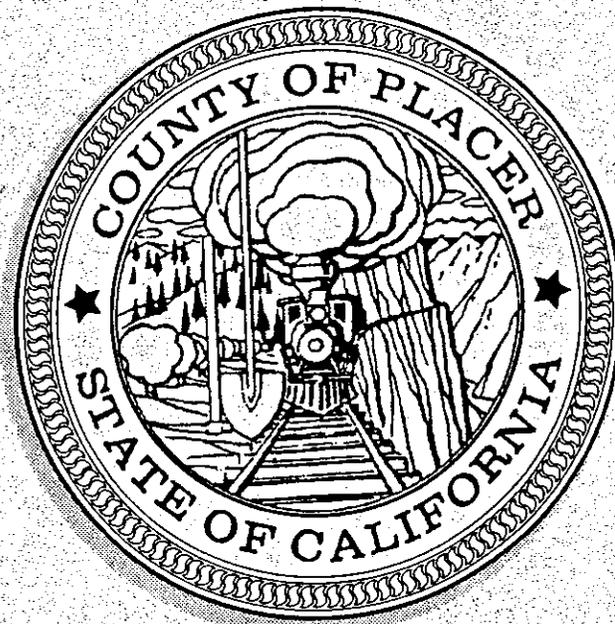


RESPONSES AND FINAL REPORT



Placer County

GRAND JURY 2004 – 2005



PLACER COUNTY GRAND JURY

(530) 889-7469
Mailing Address:

FAX (530) 889-7447
11490 C Avenue, Auburn, CA 95603

October 2005

Honorable Frances Kearney
Honorable Larry D. Gaddis
Placer County Superior Court
Auburn, CA 95603

Subject: Responses to the 2004-2005 Grand Jury Final Report

Twelve years ago the Grand Jury commenced the practice of publishing and distributing the responses to the Final Report. We believe the decision to print and publish the responses has a continued beneficial effect. Responses have been more substantive and, with distribution to all affected county offices and agencies, the public and private sector is better informed with respect to certain activities of local government.

The 2005-2006 Placer County Grand Jury has complied and published the responses received. These responses are from the county, city and special district agencies, which were cited to respond in the Final Report. Where a response was not received this report so indicates.

Sincerely,

PLACER COUNTY GRAND JURY 2005-2006

By

Paul Ridgeway, Foreman

INTRODUCTION

The Placer County Grand Jury Report 2004 – 2005 was published and distributed in June 2005. Copies may be found in all public libraries.

State law regarding responses to Grand Jury reports is spelled out in the California Penal Code, Section 993 (3).

The government offices, agencies, and local entities cited in the Final Report for a Response, are required to respond to the Final Report within 60 days (elected officials who head county agencies) or 90 days (governing bodies of public agencies).

This book contains all of the Responses received to the 2004-2005 report.

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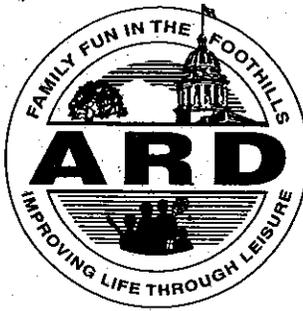
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AUBURN AREA RECREATION AND PARK DISTRICT

July 27, 2005

The Honorable Frances Kearney,
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

RECEIVED
AUG - 9 2005
Placer County Grand Jury

Dear Honorable Frances Kearney:

In response to the 2004-2005 Grand Jury report, I would like to address the following points as follows:

1. I agree with the findings and recommendation. A sub-committee has been formed by the Board of Directors to research law firms for new legal counsel for ARD. During the fiscal year of 2004-2005, the District has taken steps with legal counsel to control costs, which resulted in expenditures of approximately \$37,000 (17.5% below budget).
2. I agree with the findings and recommendation. A policy for audit services has been reviewed by the Program, Personnel, Policy & Fee committee and was approved by the Board of Directors at the July 28, 2005 Board meeting.
3. I disagree with the finding that "ARD lacks a Board approved Capital Improvement Five-Year Plan". In regards to the five-year capital improvement program, the first one was adopted by the Board of Directors in March 2001. This was after an extensive Board workshop conducted on February 3, 2001. The five-year plan was then revised and re-adopted at the January 2003 Board Meeting. Management completed a draft revision in April 2004, however, during the uncertainty of District funding for projects, due to the mandated transfer of District property taxes to balance the state's budget, the revision of the plan was temporarily put on hold. The District adopted a one-year project list, with the intent of revising the Five-year Plan the following year. Management worked closely with the Acquisition & Development Committee during April, May and June 2005 regarding this plan. The plan was taken to the Board of Directors for recommended adoption at its June Meeting. However, the Board of Directors scheduled a workshop on the Five-Year Capital Improvement Plan at that time. The Board of Directors held the workshop before July Meeting and approved the updated Five-Year Capital Improvement Plan at the July 28, 2005 Board Meeting.

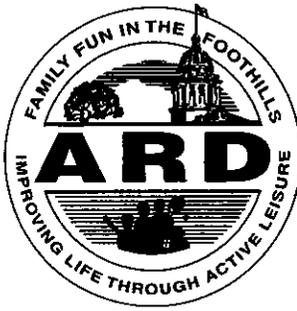
4. I agree with the findings and recommendation. An ad-hoc sub-committee was formed by the Board of Directors to research consultants on this issue. A presentation on the need for a Master Plan/Operational Audit was held at the July 28, 2005 Board Meeting. The funding for these services was budgeted in the adopted 2005-2006 Final Budget. The Board of Directors intends to select an appropriate consulting firm to conduct the operational assessment by the fall of 2005.
5. I agree with the findings, but disagree with the recommendations. The District's monthly financial information is completed within two weeks' time after receiving PAS reports it uses to balance its information with the county's information. Reconciliation cannot take place without this information, which is not received until the third week of the month. The third week of the month is the same week the Finance Committee Meeting is held, making it impossible to turn around the information and provide sufficient time for review by Committee members. I agree that the financial statements should be approved by the Board of Directors on a monthly basis, however, this is subject to the ability of the accounting software's capabilities at year-end. The financial statements will have a two-month lag throughout most of the year due to the date the District receives its information from the county.
6. I agree with the findings and recommendations. The District adopted a policy regarding harassment claims, however, did not implement the policy in a timely manner. The Board of Directors has not moved forward in bringing closure to this claim.
7. I agree with the findings and recommendations. A Board Procedures and Responsibilities Policy was approved by the Board of Directors on May 26, 2005. I cannot personally assure that the Board members adhere to said policies. That can only be assured by individual Board members.
8. I agree partially with the findings and recommendations. Opportunities are provided for Board members to have Brown Act training paid for by the District. Attendance is strongly recommended and members have attended some training, however, it seems apparent that some members may have limited understanding on its ramifications.
9. I agree with the findings and recommendations. The District has recently developed a New Customer Service/Marketing Manager position, which will help implement future Marketing plans for the District. There has been a budget established to assist with this plan. The District should move forward with this in the fall of 2005. The District has also worked on developing more positive press during the last year.
10. I agree with the recommendation and look forward to working with the Grand Jury. I believe many of the recommendation have already been addressed as stated above. I look forward to sharing in the District's successes with the 2005-2006 Grand Jury.

Sincerely,



Alain Grenier
District Administrator

Hard copy to: Foreperson, Placer County Grand Jury
Board of Supervisors, Placer County



AUBURN AREA RECREATION AND PARK DISTRICT

September 30, 2005

**The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603**

**Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603**

RECEIVED
OCT - 3 2005
Placer County Grand Jury

Dear Honorable Frances Kearney, and Members of the Grand Jury:

- 1. The Board disagrees with the findings and partially agrees with the recommendations.**

A sub-committee has been formed by the Board of Directors to research law firms for new legal counsel for the Auburn Area Recreation and Park District. During the fiscal year of 2004-2005, the District has taken steps with legal counsel to control costs, which resulted in expenditures of approximately \$37,000 (17.5% below budget).

- 2. The Board agrees with the findings and recommendations.**

A policy for audit services has been reviewed by the Program, Personnel, Policy & Fee committee and was approved by the Board of Directors at the July 28, 2005 Board meeting. The District has hired a new auditor effective September 29, 2005, for fiscal year 2004-05, 2005-06, and 2006-07.

- 3. The Board disagrees with the findings and partially disagrees with the recommendations.**

In regards to the District's five-year capital improvement program, the first one was adopted by the Board of Directors in March 2001. This was after an extensive Board workshop conducted on February 3, 2001. The five-year plan was then revised and re-adopted at the January 2003 Board Meeting. Management completed a draft revision in April 2004, however, during the uncertainty of District funding for projects, due to the mandated transfer of District property taxes to balance the state's budget, the revision of the plan was temporarily put on hold. The District adopted a one-year project list, with the intent of revising the Five-year Plan the following year. Management worked closely with

the Acquisition & Development Committee during April, May and June 2005 regarding this plan. The plan was taken to the Board of Directors for recommended adoption at its June Meeting. However, the Board of Directors scheduled a workshop on the Five-Year Capital Improvement Plan at that time. The Board of Directors held the workshop before July Meeting and approved the updated Five-Year Capital Improvement Plan at the July 28, 2005 Board Meeting.

- 4. The Board agrees with the findings and recommendations.**

An ad-hoc sub-committee was formed by the Board of Directors to research consultants on this issue. A presentation on the need for a Master Plan/Operational Audit was held at the July 28, 2005 Board Meeting. The funding for these services was budgeted in the adopted 2005-2006 Final Budget. The Board of Directors intends to select an appropriate consulting firm to conduct the operational assessment by the fall of 2005.

- 5. The Board disagrees with the findings and recommendations.**

The District's monthly financial information is completed within two weeks' time after receiving PAS reports it uses to balance its information with the County's information. Reconciliation cannot take place without this information, which is not received until the third week of the month. The third week of the month is the same week the Finance Committee Meeting is held, making it impossible to turn around the information and provide sufficient time for review by Committee members. We agree that the financial statements should be approved by the Board of Directors on a monthly basis, however, this is subject to the ability of the accounting software's capabilities at year-end. The financial statements will have a two-month lag throughout most of the year due to the date the District receives its information from the County.

- 6. The Board disagrees with the findings and partially disagrees with the recommendations.**

The District has adopted a clear policy and procedures regarding harassment claims. The District will correct any delay that may have occurred in the implementation of this policy and procedures, and will expeditiously bring closure to any existing claims, if there are such.

- 7. The Board partially disagrees with the findings and partially agrees with the recommendations.**

A Board Procedures and Responsibilities Policy was approved by the Board of Directors on May 26, 2005. The Board will take all measures allowed under its Policy to ensure that Members adhere to the Policy.

- 8. The Board disagrees with the findings and partially disagrees with the recommendations.**

Opportunities are provided for Board members to have Brown Act training paid for by the District. Attendance is strongly recommended and all members have attended some trainings. We are additionally implementing twenty-minute training sessions at our monthly Board meetings, as agenda size allows. The Board intends to continue to provide Board members with multiple opportunities to obtain training on the Brown Act.

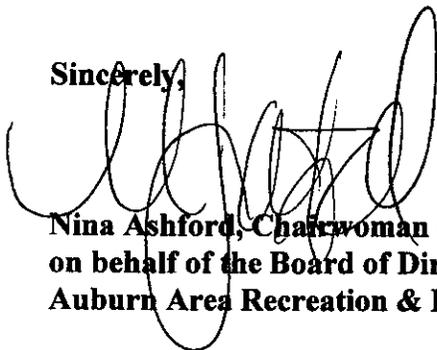
9. The Board agrees with the findings and recommendations.

The District has recently developed a new Customer Service/Marketing Manager position, which will help implement future marketing plans for the District. There has been a budget established to assist with this plan. The District should move forward with this in the fall of 2005. The District has also worked on developing more positive press during the last year.

10. The Board agrees with the recommendations.

We look forward to working with the Grand Jury. We believe many of the recommendations have already been addressed as stated above. We look forward to sharing in the District's successes with the 2005-2006 Grand Jury. We are hopeful that this year will be a promising and great year for the District.

Sincerely,



**Nina Ashford, Chairwoman of the Board of Directors
on behalf of the Board of Directors
Auburn Area Recreation & Park District**

**Copy to: Foreperson, Placer County Grand Jury
Board of Supervisors, Placer County**



COUNTY OF PLACER

RECEIVED
AUG 11 2005

**OFFICE OF
COUNTY EXECUTIVE**

Placer County Grand Jury
JAN M. CHRISTOFFERSON, County Executive Officer

BOARD MEMBERS

BILL SANTUCCI
District 1

JIM HOLMES
District 3

ROBERT M. WEYGANDT
District 2

EDWARD "TED" M. GAINES
District 4

BRUCE KRANZ
District 5

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

August 8, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury – Final Report 2004-2005 – Placer County Main Jail

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2004-2005 Final Report of the Grand Jury related to the Placer County Main Jail (Page 7 of the Report). I have reviewed and considered the information contained in the Report and the responses of Sheriff, the Personnel Director and the Director of Facility Services. My response follows below.

Findings:

1. The Sheriff's Office initiate use of the unused 106 beds as soon as possible.

Response:

- The County Executive Officer agrees that despite approved funding and position allocations to expand jail capacity, recruitment and retention challenges have resulted in staffing shortages at the jail, delaying use of the additional 106 jail beds. Staff from the Sheriff's Department, Personnel and the County Executive office has implemented a number of innovative approaches to strengthen the County's ability to recruit and retain qualified correctional employees (detailed below), and the Sheriff's Department anticipates that the additional 106 beds will be fully staffed and operational by early 2006.

Findings:

2. Without use of the 106 beds, early inmate releases continue at an alarming rate.

Response:

- The County Executive Officer agrees that early inmate releases continue to be utilized as a jail population management tool by the Sheriff's Office to ensure County compliance with the federally-imposed population cap, and that when the remaining 106 beds are fully-staffed and ready to be utilized, they will somewhat mitigate the need to use early releases. Early releases fall into two categories: pre-trial inmates who are released on their Promise to Appear (PTA) in court at a later date to resume their trial process, and sentenced inmates released early from their sentence (ten days on average). A recent statistical review suggests that the additional 106 beds should result in significant reduction in the early releases of sentenced inmates. However, as with many other jurisdictions across the State, jail staff will mostly likely need to use this mechanism in the future to maintain appropriate jail population caps.

It is important to note that all early release decisions are reviewed and assessed according to risk by corrections or probation staff who prioritize retention of offenders posing the greatest risk. Placer County's criminal justice officials have worked collaboratively to develop a number of restorative and correctional alternative programs managed by the Probation Department such as: electronic monitoring, work release, work furlough, drug court and the newly implemented day reporting center. These programs provide low-risk alternatives to incarceration for less serious offenders and optimize availability of jail beds for more serious criminal offenders.

Findings:

3. The jail has a significant staffing shortage and has major challenges in getting and retaining adequate staff numbers.

Response:

- The County Executive Officer agrees that the tasks of recruiting and retaining high-quality candidates to fill correctional positions have been significantly hampered by low local unemployment rates, skyrocketing housing costs, strong competition among neighboring jurisdictions, and retirements.

Findings:

4. Some exterior walls are in need of repair.

Response:

- The County Executive Officer agrees with the finding. The problems observed by the Grand Jury regarding the exterior walls of the Main Jail are the subject of litigation initiated by the County. In the meantime, Facilities Services is in the process of contracting with an engineer to determine the scope of the needed repairs.

Findings:

5. The Placer County Main Jail personnel perform their duties well.

Response:

- The County Executive Officer agrees with the finding.

Recommendations:

1. The Sheriff's Office initiate use of the unused 106 beds as soon as possible.

Response:

- The recommendation has not yet been implemented but it will be implemented in the future. The Sheriff has indicated that the unused beds will be available by the end of 2005. Also, progress has been made to expedite the current hiring process and recently this office gave approval to overhire or exceed the total number of allocated positions as another method to manage the attrition of the department personnel. This will have a positive impact on the ability to maintain the current bed capacity of the Main Jail.

Recommendations:

2. The exterior jail walls be repaired.

Response:

- The recommendation has not yet been implemented but it will be implemented in the future. The problems observed by the Grand Jury regarding the exterior walls of the Main Jail are the subject of litigation initiated by the County. In the meantime, Facilities Services is in the process of contracting with an engineer to determine the scope of the needed repairs.

Recommendation:

3. The jail managers work closely with the county Personnel Department to devise a method to facilitate more rapid hiring of needed personnel.

Response:

- The recommendation has been implemented. For example, now along with the initial employment application prospective candidates will also submit a training and experience questionnaire so the Sheriff may expedite the required background investigations. In addition, the County Executive Office has agreed to reinstate the process of "overhires" or the ability of the Sheriff to temporarily exceed the total number of allocated positions to mitigate the impact of attrition and the lengthy public safety training cycles. The Personnel Department has also recommended changes to the

Civil Service rules governing the recruitment and testing processes, and in July, 2005, the Civil Service Commission and County Board of Supervisors approved a change to the rules related to transfers from other agencies and other hiring incentives, which they believe will increase the number of experienced and qualified candidates applying from other agencies.

Recommendations:

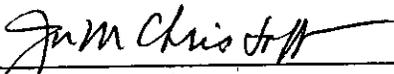
4. The 2005-2006 Grand Jury continue to monitor the progress in responding to these recommendations.

Response:

- The CEO has no objections to the 2005-2006 Grand Jury monitoring the progress in responding to the recommendations above.

Sincerely,

County of Placer



Jan M. Christofferson,
County Executive Officer

Cc Placer County Grand Jury
Placer County Board of Supervisors

JMC:MP:bar



PLACER COUNTY
**SHERIFF
CORONER-MARSHAL**



MAIN OFFICE
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AUBURN, CA 95604
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TAHOE SUBSTATION
DRAWER 1710
TAHOE CITY, CA 96145
PH: (530) 581-6300 FAX: (530) 581-6377

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

STEPHEN L. D'ARCY
UNDERSHERIFF

June 27, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

RECEIVED

JUL - 6 2005

Placer County Grand Jury

**Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury**

After reviewing the Grand Jury's report and findings concerning the main jail, our Burton Creek facility, and responding to at-risk elderly citizens, we have prepared the following responses to the Grand Jury's recommendations.

Placer County Main Jail

Findings 1,2,3,4,5: Concur

Recommendation 1: The Sheriff's Office initiate use of the unused 106 beds as soon as possible.

Response: Concur. This recommendation will be implemented. The 106 vacant beds are located in sections of the jail referred to as "L" and "M" tanks. In order to open these tanks, the department has been actively recruiting and testing for new correctional officers.

During the past six months, the County Personnel Department has certified 76 names to our department for interviews. Sixty-nine applicants were interviewed; seven waived the interview. Twenty-eight applicants were successful in the interview process and were placed in backgrounds. At this time, 13 applicants have passed the background process and are in a jail training program. Three applicants are still in the background process. The remaining 12 applicants did not pass the background process.

During this same period, the jail has lost 14 employees. Some have left to return to their previous departments, some have left to accept employment with other law enforcement agencies, some have failed the training program, and some have retired.

On June 22, 2005, the county gave another correctional officer examination. We hope to hire and train enough applicants from this examination to open L and M tanks prior to the end of 2005.

Recommendation 2: The exterior jail walls be repaired.

Response: Concur. This recommendation has not yet been implemented. The Capitol Improvements Division is aware of this problem and has contacted the responsible contractor and architect to correct this problem. These repairs have not occurred, which has caused our County Counsel to file a lawsuit against the contractor and architect. The lawsuit is pending.

Recommendation 3: The jail managers work closely with the County Personnel Department to devise a method to facilitate more rapid hiring of needed personnel.

Response: Concur. This recommendation has been implemented. Historically, the hiring process and training period for new correctional officers has taken between nine to twelve months. This process follows the following steps:

- Two to three months for the advertising, recruiting and initial testing process.
- Two to three months to receive testing results, interview applicants, and submit names.
- Two to three months for the background investigation process.
- Three to four months for the academy and jail training program.

The County Personnel Department has agreed to facilitate a more rapid hiring process. We will once again use overhire positions, a category we lost during the recent budgetary constraints. In an effort to expedite the hiring process, the County Personnel Department is now requiring an application, plus an experience and training questionnaire, from all applicants. This will hopefully speed the hiring process. Additionally, the Sheriff's Department Personnel Division will now be including the background investigation process as part of the testing process. This will allow the department to place additional applicants into backgrounds. This should aid in the actual hiring of new employees, as we normally have a 60% failure rate in the background investigation process.

Burton Creek Sheriff's Substation

Findings 1,2: Concur

Recommendation 1: An in-depth planning study be performed to determine the cost and timetable for a new sheriff and courtroom facility at Cabin Creek.

Response: Concur. It is vital to build a modern sheriff/court facility for the North Lake Tahoe community. A recent development is the closure of the Rideout Elementary School on the west shore. This offers a new, potentially ideal location for a Tahoe Criminal Justice Facility that is within the Tahoe basin. The Sheriff's Office wants to begin discussions with the school district, courts and county authorities to explore possibilities for this location.

