individuals from the Public Works Department, County Auditor's Office, the Assessor-Recorder's Office, the Office of the County Counsel, and County Supervisors. The committee made three records requests with additional follow-up requests. The Grand Jury also used Geographic Information Systems (GIS), Google Earth, and County parcel and road layers to examine the areas around CSAs.

These are some of the materials that were examined as part of the investigation:

- California Senate Bill No. 1458. Chapter 158. Amending 25210. Et. Seq. (2008)
- California Senate Local Government Committee. Serving the Public Interest: A Legislative History of SB 1458 and the "County Service Area Law." (2008) available at <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/STPIPublication.pdf>
- California Tax Data. What is a County Service Area? (ND) available at <http://www.californiataxdata.com/pdf/CountyServiceArea.pdf>
- Tuolumne County Board of Supervisors. Minutes, approval of postcard notice of reports online. June 15, 2021. (2021)
- Tuolumne County Board of Supervisors. Resolution 131-13. (2013)
- Tuolumne County Board of Supervisors. Resolution 107-09. (2009)
- Tuolumne County Board of Supervisors. Resolution 86-07. (2007)
- Tuolumne County Board of Supervisors. Minutes June 15, 2004, adopted a revision of Attachment "A" to the Benefit Assessment Methodology Policy for County Service Areas. (2004)
- Tuolumne County Board of Supervisors. Resolution 287-89. (1989)
- Tuolumne County Board of Supervisors. Resolution 282-87. (1987)

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.

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

⁷ Tuolumne County. CSA Annual Reports (2023-2024 Fiscal Year). available at <https://tuolumnecounty.ca.gov/617/Special-Districts>

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 2023-2024 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. There were no recusals for this investigation.

DISCUSSION

The focus of the jury shifted upon receipt of additional information. With actual expenses and income statements, it was clear the interest rate was the same for all CSAs. The policy manual was the document that governed what was in the reports. The new accounting system, installed a couple of years ago, has not allowed the actual expenses for administration to be separated from other expenses of the CSAs. This has reduced transparency and the effectiveness of the administration of those CSAs. In addition, LAFCO has taken steps to dissolve many of the inactive CSAs.

The jury focused on three areas: the policy manual, which has not changed since 1992; the engineering reports, which are intended to provide cost estimates for needed road work; and the notice mechanism for how prospective buyers can be informed that there is no mechanism for road repair for a subdivision once a CSA is dissolved. There are also concerns about training of the BOS on CSAs and who reviews the audits. A final concern is that the Sphere of Influence analysis has not been done by LAFCO for many years. Some of the concerns mentioned above have been incorporated into these areas.

Policy Manual

The County of Tuolumne has a policy manual created to maintain and improve roads. It is in four parts. The first part focuses on the formation of CSAs and includes a description of the engineering report. The second part focuses on administration of the CSAs including routine administration, maintenance and improvements project administration, administrative charges, and administrative support. The third part focuses on expenditure of funds covers preliminary design engineering service, construction management, construction engineering services, service contracts, maintenance and improvement construction contracts, and expenditures for emergency work and signs. The final part covers benefit assessment methodology. It discusses how to allocate the charges based on the benefits received. It included the areas of community, zone, road usage, and individual. All the copies of this manual that were examined by the Grand Jury only had the community section. This manual is available in Appendix B and was an attachment to a memo to the BOS from Public Works on June 15, 2021, in support of an item on the consent calendar.

As noted in the background, the policy manual for the CSAs has not been updated since 1992. The manual's attachment has been modified, but now there are both an Attachment A and an Exhibit A (see Appendix B) that have been approved by the BOS. This manual is the key guide for those working with CSAs, and we found several problems.

Some of the information in the policy manual is outdated. As an example, in section D, Service Area Maps, the policy manual specifies making maps of the roads on mylar along with other details. Mylar was replaced by other systems (Geographic Information Systems or GIS) many years ago but is still specified in the policy manual. When a document serves for a long time, it is better to state that current best practices will be used, rather than mention a specific technique.

Some areas of the policy manual are missing. The manual was developed when CSAs were being formed. It did not address what would happen when they were dissolved. In 2009, an election was held

for each CSA to decide whether it would continue or not. The 2008 changes in the state CSA law⁸ meant that the annual elections would stop and a single election would allow CSAs to continue indefinitely with cost-of-living increases based on the Construction Cost Index (CCI). That process for dissolving CSAs was detailed in the notice sent to CSAs in 2009 for the election and was later extended into spending them down before dissolving them. In addition, whenever expenses increase beyond what the CCI allows, a new assessment ballot election is required. The process for dissolving the CSAs was never approved by the BOS as a resolution nor incorporated into the policy manual. This step of incorporation into the manual ensures consistency when this situation arises again and that the BOS has reviewed and approves of this process.

The policy manual also does not set up a complaint system for landowners who have concerns about road conditions or snow plowing. Currently, Public Works is quite responsive to complaints. However, those complaints may lead to work that other landowners did not review and approve. These responses to complaints could be enough to make a difference between a sustainable CSA and one that is not sustainable in the case of snow removal. This points to the need to develop a complaint system that sets thresholds for different ways of responding and informing other members of the CSA.

In the specifications for what is included in the annual reports, only the upcoming year's budget is included. A practice followed by most organizations is to include the budget and actual expenses of the previous year to provide context for evaluating the current proposed budget. This issue would be more of a concern when the budget was voted on each year. With the current use of an index for cost increases this is less important. However, providing actual expenses for the previous year would inform the members of actual costs and is a step toward transparency.

All of these issues have been fairly effectively mitigated by having one person in Public Works who has worked extensively with CSAs. Having the policy manual up to date and covering all areas would help to provide continuity if a new person is involved or if that person leaves or is unavailable.

In 2020, the CSA Coordinator was dropped from the County budget during cost cutting. As a result, the road fund was not legally able to charge the administration fees that were specifically allowed for in the policy manual (for project and routine administration as specified on page 2-3 Appendix B). At that time, Public Works employees began to charge as worked⁹ meaning that they would charge the CSAs when they worked on CSA activities as a way of ensuring work on CSAs were paid for by CSA funds. Landowners in CSAs receive an annual report about the CSA. These reports have not included overhead charges and admin charges as a separate category from other expenses. Therefore, there is no opportunity for oversight by CSA members if these costs become too much. In most other areas related to CSAs, the County has been careful to ensure that there is accountability. For example, work on the roads is done through contracts, clearly separating that work from the work of county road crews. This is one key area with little transparency or accountability.

One issue with CSAs is the amount charged for overhead and the expenses of the work that is done. Every year a road condition survey and a report are completed for each active CSA. In higher elevation CSAs there is also snow plowing. These expenses are there even when there is no road work. Each of

⁸ California Senate Bill No. 1458. Chapter 158. Amending 25210. Et. Seq. (2008)

⁹ Tuolumne County Department of Public Works. CSA Admin Meeting addressing loss of CSA coordinator position July 22, 2020. (2020)

these activities reduces the amount of the previous assessment that can be saved for future maintenance and major road work.

In 2021, Public Works proposed and BOS approved a change from mailing out the yearly report to making it available online and sending a postcard to let landowners know when the report was available. This greatly reduced printing and mailing costs and as well as the time to fold and prepare the reports for mailing. This is good example of a positive change that reduced costs while still making the information available.

There may be other areas for reducing costs. One option may be combining CSAs under California Government Code section 25210.7(a), which states, “Territory, whether contiguous or noncontiguous, in the unincorporated area of a single county may be included in a county service area.” There may also be other possible changes such as doing condition surveys or reports less frequently. There is software that can estimate road condition change for the intervening year. A thorough review of the procedure manual may reveal more ways to reduce these costs.

Finally, members of the Board of Supervisors who were interviewed did not know about the policy manual and had not received any training on CSAs. They are the governing body for the CSAs as specified in the County Services Areas Law.

Engineering Reports

The engineering report is also covered in the policy manual in the first part (see Appendix B). It is covered separately because it is much less frequent than the other parts of the operations. The engineering reports cover estimated expenses for 20 years. They were originally to be reviewed every five years as specified in the policy manual. This was changed to every ten years as a part of BOS Resolution 86-07, but that Resolution was rescinded in 2013.

A limited look at engineering reports for two CSAs showed that engineering reports for CSA 10 were done in 1990 and 2004. Those for CSA 48 were done in 1994, 2002, and 2008. Those for CSA 10 did not meet the specified time interval. Those for CSA 48 did. The most recent engineering reports are from 2004 to 2009. These reports had all been redone before the 2009 election. Since these are the most recent reports, all of them have not been redone in the past 15 years. These cost estimates and work projections have not been checked since 2009 despite the increasing intensity of storms and rising costs.

The every-five-year standard does not reflect actual practice and may not be needed. Rather than by time period, it may work better to review them based on specific changes in expenses relative to income. That type of system would likely have been triggered if snowplow expenses exceeded income for several years. That would tie the frequency to the actual need.

In addition, an examination of one report¹⁰ showed a 20-year projection of costs which were kept the same over the entire 20 years (the same cost for snow plowing at the start as 20 years later). The income was increased based on the estimated CCI. Showing inflation with income and not with expenses creates a bias that makes CSAs look more financially sustainable than they may be. It

¹⁰ McKenzie, William A. Engineer's Report CSA #26 Manzanita Drive. (2008)

undermines the utility of the analysis. There may be standards for the report or review of the reports that would better ensure the effectiveness of the analysis.

Notifications for Prospective Buyers

County Public Works sometimes receives calls from people who think the County is responsible for the maintenance of the roads in their subdivision. The Grand Jury understands that the normal title insurance reporting process identifies when there are expenses such as CSA or a Homeowners Association (HOA) that come with buying a property. Yet they may not be informed that there is no entity responsible for road repair if a CSA is dissolved. Access to a property with a reasonably maintained road can be important to the value of a home.

To remedy this problem, there are two different types of possible notification. A physical reminder such as a “Not a County Maintained Road” sign could be posted at the beginning of the CSA before they are dissolved and/or when the subdivision is first built. In addition, some sort of memo or other document could be recorded with the deed that would point to the resolution dissolving the CSA. This could show up in a title search and alert the buyer. These remedies were suggested in the course of our interviews. This is another area that could be addressed in the Policy Manual with the other aspects of dissolving or opening CSAs.

Board of Supervisors Training

As mentioned earlier, with the changes in the 2008 CSA law, members of the BOS no longer need to act annually on CSAs and so are less familiar with them. CSAs were not included in their initial training even though the BOS is their governing body. Additionally, these Supervisors were not aware of the policy manual. Including CSAs in their training would provide basic information and awareness of their roles with CSAs.

Audit

CSAs are to be audited yearly. The jury learned that the CSA finances are part of the County system which is audited yearly. The Board of Supervisors does not address these audits, nor does its finance committee. An examination of the minutes of the finance committee found that the committee has met twice or less per year since September 2018 and did not meet at all in 2019. Even when it met 8 times in one year (early 2018), it did not review the audit. In addition, the finance committee only has two members who are on the Board of Supervisors.

CSA and Possible Expansions

CSAs are initiated and dissolved through LAFCO. Districts under LAFCO are mandated to have a Sphere of Influence (SOI) analysis done every five years if needed. A quick examination of the CSAs and other roads near them found instances of non-CSA roads that must use CSA roads to get to any other road (Elliot Road off of Armario in CSA#10 Monte Grande Heights and gaps between parcels at CSA #48 Mono Vista, that may add access to adjacent large parcels). CSAs are intended to ensure that those who use the services are the ones who pay for them. An SOI should address this use on a regular basis by someone not paying toward the maintenance of that road.

Some possible examples of situations that could be addressed in an SOI include landlocked parcels adjacent to CSAs or on roads that must use a CSA road to connect to a more major road. There may also be landlocked parcels that are part of a string of landlocked parcels that have one adjacent to a CSA road. An examination on Google Earth or of LIDAR, which shows roads even under canopy could help.

The quality of the CSA roads compared to other roads that are not county-maintained makes them attractive to those who live nearby but are not in the CSA. There may be others who choose to use these roads that may adjacent to the existing CSA but not directly on the CSA road. In this regard, CSAs are not limited to roads in subdivisions. There may be commercial or agricultural land nearby that uses the roads even more heavily than the current members. There is one concern in the law about agricultural land:

25210.7.d) Land devoted primarily to the commercial production of agricultural products, timber, or livestock may be included in a county service area only if that land is contiguous to other land within the county service area and only if the land will benefit from the services and facilities that the county service area provides. A local agency formation commission shall not approve any change of organization or reorganization that would result in the inclusion of land devoted primarily to the commercial production of agricultural products, timber, or livestock in a county service area unless the board finds that the land will benefit from the services and facilities that the county service area provides.¹²

One addition consideration with adding parcels that are much larger to a CSA is a provision in the new law that makes voting by number of acres¹¹. That could really affect a CSA if a parcel that added was larger than half the total size of the CSA. It would be better to limit such additions to less than ¼ the current size of the CSA.

Possible issues related to expansion of CSAs were seen using Geographical Information System (GIS) with county parcel and roads layers, Google Earth and with LIDAR. CSA residents are also likely to know if there is regular traffic from those not in the CSA. Postcard outreach during an SOI evaluation could provide helpful information on the sources and extent of use. They suggest the range of possible considerations for SOI analysis.

All of this indicates that there is a need for Sphere of Influence (SOI) analysis for some of the CSAs and a careful review of all the CSAs.

¹¹ 25211.5.(b) https://california.public.law/codes/ca_gov't_code_section_25211.5

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

Policy Manual

F1. The policy manual was last updated in 1992 and some of the policies no longer reflect current operations. As such, the manual is outdated, which undermines its authority and utility.

F2. The policy manual does not address the dissolving of CSAs. A process was specified in 2009 when members voted on CSA continuation, but it had not been approved by the BOS.

F3. The policy manual does not address the process to be followed when Public Works receives a complaint from a property owner within a CSA. Responses to landowner's complaints can affect the economic viability of the CSA. Yet there is no specification of what is an emergency action and what can wait for approval the following year.

F4. The policy manual does not specify providing the actual expenses to the members of the CSA and does not break out the cost of overhead separately from the cost of the work. This prevents accountability and is a lack of transparency.

F5. The Board of Supervisors members interviewed, part of the governing body, did not know about the policy manual.

Engineering Report

F6. With increasing revenues and no increases in expenses over the 20 years covered, the engineering report does not always provide the information needed to ensure sustainable operations.

F7. The engineering report has never been updated every five years. The timing specified for the report is clearly not workable or cost effective.

Board of Supervisor Training

F8. Supervisors were not trained on CSAs even though they are the governing board for them.

Audit

F9. The Board of Supervisors does not review the results of the county audit leaving no accountability at the county level.

LAFCO

F10. LAFCO has not reviewed Sphere of Influence for CSAs in the last five year which doesn't allow for reassessment of non-contributors. Those benefiting from a CSA regularly should be members of that CSA.

Recommendations

Policy Manual

R1. Within nine months, Public Works should revise the CSA policy manual for Board of Supervisor approval. In this revision consider ways to reduce overhead expenses, if possible. In addition, create a policy for the review of the policy manual every 10 years. (F1)

R2. Within nine months, Public Works should add procedures for dissolving CSAs, those with and without ad valorem to the policy manual including consideration of how to notify prospective buyers that there is no entity responsible for road maintenance.

