

**PLACER COUNTY GRAND JURY  
2017-2018 FINAL REPORT**



**STATE OF CALIFORNIA**

**PLACER COUNTY SUPERIOR COURT GRAND JURY**

June 20, 2018



## PLACER COUNTY GRAND JURY

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June 20, 2018

The Honorable Alan V. Pineschi  
Presiding Judge, Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

The Honorable Colleen M. Nichols  
Advising Grand Jury Judge, Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

and Citizens of Placer County

### **Subject: 2017 – 2018 Grand Jury Final Report**

Dear Judge Pineschi, Judge Nichols, and Citizens of Placer County:

With great pride I present the Final Report of the 2017-2018 Placer County Grand Jury. On behalf of all nineteen members of the grand jury, I would like to acknowledge the advice and guidance provided by our Advising Judge, the Honorable Colleen M. Nichols and our Presiding Judge, the Honorable Alan V. Pineschi. We also appreciate the assistance from County Counsel, Gerald O. Cardin and Deputy County Counsel, Brian Wirtz. As always, our gratitude also goes to the Grand Jury Coordinator, Rosalinda Cruz, for her gracious assistance throughout the year.

In July of 2017, nineteen Placer County residents volunteered and were sworn in to serve as the 2017-2018 Placer County Grand Jury. It has been an honor to serve with this outstanding group of citizens who contributed valuable experience and dedication in carrying out our function as watchdog over city and county government.

This Final Report contains the results of investigations as required by law, those requested by citizens, or those internally generated. This report is the culmination of investigations that have been ongoing since the jury was impaneled last July. However, many of the issues are still ongoing and some concerns raised during the investigations may already be resolved by the time of this publication.

Sincerely,

Gary R. Kern  
Foreperson  
2017-2018 Placer County Grand Jury

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## **Placer County 2017-2018 Grand Jurors**

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<b>Foreperson:</b>	Gary Kern	Roseville
<b>Foreperson Pro Tempore:</b>	Patricia Bomberger	Granite Bay
<b>Secretary:</b>	Jennifer Sclater	Rocklin
<b>Office Manager:</b>	Shane Campbell-Kaslin	Auburn
<b>Sergeant-at-Arms:</b>	Jim Sponzo	Lincoln
	Christine Barenchi	Rocklin
	Victor Bekhet	Granite Bay
	Linda Enis	Roseville
	Carmyn Fields	Granite Bay
	Ruth Ijames	Auburn
	Ron Johnson	Granite Bay
	Roger Luebke	Auburn
	Jamie McGuire	Roseville
	Barry Northern	Granite Bay
	Barry Richards	Rocklin
	Sharon Stanners	Auburn
	Richard "Dick" Tipton	Roseville
	Suezy Tucker	Auburn

## THE 2017-2018 PLACER COUNTY GRAND JURY



**Grand Jury Members (Back Row, Left to Right):** Shane Campbell-Kaslin, James Sponzo, Carolyn Macola, Barry Richards, Roger Luebke, Ruth Ijames, Jennifer Sclater, David Cesio, Ron Johnson, Victor Bekhet, **(Front Row, Left to Right):** Barry Northern, Sharon Stanners, Jamie McGuire, Carmyn Fields, Christine Barenchi, Pat Bomberger, Suezy Tucker, Gary Kern, Linda Enis, Richard Tipton.

### **Photography Credits**

**Grand Jury Photograph:** Erik Bergen, Placer County Communications and Public Affairs

**Cover Art:** Historic Courthouse-Auburn. **Artist:** Linda Enis.



## Introduction to the Grand Jury

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### What is the Grand Jury?

The grand jury is an investigatory body with the authority to act as a watchdog on local government, investigate citizen complaints, and assist in criminal matters at the request of the district attorney.

The grand jury is part of the county judicial system as authorized by the California State Constitution. It is advised by the Superior Court but is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial. Grand jurors are sworn to secrecy and, other than final reports, their work is kept strictly confidential.

### History

Juries stem from the eleventh century. In 1215 the concept of a jury had become a pledge expressed in the Magna Carta that no free man would be *"imprisoned or dispossessed or exiled or in any way destroyed ...except by the lawful judgment of his peers ..."*

In 1635 the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. The U.S. Constitution's Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, criminal and civil grand juries are a part of the judicial branch of government, arms of the court system.

### Investigations

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The grand jury in California is unusual because its duty includes investigation of local and county governments as provided by statutes passed in 1880.

The primary duty of the grand jury is to evaluate local government entities through a systematic fact-finding process. The objective of the investigations is to produce beneficial reports that persuade local officials to run their agencies more effectively and efficiently. The final report is the end result of year-long investigative efforts and is the only public record of that endeavor.

Grand jury investigations are formal, systematic examinations in search of the truth. It is the process of determining Who, What, When, Where, Why ... and maybe Why Not? It is a specific, planned approach to determine the truth of allegations, assumptions, complaints, and speculation.

Anyone may ask a grand jury to conduct an investigation of a civil issue that falls within the grand jury's jurisdiction. Whether it chooses to investigate such a complaint is entirely in the jury's discretion and may be affected by workload, resource limitations or jurisdictional issues.

By law, all proceedings of a grand jury are confidential. Findings and recommendations of the complaints and issues it chooses to address are published in its final report.

After a final report is published, the official or governing body of an agency or government covered in the report must respond to the grand jury within a given period of time, as prescribed by California law. Officials must respond within 60 days; governments or agencies must respond within 90 days. The following year's grand jury publishes the responses to the final report.

Upon occasion, the district attorney asks a grand jury to hold hearings in criminal investigations to determine whether evidence presented by the district attorney is sufficient to indict an individual, who would then stand trial in court. A minimum of twelve grand jurors must vote for an indictment in any criminal proceeding

## **Placer County Grand Jury Committees**

The 2017-2018 Placer County Grand Jury served a one-year term from July 1, 2017 through June 30, 2018. In performing its duties, it examined county government, special districts, school districts, and city governments.

Most Grand Jury work is done by committee. A typical juror serves on three committees and is an officer on two committees. The following eight committees meet at least twice each month.

### **Audit and Finance**

This committee initiates audits of county government offices, departments, agencies, and districts as needed and as mandated by law. It also reviews monthly Grand Jury expenses, keeping in line with the adopted budget.

### **Cities**

This committee may investigate incorporated cities/towns within the Placer County. The six incorporated cities/towns in Placer County are Auburn, Colfax, Lincoln, Loomis, Rocklin, and Roseville.

### **Continuity and Editorial**

This committee is responsible for ensuring that the written reports of the Grand Jury are factual, clear, concise and readable. Editing includes proper punctuation, spelling,

grammar and format. This committee also leads the task of the continual update of the Placer County Grand Jury Handbook so that the next grand jury may make a smooth, user-friendly transition into its new term.

### **County Administration**

The scope of the committee encompasses all Placer County government not specifically assigned to another committee. This includes investigations of appointed boards and commissions, the Board of Supervisors, Assessor, County Executive Office, and many more.

### **Criminal Justice**

This committee is mandated to inspect all eight County jails each year. It also may investigate matters concerning criminal justice.

### **Health and Welfare**

This committee investigates issues related to the social services of Placer County. In addition, it may investigate Juvenile Detention Facility and any child issues within Placer County funded by taxpayer monies.

### **Schools and Libraries**

This committee investigates public educational institutions and libraries. It has no jurisdiction over school policies or personnel.

### **Special Districts**

This committee investigates special districts, agencies, boards, commissions, and joint powers agencies serving Placer County. Examples of these special districts include water agencies, cemetery districts, fire districts, and hospitals.

## **Jurisdiction**

The following summarizes the areas that are within the investigatory jurisdiction of the Placer County Grand Jury:

- Persons imprisoned in the County jail on a criminal charge and not indicted;
- The condition and management of the public jails within the County;
- Willful or corrupt misconduct in office of public officers of every description within the County;
- County government, city government, special districts, school districts, agencies and authorities;
- Criminal hearings upon request of the district attorney.

Areas **not within** Placer County Grand Jury jurisdiction include:

- Federal agencies;
- State agencies;
- Superior court system;
- School district personnel records, curriculum, and policy.

## **Grand Juror Qualifications**

**Prospective grand jurors must possess the following qualifications (California Penal Code Section 893):**

- Applicant is a citizen of the United States, 18 years or older, who has been a resident of Placer County for one year immediately before being selected and sworn in;
- Applicant is in possession of his/her natural faculties, of ordinary intelligence, of sound judgment, and of fair character;
- Applicant is possessed of sufficient knowledge of the English language.

**A person is not allowed to serve as a grand juror if the individual:**

- Is serving as a trial juror in any California court;
- Has been convicted of a felony;
- Has been discharged as a grand juror in any court of this state within one year;
- Has been convicted of malfeasance in office or any felony or other high crime;
- Is serving as an elected public officer.

**Desirable qualifications for a grand juror include the following:**

- Have computer and Internet communication skills;
- Be in good health;
- Be open-minded with concern for the views of others;
- Have the ability to work with others;
- Have genuine interest in community affairs;
- Have investigative skills and an ability to write reports.

## **Juror Selection**

In the spring of each year, the Presiding Judge of the Placer County Superior Court selects residents by lottery from the list of applicants. Applicants should expect that a criminal records check will be conducted. Applications are reviewed and an interview is scheduled with the presiding judge, the foreperson of the outgoing grand jury, and perhaps the presiding judge's assistant.

After the interview process, prospective applicants are requested to appear for the final selection, held in a Placer County Superior Court courtroom. At this time, with outgoing grand jurors in attendance, the court clerk draws nineteen names randomly. A minimum of ten names are drawn and ranked to form a list of alternate jurors.

The presiding judge then swears in the new nineteen grand jury members and gives them a description of their duties and responsibilities. The jurors begin a one-year term on July 1.

## **Commitment**

Persons selected for grand jury service can expect to serve forty or more hours per month for a period of one year, July 1 through June 30. Jurors may opt to serve a second consecutive year, if approved by the court.

## **Remuneration**

Grand jurors receive a nominal payment for meetings they attend, and they are reimbursed for mileage to attend meetings, training, and possibly other minor expenses.

## **Orientation**

New jurors are encouraged to attend an orientation program regarding grand jury functions and information about county, city and special district governments.

## **Why Become a Grand Juror?**

Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity to learn more about the administration and operation of Placer County government. Serving as a grand juror requires many hours and serious effort, and reflects a generous commitment to public service.

## How to Apply to Serve as a Grand Juror

Download a Prospective County Grand Jury Application, available at <http://www.PlacerGrandJury.org>. Fill it out and follow the directions at the end of the application.

## Grand Jury Reports

The Placer County Superior Court maintains web pages for the Grand Jury on the Placer Court's website. Past and present final reports, and responses to those final reports, may be found on the website:

<http://www.PlacerGrandJury.org>.

## How to Submit a Confidential Citizen Complaint

All complaints must be submitted in writing. Confidential Citizen Complaint forms are available online at: <http://www.PlacerGrandJury.org>.

Fill out the form and mail, fax or hand-deliver it to the Grand Jury. The citizen will receive a letter acknowledging receipt of the complaint. The complainant's name will be held in strictest confidence.

All grand jury documents, including citizens' complaints, are secret and cannot be subpoenaed in court or revealed to the public.

## How to Contact the Grand Jury

**By Mail:** Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**In Person:** Materials can be placed in a drop box located by the entrance door to the above address.

**Online:** <http://www.PlacerGrandJury.org>

**By Phone:** (530) 886-5200

**By Fax:** (530) 886-5201





# PLACER COUNTY GRAND JURY

Phone: (530) 886-5200

FAX (530) 886-5201

Mailing Address:

11532 B Avenue, Auburn, CA 95603

## INSTRUCTIONS FOR RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is provided below.

Two different time periods for responses and to whom you must respond is defined in Penal Code Section 933(c). They are as follows:

Type of Agency	Time Frame	To Whom
Government Boards	Ninety (90) Days	<ul style="list-style-type: none"><li>• Presiding Judge of the Superior Court</li></ul>
Elective Office or Agency Head	Sixty (60) Days	<ul style="list-style-type: none"><li>• Presiding Judge of the Superior Court</li><li>• Information copy to Board of Supervisors</li></ul>

An original signed copy of the response must be provided to both of the following:

1. Presiding Judge of the Placer County Superior Court at the address listed below:

The Honorable Alan V. Pineschi Presiding  
Judge, Superior Court Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

2. Placer County Grand Jury at the address listed below:

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

When responding to more than one report, respondents must respond to each report separately.

You are encouraged to use the Response to Grand Jury Report Form below to help format and organize your response. An electronic version of the form is available upon request from the Grand Jury.

## Response to Grand Jury Report Form

Report Title: \_\_\_\_\_

Report Date: \_\_\_\_\_

Response By: \_\_\_\_\_ Title: \_\_\_\_\_

### FINDINGS

- I (we) agree with the findings, numbered: \_\_\_\_\_.
- I (we) disagree wholly or partially with the findings, numbered: \_\_\_\_\_.

*(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefor.)*

### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
*(Describe here or attach a summary statement regarding the implemented actions.)*
- Recommendations numbered \_\_\_\_\_ have not yet been implemented but will be implemented in the future.

***(Per Penal Code 933.05(b)(2), a time frame for implementation must be included. Describe here or in an attachment.)***

- Recommendations numbered \_\_\_\_\_ require further analysis.  
*(Describe here or attach an explanation and the scope and parameters of an analysis or study and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the grand jury report.)*
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

*(Describe here or attach an explanation.)*

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached \_\_\_\_\_.

## California Penal Code

### ***Section 933.05***

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented but will be implemented in the future, ***with a time frame for implementation***.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



## **Final Report Summaries**

### **Affordable Housing Placer County's Approach**

Housing is considered affordable when a household pays no more than 30-40 percent of its gross monthly income for housing, including utilities, according to U.S. Department of Housing and Urban Development.

The solution to providing affordable housing in unincorporated Placer County has been inadequate. Several factors, including the cost of land, challenges of providing public transportation to all areas, and finding developers willing to provide lower cost housing, contribute to the lack of affordable housing. In addition, Placer County's established goals and guidelines have not been implemented. These include:

- An evaluation of existing housing policies and programs;
- A needs assessment, based on data on demographics and housing conditions;
- An analysis of any obstacles to affordable housing production in the county;
- An inventory of all potential sites where housing may be constructed;
- Goals, objectives, and policies, defining the county's position on various housing issues and setting measurable targets for meeting housing needs; and
- An action plan identifying the specific steps the county will take to implement its affordable housing policies.

There is an expectation that our government officials address this situation sooner rather than later. Placer County allows developers to contribute an *in-lieu* fee which is deposited into a county trust fund. This fee allows the developer to be exempt from providing affordable housing in their development and is done without a consistent formula or requirement. To date, the trust fund has not been utilized to provide or assist with affordable housing. With housing costs rising rapidly, it is critical to address this situation.

The Grand Jury interviewed personnel from the Executive Office, Community Development Resources Agency, and others involved in affordable housing. While acknowledging there is an issue, the county has not progressed effectively in achieving its own stated goals.

Recently, the Placer County Board of Supervisors retained an outside consultant to study the affordable housing situation in Placer County and to provide viable suggestions. It is important for Placer County to earnestly focus on the provision of affordable housing.

## California Public Records Act Compliance

### Placer County Sheriff's Department

The Records Division of Placer County Sheriff's Office (PCSO) received requests from a citizen for all records pertaining to an officer-involved shooting resulting in death. Complainant records show that phone calls, letters, and faxes were transmitted to request information relating to the incident. Three fax requests were verified to have been sent to the Sheriff-Coroner-Marshall office. With no tracking system in place to confirm, the sheriff's office only acknowledges receipt of the third fax. Upon presenting PCSO with the two unacknowledged requests, they indicated they would not have considered them valid California Public Records Act (CPRA) requests. These requests were not responded to, and no effort was made to help the requester develop an effective request that reasonably described identifiable records as required by the CPRA. Government Code §6253(a).1 includes the following:

(a) "When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describe the information technology and physical location in which the records exist.
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

The requirements shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records."

Government Code §6253(c).1 also states:

(c) "Each agency, upon a request for a copy of records, shall, within ten days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor."

One request for records was responded to in the time frame specified in the CPRA; however, no information was provided to the requester. PCSO claimed a blanket exemption for releasing all records due to the "on-going investigation."

This incident clearly shows that the lack of a county-wide tracking system has made it impossible to verify requests received and acted upon. Had a system been in place, as recommended by a previous Grand Jury, it is likely that the original requests would have been processed appropriately.

## **County Capital Improvements Funding Priorities**

Each year the Placer County Executive Office (CEO) requires each county department to submit budget requests. Part of every budget is capital improvements, which include remodeling, renovations and major maintenance.

The county follows a process for reviewing and recommending capital improvements to the Placer County Board of Supervisors (BOS) for final approval. Through this process, a department head can submit requests which are then evaluated and reviewed by the Capital Improvement Committee, made up of representatives of the CEO and Department of Public Works and Facilities (DPWF). After evaluation, a decision is made whether to add the project to the list of desired capital improvements. After projects are approved by the committee, priorities are assigned, and the list goes before the BOS for approval. Upon acceptance, the project is placed on a list of capital improvements known as the "140 Fund List".

After review of the Fiscal Year 2017-2018 budget, the Grand Jury noticed that projects had been removed or funds had been reduced or transferred between projects. To better understand this process, the Grand Jury decided to investigate. This investigation included interviews with members of the CEO and DPWF to clarify this process. The jury learned that while a capital improvement project may be included in the 140 Fund List, commitment of funds does not occur until a contract is signed. The list remains "fluid" as funding priorities can change, emergencies can happen, or the original cost estimate may have increased. Projects may remain on the list for extended periods between approval and the start of construction.

In 2017, this process underwent changes as the CEO hired a consultant to inspect all County buildings, to determine major maintenance needs, and to establish priorities based upon building conditions. As of this writing, the inspections have been completed and the information has been incorporated into a software program. This information will be utilized to provide objectivity and efficiency in prioritizing and approving annual expenditures for capital improvements beginning in Fiscal Year 2018-2019.

The Grand Jury concluded this process was clarified and understandable. In the past, it may have been subjective. The addition of an outside consultant should assist in objectivity for prioritization and increase efficiency.

