



2010 – 2011 FINAL REPORT

State of California
PLACER COUNTY
GRAND JURY

11490 C AVENUE, AUBURN, CA 95603



PLACER COUNTY GRAND JURY

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28 June 2011

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

The Honorable Mark S. Curry
Advising Grand Jury Judge, Superior Court
County of Placer
P.O. Box 619072
Roseville, CA 95661

And citizens of Placer County

Subject: 2010 – 2011 Grand Jury Final Report

Dear Judge Pineschi, Judge Curry, and citizens of Placer County:

With great pride, I present the Final Report of the 2010 – 2011 Placer County Grand Jury. On behalf of all 19 members of the Grand Jury, I would like to acknowledge the advice and guidance provided by our Advising Judge, the Honorable Mark S. Curry, County Counsel, Anthony La Bouff, Chief Deputy County Counsel, Gerald Carden, Deputy County Counsel, Mark Rathe, and District Attorney, R. Scott Owens. A thanks also goes to the Grand Jury Coordinator, Rosalinda Cruz, for her assistance throughout the year.

In July of 2010, nineteen Placer County residents volunteered and were sworn in to serve as the 2010 - 2011 Grand Jury. It has been an honor to serve with an outstanding group of citizens who contributed our wealth of broad and valuable experience in carrying out our function as watchdog on city and county government and school and special districts.

This Final Report contains the results of our investigations as required by law, those requested by citizens, or internally generated. Reports the Grand Jury published during the year are included in this Final Report along with responses that have been received as of May 31, 2011.

Sincerely,

John J. Monaco, Foreperson, 2010-2011 Placer County Grand Jury

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Placer County Grand Jurors

| | | |
|-------------------|----------------------|--------------|
| Foreperson: | John Monaco | Rocklin |
| Pro Tempore: | Ralph Carbone | Roseville |
| Office Manager: | DeeAnn Mendoza | Granite Bay |
| Secretary: | Marilyn Brashear | Rocklin |
| Sergeant-at-Arms: | Ruth Braun | Lincoln |
| | John Asmus | Lincoln |
| | Jesse Barnes | Lincoln |
| | Joan Berry | Auburn |
| | Jennifer Castiblanco | Lincoln |
| | Ed Drennon | Granite Bay |
| | Robert Hargrave | Roseville |
| | Robert Harrison | Rocklin |
| | Ron Hayes | Lincoln |
| | Bill Hirsch | Auburn |
| | Douglas Hopley | Meadow Vista |
| | Roger Huebner | Rocklin |
| | Dan Karleskint | Lincoln |
| | Bob Lapham | Lincoln |
| | Ed Thomas | Rocklin |

2010 – 2011 Grand Jury Photograph



Back Row (L to R): Ralph Carbone, Pro Tem; Ruth Braun, Sergeant-at-Arms; John Monaco – Foreperson; Marilyn Brashear – Secretary; DeeAnn Mendoza – Office Manager; Doug Hopley. Middle Row: Robert Hargrave; Ed Thomas; Jesse Barnes; John Asmus; Bob Lapham; Robert Harrison; Bill Hirsch; Dan Karleskint. Front Row: Ron Hayes; Jennifer Castiblanco; Joan Berry; Ed Drennon. Not Shown: Roger Huebner.

Photography Credits

Cover page: Photo courtesy of Whitaker Photography
Grand Jury Photograph: Win Gredvig

What is a Grand Jury

What is a Grand Jury?

The Grand Jury is an investigatory body with the authority to act as a watchdog on local government, investigates 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.

Functions

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 county government as provided by statutes passed in 1880. Only a few other states require grand jury investigation beyond alleged misconduct of public officials. Although the jury responsibilities are many and diverse, the three predominant functions include:

Civil Watchdog Responsibilities - This is the major function of present day California grand jurors and considerable effort is devoted to these responsibilities. The grand jury may examine all aspects of county and city government and special districts to ensure they are serving the best interests of Placer County residents. The grand jury reviews and evaluates procedures, methods and systems used by these entities for efficiency and economy.