R3. Within six months, Public Works should Develop a complaint system with a corresponding policy. for approval by the Board of Supervisors. (F3)

R4. Within nine months, Public Works should increase transparency and accountability by specify that the yearly report include the previous year's expenditures for review and approval by the Board of Supervisors. (F4)

R5. Within five months, the BOS staff should create a binder of policies for each BOS member to serve as a reference. Include the CSA policy in that binder. (F5)

Engineering Report

R6. Within nine months, Public Works should re-evaluate the engineering report for effectiveness, state the purpose of the report and align the structure to that purpose for review and approval by the Board of Supervisors. (Finding 6)

R7. Within nine months, Public Works should set a review frequency for the engineering report based on some measure of need for review and approval by the Board of Supervisors. (Finding 7)

Board of Supervisors Training

R8. By the next BOS training for new members, the BOS should include all the entities where the BOS is the governing body in that training. (F8)

Audit

R9. Within three months, the Finance Committee of the Board of Supervisors should establish a practice to review the county audit each year within eight weeks of its release and make recommendations to the board on that audit if indicated as a local review independent of county administration. (F9)

LAFCOR10. Within the next nine months, LAFCO should do Sphere of Influence (SOI) analysis that addresses any other landowners who may primarily use the CSA roads for access and expand the CSA to include those parcels. (F10)

Commendations

Public works has carefully administered CSAs and has implemented the postcard notification and online availability of the annual reports as a cost saving measure.

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing body within 90 days: ¹.

- Tuolumne County Board of Supervisors: Findings F1-F9 and Recommendations R1-R9.
- Tuolumne County Local Agency Formation Commission (LAFCO) Finding F10 and Recommendation R10.

Invited Responses

Although not required under Penal Code Sections 933 and 933(c), the following responses are invited within 90 days. ⁴

- Tuolumne County Department of Public Works: Findings F1-F4, F6, and F7. Recommendations R1-R4, R6, and R7.

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California Senate Local Government Committee. Serving the Public Interest: A Legislative History of SB 1458 and the “County Service Area Law.” (2008) available at <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/STPIPublication.pdf>

California Tax Data. What is a County Service Area? (ND) available at <http://www.californiataxdata.com/pdf/CountyServiceArea.pdf>

Tuolumne County. CSA Annual Reports (2023-2024 Fiscal Year). available at <https://tuolumnecounty.ca.gov/617/Special-Districts>

APPENDIX A

CSA History

County Service Areas began in 1953 to provide services to those who were willing to pay. They cover unincorporated parts of the county and can be used for a variety of services including extended police, fire, parks and recreation, libraries, local television, water, and garbage. They can be formed by a vote of the board of supervisors or by a petition of registered voters. They can be funded by special taxes approved by a 2/3 vote or as benefit assessments that were subject to annual approval at a public hearing. They are covered by the County Service Area Law (California Government Code §25210.1 et seq.), which was last modified in 2013.

The original issue that prompted the creation of CSAs was to allow counties with many incorporated areas to be able to provide services to these unincorporated areas with funding collected from those same areas. Those in the incorporated areas did not want to be funding those services for the unincorporated locations.

In Tuolumne County, most of the CSAs are for road maintenance in subdivisions. A board resolution 282-87 in 1987 required that a CSA be created to maintain the roads for any new subdivision. New roads created by development would no longer be taken into the county road system.

Twenty-eight of the Tuolumne County CSAs were established before 1987. Twenty of these were established before Proposition 13 and were still funded in part or entirely by property tax though the amounts were reduced to a proportion of the 1% (Ad Valorem)¹².

After that 1987 resolution, policies were established for the formation of CSAs to maintain and improve roads. These policies were updated in 1992 to increase the percentage paid to the County to ensure they were paying for all the costs. The benefit assessment was also modified in 2004¹³ by a revision of Attachment A. (See Appendix A for these documents)

In 2007 resolution 86-07 established that Permanent Road Divisions (PRDs) were another way of paying for road work. They do not go through the Tuolumne County Local Agency Formation Commission (LAFCO) and can be set up more quickly. It also required the approval of a special tax to be established when they were formed so that the PRDs and CSAs ensure a permanent funding source for road maintenance by waiving their rights to repeal it.

In 2008, California SB 1458 was passed which included the changes introduced by propositions 13, 4, 218, and 1A. The previous law had not kept up with all the changes and previous attempts to change it had been vetoed. At this point CSAs were required to be sustainable indefinitely and budgets were no

¹² The CSAs are numbered in the order they are formed. This is based on the year of formation for each of the CSAs and interview.

¹³ Tuolumne County Board of Supervisors. Minutes June 15, 2004.

longer required to be approved annually. In addition, this law permits CSAs to include areas that are not contiguous.

In 2009 the members of active Tuolumne County CSAs were given a ballot that would allow them to go forward without further balloting with the budget amounts automatically increased based on the Construction Cost Index (CCI). This also required them to sign to waive their rights to appeal it. A memo to the Board was sent on May 4, 2009, but the Board never took action on it. Two hearings were conducted by the BOS on May 19 and May 26, 2009 to hear from the CSA members.

Those CSAs that did not approve going forward would be placed in inactive status. Services could be reduced or eliminated based on funds in the account. The intent of the County was to begin dissolving the inactive CSAs with the remaining funds to go to the General Fund. This was never approved by the BOS. Of the seven CSAs voting, five voted to continue.

In 2013 BOS Resolution 31-13 was approved which rescinded the resolutions from 1987 (282-87), 1989 (287-09), 2007 (86-07), and 2009 (107-09). It added Homeowners Associations (HOAs) for subdivisions where all the roads are private. It also provided an Exhibit A but did not address how that related to Attachment A from 2004.

In 2020 with cuts of positions, there was no longer a specific CSA coordinator position. This person had been assigned to prepare all the reports and other activities associated with the CSAs. When this position was cut, it apparently was not possible to keep the administration funds in a separate account, Public Works decided to charge as worked. They were aware this could cause problems for CSAs and that they needed to watch the expenses. This also meant that a more highly paid employee would be doing these activities.

In 2021 the BOS approved sending postcards telling the CSA members to look online for their current report as a cost saving measure. The background materials for that decision included the 1992 Policy Manual.

APPENDIX B

COUNTY OF TUOLUMNE

POLICIES FOR FORMATION OF COUNTY SERVICE AREAS

CREATED TO MAINTAIN AND IMPROVE ROADS

A county service area may be formed to carry out maintenance and improvement activities for the preservation of those roads within the service area in accordance with an adopted plan that details the design standards and level of maintenance service.

The formation of such a county service area shall be in accordance with the Tuolumne County Local Agency Formation Commission (LAFCO) process. LAFCO is empowered to act on proposals involving formation of, annexation to, and detachment from local service districts. The procedures are guided by the requirements of California Government Code, Section 56000, et seq. (See attached Tuolumne County LAFCO Instructions For Applicants.)

As part of the LAFCO process the application to form a service area for road maintenance will be reviewed by the Department of Transportation and Engineering Services. The Department shall require as part of its review process, the submittal of an engineer's report as described below. This report shall become the basis of the service area charges.

Upon approval of the service area application by the Board of Supervisors, a Notice of Completion shall be filed with the State Board of Equalization. The notice must be filed before January 1 in order that charges can be included on the subsequent tax roll.

Engineers Report

The engineers report shall be presented in a standardized format as provided by the Department of Transportation and Engineering Services and shall be prepared by a registered civil engineer in the State of California. This report shall include the following:

A. Analysis of Existing Road Condition and Needs

The engineers report shall present an inventory of the roads and their initial or current conditions. Special attention shall be given to any deficiencies or needed improvements which will return the roads to their intended design standard and level of maintenance service. The engineer's analysis shall also determine any specific needs that should be scheduled as part of the 20-year Maintenance Plan.

B. 20-Year Maintenance Plan

The maintenance plan shall be developed for a 20-year period. It shall include routine maintenance, major maintenance, reconstruction and improvements that the engineer determines necessary to be accomplished during this 20-year period. An engineer's estimate for the cost of this work shall be developed. The estimate shall provide for the cost of engineering, administration, labor (at prevailing wage), materials, equipment, bonds, insurance, traffic control, inspection, testing and any other service necessary to carry out the maintenance plan. The plan shall also indicate the total 20-year cost of maintenance and the average annual cost. Below is a partial list of maintenance activities that shall be considered as part of any proposed plan.

Routine Maintenance

Repairing Shoulders	Brushing & Tree Removal	Cleaning Culverts
Crack Sealing ¹	Cleaning Paved Ditches & Dikes	Sign Replacement
Snow Removal	Grading Ditches & Shoulders	Pavement Repair
Vegetation Control	Striping and Delineation	Emergency Work*

*Emergency Work shall be programmed as a contingency to cover unanticipated events or conditions which may occur.

Major Maintenance

Fog Sealing	Rock & Grading of Gravel Roads	Chip Sealing
Filling Cracks	Asphaltic Concrete Overlay	Culvert Replacement

Improvements

Road Realignment		Curve Widening
Safety Projects	Drainage Improvements	Paving Projects

C. Budget

An Annual Budget for the work programmed for each year shall be presented. This budget shall show cost per type of work or project. The cost shall be supported by engineer's estimate of the work.

D. Service Area Maps

A reproducible mylar map (24" x 36") of the service area shall be prepared by the engineer and submitted to the Department of Transportation and Engineering Services. The map shall not contain bearings and distances, but shall accurately indicate the boundaries of all parcels, road easements and drainage easements to the scale specified by the County Engineer. Fifty-foot interval road stationing, beginning at the edge of the connecting roadway and terminating at the end of the improved roadway, shall be shown for each service area road. The map shall be titled with the service area name and number and have a vicinity map which clearly indicates the

location of the service area, a north arrow, and scale. A reduced (11" x 17") mylar copy shall also be submitted.

E. Engineers Report Updates

Every five years¹⁴ the engineer's report shall be updated by the County Engineer or under a Consultant Engineering Services Contract. The report shall assess the current condition of roads and update the 20-year maintenance plan and budget. The updated maintenance plan will be presented to the Board of Supervisors with the annual report.

F. New Service Areas Formed for New Subdivisions

Developers whose projects require the formation of a Service Area for roads shall deposit funds in the service area account for the purpose of meeting emergency and snow removal needs during the first year. The actual amount of funds required will not be less than 150% of the combined annual emergency work and snow removal allowances as determined by the approved engineer's report.

¹⁴ This was changed to "no less than once every ten years" [res. 86-07] in 2007 and that resolution was rescinded in 2013 by res. 31-13.

COUNTY OF TUOLUMNE
POLICIES FOR ADMINISTRATION OF COUNTY SERVICE AREAS
CREATED TO MAINTAIN AND IMPROVE ROADS

The Department of Transportation and Engineering Services, by the authority of the County Board of Supervisors, is responsible for the administration of county service areas. New and existing service areas created to maintain and improve roads shall develop and be administered in accordance with an engineer's report as described under "Formation Policies County Service Areas Created to Maintain and Improve Roads". County Service Areas require routine administration, administration of maintenance and improvement projects and administrative support from other County departments. These areas of administration are described below.

Routine Administration

A. Maintenance of county service area records and files which include:

1. Copy of resolution establishing the service area
2. Current list of assessor's parcel numbers for properties in service areas
3. Current list of property owner's names and addresses
4. Annual reports
5. Records of charges against service areas
6. Correspondence
7. Maintenance and improvement project records
8. Current county service area boundary map

B. Field Review

1. Each year a field review of the service area shall be conducted. The survey shall inventory the work to be a part of the current years maintenance and improvement program and log any unusual conditions which should be incorporated in the upcoming reports.

C. Annual Reports

Each year annual reports shall be developed. Each annual report shall contain the following:

1. Background: General information including name, location, supervisors district, date of formation and reference to the associated resolution.
2. Administration: Statement as to whom the Board has delegated administrative authority.

3. Road Inventory: A listing of the service area roads shall be shown with data indicating length, width, structural material and condition.
4. Maintenance Record: A schedule should be provided showing past road projects, year of activity and cost.
5. Revenue: A breakdown of revenue including beginning fund balance of current fiscal year, current years anticipated revenue, source of revenues, estimate of total funds available for current year, estimate of beginning balance of upcoming year, anticipated revenues and anticipated funds available for upcoming fiscal year.
6. Field Review: A brief discussion of current conditions of roads should be provided. Comment should be made regarding any unanticipated or unusual conditions which have evolved.
7. Proposed Work Program: This section shall provide a brief report of proposed activities programmed for the upcoming year and their associated costs. These items to be addressed include professional services, road, maintenance, road improvements, administration and parcel charges.
8. Administration: The charges for routine administration shall be shown along with other administrative charges such as charges for County administrative support and for administering maintenance and improvement projects. A breakdown and justification for these charges shall be given.
9. Parcel Charge: The current parcel charge is to be shown and a justification and recommendation made for a proposed change; if any.
10. Fiscal Year Budget: Submitted with the annual report shall be a proposed budget. This budget lists all expenses and anticipated revenues.
11. Board Action: A recommended Board action shall be presented requesting approval of annual report, annual program, administration charge, FY budget and parcel charge.

Maintenance and Improvements Project Administration

The primary purpose of service areas is to carry out work required to maintain the existing-roads at their design standard and planned level of maintenance. The work consists of development and administration of maintenance and improvement projects.

These projects may be broken down into several tasks including preliminary and design engineering, bid process and awarding of contract, contract administration and construction engineering. The completion of the above work will be carried out by staff or contracted services, i.e., professional engineering consultants and public works contractors with the cost charged to the county service area.

The County shall administer these approved maintenance and improvement projects.

Administrative Charge

Project administration, routine administration and special administration charges shall be levied against the service areas to fund the County Service Area Coordinator position committed to service area administration. The charges shall be apportioned to the service areas as follows:

A Project Administration

An administrative fee in the amount of **15%*** of all maintenance and improvement project costs will be paid for preliminary engineering, development of plans and specifications, construction engineering, quality control, and project administration.

B. Routine Administration

The charge for routine administration is made up of a basic administration charge and a surcharge.*

A basic administration charge of \$400 per year shall be charged for basic administrative services for each active service area.

The surcharge will be developed as follows: That portion of the salary cost not covered by the project administration and basic fee revenues shall be prorated evenly over the total number of County Service Area parcels to establish a per parcel surcharge. Each service area would be charged the amount of the surcharge multiplied by the number of lots in the service area.*

C. Special Administration

In addition to project administration fees, inactive service areas will pay the weighted hourly rate for staff participation in routine administration activities such as meetings and surveys.

Administrative Support

The administration of service areas generates additional expenses such as printing, mailing, and support from other departments such as Data Processing and County Counsel. Each service:

Area shall reimburse the County for the actual cost incurred for such services.

BE IT FURTHER RESOLVED that the Board of Supervisors finds and determines that in order to fulfill their intended function(s) County Service Areas and Permanent Road Divisions must be permanently funded. Therefore, a condition shall be imposed on each tentative map requiring the owner(s)-voter(s) of a proposed Permanent Road Division, Zone of Benefit within a Permanent Road Division, or County Service Area to approve a perpetual maximum special tax to provide for perpetual maintenance of the roads and associated facilities within the identified entity. The tentative map condition also shall include a requirement that the owner(s)-voter(s) of the proposed Permanent Road Division, Zone of Benefit within a Permanent Road Division, or County Service Area shall execute a waiver of his/her/their right to petition for an initiative election to reduce or repeal any special tax approved as a condition of the tentative map. (Resolution 86-07) [repealed and superseded by 31-13 in 2013]

BE IT FURTHER RESOLVED that any Special Tax approved by the owners of a subdivision, shall be based upon an Engineers Report, approved by the Director of Public Works or his designee, which shall clearly identify the maximum special tax that may be imposed, along with an appropriate annual increase for inflation as provided in Government Code Section 53739(b)(1). The Engineers Report shall be updated as needed by the Director of Public Works or his designee no less than once every ten years, to adjust for the actual condition and maintenance needs of the road and appurtenant facilities. The annual tax levy will be based on the most current engineer's report. (Resolution 86-07) [repealed and superseded by 107-09 in 2009 and 31-13 in 2013]

[This resolution did not show how the policies would be revised, so this is added here.]