## Emergency Preparedness Placer County Schools

The February 2017 Oroville Dam mandatory evacuation of the local communities, due to the potential threat of the dam's spillway failing, prompted this 2017-2018 Grand Jury to research the emergency management protocols for one of our vulnerable population groups – school age children.

The following three maps (from Placer County Community Development Resource Agency Geographic Information Systems Division) highlight South Placer County high schools in relation to the three possible threats identified in the Placer County Hazardous Mitigation Plan:

- Railroad incidents;
- California Environmental Protection Agency's (CalEPA) registered hazardous materials (HAZMAT) storage sites; and
- Wildfires.

Our facts, findings, and recommendations focus on these possible scenarios to determine how prepared schools are to ensure "Kids are Safe".

Legal disaster management requirements for California schools are overseen by the California Department of Education (CDE). The investigation tried to determine if Placer County's high schools are prepared in the event of a disaster by using the Crisis Management Planning Checklist. This checklist is noted within the "*Safe Schools: A Planning Guide for Action Workbook*", and is required by California Code of Regulations (CCR) §32282(b). This checklist aligns with the State Emergency Management System (SEMS).

The Grand Jury selected this approach for this investigation for the following reasons:

- It ensures compliance with state legal requirements regarding public schools' emergency management procedures (aka Crisis Management Plan); and
- If in compliance with the National Incident Management System requirements, the respective school is eligible for federal monies for recovery efforts.

Using the Crisis Management Planning Checklist (**Appendix 1**) as a foundation, the three selected high schools' safety plans were reviewed to determine if they met the existing requirements. **Appendix 1** is a visual summary of the findings with red (no compliance), yellow (possible compliance), and green (compliance) when compared to the checklist requirements.

## **Placer County Sheriff's Burton Creek Substation**

### **A 30-Year Historical Review**

Since 1999, the Tahoe Burton Creek Substation (BC) has repeatedly been identified by the Grand Jury as in need of renovations or replacement. Despite numerous reports on this issue, the Board of Supervisors (BOS) has failed to fulfill commitments to resolve deficiencies of this substation.

The Tahoe Substation was built in 1959 to support the needs of the sheriff's department during the first winter Olympics scheduled in Squaw Valley in 1960. It was designed as a holding facility for detaining eight inmates for less than twelve hours. It included:

- A courtroom used for arraignments;
- An office for district attorney staff; and
- A sheriff's department substation.

Over fifty years later, this building is still in place, just east of Tahoe City, serving the needs of the northern Tahoe Basin and the surrounding ski areas which include a population of 65,000 and approximately 3 million visitors per year. There are several elements that represent the full picture at the Burton Creek Substation (referred to as the Tahoe Justice Center) and the complexities that have surrounded the three-decades-long question on how best to proceed with an all-inclusive facility. A new facility would ideally not only meet the inmate detention and processing needs for the Placer County portion of Lake Tahoe, but would also satisfy the courtroom requirements that likewise exist in conjunction with this facility. The most important and challenging of these elements are the location of the facility and the sensitivity of the land on which it currently resides.

The current location is ideal because it is centrally located in the Tahoe Basin and provides for response times that align with the sheriff's department policies. To build here will be difficult because Burton Creek substation is positioned on 9½ acres of land that is in the jurisdiction of the Tahoe Regional Planning Agency (TRPA). A large portion of this land is environmentally sensitive and is regulated by state guidelines on how much of the land may be built upon. The land regulations that affect the Burton Creek area and the option of utilizing that land to rebuild pose challenges.

In 2001 Placer County entered into a contract with Nevada County to provide overnight detention services, as the BC Substation is classified as a temporary holding facility and was not constructed to provide overnight detention services. The BC jail is used as a holding facility during business hours Monday through Thursday. In the Fiscal Year 2017-2018 fiscal year, Placer County paid \$433,590 to the Nevada County (NVCO) Justice Center in Truckee for overnight and weekend booking services and detention for arrestees. In 2017, ninety-three arrestees were admitted to the Truckee facility for those services. Arrestees not accepted by NVCO were transported by Placer County Sheriff's Office (PCSO) to a Placer County facility.

The cost of this contract has increased an average of 4.3 percent annually, with no apparent review of the services actually provided.

The Judicial Council (JC) also plays an integral role in future decisions made about BC. As a result of the Trial Courts Facility Act of 2002, Placer County is required to provide courtroom space for the JC to use in conjunction with the terms of this act. If space is not provided for the JC, penalties may be incurred by Placer County, as set forth in the act. This makes it necessary to consider these requirements when determining the future of the BC substation facility.

Throughout the past 30 years, the Grand Jury has evaluated the BC facility, as part of its mandated responsibility to conduct annual jail facility inspections and to report its findings to the BOS. During this time, the Grand Jury, PCSO, and the BOS have agreed this aging facility should be replaced. Since 1989, funds have been allocated to relocate the substation or to build a comprehensive Tahoe Justice Center. Instead, the county has ultimately transferred these funds to other capital expenditures. Safety concerns have also repeatedly been highlighted in previous Grand Jury reports. The BOS has not always followed through with assurances to correct these inadequacies. These responses to these Grand Jury reports shed light on the opinions of the BOS regarding the importance of replacement/relocation of the BC facility.

In 2005 a consultant report titled *Site Analysis- Future Tahoe Justice Center 2005*, was requested by the BOS at a cost, to the County, of \$75,000. This report analyzed the possible scenarios and locations that, at the time, existed in regards to the proposed Tahoe Justice Center. It included information from consultants familiar with the challenges involving criminal justice relocation efforts. This report identified Burton Creek land as the preferred location to construct a new Tahoe Justice Center. The report indicates that operations could continue on-site while construction takes place.

The Placer County Grand Jury decided to take an in-depth look at the current situation with regards to the deficiencies of the BC Substation. Alternatives to alleviate Placer County taxpayers the expense of the NVCO contract that is necessary to compensate for Burton Creek's shortcomings were also examined.

Over the years, some improvements have been made to the facility. The building is outdated to the extent it cannot be brought up to Americans with Disability Act standards without considerable expense. The building also lacks a 96-hour holding facility which necessitates the need for the contract with NVCO in order to accommodate overnight inmates.

It is the recommendation of the Placer County Grand Jury that the BOS finally make good on continued assurances that this facility will be replaced. If the BOS does not replace or rebuild Burton Creek, they should explore any opportunities that may exist to lessen the financial impact this facility places on Placer County taxpayers.

## Placer County Winery Ordinance

### Code Enforcement

Placer County's 2008 Winery Ordinance requires wineries to obtain permits before hosting promotional or temporary outdoor events. Enforcement of this ordinance is the responsibility of Placer County Community Development Resource Agency (CDRA) and Code Enforcement Department (Code Enforcement). In addition to enforcing the Winery Ordinance, Code Enforcement is responsible for regulating a variety of building, planning/land use, and engineering and surveying requirements for the county. Code Enforcement's Procedure Manual, states its enforcement policy as, "Gain voluntary compliance at the lowest enforcement level as possible." In implementing this policy, Code Enforcement's practices and procedures appear to have led to ineffective and untimely enforcement of the Winery Ordinance and unresponsiveness to citizen complaints.

The Grand Jury believes enforcement policy of the Winery Ordinance is reactive rather than proactive. Code Enforcement requires citizen complaints to be made in writing and signed by the complainant. Most of the events subject to permitting requirements occur on weekends when Code Enforcement is closed. This complicates the public's ability to lodge a complaint and prevents Code Enforcement from conducting an immediate investigation. An after-the-fact investigation prevents Code Enforcement from witnessing the event. Consequently, complaints involving weekend events are infrequently investigated.

Code Enforcement uses a software program to track complaints and issuance of permits. A review of data contained in the tracking system provides insight into the manner in which Code Enforcement manages complaints. For example:

- One entry related to a citizen complaint states, "Unfounded – cannot locate complaint form."
- One entry referring to multiple complaints lodged against one winery, stated, "Other complaints for this property dated 3/1/2017 were never processed or assigned case numbers..."
- Other entries inaccurately reflect the status of complaints. For example, the status of one complaint was stated as "Case still open" even though it had been adjudicated and closed at least four months prior.

Code Enforcement's Procedure Manual requires complaints to be assigned a priority from 1 to 5 (high to low). Complaints of the type most frequently related to wineries, i.e., failure to obtain a permit, are assigned a Priority 3.

Priority 3 complaints are "...scheduled and pursued as time permits." The Procedure Manual contains a target for completion of corrective actions to resolve Priority 3 violations within thirty days. This procedure does not appear to be followed. According to the tracking system, one complaint remained unresolved and in an "open" state for as long as six months following the date of the complaint.

Review of the county's permit tracking system shows that only two permits have been issued since 2016. Code Enforcement has not cited a winery for failure to obtain a promotional or temporary outdoor event permit in the past two years in spite of complaints. CDRA officials have stated their belief that wineries are, in fact, holding events without obtaining the required permit. The potential fine for failing to obtain the proper permit is far less than the cost of a permit. This does not encourage voluntary compliance.

Entries in the tracking system intended to chronicle the actions of Code Enforcement appear to show that the 2008 Winery Ordinance is not effectively being enforced. These entries also seem to reflect a general indifference and disregard for citizen complaints.

Personnel changes have been made within CDRA during the past twelve months. The Grand Jury's interview of CDRA officials indicates a desire to take a more proactive approach to code enforcement. The Code Enforcement supervisor has planned some positive and community-focused initiatives. The department is planning to move toward a problem-oriented strategy to resolve code compliance issues between the wineries and adjacent landowners. Placer County has also proposed changes to the existing Winery Ordinance that are intended to clarify definitions of the types of permits required.

Unless CDRA strengthens the enforcement policy, the above efforts will have little positive impact on the public's ability to be heard and change effected. The approaches being planned are encouraging, but will need to be monitored closely to ensure equitable treatment of the public and the regulated industry.

## **Roseville Community Development Corporation**

### **A Public/Private Partnership**

Coinciding with the dissolution of Regional Development Agencies (RDA) by the California legislature in 2010, the city of Roseville established the Roseville Community Development Corporation (RCDC). RCDC is a non-profit, charitable corporation, conceived to facilitate continued economic development in Roseville. After studying other community development corporations created by select California cities, Roseville opted for a city-sponsored model governed by an independent five-member board appointed by the city council. This board acts as a separate entity of the city. RCDC's independence provides structural flexibility because it is not a public or regulatory agency.

This allows it to enter into LLCs and LLPs, avoid public contract bidding laws (if waived by the city), hold mortgages to secure debt, own and manage assets long term, and accept charitable donations. During the course of this investigation all city officials stressed that RCDC is independent of city operations and that there is no direct city involvement.

Roseville's unique implementation of the city-sponsored model has raised the question of independence of RCDC from the city. RCDC has no employees. It contracts with Roseville for the use of city employees as allowed in corporation bylaws. In its working agreement with Roseville, RCDC reimburses one-half of the city salaries of RCDC's Chief Executive Officer (CEO) and an administrative assistant, who are city employees, to the city. It should be noted that during the first two years of operation, RCDC reimbursed city salaries and benefits. The reimbursement formula was then changed to salary only and the city gave a credit for the cost of previous benefits. Documentation on why this occurred could not be provided by any of the city officials interviewed. The city budget does indicate that the Economic Development Department receives reimbursement for salaries, wages, benefits, materials, supplies, services, and capital outlays. The city budget does not specifically identify the funds from RCDC. RCDC also utilizes the services of other city employees whose salaries are not reimbursed. The public does not know the full extent of city resources that are being devoted to RCDC.

The previous CEO (2012 – 2018) concurrently served as Roseville's Economic Development Director and CEO of RCDC. His official city job description specifies both his city responsibilities as well as those of RCDC. These duties include:

- Develop, plan, and implement city and RCDC goals, objectives, and strategies;
- Coordinate city and RCDC activities;
- Direct, oversee, and participate in the development of the city and RCDC work plans; and
- Supervise and participate in the development, funding, and administration of both the Roseville Economic Development and RCDC budgets.

The city manager supervises and evaluates the performance of the Roseville Economic Development Director. The city manager specifically stated that he does not review or evaluate the performance of the director's work as CEO of RCDC. Recent performance appraisals of the Director of Economic Development revealed that the city manager did evaluate his performance as RCDC CEO. The city manager has also set goals for the director that relate to his duties of RCDC CEO. The RCDC CEO also receives an annual evaluation by the RCDC Board of Directors which is passed on to the city manager.

Day-to-day management and operation of RCDC is being performed by city employees. The RCDC CEO confirmed that his duties of RCDC CEO do overlap with his duties as the Roseville Economic Development Director. Use of city employees to perform RCDC work, coupled with the fact that the city does not track the time city staff spends on RCDC projects, provides an appearance that RCDC is not an independent entity.

## **Placer County Juvenile Detention Facility**

### **Annual Inspection**

The 2017-2018 Placer County Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility (JDF) on October 6, 2017. The facility is located at 11260 B Avenue, Auburn, and includes a courtroom used for family court, juvenile dependency and juvenile offender hearings.

On the date of inspection, the JDF was clean and well maintained. The staff is knowledgeable about pertinent legal requirements and dedicated to reducing the rate of recidivism. The staff states the focus of the facility is rehabilitation and prevention rather than punishment. They are working with the Placer County Office of Education in providing job-seeking skills and/or educational programs which can lead to a high school diploma.

The JDF continues the Positive Behavioral Intervention Support program. This program allows detainees to earn privileges and/or small rewards through a merit system based on good behavior and following the rules of the JDF.

The Grand Jury commends the staff for providing continuing educational opportunities.

## **Placer County Jails and Holding Facilities:**

### **A 2017-2018 Consolidated Report**

#### **Annual Inspections**

This report summarizes the Grand Jury inspections conducted at the five Placer County jails and holding facilities:

- Historic Courthouse in Auburn (October 13, 2017)
- Placer County Main Jail in Auburn (October 16, 2017)
- Burton Creek Sheriff's Substation in Tahoe City (September 11 & December 13, 2017)
- South Placer Main Jail & South Placer Minimum Security Facility in Roseville (November 13, 2017)
- Gibson Courthouse at Santucci Justice Center in Roseville (November 2, 2017)

The 2017-2018 Grand Jury conducted inspections at each of these facilities and found them all to be clean, well-maintained and secure. Findings for each facility are noted within each individual facility.



# **Affordable Housing**

## **Placer County's Approach**

## Affordable Housing Placer County's Approach

### Summary

Housing is considered affordable when a household pays no more than 30-40 percent of its gross monthly income for housing, including utilities, according to U.S. Department of Housing and Urban Development (HUD).

The solution to providing affordable housing in unincorporated Placer County has been inadequate. Several factors, including the cost of land, challenges of providing public transportation to all areas, and finding developers willing to provide lower cost housing, contribute to the lack of affordable housing. In addition, Placer County's established goals and guidelines have not been implemented. These include:

- an evaluation of existing housing policies and programs;
- a needs assessment, based on data on demographics and housing conditions;
- an analysis of any obstacles to affordable housing production in the county;
- an inventory of all potential sites where housing may be constructed;
- goals, objectives, and policies, defining the county's position on various housing issues and setting measurable targets for meeting housing needs; and
- an action plan identifying the specific steps the county will take to implement its affordable housing policies.

There is an expectation that our government officials address this situation sooner rather than later. Placer County allows developers to contribute an *in-lieu* fee which is deposited into a county trust fund. This fee allows the developer to be exempt from providing affordable housing in their development and is done without a consistent formula or requirement. To date, the trust fund has not been utilized to provide or assist with affordable housing. With housing costs rising rapidly, it is critical to address this situation.

The Grand Jury interviewed personnel from the Executive Office, Community Development Resources Agency (CDRA), and others involved in affordable housing. While acknowledging there is an issue, the county has not progressed effectively in achieving its own stated goals.

Recently, the Placer County Board of Supervisors (BOS) retained an outside consultant to study the affordable housing situation in Placer County and to provide viable suggestions. It is important for Placer County to earnestly focus on the provision of affordable housing.

## Background

Placer County is enjoying a resurgence of housing construction after a slowdown due to the recession. However, not everyone who works in the county can afford to live here. The county has recognized that “affordable housing” (for low to moderate incomes) is a problem. But is it doing enough? To answer the question the Grand Jury decided to investigate this issue.

## Methodology

The 2017-2018 Grand Jury reviewed and researched the CDRA and Placer County’s process for ensuring affordable housing, including but not limited to:

- Review of federal and state affordable housing regulations;
- Review of Placer County and city general plans and housing elements;
- Review of minutes from BOS meetings;
- Review of Placer County website and local print media, and
- Interview of officials from the BOS, County Executive Office, and CDRA.

In addition, the Grand Jury attended a Placer County co-sponsored Housing Forum on March 20, 2018, which focused on small-scale, high-quality infill residential projects that fall on the spectrum between low-density, single-family neighborhoods and large, high-density apartment complexes to address affordable housing issues.

## Facts

- State law (*Government Code §§65580-65589.8 and §§65751-65761*) requires counties and its cities to have a plan to address housing needs of all economic segments.
- In 2017, the CDRA Business Plan included affordable housing as a top priority.
- Builders of larger housing developments are required to construct 10 percent of the development as affordable housing units.
- Developers in Placer County are given an option of an in-lieu fee instead of the 10 percent affordable housing units.

- There is no stated formula for the *in-lieu* fee calculation. For example:
  - Riolo Vineyards made a tax deductible donation of \$575,000 to the developer's charity of choice instead of building affordable housing, and
  - Another paid \$4,000 per unit as an alternative to building affordable housing.
- There currently is approximately one million dollars, designated as *in-lieu* fee funds, in a trust account.
- In January 2018, Placer County approved a contract in the amount of \$186,860, to BAE Urban Economics consulting firm for development of the Regional Housing Strategy and Development Plan.
- Funds in the *in-lieu* trust account are not earmarked at time of this report.
- Placer County co-sponsored a public forum with a focus on possible housing types for varied incomes.
- The city of Roseville has an affordable housing department.
- The county does not have a dedicated affordable housing department.
- The county has plans to build low-cost rental apartments on the Dewitt Center.
- The county does not have a consolidated document or map to illustrate land available for affordable housing units.

## Findings

The Grand Jury found that:

- F1. As of this writing, the county has no stated plans to determine a formula for *in-lieu* fee, or abolish it.
- F2. The building of affordable housing units on the Dewitt Center stems from a commitment the county made when Auburn's Bell Garden Apartments were torn down, resulting in the displacing of the residents.