Most grand jury “watchdog” findings are contained in reports describing problems they discover and their subsequent recommendations for solutions. To accomplish the county watchdog functions, the grand jury normally establishes several committees. During its term, the grand jury issues final reports on government operations in Placer County.

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.

Citizen Complaints - As part of the civil function, the grand jury receives complaints from residents alleging official mistreatment, suspicious conduct, or governmental inefficiencies. The grand jury investigates reports from residents for their validity. All such requests are kept confidential until a final report is published. In fact, the complainant is not told whether or not the grand jury will investigate a complaint until the report is issued.

Criminal Investigations – Upon occasion, the district attorney asks the grand jury to hold hearings 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 12 grand jurors must vote for an indictment in any criminal proceeding.

Jurisdiction

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

- Persons imprisoned in the jail of the county on a criminal charge and not indicted;
- The condition and management of the public prisons 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 county grand jury jurisdiction include:

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

Qualifications

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

- He is a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned;
- He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character;
- He is possessed of sufficient knowledge of the English language.

A person is not competent to serve as a grand juror if any of the following apply:

- The person is serving as a trial juror in any California court;
- Have been convicted of a felony;
- Have been discharged as a grand juror in any court of this state within one year;
- The person has been convicted of malfeasance in office or any felony or other high crime;
- The person 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 selects residents at random from the list of applicants. Applicants should expect that a criminal records check would 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 19 names randomly. Another 10 names are drawn and ranked to form a list of alternate jurors. The Presiding Superior Court Judge then swears in the new 19 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 an average of 25 to 30 hours per month for a period of one year, July 1 through June 30.

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 about grand jury functions, including on 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.

Reports of the Grand Jury

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

<http://www.PlacerGrandJury.org>

How to Submit a Confidential Citizen Complaint

Download a Request for Action form from: <http://www.PlacerGrandJury.org>. Mail, email, or fax 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 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, 11490 C Avenue, Auburn, CA 95603

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

By email: grandjury@placer.ca.gov

By Fax: 530.886.5201

By Phone: 530.886.5200

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 period 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 |
|--------------------------------|-------------------|---|
| Public | Ninety (90) Days | Presiding Judge of the Superior Court |
| Elective Office or Agency Head | Sixty (60) Days | Presiding Judge of the Superior Court Information copy to Board of Supervisors |

Two originals of the responses must be provided to:

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

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

Placer County Grand Jury
 11490 C Avenue
 Auburn, CA 5603

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 therefore.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Describe here or attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Describe here or attach an explanation and the scope and parameters of an analysis or study, and a timeframe 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 timeframe 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 therefore.

(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 timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 timeframe 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 therefore.

(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

All American Speedway Noise

The Placer County Fair Association, a non-profit organization under contract with Placer County, operates the All American Speedway at the Placer County Fairgrounds in Roseville. An unapproved expansion of the race track in 2007, which now accommodates National Association for Stock Car Auto Racing (NASCAR) sanctioned racing events, has resulted in numerous noise complaints and other safety concerns for the residents in the immediate vicinity of the fairgrounds.

Three years of non-action by the Placer County Board of Supervisors led to a complaint to the Placer County Grand Jury. In investigating the complaint, it has been determined that in addition to the noise issues, no permits were obtained by the Fair Association for the expansion of the Speedway. Also, Placer County's contract with the Fair Association expired in 2007, and has not been renewed as of January 2011.

Supplying Water to Placer County

The Placer County Water Agency (PCWA) is responsible for providing water to the citizens of Placer County. The organization and its management are dedicated to that task. Over the past 50 plus years it has successfully served Placer County with water. PCWA faces many significant challenges (regulatory, contractual, political, and organizational) in the next several years. PCWA needs to increase its focus on preparedness to meet those challenges.

Property Zoning Dispute

The Grand Jury investigated a complaint submitted by a landowner who purchased an undeveloped piece of land zoned for residential development with the intent to develop and market it for, hopefully, a profit on his investment. Over a period of nearly 40 years since purchasing the property, the owner has submitted several formal and informal requests to the County for various rezoning actions; some of which were approved and others denied. The landowner now insists that the County's actions have deprived him of the ability to develop his property in the manner in which he wants to and has charged the County with fraud. After a thorough investigation of all available documents and by conducting interviews with parties having direct knowledge of the facts surrounding this issue, the Grand Jury is unable to substantiate wrongdoing by any participant in this dispute.