Recommendation 2: This planning study be performed jointly by Placer and Nevada Counties.

Response: Concur. However, no planning time should be lost if Nevada County is unable to respond in a timely fashion.

Emergency Responses for the Elderly

Findings 1,2: Concur

Recommendation 1: Each police jurisdiction prepare written guidelines for Patrol Officers when investigating "at risk" elderly persons.

Response: Concur. This recommendation will be implemented. A policy will be added to the Field Operations Manual within the year.

Recommendation 2: Police departments and citizen groups work together to encourage "at risk" elderly persons to develop a system whereby neighbors keep track of them.

Response: Concur. The Sheriff's Department will expand existing prevention programs to encourage neighbors to look out for each other.

Recommendation 3: PLEA to discuss problems in dealing with emergency responses for elderly people in distress, exchanging ideas in the hope of establishing effective common policies.

Response: Concur. The Sheriff will actively participate in such discussions at PLEA.

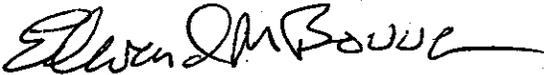
Recommendation 4: Each jurisdiction ensure that their Patrol Officers are aware of the exceptions and limitations to warrantless entry as provided in California Case Law.

Response: Concur. Sheriff's deputies are trained in the legal search exceptions and limitations. Those issues will be reviewed in the written guidelines issued to deputies as mentioned above.

Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury
June 27, 2005
Page 4 of 4

I wish to thank the members of the 2004-2005 Placer County Grand Jury for their dedication to the community and for all of their hard work during the past year.

Sincerely,



Edward N. Bonner
Sheriff-Coroner-Marshal

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury ✓



PLACER COUNTY

CIVIL SERVICE COMMISSION
SYLVIA BESANA
JOHN COSTA
RON LE DOUX
ALAN SHUTTLEWORTH
LARRY WEBBER

175 FULWEILER AVENUE, ROOM 505

PERSONNEL DEPARTMENT

AUBURN, CALIFORNIA 95603-4578

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

TELEPHONE (530) 889-4060
www.placer.ca.gov/jobs
PERSONNEL DIRECTOR
Nancy Nittler

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

AUG 26 2005
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

July 22, 2005

Response to Findings and Recommendations 2004 – 2005 Placer County Grand Jury

After reviewing the Grand Jury's report and findings concerning the main jail, we have prepared the following responses to the Grand Jury's recommendations. Submitted by Nancy Nittler, Personnel Director.

Placer County Main Jail

Recommendation 3: The jail managers work closely with the County Personnel Department to devise a method to facilitate more rapid hiring of needed personnel.

Response: The recommendation has been implemented and other improvements to accelerate the recruitment process will be implemented in the future as discussed below.

The County Personnel Department has been working in partnership with the Sheriff's Department to improve the processes and timelines involved in recruiting and testing new Correctional Officers. This recommendation has been implemented and other improvements (in the recruitment process) will be implemented in the future including:

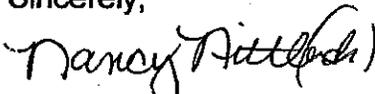
1. In response to the County's workforce planning efforts and the changing needs of the County, the Personnel Department reorganized in April 2005 into several specialized units to more effectively provide services related to recruitment, departmental support, payroll system implementation/maintenance (ACORN) and labor relations. The Recruitment Unit is working exclusively with departments to maximize internal resources committed to attracting quality applicants, modifying rules to increase flexibility in hiring practices, conducting outreach programs and marketing Placer County as the employer of choice in the region.
2. The Personnel Department is currently working with the County Procurement department to conduct a Request for Proposal in order to obtain the services of a Recruitment Advertising Agency who can provide the expertise and resources to develop effective marketing and advertising campaigns for difficult to recruit for positions including Correctional Officers. We expect to have a Recruitment Advertising Agency selected by September 1, 2005.

3. The Personnel Department will be working in partnership with the Sheriff's Department and the Recruitment Advertising Agency to develop a marketing and advertising campaign in order to attract a larger pool of qualified Correctional Officer candidates.
4. Historically recruitments for Correctional Officers have resulted in a large number of applicants. Unfortunately, a number of applicants are screened out because they do not attend or do not pass the physical agility and written exam components of the testing process; the Board of Corrections requires these exams. A large number of candidates do not pass the Sheriff Department interview process and most significantly there is a 60% failure rate in the Sheriff's Department background investigation process. In order to more effectively screen applications the County Personnel Department is now requiring an application, plus an experience and training questionnaire, from all applicants. The Sheriff's Department Personnel Division will now be including the background investigation process as part of the testing process, which should allow for more applicants to be included in process early in the recruitment, testing and hiring process.
5. The Personnel Department and Sheriff's Department have had several discussions of other methods to improve the recruitment process. This includes conducting open and continuous recruitments and regularly scheduled exams.
6. The Personnel Department recommended changes to the Civil Service rules governing the recruitment and testing processes. On July 11, 2005 the Civil Service Commission approved a change to the rules related to transfers from other agencies, which we believe will increase the number of experienced and qualified applicants from other agencies. The County Board of Supervisors approved these changes on July 12, 2005.

On June 10, 2005, the Personnel Department closed a recruitment for Correctional Officer II; this was a continuous recruitment that opened in September 2004. Thirteen of the forty-six applicants successfully completed the training and experience screening and written exam. These candidates were certified to the Sheriff's department on July 1, 2005 for department interviews and background screening. On May 2, 2005 the Personnel Department opened a recruitment for Correctional Officer I. This recruitment closed on May 13 with 94 applicants. The physical agility and written exam process was conducted on June 22, 2005, 30 passed. On July 13, 2005, 11 applicants were certified to the Sheriff's department for interviews and background screening.

We are hopeful that the focus of the Recruitment Unit of the Personnel Department and our process improvements will result in a larger number of qualified applicants for the Correctional Officer positions.

Sincerely,



Nancy Nittler
Personnel Director

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury
Placer County Civil Service Commission
Jan Christofferson, County Executive Officer



COUNTY OF PLACER

BOARD MEMBERS

BILL SANTUCCI District 1
JIM HOLMES District 3
ROBERT M. WEYGANDT District 2
EDWARD "TED" M. GAINES District 4
BRUCEKRANZ District 5

**OFFICE OF
COUNTY EXECUTIVE**

JAN M. CHRISTOFFERSON, County Executive Officer

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AUG - 2005

Placer County Grand Jury

August 1, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury Final Report – 2004-2005 – Gender Bias in Domestic Violence Cases

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2004-2005 Final Report of the Grand Jury related to gender bias in domestic violence cases within the Children's System of Care (CSOC) of the Health and Human Services Department (Page 10 of the Report). I have reviewed and considered the information contained in the Report and the responses of the Director of Health and Human Services, District Attorney and the County Public Information Officer. My response follows below.

Findings:

1. It is likely mistakes were made in the convictions of some men, and gender bias was indeed an important factor in those erroneous decisions.

Response:

I disagree with the finding because it infers that the Children's System of Care, CSOC, is the legal authority to convict individuals when in fact this is the duty and responsibility of the courts. It is outside the scope of the County Executive Office and the CSOC to determine whether or not mistakes were made in the convictions of some men and if gender bias was a factor in such decisions. The CSOC is involved in dependency court proceedings that involve domestic violence related to child abuse or neglect, however, its role in such cases is to provide services as directed by the courts, and not convictions.

Findings:

2. The prevailing perception among male domestic violence offenders was CPS (now CSOC) was the agency most troubling to them as a result of its gender bias, and they felt this had resulted in the most egregious errors.

Response:

I disagree with the finding. Based on an the internal review of the CSOC there appears to be no evidence to accept the finding that gender bias exists within the organization and there is no record of complaints filed alleging such behavior.

Findings:

3. All county agencies and all persons interviewed who worked for the county claimed a total lack of gender bias, but admitted there may have been some cultural assumptions among staff members that caused wrong judgements.

Response:

I disagree with the finding. According to the response of the HHS Director there is no evidence of the alleged gender bias and there have been no formal complaints submitted to the CSOC in this regard. Also, staff of the CSOC receive training as part of their educational curriculum to identify and understand the subject of gender bias.

Findings:

4. Attendees in the court mandated anger management group sessions are required to attend these sessions for 52 weeks and are required to pay for these sessions.

Response:

I disagree partially with the finding. The "anger management sessions" are actually a Batterer's Treatment Program and if the Dependency Court orders an individual into this program the CSOC pays for all of the program costs. If an individual is similarly ordered to participate in this program as a result of a criminal conviction of domestic violence then the individual must pay for the program costs. However, these costs are charged on a sliding scale based on the individual's ability to pay.

Findings:

5. The current official name for Child Protective Services, which is Children's System of Care, is difficult to find. The telephone accessibility of the Children's System of Care is difficult as well.

Response:

I disagree partially with the finding. The telephone directory could be improved to better locate the phone number for child protective services, however, when connected, service information is accessible to the caller. The CSOC is staffed to receive calls during normal business hours and its ACCESS office operates on a 24 / 7 basis and all calls for child protective services are routed to ACCESS after hours for emergency response.

Recommendations:

1. CSOC ensure their workers are well trained to recognize gender bias as a possibility in their domestic violence decision making.

Response:

The recommendation has been implemented. The educational curriculum for social service workers of the CSOC that have a Master's degree in social work includes identification and proper response related to both gender and cultural bias issues and concerns. In addition, the CSOC staff receive on-going training on these issues including a recently completed training class conducted by the Placer County Counsel on June 16, 2005.

Recommendation:

2. Further investigation implemented by CSOC to continue the study of possible gender bias.

Response:

The recommendation has been implemented. The CSOC has established formal procedures to accept and respond to complaints and this system is used to investigate and resolve any problems that may arise. As indicated in the response of the HHS Director, no complaints have been received regarding gender bias.

Recommendation:

3. The county share the cost of mandated attendance at anger management sessions, which should result in more attention to gender bias.

Response:

The recommendation has been implemented. Clients of the CSOC that are ordered to attend the 52-week Batterer's Treatment group by the dependency court proceedings do not incur a fee for this treatment. The fee is paid by the CSOC. However, non-CSOC clients that are ordered to attend treatment classes as a result of criminal court proceedings must pay the treatment fee from their own resources and this is not an obligation of the CSOC.

Recommendation:

4. CSOC to better publicize its new name as the successor entity to CPS, and also, to achieve improved telephone accessibility.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. The CSOC staff will work to ensure that phone directories will be updated with the next publication update cycle to include a cross-reference index for CPS with the CSOC. The County website will also include this convenient cross-reference. The current practice of after hours phone call referrals to ACCESS for 24 / 7 emergency response will continue and has proven effective.

Sincerely,



Jan M. Christofferson
County Executive Officer

CC Placer County Grand Jury
Placer County Board of Supervisors



COUNTY OF PLACER

PUBLIC INFORMATION OFFICE

ANITA YODER, Public Information Officer

175 Fulweiler Avenue, Auburn, California 95603

Telephone: 530/889-4012

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www.placer.ca.gov

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Placer County Grand Jury

Aug. 2, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury Final Report – 2004-2005 – Gender Bias in Domestic Violence Cases

Dear Judge Kearney:

I am pleased to respond to the 4th recommendation contained in the FY 2004-2005 Final Report of the Grand Jury related to gender bias in domestic violence cases within the Children's System of Care (CSOC) of the Health and Human Services Department convictions.

Finding:

5. The current official name for Child Protective Services, which is Children's System of Care, is difficult to find. The telephone accessibility of Children's System of Care is difficult as well.

Recommendation:

4. CSOC to better publicize its new name as the successor entity to CPS, and also, to achieve improved telephone accessibility.

Response:

The recommendation to better publicize the fact that Children's System of Care (CSOC) includes Child Protective Services (CPS) has not yet been implemented but it will be implemented in the future. The county web site has been improved to make it easier for people to find CPS; updates to other county publications will also make the link clearer.

However, Children's System of Care is a much more inclusive division than "child protective services". It also includes adoption services, mental health services, foster youth services, substance abuse services and many other services to assist children and their families. Therefore Child Protective Services should be publicized as part of Children's System of Care. Children's System of Care should not be publicized as a new name for CPS.

Thank you for the opportunity to respond.

Anita Yoder
Public Information Officer

CC: Placer County Grand Jury
Placer County Board of Supervisors



BRADFORD R. FENOCCHIO

DISTRICT ATTORNEY

PLACER COUNTY DISTRICT ATTORNEY

11562 "B" Avenue • Auburn, CA 95603-2687

530 889-7000 • FAX 530 889-7129

www.placer.ca.gov

August 3, 2005

RECEIVED

AUG 11 2005

Placer County Grand Jury

The Honorable Francis Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Re: Grand Jury Final Report-2004/2005-Gender Bias and Domestic Violence Cases

Dear Judge Kearney:

Enclosed and incorporated herewith please find the District Attorney's response to the findings and recommendations contained in the FY 2004-2005 final report of the Grand Jury related to gender bias and domestic violence cases within the Children's System of Care (CSOC) of the Health and Human Services Department. The majority of the findings relative to the final report appear to bear upon CSOC. However, I have reviewed and considered the Grand Jury summary (page 8 of the report), the Grand Jury narrative (page 8 of the report), as well as the findings and recommendations contained in the report on pages 9 and 10. My responses to the findings and recommendations are as follows below. There will be references to aspects of the summary and the narrative, in as much as those aspects of the report bear more pointedly on duties generally considered to be part of the court and district attorney roles. My responses will be general in nature. However, finding number one does bear somewhat directly on the role of the District Attorney's Office and, therefore, it will be discussed with some specificity.

Finding:

1. It is likely mistakes were made in the convictions of some men, and gender bias was indeed an important factor in those erroneous decisions.

Response:

From the perspective strictly of the prosecution of such cases, the District Attorney's Office does not agree with this finding. As a prosecution unit, we review cases based upon the facts and the law as it pertains to those facts. In doing so, we review reports prepared and generated by agencies charged with the responsibility to investigate and/or arrest suspects alleged to have committed crimes.

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If, upon review, there is sufficient factual basis to indicate that someone indeed committed all the elements of a particular crime, and if there also appears to be a reasonable likelihood that a jury will so find after taking into account all reasonably anticipated defenses, we may then charge someone with criminal conduct.

(Note: Generally, it takes some period of time after we charge a crime, and it is often closer to the actual trial date, before we have occasion to meet with victims and witnesses.)

Initially, based upon our view of the facts, circumstances, medical records, prior consistent or inconsistent statements, consistency of witness accounts, demeanor and credibility of witnesses and victims and any readily apparent bias, prejudice or motive evident in the reports, we then consider how best to proceed.

The result could be that we request further investigation, or that we decline the case, or we charge the case. Based upon the reported facts and criminal history, or lack thereof, sometimes we reduce charges lower than the charge for which a person was arrested, and sometimes we add charges to those for which the person was arrested.

We do not review cases based upon the presumption that a persons' gender somehow favors the likelihood of the truth of an allegation of abuse, or that a person's gender creates the likelihood that one party is the aggressor and the other party is the victim.

Each case is reviewed and dealt with separately, based upon the reports submitted, and the other relevant factors as articulated herein above.

We will continue to review all matters on a case-by-case basis. In doing so, we rely upon the objectivity and the accuracy of those who prepare the reports, as well as upon the evidence alluded to within those reports.

If and when we determine the reports to be somehow inaccurate, incomplete, or suffering from omissions, we thereafter attempt to garner additional information necessary to create an accurate portrayal of the events and complaints. If physical evidence requires review, analysis, or expert interpretation, we attempt to do that as well.

Any relevant information later acquired is provided to the defense attorney representing the accused in the same way that any and all reports that are inculpatory or exculpatory were provided to the defense counsel initially. This is done in advance of the time that a case proceeds to trial, and in advance of the time someone pleads guilty. Thus, the defense knows the evidence pertaining to the case at hand.

Our process does not allow, nor does it tolerate, insertions of bias into the decisions effecting whether or not to proceed with a criminal case. Accordingly, I disagree with the finding because it implies that there may have been some gender bias leading to the convictions of some men. With all of the effort and emphasis placed upon factual determinations, with the insertion of learned defense counsel handling the defense of these matters, with the involvement of the courts

and/or jurors in these matters, it is our view that it is highly unlikely that convictions of some men were the result of gender bias by members of the District Attorney's Office.

Finding:

2. The prevailing perception among male domestic violence offenders was that CPS (now CSOC) was the agency most troubling to them as a result of its gender bias, and they felt that this had resulted in the most egregious errors.

Response:

The District Attorney's Office cannot respond for CSOC. However, I will defer to their response and adopt their disagreement based upon the facts stated in their response.

Finding:

3. All county agencies and all persons interviewed who work for the county claimed a total lack of gender bias, but admitted there may have been some cultural assumptions among staff members that caused wrong judgments.

Response:

The District Attorney's Office disagrees partially with the finding. The District Attorney's Office is currently in possession of no information, other than the information in the grand jury report, relative to this particular issue. The District Attorney's Office is unaware of any specific questions addressed to members of this office relative to how they may have handled domestic violence matters in the last year. Accordingly, the District Attorney's Office will take at face value the first portion of the finding, that all county agencies and all persons that work for the county and were interviewed claimed a total lack of gender bias. Relative to the second half of the finding (that there was an admission there may have been some cultural assumptions among staff members that caused wrong judgments) this office is unaware as to what those assumptions may have been, as well as and which staff members may have been interviewed. We are similarly unaware of what wrong judgments those interviewed may have been alluding to and what agencies may have proffered that opinion.

Once again, members of this office attempt to make their decisions based upon the facts of each individual case.

Finding:

4. Attendees at the court mandated anger management group sessions are required to attend these sessions for 52 weeks and are required to pay for these sessions.

Response:

The District Attorney's Office disagrees partially with the finding. The 52-week program alluded to in the Grand Jury finding is more likely a program for treating people who have been convicted of domestic violence. Such a program is commonly referred to as a "batterer's program", not an "anger management program". Placement into a batterer's program is as the result of a conviction in criminal court and defendants are required to pay for such program.

Finding:

5. The current official name for Child Protective Services, which is Children's System of Care, is difficult to find. The telephone accessibility of Children's System of Care is difficult as well.

Response:

The District Attorney's Office is in no position to either agree nor to disagree with this finding. This finding pertains to a different agency, most likely HHS (Health and Human Services). Accordingly, the District Attorney's Office must adopt as its response the response submitted by HHS. The District Attorney's Office is without adequate information to be able to appropriately and cogently respond to this finding other than in the manner herein.

Recommendation:

1. CSOC ensure their workers are well trained to recognize gender bias as a possibility in their future domestic violence decision-making.

Response:

Once again, this aspect of the recommendations appears to be directed toward CSOC. Accordingly, this is not a recommendation that can be implemented by the District Attorney's Office. That is not to say that the recommendation is unreasonable. It may be very reasonable. However, such a recommendation is not directed to this agency.

Recommendation:

2. Further investigation be implemented by CSOC to continue the study of possible gender bias.

Response:

Once again, this is not a recommendation that can be responded to by the District Attorney's Office since it is directed to another agency, CSOC. That is not to say that the

recommendation is unreasonable. It may be reasonable, however, as a recommendation this is directed to CSOC, and not to the District Attorney.

Recommendation:

3. The County share the cost of mandated attendance of anger management sessions, which should result to more attention to gender bias.

Response:

The District Attorney's Office disagrees with this finding. The program, which the District Attorney's Office believes that the Grand Jury is discussing, is not necessarily an "anger management" program, but rather, it is likely that what is being referred to is a "batterer's program" as is called for under Penal Code section 1203.097. Such a program is a general "term and condition" of probation for one convicted of domestic violence related crimes, within Penal Code § 1203.097. Under subsection (6), one of the requirements for a person granted probation is successful completion of a batterer's program. Further, under section (7) (A) (i) it reads as follows: "the court shall order the defendant to comply with all probation requirements, including the requirement to attend counseling, keep all program appointments, and pay program fees based upon the ability to pay". Clearly, the law expects the person convicted to pay these costs and the word "shall" is used to compel the court to make such an order.

Recommendation:

4. CSOC to better publicize its new name as the successor entity to CPS, and also, to achieve improved telephone accessibility.

Response:

This is a recommendation directed to CSOC, and not to the District Attorney.

Sincerely,



Bradford R. Fenocchio
Placer County District Attorney

BRF:je

cc: Placer County Grand Jury
Placer County Board of Supervisors

County of Placer
DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD J. BURTON, M.D., M.P.H.
HEALTH OFFICER, AND
DIRECTOR OF HEALTH & HUMAN SERVICES



JAMES T. GANDLEY, D.D.S., M.P.H.
ASSISTANT DIRECTOR
HEALTH & HUMAN SERVICES

August 1, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Ave.
Auburn, CA 95603

RECEIVED
AUG - 9 2005
Placer County Grand Jury

Subject: Response to the Grand Jury Final Report 2004/2005

Dear Judge Kearney,

The following are the Health and Human Services Department responses to the 2004/2005 Grand Jury Final Report.