## Conclusion

The County has taken positive steps to address the issue of affordable housing. We believe further actions are necessary.

## Recommendations

The Grand Jury recommends that Placer County:

- R1. Consider a dedicated unit to meet affordable housing requirements;
- R2. Provide a map of available properties within the county to assist in the development of affordable housing;
- R3. Simplify the process for developers to incorporate affordable housing;
- R4. Enforce the 10% affordable housing requirement when applicable;
- R5. Develop a consistent *in-lieu* fee that enables affordable housing; and
- R6. Focus future housing forums on local developments and include affordable alternatives.

## Request for Responses

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	<b>R1 thru R6</b>	<b>September 30, 2018</b>
<b>Mr. Todd Leopold</b> County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	<b>R1 thru R6</b>	<b>September 30, 2018</b>
<b>Mr. Steven Pedretti</b> Director Community Development Resource Agency 3091 County Center Dr. Auburn, CA 95603	<b>R1 thru R6</b>	<b>September 30, 2018</b>



# **California Public Records Act Compliance**

## California Public Records Act Compliance

### Placer County Sheriff's Department

#### Summary

The Records Division of Placer County Sheriff's Office (PCSO) received requests from a citizen for all records pertaining to an officer-involved shooting resulting in death. Complainant records show that phone calls, letters, and faxes were transmitted to request information relating to the incident. Three fax requests were verified to have been sent to the Sheriff-Coroner-Marshall Office. With no tracking system in place to confirm, the sheriff's office only acknowledges receipt of the third fax. Upon presenting PCSO with the two unacknowledged requests, they indicated they would not have considered them valid California Public Records Act (CPRA) requests. These requests were not responded to, and no effort was made to help the requester develop an effective request that reasonably described identifiable records as required by the CPRA. Government Code §6253(a).1 includes the following:

(a) "When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describe the information technology and physical location in which the records exist.
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

The requirements shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records."

Government Code §6253(c).1 also states:

(c) "Each agency, upon a request for a copy of records, shall, within ten days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor."

One request for records was responded to in the time frame specified in the CPRA; however, no information was provided to the requester. PCSO claimed a blanket exemption for releasing all records due to the “on-going investigation.”

This incident clearly shows that the lack of a countywide tracking system has made it impossible to verify requests received and acted upon. Had a system been in place, as recommended by a previous Grand Jury, it is likely that the original requests would have been processed appropriately.

## Background

A citizen submitted CPRA requests to the PCSO seeking records relating to the death of a family member resulting from an officer-involved shooting. PCSO acknowledged receipt of one of the many requests. The others were not responded to in conformance with regulations outlined in the CPRA. PCSO neglected to:

- Aid the complainant in identifying the records and information requested; and/or
- Provide suggestions for submitting the requests in such a manner they would be considered valid CPRA requests and to help overcome any basis for denial of the records or information sought; and
- Upon receiving a records request, each agency is required within ten business days, to determine whether the request seeks public records that are able to be disclosed. If the records are not able to be released, the requester shall be promptly notified of the reasons for denial.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Reviewed:
  - Records sent via fax, from the complainant and verified that the fax numbers belonged to the PCSO;
  - PCSO copy of the third request from their records;
  - Government Code §6250 (*Et seq.*);

- “The People’s Business: A Guide to the California Public Records Act” published by The League of California Cities in 2017; and
- Interviewed Sheriff’s Administrative Legal Supervisor responsible for CPRA requests.

## Facts

- The California Public Records Act (CPRA) states:  
“In enacting this chapter, the legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Cal. Gov. Code §6250)
- PCSO handles all CPRA requests made to their office and the coroner office.
- PCSO currently attaches all written requests that they consider valid CPRA requests to the case file.
- PCSO does not maintain a centralized CPRA log for verbal, fax, phone, or mail requests.
- Multiple fax requests were made to the Sheriff-Coroner-Marshal Office:
  - Two of those CPRA requests were faxed to the Sheriff-Coroner-Marshal Office, with no response; and
  - One request faxed was responded to in the time frame specified by the CPRA.
- Multiple phone and mail requests made by complainant were not acknowledged.
- PSCO is required to contact a requester if clarification regarding a request is needed.
- The CPRA requires public agencies to permit access to inspection or disclosure of governmental records to the public upon request, unless exempted by law. The code includes articles that mandate:  
“When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:
  - Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
  - Describe the information technology and physical location in which the records exist.

- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

The requirements shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.”

## Findings

The Grand Jury found that:

- F1. PCSO received two faxes they did not interpret as CPRA requests;
- F2. PCSO did not assist in identifying which records the faxes were attempting to request as required by Government Code §6253.1(a):  
“Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated”;
- F3. PCSO currently attaches written requests considered to be valid CPRA requests to the case file; and
- F4. There is no method for tracking phone requests.

## Conclusion

Two requests that were sent to the Placer County Sheriff’s Office were not properly processed in accordance with the CPRA. There is no tracking system in place countywide indicating requests have been received. All requests, whether or not determined to be a valid CPRA request, should be tracked and responded to under the guidelines of the CPRA. If it is determined not to be a valid CPRA request, communication must be made with the requester to assist in making a proper request.

## Recommendations

The Grand Jury recommends that Placer County Sheriff's Department:

- R1. Review all incoming correspondence, and if not considered a valid request, assist the requester in identifying which records are being requested in compliance with the CPRA.
- R2. Acknowledge all requests received in accordance with the guidelines set forth by the CPRA.
- R3. Ensure compliance with the ten-day deadline required by the CPRA.

The Grand Jury recommends that Placer County:

- R4. Identify a public records request coordinator within each department.
- R5. Establish a centralized, countywide tracking system for all verbal, written, phone, and faxed public records requests. This recommendation is for a tracking system and not a single point for submitting or responding to requests. This was also recommended in the 2016-2017 Grand Jury Final Report.

## Request for Responses

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Placer County Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	R4, R5	September 30, 2018
<b>Mr. Devon Bell</b> Placer County Sheriff-Coroner-Marshal 2929 Richardson Drive Auburn, CA 95603	R1, R2, R3, R4, R5	September 30, 2018

### Copies Sent To:

**Mr. Gerald Carden**  
County Counsel  
175 Fulweiler Avenue  
Auburn, CA 95603

**Mr. Todd Leopold**  
County Executive Officer  
175 Fulweiler Avenue  
Auburn, CA 95603



# **County Capital Improvements**

## **Funding Priorities**

## **County Capital Improvements Funding Priorities**

### **Summary**

Each year the Placer County Executive Office (CEO) requires each county department to submit budget requests. Part of every budget is capital improvements, which include remodeling, renovations and major maintenance.

The county follows a process for reviewing and recommending capital improvements to the Placer County Board of Supervisors (BOS) for final approval. Through this process, a department head can submit requests which are then evaluated and reviewed by the Capital Improvement Committee (CIC), made up of representatives of the CEO and Department of Public Works and Facilities (DPWF). After evaluation, a decision is made whether to add the project to the list of desired capital improvements. After projects are approved by the committee, priorities are assigned, and the list goes before the BOS for approval. Upon acceptance, the project is placed on a list of capital improvements known as the “140 Fund List”.

After review of the Fiscal Year 2017-2018 budget, the Grand Jury noticed that projects had been removed or funds had been reduced or transferred between projects. To better understand this process, the Grand Jury decided to investigate. This investigation included interviews with members of the CEO and DPWF to clarify this process. The jury learned that while a capital improvement project may be included in the 140 Fund List, commitment of funds does not occur until a contract is signed. The list remains “fluid” as funding priorities can change, emergencies can happen, or the original cost estimate may have increased. Projects may remain on the list for extended periods between approval and the start of construction.

In 2017, this process underwent changes as the CEO hired a consultant to inspect all County buildings, to determine major maintenance needs, and to establish priorities based upon building conditions. As of this writing, the inspections have been completed, and the information has been incorporated into a software program. This information will be utilized to provide objectivity and efficiency in prioritizing and approving annual expenditures for capital improvements beginning in Fiscal Year 2018-2019.

The Grand Jury concluded this process was clarified and understandable. In the past, it may have been subjective. The addition of an outside consultant should assist in objectivity for prioritization and increase efficiency.

## Background

Each fiscal year a list of proposed capital improvements is approved by the Board of Supervisors and published by the budget officer. When a capital improvement is approved, a dollar amount is allocated. Historically, funds move on and off the list of planned projects. It was not clear how capital improvements are prioritized. The Grand Jury wanted to clarify this process.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Interviewed staff members in the county budget office, Department of Public Works and Facilities, and the Chief Executive Office;
- Reviewed County budget documents;
- Observed an online Board of Supervisors meeting in which capital improvements were discussed; and
- Reviewed the minutes of the Board of Supervisors meetings.

## Facts

- The Placer County Capital Improvements Budget 140 Fund is for structural capital improvements including:
  - Renovations;
  - Major maintenance; and
  - New construction.
- Requests for capital improvements are submitted to the CEO, who then disseminates them to the DPWF for evaluation and preliminary cost estimates.
- DPWF provides its estimate to the CIC, made up of both the CEO and DPWF staff.

- The CIC then reviews and evaluates the requests. The CIC submits list of recommended improvements for the 140 Fund List to the budget officer / CEO.
- The CEO prioritizes the list, allocates funds, and the budget officer presents to the BOS for approval.
- Final approval and/or changes are made at the BOS level.
- The allocated funds are not released until a project is under contract. The funds may be reduced or removed from approved projects if unexpected events occur.
- A consultant, hired by Placer County, has recently completed a survey of all county facilities to prioritize major maintenance requirements over the next twenty years. This data has been entered into a software program that will be used in the prioritizing of capital improvements in the Fiscal Year 2018-2019.

## Findings

The Grand Jury found that:

- F1. Capital improvements include new construction, major maintenance requirements, renovations, and related planning and evaluation.
- F2. Funds may be transferred within the list of approved projects if unexpected events occur, for example, safety, construction scope changes, or a hazardous situation.
- F3. There is no firm commitment of funds for any capital improvement until a contract is actually awarded, at which time it becomes an actual project.
- F4. While renovations may improve appearance and use of a facility, they may not be considered a necessity and are secondary to a major maintenance project.
- F5. Through Fiscal Year 2017-2018 there has been no consistent method of prioritizing the capital improvements for funding.

## **Conclusion**

The Grand Jury believes the current process of transferring funds is justifiable and transparent. The addition of the outside consultant and the software program should increase efficiency and provide objectivity to the funding process for future capital improvements.

The Grand Jury commends the CEO for their approach to developing a method of prioritizing the funding of capital improvements by use of the survey.

## **Recommendations**

The Grand Jury recommends:

- R1. Placer County review the effectiveness of the new capital improvement prioritization process for Fiscal Year 2018-2019.

## Request for Responses

Recommendations  
Requiring Response

Response Due Date

Copy sent to:

**Placer County Board of Supervisors**  
175 Fulweiler Avenue  
Auburn, CA 95603

**Emergency Preparedness  
of Schools**

# **Emergency Preparedness**

## **Placer County Schools**

# Emergency Preparedness Placer County Schools

## Summary

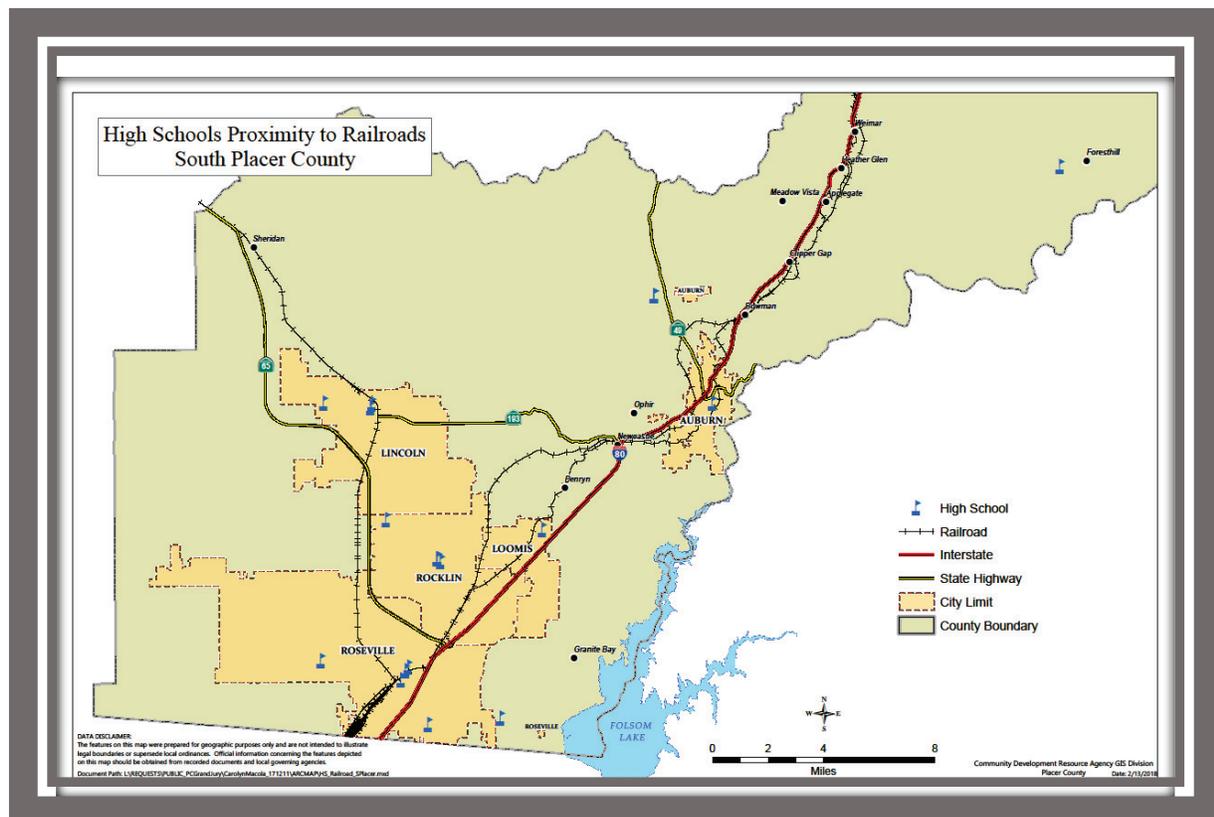
The February 2017 Oroville Dam mandatory evacuation of the local communities, due to the potential threat of the dam’s spillway failing, prompted the 2017-2018 Grand Jury to research the emergency management protocols for one of our vulnerable population groups, school-age children.

The following three maps (from Placer County Community Development Resource Agency Geographic Information Systems Division) highlight South Placer County high schools in relation to the three possible threats identified in the Placer County Hazardous Mitigation Plan:

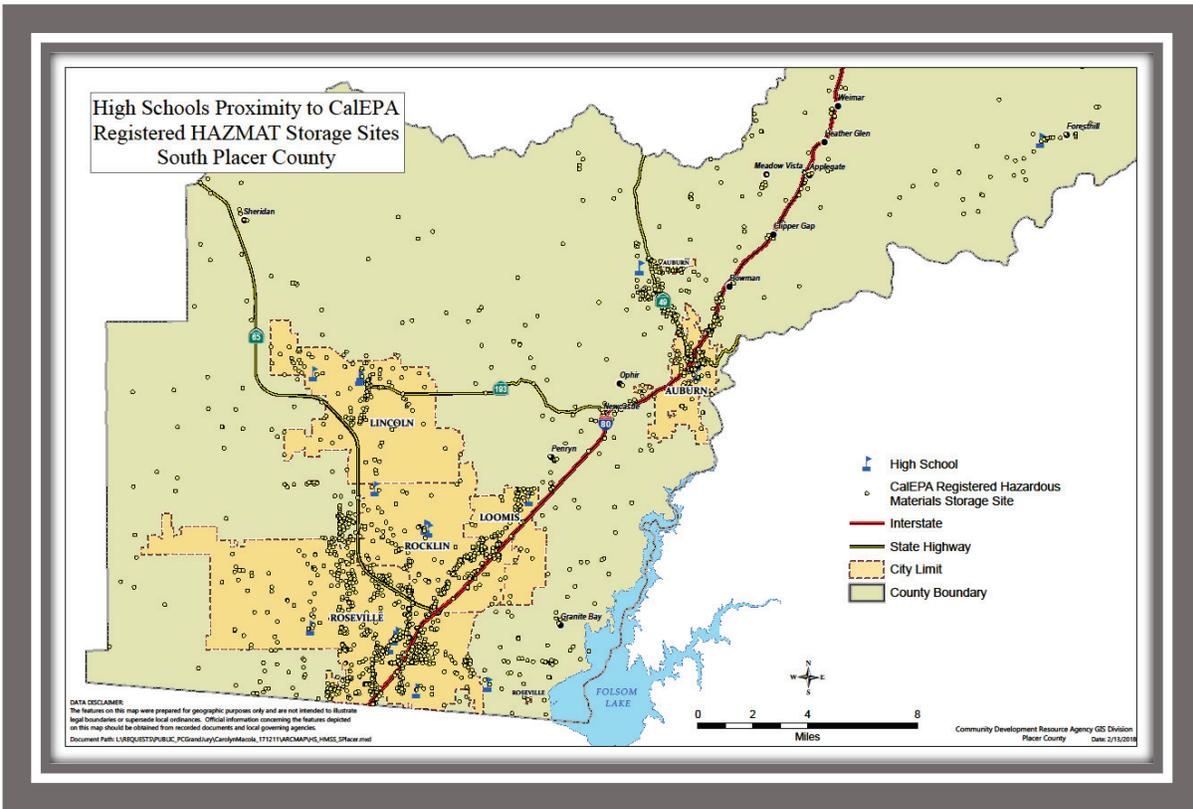
- Railroad incidents (**Map 1**);
- California Environmental Protection Agency’s (CalEPA) registered hazardous materials (HAZMAT) storage sites (**Map 2**); and
- Wildfires (**Map 3**).

Our facts, findings, and recommendations focus on these possible scenarios to determine how prepared schools are to ensure “Kids are Safe”.