Should County staff identify a future need to increase the assessment to cover increased CSA maintenance costs, a new balloting effort would be prepared and distributed for a vote on the proposed increase.Should an updated Engineer's Report reflect at hat a change in assessments is needed that would be greater than the CCI, the assessment would be presented to the property owners for a new assessment ballot at that time. (2009 notice labeled as update to CSA policy). [86-07 did not include this]

If the assessment is not approved, your CSA will be placed on inactive status. Services may be reduced or eliminated depending on the amount of funds currently in your CSA's account. It is

the intent of the County to begin the process of dissolving inactive CSAs. If the assessment for your CSA is not approved, your CSA may be present to the Local Agency Formation Commission ("LAFCO") for possible dissolution. Should LAFCO vote to dissolve your CSA, any remaining funds after dissolution of the CSA may go into the Tuolumne County General Fund and will not be used toward road maintenance nor returned to the property owners. Once the CSA is dissolved, the road(s) will remain dedicated for public use, but will be maintained by the individual property owners with no further involvement of the County. (2009 notice labeled as update to CSA policy) [86-07 did not include this. This is the first policy seen on ending CSAs]

COUNTY OF TUOLUMNE

POLICIES FOR EXPENDITURES OF COUNTY SERVICE AREAS FUNDS

Preliminary and Design Engineering Service

The County will perform these services or enter into an agreement with an engineering consultant to provide these services when necessary. The Engineer shall be selected and engaged in accordance with the County Consultant Selection Procedure.

These engineering services provided by the County or a consultant engineer may include developing plans, specifications, contract documents, reports and attendance of meetings.

Construction Management and Construction Engineering Services

The County shall perform such services or will enter into a contract with an engineering consultant to provide these services when necessary. The Engineer shall be selected and engaged in accordance with the County Consultant Selection Procedure.

12. Construction Management shall include maintaining all files, records, documents, change orders, source documents, correspondence, draft progress payments, etc., as the County Engineer shall require.
13. Construction Engineering shall include all inspections, testing and documentation to insure compliance with the contract plans and specifications.

Service Contracts

Annual service contracts for services on an hourly basis may be awarded by informal bidding process. Such contracts shall contain the following provisions:

- A. Payment and performance bonds shall not be required.
- B. Payment of prevailing wage rates shall be required by the contract.
14. Proof of general comprehensive liability insurance in the amount and form specified by the County shall be submitted for the term of the contract. The Certificate of Insurance must name the County of Tuolumne and its representative, officers) employees and agents as additional insured.
15. Proof of Worker's Compensation Insurance shall be provided for not less than the limits required by law.
16. Full payment will made monthly for hourly' contract work performed during the previous month,

Maintenance and Improvement Construction Contracts

Maintenance and improvement work for \$4,000 or less may be by an informal bidding process. construction or repairs over \$4,000 shall be by the formal County bidding and contracting process. Below are listed the steps involved in the formal bidding process.

- A. The plans and specifications shall be prepared by a registered civil engineer in the State of California.
- B. The Board of Supervisors shall approve plans and specifications.
- C. The Board of Supervisors shall advertise for bids by formal procedure.
- D. The Board of Supervisors may award the contract to the lowest responsible bidder. The Board of Supervisors may reject any/or all bids.

Expenditures for Emergency Work and Signs

Within the Engineer's report a contingency fund component for emergency work is established. The Board of Supervisors may approve, within a service area budget, a predetermined amount which the Director of Transportation and Engineering Services may expend on urgent service area work. No expenditure or combination of expenditures shall be made in excess of the predetermined amount approved by the Board of Supervisors without further Board action. The above benefit components are described in further detail as follows:

A Community Component

Community component is that portion of the total benefit received by each parcel that can be determined uniform for all parcels within the County Service Area. These common benefits within the service area are:

- 1. Preservation of community appearance and value
- 2. Access to common areas
- 3. Intracommunity access
- 4. Access for utilities
- 5. Recreational uses, pedestrian and non-motorized
- 6. Emergency circulation
- 7. Other

The community component allows the allocation of those charges, which should be distributed equally.

*Minutes April 7, 1992, Alan Roberts, Acting Director, Transportation and Engineering Services, addressed the Board ' to request consideration of modifying the County Service Area policies, increasing the charge for administration, including engineering, design, development, of plans, etc., from 5% to 15%, and to add a surcharge to the basic \$400 charge for routine administration involving maintenance of records, files, phones, etc. (Passed by unanimous vote)

NOTE: the Policy Manual that we have been provided does not contain Attachment A to the Benefits Assessment Methodology Policy for County Service Areas.

Below is what was sent to the Board of Supervisors on June 7, 2004, based on the Adjusted Trip Rates for residential development derived from the "Fee Schedule" set for in section 3.54.030 of the Tuolumne County Ordinance Code. This was approved June 15, 2004, by unanimous vote.

ATTACHMENT “A”

Trip Generation Values

Category	Use	Trips
Residential	Singly Family Detached (2+ gross acres per parcel)	10.0/Dwelling Unit
	Single Family Detached (less than 2 gross acres per parcel)	7.4/Dwelling Unit
	Multi-Family Attached Apartments, duplexes, or condominiums per unit regardless of square footage	5.36/Dwelling Unit
	Mobile Home Park Area or tract where two or more spaces are rented for mobile homes or trailers	4.22/Dwelling Unit
	Retirement Community Five or more residential units, enforceably restrict to those 55 and over and designed for the elderly	4.22/Dwelling Unit
Other	Commercial, Industrial, and other uses	As determined by the Director of Public Works

Adopted 6/15/2004

Benefit Assessment Methodology Policy

EXHIBIT "A"

MAINTENANCE OF NEW SUBDIVISION ROADS NOT ACCEPTED INTO THE COUNTY MAINTAINED ROAD SYSTEM

General Provisions

1. As provided in this Resolution, only collector roads and other high volume roads which provide an overriding benefit to the needs of the County as determined by the Board of Supervisors will be accepted into the County Maintained Road System.
2. Prior to approval of a final map for a subdivision which is not exempted from these provisions, a County Service Area (CSA) or a Zone of Benefit within the Countywide Permanent Road Division (PRO) shall be established and funded, or a Homeowners Association (HOA) shall be established to maintain all roads not accepted into the County Maintained Road System as provided herein.

Subdivision Roads

1. Public Roads

For subdivisions with all public roads, either a CSA or Zone of Benefit within the Countywide PRO shall be established and funded to provide for road maintenance.

2. Private Roads

For subdivisions with all private roads, an HOA shall be established to provide for road maintenance.

3. Combination of Public and Private Roads

For subdivisions with both public and private roads, an HOA shall be established to provide for maintenance of the private roads and either a CSA or Zone of Benefit within the Countywide PRO shall be established and funded to provide for maintenance of the public roads.

County Service Area (CSA) or PRD (Permanent Road Division)

3. Prior to approval of a final subdivision map containing public roads, a CSA or Zone of Benefit within the Countywide PRO shall be established and permanently funded.
4. A condition of approval shall be imposed on each tentative map requiring owner(s)-voter(s) of a proposed CSA or Zone of Benefit of the Countywide PRD to approve either a special tax or an assessment to provide perpetual maintenance of the roads and associated facilities with the CSA or Zone of Benefit. The tentative map condition shall also include a requirement that the owner(s)-voter(s) waive their right to petition for an initiative election to reduce or repeal any special tax or assessment approved as a condition of the tentative map.
5. Any special tax or assessment approved by the owners of a subdivision shall be based upon a 20-year maintenance plan and Engineer's Report submitted to the Engineering Division of the

Community Resources Agency for review and approval. The maintenance plan shall include an engineer's estimate for maintaining the public roads within the subdivision. The Engineer's Report shall be approved by the Deputy CRA Director of Roads or his/her designee and shall clearly identify the maximum special tax or assessment that may be imposed, along with an appropriate annual increase for inflation as provided in Government Code Section 53739(b)(1). The Engineer's Report shall be updated as needed by the Deputy CRA Director of Roads or his/her designee no less than once every ten years, to adjust for the actual - condition and maintenance needs of the road and appurtenant facilities. The annual special tax or assessment levy will be based on the most current Engineer's Report. As an alternative to the 20-year maintenance plan, a 30-year maintenance plan may be submitted for review and approval by the Engineering Division of the Community Resources Agency when deemed appropriate by the Deputy CRA Director of Roads. The 30-year maintenance plan may be deemed appropriate when the projected traffic patterns for the subdivision are compatible with pavement treatments to extend the life of the original construction sufficiently to last 30 years before reconstruction is necessary.

6. Collection of the special tax or assessment shall begin the fiscal year immediately following recordation of the final subdivision map, or completion of the road improvements as provided in a subdivision agreement, unless otherwise approved by the Board of Supervisors. The Board of Supervisors may approve an alternative commencement time for collection of the special tax or assessment as provided herein, in conjunction with the approval of the tentative subdivision map or prior to approval of the final subdivision map. The owners of the subdivision may request that collection of the special tax or assessment be deferred for up to ten (10) years or until 20% of the parcels have been sold and title has been transferred, whichever occurs first from the date of recordation of the final subdivision map to provide time for the sale of parcels within the subdivision. The Engineers Report shall address a request for deferment of collection of the special tax or assessment and provide for a lump sum payment in an amount to cover emergency road maintenance, such as storm damage, snow removal services (if appropriate), and associated administrative costs during the time between the recordation of the final subdivision map and the start of collection of the special tax or assessment. The owners of the subdivision shall deposit the lump sum payment into the CSA or Zone of Benefit of the Countywide PRO account prior to recordation of the final subdivision map.
7. Funds collected on behalf of a CSA shall be expended for the services related to road maintenance and as otherwise provided in the approval of the CSA by the Local Agency Formation Commission. Funds collected on behalf of a Zone of Benefit within the Countywide PRO may be expended only upon services and administrative costs related to road maintenance. Services may include, but are not limited to: all pavement maintenance or improvement activities including seal coats, crack sealing, overlays and reconstruction, maintenance or improvement of hardscape and drainage features within the designated right-of-way, snow removal and deicing, signs, vegetation control, and pavement markings.

Homeowners Association (HOA)

1. Prior to approval of a final subdivision map containing private roads, an HOA shall be established.
2. The following shall be submitted to the County prior to establishing an HOA.
 - A. A 20-year maintenance plan shall be submitted to the Engineering Division of the

Community Resources Agency for review and approval. The maintenance plan shall include an engineer's estimate for maintaining the roads within the subdivision, The estimated cost of road maintenance per parcel shall be disclosed to potential buyers within the subdivision.

As an alternative to the 20-year maintenance plan, a 30-year maintenance plan may be submitted for review and approval by the Engineering Division of the Community Resources Agency when deemed appropriate by the Deputy CRA Director of Roads. The 30-year maintenance plan may be deemed appropriate when the projected traffic patterns for the subdivision are compatible with pavement treatments to extend the life of the original construction sufficiently to last 30 years before reconstruction is necessary.

- B. Covenants, Conditions and Restrictions (CC&Rs) providing for the formation and funding of an HOA, the responsibilities of which shall include maintenance of all private roads, shall be submitted to the County for review and approval by the Engineering Division of the Community Resources Agency and County Counsel's Office.
- C. The CC&Rs shall state that the County has no responsibility to maintain the private roads within the subdivision,
- D. Once approved by the County, the CC&Rs shall be recorded.

Above from 31-13. Did not repeal the 2004 document.

2021 change

4) Approving changes to the administration of County Service Areas and Permanent Road Division to streamline mailing of annual reports. [BOS MINUTES 6/15/21 with no additional details.

To further streamline the administration of the CSAs and PRDs, postcards could be used to eliminate time and material expenses associated with printing, folding, addressing, and packing envelopes. Annual reports will be available for download on the County's website. Paper copies of the report will be available on request (BOS memo - CSA postcard).

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



**Tuolumne County Grand Jury
Jail and Detention Center Report,
June 6, 2024:**

**Dambacher Detention Center and Mother
Lode Regional Juvenile Detention Facility**



The Mother Lode Regional Juvenile Detention Facility

SUMMARY

The 2023-2024 Tuolumne County Grand Jury visited the Dambacher Detention Center and the Mother Lode Regional Juvenile Detention Facility to report on their conditions. The Criminal Justice committee unfortunately was unable to tour the Sierra Conservation Center due to time constraints and lockdowns. Yet the committee inquired into the Board of State and Communication Correction (BSCC) reports to ensure conditions are being met. The Tuolumne County Grand Jury:

- Communicated with Tuolumne County Sheriff Pooley
- Interviewed Chief Probation Officer and staff
- Attended thorough, escorted tours of the two facilities
 - Dambacher Detention Center
 - Mother Lode Regional Juvenile Detention Facility

All personnel cooperated with the Criminal Justice Committee and were generous with their time answering questions and escorting the group wherever they requested. The committee was greatly impressed by all the staff's dedication to providing quality care for their residents and to ensuring the safety of Tuolumne County citizens.

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.

INTRODUCTION

California Penal Code section 919(a) states the grand jury may inquire into the case of every person imprisoned in jail of the county on a criminal charge and not indicted. Section 919(b) states the grand jury shall inquire into the condition and management of the public prisons within the county. Section 919(c) states the grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county.

TABLE OF CONTENTS

SUMMARY	2
INTRODUCTION	3
TABLE OF CONTENTS	4
METHODOLOGY	5
CHAPTER 1: DAMBACHER DETENTION CENTER – DISCUSSION, FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	6
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	7
Findings	7
Recommendations	7
Commendations	7
CHAPTER 2: MOTHER LODE REGIONAL JUVENILE DETENTION FACILITY – DISCUSSION, FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	8
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	9
Findings	9
Recommendations	9
Commendations	9
REQUEST FOR RESPONSES	10

METHODOLOGY

The committee toured and interview staff at:

- Dambacher Detention Center November 30th, 2023
- Mother Lode Regional Juvenile Detention Facility February 14th, 2024

The committee reviewed the BSCC reports of 2023 for:

- Dambacher Detention Center
- Mother Lode Regional Juvenile Detention Facility
- Sierra Conservation Center

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.

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 2023-2024 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.

CHAPTER 1: DAMBACHER DETENTION CENTER – DISCUSSION, FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Discussion

The maximum occupancy of the jail is 230. At the time of touring the jail they had 129 inmates. Inmates may be male or female, unsentenced and sentenced. The facility houses under 150 inmates due to staffing, medical, and food demands. This number could be higher if staffing needs were consistently met. In 2011, California experienced a criminal justice realignment such that inmates may now serve their felony sentence either in a local jail or in a state prison depending on the charge for which they were convicted and their own prior convictions. As such, there is no limit to the time that may be served in a California county jail if the conviction is for a felony punishable by imprisonment in a county jail.

Due to this change, inmates may be in the Dambacher detention center for a lengthy time. Many programs usually seen at the prison have been adopted for the jail too. For example, inmates may be enrolled in Medi-Cal, Education, and Mental and Behavioral Health assistance. The purpose of these programs is to keep inmates happy, healthy, and prepare them for life outside the jail. There are also support groups like bible study, Alcohol Anonymous, and Narcotics Anonymous for inmates.

The jail is around 60,000 square feet, about double the size of the old jail. This allows room to grow in both staff and inmate populations. During the tour, the jail appeared to be clean, well maintained, and secure. The committee toured the entire jail and saw no areas of concern with the facilities.

Staffing seems to be one of the largest issues when it comes to the county jail. Even with hiring programs, retention is hard due to the mental and physical strain deputies and nurses experience. Additionally, on duty deputies often must be called to transport detainees to court hearings or for medical reasons. This can mean a deputy is removed from the field to transport as far away as Modesto. Another issue is on-site nurses. There was no 24-hour nurse at the booking station, resulting in the inmates being seen at Adventist Health Sonora. An additional booking nurse could prevent the need to transport inmates.

Another concern at the time of touring was the HVAC system. There have been many instances of the HVAC system not working at full capacity. This has caused the jail to become very cold or hot depending on the season. When the HVAC system is not working properly on a hot day the temperature in the county jail has reached 80 degrees or higher. There has been a lot of effort and work put into fixing the HVAC system, and it is encouraging news that the system seems to be working consistently now.

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

F1. The Jail is currently short-staffed resulting in the need for on-duty deputies to preform transports.