Children's System of Care - Gender Bias in Domestic Violence Cases

- 1. It is likely mistakes were made in the conviction of some men, and gender bias was indeed an important factor in those erroneous decisions.**

Response: The Department of Health and Human Services (HHS) does not agree with this finding based upon the limited information provided by the Grand Jury report. HHS is requesting additional information as to the full scope of the investigation and the process for making this finding. The Children's System of Care (CSOC) does not convict batterers; this action occurs in Criminal Court case proceedings by plea, the court or jury. Law enforcement and the District Attorney, not CSOC, determine the aggressor and the victim, or whether it is mutual combat. CSOC is not involved in every domestic violence case; CSOC is involved in domestic violence cases only in conjunction with Dependency Court proceedings related to child abuse or neglect. The role of CSOC is to provide services, not punishment, based upon the risk to the child and necessary protective actions.

- 2. The prevailing perception among male domestic violence offenders was Child Protective Services (now CSOC) was the agency most troubling to them as a result of its gender bias, but admitted there may have been some cultural assumptions among staff members that caused wrong judgments.**

Response: HHS does not agree with this finding. Please also see Response 1. CSOC has seen no evidence of gender bias and no complaints have been filed in this regard. The subject of gender bias is included in social workers' education curriculum and ongoing training.

- 3. All county agencies and all persons interviewed who worked for the county claimed a total lack of gender bias, but admitted there may have been some cultural assumptions among staff members that caused wrong judgments.**

Response: HHS does not agree with this finding. Please also see Response 1. The Grand Jury asked questions in an ambiguous manner, similar to, "Is it possible that cultural assumptions could cause wrong judgments among staff?" The answer from the CSOC Director was that it is possible, which does not constitute an admission that this behavior, in fact, occurs. CSOC has seen no evidence of gender bias and no complaints have been filed in this regard. The subject of gender bias is included in social worker education curriculum and ongoing training.

- 4. Attendees in the court mandated anger management group sessions are required to attend these sessions for 52 weeks and are required to pay for these sessions.**

Response: HHS does not agree with this finding. Please also see Response 1. The 52-week course is a Batterer's Treatment Program, not just an "anger management group." If the Dependency Court orders attendance in this program, CSOC pays for the program cost.

If the individual is charged and convicted of domestic violence in a Criminal Court case and the defendant is ordered to the Batterer's Treatment Program, the defendant is required to pay for this program. A sliding scale payment is based on the individual's ability to pay.

- 5. The current official name for Child Protective Services, which is Children's System of Care, is difficult to find. The telephone accessibility of Children's System of Care is difficult as well.**

Response: HHS agrees in part with this finding. Cross-referencing Child Protective Services (CPS) with Children's System of Care could make improvements in various directory listings.

HHS disagrees with the finding that telephone accessibility is difficult, in that the Children's System of Care offices are staffed to accept phone calls from 8:00 A.M. - 5:00 P.M., Monday through Friday. On weekends, holidays and after 5:00 P.M., the public is referred to the ACCESS program for any emergency reports of child abuse or neglect or other psychiatric emergencies; the public phone lines at the Children's System of Care informs callers to contact ACCESS in the event of an emergency. The phone message provides the phone number for ACCESS. The emergency phone number is distributed throughout Placer County hospitals, medical offices, child-care facilities, schools and other public institutions. The ACCESS program is staffed on a 24 hour, seven days per week, to respond to these emergencies. The Children's System of Care manages the ACCESS program.

RECOMMENDATIONS

Recommendation 1: CSOC ensure their workers are well trained to recognize gender bias as a possibility in their domestic violence decision-making.

Response: To be revised. The recommendation requires further analysis. Upon further discussion with the Grand Jury and receipt of information relative to the scope and details of their

investigation, HHS will respond to the Grand Jury within 90 days as to whether additional training is necessary.

Although CSOC has seen no evidence of gender bias and no complaints have been filed in this regard, the topic of gender bias, as well as other cultural bias, is a standard part of all social work education curriculum and on-going training. In a recent CSOC training on domestic violence provided by County Counsel on June 16, 2005, examples of both male and female victims were used.

Recommendation 2: Further investigation implemented by CSOC to continue the study of possible gender bias.

Response: This recommendation is already in place in that CSOC has an established complaint process; staff are involved in on-going supervision; staff are involved in on-going training; and the court process ensures representation and due process for all parties.

Recommendation 3: The county share the cost of mandated attendance at anger management sessions, which should result in more attention to gender bias.

Response: This recommendation is already in place. Dependency Court ordered attendance to the 52-week Batterer's Treatment Group is paid for by CSOC. Criminal Court ordered attendance to the Batterer's Treatment Group is not the responsibility of CSOC.

Recommendation 4: CSOC to better publicize its new name as the successor entity to CPS, and also, to achieve improved telephone accessibility.

Response: The recommendation has not yet been fully implemented but will be implemented as public phone directories are updated. Directory listings and county-web site listings will cross-reference CPS and CSOC. A recent review of all incoming public phone lines determined that public callers are referred to ACCESS after hours, on weekends and holidays, in the event of a CPS or psychiatric emergency. The toll free number is 888-886-5401.

Placer County Public Guardian

1. The management of the Public Guardian's Office has been neglected.

Response: Do not agree with findings. Several changes have occurred in this office over the past two years. Due to unfortunate circumstances, first the secretary and then the supervisor went out on extended leave. Adult System's of Care (ASOC) management made efforts to assist the Public Guardians Office (PGO) by providing some help from the clerical pool and another ASOC supervisor to help manage the office on a part-time basis. These efforts allowed line staff to concentrate on client services, which remained and continue to remain a priority in the PGO.

2. Staffing shortages have impaired Public Guardians Office.

Response: Agree with these findings. Budget constraints have limited any staffing increases.

3. Public Guardians Office lacks a definitive improvement plan.

Response: Do not agree with findings. The Public Guardian Improvement Plan began in November of 2004 with the hiring of a Supervisor, supported by management, to oversee the Public Guardian, Adult Protective Services, and In-Home Supportive Services (IHSS) programs. In July 2005 the Public Administrator's office (1 FTE employee) will move under the supervision of the Public Guardian Supervisor, and by August 2005, a new Supervisor for In-Home Supportive Services (6.5 FTE employees) will be hired, thereby allotting the Public Guardian Supervisor more time to better serve the needs of this office.

4. None of the past Grand Jury recommendations were acted upon until the new HHS Director became personally involved.

Response: Do not agree with findings. As mentioned in number one, many, although not all, of the duties of the clerical person were taken over by the clerical pool shortly after her departure. Limitations in the ability to replace her were a part of the decision to attempt to have the filing done by the deputies. However, heavy caseloads proved to leave this task all but undone. These caseload sizes were also a factor in the neglect in the warehouse, which has now been resolved and will continue to be monitored by the new supervisor. Additionally, when it appeared the former supervisor would not be returning in sufficient time, PGO duties were assigned to another supervisor, who after a short leave (necessary when an employee retires), continued to work part-time in the office until the current supervisor came on board. This temporary supervisor was responsible for resolving the warehousing tasks.

5. Until recently, warehousing tasks have been performed poorly.

Response: Agree with these findings, however, this issue is now resolved.

6. Filing tasks have been neglected due to staffing shortages.

Response: Agree with these findings. Client care was prioritized. However, filing issues are being addressed with extra help, new procedures, and new duty assignments.

7. There was a notable lack of standardization of policies, procedures and workload management.

Response: Agree with these findings. This is now being addressed.

8. The PGO Supervisor spends (nominally) 1/3 of her time with the PGO Tasks.

Response: Agree with these findings. We are currently in the process of hiring a supervisor to take on the IHSS program (6.5 FTE employees) allowing more time to be spent on PGO tasks.

9. The PGO Supervisor has responsibility for directing three distinct programs, but each has offices in different physical areas.

Response: Agree with these findings. The office of Public Guardian, Public Administrator and Adult Protective Services (APS) are all located in Auburn where the supervisor of all three programs is located. However, to more expediently respond to APS reports in Roseville and

Tahoe City, two APS staff (one full and one part-time) are located in Roseville and one part-time APS worker is located in Tahoe City.

10. All new PGO Supervisors for the past several years have initially known nothing of PGO work and have required basic PGO training.

Response: Agree with these findings. This is being addressed with continued training provided to the new supervisor in all areas pertaining to the Public Guardian's Office.

RECOMMENDATIONS

Recommendation 1: The PGO be reorganized.

Response: The recommendation has been implemented. The PGO is now a part of a smaller unit, which includes the Public Administrator, with the addition of one new staff, and Adult Protective Services. In addition, new policies and procedures will be implemented in the next fiscal year.

Recommendation 2: A supervisor be able to devote sufficient time to correct the PGO problems.

Response: The recommendation has been implemented. A supervisor has been assigned to work with the above programs. This is a reduction in former responsibilities that had formerly included supervision of IHSS, which included 6.5 FTE employees. There will now be adequate time to address issues with this office.

Recommendation 3: The three programs directed by the PGO supervisor be co-located in the same building.

Response: The recommendation has been implemented. The three programs supervised by the PGO Supervisor are all located in one office in Auburn. All Public Guardian clients are served out of the Auburn office. However, due to the emergency response necessary for Adult Protective Services, staff being located in those locations better serves Placer County residents in Roseville and Tahoe City.

Recommendation 4: The PGO Supervisor develop a definitive PGO Improvement Plan.

Response: The recommendation has not yet been implemented, but will be implemented in the future. A Plan of Improvement (with time lines) will be developed and submitted by November 1, 2005 to the Grand Jury. The Plan of Improvement will include but not be limited to the following and will include timelines indicating when they will be addressed:

- a. Assess how the Public Administrator Assistant (which will now be located with the Public Guardian's office) can provide assistance to the deputies.
- b. Development of job descriptions specific to Public Guardian Deputies, which will provide a clear delineation of duties between Deputies and Mental Health Case Managers.
- c. In coordination with Clerical Supervisor, developing clear PGO guidelines about paperwork and filing and clearly defining these functions as clerical.

- d. Development of Policies and Procedures for the PGO.
- e. Monitoring and evaluation of the warehouse utilized for storage.
- f. Other items that may emerge as a result of this Plan of Improvement

Recommendation 5: The staffing shortage be corrected.

Response: The recommendation requires further analysis. The current staffing shortage is a result of limited funding. However, we will continue to review the current staffing needs and look at ways to address identified needs as is practical and appropriate. The results of this review will be presented (with recommendations) to the appropriate administrative level of the Department of Health and Human Services for consideration.

Recommendation 6: The warehouse continues to be monitored for improvements.

Response: The recommendation has been implemented. The warehouse is being, and will continue to be monitored for improvements, and will be identified in the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 7: The filing tasks be brought up to date.

Response: The recommendation has been implemented. The filing has been addressed using extra help, and as of July 7, 2005, the filing has been brought up to date. We will continue to review the current staffing needs, including the need for additional clerical support, for the PGO. The purpose of this review will be to identify (and implement) a permanent solution to clerical support (including filing) for the PGO.

Recommendation 8: Standardized policies be implemented.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The development of standardized policies, and policy implementation, will be addressed in the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 9: Job descriptions be developed.

Response: The recommendation has not yet been implemented, but will be implemented in the future. Job descriptions will be developed as a part of the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 10: Continued training of the PGO Supervisor.

Response: The recommendation has been implemented. The supervisor has received training on Public Guardian issues and will continue this training during the next year.

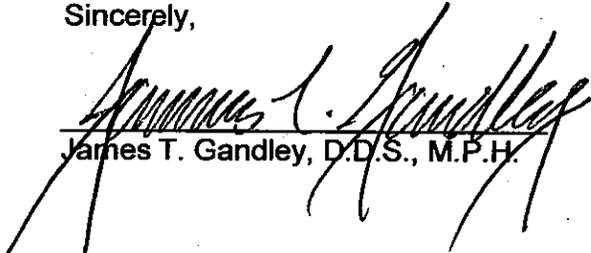
Recommendation 11: Follow-up on the PGO situation by the 2005-2006 Grand Jury.

Response: The recommendation has not yet been implemented, but will be implemented in the future. In addition to the Plan of Improvement, Health and Human Services will provide two status reports to the Grand Jury in the next year. The schedule for report submission will be as follows:

- a. November 1, 2005 - Plan of Improvement
- b. February 1, 2006 - First Status Report
- c. May 1, 2006 - Second Status Report

Thank you for this opportunity to respond to the Grand Jury report.

Sincerely,



James T. Gandley, D.D.S., M.P.H.

cc: Placer County Grand Jury
Placer County Board of Supervisors
Placer County Executive Office



RECEIVED
SEP - 6 2005
Placer County Grand Jury

1225 Lincoln Way • Auburn, CA 95603 • (530)823-4211 • Fax(530)885-5508

August 22, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury Final Report for 2004 - 2005
Conflict of Interest and Record Keeping Practices of Planning Commissions and Design
Review Boards of Cities in Placer County

Dear Judge Kearney:

The City of Auburn welcomes any suggestions that would improve our operations and provide better service to the public. Following is the City's response to the recommendations of the Grand Jury:

1. City Council members refrain from appointing citizens to boards and commissions who frequently recuse themselves due to conflict of interest.

The City Council agrees partially with this recommendation. Council members are sensitive about this matter and do their best to appoint the best citizens to the Planning Commission. Please note that Auburn is a small city and recusals will occur due to the proximity of a Commissioner's residence. In fact proximity to a Commissioner's residence was the reason for recusal on four occasions by three different Commissioners (total of 11 recusals in two years).

Also, the one Commissioner noted in the Grand Jury Report to have five recusals was due to a very unusual circumstance. He was the minister for a church and felt that he should recuse himself for any project pertaining to the church, or adjacent to the church. This occurred on four occasions.

2. Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City's web site in a timely manner.

The City Council agrees with this recommendation and the Community Development Department has implemented procedures to post minutes in a timely manner. The day after minutes are approved by the Commission, the minutes are forwarded to the

Information Technology Division for posting on the City's web site. Note that only approved minutes will be posted. Minutes are typically approved within one month.

3. Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR 18702.5.

As noted in the Grand Jury Report the City of Auburn has a written procedure for recusal when a conflict of interest exists and for noting the nature of the conflict in the meeting minutes.

4. Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.

The City Council agrees partially with this recommendation. The Office of the City Clerk is responsible to ensure that the Fair Political Practices Commission (FPPC) Form 700 is complete and correct. On an annual basis the City Clerk's office also ensures that Form 700 is updated. If there are any questions, the City Clerk's office provides assistance. The City Attorney may not give personal legal advice to members of the Commission as to the legal sufficiency of their personal conflict of interest filings. However, the City Attorney does consult with Commission members or City Staff when specific questions arise as to whether a conflict exists that requires disqualification from participation in a pending matter.

5. Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be limited to merely handing out materials from the League of California Cities and hoping the appointee reads them.

The City Council agrees with this recommendation and the Community Development Department has already implemented this procedure. Besides providing a binder of information to each Planning Commissioner the Community Development Department discussed its contents at a Commission meeting. By October 4, 2005 the Community Development Department will also be providing a similar binder to each Historic Design Review Commissioner and go over its contents.

Also, the City provides funding for all Planning Commissioners to attend the League of California Cities annual Planning Institute where seminars are provided on a variety of topics including conflict of interest. In addition, the City has a subscription to Planning Commissioners Journals, which is a quarterly publication that provides information on a variety of topics pertaining to Planning Commissioners.

6. Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict on interest and promising to avoid it.

The City Council disagrees with this recommendation. The law already obligates decision makers to avoid conflicts of interest and imposes penalties for failure to comply with the law. The City has a conflict of interest code which requires decision makers to file conflict of interest statements

7. All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of two years.

The City Council agrees with this recommendation. Staff is in the process of updating the City's website and will have this completed by February 1, 2006.

Thank you for this opportunity to respond and if you have any questions, please contact our Community Development Director, Wilfred Wong, 823-4211, extension 133.

Sincerely,

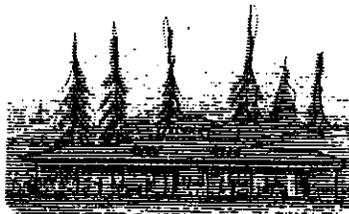


Alice Dowdin
Mayor City of Auburn

cc: Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Auburn City Council

P.O. Box 702
33 S. Main Street
Colfax, CA 95713



530-346-2313
Fax 530-346-6214

CITY OF COLFAX

September 7, 2005

Honorable Frances Kearney
Placer County Superior Court
Civil Division
11546 B Avenue
Auburn, CA 95603

RECEIVED
SEP 19 2005
Placer County Grand Jury

RE: RESPONSE TO PLACER COUNTY GRAND JURY FINDINGS

Dear Honorable Kearney:

Enclosed please find our response in the attached report in reference to the recommendations of the Grand Jury of June 8, 2005.

The Planning Commission and the Design Review Commission for the City of Colfax each reviewed the Grand Jury findings and made recommendations as stated herein to the Colfax City Council.

The City of Colfax takes responsibility for ensuring the Conflict of Interest and Record Keeping Practices are followed and by its appointed commissioners. The Commissioners themselves continually strive toward excellence by on-going education and training opportunities.

The Grand Jury recommendations have been incorporated as actions for each commissioner, as outlined in the attached report.

Please contact Robert Perrault, City Manager, if you have any questions or concerns.

Sincerely,

Mayor, Cassandra Kellams

cc: Placer County Grand Jury
Enclosures as stated

CITY OF COLFAX
RESPONSE TO CONFLICT OF INTEREST AND RECORD KEEPING PRACTICES
GRAND JURY FINDINGS

Background:

The 2004-2005 Placer County Grand Jury Cities Committee recently concluded its investigation of several cities, including Colfax, regarding how the Planning Commission and Design Review Commission handles conflicts of interest and performs record keeping tasks. Upon request, City staff provided information to the Committee during the fall of 2004. With the information given, and as detailed in their attached report, the Committee performed the following tasks:

- Review of relevant laws and documents regarding both conflict of interest and meeting records.
- Review of Agendas and Minutes for both Commissions during the period October 2002-2004.
- Review of each city's website with respect to agendas and minutes for both Commissions.
- Review of relevant City policies and procedures.
- Visits to meetings of the Planning Commission and Design Review Boards in selected cities.
- Consultation with professional legal advisors.

Grand Jury Findings:

Detailed findings for each of the cities in Placer County are provided in the attached Grand Jury report. Relative to the City of Colfax, the Committee investigated the City's Planning Commission and Design Review Commission and found the following:

- The City of Colfax does not maintain a current listing on their website of meeting dates, agendas, and minutes for either the Planning Commission or Design Review Commission. This presents a significant obstacle for citizens who wish to track the many sequential decisions made by these bodies in determining the progression and quality of growth in the community.
- The City of Colfax does not have a written policy for handling conflicts of interest for the Planning Commission or Design Review Commission specifying procedures members must use when they recuse themselves from hearing an item. Clear policies regarding conflict of interest can enhance public confidence in the decisions made by the two Commissions.
- Based on minutes of each of the two Colfax Commissions, Commissioners did not always identify the nature of the conflict of interest when one occurred, as required by California Code of Regulations (CCR) Section 18702.5(b)(2), Public Identification of a Conflict of Interest for Section 87200 Filers. The code states "...If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record". This failure to comply hinders public oversight of governmental agencies.

- During the period of 10/02-10-04, the Colfax Planning Commission had four (4) recusals total, and had two recusals for a single Planning Commissioner.
- The City of Colfax does provide training materials and conducts work sessions with the City Attorney for Planning and Design Review Commissioners regarding conflict of interest.

Recommendations:

On July 7, 2005 the Colfax Planning Commission and Colfax Design Review Commission each met to review the report. The two Commissions are recommending the following responses to the Grand Jury findings:

1. *The City of Colfax should ensure that all Calendars, Agendas and Minutes of Colfax Planning Commission and Design Review Commission meetings be posted on the City's website in a timely manner.*

As of August 1, 2005, the City's website now contains calendars, agendas, and minutes of both the Colfax Planning Commission and Design Review Commission. This activity is handled City staff, in conjunction with the contracted webmaster and will be continually updated.

2. *The City of Colfax should adopt written procedures specifying what a member of either the Planning Commission or Design Review Commission must do when a conflict of interest exists, in accordance with CCR Section 18702.5.*

As of August 1, 2005, the Colfax Planning Commission and Design Review Commission have developed a written statement of Intent to Recuse (see attachments A and B). Following the Commission Chairman's statement regarding which item on the agenda will be considered and the Planning Director's staff report presented, any Commissioner who wishes to recuse themselves because of a conflict of interest or other reason should make this announcement, provide a short explanation of the reason for stepping down, and should not participate in the discussion. The Commissioner must also complete the written statement, sign it and provide a copy to the Clerk.