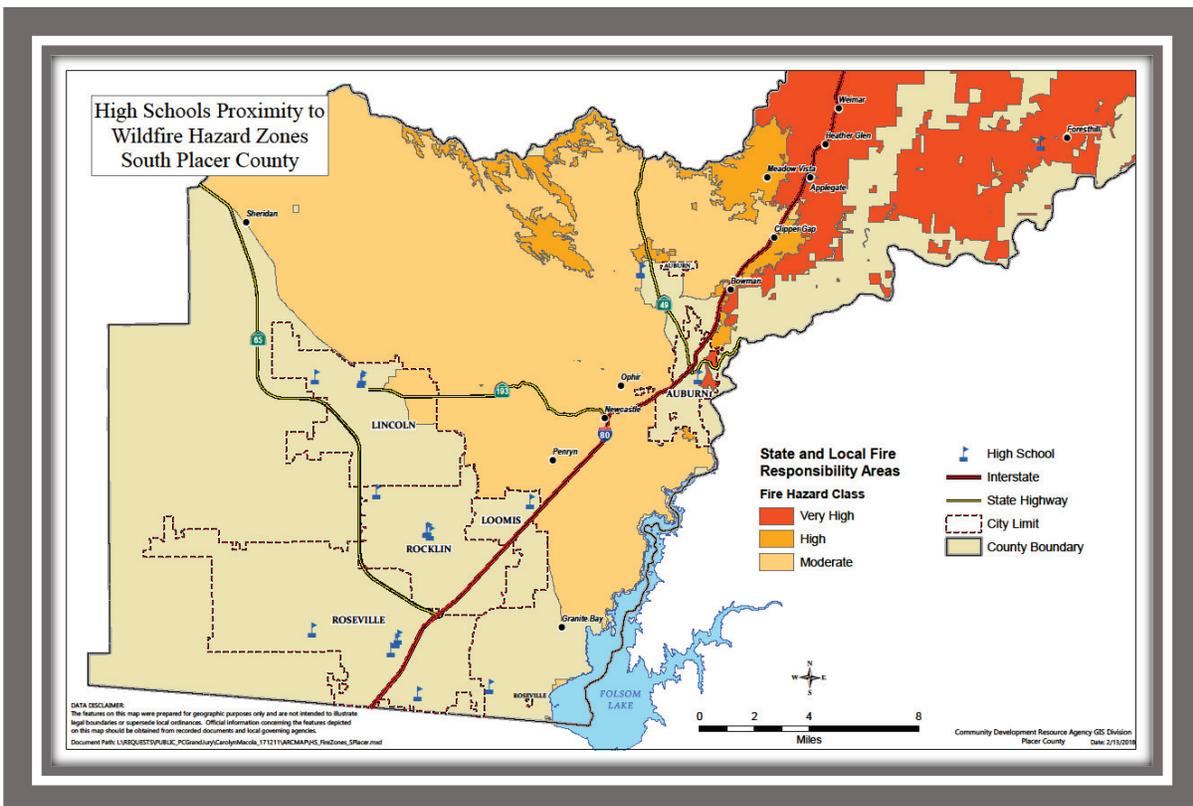
*Map 1 - South Placer County High School Locations Relative to Railroad Tracks*



Map 2 South Placer County High Schools Relative to Registered HAZMAT Storage Sites



Map 3 - South Placer County High School's Locations Relative to Wildfire Severity Zones



Legal disaster management requirements for California schools are overseen by the California Department of Education (CDE). The investigation tried to determine if Placer County’s high schools are prepared in the event of a disaster by using the Crisis Management Planning Checklist. This checklist is noted within the “*Safe Schools: A Planning Guide for Action Workbook*”, and is required by California Code of Regulations (CCR) §32282(b). This checklist aligns with the State Emergency Management System (SEMS).

The Grand Jury selected this approach for this investigation for the following reasons:

- It ensures compliance with state legal requirements regarding public schools’ emergency management procedures (aka Crisis Management Plan); and
- If in compliance with the National Incident Management System requirements, the respective school is eligible for federal monies for recovery efforts.

Using the Crisis Management Planning Checklist (**Appendix 1**) as a foundation, the three selected high schools’ safety plans were reviewed to determine if they met the existing requirements. **Appendix 1** is a visual summary of the findings with red (no compliance), yellow (possible compliance), and green (compliance) when compared to the checklist requirements.

## Background

California Education Code §§32280-32289 require a comprehensive school safety plan for all California schools. In August 2017, the Bureau of State Audits published a report titled *School Violence Prevention: School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies*. Placer County was audited and found to be deficient in several areas, including monitoring and improving school safety plans during emergencies.

In the interest of these deficiencies, the Grand Jury reviewed Placer County’s schools emergency management systems (EMS). The EMS of three high schools in different districts were selected for review. Using the *Placer County 2016 Local Hazard Mitigation Plan* as a basis, three possible hazards likely to impact Placer County schools were identified:

- Train derailment (Roseville High School);
- Release of hazardous materials (Lincoln High School); and
- Wildfires (Foresthill High School).

Considering these specific hazards, these schools were chosen to determine compliance with current California school emergency/disaster management requirements.

## Methodology

The 2017-2018 Placer County Grand Jury performed the following:

Agencies interviewed:

- Placer County Office of Education (PCOE) personnel;
- Roseville High School personnel;
- Lincoln High School personnel;
- Foresthill High School personnel; and
- Respective district area superintendents.

Sites visited included:

- Roseville High School;
- Lincoln High School; and
- Foresthill High School.

Documents reviewed included, but not limited to:

- *Placer County 2016 Local Hazard Mitigation Plan*;
- California Education Code §32282 pertaining to Emergency Management
- *Safe Schools: A Planning Guide for Action Workbook*, 2002, containing the SEMS Regulation, (§32282(b));
- California State Auditor Report Number 2016-136 *School Violence Prevention: School Districts, County Offices of Education, and the State Must Do More to Ensure That School Safety Plans Help Protect Students and Staff During Emergencies*; and
- California Office of Emergency Services documents pertaining to school systems.

## Facts

- The CDE requires all California Schools to maintain a school safety plan consistent with the SEMS guidelines (CCR §32282(b)).
- There are sixteen school districts in Placer County.
- Each school is responsible for developing, approving, and maintaining its own safety plan.

- Annually, individual school safety plans are required to be updated and submitted to their respective district office.
- There is no standardized template used to draft safety plans between districts.
- Schools have a school site council or a school safety planning committee, usually comprised of the principal or designee, a parent, a teacher, a classified employee, and any other members as desired, who are supposed to help develop a comprehensive school safety plan.
- Every school within the districts reviewed operates differently when it comes to emergency preparedness.
- There is no legal requirement for PCOE (which is a district itself) to oversee the other school districts' safety plans within the county.
- Schools throughout the reviewed districts utilize internal communication systems to alert students, teachers, staff and parents of unfolding emergencies.
- The State of California allots budgets to school districts within each county, allowing each school to spend money on their own site-specific needs (books, athletic equipment, classroom supplies, emergency supplies, etc.).
- Sufficient supplies to handle an emergency that may last up to three or four days, (water, food, blankets, etc.) are not available in all classrooms of schools reviewed and visited.
- After Action Report (AAR) or "Lessons Learned" reports are required.
- Substitute teachers' emergency management training differs among districts.
- Due to the age of certain schools, not all windows are equipped with safety glass or covered with protective film.
- Of the schools visited, one school had an open campus for students to leave for lunch. There was no sign-out sheet for these departing students, and there is no requirement for schools to do so.
- No district reviewed set aside funds specifically for emergency preparedness or safety planning.
- All reviewed schools do have a logbook for visitors to sign.

## Findings:

The Grand Jury found that:

- F1. Focus on SEMS requirements was not consistent, i.e., if there are adequate supplies in each classroom in case of an extended shelter-in-place, such as during a HAZMAT incident from a nearby train derailment. These supplies include, but are not limited to, bottled water, snacks, a radio or cell phone for interclass room communication.
- F2. Each school reviewed in the three different districts named its school safety plan by different titles, leading to confusion if someone asks for a safety plan.
  - a. Roseville HS (Roseville Joint Union High School District): *Crisis Response Site Plan*, as well as the *PCOE Comprehensive School Safety Plan for Roseville High School*
  - b. Lincoln HS (Western Placer Unified School District): *Comprehensive School Site Safety Plan* (subtitle: *Crisis Response Plan*, with a title on the top of the document: *District Crisis Response Plan*; document is also titled *Comprehensive Safe School Plan* on pg. 59 inside the plan itself)
  - c. Foresthill High School (Placer Union High School District): *Comprehensive Safe School Plan*
- F3. Each school safety plan reviewed contained different elements of how to respond to various emergencies (including wildfires or a nearby train derailment with HAZMAT release) versus complying with all elements of the state-mandated SEMS checklist.
- F4. School districts select internal emergency communications systems, such as Catapult and School Messenger, based on a variety of reasons, i.e., budget constraints within their districts, needs of their individual schools, etc.
- F5. There is no central Placer County oversight regarding schools allocating funds for emergency preparedness (supplies, training, etc.) for potential incidents such as HAZMAT release, wildfire evacuation, or surrounding effects of a train derailment.
- F6. Schools are not creating after-action reports following safety drills or actual emergency responses. Lessons learned from the drills and responses are only debriefed verbally among districts.
- F7. District superintendents leave it up to their principals to decide what that school's budget priorities are (books, athletic equipment, safety equipment, supplies for an extended shelter-in-place due to a disaster threatening the local school area, etc.)

- F8. One school had snacks and water stored in each classroom in case there was an extended lockdown or shelter-in-place for the school if there was a nearby natural disaster. In addition, it also had an inexpensive backpack in each classroom to carry these items outside, along with other safety items such as a flashlight, radio, etc., if needed.
- F9. Substitute teachers get inconsistent information about responding to various emergencies.
  - a. They are at a disadvantage moving between districts because of lack of standardization of emergency plans.
  - b. They must have their own cellphones to be notified in case of emergency while they are on the school campus.
- F10. Due to the age of some schools, upgrading facilities to improve safety, such as doors that lock from the inside and reinforced glass, are large budget items which have to be prioritized with other needs at each school.
- F11. While not state-mandated, PCOE initiated quarterly safety meetings, inviting all districts to attend.
- F12. There is not a single, standardized emergency communication system used across the three reviewed school districts.
- F13. Open campuses cannot account for students who leave the campus for lunch.
- F14. The reviewed schools do work with their local first responders (fire, police, EMTs) and include them in emergency planning and training. However, there was no consistent training found for such potential disasters as train derailments, wildfires, and HAZMAT release.

## Conclusion

By its nature, Placer County oversight is spread among various organizations responsible for emergency management systems, i.e., Office of Emergency Services, law enforcement agencies, CalFire, the impacted school district, etc. This decentralization may be detrimental in the event of a large scale incident that may last several days or impact several schools in one area. This is due to different terminology among responding agencies, different definitions of response kits, different communication systems, and different emergency response checklists.

The SEMS checklist standardizes many of the above noted differences into a shared template. All involved parties will then have a common reference of the key items needed to remain focused to safeguard lives and property as the incident unfolds and eventually stabilizes. The

SEMS checklist also helps those individuals who fulfill unexpected roles during the emergency as to what to do, when, and how.

Implementing the recommendations below would strengthen Placer County's response to a multi-jurisdictional incident, i.e., train derailment, HAZMAT release, or wildfire affecting schools.

The dedication and knowledge of everyone interviewed who are responsible for keeping Placer County's children safe is inspiring. "**Thank You**" for the work you do every day with our future leaders/citizens.

## Recommendations

The Grand Jury recommends that:

- R1. Superintendents and principals meet to discuss emergency preparedness planning prior to an emergency occurring.
- R2. PCOE and school districts each consider permanently hiring a safety officer (in addition to the school resource officer) solely dedicated to emergency planning and preparedness to:
  - a. Conduct thorough reviews of all Placer County school districts' safety plans annually;
  - b. Develop a standardized school safety plan template based on CDE and SEMS guidelines for all districts;
  - c. Standardize the title of school safety plans within Placer County; and
  - d. Assist principals in developing appendices for external site-specific issues, i.e., wildfire near school grounds, school response for a HAZMAT incident after a train derailment in a nearby rail yard, etc.
- R3. All district superintendents share information of their respective communication systems (pros and cons) as a main topic during one of PCOE's quarterly safety meetings.
  - a. All schools need a reliable community-wide vs. site-specific way to communicate with the public, first responders, teachers, parents, and students via email, text, and/or voice in the event of an emergency affecting a campus.



*Figure 2 Supplies stored at Foresthill High School for emergency preparedness*



- R10. Schools purchase cell phones connected to its respective internal communication systems for substitute teachers, volunteer staff, etc., to enhance their campus communication access during emergencies.
- R11. School districts research the Federal Emergency Management Agency website for applicable grant monies. (Source: <https://www.fema.gov/grants>)
- R12. School districts consider sending educational staff to the Center for Domestic Preparedness training site for additional skills necessary to respond to emergency/disaster events. Federal money is available to pay for training/transportation. (Source: <https://cdp.dhs.gov/>)

## Appendix 1

### Crisis Management Planning Checklist Matrix

(Based on review of the three school's safety plans submitted to the Grand Jury)

Date of Crisis Response Plan Provided	Apr. 13 <sup>th</sup> 2017	Nov. 28 <sup>th</sup> 2016	Nov 1 <sup>st</sup> 2017 & Oct. 2015
	Foresthill HS	Lincoln HS	Roseville HS
<b>PREPAREDNESS</b>			
a. Does the school have a disaster plan?	Green	Green	Green
Is the plan compliant with the five principles of SEMS?	Green	Red	Red
Has District legal staff reviewed the crisis response procedures and forms?	Yellow	Red	Red
b. Does the school have plans/procedures for handling crisis situations:			
Before they happen?	Green	Red	Green
When they happen?	Green	Red	Green
Post-crisis follow-up?	Yellow	Yellow	Green
c. Is the staff trained to respond to alerts for lockdowns and evacuations?	Yellow	Red	Yellow
d. Is there an alternate site for evacuations (secure/contained)?	Green	Green	Red
e. Have Crisis Response Team members been trained to perform their roles and responsibilities relating to SEMS principles?	Yellow	Yellow	Red
f. Has there been an inventory of staff skills?	Yellow	Red	Yellow
Has there been training in first aid, damage assessment, search and rescue, fire suppression?	Yellow	Red	Yellow
g. Does staff know location of main gas, electricity, water shutoff valves?	Yellow	Red	Yellow
h. Is there a list and map of location of first aid supplies?	Yellow	Red	Yellow
i. Is staff aware that they are disaster service workers and what that entails? (Government Code Sec. 3100)	Green	Red	Yellow
j. Are there sufficient supplies to handle an emergency that may last up to three or four days? (Water, food, blankets, etc.)	Red	Red	Yellow
k. Is everyone aware of primary, and alternate, evacuation routes?	Green	Green	Yellow
Are practice evacuation drills planned?	Yellow	Yellow	Yellow
How often are drills practiced?	Yellow	Yellow	Yellow
l. Is there a police liaison?	Yellow	Yellow	Green

Date of Crisis Response Plan Provided	Apr. 13 <sup>th</sup> 2017	Nov. 28 <sup>th</sup> 2016	Nov 1 <sup>st</sup> 2017 & Oct 2015
School	Foresthill HS	Lincoln HS	Roseville HS
m. Is there a media liaison and a plan for contacting media?	Yellow	Red	Yellow
n. Is there a working relationship with community service providers?	Yellow	Red	Yellow
Is there a list of telephone #s and contact person(s)?	Green	Red	Yellow
o. Does the CRT have a telephone tree?	Green	Red	Yellow
p. Is there a designated space for service providers who are involved in crisis management and for community meetings?	Yellow	Red	Yellow
q. Are there printed forms to help in crisis management?	Green	Red	Red
r. Are there procedures for annual in-service training for new staff and review for all staff?	Yellow	Red	Red
<b>MITIGATION</b>			
a. Are bookshelves/file cabinets/etc. bolted to the wall?	Yellow	Yellow	Yellow
b. Have heavy objects been removed from the tops of bookshelves/cupboards?	Yellow	Yellow	Yellow
c. Have windows been equipped with safety glass or covered with protective film?	Yellow	Yellow	Yellow
d. Are partitions/ceilings/overhead lights, air ducts secured to the structure of the building?	Yellow	Yellow	Yellow
e. Have inventories been made of hazardous chemicals (science buildings and maintenance shops)?	Yellow	Yellow	Yellow
f. Does school curriculum include an earthquake/disaster preparedness program?	Yellow	Red	Yellow
g. Has the school developed programs for staff, and parent groups, to discuss school policies regarding student release versus a holding period?	Yellow	Red	Green
h. Are parents/students encouraged to develop emergency plans for their home?	Red	Red	Yellow
i. Does the school have a system for storing vital data and records?	Red	Red	Yellow
Are there duplicate copies of important data stored off-site?	Red	Red	Yellow
<b>EMERGENCY RESPONSE</b>			
a. Have staff and others been directed not to repeat information until verification is received?	Yellow	Red	Yellow
b. Is there a procedure for notifying the Superintendent?	Green	Yellow	Green
c. Is there a system for convening the CRT and reviewing duties?	Green	Red	Green
For notifying staff (counselors, psychologists, other social workers)?	Green	Red	Green

Date of Crisis Response Plan Provided	Apr. 13 <sup>th</sup> 2017	Nov. 28 <sup>th</sup> 2016	Nov 1 <sup>st</sup> 2017 & Oct 2015
School	Foresthill HS	Lincoln HS	Roseville HS
d. Is there a procedure for releasing students to parents (or designated responsible parties)?	Red	Red	Yellow
e. Does the school have emergency sanitation procedures?	Red	Red	Red
f. Is there an assigned spokesperson?	Red	Red	Green
Is there a translator for non-English speaking parents/guardians?	Yellow	Yellow	Red
g. Has a central emergency operations center (EOC)/command post, or other central planning area been identified?	Green	Green	Green
h. Has the EOC been equipped with:	Grey		
Maps of the campus/facilities/hazards in the area?	Yellow	Yellow	Yellow
Enrollment sheet for the current year?	Yellow	Yellow	Yellow
First-aid supplies and other tools to manage the emergency response after the disaster?	Yellow	Yellow	Yellow
i. As needed, are there assigned team members/staff to:	Grey		
Work with EMTs to identify students, get a list of hospitals where students have been sent?	Red	Red	Yellow
Supervise parent-student reunification?	Red	Red	Yellow
Supervise the grounds/evacuation area?	Red	Red	Green
Direct media/politicians/other non-emergency personnel to an alternate site (away from emergency response area) and deal with their questions?	Red	Red	Yellow
Notify parents, support staff, and feeder schools?	Red	Red	Green
Provide support to staff?	Red	Red	Green
Collect student belongings?	Red	Red	Red
<b>RECOVERY</b>	Grey		
a. Does the school have a plan for a faculty meeting to update staff as soon as possible and let them discuss feelings/reactions?	Red	Red	Green
b. Is there a plan to debrief the CRT as soon as possible?	Red	Red	Green
Is there an After Action Report (AAR) or "Lessons Learned" report written?	Red	Red	Red
c. Are there absentee policies for teachers/students after a disaster?	Red	Red	Yellow
d. Is there a procedure to check with families to see if memorial service or funeral information can be given to others?	Red	Red	Yellow
e. Is there a procedure for making a formal statement or announcement?	Red	Red	Green