F2. Additionally, at the time of the tour, the jail was short a booking nurse and a full-time registered nurse. There is a resource issue when it comes to hiring reliable and experienced candidates in Tuolumne County.

F3. HVAC system failures for heating and cooling the facility and backup generators only last so many hours when power goes out. This allows for hot or cold temperatures in the jail depending on the time of year.

Recommendations

R1. The Tuolumne County Grand Jury recommends that communication with the Board of Supervisors ensures competitive wages and benefits hiring and retention of staff. (F1 and F2)

R2. The Tuolumne County Grand Jury urges the County Jail to continue offering hiring bonuses, to increase future applications. (F1 and F2)

R3. The Tuolumne County Grand Jury recommends regular maintenance and system updates performed on the HVAC systems and generators to ensure maximum performance. (F3)

Commendations

C1. Staff were dedicated and well trained in safety precautions for staff, inmates, and the public.

C2. The facility is clean, secure, and well managed.

CHAPTER 2: MOTHER LODGE REGIONAL JUVENILE DETENTION FACILITY – DISCUSSION, FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Discussion

The Mother Lode Regional Juvenile Detention Facility maximum capacity is 30 juveniles, although the facility maintains a population of 16 or less juveniles at a time due to staffing issues. The Detention Facility contracts with five other counties to allow for juvenile youth out of Tuolumne County to be housed by the Mother Lode Regional Juvenile Detention Facility. This addresses overpopulation issues in neighboring counties and helps Mother Lode Regional Juvenile Detention Facility with monetary cost.

Some of the accomplishments of this facility include WASC (Western Association of Schools and Colleges) accredited, PREA (Prison Rape Elimination Act) Compliant, and dual enrollment program with Columbia College. Having WASC accreditation demonstrates that the school within the Detention Facility has the capacity, commitment, and competence to support high-quality student learning and ongoing education improvement. Juveniles earn quality education in the system that counts towards their general education when they exit the system. This prevents detainees from being behind when being reintegrated into the classroom or encourages them to go back to school when given the chance.

PREA Compliance ensures that juveniles are safe in the Detention Facilities from workers and other juveniles. One of the most important things is to provide safety to these juveniles that have already been through so much. Being PREA Compliant also means having one Probation Officer for every 8 juveniles, instead of a 1 to 10 ratio. However, this increases the need for staff at the Detention Facility.

The Mother Lode Regional Juvenile Detention Facilities offer detainees the opportunity to earn their college credits. This program is greatly encouraged for those who have already graduated high school or have been in the system long enough to graduate.

When the Grand Jury toured the Mother Lode Regional Juvenile Detention Facility, they were down 5 staff members. However, there were new candidates starting after completing mandatory training. While this facility is relatively new, technology advances quickly. New security cameras with recording and audio capabilities should be implemented. The current security cameras do not record audio or video; this upgrade can help keep juveniles and staff safe, which is a priority at the Mother Lode Regional Juvenile Detention Facility.

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

F1. The Juvenile Detention Facility is understaffed, making it difficult to accommodate more juveniles when necessary.

F2. The Juvenile Detention Facility currently only runs around 50% capacity, our facility is very nice, and it would be a useful resource for your other troubled juveniles to use this facility. Many other counties do not have Juvenile Detention Facilities and could benefit from having access to ours.

Recommendations

R1. The Tuolumne County Grand Jury recommends a plan be put in place to accommodate additional youth in our facility. Possibly by partnering with more neighboring counties to run closer to capacity. (F1 and F2)

R2. The Tuolumne County Grand Jury recommends that the Mother Lode Juvenile Detention Facility offer similar employment incentives to those at the jail. (F1)

R3. The Tuolumne County Grand Jury recommends that the Mother Lode Juvenile Detention Facility acquire a new advanced camera security system with recording and audio capabilities.

Commendations

C1. The Grand Jury notes that the Mother Lode Juvenile Detention Facility staff really care about all the juveniles in the facility.

C2. The Grand Jury notes that the Mother Lode Juvenile Detention Facility staff and detainees share mutual respect.

C3. The Grand Jury notes that the Mother Lode Juvenile Detention Facility detainees participate in 4H, sewing, gardening, brush management, education programs, and so much more that enhances the quality of life.

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing body within 90 days: ^[1]

1. Board of Supervisors: Findings F1-F3 and Recommendations R1-R3; Chapter 1 and 2
Pursuant to Penal Code Sections 933 and 933(c) responses are required from the following elected official within 60 days: ^[2]

2. Tuolumne County Sheriff – Chapter 1, Findings F1, F2, and F3

Invited Responses

Although not required under Penal Code Sections 933 and 933(c), the following responses are invited within [60^[3] or 90] days. ^[4]

1. Chief Probation Officer – Chapter 2, Findings F1 and F2

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



**Tuolumne County 911:
Sheriff's Dispatch Center Report
May 31, 2024**



Tuolumne County Justice Building, 28 N. Lower Sunset Dr., Sonora, CA

SUMMARY

The successful performance of the Tuolumne County Sheriff dispatch center is vitally important to the 54,531 residents who live within the 2,274 square miles of Tuolumne County—an area about the same as half of Connecticut. It is imperative that the center be prepared and able to always handle an emergency. The dispatch center is a part of the Tuolumne County Sheriff Department, and according to a 2023 Union Democrat article, the sheriff dispatch center is the “hub for all first responders—fire, ambulance, law enforcement” in the county.¹³

Based on a tour of the Tuolumne County Sheriff’s dispatch center, interviews with past and current staff, and review of pertinent information, it was determined by the grand jury that the dispatch center needs to either be relocated to another site or the current building must be renovated to meet present and future emergency dispatch needs. Additionally, the Tuolumne County Sheriff’s dispatch needs to continue to address staffing. For optimal 911 service to the residents of Tuolumne County, additional dispatchers should be hired and retained.

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.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS.....	3
GLOSSARY	4
BACKGROUND	5
METHODOLOGY	7
DISCUSSION	8
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	13
REQUEST FOR RESPONSES	15
BIBLIOGRAPHY	16
APPENDIX A.....	18
APPENDIX B	19
APPENDIX C	20

GLOSSARY

Communications center	Another term for dispatch center
Dispatcher	A 911 dispatcher works with police and emergency medical teams to provide quick responses to emergencies.
HVAC	Heating, ventilation, and air conditioning is the use of various technologies to control the temperature, humidity, and purity of the air in an enclosed space.
Mini-split	Heating and cooling systems that allow you to control the temperatures in individual rooms or spaces
Net server	A computer that stores software and a website's files. A server connects to the Internet and supports physical data interchange with other devices connected to the web.
NexGen	Next Generation 911 (commonly referred to as NG911) is a digital, internet protocol (IP)-based system that will replace the analog 911 infrastructure that's been in place for decades.
PSAP	Public Safety Answering Points, also known as 911 Call Centers
Relief dispatcher	An employee working to relieve employees who are not scheduled to work or to work various assigned shifts.
Server room	A server room is a room, usually air-conditioned, devoted to the continuous operation of computer servers.

BACKGROUND

The Sheriff's Office Communication Division (also known as 911 Dispatch) is the conduit for vital information associated with all Sheriff's office functions. As the primary public safety answering point for Tuolumne County, the dispatch center is responsible for answering approximately 140,000-150,000 phone calls annually, and relaying information to foster the safe and efficient functions of patrol operations, ambulance operations, medical care, fire/first responder services, to include coordinating non-emergency services for the community. The Communications Center 911 dispatchers are certified in emergency medical dispatch--a program that allows dispatchers to render aid to the public in emergency first aid while awaiting first responders to arrive on scene. ⁶

The successful performance of the Tuolumne County Sheriff dispatch center is vitally important to the citizens of Tuolumne County. It is imperative that the center be functioning optimally to always handle emergencies. All 911 calls in Tuolumne County go through the Sheriff's dispatch center, and in March 2024 alone, the center handled 7983 calls involving 3796 incidents—an average of 257 calls a day. The dispatchers also performed 16 life-saving interventions and dispatched 710 medical emergencies. ¹¹ (Appendix A)

The dispatch center is part of the Tuolumne County Sheriff Department at 28 North Lower Sunset Drive in Sonora. Known as the Tuolumne County Justice Building, the complex was built in the 1960s with some modifications made in 1984 and 1992. The center consists of the 911 dispatch center, the records department, the sheriff's administrative offices, and the defunct county jail.

In 2021, the county saw the opening of the new \$70 million Tuolumne County Superior Courthouse, the new \$20 million Motherlode Regional Juvenile Detention Facility and the new \$51 million Dambacher County Jail. It must be noted that Tuolumne County received state grants to pay for most of the construction of the Regional Juvenile Detention Facility and most of the \$51 million Dambacher County Jail. The construction on the new courthouse was paid for by the State Judicial Council. However, these funds do not extend to the sheriff's department, which includes the administration offices, records and the dispatch center. Currently, the county rents a building on Cedar Avenue to house the Sheriff patrol, investigations, professional standards and the evidence and property room. ¹

In August of 2023, the Tuolumne County Board of Supervisors reviewed a preliminary funding report completed by Capital PFG for a Law and Justice Center for TC Sheriff Administration and USFS. ⁵ However, the Tuolumne County Board of Supervisors were not willing to incur approximately \$32 million in debt required to construct a new Sheriff's department with administration offices and a new dispatch center. ¹³ The Tuolumne County Board of Supervisors acknowledged the need for improved facilities, however, and the Board directed county staff to

investigate alternatives. The County told the board that it would work with [outgoing] Sheriff Pooley on a “full-court press” to identify possible sources of state or federal funding and to explore potential alternate locations, before coming back to the board for further discussion.¹

It is important to note that an unused section of the old jail adjacent to the sheriff's administration consists of over 5,000 square feet of concrete and steel structure that could be converted into additional space for the Tuolumne Sheriff Justice Center. A renovation of the Tuolumne County Sheriff Justice Center and the unused jail—premises currently owned by the county--would be more cost effective than building a new facility. Furthermore, the sheriff patrol, investigations, professional standards, and evidence and property offices could be moved out of rented space and into the Lower Sunset building. (Appendix C)

In addition to the issues with the current facility, the Tuolumne County Dispatch Center is understaffed. The Tuolumne County Sheriff dispatchers sometimes work as many as 16 hours per day under very stressful tasks. In a major emergency such as an earthquake or fire, the dispatchers could be held over for more hours. The Sheriff's office and the county administration are working to address the staffing issue with some recent success. However, continued hiring and training of additional dispatchers would reduce stress caused by fatigue and provide a larger pool of trained dispatchers to cover for vacations, illnesses and other reasons.

METHODOLOGY

The grand jury toured the Tuolumne County Sheriff Dispatch Center at 28 North Lower Sunset Drive, Sonora, CA, on 01/17/2024. The tour started at 2:00 pm and lasted 2 hours.

After the tour, the grand jury interviewed personnel at the dispatch center interviewed pertinent personnel including the out-going sheriff, the in-coming sheriff, the dispatch supervisor, the deputy coroner and a second deputy.

The committee reviewed the Tuolumne County Board of Supervisors 8/15/2023 Meeting Minutes, the Report dated 8/15/2023 by Capital PFG on Preliminary Funding for a Law and Justice Center for TC Sheriff Administration and USFS), the Tuolumne County Sheriff Webpage “Communication Dispatch”. Additionally, the jury reviewed multiple Union Democrat articles pertaining to the dispatch center issues and multiple websites with pertinent information.

Although no previous Tuolumne County Grand Jury reports related to the Tuolumne County Sheriff’s dispatch center were found in report records, grand jury reports related to 911 dispatch services from other counties such as El Dorado and Orange County were reviewed for the purposes of this report.

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

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 2023-2024 Tuolumne Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejections of any related subject.

DISCUSSION

The Tuolumne County Grand Jury investigated the Tuolumne County dispatch facility to determine its adequacy for responding to emergencies and for modern dispatch operations. In the opinion of the Grand Jury, the facility requires either relocation or a major renovation to function reliably. Additionally, staffing issues should continue to be addressed for the dispatch center to function optimally.

FACILITY INSUFFICIENCIES

Electrical Inadequacies

The sheriff's 911 dispatch center is essential for Tuolumne County emergency services. However, the center experienced six failures of the 911 system in 2023 (one of which lasted an hour), a 2023 fire that likely resulted from an old circuit breaker, a generator failure in January of 2024, and most recently, a malfunctioning cooling unit in the server closet in May of 2024.

The inadequacies of the 911 dispatch center are age-related issues. Most notably, the building's electrical panels are old and unable to handle an increased load. The panels are difficult to repair, and parts are hard to replace. At a recent Tuolumne County Board of Supervisors retreat, a county official with knowledge and experience in the construction of PSAPs (dispatch centers), stated on the record that Tuolumne County's dispatch center was "the worse one [he] had ever seen."

The center's electrical limitations have ramifications for not only the current, but also for future of 911 emergency services. The Tuolumne County dispatch center--like most nationwide--was built using analog rather than digital technologies. As a result, dispatch centers need to be upgraded to a digital or Internet Protocol (IP)-based 911 system, commonly referred to as Next Generation 911.

Next Generation 911(NexGen 911) enhances emergency number services to create a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public to the 911 network. It also improves dispatch's ability to help manage call overload, natural disasters, and transferring of 911 calls and proper responses based on location tracking. While California's existing 911 system has been a success story for more than 40 years, it has been stretched beyond its limit. Old school 911 lacks the reliability and monitoring capabilities needed to support today's increased disaster environment.⁴

The Tuolumne County sheriff's dispatch center already has a NexGen server provided by the California State Office of Emergency Services as part of a pilot project. However, when a state

engineer reviewed the center for the pilot program, he warned that nothing else could be added to the grid as it was “maxed out.”

Other electrical issues in the dispatch center contribute to reduced workplace safety and comfort. These include outlets in the dispatch workroom with exposed wires. There has been a work order with the county for two years to attend to the exposed wires; however, dispatchers continue to use the outlets at the risk of being shocked.

Additionally, the Tuolumne County dispatch workroom floor is only partially anti-static. In workspaces with sophisticated computers systems, anti-static floors are recommended to ground the personnel as they move around the site. Without the safety flooring, headphone shock can occur due to the buildup and result in the delivery of a small shock to a wearer’s ear. Anti-static flooring is also recommended because it prevents operational failures such as dropped calls, and system outages which can cost lost productivity and outright systems failures.

Finally, the server room is in the dispatch workspace. If the servers overheat, they can malfunction and shut down, which can lead to data loss and performance issues. In the 2023 outages, it was not possible to cool the server room due to electrical outages and failed generators. A window in the breakroom next door to the server room was used to keep the servers cool and operational. Since that time, a mini-split ductless cooler and a backup generator have been installed to prevent damage to the servers should they overheat. The mini split cooler malfunctioned recently, and once again, the window in the breakroom had to be used to cool the electronics.

Non-Electrical Issues

The Sheriff dispatch workroom is small. The space includes six workspaces for dispatchers each housing multiple monitors and computers. The Tuolumne County 911 dispatch workspaces are roughly 6 x 6. There is little room between dispatchers’ stations which makes standing up and moving around between the stations difficult. There is a concern that the workspace is not ADA compliant as it would be difficult for someone with mobility issues to navigate the space. The Xybix Blog (ergonomics workspace providers) recommends that the average sized dispatch workspace should cover 10 x 12 area to allow for side surfaces, CPU cabinets, and circulation areas (i.e. ADA clearances). ⁷

Another important issue with the dispatch center is the workroom location at the front of the building. The workroom also shares a non-bullet proof wall with the public entrance. Per a leading construction company specializing in government and unique building projects, “Current best practices include placing dispatch centers **near the center of a building** away from exterior windows and doors. This positioning can help prevent vandalism or restricted entry...Other incidents might include a vehicle driving through an exterior wall or window. While unlikely and

unthinkable, **mitigating such threats helps ensure that operators can continue to serve the public without disruption.**”²

Currently, the Tuolumne Sheriff’s Justice Center HVAC system does not function properly. A new cooling and heating unit was installed ten years ago, but it has not functioned properly despite multiple attempts to correct the problem. As a result, during cold temperatures, noisy space heaters are used to heat the dispatch workroom—not ideal in a structure already experiencing electrical failures due to overload.