Holding Facility Inspections

The 2010-2011 Placer County Grand Jury conducted annual inspections of all holding facilities in Placer County. The Grand Jury concludes the overall operations of the holding facilities within the County are clean, organized, and well maintained. However, the Grand Jury recommends a new motor be installed for the sally port gate at the historic Auburn Courthouse which can be electrically and manually operated, and replacement of the Sheriff's Substation at Burton Creek.

Juvenile Detention Facility Inspection

The 2010-2011 Grand Jury inspected the Juvenile Detention Facility on September 22, 2010, and found it to be clean, well maintained, and appropriately staffed. The web-based security cameras are installed and fully functional. The medical service provided to the minors, by California Forensics Medical Group (CFMG) is efficient and trusted by the staff and minors. There is concern the educational program has only two certificated teachers for three classrooms.

Placer County Wastewater Advisory Committee

The Placer County Grand Jury investigated a complaint regarding the practices and procedures of the Placer County Wastewater Advisory Committee (PCWAC). The complaint included concerns regarding conflict of interest, wastewater policies, procedures, and regulations. This led the Grand Jury to review the Committee By-Laws (Appendix) and specific documents, interview Placer County officials, and a visitation to the Placer County Clerk-Recorder's office.

The Placer County Grand Jury recommends the PCWAC re-write their by-laws and properly post meeting agendas. The committee also needs to clarify and re-write their definition of a quorum. It is further recommended, the committee members be required to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.

Trouble at Western Placer Unified School District

The Western Placer Unified School District (WPUSD) has a number of facilities that are older and require extensive ongoing maintenance to ensure an environment that is conducive to learning and safe for students and staff.

The roof of the weight room at Lincoln High School was identified as leaking in October 2009. As of January 2011 it has still not been permanently repaired.

The investigation has identified troubling concerns with the deferred maintenance budget, and the work environment within the Facilities and Maintenance Department. The problems with the Lincoln High School roof are a symptom. As a result, the Grand Jury recommends contracting with a professional outside mediator

to facilitate with the Facilities and Maintenance Department to improve teamwork, trust, and communication in the work environment.

The Grand Jury also recommends the WPUSD Board of Trustees develop, approve, and implement a new five-year deferred maintenance budget to be managed by the Maintenance Director.

Election Report

Members of the Grand Jury attended election proceedings on November 2, 2010 and on January 4, 2011. The Grand Jury has found that the Placer County Registrar of Voters, Jim McCauley, and the employees in the Elections Office are doing an outstanding job. The Elections Office is always seeking ways to cut election costs, increasing voter registration, and providing voter and candidate education.

PLUS

The 2010-2011 Grand Jury, as suggested by the previous Grand Jury, elected to review the results of the 2009 Community Development Resource Agency (CDRA) audit and the 2010 follow-up CDRA audit by the Placer County Auditor-Controller. The Grand Jury found that the financial and management control deficiencies noted in the first audit were essentially corrected prior to the follow-up audit. There were no material deficiencies noted by the follow-up audit. It was, however, identified that the lack of consistent utilization of the Placer Land Use System (PLUS) computer application by CDRA still existed.

The Grand Jury has three recommendations. The first two are to emphasize the role of the PLUS Steering Committee in being pro-active in establishing goals to achieve consistency in the use of PLUS within the County. The third is to modify and expand the role of the PLUS users group.

Double Taxation

Since tax year 1989-1990, the Tahoe-Truckee Unified School District (TTUSD) has levied a parcel tax (flat tax, not dependant on property value) on the properties in the District. Taxes are collected in Nevada, Placer, and El Dorado Counties. There are properties which are split by a County Line. These properties have Appraiser's Parcel Numbers in each County. The School Tax has been collected by both Counties, thereby requiring the property owner to pay the tax twice.

The Grand Jury recommends that TTUSD discontinue double taxation.