Date of Crisis Response Plan Provided	Apr. 13 <sup>th</sup> 2017	Nov. 28 <sup>th</sup> 2016	Nov 1 <sup>st</sup> 2017 & Oct 2015
School	Foresthill HS	Lincoln HS	Roseville HS
f. Has the school identified additional students/staff/parents most likely to be affected by the news of the crisis and assigned staff/community professionals to assist them?	Red	Red	Green
g. Is there a procedure for assessing/communicating the need for additional community resources?	Red	Red	Green
h. Is there a plan for absent/affected/substitute teachers?	Red	Red	Red
i. Does the school have a list of suggested readings for teachers, parents, and students on grief, suicidal ideation, and other post-traumatic stress reactions?	Red	Red	Red
j. Post-disaster, is there a plan for amending crisis response procedures?	Red	Red	Red
k. Is there an agreement with mental health organizations to provide counseling to students and their families after the disaster?	Red	Red	Yellow
l. Has the school established alternative teaching methods for students unable to return immediately to classes (e.g. correspondence classes, tele-teaching, group tutoring)?	Red	Red	Red
m. Is there a plan for conducting classes elsewhere if buildings are damaged (e.g., half-day sessions, alternative sites, portable classrooms)?	Red	Red	Red
n. Does the school have a plan for helping students cope with feelings of loss, grief, and lack of control following a disaster and do staff members have training to watch for potential suicidal tendencies?	Red	Red	Green
o. Is there a plan to monitor crisis anniversaries? (9/11, Columbine, Sandy Hook, etc.)	Red	Red	Green

## Request for Responses:

	<u>Recommendations Requiring Response</u>	<u>Date Response Due</u>
<b>Ms. Gayle Garbolino-Mojica</b> Placer County Superintendent of Schools, Placer County Office of Education (PCOE) 360 Nevada Street Auburn, CA 95603	<b>R1 thru R12</b>	<b>September 30, 2018</b>
<b>Roseville Joint Union High School District School Board</b> 1750 Cirby Way Roseville, CA 95661	<b>R1 thru R12</b>	<b>September 30, 2018</b>
<b>Mr. Ron Severson</b> Superintendent Roseville Joint Union High School District 1750 Cirby Way Roseville, CA 95661	<b>R1 thru R12</b>	<b>August 31, 2018</b>
<b>Mr. Dave Burt</b> Principal Roseville High School 1 Tiger Way Roseville, CA 95678	<b>R1, R4, R6, R7, R9, R10</b>	<b>August 31, 2018</b>

## Request for Responses:

	<u>Recommendations Requiring Response</u>	<u>Date Response Due</u>
<b>Western Placer Unified School District School Board</b> 600 6 <sup>th</sup> Street Lincoln, CA 95603	<b>R1 thru R12</b>	<b>September 30, 2018</b>
<b>Mr. Scott Leaman</b> Superintendent Western Placer Unified School District 810 J Street Lincoln, CA 95648	<b>R1 thru R12</b>	<b>August 31, 2018</b>
<b>Mr. Jay Berns</b> Principal Lincoln High School 790 J Street Lincoln, CA 95648	<b>R1, R4, R5, R6, R7, R9, R10</b>	<b>August 31, 2018</b>
<b>Placer Union High School District Board of Trustees</b> 13000 New Airport Road Auburn, CA 95603	<b>R1 thru R12</b>	<b>September 30, 2018</b>
<b>Dr. George Sziraki</b> Superintendent Placer Union High School District 13000 New Airport Road Auburn, CA 95603	<b>R1 thru R12</b>	<b>August 31, 2018</b>

**Request for Responses:**

	<b><u>Recommendations Requiring Response</u></b>	<b><u>Date Response Due</u></b>
<b>Mr. Randy Ittner</b> Principal Foresthill High School 23319 Foresthill Road Foresthill, CA 95631	<b>R1, R4, R6, R7, R9, R10</b>	<b>August 31, 2018</b>

**Copies sent to:**

**Placer County Board of Supervisors**  
175 Fulweiler Avenue  
Auburn, CA 95603

**Mr. Devon Bell**  
Placer County Sheriff-Coroner-Marshal  
2929 Richardson Drive  
Auburn, CA 95603

**Office of Emergency Services**  
2968 Richardson Drive  
Auburn, CA 95603



# **Placer County Sheriff's Burton Creek Substation**

**A 30-Year Historical Review**

## Placer County Sheriff's Burton Creek Substation A 30-Year Historical Review

### Summary

Since 1999, the Tahoe Burton Creek Substation (BC) has repeatedly been identified by the Grand Jury (GJ) as in need of renovations or replacement. Despite numerous reports on this issue, the Board of Supervisors (BOS) has failed to fulfill commitments to resolve deficiencies of this substation.

The Tahoe Substation was built in 1959 to support the needs of the sheriff's department during the first Winter Olympics scheduled in Squaw Valley in 1960. It was designed as a holding facility for detaining eight inmates for less than twelve hours. It included:

- A courtroom used for arraignments;
- An office for district attorney staff; and
- A sheriff's department substation.

Over fifty years later, this building is still in place, just east of Tahoe City, serving the needs of the northern Tahoe Basin and the surrounding ski areas which includes a population of 65,000 and approximately 3 million visitors per year. There are several elements that represent the full picture at the Burton Creek Substation (referred to as the Tahoe Justice Center) and the complexities that have surrounded the three-decade-long question on how best to proceed with an all-inclusive facility. A new facility would ideally not only meet the inmate detention and processing needs for the Placer County portion of Lake Tahoe, but would also satisfy the courtroom requirements that likewise exist in conjunction with this facility. The most important and challenging of these elements are the location of the facility and the sensitivity of the land on which it currently resides.

The current location is ideal because it is centrally located in the Tahoe Basin and provides for response times that align with the sheriff's department policies. To build here will be difficult because Burton Creek Substation is positioned on 9½ acres of land that is in the jurisdiction of the Tahoe Regional Planning Agency (TRPA). A large portion of this land is environmentally sensitive and is regulated by state guidelines on how much of the land may be built upon. The land regulations that affect the Burton Creek area and the option of utilizing that land to rebuild pose challenges.

In 2001, Placer County entered into a contractual agreement with Nevada County to provide services that the BC substation is classified as a *temporary holding facility* and is not constructed

to provide overnight detention services. The BC jail is used as a holding facility during business hours Monday through Thursday. In the 2017-2018 fiscal year, Placer County paid \$433,590 to the Nevada County (NVCO) Justice Center in Truckee for overnight and weekend booking services and detention for arrestees. In 2017, ninety-three arrestees were admitted to the Truckee facility for those services. Arrestees not accepted by NVCO were transported by Placer County Sheriff's Office (PCSO) to a Placer County facility. The cost of this contract has increased an average of 4.3 percent annually, with no apparent review of the services actually provided.

The Judicial Council (JC) also plays an integral role in future decisions made about BC. As a result of the *Trial Courts Facility Act of 2002*, Placer County is required to provide courtroom space for the JC to use in conjunction with the terms of this act. If space is not provided for the JC, penalties may be incurred by Placer County, as set forth in the act. This makes it necessary to consider these requirements when determining the future of the BC substation facility.

Throughout the past thirty years, the Grand Jury has evaluated the BC facility, as part of its mandated responsibility to conduct annual jail facility inspections and to report its findings to the BOS. During this time, the Grand Jury, PCSO, and the BOS have agreed this aging facility should be replaced. Since 1989, funds have been allocated to relocate the substation or to build a comprehensive Tahoe Justice Center. Instead, the county has ultimately transferred these funds to other capital expenditures. Safety concerns have also repeatedly been highlighted in previous Grand Jury reports. The BOS has not always followed through with assurances to the Grand Jury to correct these inadequacies. These responses to these Grand Jury reports shed light on the opinions of the BOS regarding the importance of replacement/relocation of the BC facility.

**(Appendix 1- Table 1)**

In 2005 a consultant report titled *Site Analysis- Future Tahoe Justice Center 2005*, was requested by the BOS at a cost, to the County, of \$75,000. This report analyzed the possible scenarios and locations that, at the time, existed in regards to the proposed Tahoe Justice Center. It included information from consultants familiar with the challenges involving criminal justice relocation efforts. This report identified Burton Creek land as the preferred location to construct a new Tahoe Justice Center. The report indicates that operations could continue on-site while construction takes place.

The Placer County Grand Jury decided to take an in-depth look at the current situation with regards to the deficiencies of the BC Substation. Alternatives to alleviate Placer County taxpayers the expense of the NVCO contract that is necessary to compensate for Burton Creek's shortcomings were also examined.

Over the years, some improvements have been made to the facility. The building is outdated to the extent it cannot be brought up to Americans with Disability Act (ADA) standards without considerable expense. The building also lacks a 96-hour holding facility which necessitates the need for the contract with NVCO in order to accommodate overnight inmates.

It is the recommendation of the Placer County Grand Jury that the BOS finally make good on continued assurances that this facility will be replaced. If the BOS does not replace or rebuild Burton Creek, they should explore any opportunities that may exist to lessen the financial impact this facility places on Placer County taxpayers.

## Background

### *Overview*

The Burton Creek Substation, built in 1959, has been the subject of multiple Grand Jury inspection reports and recommendations for the past three decades. Over the past three decades, in response to the Grand Jury reports, the Board of Supervisors has repeatedly stated its intent to build a modern Tahoe Justice Center. However, little progress has been made to secure a new location for this facility. An in-depth look for alternatives to building a new substation, in order to lessen the financial impact this facility places on the county, has never been done. Though the BOS is commended for the minor improvements that have been made to make the facility safer, it still continues to be out of compliance with ADA requirements and lacking in fire safety.

The facility includes four holding cells, a courtroom, and offices to support the sheriff and district attorney. As indicated in previous reports, the facility is non-compliant with county ADA guidelines that state, “All publicly-owned buildings must comply with federal ADA requirements.”<sup>1</sup> It is also lacking in other safety-related features that more modern facilities provide.

The substation is not currently allowed to accommodate overnight, extended, or weekend inmates. As a result of this insufficiency, Placer County has contracted with Nevada County since 2001 to provide off-hour booking and detention services at its Truckee facility. The contract is renewed on a yearly basis.

In 2017:

- PCSO utilized NCSO booking services for ninety-three arrestees.
- Twenty-one additional arrestees were directly transported to Auburn Jail for medical reasons, or because PCSO knew they would be denied booking services at NCSO.
- Ten additional arrestees were rejected from NCSO.
- All other arrests were released without incarceration

<sup>1</sup> <https://www.placer.ca.gov/departments/communitydevelopment/building/accessibility-regulations>

The 2017 contract fee of \$433,590 averages to a booking services and detention cost of \$4,662 per arrestee. This is for an average stay of less than 24-hours. This compares to the \$553 booking fee for 2017-2018 in Placer County, as determined by county consultant MGT of America. Though this fee structure seems costly, the Grand Jury recognizes that the cost to staff a 96-hour facility at Burton Creek would be significantly higher; this illustrates some of the complexities involved in resolving this issue.

### ***The Land at Burton Creek***

All land in the Tahoe Basin Region, but particularly land considered to be Stream Environment Zone (SEZ), has strict development limitations imposed by The Tahoe Regional Planning Agency (TRPA). This property consists of 9½ acres. Six and a half of these acres are nestled in what is called a Marsh- *Mh(1b)*, or a Stream Environment Zone (SEZ), Class 1b area, which is highly protected land.

Currently, the coverage at Burton Creek (which includes buildings, pavement, and compacted dirt) is less than three acres. Whatever portion of the land that was already covered when TRPA was founded in the 1970's, should have been grandfathered in as an acceptable amount of land coverage, even though it exceeds the total allowable coverage as imposed by the TRPA.

**(Appendix 2- Table 1)** During the course of the investigation, it was discovered that this process was never formally completed. Any future changes to the coverage at Burton Creek will result in “coverage fees” since the current land coverage was not grandfathered and confirmed.

The *Site Analysis- Future Tahoe Justice Center* report recommended option is to rebuild Burton Creek in the existing location. The coverage must not exceed the present coverage indicated in the most recent *Land Capability Report*. TRPA would ideally like to see the land returned to its natural state, and there is a monetary value in the form of credits or funds to do so. These credits or funds could be used toward relocating or rebuilding the Tahoe Justice Center. For Class 1b parcels, TRPA created a program for the transfer of developmental rights to other, less sensitive parcels. In this way, development can be moved away from the most sensitive areas and property owners can still realize value from their land.<sup>2</sup> This is accomplished through the California Tahoe Conservancy (CTC). The CTC is a non-regulatory agency that operates the Land Bank Program on the California side of the Lake Tahoe Basin. If Placer County were to restore the entire 88,993 square feet of coverage, the marketable rights would be approximately, \$2,224,825.

<sup>2</sup> Tahoe Regional Planning Agency: <http://www.trpa.org/permitting/land-coverage/> 2018.

### ***The Courts at Burton Creek Substation***

The Trial Court Facilities Act of 2002 (TCFA) required Placer County to enter into a Transfer of Responsibility (TOR) agreement for each court or building that contains a court facility. This agreement transferred funding and operation of the courts by the required June 30, 2007 date. An agreement was reached to implement a “deferred transfer” for continued use of the BC courtroom that delegated authority from the Judicial Council back to the County to retain responsibility to operate and maintain the courtroom. This was entered into, in lieu of the required TOR, due to the age and condition of the courtroom and the “future plans of the County to construct a replacement facility.”<sup>3</sup>

Should Placer County choose to move to a location that is not inclusive of the courts, then the Deferred Transfer Agreement outlines that its responsibilities would be to “compensate the Courts for full replacement costs plus rent and moving expenses.”<sup>3</sup>

### ***Board of Supervisors***

Another important aspect of this review is to note that Grand Jury reports over the past thirty years have recommended relocating or rebuilding the Burton Creek Substation. As required by law, the BOS and the PCSO have issued responses to these recommendations. They have repeatedly failed to act on the commitments made in these responses. The detailed responses from these Officials are set forth in **Appendix 1- Table 1**.

### ***The 2005 Site Analysis – Future Tahoe Justice Center***

The BOS contracted with consultants, at a fee of \$75,000, to perform and publish a *Site Analysis Report- Future Tahoe Justice Center*, dated September 8, 2005. This report analyzes three potential site scenarios, as well as three possible “Criminal Justice Center (CJC)” building site locations. After reviewing this analysis in its entirety, it is clear that this report favored Burton Creek as the preferable location for a new Tahoe Justice Center. Though other options were analyzed and explored, it is apparent that each included its own distinct challenges, of which Burton Creek posed the fewest.

### ***Funds and Finances of the Tahoe Justice Center***

The Burton Creek Substation was originally funded to be rebuilt in 1989. During these early years, this Tahoe Justice Center Project was estimated at \$6-\$8 million to rebuild or replace. This price tag is now in the range of \$60-\$70 million. This would provide the county with a facility that would incorporate the full needs of the Tahoe Basin and surrounding areas in Placer County, thus doing away with the need for the jail services contract with NVCO.

<sup>3</sup> Source: Memorandum CEO County of Placer 2008, titled: “Transfer of Courtroom Facilities Responsibility”

On at least two occasions, in 2006 and 2012, the county made what appeared to be a firm commitment to build a new Tahoe Justice Center, either at the existing location or at an alternate location. This involved earmarking funds for the project. In both instances, the BOS decided to subsequently divert the funds elsewhere in the county for what was deemed to be higher priority capital improvements. A process of prioritizing was necessary to identify which capital projects were of greater necessity than others. It was during this time that the Tahoe Justice Center Site Acquisition Project was delayed, moving it from a Tier 1 to a Tier 3.<sup>4</sup> It was estimated in 2016 to be a \$51.6 million project. The project summary also indicated a time line for site acquisition by 2018 and full design delivery by 2022. The funding sources identified for this project were Capital Facility Impact Fees, Capital Reserves, and Partnering Agencies.

In 2006, the Burton Creek Justice Center was included on the *Capital Projects 10 Year Funding Requirements Report*. At this point, it was a Tier 2 priority.

Reviewing the capital budget for the Tahoe Justice Center it was verified that prior to 2006 the project allocation balance was zero. Over the next ten years, a total of \$17 million was allocated toward the project. All but \$56,061 have been allocated to other projects.

Funding is clearly a crucial aspect of the decisions at Burton Creek Substation. In addition to the Tobacco Securitization funds that Placer County included in its *Capital Facilities Financing Plan*, other forms of financing exist to help offset the cost of a new Tahoe Justice Center facility. Some of these were outlined in a *County Facilities Needed to Serve Growth* study, prepared by Recht Hausrath & Associates in 1994, and in a report titled *The Fiscal Impact of Growth*, also from 1994. In these reports, Hausrath states, “Alternative funding sources may be available to the County for some of the justice facilities. Such alternative funding could come from local, state, or federal sources. The majority of local revenues that may be applied to justice facilities come from penalty assessments.”

<sup>4</sup>

**Tier 1** - Projects with Board approval to complete and 100% funding secured or funding is reasonably assumed as available upon incurring costs.

**Tier 2**- Projects requiring immediate attention through policy direction from the Board, which is informed by thorough analysis of eligible funding sources.