3. *The City of Colfax should adopt clear administrative procedures for internal monitoring of conflict of interest by members of each of the Commissions. Additionally, the City Attorney should have a personal meeting with each Commissioner annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.*

At the organizational meeting at the beginning of each calendar year of both the Planning Commission and Design Review Commission, the City Attorney shall conduct the annual Brown Act and Conflict of Interest Workshop. Following the formal presentation, the City Attorney shall be available to meet with each Commissioner individually, to review any questions or concerns, and to review their Fair Political Practices Commission (FPPC) Form 700.

4. *The City of Colfax should continue to support an annual workshop presented by the City Attorney to both Commissions to include a discussion of the Brown Act and conflict of interest.*

The City is committed to on-going training and support for its Planning and Design Review Commissioners. As it has done for several years, the City Attorney will conduct an annual Brown Act and Conflict of Interest Workshop, to be held at the first meeting of the calendar year. Members of the City Planning Commission also receive annually updated copies of the League of California Cities "Planning Commissioner's Handbook" which provides guidance on conflict of interest regulations.

5. *The City of Colfax should develop a statement for members of each of the two commissions, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.*

The City has developed a statement for each Commission member attesting to their understanding of what constitutes a conflict of interest and promising to avoid it. The duties and ethical responsibilities for each Commissioner are outlined in Section 1 of the League of California Cities Planning Commissioner's Handbook, which issued to members of both Commissions. Each commissioner of the Planning and Design Review Commission will be required to complete the form annually (Attachment C).

6. The Colfax Planning Commission has also developed a specific written public hearing procedure that will be followed as standard protocol, beginning August 1, 2005 (Attachment D). This procedure outlines such standards as Commission announcement of conflict of interest, time limits afforded to proponents and opponents of a proposal, Commission action on an item, and Commission disclosure of the appeal process. Each Commissioner has been provided a copy of this written procedure.
7. The Colfax Planning Commission recognizes the potential for conflict of interest to arise and subsequent recusal of a commissioner. Other times, a Planning Commissioner is simply unable to attend a meeting. This can lead to a lack of quorum, thereby delaying project consideration. To the end, the Colfax Planning Commission is recommending to the City Council that a minimum of one (1) alternative Planning Commissioner be appointed to the Commission. The Alternate Commissioner would have all discussion rights of a Commissioner but can vote only if another Commissioner is absent. If a Commissioner is absent, the Alternate functions in all ways as a regular Commissioner.

Summary:

The City of Colfax Planning and Design Review Commissions have received and reviewed the Grand Jury report. The Commissions have taken specific actions and implemented all the recommendations outlined in the Grand Jury report to ensure that the operation of each of the commissions is proper and efficient, as follows:

- As of August 1, 2005, the City's website now contains calendars, agendas, and minutes of both the Colfax Planning Commission and Design Review Commission.
- As of August 1, 2005, the Colfax Planning Commission and Design Review Commission have developed a written statement of Intent to Recuse.
- At the organizational meeting at the beginning of each calendar year of both the Planning Commission and Design Review Commission, the City Attorney shall conduct the annual Brown Act and Conflict of Interest Workshop. Following the formal

presentation, the City Attorney shall be available to meet with each Commissioner individually, to review any questions or concerns, and to review their Fair Political Practices Commission (FPPC) Form 700.

- The City is committed to on-going training and support for its Planning and Design Review Commissioners. As it has done for several years, the City Attorney will conduct an annual Brown Act and Conflict of Interest Workshop, to be held at the first meeting of the calendar year.
- The City has developed a statement for each Commission member attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.
- The Colfax Planning Commission has developed a specific written public hearing procedure that will be followed as standard protocol, beginning August 1, 2005
- The Colfax Planning Commission is recommending to the Colfax City Council the consideration of the appointment of at least one (1) Planning Commission alternate.

"Exhibit A"

City of Colfax

Planning Commission

Statement of Intent to Recuse

Commissioner Name: _____

Date of Agenda: _____

Agenda Item: _____

Brief Explanation of Reason for Recusal:

Signature: _____

“Exhibit B”

City of Colfax

Design Review Commission

Statement of Intent to Recuse

Commissioner Name: _____

Date of Agenda: _____

Agenda Item: _____

Brief Explanation of Reason for Recusal:

Signature: _____

"Exhibit C"

STATEMENT ATTESTING TO UNDERSTANDING OF CONFLICT OF INTEREST

I, _____ a Commissioner on the Colfax Planning Commission/Design Review Commission, have read the Planning Commissioner duties and ethical responsibilities outlined in Section 1 of the *League of California Cities Planning Commissioner's Handbook* issued to me by the City of Colfax. I understand what constitutes a conflict of interest and promise to avoid it.

"Exhibit D"

PLANNING COMMISSION PUBLIC HEARING PROCEDURE

- a. The Chairman of the Planning Commission states which item on the agenda will be considered and the Planning Director's staff report is presented.
- b. At this time, any Commissioner who wishes to abstain because of a conflict of interest should make this announcement, provide a short explanation, and should not participate in the discussion.
- c. Commissioner's questions relation to the Planning Director's staff report may be answered at this time. Commissioners should refrain from making comments on the proposal.
- d. The public hearing meeting is opened by the Chairman of the Planning Commission.
- e. The applicant is afforded the opportunity to address the Commission.
- f. Others in favor of the proposal are afforded the opportunity to address the Commission (limit five minutes each).
- g. Those in opposition of the proposal are afforded the opportunity to address the Commission (limit five minutes each).
- h. The applicant may be afforded the opportunity for a brief rebuttal (limit to five minutes).
- i. The Chairman closes the public hearing.
- j. The Commission members may discuss the proposal at this time, staff may answer questions brought up during the public hearing, and the Commission may direct additional questions to the Planning Director and other departments (City Engineer, Public Works, Building, Fire) pertaining to the proposal. Commission members disclose whomever they have met with concerning the proposal and if they had visited the site.
- k. The Commission then acts on the proposal and either approve, approve with conditions or modifications, deny the application, or continue it to a certain date.
- l. No City Council action is required on civic designs, variances, use permits, tentative maps and tentative parcel maps unless an appeal to the Planning Commission's decision has been properly filed from the date of the Planning Commission's action. There is a ten (10) day appeal period for civic designs, variances, use permits, tentative maps and tentative parcel maps.
- m. The Chairman advises the public of the appeal period.
- n. The Commission makes a recommendation on ordinance amendments, rezones and General Plan Amendments. There is no appeal period. A majority of the full Commission (3 votes) is needed to make a positive or negative recommendation on rezone or General Plan Amendment. Even if no recommendation is made, said applications are forwarded to the City Council for action.

Following the Commission's action on civic designs, variances, use permits, tentative maps and tentative parcel maps, a notice reflecting the decision of the Planning Commission is prepared for signature by the Planning Director or Chairman of the Planning Commission.



City Manager's Office

Gerald F. Johnson
City Manager
916-645-4070 x211
Fax: 916-645-8903

August 9, 2005

The Honorable Frances Kearney
Presiding Judge, Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 26 2005
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

RE: City of Lincoln Responses to 2004-2005 Placer County Grand Jury
Final Report

Honorable Judge Kearney:

The following letter constitutes the responses by the City of Lincoln City Council to the 2004-2005 Placer County Grand Jury Final Report.

Specifically, this letter is in response to the following findings and recommendations in which the City of Lincoln was listed as a respondent.

FINDINGS

FINDING #1: The Planning Commission of the City of Lincoln has a significantly higher incidence of recusal for conflict of interest by its members than any other city studied. The frequent occurrence of a conflict of interest sends a confusing message to the public about the objectivity of Planning Commission decisions.

The City disagrees with Finding #1. The frequent occurrence we believe does not send a confusing message. In fact, we believe it sends a very clear message that the Planning Commission is paying close attention to the potential for a conflict of interest.

Findings #2: A Lincoln Planning Commissioner's advocacy of his client's project before the commission on February 19, 2003 appears to be a conflict of interest under California law. This activity blurs the boundary between the role of a dispassionate public servant and the opposing role of an advocate for a client and can compromise the integrity of Planning Commission decisions.

The City disagrees with Finding #2. The incident involved the unusual situation where the project involved the design review of a City project, a gazebo/grandstand in the City park. The Planning Commissioner's client was the City and his involvement at the meeting was merely to explain the project. In the future, the Planning Commissioner will not respond to Planning Commission inquiries regarding such projects.

Findings #3: The Lincoln Design Review Board does not keep minutes for public review. While this may not be required under law, the effect is to limit public oversight of and participation in procedures which may significantly affect the quality of life in the community.

The City disagrees with Finding #3. While the City does not keep minutes, we do in a staff report take the recommendations to the Planning Commission. Both Design Review and Planning Commission meetings are noticed and the public is invited to attend. The Design Review Board only makes recommendations, not decisions.

Findings #4: None of the cities studied maintains a current listing on their website of both agendas and minutes of their Planning Commission and Design Review Board meetings. This presents a significant obstacle for citizens who wish to track the many sequential decisions made by these bodies in determining the progression and quality of growth in the community.

The City disagrees with Findings #4 as to the City of Lincoln. All Planning Commission minutes and agenda packets are available on the City website. We do not currently place the Design Review Board agenda on the City website. We will do this. All citizens may review any and all plans of projects at any time. The Design Review Board only makes recommendations, it does not make any decisions.

Findings #5: Some cities lack in-house, formalized training and monitoring of conflict of interest for Planning Commission and Design Review Board members. Effective training and monitoring can preclude potential improprieties and costly lawsuits.

The City agrees with Findings #5. We do infrequent group training but will establish more training, but not one-on-one.

Findings #6: Many of the cities studied lack written policies for their Planning Commission and Design Review Board specifying the procedures members must follow to recuse themselves when a conflict of interest occurs. Clear policies regarding conflict of interest can enhance public confidence in the decisions made by Planning Commissions and Design Review Boards.

The City agrees with Findings #6. Written procedures for recusal are outlined by State law. We will be providing the Planning Commission and Design Review Board, with the exact language of the State law specifying what needs to be stated and what the members physically need to do.

Findings #7: Most cities do not identify the nature of a conflict of interest in the meeting minutes. This is a failure to comply with CCR §18702.5 and hinders public oversight of government agencies.

The City agrees with Finding #7. We will be providing this information in the future.

RECOMMENDATIONS

RECOMMENDATION #1: City Council members refrain from appointing citizens to boards and commission who frequently recuse themselves due to conflict of interest.

This recommendation will not be implemented because it is not warranted. The City Council appoints citizens from an application pool. The State laws allow all citizens to serve even those who occasionally may have a conflict.

RECOMMENDATION #2: Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City's web site in a timely manner.

This recommendation will not be implemented. The Planning Commission minutes are available and will remain available on the City website. We do not plan on taking formal minutes of the Design Review Board because this Board's actions are only recommendations, not final decisions.

RECOMMENDATION #3: Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR §18702.5.

The recommendation has not yet been implemented, but will be implemented for both the Planning Commission and Design Review Board prior to 2006.

RECOMMENDATION #4: Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.

This recommendation will not be implemented because it is not warranted in the City of Lincoln. Members of the Planning Commission and Design Review Board will be provided with the pertinent conflict of interest laws and regulations. All members are informed and encouraged to contact City staff and the City Attorney if they have any conflict of interest questions. Ultimately, each member is responsible to properly follow the law regarding conflicts of interest.

RECOMMENDATION #5: Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be

limited to merely handing out materials from the League of California Cities and hoping the appointee reads them.

This recommendation will be implemented. We will provide more training for both the Planning Commission and Design Review Board.

RECOMMENDATION #6: Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.

The recommendation will not be implemented in the City of Lincoln because it is not warranted and is not reasonable. Such a requirement would merely duplicate what is already required by State law.

RECOMMENDATION #7: All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of at least two years.

As to the City of Lincoln, this recommendation is already occurring as to all boards and commissions except for the Design Review Board. The agenda for the Design Review Board will be posted on the website.

The City of Lincoln appreciates the time and effort spent by the Grand Jury and its thoughtful report.

Sincerely,



Tom Cosgrove
Mayor

Gerald F. Johnson
City Manager



Rodney Campbell
Director, Planning &
Community Development

Richard E Wyatt, Architect L E D

641 D Street Lincoln, CA 95648

(916) 645-2897

E-mail: western18@earthlink.net
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

To: CITY OF LINCOLN Attn: Rod Campbell
From: Richard Wyatt, Planning Commissioner
Date: June 26, 2005
Subject: Grand Jury Report

AUG 26 2005
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ File No. 0504MISC

Grand Jury Report Comments

The following comments relate to my involvement in the Lincoln Planning Commission, my family's involvement in the community & the firm's projects in the historic downtown core:

RECUSAL: This process is as required by the State Fair Political Practices Commission. My appointment to the commission was by Councilman McCartney in 1979, I served for 13 years until 1992 when I was not reappointed. I was reappointed to the commission in 2000.

HISTORY, BUSINESS & COMMUNITY INVOLVEMENT: Our families have a long history of community involvement. It is important to be involved in the community & to give back to the community.

- (A) Both my father's & mother's families have lived in the Lincoln area for 4 generations.
- (B) My great grandfather was Lincoln's 2nd Town Treasurer 1892-1916. His wife Mary Beermann served on the Board of Trustees of the Lincoln Grammar School for many years. In 1959 the Lincoln Grammar School (now demolished) was remained in her honor. The city's downtown plaza also bears the Beermann name.
- (C) My grandfather, father, uncles & cousins operated Wyatt Hardware in Lincoln for 62 years 1921-1983. My grandfather & father operated Wyatt Hardware in Roseville from 1938-1964.
- (D) In 1952 my uncle served as the President of the Lincoln Rotary Club, subsequently my brother, my cousin & myself have also served in this capacity.

PROJECTS: All of the recusal projects are located in the historic downtown core with the exception of the McBean Park Bandstand. My earliest recusal not included in the recent report was in 1991 for facade preservation of the historic Emmada Building at 531-537 G Street.

- (E) These recusal projects have included large, medium, small & very small projects. Small & very small projects have included work on several facade improvement projects.
- (F) Other projects have included, tenants improvements, additions & new construction. Large & medium projects include Lincoln Plaza, Heritage Theatre, TCBY, 306 F St, 449 F St, 553 F St, 455 H St, 458 McBean Pk Dr & Beermann's. In November 2003 the SACOG Regional Report called Beermann's a shining example of the use of existing assets.

CONFLICT OF INTEREST: I have never spoke regarding a project with the exception of February 19, 2003, when the commission asked that I explain the 2 schemes proposed for the McBean Park Bandstand. This community project has been the dream of Rotary Club presidents from 1997 to the present. Donations have been received from more than 600 individuals & businesses. This project is only recently coming to realization with the involvement of the City of Lincoln.

COPIES TO:

Rod Campbell, Planning
George Dellwo, Planning
John Pedri, DPW
James McLeod, DPW

Esther Peden, Lincoln Public Library
Jerry Johnson, City Manager
Tom Cosgrove, Council
Kent Nakata, Council

Primo Santini, Council
Spencer Short, Council
Ray Sprague, Council
ATTACHMENTS: Library Memo 31

TOWN OF LOOMIS

1

August 10, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 26 2005

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

RE: 2004/05 PLACER COUNTY GRAND JURY REPORT CONFLICT OF
INTEREST & RECORD KEEPING PRACTICES OF PLANNING
COMMISSIONS & DESIGN REVIEW BOARDS

Following are responses to the recommendations in the letter dated June 8, 2005 from Denny Valentine, Foreman 2004 – 2005 Placer County Grand Jury. The Town of Loomis does not have a separate Design Review Committee. In 1995, by adoption of Resolution 95-2 the Town Council authorized and directed the Planning Commission to also serve as the Design Review Committee. Accordingly, the following references to the Planning Commission also constitute references to the Loomis Design Review Committee.

- 1. City Council members refrain from appointing citizens to boards and commissions who frequently recuse themselves due to conflict of interest.**

RESPONSE: Agree – recommendation implemented. In 1993, the Town adopted an administrative policy entitled “Policy Statement for Selection Process to Committees and Commissions,” a copy of which is attached. [Adm. Policy 35] One of the by-products of following the selection process outlined therein is that the Council is able to determine whether prospective candidates will have too many conflicts to effectively serve in a particular position. We will continue to emphasize the importance of avoiding selection of candidates with a significant number of potential conflicts of interest.

- 2. Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City’s web site in a timely manner.**

RESPONSE: Agree – recommendation implemented. In 1994, the Town adopted an administrative policy entitled “Consideration of Recommendation to Prepare Action Minutes in Lieu of Narrative Minutes” a copy of which is attached [Adm. Policy 44] As the policy suggests, by changing to action minutes the Town has been able to provide “reader-friendly” summaries of the meetings. The Planning Commission minutes are available in written form in the month following a meeting when the Commission approves the minutes of the past meeting. Approved minutes will typically be posted to the web site within a few being signed by the Planning Commission Chair.

3. Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR 18702.5

RESPONSE: Agree – recommendation implemented. In the mid 1980’s, the Town adopted an administrative policy entitled “Uniform Rules and Procedures for Meetings of the Town Council and the Planning Commission of the Town of Loomis.” A copy is attached [Adm. Policy 7] Section 6c provides that “A member of the Body with a direct conflict of interest involving the subject matter of any item before the Body shall declare such conflict in public and abstain from participation in the deliberations and from voting thereon. Such member should absence himself from the chambers and should not in any manner attempt to influence the deliberation of the Body or the final decision of the Body.”

4. Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.

RESPONSE: Agree with the intent - Disagree with the process. Addressing procedures for “internal monitoring” of conflicts of interest implies that the Town Attorney should be policing individual Commissioners to help them avoid potential conflicts of interest. That presents several problems. First, it is the Planning Commission, not the individual members, who constitute the client. Accordingly, any advice given to an individual member must upon request be shared with the other Commissioners. This could be problematic if Town staff were required to police individual Commissioners with respect to potential conflicts and report conclusions to the entire Commission. Second, the Town Attorney would have to conduct a conflict analysis on every Commissioner with respect to every agenda item to be sure there were no conflicts. Failure to accurately identify conflicts could result in the Town Attorney having individual liability exposure. Third, even with such diligence there would be grey areas that would necessarily have to be ferreted out by legal staff from the Fair Political Practices Commission (FPPC). We have confirmed with FPPC staff that we should not be in the business of policing conflicts.

If, on the other hand, the Grand Jury would like to have a Conflict of Interest Code in place, we first implemented that recommendation in 1987 (see attached copy original Resolution No. 87-38) and re-adopted the code by Resolution 98-60 in 1998 (see attached copy). Note that Exhibit A contains a list of designated positions and the corresponding disclosure categories and that "Planning Commissioners" were added to Exhibit "A" in 1998.

The purpose of the code is to designate positions within each agency that are subject to conflicts of interests laws and to designate the types of reportable interests that must be disclosed by various categories of employees and appointed officials. This code, together with our ongoing efforts to inform new employees and appointed officials about conflict of interest laws, constitute our adoption and implementation of administrative procedures. We attempt to educate rather than police as reflected in section (10) of our Conflict of Interest Code (Resolution 98-60) which provides: "Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission, or from the Town Attorney, provided that nothing in this section requires the Town Attorney to issue any formal or informal opinion."

5. **Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be limited to merely handing out materials from the League of California Cities and hoping the appointee reads them.**

RESPONSE: Agree – recommendation implemented. We have had periodic sessions with the Planning Commission to discuss Brown Act compliance along with substantive and procedural issues that may arise, the need to be impartial and the importance of affording due process during the deliberative process. We have also covered the conflicts of interest laws and have discussed how individual commissioners can do an adequate amount of issue-spotting in order to ascertain whether they should be concerned about having a potential conflict of interest. If they decide they may have a conflict, they are encouraged to call the Town Attorney. These efforts will be continued on a routine basis.

6. **Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.**

RESPONSE: Disagree. For reasons already mentioned, it can be very difficult to know whether a person has a conflict of interest. While we recognize that abiding by the conflicts of interest laws is important, Commissioners who sign and file a Form 700 will be considered to have complied with the law.

7. **All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of at least two years.**

RESPONSE: Agree. The recommendation has been implemented. The Town has a website at www.loomis.ca.gov and this year began to include agendas, minutes and meeting dates. Minutes will be kept for a minimum of two years. Meetings dates and agendas of boards and commissions have been posted on the site.

If there are any questions concerning the foregoing please contact Dave Larsen, Town Attorney at 925-838-2090 (on Tuesdays he has office hours in Town Hall at 916-652-1840); or Town Manager Perry Beck at 916-652-1840.

Sincerely,



Walt Scherer, Mayor

Cc Placer County Grand Jury 11490 C Ave, Auburn, CA 95603

Town Council
Town Planning Commission
Town Attorney
Finance Director
Planning Director
Public Works Director/Engineer

POLICY STATEMENT FOR SELECTION PROCESS
TO COMMITTEES AND COMMISSIONS

Appointments to fill vacancies on Town committees and commissions will be made as follows:

Individual councilmembers shall nominate individual to each of the commissions and committees. Consistent with Ordinance Nos. 94 and 96, the term of office for these appointees will begin on March 1 for a four year period ending on the last day of February of the fourth year. In the event of a vacancy during a four-year term, the appointment of a new commissioner or committee member shall be to complete the term. Councilmembers will nominate an individual with the appointment being subject to a confirmation vote by a majority of the all members of the Council.