The Tuolumne County Sheriff Justice Center does not have a functioning fire alarm system. The malfunctioning is attributed to the age of the system, and replacement parts are obsolete. The alarm goes off regularly, and the switch to turn off the alarm is in the old jail—approximately 150 feet (and through 4 locked doors) from the administrative and dispatch area of the facility. During weekdays, a response to a false fire alarm can take 2-5 minutes. However, during weeknights, after office hours, or on weekends or holidays, the Fire Department must respond by shutting off the alarm as dispatch personnel cannot leave their stations. There have been multiple incidents where the alarm sounded for 60 minutes before the fire department could silence it. With 8 of the 14 alarms in the records and dispatch area, the alarm noise is unsufferable and impermissible. On the day that the grand jury was interviewing at the dispatch center, the fire alarm was turned off. On the day in 2023 that a fire did break out, the alarm was on but did not work.

Dispatch Center Staffing Shortage

The Tuolumne County Sheriff dispatch provides 24-hour emergency and non-emergency services to the public. This includes communications via telephone and radio to the fire department, Search and Rescue, Animal Control, Boat Patrol, the Public Works Department, Forest Service, Highway Patrol, and Tuolumne County Ambulance, and law enforcement.

Tuolumne County dispatchers work 12-hour shifts, nights, holidays, and weekends to provide 24 hour and 7 days-a-week service. As a result, some overtime work may be required, and in a major emergency, dispatchers may be on call 24 hours a day. Additionally, the work environment can be stressful at times as the calls dispatchers handle usually involve some sort of distress. Dispatchers are often the first people the public contacts when they call for emergency assistance. Dispatchers receive complaints and requests from the public about crimes, fires, and other emergencies.

When dispatchers receive calls, they must carefully question each caller to determine the type, seriousness and most importantly the location of the emergency. Dispatchers must then quickly prioritize an incident, determine the number of units needed, and then relay the information to the appropriate services. Dispatchers also monitor the activities of the responding personnel by using computer-aided dispatch systems. Typically, one dispatcher will handle the dispatching of

the calls to the appropriate units, while another dispatcher receives the incoming calls and monitors the location of the emergency responders.³ All dispatchers have a high level of accountability for their actions and decisions, and a high level of responsibility.¹²

Based on a site visit to the Tuolumne County dispatch center and interviews with personnel, it is noted that the Tuolumne County Dispatch Center is not fully staffed. The usual number of dispatchers on staff is three dispatchers working 12-hour shifts. However, the outgoing and incoming sheriffs and the dispatch supervisor agree that a staff of three or four full time dispatchers at the center is optimal. As of recent, dispatch has hired several relief dispatchers, two current trainees and several potential trainees in process. The recent hiring of relief (part-time) dispatchers is significant as they can provide breaks for dispatchers or cover absences and sick days. Additionally, the sheriff convinced the county administration to increase dispatch starting salaries to attract and retain personnel. These developments are positively impacting staffing at the dispatch center. However, more full-time and fully trained dispatchers would be optimal. When the grand jury recently visited the dispatch center, there was a relief dispatcher, a trainee dispatcher, and only one full time dispatcher answering the 911 calls.

There are also issues that affect long-term retention of dispatch personnel. The congestion and condition of the workspace, difficulty moving up on a pay scale, and dispatch salaries compared to other local agencies all make it difficult to retain dispatchers. There are funds for increased staffing, and the current administration is working to address changes to working conditions that will lead to the retention of dispatchers.

Working Conditions

In terms of the environment, the dispatch center lacks working conditions conducive for 911 dispatchers. Currently, there are workspaces for 6 dispatchers. Each workspace is roughly six feet by six feet (Appendix B). The dispatch work room does not have any windows; therefore, there is no natural light for the employees working long 12-hour shifts. This is particularly concerning in the winter months when dispatchers might not see sunlight during their workdays. Various studies show that exposing workers to only artificial lighting puts their physical and mental health in danger. A 2015 study published in *Chronobiology International* concludes that lack of exposure to natural light at work is related with high levels of cortisol and low levels of melatonin at night, which is itself related to depressive symptoms and a poorer quality of life.¹⁴

Also related to working conditions is the small breakroom just outside the workroom for the dispatchers. The breakroom does not function as a kitchenette as there is only a small microwave for preparing food. There is also no sink or water source in the breakroom. Dispatchers cannot leave the 911 center for meals during their 12-hour shifts, so meals must be prepared in the breakroom with the small microwave. Additionally, dispatchers must use water from and wash their dishes in the sink in the small restroom that is directly across the hall from the workspace.

This single restroom is for all 20 employees of the communication center, and it offers little privacy from the dispatch workspace.

Hiring and Retention

At present, Tuolumne County hires and trains dispatchers. No experience (other than HS equivalency) is required.⁸ The county offers an outstanding on-the-job training program that takes about 6 months. Employees hired from outside the county must have 2 years of prior experience. Currently, the county is posting employment for entry-level dispatchers with salaries ranging from \$27 to \$30.⁹ That salary is in the Level II salary range because at the sheriff's urging, the county agreed to pay entry-level dispatchers the Level II salary to be more competitive with other employers. The increase appears to be working as there are three new relief dispatchers and several trainee new hires.

Presently, the Tuolumne County administration is offering a hiring bonus of \$12,000.¹⁰ However, the dispatcher salary must compete with other local agencies, and there is little opportunity for growth and advancement in a small dispatch center. Dispatch supervisors reiterated that the county has funds to pay for more dispatchers. Progress is being made due to the sheriff's and the county's efforts to train and retain.

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

F1. The Tuolumne County Sheriff Dispatch Center has many well-documented structural deficiencies that render the facility unable to meet current and future electrical, technological and safety needs.

F2. The Tuolumne County Sheriff's dispatch center is recruiting and hiring relief dispatchers and trainees. However, the dispatch center continues to be understaffed.

Recommendations

R1. The Grand Jury recommends that Tuolumne County Administration and the Board of Supervisors identify sources of funding to either locate an alternative site for the Sheriff's Dispatch Center or renovate the Tuolumne County Sheriff Justice Center to meet current and future needs. (F1)

R2. The Grand Jury recommends that Tuolumne County Administration creates a more conducive working environment to attract and retain sheriff dispatchers including a more functional and safer dispatch workroom, a suitable breakroom, and a more acceptable restroom for the 20 dispatch center employees. (F1, F2)

R3. The Grand Jury recommends that the Tuolumne County Sheriff's department increases the number of full-time dispatchers on staff. (F2)

R4. The Grand Jury recommends a more aggressive approach to attracting potential dispatchers by collaborating with Columbia College to offer courses and certification for public service dispatch. (F2)

Commendations

The Tuolumne County Sheriff dispatch center professionals continue to rise to the challenge of carrying out their life saving mission. The dispatchers are required to be detail oriented as they gather essential information to determine a situation's severity in record time and ensure information is dispatched to the appropriate emergency response agency.

In 2022, in recognition of outstanding service in the line of duty over an extended period, eleven members of the Tuolumne County Communications Division were awarded the Distinguished Service Award 7.

The Tuolumne County Grand Jury appreciates and commends the critical role our public safety dispatchers play in keeping our community safe and secure. Additionally, the grand jury commends the Tuolumne County Sheriff for his dedication to creating a safer, more efficient, and operative facility to meet the public's safety needs now and in the future.

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing bodies within 90 days:

- * Tuolumne County Board of Supervisors (Finding 1, Finding 2), (Recommendation 1, Recommendation 2)
- * Tuolumne County Sheriff (Finding 2), (Recommendation 2, Recommendation 3, Recommendation 4)


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APPENDIX A



TUOLUMNE COUNTY SHERIFF'S OFFICE

MARCH 2024

STATS AT A GLANCE

DISPATCH

Total Calls:	7983	
Total Incidents:	3697	
Calls for Service:	2905	
Life Saving Interventions:	16	
Emergency Medical Dispatching:	710	

PATROL

Deputy Cases:	281	Citations:	34
Total Arrests:	130		
Felony:	44	Misdemeanor:	86
Fentanyl Cases:	14	Suicides:	0
Unhoused Contacted:	103		
Unhoused Incidents:	98		
Assist Other LE Agencies:	15		
Mental Health Crisis Response:			21
Community Oriented Policing Patrol (COPP):			42
Average # of Deputies per Shift:			5

JAIL

Bookings:	307		
Male:	219	Female:	88
Non-Binary:	0	Unknown:	0
Avg. Daily Pop.:	140		
Jail Incidents:	144	Citations:	7

OTHER

- SAR Incidents: 1
- Congratulations on your appointment Sheriff Vasquez!
- Jail Work Crew will be starting up again in April.

<https://www.facebook.com/tuolumnecountysheriff/>

APPENDIX B



https://www.uniondemocrat.com/news/article_2dd2df40-a3a4-11eb-8fa8-a7f173d9c8d8.html

APPENDIX C



28 N Lower Sunset Dr., Sonora, CA. Unused section of Tuolumne County Justice Center

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



**TUOLUMNE COUNTY LOCAL AGENCY
FORMATION COMMISSION (LAFCO),
JUNE 2024:**

**“LAFCO is the most important unknown
board in Tuolumne County”, LAFCO
commissioner at January 2024 meeting.**



SUMMARY

Local Agency Formation Commissions (LAFCOs) are valuable for overseeing the appropriate and efficient extension of municipal services within all 58 of California's counties. The 2024 Tuolumne County Grand Jury investigated Tuolumne County LAFCO. Our investigation focused on Tuolumne LAFCO's involvement with the County, City of Sonora, and special districts within the County and on LAFCO's adherence to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). Interviews were conducted with LAFCO staff, current and former commissioners, and Directors and Board Members from special districts. The Tuolumne County LAFCO website and relevant documents related to the role, function and requirements of LAFCO were reviewed. Information from other LAFCOs in the state was also considered.

The Grand Jury found Tuolumne County LAFCO's provision of information for entities under its purview and general adherence to the requirements of the CKH Act is in need of improvement. Tuolumne County LAFCO did not have an updated Policy and Procedures Manual document, which includes requirements of the CKH Act and how these are fulfilled. The Policy and Procedures Manual was neither provided to former and current commissioners nor were they trained in its use.

Tuolumne County has a significantly higher number of agencies, particularly small special districts, subject to LAFCO regulation than most counties in the state with similar populations. All of these agencies are subject to periodic reviews and updates of documentation called Sphere of Influence, that must be accompanied by Municipal Service Reviews. It is the intent of state law that these reviews and updates are completed on a 5-year cycle, but Tuolumne County has many agencies that have not been considered since 2013.

LAFCOs are governmental agencies independent of state and local governments. LAFCOs decide who provides support for their operations, including the positions of Executive Officer and Legal Counsel. Currently, employees of Tuolumne County act as LAFCO support staff, but staff assignments have been changed by County officials without approval or consultation with the Commissioners. The relationship between Tuolumne County and Tuolumne County's LAFCO is not subject to a formal contract despite state law requiring a formal agreement.

Ultimately, the Grand Jury found that the County is no longer equipped to provide adequate support for LAFCO. The current move to find another agency or firm to provide that support is in the best interest of LAFCO, the special districts, and the public.

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.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS	3
GLOSSARY	4
BACKGROUND	5
METHODOLOGY	9
DISCUSSION	11
FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS	18
REQUESTED RESPONSES	21
BIBLIOGRAPHY	22

GLOSSARY

CALAFCO	California Association of Local Agency Formation Commissions
CDD	Community Development Department
CGJA	California Grand Jurors; Association
CGOPR	California Governor's Office of Planning and Research
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
County Counsel	Primary legal advisor to the Board of Supervisors and other county departments, committees, and commissions
CSDA	California Special District Association
Ethical wall	A screening mechanism that protects a client from a conflict of interest by preventing one or more lawyers within an organization from participating in any matter involving that client
LAFCO	Local Agency Formation Commission
MSR	Municipal Service Review
Public Defender	Director of program providing legal counsel and representation to adult and juvenile indigents charged with criminal violations
SOI	Sphere of Influence
CSD	Community Services District
TCGJ	Tuolumne County Grand Jury

BACKGROUND

State law governs what agencies a Grand Jury can investigate. One such agency is the Local Agency Formation Commission (LAFCO). The Grand Jury in Tuolumne County has not investigated LAFCO for at least 12 years.

LAFCOs serve as the California State Legislature's watchdog over city and special district boundaries. There is one LAFCO in each county, and the cost of operations is divided among the county, the cities, and special districts represented on LAFCO. The primary goals of LAFCO include:

- Streamline governmental structure
- Preserve agricultural lands and open spaces
- Promote the efficient and effective delivery of agency services
- Encourage the logical formation of boundaries for city government agencies and special districts

Special districts are local government agencies that provide public infrastructure and essential services, including but not limited to, water, fire protection, recreation and parks, cemeteries, lighting, and sewage treatment. Since California became a state in 1850, voters have established over 2,000 independent special districts to meet their local needs. Special districts have corporate powers, so they can hire employees, enter contracts, and acquire property. Subject to constitutional limits, special districts can also issue bonds, impose special taxes, levy benefit assessments, and charge service fees. As public agencies, special districts are held accountable to their local voters. They must file independent audits with the county auditor and annual financial transaction and compensation reports with the state Controller's Office. Like cities and counties, every special district board must comply with Fair Political Practices Commission (FPPC) regulations, the Public Records Act, and all open meeting requirements in the Brown Act.

LAFCOs were established by the state in 1963 as the local point of review and approval for formation or dissolution of governmental agencies and changes in organizations and boundaries of cities and special districts. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) and subsequent legislation resulted in major changes to LAFCO roles and responsibilities. LAFCO has always been required to map the portions of the County that are within the service areas for special districts and possible areas of expansion. This is known as a sphere of influence (SOI). As of 2001, LAFCOs became responsible for undertaking municipal service reviews (MSR) prior to, or in conjunction with, the establishment of an entity's SOI.

Although special districts are created at the local level, they are separate and distinct entities from county, city, and other government agencies in the area they serve. All special districts have an obligation to be transparent to their constituents and ensure the needs of the community are being met. An MSR can assist residents in determining how well services are being provided by special districts and the potential of special districts to serve the community in the future.

MSRs attempt to capture and analyze important information about the governance structures and efficiencies of special district service providers. MSRs also identify opportunities for greater coordination and cooperation between providers where possible. Specific information contained in a MSR may include analyses of city or special district growth and population projections, the present and planned capacity of public facilities, the adequacy of public services, and the agency's financial ability to provide services. To best serve the public, MSRs should be completed in a timely manner.

The organization responsible for ensuring SOI and MSRs are completed for special districts is LAFCO. Initially, a SOI for each special district was to be completed on or before January 1, 2008. Thereafter, state law requires that LAFCO review and update each sphere of influence as necessary. When reviewing a district's SOI, the MSR for that district is considered and updated as needed as part of that process.

As mentioned previously, the guidance for the composition of LAFCOs and their function are directed primarily by the CKH Act. At minimum, the board structure of LAFCO is comprised of two commissioners from the County Board of Supervisors, two commissioners from city councils of the incorporated cities within the County, and one at-large public member. From that minimum of five commissioners, two additional commissioners can be added to bring the total to seven. Those additional commissioners would be chosen from the directors of special districts. In addition, an alternate would be selected for the two Supervisors, for the two city council members, and for the special districts. Other than the at-large public member, who is chosen by vote of the rest of the commissioners, the commissioners are elected officials from their respective entities. However, state law is clear that the obligation of all of the commissioners is to consider issues and make decisions based on what would be the best for all of the residents of the County and to not just represent the interests of their respective entities.