49 Fire

On August 30, 2009, two arson-initiated fires occurred near the intersection of Rock Creek Road and Highway 49 in Auburn. Due to weather conditions, the two fires merged into one nearly unmanageable, fast moving fire which consumed 343 acres, 62 homes, and two businesses. The 49 Fire caused approximately \$40,000,000 in property damage and cost \$1.3 million to fight.

The Grand Jury finds the response, recovery, investigation, and subsequent process improvements to be effective. First responders, county agencies, volunteer organizations, churches and individual community members provided maximum effort under near impossible firefighting conditions.

Final Reports

PLACER COUNTY GRAND JURY



All American Speedway Noise

Placer County Oversight Failure

Report Date: February 1, 2011

ALL AMERICAN SPEEDWAY NOISE

Summary

The Placer County Fair Association, a non-profit organization under contract with Placer County, operates the All American Speedway at the Placer County Fairgrounds in Roseville. An unapproved expansion of the race track in 2007, which now accommodates National Association for Stock Car Auto Racing (NASCAR) sanctioned racing events, has resulted in numerous noise complaints and other safety concerns for the residents in the immediate vicinity of the fairgrounds.

Three years of non-action by the Placer County Board of Supervisors led to a complaint to the Placer County Grand Jury. In investigating the complaint, it has been determined that in addition to the noise issues, no permits were obtained by the Fair Association for the expansion of the Speedway. Also, Placer County's contract with the Fair Association expired in 2007, and has not been renewed as of January 2011.

Background

The Placer County Fair Association, a non-profit organization, operates the Placer County Fairgrounds by way of a written agreement between the County of Placer and the Placer County Fair Association. The Placer County Fair Association has operated the All American Speedway since 1955, which is located on the fairgrounds. The racing events occur at the Speedway to help generate funds that are used to pay for the fairground's yearly operational costs.

In a letter dated December 13, 2006, the Fair Association notified the Placer County Executive Officer, the Placer County Board of Supervisors, and the City of Roseville, of planned "safety" repairs/upgrades to the Speedway. In addition to repairing safety walls, safety fencing and on/off ramps, they extended the race track seventy feet in one direction and widened another portion thirty feet. The "pits" were torn down and rebuilt at another track location. This notification was made after the City of Roseville discovered a significant amount of work in progress at the fairgrounds. After the Speedway was modified, it qualified for NASCAR-sanctioned racing events.

None of the above actions by the Fair Association were approved by the County of Placer, which owns the property. County officials testified that no permits or environmental impact studies/reports were obtained by the Fair Association for this project.

Investigation Methods

Individual members of the Placer County Sheriff's Department, the Roseville Police Department, and the Roseville City Government were interviewed.

Placer County officials testified before the Grand Jury.

Documents and copies of emails were obtained from the Placer County Sheriff's Department, Placer County Facilities, Roseville Police Department, and the City of Roseville.

The Grand Jury also researched the Speedway on the Internet.

Facts

- California State law requires each county to have an annual agricultural fair (Government Code §25905). The Placer County Board of Supervisors has chosen the Placer County Fair Association to operate the fairgrounds. There is a written agreement signed by the Fair Association and the County. That agreement covered the period from January 1, 2002 to December 31, 2007, which allows the Fair Association to continue operations on a year-to-year basis until the contract is renewed.
- Placer County Facilities Department has attempted to enter into a new written agreement with the Fair Association which would give the County more oversight of the fairgrounds/Speedway operations. County officials have testified the Fair Association has refused to sign a new agreement because of the increased oversight.
- There were complaints from nearby residents of excessive Speedway noise. The City of Roseville received written complaints from 26 residents and several homeowners associations about excessive noise coming from the public address system and racing vehicles, since the race track was enlarged in 2007. Complaints also encompassed traffic congestion, quality of life degradation and reduced property values. The majority of the complaints were submitted in 2007. The management at the Speedway has made some improvements with sound attenuation. There were repeated complaints recorded from 2008 through 2010. Additional telephone complaints were not documented.
- County officials testified that no permits or environmental impact studies/reports were obtained by the Fair Association for the Speedway expansion project.
- A written contract between the County and fairgrounds officials has not been renewed since 2007.