Following an election and at the first regular meeting in December, the Town Manager will formally give an account of all the positions on the commissions and committees that will be vacated as a result of the election. Applications will be solicited to fill the vacancies by notifying interested persons through distribution of press releases to local media as well as posting the information at the Town Hall. Applications will be accepted through the second Friday in January.

Copies of the applications will be made and provided to each Councilmember. Individual councilmembers will be responsible for reviewing the applications and directly contacting those applicants they are interested in interviewing on a personal basis. Based on the individual interviews, Councilmembers will submit to the Town Manager by the last day of January the names of those persons they wish to nominate to each committee or commission. Each of the nominees will be invited to attend the first meeting in February where the entire Council, if they wish to do so, may conduct further interview prior to formal appointment being confirmed by the Council.

A record of applications received from interested persons will be maintained for future reference.

Previous appointments fall under the provisions of the four year term set forth in Ordinance Nos. 94 and 96. Appointees desiring reappointment will be required to apply for the position.

APPROVED: January 12, 1993

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STAFF REPORT

COUNCIL MEETING OF NOVEMBER 8, 1994

TO: Honorable Mayor and Members of the Town Council

FROM: Joan L. Phillipe, Town Manager

RE: Consideration of Recommendation to Prepare Action Minutes
in Lieu of Narrative Minutes

RECOMMENDED ACTION:

Approve as policy the use of "action only" minutes for recording minutes relating to town business including the town council, planning commission and any other commissions or committees appointed by the town council.

ISSUE STATEMENT AND DISCUSSION:

The current format for minutes has been the accepted practice for recording town council and planning commission proceedings since the town incorporated in 1984. With very few corrections over the years, the minutes have accurately reflected the proceedings of the meetings.

For some time, however, staff has been concerned with the amount of time spent in preparation of the minutes. As an example, the minutes of February 9, 1993 took 16 hours to prepare. Reviewing those minutes shows that much of the record is oral debate and summarization of written reports. To sift through all of the discussion and determine what should and should not be included is time consuming.

There are certain legally required statements of information that must be recorded; i.e. jurisdictional facts, written evidence and oral testimony relating to public hearings, motions to adopt resolutions and ordinances. However, the inclusion of arguments, written reports, oral debates, discussions and findings is a matter of personal preference of individual cities.

If "action only" minutes are accepted, tapes of meetings will be preserved and retained for a period of five years. duplicate copies of the tapes will be made and stored in a location other than Town Hall.

With staffing changes over the last several months, staff has utilized the expertise of others to assist in the streamlining of processes, evaluating of existing systems and so forth. One of those individuals has been Helen Florence, retired city clerk of the city of Roseville and a Loomis resident. Ms. Florence has been

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invaluable in her assistance and discussed with us the concept of action only minutes. The city of Roseville enacted policy to use action only minutes under her tenure as city clerk and has found it to work very well. Many other jurisdictions are using the method as well.

Given our attempts to streamline, consolidate duties where possible and so forth, it makes time management sense to consider action only minutes.

POLICY AND/OR FINANCIAL IMPLICATIONS:

Policy will set with council action. No hard dollar estimate of savings. Benefits include less paper, less staff time and more time for other duties/projects. Minutes can also be prepared more quickly.

John L. Phillips

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UNIFORM RULES AND PROCEDURES FOR MEETINGS OF THE TOWN COUNCIL
AND THE PLANNING COMMISSION OF THE TOWN OF LOOMIS

RULES OF PROCEDURE

1. DEFINITIONS:

- a. "Body" shall be defined herein to mean the Town Council or the Planning Commission, of the Town of Loomis.
- b. "Member" shall be defined to mean a duly elected Council member or any duly appointed member of the Planning Commission

2. MEETINGS:

- a. Regular meetings shall be held pursuant to California State Law, Ordinances and Resolution of the Town of Loomis.
- b. Special meetings may be called by the Mayor or Mayor pro tem, Planning Commission Chairman and Chairman pro tem, provided notice is given as required under California State Law and shall be limited to those items listed in the noticed agenda.
- c. Meetings may be continued by the Mayor, Mayor pro tem, Chairman or Chairman pro tem of the Planning Commission or by motion of the Body without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting, provided that the action is publicly announced at the meeting or posted at the meeting place at the time the meeting otherwise would have been held.
- d. Closed sessions of the Town Council or the Planning Commission shall only be held for those purposes permitted by California State Law. The legal opinion of the Town Attorney should be obtained if doubt is stated by any member of the Body on the legality of the closed session.

3. CHAIRPERSON:

- a. The Mayor, see chart "A", Planning Commission Chairman and Chairman pro tem shall be selected by a majority vote of the members at the ~~last~~ regular meeting in ~~January~~ ^{December} of each year and shall serve for one year so long as the individual selected continues to be a member. If for any reason the Mayor or Chairman of the Planning Commission cease to be a member of the Body, Mayor pro tem shall serve as Mayor and the Chairman pro tem as Chairman of the Planning Commission for the remainder of the normal term. A majority vote of the entire membership of the Body shall be required to remove the Mayor, Mayor pro tem, Chairman of the Planning Commission or Chairman pro tem.

4. CONDUCT OF MEETINGS:

- a. Mayor for Council meetings, the Chairman for Planning Commission meetings, shall preside at all meetings and in his/her absence.

MAYORAL SUCCESSION

1984 ELECTION	1986 ELECTION	1988 ELECTION	1990 ELECTION	1992 ELECTION	↑ HIGHEST POPULAR VOTE
MAYOR 1985	INCUMBENT	MAYOR 1990	INCUMBENT	MAYOR 1995	
MAYOR 1986	INCUMBENT	MAYOR 1991	INCUMBENT	MAYOR 1996	
2 YEAR TERM	MAYOR 1987	INCUMBENT	MAYOR 1992	INCUMBENT	
2 YEAR TERM	MAYOR 1988	INCUMBENT	MAYOR 1993	INCUMBENT	
2 YEAR TERM	MAYOR 1989	INCUMBENT	MAYOR 1994	INCUMBENT	

After the 1992 election this order of succession breaks down for mathematical reasons; however, experience has shown that at this point in time one, or several, of three events occur: (1) resignation of incumbent; (2) re-election of incumbent who has already served as mayor; or, (3) the system will be changed by popular demand that the mayor be elected directly for a period of two or four years. Any one, or combination of the above, will justify this initial approach.

the Mayor pro tem for Council meetings, the Chairman pro tem for Planning Commission meetings, shall preside. When both are absence, those in attendance shall, by a majority vote of those present select an acting Mayor for the Council or Chairman for the Planning Commission meetings, for that meeting only.

- b. The meeting may be opened by the Mayor for the Town Council, or the Chairman for the Planning Commission. Continuation or adjournment of the meeting shall require a majority vote of those present.
- c. Order of business shall follow the final agenda for the meeting, provided that the members, by majority vote, may deviate therefrom so long as notice is announced to the public during the meeting. Public hearings required by law may be continued during the meeting, provided notice is announced to the general public at the scheduled time, by a majority vote of the members present.
- d. Actions and decisions shall result from a motion followed by a second and passed by a majority vote of those present, provided a quorum is in attendance.
- e. The Mayor, Mayor pro tem are the first duly elected members of the Town Council and therefore may take all actions permitted by any duly elected Town Council Member. These actions would be included but not limited to making a motion or seconding a motion and other actions related to decision making of the Town Council. The Chairman or Chairman pro tem of the Planning Commission is first an appointed member of that Body and therefore has all the equal rights of the members of the Body and may make motions and second motions or other actions as may be the right of the members of the Body.

5. QUORUM:

- a. A quorum shall consist of a majority of the total number of members including vacancies and no action requiring a vote shall be effective unless passed by vote of the majority of those present, with at least a quorum in attendance. Additional votes may be required when mandated by law.
- b. In the absence of a quorum the meeting shall be cancelled by the Town Clerk or Deputy Town Clerk at the direction of the Mayor, Mayor pro tem, and the Planning Commission Chairman or Chairman pro tem, and the following actions shall be performed by the Town Clerk or Deputy Town Clerk:
 - 1. Notice of the action is given to all members, the media and the public as required by State Law; and,
 - 2. Notice is posted at the place of the meeting immediately after the cancellation.

6. VOTING:

- a. When a vote is called for, silence on the part of the member of the Body shall constitute an aye vote for the members present.
- b. A member may change his/her vote at any time prior to the next vote of the Body, after which his/her vote shall be recorded permanently.
- c. A member of the Body with a direct conflict of interest involving the subject matter of any item before the Body shall declare such conflict in public and abstain from participation in the deliberations and from voting thereon. Such member should absence himself from the chambers and should not in any manner attempt to influence the deliberation of the Body or the final decision of the Body.
- d. A member of the Body who abstains or is absent from a vote shall not be deemed to have voted for or against a measure.
- e. In a tie vote which is due to an absence or an abstention, the motion fails. If the subject matter is appealed, a tie vote on each side of the question shall result in no change to the action appealed.
- f. Each member of the Body is required to vote on any matter duly placed before the Body for consideration, unless the abstention from voting is because of a direct conflict of interest.
- g. A member of the Body may raise an objection to any procedure at any time, and when called upon shall state the basis of the objection. The Mayor, Mayor pro tem, and in the case of the Planning Commission the Chairman or Chairman pro tem shall rule on the objection, but may be over ruled by a majority vote of the individual Bodies.

7. AGENDAS:

- a. The agendas for all meetings shall be prepared by the Town Clerk at the direction and under control of the Town Manager including the scheduling, handling and ordering of all matters prepared thereon.
- b. The deadline for submission of agenda items shall be 12:00 Noon on the Wednesday proceeding each regularly scheduled meeting.
- c. MINUTES:
 - a. Minutes shall be prepared by the Town Clerk or their deputy and shall be subject to approval of the Body.
 - b. Minutes shall be published and preserved as required by California State Law.

9. RECORDS AND DOCUMENTS:

- a. All resolutions and ordinances and other official documents representing actions and decisions of the Body shall be preserved and published as required by California State Law.
- b. A permanent record shall be retained by the Town Clerk and/or their deputy of all public meetings of the Body.
- c. All official documents representing actions or decisions of the Body shall contain a record of the vote on the item and the signature of the Mayor, Mayor pro tem or in the case of the Planning Commission the Planning Commission Chairman or Chairman pro tem. These signatures shall be attested by the Town Clerk and /or their deputy.

10. GENERAL RULES AND PROCEDURES:

- a. Robert Rules of Order, as amended, shall govern the operation of all meetings except where they are in variance with the above listed procedure. In such cases, if any, the above listed procedures shall govern.

RESOLUTION NO. 87-38

A RESOLUTION OF THE COUNCIL OF THE TOWN OF
LOOMIS ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires State and Local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, a conflict of interest code provides that designated employees shall file statements of economic interests with the Town of Loomis;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the terms of 2 Cal. Adm. Code Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with its attached Appendix in which officials and employees are designated and disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Town of Loomis, and the same is hereby adopted and approved.

BE IT FURTHER RESOLVED that this conflict of interest code shall become effective upon its approval by the Town Council and the repeal of Chapter 27 of the Placer County Code, and that each designated employee of the Town shall be furnished with a copy of this Code within ten (10) days from the date this resolution is approved and thereafter upon their being first hired or employed by the Town.

Passed, Approved and Adopted this 27th day of October, 1987. by the following roll call vote:

- AYES: Mayor Fellers, Councilmen Buckley, Ireland and Scherer
- NOES: None
- ABSENT: Councilman Blue

Greg E. Fellers
MAYOR

ATTEST:
TOWN CLERK

By: Patricia A. [Signature]
Deputy Town Clerk

CONFLICT OF INTEREST CODETOWN OF LOOMIS

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the TOWN OF LOOMIS.

Pursuant to Section 4 (A) of the Standard Code, designated employees shall file statements of economic interests with the Town of Loomis. Statements for designated employees will be retained by the Town of Loomis.

Provisions of Conflict of Interest Code

(A) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A Code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(B) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

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(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100, et. seq.), and any amendments to the Act or regulations are incorporated by reference into this Conflict of Interest Code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of the Town of Loomis is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et. seq. 1/ Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

1/ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

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(4) Section 4. Statements of Economic Interests:

Place of Filing. The Council of the Town of Loomis shall instruct all designated employees required to file statements of economic interests pursuant to this Conflict of Interest Code to file in accordance with one of the following procedures: 2/

(a) All designated employees shall file statements of economic interests with the Town of Loomis. Upon receipt of the statements of economic interests of the head of the agency and members of boards or commissions not under a department of state or local government, the Town of Loomis shall make and retain a copy of each and forward the originals of these statements to the code reviewing body, which shall be the filing officer with respect to these statements. Such statements shall be forwarded to the code reviewing body within five days after the filing deadline or five days after receipt in the case of statements filed late.

(b) All designated employees shall file statements of economic interests with the Town of Loomis, which shall make and retain a copy and forward the originals to the code reviewing body, which shall be the filing officer.

(c) All designated employees shall file statements of economic interests with the code reviewing body.

(5) Section 5. Statements of Economic Interests
Time of Filing.

(a) Initial Statements. All designated employees employed by the Town of Loomis on the effective date of this Code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within thirty days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within thirty days after the effective date of the amendment.

(b) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file statements within thirty days after assuming the designated positions.

(c) All designated employees shall file statements no later than April 1.

2/ See Government Section 81010 and 2 Cal. Adm. Code Section 18115 for duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

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(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code.

(b) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Town of Loomis, and shall contain the following information:

(a) Investments and Real Property Disclosure. When an investment or an interest in real property ^{3/} is required to be reported, ^{4/} the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

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3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(b) Personal Income Disclosure. When personal income is required to be reported, 5/ the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

3. A description of the consideration, if any, for which the income was received.

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift, the amount or value of the gift; and the date on which the gift was received;

3/ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4/ Investments and interest in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of ten per cent or greater.

5/ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

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5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, 6/ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(d) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Disqualification. No designated employee shall make, participate in making, or use his or her official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars (\$1,000);

6/ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a ten per cent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filers.

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(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9) Section 9. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made a part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the Town Attorney, provided that nothing in this section requires the Town Attorney to issue any formal or informal opinion.

(11) Section 11. Violations. This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 has occurred may be set aside as void pursuant to Government Code Section 91003.

TOWN OF LOOMIS
CONFLICT OF INTEREST CODE
EXHIBIT A

Designated Positions

The following are designated positions within the Town of Loomis which involve or may involve the making or participating in the making of decisions which may foreseeably have a material effect on any financial interest and the specific types of investments, interest in real property, and sources of income which are reportable.

Each listed designated position must disclose on appropriate FPPC forms filed with the Town Clerk the disclosure information required by his or her Assigned Disclosure Category.

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Town Treasurer	2
Town Clerk	2
Deputy Town Manager	1
Public Works Director	2
Planning Director	1
Town Engineer	3
Town Consultants	3
Design Review Committee	3

Disclosure Categories

Category 1

A designated employee in this category must report all investments, interests in real property, personal income, business entity income, and business positions in business which he or she is a director, officer, partner, trustee, employer or holds any position of management.

Category 2

An employee in this category could possibly have a conflict due to an interest in a supplier of goods, materials or services to the Town. Investments in any business entity supplying such goods and services to the affected employee's department or to the Town within the previous one year period are to be disclosed, if the value of such goods or services provided to the Town, or the value of funds deposited by the Town in or with such business entity, exceeds the amount of \$5,000.00 during the previous twelve (12) month period.

Category 3

This category embraces Town consultants providing services to the Town relating to land use matters or planning matters. The category includes architectural, engineering, planning or marketing activities to be performed by the consultant for the Town. Category 3 designated employees shall be required to disclose only: investments in real property in or within five (5) miles of the Town's corporate limits or investments in business entities owning any such property; contracts currently outstanding or completed within the last twelve (12) months for any governmental agency within and including Placer County; and any contracts with any person or entity currently outstanding or completed within the last twelve (12) months concerning land use within the Town or within five miles of the Town's boundaries.

A consultant (other than Town officials) shall be required to make the disclosure required by this Code prior to the award by the Town of any contract with such consultant.

TOWN OF LOOMIS

RESOLUTION NO. 98-60

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF LOOMIS READOPTING THE FAIR POLITICAL PRACTICES
COMMISSION MODEL CONFLICT OF INTEREST CODE**

WHEREAS, The Political Reform Act of 1974, as amended (the Act," California Government Code § 81000 et seq.) requires in Government Code § 87300 that each agency subject to the Act, including the Town of Loomis, adopt a local Conflict of Interest Code; and

WHEREAS, the Act provides in §87302 that each such local Conflict of Interest code shall designate positions within each agency subject to the Code and further designate the types of reportable interests which must be disclosed by any such designated employee; and

WHEREAS, the Fair Political Practices Commission in administering the Act has adopted a regulation (2 California Code of Regulations §18730) which permits agencies subject to the Act to adopt by reference a Model Conflict of Interest Code developed by the Fair Political Practices Commission; and

WHEREAS, the Town of Loomis desires to readopt said Model Code and to amend the list of designated employees and the categories of disclosure required;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Town of Loomis as follows:

1. That pursuant to the provisions of Government Code §87300 and 2 California Code of Regulations §18730, the Council hereby readopts the Model Conflict of Interest Code of the Fair Political Practices Commission, as such Code currently exists and as it may be amended from time to time by the Fair Political Practices Commission, and incorporates as the Town's local Conflict of Interest Code.

2. That each designated employee, listed in Exhibit A, shall report, as required by the Code, all reportable interests for his or her particular disclosure category as shown in Exhibit A, as required by the Code;

BE IT FURTHER RESOLVED, that the Town Clerk is directed to act as Filing Officer for all designated employees, and shall be responsible for administration of the Conflict of Interest Code.

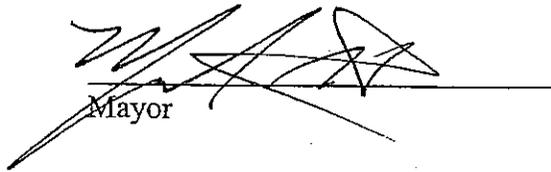
PASSED AND ADOPTED this 8th day of December, 1998 by the following
vote:

AYES: Boberg, Hollis, Morillas, Scherer, Ucovich

NOES: None

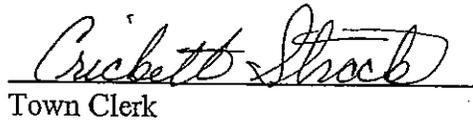
ABSENT: None

ABSTAIN:



Mayor

ATTEST:



Town Clerk

TOWN OF LOOMIS

CONFLICT OF INTEREST CODE

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit "A" in which, officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the TOWN OF LOOMIS.

Pursuant to Section 4 (A) of the Standard Code, designated employees shall file statements of economic interests with the Town of Loomis. Statements for designated employees will be retained by the Town of Loomis.

Provisions of Conflict of Interest Code

(A) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A Code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(B) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission 2 California Code of Regulations 18730 and any amendments to the Act or regulations are incorporated by reference into this Conflict of Interest Code.

(2) Section 2 Designated Employees. The persons holding positions listed in Exhibit A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of the Town of Loomis is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et. seq. ①

Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Exhibit A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

4) Section 4. Statements of Economic Interests: Place of Filing. The Council of the Town of Loomis shall instruct all designated employees required to file statements of economic interests pursuant to this Conflict of Interest Code to file in accordance with one of the following procedures: ②

(a) All designated employees shall file statements of economic interests with the Town of Loomis. Upon receipt of the statements of economic interests of the head of the agency and members of boards or commissions not under a department of state or local government, the Town of Loomis shall make and retain a copy of each and forward the originals of these statements to the code reviewing body, which shall be the filing officer with respect to these statements. Such statements shall be forwarded to the code reviewing body within five days after the filing deadline or five days after receipt in the case of statements filed late.

(b) All designated employees shall file statements of economic interests with the Town of Loomis, which shall make and retain a copy and forward the originals to the code reviewing body, which shall be the filing officer

① Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

② See Government Section 81010 and 2 California Code of Regulations Section 18730 for duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(c) All designated employees shall file statements of economic interests with the code reviewing body.

5) Section 5. Statements of Economic Interests Time of Filing.

(a) Initial Statements. All designated employees employed by the Town of Loomis on the effective date of this Code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within thirty days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within thirty days after the effective date of the amendment.

(b) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file statements within thirty days after assuming the designated positions.

(c) All designated employees shall file statements no later than April 1.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code.

(b) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Town of Loomis, and shall contain the following information:

(a) Investments and Real Property Disclosure. When an investment or an interest in real property ③ is required to be reported, ④ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(b) Personal Income Disclosure. When personal income is required to be reported, ⑤ the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received.

③ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

④ Investments and interest in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of ten per cent or greater.