**Tier 3** - Projects with funding commitment or policy direction from the Board, but require long term feasibility analysis to inform the details of the project, which may result in a modified project.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Reviewed:
  - Americans with Disabilities Act accessibility regulations;
  - Grand Jury reports and responses beginning in 1999;
  - Memorandums regarding fund transfers and contract change requests;
  - Placer County:
    - Board of Supervisors meeting agendas and minutes that included discussion of Burton Creek Substation and/or Capital Projects Fund 140 List;
    - Capital Facilities/Projects documentation;
    - Criminal Justice Master Plan Objectives and Recommendations
  - PCSO:
    - Board of State and Community Corrections Biennial Inspections dated June 30, 2016;
    - Contract with NVCO for jail services since its origination in 2001.
    - Data regarding the number of inmates at the Burton Creek Substation as well as the NVCO Truckee Jail;
    - Fire Inspections of Burton Creek Substation from 2000 to 2017; and
    - Policy, procedures, and pre-inspection questionnaire.
  - TRPA:
    - Bylaws, regulations, and policies;
    - Parcel maps of Burton Creek location, file documents pertaining to parcel, and land classification documentation; and
    - CTC Land Bank Program inventory and purchasing procedures.
  - Recht Hausrath & Associates publication *Fiscal Impact of Growth & County Facilities Needed to Serve Growth*;
  - Trial Courts Facilities Act of 2002;
  - Deferred Transfer/Delegation of Responsibility of the Tahoe Court; and
  - *Site Analysis Report – Future Tahoe Justice Center* September 8, 2005.

- Inspected the Burton Creek Substation on two occasions.
- Interviewed:
  - Burton Creek staff;
  - TRPA Head of Planning and Counsel;
  - Judicial Council staff;
  - Placer County Sheriff staff;
  - Placer County BOS member;
  - Placer County Deputy CEOs;
  - Placer County Capital Projects and Planning staff; and
  - Director of Public Works and Facilities.

## **Facts**

- Substation was constructed in 1959 to support the 1960 Olympics held in Squaw Valley.
- Substation is not in compliance with ADA.
- Fire safety improvements have not been implemented as required by fire inspection reports. Fire sprinklers that have been recommended by the fire inspector have not been installed due to cost constraints.
- The Grand Jury has repeatedly recommended the replacement of Burton Creek Substation since 1989.
- Tahoe Justice Center was originally identified as a Tier 1 Project by the BOS in 2000. In 2016, the project was reduced to a Tier 3 Project.
- The cost of the project has increased over \$50 million since they first considered replacing the facility.
- Over the past twenty years, \$17 million has been allocated for the Burton Creek Substation project. During those years, the funds have subsequently been diverted to other capital improvement projects.
- Site Analysis in 2005 by Steven Reader and Associates recommended Burton Creek as the preferred site location for a new facility.
- Placer County is required per the 2004 Transfer of Responsibility Agreement (Trial Courts Facility Act of 2002- AB 1491) to provide courtroom space or incur relocation costs.

- The Burton Creek facility resides on environmentally sensitive land.
- Placer County has the ability to build on the current site using the existing coverage footprint of 130,156 square feet as allowed per the TRPA regulations.  
(Appendix 2-Table 1)
- There is a monetary value to restoring the land at Burton Creek to its original state.
- The Nevada County Jail contract for booking is currently costing taxpayers \$433,590 per year.
- Over the past ten years, the NCSO Jail contract has increased an average of 4.3 percent annually.
- In 2017, ninety-three arrestees were booked into the NCSO jail for an average stay of less than twenty-four hours. The average cost of these bookings is \$4,662 per inmate.
- In 2017, NCSO rejected approximately 10 percent of the total bookings at NCSO.

## Findings

The Grand Jury found that:

- F1. Placer County officials have repeatedly failed to follow through on assurances they have made in previous Grand Jury report responses. (Appendix 1- Table 1)
- F2. Placer County executives and BOS appear to have delayed the replacement of the Tahoe Justice center by deeming other capital improvements a higher priority.
- F3. The facility does not comply with ADA standards, and compromises safety and full accessibility.
- F4. Fire safety is a serious concern for the safety of arrestees, employees, and visitors to the facility due to the lack of fire sprinklers throughout the facility.
- F5. The Nevada County Jail service contract is automatically renewed annually, with no apparent attempts to renegotiate the cost.
- F6. The current arrest rate questions the need for a new facility that includes a 96-hour holding facility.

## Conclusion

The Grand Jury recognizes that the situation at Burton Creek is not a problem that can be easily, or quickly, resolved. There are many factors that go into the entire picture represented by the facility. An extensive analysis is required to determine the best method to move forward. TRPA expressed a willingness to meet with Placer County officials to help clarify the full extent of the land capability on which the facility resides.

However, this report clearly shows that Burton Creek has repeatedly been given low priority even though every year the Board of Supervisors responds to our reports by agreeing on the importance of replacing the facility. To continue to designate this as a low-tier project not only creates an environment of unsafe working conditions, it may not meet the public safety needs of the Tahoe Basin's future growth. History has shown that continued delays only result in higher costs.

Other options to address issues present at Burton Creek that need to be explored include:

- Contact the Nevada County Truckee courthouse to inquire if space is available to relocate the Tahoe courthouse.
- Reassess the need of a Class II facility. Ninety-three inmates annually do not warrant an expenditure of this magnitude for a replacement facility at this time.
- Review the Nevada County contract for jail services.
- Examine the impact of the population increase in the area due to ongoing and planned construction projects.

It is time for the Board of Supervisors to fulfill its commitments that have been made to the citizens of Placer County over the past thirty years to replace this facility.

## Recommendations

The Grand Jury recommends that Placer County:

- R1. Make a firm commitment to resolve the Burton Creek issue.
- R2. Resolve longstanding safety and fire issues within the facility.
- R3. Renegotiate the contract with Nevada County for more reasonable booking fees per inmate.
- R4. Explore alternate facility types that do not include a 96-hour holding facility, but provides for a courtroom as well as a public safety substation.
- R5. Meet with TRPA to re-examine the land capability and perform an updated site analysis that includes the "grandfathered" portion of the substation land to determine if rebuilding is possible on existing coverage.

## Appendix 1 – Grand Jury Report Responses

Table 1- Grand Jury Report Responses

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
1998-1999	“... facility is obsolete, unsafe, and marginally functional”	“Working toward a <b>long-term solution</b> ”
1999-2000	<ul style="list-style-type: none"> <li>• “<b>The last five Placer County Grand Juries</b> have criticized the dangerous conditions, and the <b>Fire Marshals have regularly agreed</b> with the findings. The Grand Juries have concluded that the BC facility must be <b>replaced as soon as possible</b>. The County believes replacement need not happen any earlier than 2006 and perhaps not until 2011. The BOS should commit to replacement within the next 3 years. “</li> <li>• “In the meantime, the County has agreed to extend a fire and smoke alarm system throughout the building by September 2000, and add a sprinkler system to the jail area by next year.”</li> <li>• “The 1999-2000 Grand Jury... but believes <b>nothing short of complete replacement</b> can provide the level of safety and efficiency required of public buildings.”</li> <li>• “<b>Ten years ago, the County approved and funded the replacement</b> of the County's BC facility, but that <b>replacement never happened.</b>”</li> </ul>	<ul style="list-style-type: none"> <li>• “The inadequacies of this facility are <b>well documented</b>... However, the building is safe to occupy and the County will continue to improve the safety and functionality of it <b><u>while planning for a replacement facility.</u></b>”</li> <li>• “...there is no plan to install a water sprinkler system to suppress a fire within this facility because it is unwarranted, given the high cost to retrofit the aging facility.”</li> </ul>

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
2000-2001	<ul style="list-style-type: none"> <li>• “BOS should commit to completing the replacement facility within the next four years.”</li> <li>• “Install a sprinkler system throughout the facility.”</li> </ul>	<ul style="list-style-type: none"> <li>• “This has not been implemented, <b>but will be implemented in the future</b>. However, it is not possible, at this time, to submit a detailed schedule or timeframe to implement the recommendation.”</li> <li>• “Not financially feasible. The cost of construction for the recommended system retrofit would be unreasonable relative to the value of the building and measures taken by the County to make the building safe in case of a fire.”</li> </ul>
2002-2003	<p>“It is the belief of the current Grand Jury and several Grand Jury’s before it, that <b>what is needed is a brand new facility</b>”.</p>	<p>“The County is <b>anxious to focus its attention on the design and construction of a new justice facility in Tahoe</b>, which we expect to be a <b>vast improvement over the facilities we now have.</b>”</p>
2004-2005	<p>“An in-depth planning study be performed to determine the cost and timetable for a new Sheriff and courtroom facility at Cabin Creek.”</p>	<p>“Concur. It is vital to build a modern Sheriff/court facility for the North Tahoe community.”</p>
2005-2006	<p>“Now that a thoroughly researched and comprehensive September 8, 2005 “Site Analysis Report for the Future Tahoe Justice Center” has been finished and submitted, <b><u>a suitable location at Burton Creek has been determined.</u></b> Studies have been completed, recommendations have been submitted, <b><u>the need has been defined, and it is time for Placer County to build a new Justice Center in Lake Tahoe.</u></b>”</p>	<p>“The recommendation has been implemented, on July 24, 2006, the <b><u>BOS approved a comprehensive Capital Facilities Financing Plan that includes a multi-year, phased project to plan, design and construct a replacement Justice Center in Tahoe by 2010 for an estimated cost of \$20 million dollars.</u></b> The proposed financing plan for FY 2006-2007 includes an appropriation of \$1 million dollars to initiate planning and preliminary design work for this project.”</p>

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
2006-2007	<p>“Inefficient due to inadequate facilities. The <b>building is not ADA compliant in the sense it is inadequate to serve the public in a safe and effective manner.</b>”</p>	<ul style="list-style-type: none"> <li>• “We <b>agree the building is inadequate and inefficient</b>, however, it is safe for employees.... It should <b><u>also be noted that a replacement facility is planned for 2010-2011 and the new facility will correct the problems</u></b> inherent in an older structure...”</li> <li>• The <b>timeline for this major project (\$19.5 million dollars) ...this Board, the CEO, and the Director of Facilities Services are committed to a replacement facility in Tahoe</b> for the Sheriff and <b><u>will ensure that the project is completed within the current schedule/time frame</u></b>, in 2011.</li> </ul>
2007-2008	<p>“The County Supervisors should <b>make the new facility a higher priority and build it sooner than currently projected</b>”, in 2011.</p>	<p>“The recommendation will not be implemented because it is not reasonable, practical, or feasible to construct a replacement facility sooner than the target date of 2011.”</p>
2009-2010	<p>“The Burton Creek Justice Center will be 50 years old in September 2010. The facility has <b>reached a point where remodeling is futile</b>. There are <b>too many deficiencies and inadequacies</b> with the current facility that cannot be corrected to meet the needs...”</p>	<p>“It is not agreed that “remodeling is futile”. The BOS believes that upgrades that ensure the safety and security of those occupying the BC facility or relocation of services to another facility are feasible.”</p>

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
2009-2010	<p>“The Placer County Final Budget for FY 2009-2010 does not contain allocations for a replacement facility at Burton Creek Substation. The BOS will not meet its target date of 2011 for a new facility at Tahoe.”</p>	<p>“While the BOS is in <b>agreement with the Grand Jury that the Burton Creek Substation needs to be replaced</b>, <u>it is not with an ‘immediate’ time frame</u>. The BOS continues to be committed to providing improved criminal justice facilities that will ensure a high level of public safety for Placer County. (This) Board, the CEO, and the Director of Facility Services remain <b>committed to replace the Burton Creek Facility for the Sheriff and will do so in a time frame that is reasonable and practical.</b>”</p>
2010-2011	<p>“...recommends replacement of this facility.”</p>	<p>“On June 7<sup>th</sup>, 2011, the BOS approved in the Fiscal Year 2011-2012 Proposed Budget which includes \$2,708,416 towards the Burton Creek Justice Center project. While this appropriation does not complete the project, <b>it is indicative of the County’s commitment to replacing the existing BC facility</b>. This funding will be used, in part, on the initial work listed above needed to replace the BC facility, such as appropriately scoping the project. The County continues to work with the JC as they proceed with the courthouse project on whether co-location is possible, which will ultimately define the scope of the replacement Burton Creek facility.”</p>

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
2011-2012	<p>“The Placer County BOS should replace the Sheriff’s Substation at BC. After <b>seventeen (17) years of inaction on the part of the BOS, it is time for the BOS to act.</b>”</p>	<ul style="list-style-type: none"> <li>• “The need for replacing the BC facility is <b>recognized by the BOS as evidenced by this project’s inclusion in the County’s Capital Improvements Project List.</b> “</li> <li>• “<b>The BOS remains committed to replacing the BC Facility</b> and to doing so in a responsible manner...</li> <li>• “On October 15, 2010, the JC notified the County they were given approval to proceed ... planning to construct a new courthouse in the Tahoe area to be funded by the JC. However, the County was recently notified by the Courts that the \$26 million project is being reviewed by the Judicial Council of California and may be removed from the approved funding list due to lack of funding for their statewide courthouse construction program. <b>The County and the Courts will reconvene to explore other options and funding strategies if the courthouse project is removed from the approved funding list.</b> “</li> </ul>
2012-2013	<p>“The county had budgeted \$2.7 million for a new TJC project. This means there should be sufficient funds to begin planning and determine facility needs and requirements of all affected agencies.”</p>	<p>“This recommendation is being implemented. The Director of Facility Services is drafting a Request for Proposals (RFP) for architectural programming and preliminary design of the Tahoe Justice Center. Anticipated to result in a contract in 2014.”</p>

Year of Report/ Responses	Grand Jury Comments & Recommendations as Noted in Grand Jury Reports	Responses & Comments from BOS, Sheriff's Dept., or County Executives
2014-2015	<ul style="list-style-type: none"> <li>• “To increase the security of the sally port and to lock up the flares stored at BC Facility.”</li> <li>• Implement changes to make the facility more ADA compliant.”</li> </ul>	<ul style="list-style-type: none"> <li>• “It has been implemented. <b>Flares and other equipment have been secured and will not be left in the sally port area.</b>”</li> <li>• “The CEO is unable to respond as the JC is responsible for the facility. It is understood that the Sheriff’s office has advised the JC of the Grand Jury’s Recommendation.” (This is not the responsibility of the JC, as a TOR has not been entered into for the BC facility, only a Deferred Transfer of Responsibility which maintains that Placer County is still responsible.)</li> </ul>
2016-2017	<p>“Provide funding and site location for new facility, meeting the current and future requirements of the area.”</p>	<p>“While we recognize this shared use building, built in 1959, is outdated and lacks ADA compliance we must consult with all users of this building, the CEO, and the BOS, before implementing renovations to meet compliance with ADA requirements While the need to upgrade or replace the building is recognized by our County, the Sheriff’s Office is not in a position to unilaterally implement changes ... Such projects require substantial capital investments by the County and must comply with the TRPA regulatory processes that restrict and manage development in the Basin.”</p>

## Appendix 2 – Land Coverage

*Table 1- Class 1 Existing Coverage*

<b>Buildings</b>	<b>10,553 square feet</b>
<b>Pavement</b>	<b>63,257 square feet</b>
<b>Other (compacted earth)</b>	<b>15,183 square feet</b>
<b>Retaining Wall</b>	<b>0 square feet</b>
<b>TOTAL</b>	<b>88,993 square feet</b>
<b>Class 1b total land area</b>	
<b>Percent of Coverage</b>	<b>31% (1% allowed)</b>

*Table 2- Class 5 Existing Coverage*

<b>Building</b>	<b>579 square feet</b>
<b>Pavement</b>	<b>26,263 square feet</b>
<b>Other (compacted earth)</b>	<b>14,321 square feet</b>
<b>TOTAL</b>	<b>41,163 square feet</b>
<b>Class 5 total land area</b>	<b>129,723 square feet</b>
<b>Percent of Coverage</b>	<b>31% (25% allowed)</b>

## Request for Responses

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Placer County Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	<b>R1 thru R5</b>	<b>September 30, 2018</b>
<b>Mr. Devon Bell</b> Placer County Sheriff-Coroner-Marshal 2929 Richardson Drive Auburn, CA 95603	<b>R2, R3, R4</b>	<b>September 30, 2018</b>
<b>Mr. Todd Leopold</b> County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	<b>R1 thru R5</b>	<b>August 30, 2018</b>



# **Placer County Winery Ordinance**

## **Code Enforcement**

## Placer County Winery Ordinance Code Enforcement

### Summary

Placer County's 2008 Winery Ordinance requires wineries to obtain permits before hosting promotional or temporary outdoor events. Enforcement of this ordinance is the responsibility of Placer County Community Development Resource Agency (CDRA) and Code Enforcement Department (Code Enforcement). In addition to enforcing the Winery Ordinance, Code Enforcement is responsible for regulating a variety of building, planning/land use, and engineering and surveying requirements for the county. Code Enforcement's *Procedure Manual*, states its enforcement policy as, "Gain voluntary compliance at the lowest enforcement level as possible." In implementing this policy, Code Enforcement's practices and procedures appear to have led to ineffective and untimely enforcement of the Winery Ordinance and unresponsiveness to citizen complaints.

The Grand Jury believes enforcement policy of the Winery Ordinance is reactive rather than proactive. Code Enforcement requires citizen complaints to be made in writing and signed by the complainant. Most of the events subject to permitting requirements occur on weekends when Code Enforcement is closed. This complicates the public's ability to lodge a complaint and prevents Code Enforcement from conducting an immediate investigation. An after-the-fact investigation prevents Code Enforcement from witnessing the event. Consequently, complaints involving weekend events are infrequently investigated.

Code Enforcement uses a software program to track complaints and issuance of permits. A review of data contained in the tracking system provides insight into the manner in which Code Enforcement manages complaints. For example:

- One entry related to a citizen complaint states, "Unfounded – cannot locate complaint form."
- One entry referring to multiple complaints lodged against one winery, stated, "Other complaints for this property dated 3/1/2017 were never processed or assigned case numbers..."
- Other entries inaccurately reflect the status of complaints. For example, the status of one complaint was stated as "Case still open" even though it had been adjudicated and closed at least four months prior.

Code Enforcement's *Procedure Manual* requires complaints to be assigned a priority from 1 to 5 (high to low). Complaints of the type most frequently related to wineries, *i.e.*, failure to obtain a permit, are assigned a Priority 3. Priority 3 complaints are "...scheduled and pursued as time permits." The *Procedure Manual* contains a target for completion of corrective actions to resolve Priority 3 violations within thirty days. This procedure does not appear to be followed. According to the tracking system, one complaint remained unresolved and in an "open" state for as long as six months following the date of the complaint.