LAFCO must exist as an independent agency with its own budget and staff support. In accordance with Section 56384 of the Government Code, support for LAFCO requires that an Executive Officer and Legal Counsel be selected, and other staff can be added as necessary. In most of the larger counties of the state with many incorporated cities and special districts, LAFCO hires their own dedicated staff. In many smaller counties, it is common and acceptable to contract with the County for services, and that can include the Executive Officer (EO) and Legal Counsel. However, if a LAFCO chooses to use County staff for support, that support must

be based on a formal contract between LAFCO and the County (Section 56375(k) of the Government Code). As described above, LAFCO commissioners are directed to consider issues and vote in the interests of the public and County as a whole rather than to only represent the specific interests of their Boards. LAFCO staff are under similar direction to provide LAFCO guidance and reports that reflect independence from their other roles as County government staff. The budget for LAFCO is based on a fiscal year as is common for California local governments. The fiscal year runs from July 1 to June 30 of the next calendar year.

Tuolumne County LAFCO came into existence after the state laws became effective in the 1960s. For most of its history, the Commission was composed of two County Supervisors, two City Councilmembers from the City of Sonora as Tuolumne County's only incorporated city, and one at-large public member.

Traditionally, Tuolumne LAFCO only met when there was a project to consider, such as creation or modification of a special district or one of a few annexations to expand the boundaries for the City of Sonora. When LAFCO is considering the boundary of the City or a special district, the map that defines the boundary must also define the SOI limits for that entity. The SOI defines what area adjacent to the current district's boundaries may be included within that district in the future.

Significant changes occurred in LAFCO law during the 2000s. One of which stated: "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." Tuolumne LAFCO did meet that requirement and completed updates for all existing districts in 2013. As required, accompanying the SOI maps prepared for each district was an MSR.

There are statutory requirements for what must be addressed in an MSR. These requirements are focused on a district's ability to provide efficient and adequate service to its constituents and include "present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies." The series of MSR's approved in 2013 were prepared by a County staff planner who was assigned to the role of Deputy Executive Officer for LAFCO for many years.

At the time of budget approval in June of 2019, LAFCO had oversight and regulatory responsibility for one city and 82 special districts as follows:

- City of Sonora
- 5 Fire Districts
- Groveland Community Services District and Twain Harte Community Services Districts
- Tuolumne Utility District (TUD)
- 5 Cemetery Districts

- Jamestown Sanitary District
- Tuolumne Sanitary District
- Tuolumne Parks and Recreation District
- Leland Meadows Water District
- 7 Lighting Districts
- 17 County Service Areas (for road maintenance of various subdivisions – a detailed study of CSA use in Tuolumne County is addressed in another report by this Grand Jury)

As mentioned previously, all of the districts and the City of Sonora had a SOI map and MSR approved in 2013. As of the budget approval of June 2019, updates of those studies had been accomplished for the City of Sonora and the five fire districts in 2018. The FY 2019-2020 budget document included a work plan for that fiscal year, calling for completing SOI and MSR studies for Groveland CSD, TUD, and the cemetery districts by the end of FY 2019-2020. The approved work plan also stated that SOI and MSR studies would be completed for Tuolumne Sanitary District, Jamestown Sanitary District, and Tuolumne Parks and Recreation District during FY 2020-2021. Leland Meadows Water District, the 7 Lighting Districts, and the road maintenance CSA's would be addressed by SOI and MSR updates during FY 2021-2022. As proposed, all of the districts would have been updated by the end of June of 2022. However, the majority of this proposed work was not done, and at the time of drafting of this report there remain a total of 35 districts that have not been addressed since 2013.

METHODOLOGY

Research began with a review of the website for Tuolumne County LAFCO, and a series of additional other County LAFCOs, including:

- Tuolumne County LAFCO tuolumnecounty.ca.gov/143/Local-Agency-Formation-Commission
- Calaveras County LAFCO calaveraslafco.org/
- Amador County LAFCO amadorgov.org/government/lafco
- El Dorado County LAFCO edlafco.us/

Although no investigation of Tuolumne LAFCO was found in the Tuolumne County Grand Jury records, reports by other Grand Juries were found and reviewed for El Dorado, Calaveras, and Tehama Counties, references for those reports are found in the Bibliography.

The California Association of Local Agency Formation Commissions (CALAFCO) is a state-wide organization that supports LAFCOs and serves as a main source of information about LAFCO responsibilities and mission. CALAFCO holds an annual conference and training session where member LAFCOs are invited to send commissioners and staff. The CALAFCO website is a central source of documents about LAFCO, and those were reviewed extensively. It is found at: <https://calafco.org/index.php>.

The Policy and Procedure Manual for Tuolumne County LAFCO, originally adopted in 2001 and last amended in 2011 was reviewed extensively, as were similar documents found for other county LAFCOs.

A series of Interviews were completed with several current and previous LAFCO commissioners, County Public Works representatives, LAFCO staff support personnel, Directors and management staff of Special Districts, and interested parties.

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.

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 2023-2024 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.

DISCUSSION

TRANSPARENCY AND PUBLIC INFORMATION

LAFCOs are independent governmental agencies that are required by state law, and subject to all of public meeting and notice requirements of the Brown Act and associated public meeting laws. Meetings must be open to the public to attend and for public comments. Before a meeting, an agenda must be posted that contains a brief general description of each item to be transacted or discussed at the meeting. LAFCOs are required to provide access to agendas, meeting notices, and other commission information for the public through a website.

The Tuolumne County LAFCO does have a website page as part of the greater Tuolumne County government website. A Google search for “Tuolumne County LAFCO” directs one to the main page tuolumnecounty.ca.gov/143/Local-Agency-Formation-Commission. However, when opening the main Tuolumne County web page, there are no links for direct link for LAFCO on that page nor are there links under the main headings: *Government*, *Community*, *Business*, or *Visitors*. There is a link under the government heading for “Commissions and Committees,” which opens to a sub-page referring to all those commissions and committees that include Supervisors. Such placement in the hierarchy of the main Tuolumne County website implied to the Grand Jury that LAFCO is regarded as a committee subsidiary to the Board of Supervisors. However, LAFCO is an independent commission and is not an “Advisory Committee.”

The information available on the Tuolumne County LAFCO webpage was reviewed along with other counties’ LAFCO pages. Those other LAFCO web pages included Calaveras, Amador, El Dorado and Mariposa counties, and others from around the state. Comparatively, the Tuolumne website has much less information and was not as well organized. For example, the other counties LAFCO webpages have rosters of current LAFCO commissioners identified by name, by role, and term expiration. Additionally, other counties’ LAFCO websites identify the names of those key staff members supporting LAFCO, including the Executive Officer and Legal Counsel with contact information. The Tuolumne LAFCO page lists two persons under the heading “Principal Staff” with email addresses but does not identify their positions. One of those people is the Executive Officer and one is a Support Technician (clerical). The Legal Counsel is not identified.

County LAFCO websites generally provide information regarding their budgets. Most other LAFCO websites include a current adopted budget and have several years of adopted budgets. Tuolumne County LAFCO has no budget information available on its website.

LAFCO websites provide a list of each district for which that LAFCO is responsible. Often that list includes a description and the status of SOI and MSR reviews. Tuolumne County LAFCO's website has a page with links to some MSR documents for the City of Sonoma and districts. Because not all SOI or MSR reviews are on the Tuolumne County LAFCO website, members of the public have no easily accessible way of researching all the districts subject to LAFCO review, the status of their SOI and MSR reviews, nor a map of the district.

A common reason someone would be using the Tuolumne County LAFCO website is to research agendas and minutes for past and future meetings. On the main page of the Tuolumne County LAFCO website is a link to an "Agenda Center for Agendas and Minutes." This link lists all meetings by calendar year, with options to open past years lists for the previous 3 years. There are no archives apparently available for previous years. The heading for minutes has nothing to open, and there are no approved minutes available for review.

Compared to LAFCO websites for other counties, the Tuolumne County LAFCO site is missing several key elements and does not make a breadth of information readily available. LAFCO and its mission are not easy for the general public to comprehend and the little information available on the website does not help. Not providing basic information like rosters, lists of agencies and districts affected, and meeting minutes does not meet the modern requirements for a public agency, and shows a lack of transparency.

STAFF SUPPORT

As explained in the Background section, LAFCO is required to select an Executive Officer and Legal Counsel, and other staff can be added as necessary. The staff support can be hired directly by LAFCO, contracted out to private individuals or firms, or provided by county staff under a contractual relationship. Tuolumne County has always used the County-staff support model, as do about half of the Counties in the state. However, the County has not been able to locate an actual contract between LAFCO and the County in this regard. Because it could not be produced during our investigation, the Grand Jury concluded that such a document does not exist. This

violates the requirement that any persons assigned to staff LAFCO be either hired directly by LAFCO or under contract to LAFCO.

The Policy and Procedures Manual for Tuolumne County LAFCO defines the County-staff support as an Executive Officer (EO), Assistant Executive Officer, Legal Counsel, and Department Support Technician. Other than the Legal Counsel, which has been from the County Counsel's staff, the other positions have always been staff assigned to the County's planning staff. Currently, county planners are supervised directly by the Community Development Director. Traditionally, the EO position was filled by the head of the planning staff or their direct supervisor. As such, the Tuolumne County LAFCO EO role has evolved as the planning function has been renamed and moved within the hierarchy. The EO was originally the County Planning Director, then restructured as the Director of the Community Resources Agency and is now the responsibility of the Director of the Community Development Department (CDD).

According to the LAFCO Policy and Procedures Manual, the Assistant Executive Officer assists by processing applications, prepares draft reports for proposals submitted to LAFCO for consideration, provides information to the public and attends LAFCO related meeting. The Assistant EO role for most of Tuolumne County LAFCO history was filled by a journeyman planner on the planning staff who stayed in that role for years and attended California Association of Local Agency Formation Commissions (CALAFCO) conferences and training opportunities. The Assistant EO drafted most of the agenda documents and managed the processing of applications and was the primary contact for most LAFCO-related questions or issues.

For most of the past 35 years, the Assistant EO role was filled by just two experienced Planners who provided primary support to LAFCO in a cost-effective manner. For example, in the 2019 LAFCO budget, a Planner provided over 60% of the total hours estimated. The LAFCO budget would be charged \$87 per hour for those hours worked by a Planner versus the EO whose billing rate was \$180 per hour. The Planning staff at the Community Development Department (CDD) has undergone a lot of transitions. Currently, there is no one in the Planning Manager position and no one is assigned to the Assistant EO role for LAFCO. The CDD Director, as EO, provides all the professional support for Tuolumne LAFCO by writing all documents and agenda reports and attends all meetings. Due to downsizing and personnel turnover, Tuolumne County no longer has capable personnel with time available to provide LAFCO the adequate and cost-effective support staff that it needs. The CKH Act and related state statutes for LAFCO are quite clear that LAFCO support staff – like the EO and Legal Counsel – are appointed by LAFCO. Government

Code Section 56384 states, “The commission shall appoint an executive officer who shall conduct and perform the day-to-day business of the commission.” It also states, “The commission shall appoint legal counsel to advise it.” LAFCO commissioners are to decide who would fill those appointments. However, the recent staffing assignments for LAFCO do not appear to follow that requirement. Multiple people have served as EO and the supporting planning staff have changed over the last 5 years, with no record found that LAFCO made those decisions. The Legal Counsel role for LAFCO is also subject to appointment by the commissioners, but that role moved from one Deputy Counsel to another Deputy Counsel in the last year. The incoming Legal Counsel for LAFCO had no previous experience, and the change in personnel was made without consultation or approval of the commissioners. These decisions by the County to change support staff without consulting the commissioners does not satisfy the need for LAFCO to be treated as an independent agency, nor does it honor the statutory right of LAFCO to appoint those providing support services.

LAFCO support staff provide educational opportunities to the commissioners, which typically serve four-year terms and may find themselves appointed to the Commission without a familiarity with LAFCO. Some commissioners only serve a single four-year term, and do not have the ability to avail themselves of educational opportunities and the knowledge that can be gained by participating for an extended time. The LAFCO Policy and Procedures Manual, which is required by state law for all LAFCOs, has not been consistently provided to new commissioners let alone made the subject of a training or orientation session. Some former and current commissioners were not even aware of the Policy and Procedures Manual existence at the time of their interviews.

LAFCO over the last several years has had more meetings canceled than held and has resulted in expressions of frustration by some LAFCO commissioners on the lack of progress. As a result, there have been several discussions during recent LAFCO meetings and at least one vote, indicating that a majority of the commissioners would like to pursue using an outside agency or private firm for LAFCO support. Since LAFCO has so many districts that need updated SOI maps and MSRs, it is likely that the annual budget costs for the LAFCO support will increase. Much of that increase will happen whether the staff support is provided by County staff or outside consultants.

COMPLIANCE WITH STATE AND LOCAL REQUIREMENTS

LAFCO exists as an independent regulatory agency within Tuolumne County, but is required to comply with applicable state laws, in particular the CKH Act. The CKH Act (Section 56300 of the Government Code) requires that LAFCOs have an approved Policy and Procedures document, as of the drafting of this report the currently approved Policy and Procedures Manual

was last updated in 2011. Significant changes, like the increase in the number of commissioners, are not reflected that Manual.

In 2019, Tuolumne County LAFCO passed resolutions to increase the Commission to include two additional commissioners from the special districts. Since there are some significant differences in scale and mission among the special districts, it was decided to separate those two seats in two categories. One seat would be rotated every four years between the three largest districts: Tuolumne Utilities District (TUD), Groveland Community Services District (GCSD), and Twain Harte Community Services District (THCSD). The other seat would be shared by the remaining 15 special districts eligible to participate in this process. Per the CKH Act, each district has one vote as part of the Special District Selection Committee to determine the commissioner who represents those districts. To create a seven commissioner LAFCO, the Resolution predetermined a special district board member to occupy that seat for two years, then the Special District Selection Committee election process would be used to select a commissioner every four years moving forward. The Special District Selection Committee election process is addressed by state law with Section 56332 of the Government Code. That Section requires the Executive Office to conduct the election following a clearly defined process. In 2023, a meeting was held by an association of special districts identifying itself as the Special District Selection Committee, but did not include the EO, did not follow the prescribed process and only 4 of the 15 eligible smaller special districts participated. However, LAFCO accepted the results as valid and the representative seated will remain on the commission until 2026.

The CKH Act includes a provision under Section 56425 of the Government Code that LAFCOs “shall, as necessary, review and update each sphere of influence” every five years. As part of that process, Section 56430 also states that “in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services.” The Grand Jury could find no definitive interpretation of “as necessary” in the laws, and interpretation has varied by LAFCOs around the state. Some view that the 5-year cycle of reviewing and updating the SOI and MSR for each special district is hard and fast and abide to a schedule to maintain that cycle and keep those documents current within 5 years. Other LAFCOs take the 5-year cycle as more of a guideline rather than a requirement, and the “as necessary”

clause means holding to a 5-year cycle is not required. The current Tuolumne County staff support have made statements reflecting the latter view.

Previous documents prepared by LAFCO staff indicate a view that the 5-year cycle is more of a requirement than a guideline. For example, the final budget for FY 2019-2020 was submitted and approved by LAFCO at its June 10, 2019, meeting. The agenda report from staff stated, “The City, each Special District, Lighting Districts, and County Service Areas must have their Sphere of Influence evaluated every five years, pursuant to Section 56425(g) of the Government Code. There are approximately 83 Municipal Service Reviews which must be completed; however, this number could increase if new CSAs are created.”