⑤ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift, the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) **Business Entity Income Disclosure.** When income of a business entity, including income of a sole proprietorship, is required to be reported, ⑥ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(d) **Business Position Disclosure.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) **Acquisition or Disposal During Reporting Period.** In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

8) **Section 8. Disqualification.** No designated employee shall make, participate in making, or use his or her official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars (\$1,000);

⑥ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a ten per cent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filers.

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

9) Section 9. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made a part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

10) Section 10. Assistance of the commission and Counsel. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the Town Attorney, provided that nothing in this section requires the Town Attorney to issue any formal or informal opinion.

11) Section 11. Violations. This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 has occurred may be set aside as void pursuant to Government Code Section 91003.

TOWN OF LOOMIS
CONFLICT OF INTEREST CODE
EXHIBIT A

Designated Positions

The following are designated positions within the Town of Loomis which involve or may involve the making or participating in the making of decisions which may foreseeably have a material effect on any financial interest and the specific types of investments, and business positions in business entities and income from sources which manufacture, sell or provide, supplies, materials, books, machinery, services or equipment of the type utilized by the agency, interest in real property, and sources of income which are reportable.

Each listed designated position must disclose on appropriate FPPC forms filed with the Town Clerk the disclosure information required by his or her Assigned Disclosure Category.

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
<i>Town Council</i>	1
<i>Town Attorney</i>	1
Town Clerk	2
Town Engineer	2
<i>Town Finance Officer</i>	1
<i>Town Manager</i>	1
Town Planning Director	2
Town Public Works Director	2
<i>Town Treasurer</i>	1
<i>Planning Commissioners</i>	1
Design Review Committee	2
Town Consultants	*

Disclosure Categories

Category 1

A designated employee in this category must report all investments, and business positions in business entities and income from sources which manufacture, sell or provide, supplies, materials, books, machinery, services or equipment of the type utilized by the Town, interests in real property, personal income, business entity income, and business positions in business which he or she is a director, officer, partner, trustee, employer or holds any position of management.

Category 2

An employee in this category could possibly have a conflict due to an interest in a supplier of goods, materials or services to the Town. Investments and business positions in any business entity supplying such goods and services to the affected employees department or to the Town within the previous one year period are to be disclosed, if the value of such goods or services provided to the Town, or the value of funds deposited by the Town in or with such business entity, exceeds the sum of \$5,000.00 during the previous twelve (12) month period.

Category 3

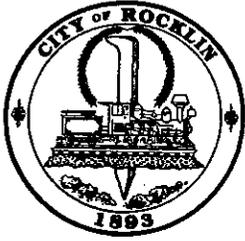
A designated employee in this category must report all investments in real property in or within five (5) miles of the Town's corporate limits or investments and business positions in business entities owning any such property; contracts currently outstanding or completed within the last twelve (12) months for any governmental agency within and including Placer County; and any contracts with any person or entity currently outstanding or completed within the last twelve (12) months concerning land use within the Town or within five miles of the Town's boundaries.

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The (chief executive officer) may determine in writing that a particular consultant, although a 'designated position', is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The (chief executive officer's) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

A consultant shall be required to make the disclosure required by this Code prior to the award by the Town of any contract with such consultant.

Amended 12/89
Amended 3/92
Amended 12/98



City of Rocklin

3970 Rocklin Road
Rocklin, CA 95677-2720
916-625-5000
TDD 916-632-4187
www.ci.rocklin.ca.us

August 9, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

RECEIVED

AUG 11 2005

Placer County Grand Jury

Dear Judge Kearney:

This is my response, as the City of Rocklin Agency Head, to the 2004/2005 Placer County Grand Jury recommendations regarding conflict of interest and record keeping practices of Planning Commission and Design Review Boards of cities in Placer County. We appreciate the Grand Jury's input regarding this and other issues. This response will address each recommendation in the same order as it is presented in the Grand Jury report dated June 10, 2005.

1. City Council members refrain from appointing citizens to boards and commissions who frequently recuse themselves due to conflict of interest

The actions of a legislative body cannot be dictated by staff nor by the current members of the City Council. The Rocklin Planning Commission does not have a history of recusing themselves due to conflict of interest issues. However, City Staff will include information about the frequency of times that members recuse themselves due to conflicts of interest when the City Council considers reappointment of current planning commissioners. The City Council normally appoints new planning commissioners or reappoints commissioners every other year. This recommendation will be implemented upon the next planning Commission appointment process.

2. Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City's website in a timely manner

The City of Rocklin will implement this recommendation immediately. The City will post the minutes of the Planning Commission upon approval by the commission and will keep the minutes posted on the City's website for at least six months.

3. Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR § 18702.5

83

The City Attorney provides formal memorandum of law to city officials which explains the procedure for commissioners and councilmembers to identify their conflict of interest on the record and recuse themselves. Since the recusal acts are provided for by state law and regulation, Rocklin relies on the City Attorney to provide this information and to update the city officials if any change in process is dictated by new law. City officials are obligated to follow state laws and regulations and therefore the City is preempted from adopting any procedures which would conflict with those laws and regulations. Adopting formal procedures is not only redundant, but upon a change in state law, could leave the City in the awkward position of having formally adopted procedures which could be in conflict with state laws and regulations. So though the City of Rocklin does not have a formally adopted procedure specifying the acts mandated by state law, we do require the City Attorney to monitor state laws and regulations and provide a formal guidance memo on the subject.

- 4. Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise**

It is the legal obligation of the city official to avoid conflicts of interest. The only possible safe harbor is a formal written advice letter from the Fair Political Practices Commission (FPPC) if the matter at issue falls under their jurisdiction. The recommendation that a City adopt administrative procedures for internal monitoring inappropriately and confusingly shifts the focus of conflict of interest avoidance to City staff. The key to avoiding conflicts of interest is adequate training, so that city officials recognize potential conflicts early and seek out advice to analyze the situation and determine for themselves the proper course of action. State law requires each city official to be responsible for their actions in this regard. The City will implement the recommendation to have the City Attorney request a personal meeting with each board and commission member annually to review their Form 700 filing and to discuss areas where a conflict of interest may arise.

- 5. Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be limited to merely handing out materials from the League of California Cities and hoping the appointee reads them**

This recommendation will be implemented. The City Attorney has agreed to conduct a training workshop every two years, following the appointments of new members to Planning Commission and other commissions of the City. All newly-appointed

commissioners will be required to attend the workshop. Continuing commission members will be invited to attend

- 6. Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.**

It would be inappropriate to ask a City official to sign such a statement. The analysis of a conflicts of interest situation is factually specific. The training materials provided city officials provide the educational foundation to address conflicts of interest, but in no way could, or should, the city official sign a statement implying an understanding of all conflict of interest situations. If it were that simple, the FPPC would not maintain their information hotline services for assistance in conflict analysis. To address the second part of the recommendation, the signed statement promising to avoid conflicts of interest is redundant in that city officials swear an oath of office at the start of the term which makes just such a promise. The officials swear an oath to uphold and obey all laws. Avoiding conflicts of interest is required by California law, therefore an additional "promise" would have no legal consequence and would only serve to confuse and dilute the seriousness of the obligation to avoid conflicts of interest.

- 7. All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of at least two years.**

This recommendation will be implemented as modified below. The City of Rocklin already keeps a calendar showing upcoming board and commission meetings. The agendas are posted in a timely manner. As stated in response 2 above, the City will post the minutes for all meetings for a period of six months at least. The City does not agree to have a calendar, post the minutes, or the agendas for two years. The City sees no reason given why a two-year period was selected. The six-month period seems to be reasonable enough for the posting of agendas and minutes.

Sincerely,



Carlos A. Urrutia
City Manager

cc: Placer County Grand Jury

City Attorney

311 Vernon Street
Roseville, California 95678-2649

July 28, 2005

RECEIVED
Placer County Grand Jury

Hon. Frances Kearney
Presiding Judge
Placer County Superior Court
11546 B Avenue
Auburn, CA 95603

Re: City of Roseville Response to 2004-2005 Grand Jury Report

Dear Judge Kearney:

This letter is the City of Roseville's ("Respondent") response to the June 8, 2005 Placer County Grand Jury findings and recommendations regarding its report entitled 'Conflict of Interest & Record Keeping of Planning Commissions & Design Review Boards.'

The City of Roseville appreciates the Grand Jury's recognition of the steps the City has already taken to ensure that both the letter and the spirit of the state's conflict of interest laws are observed.

On July 20, 2005 the Roseville City Council approved the following responses to the 2004-2005 Grand Jury Report, as required by Penal Code Section 933(c).

The City of Roseville generally agrees with the findings.

Grand Jury Recommendations:

1. City Council members refrain from appointing citizens to boards and commissions who frequently recuse themselves due to conflict of interest.
2. Minutes of all Planning Commissions and Design Review Boards be kept and published both in written form and on the City's website in a timely manner.
3. Cities adopt written procedures specifying what a member of a Planning Commission or Design Review Board must do when a conflict of interest exists, in accordance with CCR § 18702.5.
4. Cities adopt clear administrative procedures for internal monitoring of conflict of interest by members of each Planning Commission and Design Review Board. Additionally, the City Attorney should have a personal meeting with each member of a board or commission annually to review their Fair Political Practices Commission (FPPC) Form 700 filing, to ensure the form is complete and correct, and to discuss areas where a conflict of interest may arise.

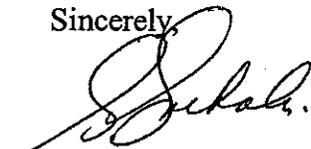
5. Cities conduct an in-house training seminar for all members of Planning Commissions and Design Review Boards on ethical issues for public servants, to include discussion of conflict of interest and the Brown Act. These issues should not be limited to merely handing out materials from the League of California Cities and hoping the appointee reads them.
6. Cities develop a statement for members of Planning Commissions and Design Review Boards to sign, attesting to their understanding of what constitutes a conflict of interest and promising to avoid it.
7. All cities should create and maintain a website which has a calendar of meetings of all boards and commissions in their jurisdiction. Additionally, the website should provide both the agendas and minutes for all meetings in a timely manner for a period of at least two years.

Respondent Responses:

1. The City Council receives input from the City Attorney's Office on potential conflicts of interest of every applicant for the Planning Commission, Design Review Board and other boards and commissions. The City Council then utilizes that input in making appointments that balance the public interest in minimizing recusals with the public interest in appointing active, involved members of the community.
2. The City of Roseville already complies with this recommendation.
3. The City of Roseville already complies with this recommendation.
4. The City of Roseville will implement this recommendation at its earliest opportunity.
5. The City of Roseville already complies with this recommendation.
6. The City of Roseville will implement this recommendation at its earliest opportunity.
7. The City of Roseville already complies with this recommendation.

The Roseville City Council wishes to thank the 2004-2005 Grand Jury for its diligent work and respect the Grand Jury's important role in the structure of local government.

Sincerely,



GINA GARBOLINO
Mayor

cc: Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

COUNTY OF PLACER



MEMORANDUM FROM THE
OFFICE OF
COUNTY COUNSEL

EXTENSION 4044
FACSIMILE 4069

RECEIVED

JUL 01 2005

Placer County Grand Jury

TO: Elected Officials
Planning Commissioners
Department Heads

FROM: Anthony J. La Bouff, County Counsel *ajl*

DATE: June 22, 2005

RE: Procedure for Public Officials (Government Code § 87200 filers¹) to
Declare Conflicts of Interest in Public Meetings

A relatively recent change in the required procedure for declaration of conflicts during public meetings has generated some confusion. This office has been requested to provide clarification on this issue.

Prior to AB 1797, (Government Code §87105) when a Supervisor/Commissioner² had a financial interest³ in a decision before their respective body, the Supervisor was only required to state on the record that s/he had a conflict and therefore would simply abstain from voting on the issue. The Supervisor was not required to identify the financial interest, or leave the dais or the room while the item was being heard.

Government Code § 87105 now requires that a Supervisor/Commissioner in a conflict situation must follow the following protocol:

- The official must identify the financial interest giving rise to the potential or actual conflict of interest. The identification of the financial

¹ In pertinent part: members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties,

² Hereinafter I will only use "Supervisor/Commissioner", although the rules stated apply to all the above-referenced officials.

³ For example, an applicant or appellant had provided the Supervisor/Commissioner income of more than \$500 dollars in the last 12 months, or the Supervisor/Commissioner or the Supervisor/Commissioner's spouse owned part of one of the businesses seeking an entitlement, or the Supervisor/Commissioner's residence was within 500 feet of a development project, etc.

interest must be sufficiently detailed so that a member of the public can understand the conflict. This announcement must follow the announcement of the agenda item to be discussed or voted upon but be before either the discussion or vote commences.

Example: "I am abstaining because I have a conflict. I own a partial interest in the XYZ Corporation."

- The Supervisor/Commissioner must not vote on or otherwise participate in the discussion of the matter, **and must leave the room until after the discussion, vote or other disposition of the matter is completed.**

An important exception to the leaving the room requirement occurs when the Supervisor/Commissioner wants to speak as a member of the public regarding an applicable personal interest. When a personal interest⁴ is present, a public official may speak as a member of the general public if he or she complies with the declaration of the nature of the conflict as stated above, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion of the matter with the members of the public. A copy of the FPPC regulation detailing the requirements of Government Code § 87105 is attached for your review.

A public official has no duty to report apparent violations of the Act by fellow board or commission members. The Political Reform Act only imposes a specific duty upon filing officers to report apparent violations of the Act to the appropriate agencies. (Government Code § 81010 and Regulation 18115.), no similar requirement is imposed on other officials.

However, please note that, although the Act does not impose a duty to report apparent violations, the Fair Political Practices Commission has opined⁵ that it would be in the public interest to report violations of the Act. Government Code § 91003 provides in pertinent part that where a court determines that a violation of the Act's conflict-of-

⁴ "Personal interest" is delineated in 2 Cal. Code Regs. section 18702.4(b) as the following: (A) An interest in real property which is wholly owned by the official or members of his or her immediate family. (B) A business entity wholly owned by the official or members of his or her immediate family. (C) A business entity over which the official exercises sole direction and control, or over which the official and his or her spouse jointly exercise sole direction and control.

⁵ California Fair Political Practices Commission Advice Letter No. A-95-038 (1995)

interest provisions has occurred and the decision "might not otherwise have been taken or approved," the court may set the decision aside as void. (Govt. Code § 91003(b).)

Therefore, if a public official does in fact have a conflict of interest in making, participating in, or influencing a governmental decision, the decision is potentially voidable as set forth under Government Code § 91003. In light of the foregoing, a reminder regarding a possible conflict that might simply be slipping someone's mind would be helpful.

The Fair Political Practices Commission has a very informative website with downloadable informational material that details how to determine possible conflicts, as well as the myriad of other rules and regulations that public officials are required to abide by. The website is <http://www.fppc.ca.gov/>

Please let me know if you have any additional questions on this matter.

Regulations of the Fair Political Practices Commission,
Title 2, Division 6, California Code of Regulations.

§ 18702.5. Public Identification of a Conflict of Interest for Section 87200 Filers.

(a) Government Code section 87105 and this regulation apply when a public official who holds an office specified in Government Code section 87200 has a financial interest in a decision within the meaning of Government Code section 87100, and the governmental decision relates to an agenda item which is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Government Code section 11120 et seq.) or the Brown Act (Government Code section 54950 et seq.).

(b) Content & Timing of Identification: The public official shall, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, do all of the following:

(1) The public official shall publicly identify:

(A) Each type of economic interest held by the public official which is involved in the decision and gives rise to the conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and

(B) The following details identifying the economic interest(s):

(i) if an investment, the name of the business entity in which each investment is held;

(ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;

(iii) if real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;

(iv) if income or gifts, then identification of the source; and

(v) if personal financial effect, then identification of the expense, liability, asset or income affected.

(2) Form of Identification: If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.

(3) Recusal/Leaving the Room: The public official must recuse himself or herself and leave the room after the identification required by subdivisions (b)(1) and (b)(2) of this regulation is made. He or she shall not be counted toward achieving a quorum while the item is discussed.

(c) Special Rules for Closed Session: If the governmental decision is made during a closed session of a public meeting, the public identification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his or her recusal is because of a conflict of interest under Government Code section 87100. The declaration shall be made part of the official public record. The public official shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

Declaring Conflicts Memorandum

June 22, 2005

Page 5

Declaring Conflicts of Interest in Open Meetings

(d) Exceptions:

(1) **Uncontested Matters:** The exception from leaving the room granted in Government Code section 87105(a)(3) for a "matter [that] has been placed on the portion of the agenda reserved for uncontested matters" shall mean agenda items on the consent calendar. When the matter in which the public official has a financial interest is on the consent calendar, the public official must comply with subdivisions (b)(1) and (b)(2) of this regulation, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.

(2) **Absence:** If the public official is absent when the agenda item subject to subdivision (a) of this regulation is considered, then Government Code section 87105 and this regulation impose no public identification duties on the public official for that item at that meeting.

(3) **Speaking as a Member of the Public Regarding an Applicable Personal Interest:** When a personal interest found in 2 Cal. Code Regs. section 18702.4(b) is present, a public official may speak as a member of the general public if he or she complies with subdivisions (b)(1) and (b)(2) of this regulation, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion of the matter with the members of the public.

COMMENT: Nothing in the provisions of this regulation is intended to cause an agency or public official to make any disclosure that would reveal the confidences of a closed session or any other privileged information as contemplated by law including but not limited to the recognized privileges found in 2 Cal. Code Regs. section 18740.

NOTE: Authority cited: Section 83112, Government Code.
Reference: Sections 87100, 87105, and 87200, Government Code.

County of Placer
DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD J. BURTON, M.D., M.P.H.
HEALTH OFFICER, AND
DIRECTOR OF HEALTH & HUMAN SERVICES



JAMES T. GANDLEY, D.D.S., M.P.H.
ASSISTANT DIRECTOR
HEALTH & HUMAN SERVICES

August 1, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Ave.
Auburn, CA 95603

RECEIVED
AUG - 9 2005
Placer County Grand Jury

Subject: Response to the Grand Jury Final Report 2004/2005

Dear Judge Kearney,

The following are the Health and Human Services Department responses to the 2004/2005 Grand Jury Final Report.

Placer County Public Guardian

1. The management of the Public Guardian's Office has been neglected.

Response: Do not agree with findings. Several changes have occurred in this office over the past two years. Due to unfortunate circumstances, first the secretary and then the supervisor went out on extended leave. Adult System's of Care (ASOC) management made efforts to assist the Public Guardians Office (PGO) by providing some help from the clerical pool and another ASOC supervisor to help manage the office on a part-time basis. These efforts allowed line staff to concentrate on client services, which remained and continue to remain a priority in the PGO.

2. Staffing shortages have impaired Public Guardians Office.

Response: Agree with these findings. Budget constraints have limited any staffing increases.

3. Public Guardians Office lacks a definitive improvement plan.

Response: Do not agree with findings. The Public Guardian Improvement Plan began in November of 2004 with the hiring of a Supervisor, supported by management, to oversee the Public Guardian, Adult Protective Services, and In-Home Supportive Services (IHSS) programs. In July 2005 the Public Administrator's office (1 FTE employee) will move under the supervision of the Public Guardian Supervisor, and by August 2005, a new Supervisor for In-Home Supportive Services (6.5 FTE employees) will be hired, thereby allotting the Public Guardian Supervisor more time to better serve the needs of this office.

4. None of the past Grand Jury recommendations were acted upon until the new HHS Director became personally involved.

Response: Do not agree with findings. As mentioned in number one, many, although not all, of the duties of the clerical person were taken over by the clerical pool shortly after her departure. Limitations in the ability to replace her were a part of the decision to attempt to have the filing done by the deputies. However, heavy caseloads proved to leave this task all but undone. These caseload sizes were also a factor in the neglect in the warehouse, which has now been resolved and will continue to be monitored by the new supervisor. Additionally, when it appeared the former supervisor would not be returning in sufficient time, PGO duties were assigned to another supervisor, who after a short leave (necessary when an employee retires), continued to work part-time in the office until the current supervisor came on board. This temporary supervisor was responsible for resolving the warehousing tasks.

5. Until recently, warehousing tasks have been performed poorly.

Response: Agree with these findings, however, this issue is now resolved.

6. Filing tasks have been neglected due to staffing shortages.

Response: Agree with these findings. Client care was prioritized. However, filing issues are being addressed with extra help, new procedures, and new duty assignments.

7. There was a notable lack of standardization of policies, procedures and workload management.

Response: Agree with these findings. This is now being addressed.

8. The PGO Supervisor spends (nominally) 1/3 of her time with the PGO Tasks.

Response: Agree with these findings. We are currently in the process of hiring a supervisor to take on the IHSS program (6.5 FTE employees) allowing more time to be spent on PGO tasks.

9. The PGO Supervisor has responsibility for directing three distinct programs, but each has offices in different physical areas.