Review of the county's permit tracking system shows that only two permits have been issued since 2016. Code Enforcement has not cited a winery for failure to obtain a promotional or temporary outdoor event permit in the past two years in spite of complaints. CDRA officials have stated their belief that wineries are, in fact, holding events without obtaining the required permit. The potential fine for failing to obtain the proper permit is far less than the cost of a permit. This does not encourage voluntary compliance.

Entries in the tracking system intended to chronicle the actions of Code Enforcement appear to show that the 2008 Winery Ordinance is not effectively being enforced. These entries also seem to reflect a general indifference and disregard for citizen complaints.

Personnel changes have been made within CDRA during the past twelve months. The Grand Jury's interview of CDRA officials indicates a desire to take a more proactive approach to code enforcement. The Code Enforcement supervisor has planned some positive and community-focused initiatives. The department is planning to move toward a problem-oriented strategy to resolve code compliance issues between the wineries and adjacent landowners. Placer County has also proposed changes to the existing Winery Ordinance that are intended to clarify definitions of the types of permits required.

Unless CDRA strengthens the enforcement policy, the above efforts will have little positive impact on the public's ability to be heard and change effected. The approaches being planned are encouraging, but will need to be monitored closely to ensure equitable treatment of the public and the regulated industry.

## **Background**

In 2008, the Placer County Board of Supervisors adopted the current winery ordinance after extensive public comments. The ordinance requires wineries to obtain permits before hosting certain public events. During the ensuing years, wineries expressed concerns about the restrictive nature of the ordinance, such as the definition of promotional events. The county and Grand Jury have received complaints from the public that wineries hold events without obtaining required permits.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Interviewed multiple staff members within CDRA, including Planning and Code Enforcement Departments.
- Reviewed:
  - 2008 Winery Ordinance (Placer Code 17.56.330);
  - Placer County Noise Ordinance (Placer Code 9.36);
  - Placer County Sheriff's Office's Noise Ordinance Policy;
  - Code Enforcement's *Procedure Manual*;
  - Placer County Planning Department website;
  - Permits issued in 2016 and 2017;
  - Public complaints made during 2016 and 2017; and
  - Code violation citations issued in 2016 and 2017.

## Facts

- Placer County Code 17.56.330, Planning and Zoning, Wineries, governs the permit process that county wineries must follow for promotional and special events on their property.
- The county's enforcement philosophy is voluntary compliance.
- Promotional events are sponsored by wineries to promote sale of wine.
- The minimum fine for failure to obtain an event permit is \$100.
- Placer County's current wine ordinance was approved in August 2008.
- The county uses a software program, called Accela, which is intended to track winery permits that have been issued and related citizen complaints.

- Entries in the county’s tracking system for complaints and permits for 2016-2017 include only the following:
  - Complaint - “Unfounded – cannot locate complaint form”;
  - Complaint - filed August 2017; “case still open”;
  - Complaint - other complaints filed in March 2017 “were never processed or assigned case numbers”;
  - Complaint – Complaint number with note that “case still open.” However, the case has been adjudicated and closed.
- Data in the county’s tracking system for 2016-2017 reveal event permits issued were as follows:
  - One permit was issued covering 16 different wineries for an event on August 5-6, 2017; and
  - One permit was issued to one winery for a single event.
- Placer County Code Enforcement Office maintains a published *Procedure Manual* that outlines procedures for all permit, compliance and enforcement requirements.
- Code Enforcement’s “Weekend On-Call Duty Officer Program” was initiated in 2015 and terminated in 2017.
- The county has proposed to make substantive changes to the current ordinance for the purpose of clarifying the definitions and increasing the allowed number of temporary outdoor events per year.
- The CDRA has undergone new management and personnel changes over the last twelve months.

## Findings

The Grand Jury found that:

- F1. The county’s voluntary enforcement philosophy has resulted in relaxed enforcement of the Winery Ordinance permit requirements.
- F2. The requirement that suspected violations be reported in writing discourages citizens to file complaints.

- F3. Minimal financial penalties for violation of the winery ordinance relative to permit fees discourage voluntary compliance.
- F4. The termination of the “Weekend On-Call Duty Officer” prevents the immediate investigation by Code Enforcement and prevents investigation of conditions at the time of the complaint.
- F5. Tracking system is not being used effectively.

## **Conclusion**

Placer County is not effectively enforcing the provisions of the 2008 Winery Ordinance. The foundation of its enforcement efforts is a voluntary compliance philosophy that is reactionary, relying upon citizen complaints before acting. However, the complaint process has created obstacles that discourage the public from reporting incidents. The lack of weekend staff results in the inability to immediately investigate. The tracking system is still not being used effectively. Also, the permit costs versus the violation fine may encourage wineries to avoid obtaining required permits.

Placer County Grand Jury commends the CDRA for selecting and hiring new management who have a positive approach to resolving citizen complaints.

## **Recommendations**

The Grand Jury recommends that Placer County Community Development Resource Agency:

- R1. Develop a winery code enforcement program that balances the interests of wineries and those of the public.
- R2. Facilitate the public’s ability to lodge complaints.
- R3. Provide staff to conduct timely complaint investigations.
- R4. Ensure effective resolution of citizen complaints and confirmed violations.
- R5. Update the county tracking system for complaints and permits to reflect accurate status.
- R6. Mediate conflicts between wineries and citizens when appropriate.
- R7. Review the fines for permit fees and code violations to facilitate compliance with the codes.

## Request for Responses

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Mr. Steve Pedretti</b> Director, Placer County Community Development Resource Agency 3091 County Center Drive Suite 140 Auburn, CA 95603	<b>R1 thru R7</b>	<b>August 31, 2018</b>

### Copies sent to:

**Placer County Board of  
Supervisors**  
175 Fulweiler Avenue  
Auburn, CA 95603

**Mr. Todd Leopold**  
County Executive Officer  
175 Fulweiler Avenue  
Auburn, CA 95603



# **Roseville Community Development Corporation**

**A Public/Private Partnership**

# Roseville Community Development Corporation

## A Public/Private Partnership

### Summary

Coinciding with the dissolution of Regional Development Agencies (RDA) by the California legislature in 2010, the City of Roseville established the Roseville Community Development Corporation (RCDC). RCDC is a non-profit, charitable corporation, conceived to facilitate continued economic development in Roseville. After studying other community development corporations created by select California cities, Roseville opted for a city-sponsored model governed by an independent five-member board appointed by the city council. This board acts as a separate entity of the city. RCDC's independence provides structural flexibility because it is not a public or regulatory agency. This allows it to enter into LLCs and LLPs<sup>5</sup>, avoid public contract bidding laws (if waived by the city), hold mortgages to secure debt, own and manage assets long term, and accept charitable donations. During the course of this investigation all city officials stressed that RCDC is independent of city operations and that there is no direct city involvement.

Roseville's unique implementation of the city-sponsored model has raised the question of independence of RCDC from the city. RCDC has no employees. It contracts with Roseville for the use of city employees as allowed in corporation bylaws. In its working agreement with Roseville, RCDC reimburses one-half of the city salaries of RCDC's Chief Executive Officer (CEO) and an administrative assistant, who are city employees, to the city. It should be noted that during the first two years of operation, RCDC reimbursed city salaries and benefits. The reimbursement formula was then changed to salary only and the city gave a credit for the cost of previous benefits. Documentation on why this occurred could not be provided by any of the city officials interviewed. The city budget does indicate that the Economic Development Department receives reimbursement for salaries, wages, benefits, materials, supplies, services, and capital outlays. The city budget does not specifically identify the funds from RCDC. RCDC also utilizes the services of other city employees whose salaries are not reimbursed. The public does not know the full extent of city resources that are being devoted to RCDC.

The previous CEO (2012 – 2018) concurrently served as Roseville's Economic Development Director and CEO of RCDC. His official city job description specifies both his city responsibilities as well as those of RCDC. These duties include:

<sup>5</sup> LLC – Limited Liability Company / LLP – Limited Liability Partnership

- Develop, plan, and implement city and RCDC goals, objectives, and strategies;
- Coordinate city and RCDC activities;
- Direct, oversee, and participate in the development of the city and RCDC work plans; and
- Supervise and participate in the development, funding, and administration of both the Roseville Economic Development and RCDC budgets.

The city manager supervises and evaluates the performance of the Roseville Economic Development Director. The city manager specifically stated that he does not review or evaluate the performance of the director's work as CEO of RCDC. Recent performance appraisals of the Director of Economic Development revealed that the city manager did evaluate his performance as RCDC CEO. The city manager has also set goals for the director that relate to his duties of RCDC CEO. The RCDC CEO also receives an annual evaluation by the RCDC Board of Directors which is passed on to the city manager.

Day-to-day management and operation of RCDC is being performed by city employees. The RCDC CEO confirmed that his duties of RCDC CEO do overlap with his duties as the Roseville Economic Development Director. Use of city employees to perform RCDC work, coupled with the fact that the city does not track the time city staff spends on RCDC projects, provides an appearance that RCDC is not an independent entity.

## Background

In 2010, the Roseville City Council approved the formation of the RCDC as a private, non-profit, charitable corporation with Roseville as its sole member. RCDC is governed by a five-member board of directors appointed by the Roseville City Council. RCDC is considered to be an independent corporation; however, it has a direct tie to the city as stated in the following three source documents: the bylaws, White Paper - *Report on Community Development Corporations*, and Business Plan. The CEO of RCDC is also the Director of Economic Development for Roseville. Initial funding for RCDC was a \$5 million loan from Roseville's Redevelopment Agency. This is a 20-year loan with no payments due for the first ten years. The city also provided a grant of \$927,000 in 2015.

The mission of the RCDC is to provide physical, economic, and educational development throughout the community and to create expanded employment, economic prosperity, and housing<sup>6</sup>. The final business plan for RCDC was published in 2012. One of RCDC's goals is to identify, acquire, and upgrade under performing properties in Roseville, then lease them at enhanced rates. RCDC has purchased, extensively remodeled, and leased buildings in the downtown Roseville area. Some buildings have been purchased, but have not been refurbished, and remain empty due to lack of funding and a pending sale.

<sup>6</sup> Roseville Community Development Corporation Economic Development and Business Plan

Currently, the City of Roseville and RCDC are reviewing the financial viability of RCDC. The concern is that RCDC may be unable to meet its financial obligations in the future. In February 2017, the Roseville City Council voted to place RCDC on a strategic pause of operations and to pursue the liquidation of assets.

## Methodology

The 2017-2018 Placer County Grand Jury:

- Interviewed city and RCDC officials;
- Reviewed
  - RCDC corporate documents;
  - RCDC Business Plan and White Paper;
  - Roseville procedures and policies; and
  - Public records.
- Analyzed financial tax records;
- Examined other community development corporations in California; and
- Attended two public RCDC board meetings.

## Facts

- The city formed RCDC with the understanding that its creation would allow greater structural flexibility because it is not a public agency or regulatory agency.
- RCDC bylaws require its board to appoint the CEO.
- A member of the RCDC Board has stated twice in public meetings that RCDC and Roseville are essentially one and the same.
- RCDC bylaws state that the corporation may contract with Roseville for the provision of a CEO and other subordinate staff necessary to carry out the purposes of the corporation.
- The city's Economic Development Director's job description includes RCDC CEO duties and responsibilities, and a portion of this position is paid by RCDC.

- The city manager's semi-annual performance evaluation of the Economic Development Director also includes his job performance as the RCDC CEO.
- The city manager sets goals for the Economic Development Director as well as his duties as RCDC CEO.
- RCDC reimburses Roseville for half of the salaries for CEO and Administrative Assistant.
- Other city employees provide assistance to RCDC with no documented reimbursement.
- Currently the city has no tracking system to document the number of hours city employees actually spend on RCDC activities.
- RCDC does not, in all cases, comply with Roseville's bidding policy and no waiver has been granted.

## Findings

The Grand Jury found that:

- F1. The city's active management and operation of RCDC give the appearance that RCDC is a privatized arm of a public entity, rather than a separate non-profit corporation.
- F2. Roseville does not have a full accounting of the city employee resources dedicated to the operation of RCDC.

## Conclusion

The city's investment in RCDC has had a positive impact on downtown Roseville. The lack of tracking city employee time and resources devoted to the operation of RCDC makes it difficult to determine the true cost of this program. Establishing a means of documenting employee involvement in RCDC would enhance public transparency as well as ensure that public funds are spent appropriately.

The city describes RCDC as a public/private partnership. Every city official interviewed insisted the corporation is independent of city operations. This independence is necessary in order for RCDC to operate outside of governmental regulations. In practice, it appears that RCDC functions more as a privatized extension of the city. The use of city employees to manage and operate RCDC and the city manager's evaluation and establishment of RCDC goals for the Economic Development Director raise concerns regarding RCDC's independence.

## Recommendations

The Grand Jury recommends:

- R1. If RCDC is to continue operation, or if a new model is developed, Roseville should take steps to more effectively ensure the separation and independence of the corporation to address the Grand Jury's findings.
- R2. Roseville should publicly account for all resources dedicated to RCDC.

**Request for Responses:**

	<b><u>Recommendations Requiring Response</u></b>	<b><u>Response Due Date</u></b>
<b>Mr. Rob Jensen</b> Roseville City Manager 311 Vernon Street #200 Roseville, CA 95678	<b>R1, R2</b>	<b>August 31, 2018</b>
<b>Ms. Susan Rohan</b> Mayor, City of Roseville 311 Vernon Street Roseville, CA 95678	<b>R1, R2</b>	<b>September 30, 2018</b>
<b>Roseville City Council</b> 311 Vernon Street Roseville, CA 95678	<b>R1, R2</b>	<b>September 30, 2018</b>

**Copy Sent to:**

**RCDC Board of Directors**  
P.O. Box 696  
Roseville, CA 95678



# **Placer County Juvenile Detention Facility**

## **Annual Inspection**

# Placer County Juvenile Detention Facility

## Annual Inspection

### Summary

The 2017-2018 Placer County Grand Jury conducted an inspection of the Placer County Juvenile Detention Facility (JDF) on October 6, 2017. The JDF is a detention facility located at 11260 B Street, Auburn, CA 95603. It also includes an attached courtroom that is used principally for juvenile delinquency and dependency proceedings and occasionally for other matters, such as criminal and family law.

The JDF was found to be clean and well maintained. The staff was knowledgeable about pertinent legal requirements and expressed a goal of reducing the rate of recidivism. Staff characterized the focus of the facility as rehabilitation and prevention rather than punishment. JDF, in conjunction with the Placer County Office of Education (PCOE), provides job-seeking skills and/or educational programs that can lead to a high school diploma.

The JDF utilizes the Positive Behavioral Intervention Support (PBIS) program<sup>7</sup> – a merit system provides opportunities for juveniles to earn privileges and/or small rewards for good behavior and compliance with JDF rules.

The Grand Jury commends the JDF staff for creating a safe, clean environment and its dedication to improving the lives of juveniles through education, mentoring, and support.

### Background

California Penal Code Section 919(b) mandates county grand juries to inspect all jails and holding facilities annually. The Placer County Grand Jury includes inspection of the JDF in this mandate. The JDF is operated by the Placer County Probation Department in accordance with California Code of Regulations, Title 15, Section 5; Welfare and Institutions Code Section 210; and Juvenile Court law.

<sup>7</sup> The Positive Behavioral Intervention Program was developed by the University of Oregon with support from the University of North Carolina “to establish the social, culture and behavioral supports needed for a school to be an effective learning environment for all detainees.”

## Methodology

The 2017-2018 Placer County Grand Jury:

- Interviewed the JDF Superintendent at the Grand Jury office prior to the JDF site inspection;
- Inspected the JDF site, using a Grand Jury-developed questionnaire/checklist; and
- Interviewed two staff members and one juvenile during the site inspection.

## Facts

During the site inspection the Grand Jury observed or learned the following from the staff:

- The following mission statement is posted in the facility:  
“The Probation Department is an integral part of the justice system and functions as a legislatively created support agency for the Criminal, Juvenile and Family Courts. The Probation Department is committed to ensuring and maintaining a safe community by providing and enhancing a coordinated level of services and programs. The programs are designed to lessen the impact and reoccurrence of crime and to protect and serve the people of Placer County.”
- The JDF has a maximum capacity of seventy-eight juveniles; but it has closed one population center because of low demand, thus reducing current capacity to thirty-eight juveniles.
- The facility has not exceeded capacity since the last inspection when it housed fourteen juveniles.
- The facility houses male and female juveniles in an integrated, co-ed environment. According to staff, male/female relationships have presented supervision challenges.
- In conformance with State requirements, eight staff are on duty during the day and five at night.
- JDF staff consists of fourteen female and seventeen male custodial personnel, which reflects the facility’s juvenile population, assuring both female and male staff in each co-ed unit.
- The staff conducts checks on juveniles every fifteen minutes.

- Bilingual Spanish-speaking staff and a contracted AT&T Language Line translation service are available for other languages 24/7.
- Each juvenile is paired with specific staff to facilitate communications and support. Staff meets with their assigned juvenile on a regular basis and records summaries of these interactions in an electronic database available to all staff.
- There have been no deaths, suicides, or escapes during the past year. One juvenile made a number of verbal suicide threats and was put on medical hold. Medical personnel concluded it was not a serious threat. Staff reports that all threats are taken seriously and afforded prompt response.
- The following agency inspections, audits, or evaluations have identified either minor or no findings:
  - State Corrections Standards Authority biennial evaluation – January 2017; Placer County
  - Juvenile Justice Delinquency Prevention Commission inspection – 2016;
  - State Environmental Health inspection – November 2, 2016;
  - County of Placer Community Development Resource Agency Building and Grounds inspection – November 16, 2017; and
  - State Fire/Life Safety inspection – August 10, 2017.
- A Placer County contractor, Aramark, prepares two packaged meals at South Placer County Jail and transports them to the JDF twice daily where they are reheated and served.
- Aramark is contractually required to post monthly meal plans. At the time of the inspection, this had not been implemented.
- Juveniles are permitted to eat in their rooms or in the day room. Supervision is provided at all times.
- Juveniles are encouraged to exercise daily. Exercise consists of organized physical activity, directed by an outside instructor, and daily after-class activity with JDF staff. “Muscle Mass” exercises, i.e., basketball, wrestling, etc., are available. Yoga classes are offered as well. Management encourages JDF staff to participate in team sports to encourage group activity.
- All juveniles have access to religious services. Scheduled services are on Saturday and Sunday. Additional services are arranged for those requesting specific religious accommodations.
- The California Forensic Medical Group provides medical and/or mental health services around the clock. These services include a qualified nurse on site during the day and one

available after hours. A medical doctor visits the facility twice a week. Psychiatric appointments are available once weekly. Medications are kept in a secured environment and only administered pursuant to a doctor's direction. Parents are kept advised of all authorized medication dispersals.