The FY 2019-2020 budget document describes the work plan that LAFCO staff was proposing to accomplish during the 2019-2020 fiscal year (July 1, 2019, to June 30, 2020). A table in that document shows which MSR’s were being completed during the concluding FY 2018-2019, the FY 2019-2020 which was subject to the budget under review, as well as those reports to be completed over the following two fiscal years. According to that budget report, the MSR’s to be completed in FY 2018-2019 included Groveland Community Services District and Twain Harte Community Services District. During FY 2019-2020, those MSR’s to be completed included Tuolumne Utilities District (TUD) and five Cemetery Districts. During FY 2020-2021, staff would complete MSR’s for Jamestown Sanitary District, Tuolumne Sanitary District and Tuolumne Parks and Recreation District. During FY 2021-2022, LAFCO staff would complete MSR’s for Leland Meadows Water District, seven Lighting Districts, and 58 County Service Areas (the CSAs were combined into one consolidated MSR in 2013 and likely would be again for the update). However, the only SOI and MSR review and update completed since that work plan was approved in 2019 has been for the Groveland Community Services District. That was finished in 2020 so GCSD could expand its boundaries to allow annexation of a new subdivision. Other than that, the other districts have not been reviewed or updated for what is now 11 years.

According to Section 56334 of the Government Code, the standard term of office of each commissioner is four years. However, that same section does allow for an agency that appoints a commissioner to remove that commissioner for any reason. In the case of the Tuolumne County Board of Supervisors, the appointments of the three Supervisors to LAFCO (two commissioners and one alternate) are subject to the annual appointment process done at the beginning of each calendar year. The incoming Board of Supervisors Chair nominates all the committee and commission assignments, subject to vote of the Board. As a result, over the last four years, four of the current Board members have served as a commissioner or alternate, but those assignments

have changed in some regard every year. Understanding the role of a LAFCO commissioner takes time to learn and gain experience, and a rotating cast of different commissioners does not provide continuity. A policy of the Board of Supervisors to consider this when distributing annual assignments and prioritize keeping the same commissioners for longer than year or two, is in the best interest of LAFCO and the citizens LAFCO represents.

LAFCO BUDGET

LAFCOs are required to prepare a draft budget and submit it to the commissioners in advance of each fiscal year (which commences on July 1 of each year). There are requirements that the proposed budget be adopted by May 1, and the final budget by June 15. The process is to take place after the County, City, and districts are all fully notified, and with public notice and hearings. Tuolumne County LAFCO has a recent history of missing budget deadlines. In 2022, the proposed budget was presented in May and the final budget in July (after the fiscal year had started). In 2023, the proposed budget wasn't presented until June and the final budget again in July. This year, as of May 1 a proposed budget had not yet been heard by the Tuolumne County LAFCO.

It is common practice among other county LAFCOs to include in their budget an allowance for a reserve fund. The purpose of the fund is to build savings during years between major efforts to update SOI maps and MSRs, as those types of expenditures may not be able to be consistently spread evenly among the fiscal years. For example, Calaveras County LAFCO presently attempts to maintain a reserve fund of approximately \$100,000. The intention is to even out the need for funding coming from the County, City, and special districts to make those budget demands as consistent as possible.

However, Tuolumne County LAFCO has no reserve fund. The present practice of the County is to request payment from the City and districts at the end of the fiscal year, based on the actual expenses of LAFCO, not the budgeted amount. For the fiscal year 2022-2023 the contributions were less than the approved budget. If there had been a policy for building a reserve fund, the contributions from the member agencies could have helped build the reserve fund to use another fiscal year when expenditures are higher.

FINDINGS, RECOMMENDATIONS, AND COMMENDATIONS

Findings

- F1.** The Tuolumne County LAFCO website fails to provide information that is commonly provided by other county LAFCO websites, which includes the following deficiencies:
- No adopted budget summaries are available
 - No roster of LAFCO commissioners including some form of contact information and when current term expires.
 - No identification of key support personnel including Executive Officer and Legal Counsel
 - No Approved Minutes documents available for review
 - No list, description, or map of special districts subject to LAFCO review and authority.
- F2.** Tuolumne County LAFCO commissioners are not given adequate preparation or orientation when assuming role as commissioners. For example, Commissioners have served without being provided with the Policy and Procedures Manual. Some did not know such a Manual existed or was statutorily required.
- F3.** LAFCO has no reserve fund as contributions for each fiscal year are based on actual expenditures with no carry over for the next fiscal year.
- F4.** While Sphere of Influence maps and Municipal Service Review updates were proposed in the FY 2019-2020 budget work plan, to catch-up to the standard 5-year review cycle, most of the updates have not been completed. As such, there are a total of 35 districts that have had no SOI or MSR updates in over 11 years.
- F5.** LAFCO staff support can be provided by County staff; however, it must be under a contractual agreement. There is no contract between Tuolumne County LAFCO and Tuolumne County, which is a violation of state law requirements.

- F6.** LAFCOs have the right to appoint and assign staff to support their activities. However, Tuolumne County has made personnel assignments to LAFCO staff without consulting commissioners. These assignments have not always been in the interest in maintaining continuity or accomplishing LAFCO goals.
- F7.** One of the special district seats on LAFCO is to be available to multiple different special districts who provide funding for LAFCO, and that seat is subject to vote of the special districts every four years through a Special District Selection Committee. A vote took place that was not in compliance with the state requirements and only a small number of eligible districts participated. However, that decision was accepted by LAFCO, and that commissioner will have that seat until 2026. The majority of eligible special districts lost their opportunity to decide who represents them on LAFCO.
- F8.** Present staffing levels and expertise of Tuolumne County employees are inadequate to provide necessary and cost-effective support for LAFCO.
- F9.** Annual assignments of Tuolumne County Board of Supervisors to the LAFCO commissioner and alternate commissioner roles have fluctuated among different Supervisors every year and does not provide continuity based on experience in the role of commissioner.

Recommendations

- R1.** Tuolumne County LAFCO commissioners and Tuolumne County leadership and staff should fully assist and expedite the proposed move from County-staff provided support to a contract with an outside agency or firm. Any support staffing continuing to remain provided by County-staff should be subject to a formal contract between LAFCO and Tuolumne County. (Findings 8, 6, 5.)
- R2.** Tuolumne County LAFCO website needs improvements in order to make it easier to locate and find minutes, identify commissioners, list and status of all districts subject to LAFCO, current and previous budgets, and any other information necessary to make LAFCO more transparent and accountable (Finding 1.)
- R3.** Tuolumne County LAFCO staff should prepare a realistic schedule to review and update all Sphere of Influence (SOI) and Municipal Service Reviews (MSR) for all districts that have not been so updated within the last 5 years. Once approved by LAFCO, that schedule of progress should be available for all to view on the LAFCO website and updated at least twice per year. (Finding 4.)

- R4.** All decisions regarding personnel responsible for staff support for LAFCO, including but not limited to Executive Officer, Assistant Executive Officer, and Legal Counsel, should be at the discretion of LAFCO commissioners after careful consideration of experience, cost-effectiveness, and subject to at least one interview with LAFCO or an ad-hoc committee determined by LAFCO. (Finding 6.)
- R5.** Tuolumne County LAFCO should budget for participation by commissioners and staff in formal education opportunities such as CALAFCO conferences. LAFCO staff should provide local workshops for new commissioners to attend to introduce them to LAFCO laws and practices. These should also be advertised on the website and open to the public to attend at no cost. (Findings 2, 8.)
- R6.** Tuolumne County LAFCO annual budgets should include a contribution to a reserve fund to be carried over from year to year. In a year when the estimated budget contributions are not fully expended, those remaining contributions should roll to the reserve fund. (Finding 3.)
- R7.** Tuolumne County LAFCO should complete an update of Policy and Procedures Manual as soon as possible. Any detail necessary to remove ambiguities about how and when the Special Districts Selection Committee determines the succession of representatives from the special districts to the two Commission seats should be addressed in that update. Orientation for new commissioners should take place immediately after their appointment, and understanding the Policy and Procedures Manual should be a point of emphasis during all orientation and subsequent training. (Findings 2, 7.)
- R8.** Tuolumne County Board of Supervisors should encourage multiple year assignments of the Supervisors to the role of LAFCO commissioner, in the interest of providing more knowledgeable and experienced members of the Commission. (Finding 9.)

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing body within 90 days:

- Tuolumne County Local Agency Formation Commission (LAFCO): Findings F1-F9 and Recommendations R1-R7.
- Tuolumne County Board of Supervisors: Finding F10 and Recommendation R4 and R8.

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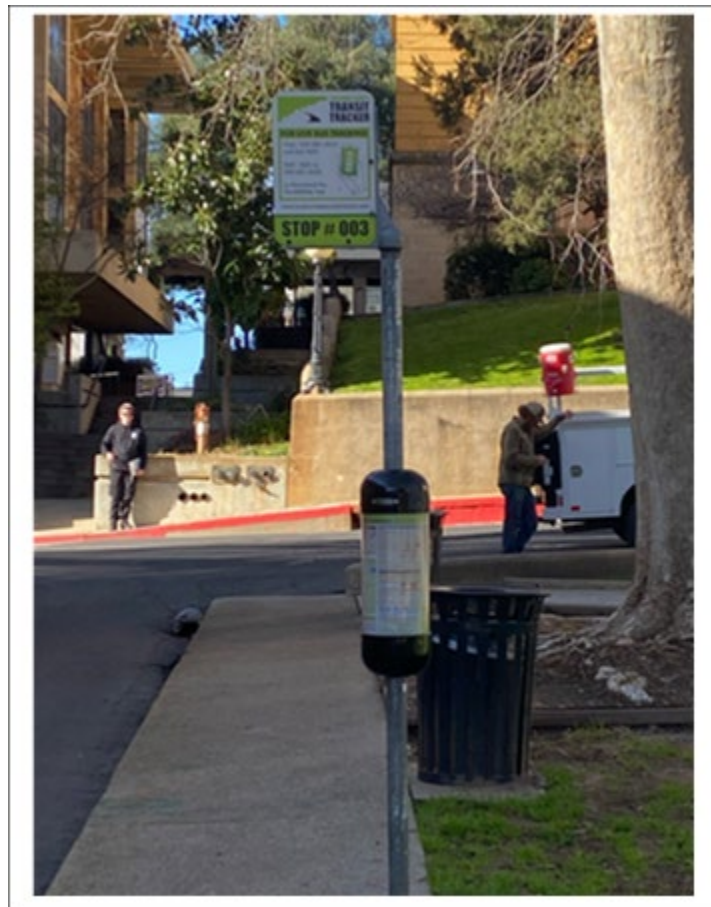
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TUOLUMNE COUNTY TRANSIT AGENCY REPORT May 31, 2024



Tuolumne County Bus Stop Downtown at Courthouse Park

SUMMARY

In 2023, 72,000 rides were taken by county residents using the Tuolumne County Transit system to meet their transportation needs. The riders were largely seniors, disabled individuals, and students that are dependent upon public transportation for their daily activities. Often, the Tuolumne County Transit Agency is truly their lifeline to essential services.

The 2023-2024 Tuolumne County Grand Jury found that the agency in charge of the local public transportation system, the Tuolumne County Transit Agency (TCTA), does a satisfactory job of providing these services and has a dedicated staff striving to provide this necessary service. However, the service provided to the public is hampered due to a poorly functioning public information system, no existing citizen complaint procedure, lax enforcement of contractor obligations, inadequate written operational and administrative policies and procedures, and insufficient communication between the TCTA Board and the TCTA Executive Director.

The Grand Jury identified eight findings and recommendations to alleviate the current limitations and to use the currently available resources to better serve the public.

The Tuolumne County Transit Agency (TCTA) is an independent Joint Powers Agency that is in no way subordinate to the similarly named Tuolumne County Transportation Council (TCTC). To avoid confusion between these two wholly separate agencies this report will refer to Tuolumne County Transit Agency by its acronym (TCTA) and the Tuolumne County Transportation Council by its full name.

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.

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS	3
GLOSSARY	4
BACKGROUND	5
METHODOLOGY	6
FIRST CHAPTER OF THE REPORT or DISCUSSION	9
FINDINGS AND RECOMMENDATIONS	13
Findings	13
Recommendations	14
REQUEST FOR RESPONSES	15
BIBLIOGRAPHY	15

GLOSSARY

TCTC	<p>Tuolumne County Transportation Council</p> <p>The Tuolumne County Transportation Council is a joint powers agency between the County of Tuolumne and the City of Sonora that is responsible for developing transportation improvements that reflect the needs, concerns, and actions of all the agencies (including Tribal Governments) involved in the Tuolumne County region, while contributing to the region's mobility needs, economic health, and environmental quality.</p>
TCTA	<p>Tuolumne County Transit Agency</p> <p>The Tuolumne County Transit Agency is a joint powers agency between the County of Tuolumne and the City of Sonora that is responsible for the administration and operation of the Regional Public Transportation System, Tuolumne County Transit. Their Mission Statement is to "Provide safe, reliable and effective public transportation."</p>
JPA	<p>Joint Powers Agency</p> <p>An independent government entity formed by two or more government entities to solve mutual problems, fund a project, or act as a single representative entity for specific activities. These agencies are run by their own boards and are not subordinate to the agencies that formed them.</p>
TCGJ	<p>Tuolumne County Grand Jury</p>

BACKGROUND

The Grand Jury chose to investigate the TCTA due to input from the public and from initial observation and investigation by the Grand Jury.

A Tale of Two Bus Stops

We first looked at two of TCTA's bus stops. The newest, most expensive bus stops were recently installed on Stockton Street as part of a major project. According to the Sonora Union Democrat, the cost of the project exceeded \$3 million.

The other bus stop is on West Jackson Street at Courthouse Square. This was the primary downtown bus stop prior to the Stockton Street project; however, the buses no longer stop there.

The bus stop on West Jackson, the original downtown bus stop, still has a bus stop sign, a current bus schedule, and a sign showing a long-defunct transit app. However, the bus has not stopped here for months. Furthermore, at the new bus stop on Stockton Street, there is no bus schedule posted, nor are there security cameras or informational kiosks as were described by TCTA during construction of the stops.

The discrepancies of these two bus stops, along with citizen complaints, made the Jury curious about TCTA management. What is the process for making decisions, major and minor? Who does what? What policies and procedures guide them? Where does the responsibility lie? Are the roughly 5 million dollars a year of taxpayer money being spent wisely by TCTA?

METHODOLOGY

The first questions we asked were as follows:

- What is a Joint Powers Authority?
- Why does TCTA exist?
- What is its mission?
- How is its success measured?

We found that a Joint Powers Agency, such as TCTA, is an independent government entity that is formed by two or more government entities to solve mutual problems, to fund a project, or to act as a single representative entity for specific activities. In the case of TCTA, Tuolumne County and the City of Sonora formed the TCTA JPA to run the local transportation system. It is important to remember that TCTA is an independent entity and is run by its own board. It is not a subdivision of either the county or the city. It is also not a subdivision of, or in any way subordinate to, the Tuolumne County Transportation Council.

The Grand Jury gained an understanding about TCTA after speaking with various city and county employees and board members, obtaining documentation from both the city and county concerning the formation of TCTA, researching extensively online, and reading Tuolumne County Transportation Council and TCTA Board of Directors minutes.

In 1967, the Tuolumne County Board of Supervisors and the Sonora City Council formed a Joint Powers Agency known as the Tuolumne County and Cities Area Planning Council.

In 2003, to acknowledge the increased role of this organization as the Regional Transportation Planning Agency (RTPA) for the area, the name was changed to the Tuolumne County Transportation Council.

In 2010, this JPA was altered to, among other things, transfer the responsibilities for the “Public Transportation System” from the Board of Supervisors to the Tuolumne County Transportation Council.

In 2011, Caltrans informed the Tuolumne County Transportation Council that RTPA’s were not eligible to receive certain funds and that either legislative action would be required to allow the funds to come to the Tuolumne County Transportation Council, or a separate JPA would need to be formed to receive the funds and operate the “Public Transportation System.” The Sonora City Council and the Tuolumne County Board of Supervisors decided to remove the responsibility of running the “Public Transportation System” from the Tuolumne County Transportation Council JPA and to form a separate and independent JPA. This new JPA was named the Tuolumne County Transit Agency (TCTA).