Response: Agree with these findings. The office of Public Guardian, Public Administrator and Adult Protective Services (APS) are all located in Auburn where the supervisor of all three programs is located. However, to more expediently respond to APS reports in Roseville and

Tahoe City, two APS staff (one full and one part-time) are located in Roseville and one part-time APS worker is located in Tahoe City.

10. All new PGO Supervisors for the past several years have initially known nothing of PGO work and have required basic PGO training.

Response: Agree with these findings. This is being addressed with continued training provided to the new supervisor in all areas pertaining to the Public Guardian's Office.

RECOMMENDATIONS

Recommendation 1: The PGO be reorganized.

Response: The recommendation has been implemented. The PGO is now a part of a smaller unit, which includes the Public Administrator, with the addition of one new staff, and Adult Protective Services. In addition, new policies and procedures will be implemented in the next fiscal year.

Recommendation 2: A supervisor be able to devote sufficient time to correct the PGO problems.

Response: The recommendation has been implemented. A supervisor has been assigned to work with the above programs. This is a reduction in former responsibilities that had formerly included supervision of IHSS, which included 6.5 FTE employees. There will now be adequate time to address issues with this office.

Recommendation 3: The three programs directed by the PGO supervisor be co-located in the same building.

Response: The recommendation has been implemented. The three programs supervised by the PGO Supervisor are all located in one office in Auburn. All Public Guardian clients are served out of the Auburn office. However, due to the emergency response necessary for Adult Protective Services, staff being located in those locations better serves Placer County residents in Roseville and Tahoe City.

Recommendation 4: The PGO Supervisor develop a definitive PGO Improvement Plan.

Response: The recommendation has not yet been implemented, but will be implemented in the future. A Plan of Improvement (with time lines) will be developed and submitted by November 1, 2005 to the Grand Jury. The Plan of Improvement will include but not be limited to the following and will include timelines indicating when they will be addressed:

- a. Assess how the Public Administrator Assistant (which will now be located with the Public Guardian's office) can provide assistance to the deputies.
- b. Development of job descriptions specific to Public Guardian Deputies, which will provide a clear delineation of duties between Deputies and Mental Health Case Managers.
- c. In coordination with Clerical Supervisor, developing clear PGO guidelines about paperwork and filing and clearly defining these functions as clerical.
- d. Development of Policies and Procedures for the PGO.
- e. Monitoring and evaluation of the warehouse utilized for storage.
- f. Other items that may emerge as a result of this Plan of Improvement

Recommendation 5: The staffing shortage be corrected.

Response: The recommendation requires further analysis. The current staffing shortage is a result of limited funding. However, we will continue to review the current staffing needs and look at ways to address identified needs as is practical and appropriate. The results of this review will be presented (with recommendations) to the appropriate administrative level of the Department of Health and Human Services for consideration.

Recommendation 6: The warehouse continues to be monitored for improvements.

Response: The recommendation has been implemented. The warehouse is being, and will continue to be monitored for improvements, and will be identified in the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 7: The filing tasks be brought up to date.

Response: The recommendation has been implemented. The filing has been addressed using extra help, and as of July 7, 2005, the filing has been brought up to date. We will continue to review the current staffing needs, including the need for additional clerical support, for the PGO. The purpose of this review will be to identify (and implement) a permanent solution to clerical support (including filing) for the PGO.

Recommendation 8: Standardized policies be implemented.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The development of standardized policies, and policy implementation, will be addressed in the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 9: Job descriptions be developed.

Response: The recommendation has not yet been implemented, but will be implemented in the future. Job descriptions will be developed as a part of the Plan of Improvement. The Plan of Improvement will be submitted by November 1, 2005.

Recommendation 10: Continued training of the PGO Supervisor.

Response: The recommendation has been implemented. The supervisor has received training on Public Guardian issues and will continue this training during the next year.

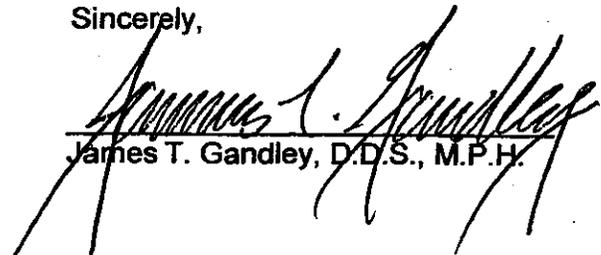
Recommendation 11: Follow-up on the PGO situation by the 2005-2006 Grand Jury.

Response: The recommendation has not yet been implemented, but will be implemented in the future. In addition to the Plan of Improvement, Health and Human Services will provide two status reports to the Grand Jury in the next year. The schedule for report submission will be as follows:

- a. November 1, 2005 - Plan of Improvement
- b. February 1, 2006 - First Status Report
- c. May 1, 2006 - Second Status Report

Thank you for this opportunity to respond to the Grand Jury report.

Sincerely,



James T. Gandley, D.D.S., M.P.H.

cc: Placer County Grand Jury
Placer County Board of Supervisors
Placer County Executive Office

Interim Update Regarding:
Grand Jury Recommendations to the
Placer County Public Guardian's Office

August 2005

(Revised September 2005)

RECOMMENDATIONS

1. The PGO be reorganized

Update: The recommendation has been implemented. The PGO is now a part of a smaller unit, which now includes Public Administrator, with the addition of 1 new staff, and Adult Protective Services (APS). New policies and procedures are being drafted and will be implemented in the next fiscal year.

2. A supervisor be able to devote sufficient time to correct the PGO problems.

Update: This recommendation has been implemented. The new Supervisor has been relieved of her former duties with In Home Supportive Services (IHSS) and assigned to work with only PGO, APS and Public Administrator. She currently supervises 7.5 FTE employees. There will now be adequate time to address issues with this office.

3. The three programs directed by the PGO supervisor be co-located in the same building.

Update: The recommendation has been implemented. The three programs supervised by the PGO Supervisor are all located in one office in Auburn. All Public Guardian clients are served out of the Auburn office. However, two FTE employees are out-stationed in Roseville and one half-time employee is out-stationed in Tahoe. Due to the emergency response necessary for Adult Protective Services, locating staff in those locations better serves Roseville and Tahoe City residents.

4. The PGO supervisor develop a definitive PGO Improvement Plan.

Update: The PGO is currently in the process of developing a Plan of Improvement. This Plan of Improvement (with time lines) will be developed and submitted by November 1, 2005 to the Grand Jury. The Plan of Improvement will include but not be limited to the following and will include timelines indicating when they will be addressed:

- A) Assess how the Public Administrator Assistant (which will now be located with the Public Guardian's office) can provide assistance to the deputies.

Update – The Public Administrator Assistant moved into this office on August 8th. We are currently assessing how this move will assist deputies.

- B) Development of job descriptions specific to Public Guardian Deputies, which will provide a clear delineation of duties between Deputies and Mental Health Case Managers.

Update: Job descriptions specific to Public Guardian Deputies are in the process of being developed by the PGO Supervisor. Job descriptions will be completely developed as a part of the Plan of Improvement.

- C) In coordination with Clerical Supervisor, developing clear PGO guidelines about paperwork and filing and clearly defining these functions as clerical.

Update: PGO and Clerical Supervisor are working on these guidelines.

- D) Development of Policies and Procedures for the PGO.

Update: The PGO Supervisor contacted PGO offices in other counties for Policies and Procedures. These are being used to develop appropriate Policies and Procedures for Placer County PGO/Public Administrator. Until we have Policies and Procedures unique to Placer County PGO/Public Administrator, we are following the Policies and Procedures developed by Sacramento County.

Following are benchmarks for the development and implementation of Policies and Procedures (P & Ps) unique to Placer County PGO/Public Administrator:

Benchmark	Completion Date
Collect P & Ps from other counties, i.e., Sacramento and San Diego	Completed
Using other counties P & Ps as a model, draft P & Ps unique to Placer County PGO/Public Administrator	March 31, 2006
Review Placer County P & Ps with staff	April 30, 2006
Finalize Placer County P & Ps	May 31, 2006
Train staff and implement Placer County P & Ps	June 30, 2006

- E) Monitoring and evaluation of the warehouse utilized for storage.

Update: The first Policy and Procedure developed (which is still in draft form) addressed the monitoring and evaluation of the PGO Warehouse. Currently the client belongings in the warehouse, which is monitored monthly by the PGO Supervisor, are stored in an organized fashion.

- F) Other items that may emerge as a result of this Plan of Improvement

5. The staffing shortage be corrected.

Update: While the current staffing shortage is a result of limited funding, ASOC Administration is addressing the shortage with temporary clerical staff. Identified staffing needs will continue to be monitored and addressed as is practical and appropriate. The results of this review will be presented (with recommendations) to the appropriate administrative level of the Department of Health and Human Services for consideration.

6. The warehouse continues to be monitored for improvements.

Update: This recommendation has been implemented. The warehouse is being, and will continue to be monitored for improvements and will be identified in the Plan of Improvement. The Plan of Improvement will be submitted by 11/1/05.

7. The filing tasks be brought up to date.

Update: The recommendation has been implemented. The filing has been addressed using extra help and, as of this writing all of the filing is up to date and continues to be kept up in this fashion. Additionally, temporary staff is assisting with day-to-day duties and other projects as they arise. We will continue to review the current staffing needs, including the need for additional clerical support, for the PGO. The purpose of this review will be to identify (and implement) a permanent solution to clerical support (including filing) for the PGO.

8. Standardized policies be implemented.

Update: As mentioned in 4D, PGO Supervisor has contacted PGO offices in similar counties and is using these as a model for developing Policies and Procedures for the Placer County PGO Office. The development of standardized policies, and policy implementation, will be addressed in the Plan of Improvement. The Plan of Improvement will be submitted by 11/1/05.

9. Job descriptions be developed.

Update: Job descriptions specific to Public Guardian Deputies are in the process of being developed by the PGO Supervisor. Job descriptions will be completely developed as a part of the Plan of Improvement. The Plan of Improvement will be submitted by 11/1/05.

10. Continued training of the PGO supervisor.

Update: The recommendation has been implemented. The Supervisor attended a training in June 2005 and will attend another training in September. Training will continue to be provided to PGO Supervisor as needed.

11. Follow-up on the PGO situation by the 2005-2006 Grand Jury.

Update: This is an interim report to the Placer County Grand Jury. In addition to the Plan of Improvement, Health and Human Services will provide two status reports to the Grand Jury in the next year. The schedule for report submission will be as follows:

- 11/1/05 Plan of Improvement
- 2/1/06 First status report
- 5/1/06 Second status report

**OFFICE OF PLACER COUNTY PUBLIC GUARDIAN
AND PUBLIC ADMINISTRATOR**

September 14, 2005

**Development of Policies and Procedures for the
Public Guardian Office**

Update: The PGO Supervisor contacted PGO offices in other counties for Policies and Procedures. These are being used to develop appropriate Policies and Procedures for Placer County PGO/Public Administrator. Until we have Policies and Procedures unique to Placer County PGO/Public Administrator, we are following the Policies and Procedures developed by Sacramento County.

Following are benchmarks for the development and implementation of Policies and Procedures (P & Ps) unique to Placer County PGO/Public Administrator:

Benchmark	Completion Date
Collect P & Ps from other counties, i.e., Sacramento and San Diego	Completed
Using other counties P & Ps as a model, draft P & Ps unique to Placer County PGO/Public Administrator	March 31, 2006
Review Placer County P & Ps with staff	April 30, 2006
Finalize Placer County P & Ps	May 31, 2006
Train staff and implement Placer County P & Ps	June 30, 2006



COUNTY OF PLACER

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EDWARD "TED" M. GAINES District 4
BRUCE KRANZ District 5

**OFFICE OF
COUNTY EXECUTIVE**

JAN M. CHRISTOFFERSON, County Executive Officer

175 Fulweiler Avenue / Auburn, California 95603
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Fax: (530) 889-4023
www.placer.ca.gov

RECEIVED
AUG - 4 2005

Placer County Grand Jury

August 1, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury Final Report – 2004-2005 – Public Guardian's Office

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2004-2005 Final Report of the Grand Jury related to the Public Guardian's Office (Page 27 of the Report). I have reviewed and considered the information contained in the Report and the responses of the Director of Health and Human Services. My response follows below.

Findings:

1. The management of the PGO has been neglected.

Response:

I disagree partially with the finding. Although problems exist as identified in the findings of the Report, the Director and his management staff have taken steps to correct and improve the operations of the office by increasing and training staff and developing operating guidelines and procedures.

Findings:

2. Staffing shortages have impaired PGO.

Response:

I agree with the finding. However, all county departments and programs are subject to overall county priorities and limited resources that impact the level of staffing.

Findings:

3. PGO lacks a definitive improvement plan.

Response:

I disagree partially with the finding. In November 2004, a new supervisor was assigned to the Public Guardian Office to oversee its operations. The Supervisor is charged by senior management with the responsibility to develop a PGO Improvement Plan containing various elements to correct and improve operations.

Findings:

4. None of the past Grand Jury recommendations were acted upon until the new HHS Director became personally involved.

Response:

I disagree partially with the finding. As indicated in the response of the HHS Director, steps were taken to correct and improve conditions of the PGO following the recommendations of the previous Grand Jury, however this process was delayed due to staffing changes.

Findings:

5. Until recently, warehousing tasks have been performed poorly.

Response:

I agree with the finding.

Findings:

6. Filing tasks have been neglected due to staffing shortages.

Response:

I agree with the finding. However, as indicated in the response of the HHS Director, extra help staffing is being used to correct this situation.

Findings:

7. There was a notable lack of standardization of policies, procedures, and workload management.

Response:

I agree with the findings. However, the PGO is working to correct these problems by the development of an improvement plan.

Findings:

8. The PGO supervisor spends (nominally) 1/3 of her time with the PGO tasks.

Response:

I agree with the finding. However, as indicated in the response of the HHS Director, other responsibilities of the PGO Supervisor (In-Home Support Services, IHSS) have been transferred to another employee thereby allowing more time for the PGO Supervisor to devote to the PGO.

Findings:

9. The PGO supervisor has responsibility for directing three distinct programs, but each has offices in different physical areas.

Response:

I disagree with the finding. The PGO, Public Administrator and Adult Protective Services, APS, are centrally located in Auburn where the supervisor for all of these programs has an office. There are additional offices in Roseville and Tahoe City with staff to more effectively respond to APS matters in these locations.

Findings:

10. All new PGO supervisors for the past several years have initially known nothing of the PGO work and have required basic PGO training.

Response:

I agree with the finding. However, the new PGO Supervisor has received initial training and this training will continue.

Recommendations:

1. The PGO be reorganized.

Response:

The recommendation has been implemented. The HHS Director has changed the structure of the PGO by creating a smaller unit that also includes the complimentary functions of Public Administrator.

Recommendations:

2. A supervisor be able to devote sufficient time to correct the PGO problems.

Response:

The recommendation has been implemented. The HHS Director has shifted the In-Home Support Services program responsibilities from the PGO supervisor to another supervisor. This will allow the PGO supervisor to devote more time and attention to the PGO duties and responsibilities.

Recommendations:

3. The three programs directed by the PGO supervisor be co-located in the same building.

Response:

The recommendation has been implemented. The three programs, PGO, Public Administrator and Adult Protective Services under authority of the PGO supervisor are all located in the same location in Auburn. Additional offices are located in both Roseville and Tahoe City to better serve the needs of Adult Protective Services in these areas.

Recommendations:

4. The PGO supervisor develop a definitive PGO Improvement Plan.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. The PGO supervisor will develop and submit a formal Plan of Improvement by November 2005. The Plan will address the needs of the PGO including policy, procedures and guidelines, job descriptions for critical positions, better use of staff resources and improvements in the clerical operations and process.

Recommendations:

5. The staffing shortage be corrected.

Response:

The recommendation requires further analysis. The HHS Department is in the process of reviewing its staffing needs for the PGO and as part of its development of the Plan of Improvement that will be submitted by November 2005. The Department will look at ways to provide the necessary level of staffing resources within available funding to meet the demands of the PGO.

Recommendations:

6. The warehouse continues to be monitored for improvements.

The recommendation has been implemented. The HHS Department will continue to evaluate and assess the operations of the warehouse for improvements. As indicated in the Final Report of the Grand Jury "major improvements" in the operations of the warehouse has occurred after the PGO warehouse was relocated in March of 2005.

Recommendations:

7. The filing tasks be brought up to date.

Response:

The recommendation has been implemented. According to the HHS Director the filing backlog has been eliminated as of 7-7-05 using extra help staff. However, the PGO will continue to review its staffing needs and identify a permanent solution for clerical support to the organization.

Recommendations:

8. Standardized policies be implemented.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. As indicated in the responses above standardized policies, guidelines and procedures will be developed as part of the Plan of Improvement that will be submitted in November 2005.

Recommendation:

9. Job descriptions be developed:

Response:

The recommendation has not yet been implemented but it will be implemented in the future. As indicated in the responses above job descriptions will be reviewed and amended, if necessary, as part of the Plan of Improvement that will be submitted in November 2005.

Recommendation:

10. Continued training of the PGO supervisor.

Response:

The recommendation has been implemented. The PGO supervisor has received training in public guardian issues and this training will continue.

Recommendations:

11. Follow-up on the PGO situation by the 2005-2006 Grand Jury.

Response:

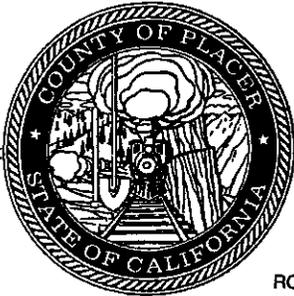
I have no objections if the 2005-2006 Grand Jury wishes to follow-up on the PGO.

Sincerely,



Jan M. Christofferson,
County Executive Officer

Cc Placer County Grand Jury
Placer County Board of Supervisors



COUNTY OF PLACER

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District 2 District 4
BRUCE KRANZ
District 5

OFFICE OF COUNTY EXECUTIVE

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175 Fulweiler Avenue / Auburn, California 95603
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August 1, 2005

RECEIVED

AUG 4 2005

Placer County Grand Jury

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Subject: Grand Jury – Final Report 2004-2005 – Burton Creek Sheriff's Substation

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2004-2005 Final Report of the Grand Jury related to the Burton Creek Sheriff's Substation (Page 29 of the Report). I have reviewed and considered the information contained in the Report and the responses of Sheriff and the Director of Facility Services. My response follows below.

Findings:

1. The Burton Creek Sheriff's Substation is housed in an inadequate facility.

Response:

The County Executive Officer agrees with the finding.

Findings:

2. The County's Cabin Creek Property may provide a suitable location for a new sheriff's substation to replace Burton Creek.

Response:

The County Executive Officer agrees with the finding. However, any study on the topic of a replacement facility for Burton Creek may include identification of other sites including the Cabin Creek property.

Recommendations:

1. An in-depth planning study be performed to determine the cost and timetable for a new sheriff and courtroom facility at Cabin Creek.

Response:

The recommendation has been implemented. As indicated in the response of the Director of Facilities Services preliminary studies are currently underway to identify and assess the needs of potential building occupants and the capacity and capabilities of the Cabin Creek site. Other sites may also be identified in these studies as a potential replacement for the Burton Creek Facility. The information generated from these studies will be used to further determine and evaluate other important issues involving the scope of the project, project costs, and a financing plan.

Recommendations:

2. This planning study be performed jointly by Placer and Nevada Counties

Response:

The recommendation will not be implemented because it infers that Placer County has the authority and powers to force participation by Nevada County in this study. Neither County has such authority and each may wish to pursue projects, partnerships or other ventures that better fit its own goals, objectives and resources. It should be noted however that both Placer County and Nevada County are currently participating in a non-binding process led by the Judicial Council / Administrative Office of the Courts to develop a consolidated court and joint use facility within the Tahoe area. Various sites have been identified for this purpose including the Cabin Creek property owned by the County of Placer.

Sincerely,



Jan M. Christofferson
County Executive Officer

Cc Placer County Grand Jury
Placer County Board of Supervisors



PLACER COUNTY
SHERIFF
CORONER-MARSHAL



MAIN OFFICE
P.O. BOX 6990
AUBURN, CA 95604
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TAHOE SUBSTATION
DRAWER 1710
TAHOE CITY, CA 96145
PH: (530) 581-6300 FAX: (530) 581-6377

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

STEPHEN L. D'ARCY
UNDERSHERIFF

RECEIVED

JUL - 6 2005

Placer County Grand Jury

June 27, 2005

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury

After reviewing the Grand Jury's report and findings concerning the main jail, our Burton Creek facility, and responding to at-risk elderly citizens, we have prepared the following responses to the Grand Jury's recommendations.

Burton Creek Sheriff's Substation

Findings 1,2: Concur

Recommendation 1: An in-depth planning study be performed to determine the cost and timetable for a new sheriff and courtroom facility at Cabin Creek.

Response: Concur. It is vital to build a modern sheriff/court facility for the North Lake Tahoe community. A recent development is the closure of the Rideout Elementary School on the west shore. This offers a new, potentially ideal location for a Tahoe Criminal Justice Facility that is within the Tahoe basin. The Sheriff's Office wants to begin discussions with the school district, courts and county authorities to explore possibilities for this location.