- Community Recovery Resources, a private foundation, provides a weekly one-hour class on substance abuse. It also provides individual drug treatment sessions for juveniles who were enrolled prior to arriving at the JDF.
- All counseling services provided at the JDF are at no cost to the juveniles or their parents.
- Sexual harassment training is also available to the juveniles and is mandatory for JDF staff on an annual basis.
- Stand-Up-Placer, a community-based organization, provides awareness education on sex trafficking and date violence avoidance to the juveniles.
- State law requires a Prison Rape Elimination Act compliance officer. At the JDF it is the facility superintendent.
- The facility has two full-time Placer County Office of Education (PCOE)-accredited teachers and one special education teacher on staff.
- Juveniles who have not graduated from high school are required to attend classes. High school graduates can also attend.
- Juveniles attend school with a teacher-to-student ratio of at most 1:16.
- The juvenile's former school provides his/her student level when the juvenile is admitted to the facility. PCOE-accredited teachers provide instruction to assure continuity of the juvenile's education.
- All homework is completed during supervised class time.
- Education plans are developed for students having special needs.
- Juveniles can earn a high school diploma.
- Juveniles currently cannot earn college credits. JDF staff is working with Sierra College to develop an 18-module non-credit program focusing on college success, business readiness skills, and cognitive behavior changes. This program is scheduled to begin in February/March 2018.
- Providing technical training, e.g., welding, construction, culinary, automotive repair, etc., to juveniles who do not plan to attend college is logistically difficult. The JDF staff is exploring the possibility of developing a welding certificate training program through Sierra College since the college has a mobile welding trailer.

- JDF staff has reached out to the PCOE's Program Manager of Prevention Supports and Services to provide its workability services program to juveniles beginning in January 2018.
- Other programs presented at the facility by staff and/or PCOE-accredited teachers include:
  - Be Safe. Be Responsible. Be Kind.
  - Forward Thinking.
- JDF staff provides an initial orientation, including rules and procedures, to each juvenile at time of entry and again in greater detail after in-processing has been completed.
- Juveniles have access to a pay phone. Calls are funded by parents or the facility.
- Juveniles are permitted free, unlimited mailing privileges.
- Staff generally does not read incoming or outgoing mail. Incoming mail is monitored for objects and other contraband.
- Visiting is permitted on weekends. If a parent's work schedule does not accommodate weekend visits, other arrangements will be made.
- Two glass-enclosed, soundproof visiting rooms are available.
- A complaint box is available for all juveniles. Staff has a goal of communicating with the complainant within forty-eight hours and resolution is required within ten days.

## Findings

The Grand Jury found the following:

- F1. The JDF is clean, well-maintained, and suitable for safely housing juveniles while accommodating their education, counseling, and healthcare needs.
- F2. JDF staff is well trained and dedicated to the achievement of the organization's mission statement.
- F3. The current co-ed environment creates challenges for appropriate supervision.
- F4. Exposure to technical career training and opportunities is limited for those juveniles who do not plan to attend college.
- F5. JDF has not enforced the contractual obligation of Aramark to post menus within the facility.
- F6. JDF staff counseling efforts may not be adequately formalized so juveniles recognize the benefits of counseling.

## Conclusion

The Placer County Grand Jury commends the staff and management of the JDF for their efforts in providing a clean, healthy environment for juveniles. Their commitment to the mission of the organization and to the individual juveniles is apparent in their actions and programs. Education, mentoring, and counseling services are provided to prepare juveniles to be productive members of society.

## Recommendations

The Grand Jury makes the following recommendations:

- R1. JDF staff should develop a plan for Fiscal Year 2018-2019 to address staffing and funding implications required to segregate housing for male and female juveniles.
- R2. In Fiscal Year 2018-2019, JDF augments its efforts to address training of juveniles who do not plan to attend college. JDF should consider developing a plan for local private and public technical training centers to make regular presentations to juveniles to:
  - a) Provide familiarization training about technical (i.e., culinary, auto repair, plumbing, etc.) career opportunities available to them;
  - b) Describe requirements for obtaining necessary training and certification, as appropriate;
  - c) Where logistically feasible, provide demonstrations of these careers, for example. a cooking class; and
  - d) Obtain brochures and other written material, to be maintained at JDF, describing these technical careers and their requirements.
- R3. JDF should require Aramark to comply with the contractual obligation of posting a menu of daily meals.
- R4. JDF management should formalize a program in which staff is assigned to individual juveniles to assure consistency.

## Request for Responses:

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Placer County Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3, R4</b>	<b>September 30, 2018</b>
<b>Mr. Marshall Hopper</b> Chief Probation Officer 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3, R4</b>	<b>August 31, 2018</b>
<b>Mr. Joe Netemeyer</b> Superintendent, Placer County Juvenile Detention Center 11260 B Street Auburn, CA 95603	<b>R1, R2, R3, R4</b>	<b>August 31, 2018</b>



# **Placer County Jails and Holding Facilities: A 2017-2018 Consolidated Report**

## **Annual Inspections**

# **Placer County Jails and Holding Facilities: A 2017-2018 Consolidated Report Annual Inspections**

## **Summary**

This report summarizes the Grand Jury inspections conducted at the five Placer County jails and holding facilities:

- Historic Courthouse in Auburn (October 13, 2017)
- Placer County Main Jail in Auburn (October 16, 2017)
- Burton Creek Sheriff's Substation in Tahoe City (September 11 & December 13, 2017)
- South Placer Main Jail & South Placer Minimum Security Facility in Roseville (November 13, 2017)
- Gibson Courthouse at Santucci Justice Center in Roseville (November 2, 2017)

The 2017-2018 Grand Jury conducted inspections at each of these facilities and found them all to be clean, well-maintained, and secure. Findings for each facility are noted within each individual inspection.

## **Background**

Section 919(b) of the California Penal Code mandates: "The grand jury shall inquire into the condition and management of public prisons and detention facilities within the county".

Through this process, it became evident Placer County continues to be impacted by the passage of legislation in 2011. That legislation was enacted against the backdrop of the overcrowded California prison system; it also sought to combat the state's recidivism rate. The result was the transferring of responsibility for supervising specific types of felony offenders and state prison parolees from state prisons to the county jails.

## Methodology

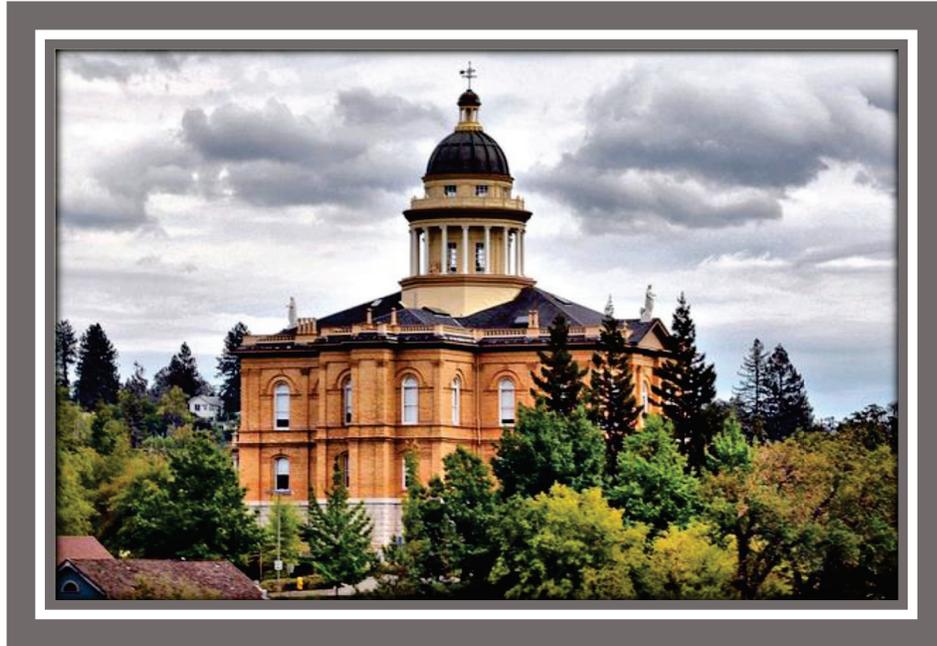
The 2017-2018 Grand Jury visited each facility, interviewed staff, and observed inmates in housing, work, and activity areas. We would like to thank the following Placer County Sheriff's staff who courteously hosted our inspections:

<b>Historic Courthouse</b>	Deputy Rudy Preis
<b>Placer County Main Jail</b>	Sergeant James Rashid
<b>Burton Creek Sheriff's Substation</b>	Lt. Jason Lockhardt & Captain Dennis Walsh
<b>South Placer Main Jail and South Placer Minimum Security</b>	Deputy Stacey Toy-DeNardi & Captain Dave Powers
<b>Gibson Courthouse at Santucci</b>	Sgt. Brandon Bean, Lt. Carol Walsh, & Deputy Jason Gutierrez

## Facts

- All five facilities have a sally port through which inmates are brought into a secure area and then escorted by one or more deputies to a cell.
- Each facility has at least one monitoring station with numerous security cameras.
- In holding cells that have a toilet, the toilet is out of direct view of security cameras.
- Some holding cells are capable of housing multiple inmates. Inmates are checked every thirty minutes, but those on suicide, health and/or safety watch are checked every fifteen minutes.
- A defibrillator is located in each facility with staff trained on how to administer.

## Historic Courthouse-Auburn



### Background

The Auburn Historic Courthouse was dedicated in 1898 and is a cherished icon of Placer County. In the late 1980's the courthouse was restored, bringing back its original luster. The first floor is a museum which depicts the history of Placer County plus an extensive collection of gold. The upper levels house the Placer Superior Court of California. The courthouse possesses exceptional value under the national Preservation Act and is located in close proximity to the Old Auburn Historic District.

### Facts:

- The courthouse is classified as a court holding facility used to hold inmates for court appearances for no longer than twelve hours, and includes three holding cells and six courtrooms.
- The building appears to be well-maintained.
- With no kitchen on-site, inmate sack lunches are provided by Aramark.

## Placer County Main Jail-Auburn



### Background

The Placer County Main Jail at Auburn opened in 1985. It is a Type III facility, holding only convicted or sentenced inmates. The original two wings housed 108 inmates, the need for additional housing resulted in a third wing being added in 1992. The fourth wing became necessary and was built in 2004-2005. The dormitory-style housing units are supervised with a custody officer stationed inside each of the dorms, as well as indirectly from a protected observation booth.

### Facts:

- The 492-bed facility, at the time of our inspection, had 386 inmates, which is seventy-eight percent of capacity.
- Twenty-four hour medical health clinic is available with mental health services accessible in person or via video conferencing.
- Vocational classes available to inmates include: life skills, culinary, and computer training. GED classes are also available and inmates have access to an online law library.

## Burton Creek Sheriff's Substation-Tahoe City



### Background

The Burton Creek Substation, built in 1959 to support the Olympics in Squaw Valley, is a combination holding facility (four cells), courtroom, and includes offices for the sheriff and district attorney. Placer County has contracted with the Truckee Jail in Nevada County for housing and booking of arrestees for hold until court or transfer to a Placer County Jail.

This facility has been the subject of multiple Grand Jury reports and recommendations for the last two decades. As a result of what the Grand Jury considers “little effort” into addressing this long-standing situation, an investigation was launched in addition to the mandatory jail inspection required of the Grand Jury. The purpose of this investigation was to shed light on the reasons behind why this has been highlighted in the Grand Jury reports for twenty years with no final decisions being made by Placer County on the most economical way to address the significant deficiencies of not only the facility itself, but the contract in place to support the shortcomings of the facility. It is notable that with all of the inadequacies that the building itself imposes on the staff at the facility, they have managed to perform their duties at a remarkable level. This will address the inspection aspects of Burton Creek. A separate Grand Jury investigation will address the other issues in conjunction with the Burton Creek Substation.

## Facts

- The Grand Jury has recommended the replacement of Burton Creek Substation for the past twenty years.
- The substation is not in compliance with the Americans with Disabilities Act (ADA).
- There were unsecured storage sheds throughout the property containing county equipment and flammable materials.
- The electrical panels to the building are not secured.
- Burton Creek is not in compliance with the mandatory, defensible one hundred-foot fire clearance around buildings.<sup>8</sup> (Figure 1)
- There were no trash or cigarette receptacles near the picnic table
  - Several cigarette butts were located in area around the metal picnic type table on the East side (front) of the building adjacent to the parking lot.

*Figure 1 – No defensible space*



<sup>8</sup> Cal Fire. 2009. Cal Fire. April 22. Accessed October 17, 2017.  
[http://www.fire.ca.gov/communications/communications\\_firesafety\\_100feet](http://www.fire.ca.gov/communications/communications_firesafety_100feet)

- No fire sprinklers are installed at the substation
- Flares were stored in a wooden cabinet inside the work area garage.<sup>9</sup> (Figure 2)
- Dirty ventilation duct covers.
- Visible corrosion on ceiling duct covers.
- No ventilation in cleaning supplies storage closet.
- During business hours there is only one jailer on staff.

*Figure 2 Flares improperly stored*



<sup>9</sup> Department of Industrial Relations. 2017. Department of Industrial Relations. Accessed 2017. <https://www.dir.ca.gov/title8/5374.html>.

## South Placer Adult Correctional Facility (SPACF)-Roseville



### Background

This state-of-the-art facility was opened 2014. It is a Type III facility, holding convicted or sentenced inmates as well as those pending charges. The 200,000 square-foot part of the main jail has a capacity of 420 inmates and connects via underground tunnel to the Gibson Courthouse at Santucci.

### Facts

- Modern infirmary; forty-six beds; double & single occupancy managed by California Forensics Medical Group (CFMG).
- Food contract is with Aramark which started May 15, 2017.
- Three modes of power: electricity, generator (diesel fuel), and battery.
- Secured visiting area with eight Skype visitation booths free for inmates' use.

- 420 maximum inmates (300 in maximum security & 120 inmates possible in minimum security);
- 408 inmates at time of inspection.
- There are contact visits with attorney in private cells.
- Booking has sixty-three language translations for non-English speaking inmates.
- Santucci is a “silent” facility meaning that there is less noise than a traditional jail facility. Transistor radios and ear buds are provided to inmates lessening the amount of room noise.
- Separate building holds 120 minimum security inmates.

## Gibson Courthouse at Santucci Justice Center-Roseville



### Background

Opened in 2008, Gibson Courthouse is a court holding facility used to hold inmates awaiting court appearances for no more than twelve hours.

### Facts

- Twelve basement holding cells are connected by a tunnel to the main jail.
- There are also holding cells located between the courtrooms: six on the first floor, and four on the second floor, servicing nine courtrooms.

## Findings

The Grand Jury found in regards to:

### **Burton Creek:**

- F1. The Placer County Board of Supervisors has delayed the replacement of the Tahoe Justice Center due to cost and priority of other capital improvements taking precedence.
- F2. The Burton Creek Substation is not in compliance with the ADA.
- F3. After most recent efforts to make the building safer for staff and inmates, the facility still lacks necessary safety features that more modern facilities include.
- F4. Multiple unlocked storage locations on the property that contain flammable materials and county owned equipment.
- F5. The ground area has dry plants and dry pine needles, creating a potential conflagration and does not include the required defensive space.
- F6. The ventilation system had not been cleaned.
- F7. Smokers are being careless with discarded butts due to a lack of receptacles in the smoking area.

### **Gibson Courthouse at Santucci Justice Center:**

- F1. The facility is designed for safe passage of the inmates between the jail and the courthouse.
- F2. Adequate security is provided during courtroom hearings.

### **Remaining facilities:**

- F1. Provide proper security and adequate services for the inmates.
- F2. The buildings are Americans with Disability Act (ADA)-compliant, clean and well maintained.
- F3. The staff was accommodating, well trained, and knowledgeable.

## Recommendations

The Grand Jury makes the following recommendations to the **Burton Creek Substation only**:

- R1. Placer County Board of Supervisors consider replacing the Burton Creek Substation as recommended since 2001 by past Grand Jury reports.
- R2. Make necessary changes in order to bring the facility into compliance with ADA.
- R3. Review staffing needs to ensure safety procedures are followed.
- R4. Lock all storage areas accessible to the public and potentially inmates.
- R5. Maintain the mandatory one-hundred-foot defensible space around exterior of buildings.
- R6. Develop maintenance plan for keeping the ventilation system in good working order.
- R7. Install cigarette butt receptacle container near outdoor picnic tables.

## Conclusion

During the course of the inspections, we found the staff of all facilities to be knowledgeable, accommodating, and professional. Both SPACF and the Auburn Main Jail were properly maintained and provided for the needs of the inmates. The temporary court holding facilities provided proper security and accommodations for inmates awaiting hearings.

One concern that was identified is the substantial population increase that will occur from the two large development projects approved for the Tahoe region. This increase will further strain the Burton Creek facility. Steps need to be taken now in order to rectify the insufficiencies of the facility. Over the past twenty years this facility has been identified by the Grand Jury as inadequate and unsafe. It is time for the Board of Supervisors to take a serious look at replacing the Burton Creek facility. Continuing to ignore the Grand Jury's recommendations to replace this facility puts both the public and the employees' safety at risk.

**Request for Responses:**

	<b>Recommendations Requiring Response</b>	<b>Response Due Date</b>
<b>Placer County Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3</b>	<b>September 30, 2018</b>
<b>Mr. Devon Bell</b> Placer County Sheriff-Coroner-Marshal 2929 Richardson Drive Auburn, CA 95603	<b>R2, R3, R4, R5, R6, R7</b>	<b>September 30, 2018</b>

**Copy Sent to:**

**Mr. Todd Leopold**  
County Executive Officer  
175 Fulweiler Avenue  
Auburn, CA 95603