Extensive documentation shows that the intention of both the Sonora City Council and the Tuolumne County Board of Supervisors in their formation of the TCTA was to utilize the same personnel as currently staffing the Tuolumne County Transportation Council. Although TCTA would be governed by a separate board of directors, the board would be made up of the same

individuals that served as the board of directors for the Tuolumne County Transportation Council.

This situation of having two separate and distinct JPA's, with legally different sets of responsibilities and distinct boards of directors made up of the same individuals both as staff and board members, often leads to confusion as to which organization is responsible for what function. However, during this investigation, the Grand Jury attempted to keep its focus purely on the **TCTA role**, the **TCTA functions**, the **TCTA staff**, and the **TCTA Board of Directors**. This was sometimes difficult, as not only are the lines between the two agencies ill-defined, but all the individuals we spoke with had a difficult time keeping the roles and responsibilities of the two agencies distinct. Few, if any, individuals could articulate what the mission of TCTA was and/or how their efforts were designed to accomplish that mission.

According to the "2021 Strategic Plan Update for the Tuolumne County Transportation Council and the Tuolumne County Transit Agency", the TCTA Mission is to "Provide safe, reliable and effective public transportation. In fulfilling its mission, the TCTA Board and staff will strive to serve transit-dependent persons, include transportation opportunities for residents and visitors, and assist in developing a full spectrum of pedestrian, cyclist, personal, and commercial vehicle, and air travel transportation options".

TCTA states that their goals and objectives are the same as the Mission stated above. However, the Grand Jury was unable to find any documentation titled "Goals and Objectives", nor a directive for employees with regards to the mission, goals, or objectives, nor any process designed to evaluate if goals had been met.

The Grand Jury did obtain the 2021 Strategic Plan that puts forth what TCTA states are its goals and objectives. However, the effects of not having clearly stated goals and objectives nor data for understanding if TCTA is meeting the goals and objectives became more evident as the Grand Jury investigation proceeded.

The Grand Jury found that when TCTA was formed there were many actions that the TCTA Board of Directors failed to take. For instance, there is no evidence that the TCTA Executive Director position was ever created by the TCTA Board of Directors. The current position of TCTA Executive Director is employed under a job description written by the Tuolumne County Transportation Council in 2010 and was never approved by the TCTA Board. In that 2010 Executive Director job description, the very first example of "duties" is "Oversees the development and implementation of TCTC goals, objectives, policies and procedures". No corresponding directive for the TCTA "goals, objectives, policies and procedures" was found.

The Grand Jury found no evidence of a contract or other formal agreement between the TCTA Board of Directors and the Tuolumne County Counsel for the delivery of legal services to TCTA. Likewise, there does not seem to be any agreement between Tuolumne County Human Resources & Risk Management and the TCTA Board of Directors to provide services to TCTA.

TCTA relies on actions taken by the Tuolumne County Transportation Council before the formation of TCTA and on inference from specific actions of the TCTA board to rationalize the existence of such actions and directives. However, members of both the County Counsel's Office

and the Human Resources and Risk Management Office do not share the same opinion. It is important to note that both Human Resources and County Counsel have provided some services to TCTA.

After our initial look at the two bus stops in downtown Sonora and gaining an understanding of the formation and structure of the TCTA, the Grand Jury examined the TCTA online presence by searching their websites, Facebook and Instagram accounts, and various online links promoted by TCTA on these public facing tools. The results were uninformative.

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.

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 2023-2024 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.

FIRST CHAPTER OF THE REPORT or DISCUSSION

TCTA Public Information System

The TCTA uses two primary web sites to provide information to the public.

Website 1: <https://www.tuolumnecountytransportationCouncil.org/>

The above webpage is more of an administrative web site and is shared with the Tuolumne County Transportation Council. Both the URL (containing the phrase Tuolumne County Transportation Council) and the Home Page construction (Tuolumne County Transportation Council on top and in Capital letters, while Tuolumne County Transit Agency is beneath and in lowercase) make it appear that the TCTA is a subordinate agency to the Tuolumne County Transportation Council, which it is not.

The same website contains links to the Tuolumne County Transportation Council and TCTA Board of Directors meeting agendas and minutes, the Tuolumne County Transportation Council and TCTA budgets, and information concerning the two boards. The Grand Jury also noted that the link to the contract between Storer Transportation Services and TCTA actually shows an expired contract rather than the current contract.

Website 2: <https://www.tuolumnecountytransit.com/>

The second site is the public face of the Tuolumne County Public Transportation System. The website is not up-to-date, and the administrator is not apparent. On the home page, there is a red banner listing “Covid-19 Precautions” and stating that “Passengers need to reserve trips by calling into the dispatch center at 209-532-0404”. The home page also provides a link that states “Tuolumne County Transit is providing FREE rides to Tuolumne County vaccination site(s)”.

Icons across top of the home page under the search bar are as follows:

RSS Feed: Link Does Not Work

Bus Icon: Takes you to a google page that explains to transit agencies how to use Google Transit. It does nothing for a user and may be a remnant from an app TCTA no longer uses.

Instagram Icon: Brings you to TCTA Instagram page where few recent posts appear.

Facebook Icon: Brings you to TCTA Facebook page where there have been 4 posts in 2024 as of May 15, 2024.

YouTube Icon: Most recent posting is over a year old; most are 3 and 4 years old.

Another issue the Grand Jury noted, was at the tab for “Sonora Loop. Per that bus schedule, the Courthouse Square bus stop is noted as “On-Demand” which means that riders must call to be picked up. Using the same webpage to find out when the bus stops at the new Stockton Street bus stops, the Grand Jury found that there is no listing for the Stockton Street bus stops. There is

a link for “Full Schedule/Brochure” but that link states that riders must “Flag” the bus driver for the bus to stop at Stockton Street near Save Mart.

The Grand Jury’s findings corroborate the public’s concerns regarding the poor quality of public information found online with regards to TCTA and bus schedules. The Grand Jury interviewed TCTA staff to understand the issues surrounding public information.

The Grand Jury discovered the following:

- a. There are no written goals or objectives for a TCTA public information program. Specifically, there are no written goals or objectives for the Web Sites, the Facebook Page, the Instagram Account, the YouTube Account, or any other means of reaching the public.
- b. The Grand Jury can find no criteria that defines what information TCTA wants on the web sites.
- c. There are no established criteria for what information TCTA wants at each bus stop.
- d. There are no established criteria for what information TCTA wants on each bus.
- e. No TCTA employee has any written direction in establishing or maintaining public information.
- f. There is no process to determine the effectiveness of any TCTA public information efforts.

How Do I Complain?

The Grand Jury could not locate information pertaining to a TCTA complaint procedure on the TCTA website, nor on any of the buses or bus stops, nor in TCTA brochures.

After much research, the Grand Jury found the following:

- a. There is a “Tuolumne County Transit Customer Comment/Complaint Form” on the TCTA web site. Under “Resources” on the Home Page, there is a drop-down menu. Under “Documents and Links”, there is a tab titled “Customer Complaint Form”. However, the form cannot be filled out or submitted online. There is no information as to how it should be filled out or to whom it should be submitted.
- b. TCTA does not have a written citizen complaint procedure or policies concerning citizen complaints.
- c. TCTA forwards most complaints it receives to Storer Transit Services which has a one paragraph complaint process.
- d. TCTA does not report out to the public concerning the number, the type, the outcome, or any other information about the reports they and/or Storer receive.

We Go There, We Get You There

The purpose of forming TCTA JPA as stated in its 2011 Joint Powers Agreement was to create an agency “...with full power and authority to own, operate and administer a public transportation system within the boundaries of the County of Tuolumne...”. TCTA accomplishes this in large measure by contracting for professional services.

By far the largest contract TCTA has entered to provide professional services is with Storer Transportation Services. The current contract became effective on July 1, 2021, and runs through June 30, 2025, with a two-year extension available if Storer and the TCTA Board of Directors agree on the extension. The contract calls for Storer to “manage, operate and maintain the Tuolumne County regional public transportation system, Tuolumne County Transit, to the TCTA’s satisfaction”.

The contract imposes extensive performance standards, record keeping, and reporting requirements. It also states that all services rendered by Storer shall meet the performance criteria as set by TCTA.

Under the terms of the contract, in the event of Storer’s noncompliance with the provisions of the contract, TCTA shall impose contract sanctions as deemed appropriate. Furthermore, the TCTA Executive Director may issue a Notice of Deficiencies to the Contractor in the event of unsatisfactory performance. This notice will specify what improvements are necessary.

The fourteen performance standards that Storer Transit Services is obligated to meet are clearly listed in Exhibit “C” Section I of the contract. Each performance standard has an associated “monitoring” component that lays out how the performance will be documented. Each performance standard also has a liquidated damages/incentive component which describe the possible sanctions for failing to meet the standard but also rewards for Storer delivering commendable service.

Two notable portions of the performance standards are items 6-9, which deal with on-time performance, and item 11 which deals with monthly management reports. Item 6 sets a 95% on-time standard and states, “Periods to be exempted from monitoring, such as during sever winter storms, will be negotiated between the TCTA and the Contractor on an as needed basis.”

Exhibit “C” Section II, Records and Reports, of the contract specifies amongst other items, the reports, their content, and their due dates that Storer is required to submit to TCTA. These reports are designed to allow TCTA to evaluate and analyze the type and quality of the services Storer is providing pursuant to the contract.

Exhibit “C” Section II, Records and Reports, B Reports, 1) “Reports Due on a Monthly Basis” spells out fourteen specific items that Storer is required to report upon each month. It is important to note that the contract states that the “December Report shall include a year-to-date summary for the first six months of the fiscal year in all categories and the June Report shall include a year-end summary in all categories covering July 1st through June 30th of the full fiscal year”.

The Grand Jury reports the following findings:

- a. Storer Transportation Services by and large performs its services well and in accordance with the contract.
- b. Storer Transportation Services often fails to fulfill the reporting requirements specified in the contract, especially concerning the bi-yearly summary reports.

- c. Storer Transportation Services often fails to meet the 95% On-Time Performance Standard listed in the contract. In fact, the Grand Jury could find no reports produced by Storer or TCTA showing a period of time when this Performance Standard was met.
- d. TCTA has never issued a “Notice of Deficiencies” to Storer.
- e. TCTA has never sanctioned Storer Transit Services for failing to meet reporting requirement such as the “December Report shall include a year-to-date summary for the first six months of the fiscal year in all categories and the June Report shall include a year-end summary in all categories covering July 1st through June 30th of the full fiscal year”.
- f. TCTA can produce no records of any semi-annual reports for the period covered under the current contract.
- g. TCTA has never kept a written Record of “exemptions” negotiated pursuant to the on-time performance section of the contract.
- h. TCTA has never sanctioned Storer in any way for failing to meet the 95% On-Time Performance standard.
- i. TCTA has never attempted to amend the 95% On-Time Performance standard even though the standard has rarely been met.

Talk To Me

During the investigation, the Grand Jury looked into the role that the TCTA Board of Directors plays in the functioning of the TCTA. The TCTA Board of Directors meeting minutes indicate a lack of critical questioning by the Board concerning the performance of Storer and other contractors. The Grand Jury also wondered about the lack of “connecting the dots” when the agency was formed. Also, the minutes do not contain information about contract compliance presented to the Board.

For example, when Storer failed to provide the semi-annual performance reports, it was not noted in the Board minutes. TCTA did not pursue it and the board never asked about it. It is noteworthy as the TCTA Board will be tasked with evaluating the performance of Storer when it is time to extend, or to not extend, the contract for an additional two years.

The Grand Jury interviewed board members concerning the role of the board, the mission of the agency, the goals and objectives mentioned in the Executive Director’s job description, the evaluation process for the Executive Director, the oversight of the Storer contract, the reports they received from TCTA, and the process by which the Storer contract would be evaluated.

The Board members’ responses to interview questions demonstrated a lack of understanding regarding the Board’s duties and responsibilities. The Board members were unable to state the TCTA’s mission or the written goals and objectives of the agency. Board members were confused about the criteria used to evaluate the TCTA Executive Director, and the Board members did not know who evaluated the Executive Director’s performance. The Board members understood that the TCTA Board of Directors evaluated the TCTA Executive Director. However, the Grand Jury could find no evidence that this has ever happened. In fact, it is the Tuolumne County Transportation Council Board that evaluates the Tuolumne County Transportation Council Executive Director. Again, no action by the TCTA Board on this matter can be found. Board members exhibited a lack of knowledge regarding the criteria for extension

of the Storer and/or if it was the Board that approved it. The Board members did not seem to be concerned with receiving the regular reports on performance standards as required by the Storer contract. There is no evidence to suggest that the Board and the Agency communicate regularly.

FINDINGS AND RECOMMENDATIONS

Findings

F1. The TCTA does not have clearly defined Goals and Objectives or a process to analyze if the desired results are being met.

F2. When TCTA was formed many administrative tasks were left incomplete, causing ambiguity concerning legal and human resources matters.

F3. The current TCTA Public Information function is in poor condition.

F4. TCTA does not have a written Citizen Complaint Procedure.

F5. Storer Transportation Services (Storer) has failed to provide the bi-yearly summary reports required by their contract with TCTA.

F6. Storer consistently fails to meet the 95% on-time Performance Standard required by their contract with TCTA.

F7. TCTA Board members have an inadequate knowledge of the role and functions of the TCTA Board.

F8. TCTA has very few written goals, objectives, policies, and procedures. Much of the “corporate knowledge” of TCTA operations is merely stored in the Executive Director’s mind.

Recommendations

R1. The TCTA Executive Director should develop and implement TCTA goals and objectives, and a yearly process to analyze if the desired results are being met.

R2. The TCTA Executive Director and the TCTA Board of Directors should meet with Tuolumne County Office of County Counsel and the Office of Human Resources and Risk Management to ensure all agencies are working in concert.

R3. After developing Public Information goals and objectives, the TCTA should either assign employees to the Public Information system or contract for such services.

R4. TCTA and the TCTA Board of Directors should establish a written Citizen Complaint procedure. Upon establishing a Citizen Complaint procedure, TCTA should ensure that the process is known to the public by, at a minimum, posting information on the web, on social media sites, on buses, at bus stops, and on brochures. TCTA should also release yearly statistics to the public concerning the number, type, and outcome of complaints.

R5. TCTA should take actions it deems appropriate to ensure Storer begins and continues to provide all reports that are required by their contract with TCTA.

R6. TCTA should either sanction Storer for failing to meet the 95% on-time Performance Standard to improve Storer's performance, or TCTA and Storer should negotiate a change in this Performance Standard to a more realistic figure.

R7. TCTA and the TCTA Board of Directors should institute a formal on-boarding procedure for new TCTA Board members that covers the history of the agency, TCTA differences with Tuolumne County Transportation Council and the Tuolumne County Transportation Council Board, functions of the Agency, contract specifics, and the role of both the board and TCTA Executive Director.

R8. The TCTA Board of Directors should direct the Executive Director to establish a written "Transition Plan" to allow the agency to function efficiently when the current Executive Director leaves the position. This "Transition Plan" should include goals, objectives, policies, and procedures that will enhance agency operations and memorialize corporate knowledge.

REQUEST FOR RESPONSES

Required Responses

Pursuant to Penal Code Sections 933 and 933(c), responses are required from the following governing body within 90 days.

- TCTA Board of Directors: Findings F2, F4, F7, F8 and Recommendations R2, R4, R7, and R8

Invited Responses

Although not required under Penal Code Sections 933 and 933(c), the following responses are invited within 90 days.

- Executive Director of the Tuolumne County Transportation Council acting as the Executive Director of the TCTA: Findings F1-F8 and Recommendations R1-R8

BIBLIOGRAPHY

Tuolumne County Transit Annual Performance Report 2023

2021 Tuolumne County Transportation Council and TCTA Strategic Plan

Joint Powers Agreement Forming TCTA

Conceptual Approval of TCTA

Latest Tuolumne County Transportation Council Executive Director Contract with Job Description

Contract between Storer and TCTA

Nevada County Grand Jury Report on JPA's

Storer Citizen Complaint Policy