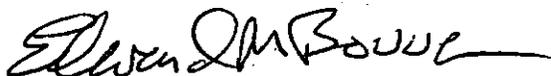
Recommendation 2: This planning study be performed jointly by Placer and Nevada Counties.

Response: Concur. However, no planning time should be lost if Nevada County is unable to respond in a timely fashion.

Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury
June 27, 2005

I wish to thank the members of the 2004-2005 Placer County Grand Jury for their dedication to the community and for all of their hard work during the past year.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward N. Bonner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward N. Bonner
Sheriff-Coroner-Marshal

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury ✓



**COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809
www.placer.ca.gov

RECEIVED

Placer County Grand Jury
JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
ALBERT RICHIE, DEPUTY DIRECTOR
WILL DICKINSON, DEPUTY DIRECTOR

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer County
11546 B Avenue
Auburn, CA 95603

July 26, 2005

Subject: Grand Jury – Final Report 2004-2005 Burton Creek Sheriff's Substation

Dear Judge Kearney:

The Department of Facility Services has reviewed the Grand Jury's Narrative, Findings and Recommendations regarding the Burton Creek Sheriff's Substation and respectfully submits the following responses:

Findings

1. Finding: "The Burton Creek Sheriff's Substation is housed in an inadequate facility.

Response: The Department of Facility Services agrees with this finding.

2. Finding: "The county's Cabin Creek property may provide a suitable location for a new sheriff's substation to replace Burton Creek."

Response: The Department of Facility Services agrees with this finding.

Recommendations

1. Recommendation: "An in-depth planning study be performed to determine the cost and time table for a new sheriff and courtroom at Cabin Creek."

Response: The Department of Facility Services agrees with the Grand Jury's assessment of the Burton Creek facility as to its age, condition and functional inadequacies. Preliminary studies are currently in progress to assess user needs and site capabilities. With this information, the County Executive Office and the Facility Services Department may further evaluate issues related to project costs, timing and the Capital Financing Plan. Because of this facility's inadequacies, Facility Services recommends that no discretionary improvement projects be undertaken while the assessment is in progress.

11476 C Avenue Auburn CA 95603
Entrance at 2855 2nd Street

111

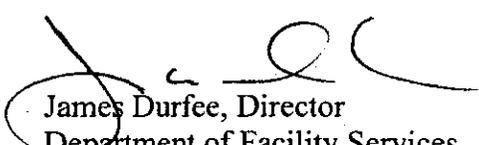
Grand Jury Response
Burton Creek Sheriff's Substation
July 26, 2005
Page 2

2. Recommendation: "This planning study be performed jointly by Placer and Nevada Counties."

Response: The County's studies relative to the Burton Creek site are proceeding without participation from Nevada County. This site does not have the capability to accommodate additional users and the location does not lend itself to a joint Placer/Nevada County base of operation. However, in conjunction with an effort led by the Administrative Office of the Courts, Placer County is participating in discussions and evaluation of sites that have joint use potential. The County owned site at Cabin Creek is included in these discussions. While Nevada County has expressed that development of new court and justice facilities in the Truckee area are not a current County priority and present significant concerns relative to the financial impact, evaluation of the Cabin Creek site will include consideration of all joint use opportunities.

The Department of Facility Services is pleased to have an opportunity to participate in this process and is available for further discussion.

Sincerley,



James Durfee, Director
Department of Facility Services

cc: Jan Christofferson, County Executive Officer
Board of Supervisors
Grand Jury

AUBURN POLICE DEPARTMENT

NICHOLAS S. WILLICK
Chief of Police
Phone (530) 823-4237 ext. 201
Fax (530) 823-4224



INFO/NON-EMERGENCY 823-4237
INVESTIGATIONS 823-4237 ext. 203
OPERATIONS DIVISION 823-4237 ext. 202
RECORDS 823-4237 ext. 501

July 19, 2005

RECEIVED
JUL 21 2005
Placer County Grand Jury

Placer County Grand Jury
Denny Valentine, Foreman
11490 C Avenue
Auburn, CA 95603

SUBJECT: RESPONSE TO 2004-2005 GRAND JURY REPORT

The Auburn Police Department is in agreement with the findings of the Placer County Grand Jury concerning "at risk" elderly persons. While the Department has a comprehensive Elder Abuse Policy, the department will amend the policy to specifically address the concerns of the Grand Jury. The Department will work with both government and citizen groups to develop a "tracking system" as needed to address individual needs.

We will also work with PLEA to develop common policies on this issue. The department routinely conducts training in the law pertaining to warrantless residential entries and will continue training in this area.

I'd like to thank the Grand Jury for all their work this past year. If I can be of any further assistance to you please don't hesitate in contacting me.

Sincerely,


Nicholas S. Willick, Chief of Police

NSW/dar

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Auburn Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare & Institutions Code §§ 15610; et. seq. and Penal Code § 368).

DEPENDENT ADULT means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Health and Safety Code §§ 1250, 1250.2, and 1250.3.

ELDER means any person residing in this state, 65 years of age or older.

FIDUCIARY ABUSE means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any use or purposes not in the due and lawful execution of his or her trust.

ABUSE OF AN ELDER OR A DEPENDENT ADULT means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

ADULT PROTECTIVE SERVICES AGENCY means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

NEGLECT means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care, which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily

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AUBURN POLICE DEPARTMENT

Elder Abuse

relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Welfare & Institutions Code § 15630, the Auburn Police Department is considered a mandated reporter. "Any employee who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

326.31 RECORDS BUREAU RESPONSIBILITY

The Records Bureau is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Provide the white and pink copies to Adult Protective Services and retain the white copy with the initial case file.

326.4 OFFICER'S RESPONSE

Officers shall investigate all calls of elder abuse and dependent abuse that they encounter. Officers responding to incidents of actual or suspected elder abuse shall consider the following when handling these calls:

326.41 INITIAL RESPONSE

Officers may be called upon to affect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel if not already present.

326.42 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

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AUBURN POLICE DEPARTMENT

Elder Abuse

- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support, and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.43 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Investigative personnel
- Evidence collection personnel

326.44 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse. Family Code § 6250(d).

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810. The following information should be provided in addition to the general information provided on the crime report:

- (a) Current location of the victim;
- (b) Victim's condition/nature and extent of injuries, neglect or loss;
- (c) Names of agencies and personnel requested and on scene.
- (d) Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).



LINCOLN POLICE DEPARTMENT

Bill Smull
Chief of Police

770 7th Street
Lincoln, CA 95648
(916) 645-4040

RECEIVED
SEP 27 2005
Placer County Grand Jury

August 23, 2005

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, Ca. 95603

SEP 22 2005
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

Dear Judge Kearney,

On behalf of the Lincoln Police Department I would like to thank you for the opportunity to meet with members of the Placer County Grand Jury and discuss relevant law enforcement issues in Placer County. In response to the recommendations set forth by the Grand Jury the Lincoln Police Department takes the following position.

1. Each police jurisdiction prepare written guidelines for Patrol Officers when investigating "at risk" elderly persons.

The Lincoln Police Department disagrees with finding in part.

It is the position of The Lincoln Police Department that current department procedures along with the guidelines and case law contained in the California Peace Officers Legal Source Books meets the current needs of the department. The Lincoln Police Department does agree to modify these procedures as necessary to adopt programs and recommendations made through our Citizen Committee which is currently meeting on this issue, recommendations from PLEA and new case law.

2. Police departments and citizen groups work together to encourage "at risk" elderly persons to develop a system whereby neighbors keep track of them.

The Lincoln Police Department agrees with finding.

A primary function of the Lincoln Police Department is to provide for the safety and welfare of the citizens of our community and respond to their concerns in an effective, proactive manner. The welfare and safety of "at risk"

senior members of our community is a concern of my department.

To address this issue the Lincoln Police Department is working with citizens from our community to develop and institute a Senior Safeguard Program which will address this issue and formulate an action plan which best serves the needs of the City of Lincoln, Lincoln Police Department and our Citizens. It is the goal of the committee to complete the development of the program by January 1, 2006 with implementation to follow in the coming year after legal review.

3. PLEA to discuss the problem in dealing with emergency responses for elderly people in distress, exchanging ideas in the hope of establishing effective common policies.

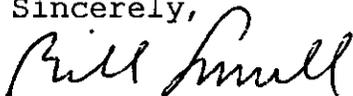
The Lincoln Police Department agrees with finding.

4. Each jurisdiction will ensure that their patrol officers are aware of the exceptions and limitations to Warrantless entry as provided in California Case Law.

The Lincoln Police Department agrees with finding.

Once again thank you for the opportunity to respond to the Placer County Grand Jury. I look forward to working with you in the future in service to the citizens of our community.

Sincerely,



Bill Smull
Chief of Police



Rocklin Police Department

Mark J. Siemens, Chief of Police
4080 Rocklin Road
Rocklin, CA 95677
(916) 625-5400
FAX 625-5495

July 22, 2005

RECEIVED

JUL 28 2005

Placer County Grand Jury

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

RE: Response to Grand Jury Final Report 2004-2005

Dear Judge Kearney,

The following is the response from the Rocklin Police Department to the Findings and Recommendations in the *Placer County Grand Jury Final Report* dated June 10, 2005.

Finding #1: The police departments within Placer County are fully aware of the potential health concerns of "at risk" elderly persons who live alone. That awareness is balanced against the need for respecting privacy issues, so police are reluctant to make forcible entry based on limited data.

Response: The Rocklin Police Department agrees with this finding.

Finding #2: The several police jurisdictions have no common policy regarding intervention in the home of "at risk" persons, but try to work closely with citizen groups to arrive at a humane yet practical solution.

Response: The Rocklin Police Department agrees with this finding.

Recommendation #1: Each police jurisdiction prepare written guidelines for Patrol Officers when investigating "at risk" elderly persons.

Response: This recommendation has been implemented. Section 326 of the Rocklin Police Department Policy Manual provides written guidelines to patrol officers investigating "at risk" elderly persons. A copy of that policy is enclosed.

Recommendation #2: Police departments and citizen groups work together to encourage "at risk" elderly persons to develop a system whereby neighbors keep track of them.

Response: This recommendation has not yet been implemented, but will be implemented immediately. The Rocklin Police Department facilitates an extensive Neighborhood Watch program with over 150 active Neighborhood Watch groups city-wide. Through added curriculum, routine correspondence and neighborhood meetings, the Rocklin Police Department will encourage these groups to identify "at risk" elderly persons in their neighborhood and develop a system to keep track of them.

Recommendation #3: PLEA to discuss the problems in dealing with emergency responses for elderly people in distress, exchanging ideas in the hope of establishing effective common policies.

Response: This recommendation has been implemented. On June 17, 2005, at their regular monthly meeting, PLEA discussed, "Grand Jury Report recommendations on welfare checks and response to elder issues." A copy of the June 17, 2005 PLEA minutes is enclosed.

Recommendation #4: Each jurisdiction ensure their Patrol Officers are aware of the exceptions and limitations to warrantless entry as provided in California Case Law.

Response: This recommendation has been implemented. Sections 326.40 and 326.41 of the Rocklin Police Department Policy Manual provide direction to patrol officers on initial response and forced entry to the scene of an elder or dependent abuse call. A copy of this policy is enclosed.

Thank you for this opportunity to respond to the 2004-2005 Grand Jury recommendations. If you or the Grand Jury members have any questions, please feel free to contact me.

Yours truly,



MARK J. SIEMENS
Chief of Police

Enclosure(s): Rocklin Police Department Policy Manual Section 326, PLEA Minutes dated 6-17-05

cc: Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Rocklin Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare & Institutions Code §§ 15610; et. seq. and Penal Code § 368).

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ADULT PROTECTIVE SERVICES AGENCY means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

NEGLECT means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily

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ROCKLIN POLICE DEPARTMENT

Elder Abuse

relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Welfare & Institutions Code § 15630, the Rocklin Police Department is considered a mandated reporter. "Any employee who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

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- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

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ROCKLIN POLICE DEPARTMENT

Elder Abuse

326.43 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- (a) Patrol Supervisor
- (b) Investigative personnel
- (c) Evidence collection personnel
- (d) Protective Service Agency Personnel

326.44 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse. Family Code § 6250(d).

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810. The following information should be provided in addition to the general information provided on the crime report:

- Current location of the victim.
- Victim's condition/nature and extent of injuries, neglect or loss.
- Names of agencies and personnel requested and on scene.

Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

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MINUTES

June 17, 2005

*Motions: Bill Smull
Fred Morawcznski*

- A. Call to order/roll call:** *Ed Bonner, Jeff Cameron, Joel Neves, Fred Morawcznski, Bill Smull, Rick Ward, Brad Fenocchio, Terry Morgan, David Picard*

Joe McCormack, County Counsel; Patsi Fletcher, Victim Services, DA's office; Michael Gross, California State Parks; Stan Perez, CHP, Valley Division

- B. Approve minutes/agenda**

- C. Treasurer report:** *\$2050.28*

- D. Special reports/presentations:** *Patsi Fletcher and Jo McCormack gave a presentation on the Domestic Violence Task Force*

- E. Committee reports**

- **Training:** *Discussion of fall training*
- **SIU:** *Report given, MOU distributed for review and signature*
- **Beware of the Seven**
- **Honors and Awards:** *Only three nominations to date. Reminder to send nominations in*

- F. Communications**

- G. Legislation**

- H. Chaplaincy:** *MSC - departments do what they can and PLEA will contribute to cover the difference. MSC \$200 from SIU to assist Chaplaincy training.*

- I. Old business**

- J. New business:** *Grand Jury report - discussed report recommendation on welfare checks and response to elder issues.*

K. Roundtable

L. Future meeting: July 15, 2005

M. Adjourn

**PROOF OF SERVICE
STATE OF CALIFORNIA**

COUNTY OF PLACER

I am in the County of Placer, State of California. I am over the age of 18 years and not a party to the within action. My business address is:

4080 Rocklin Road Rocklin, California 95677

On 7/25/2005, I served the foregoing document described as: **Response to Grand Jury Report 2004-2005** on the parties indicated below by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mailed at Rocklin, California, addressed as follows:

The Honorable Frances Kearney
Presiding Judge of the Superior Court
11546 B Avenue
Auburn, CA 95603

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

I certify, under penalty of perjury, that the foregoing is true and correct.
Executed on 7/25/2005, at Rocklin, California.

By: _____

Lisa Niziankiewicz

Lisa Niziankiewicz, Administrative Secretary



Roseville Police Department

Joel A. Neves, Chief of Police

July 25, 2005

RECEIVED

JUL 27 2005

Placer County Grand Jury

RECEIVED

2005

Jury

Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Re: 2004/2005 Grand Jury Report, Emergency Responses for the Elderly

Dear Judge Kearney:

The intent of this communication is to respond to the June 8, 2005, Placer County Grand Jury Report addressing emergency responses for the elderly. In that report, the Grand Jury reached two findings:

1. The police departments within Placer County are fully aware of the potential health concerns of "at risk" elderly persons who live alone. That awareness is balanced against the need for respecting privacy issues, so police are reluctant to make forceful entry based on limited data.
2. The several police jurisdictions have no common policy regarding intervention in the home of "at risk" persons, but try to work closely with citizen groups to arrive at a humane yet practical solution.

The Roseville Police Department agrees with those findings.

The Grand Jury made four recommendations related to the findings:

1. Each police jurisdiction prepare written guidelines for patrol officers when investigating "at risk" elderly persons.

This recommendation has not yet been implemented. The Roseville Police Department does not currently have any such guidelines, however, we see the validity of developing guidelines to assist officers in evaluating factors to consider when confronted with a potential "at risk" elderly persons call for service. In January of this year the department began the enormous task of rewriting our entire operating procedures encompassing the departments General Orders. We are also developing a Patrol Procedures Manual in addition to the General Orders. I anticipate those processes to be completed by January 2006 and will include a component for handling "at risk" elderly persons calls.

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2. Police departments and citizen groups work together to encourage "at risk" elderly persons to develop a system whereby neighbors keep track of them.

This recommendation has not yet been fully implemented. Police department employees maintain routine and regular contact with citizen groups through a number of formats in the community. Perhaps most notable is the Roseville Coalition of Neighborhood Associations wherein the various neighborhoods in Roseville are divided into geographic areas with specific police officers assigned to each of the neighborhood associations. It's the responsibility of the individually assigned police employees to meet regularly with the neighborhood association to discuss issues of mutual concern. The department will assist the individual officers in working with their neighborhood associations to encourage the residents to develop a system whereas they keep track of their elderly neighbors. This may be particularly effective in neighborhoods such as Sun City and other adult only residential developments. The police department also regularly contacts the neighborhood watch programs, which in some ways is a subset of the neighborhood associations. The staff in the Community Services Unit regularly maintains contact through the neighborhood watch groups and will likewise work with those groups to encourage such a system be developed. I'd like to point out the police department currently has a system in place to deal with at risk elderly persons who tend to wander away and become disoriented in public. The department maintains an "Elder Identification" binder of individuals in our community, typically Alzheimer's patients, who may wander away and become lost. With the seventy-five to one hundred persons contained in the Elder Identification binder we can quickly identify who the person is and safely return them to their appropriate location. The police department is also in the process of implementing Project Lifesaver. Project Lifesaver involves equipping at risk elderly persons with a transmitter worn on their wrist, much like a wristwatch. If the person becomes lost or disoriented the police department can locate them through a wireless tracking system. While neither of these systems are directly related to the issues studied by the Grand Jury, it is an indication of our commitment to identify and assist those in our community who are at risk.

3. PLEA to discuss the problems in dealing with emergency responses for elderly people in distress, exchanging ideas in the hopes of establishing effective common policies.

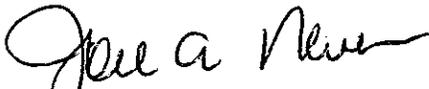
This recommendation has been implemented. During the June 17, 2005, PLEA meeting, the members in attendance discussed this issue and the Grand Jury recommendation. Lincoln Police Chief Bill Smull discussed a circumstance that occurred with an at risk elderly individual in his community followed by a discussion on the elements departments might consider including in any policies developed.

4. Each jurisdiction ensure that their patrol officers are aware of the exception and limitations to warrantless entry as provided in California case law.

This recommendation has been implemented. The Roseville Police Department strives to ensure its officers are fully aware of all constitutional and case law requirements. To that end, the police department contracted with two notable attorneys who spoke on a variety of topics, which included the Fourth Amendment Rights and Emergency Exceptions. Attorney Randy Means addressed all of the sworn officers on August 10 and 20, 2004, and attorney Gordon Graham spoke to all of the officers on November 3 and 9, 2004.

If you have any questions or comments regarding our response to the findings and recommendations by the Grand Jury please notify me at your earliest convenience.

Respectfully,



Joel A. Neves
Chief of Police

JAN:gs

cc: Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603



PLACER COUNTY
SHERIFF
CORONER-MARSHAL



MAIN OFFICE
P.O. BOX 6990
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EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

STEPHEN L. D'ARCY
UNDERSHERIFF

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JUL - 8 2005

Placer County Grand Jury

June 27, 2005

The Honorable Frances Kearney
~~Presiding Judge of the Superior Court~~
County of Placer
11546 B Avenue
Auburn, CA 95603

**Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury**

After reviewing the Grand Jury's report and findings concerning the main jail, our Burton Creek facility, and responding to at-risk elderly citizens, we have prepared the following responses to the Grand Jury's recommendations.

Emergency Responses for the Elderly

Findings 1,2: Concur

Recommendation 1: Each police jurisdiction prepare written guidelines for Patrol Officers when investigating "at risk" elderly persons.

Response: Concur. This recommendation will be implemented. A policy will be added to the Field Operations Manual within the year.

Recommendation 2: Police departments and citizen groups work together to encourage "at risk" elderly persons to develop a system whereby neighbors keep track of them.

Response: Concur. The Sheriff's Department will expand existing prevention programs to encourage neighbors to look out for each other.

Recommendation 3: PLEA to discuss problems in dealing with emergency responses for elderly people in distress, exchanging ideas in the hope of establishing effective common policies.

Response: Concur. The Sheriff will actively participate in such discussions at PLEA.

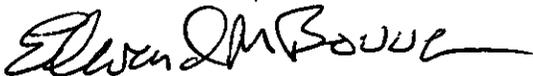
Response to Findings and Recommendations
2004 – 2005 Placer County Grand Jury
June 27, 2005

Recommendation 4: Each jurisdiction ensure that their Patrol Officers are aware of the exceptions and limitations to warrantless entry as provided in California Case Law.

Response: Concur. Sheriff's deputies are trained in the legal search exceptions and limitations. Those issues will be reviewed in the written guidelines issued to deputies as mentioned above.

I wish to thank the members of the 2004-2005 Placer County Grand Jury for their dedication to the community and for all of their hard work during the past year.

Sincerely,



Edward N. Bonner
Sheriff-Coroner-Marshal

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury ✓