- The Speedway exists on county property.
- The City of Roseville does not have jurisdiction to enforce city noise ordinances related to county-owned property.
- The Fair Association did not follow the requirements of the Placer County Zoning Ordinances nor the contract terms as they pertain to the planning, approval, construction, or modification of facilities located within the fairgrounds. No permits were issued by the county.
- Per the All American Speedway website, as of December 5, 2006, the Fair Association announced that they recently received a NASCAR-sanctioned agreement for review and approval.
- The Board of Supervisors was notified by letter from the CEO of the Fair Association dated, December 13, 2006, that the Speedway improvement project was for only “safety and maintenance” and “would have minimal impact on Speedway operations and the community.”
- After lengthening the track by 70 feet on one end and widening it by 30 feet on the other end, as well as increasing banking on two turns, it qualified the Speedway to hold NASCAR-approved races. The Speedway modification allows vehicles to increase speeds which generate more noise, as well as air pollution from un-combusted fuel and worn brake linings. This pollution source is across the street from a primary school and residential area.
- The Fair Association conducted improper grading operations during this project and contaminated drainage was allowed to enter the City of Roseville storm drainage system.

Findings

- F1. The Fair Association violated their written agreement by enlarging and modifying the All American Speedway without permission from Placer County. The changes at the Speedway have caused increased noise, air, and storm water run-off pollution, as well as parking and traffic congestion. The nearby residents complain that the value of their homes has decreased because of the Speedway noise, and their quality of life suffers during racing season.
- F2. By not addressing the noise and air pollution created by the Speedway, Placer County has failed to protect the health and safety of the citizens living near the All American Speedway.
- F3. When the Board of Supervisors was notified that construction was planned at the location, they failed to initiate an investigation which would have revealed that the Fair Association did not obtain county and state permits as required by law and as stipulated in the terms of the contract. The Board of Supervisors should have ensured that all permits had been filed and approved, and environmental and engineering studies were conducted by the appropriate agencies.
- F4. The Placer County Facilities Department has failed to demonstrate fiduciary responsibility by not executing a new operating agreement with sufficient oversight language to ensure the Fair Association adheres to their written agreements.
- F5. It is clear that the Fair Association's intent was to qualify for NASCAR-sanctioned racing events under the guise of "safety and maintenance improvements."
- F6. Modern race vehicles (NASCAR) capable of higher engine speeds, combined with the extended length of the Speedway, continue to generate more noise than existed before the track was enlarged.
- F7. When residents complained to the City of Roseville, they were told that the fairground was County property and that they were unable to enforce Roseville's noise ordinances at the Speedway. The residents were referred to the County. The County directed the complaints to the Fair Association.

Recommendations

The Grand Jury recommends:

- R1. The Board of Supervisors ensure the entire All American Speedway has been examined by county building inspectors, and/or engineers so that all portions of the Speedway are brought up to current county and state codes, regulations and noise ordinances. Also ensure the facility has obtained all county and state permits, including an Environmental Impact Report (EIR), as required.
- R2. The Board of Supervisors give the Fair Association 90 days upon the publication of this report to accept and sign a new operating agreement, which includes addressing resolution of the aforementioned Speedway issues.

Request for Responses

Placer County Board of Supervisors, #R1, R2
175 Fulweiler Ave.
Auburn, CA 95603

Due by April 1, 2011

Michael Johnson, Director, #R1
Community Development Resource Agency
3091 County Center Drive, Ste. 280
Auburn, CA 95603

Due by May 1, 2011

Jim Durfee, Director, #R2
Department of Facilities
11476 C Avenue
Auburn, CA 95603

Due by May 1, 2011

Copies Sent To

Joan Bartosik, CEO
Placer County Fair Association
800 All American City Blvd.
Roseville, CA 95678

Tom Miller, CEO
Placer County Executive Office
175 Fulweiler Ave.
Auburn, CA 95603

Roseville City Council
311 Vernon St.
Roseville, CA 95678

Mike Blair, Chief of Police
Roseville Police Department
1051 Junction Blvd.
Roseville, CA 95677



PLACER COUNTY GRAND JURY

Supplying Water to Placer County

Placer County Water Agency (PCWA)

Report Date: February 17, 2011

Supplying Water to Placer County

Summary

The Placer County Water Agency (PCWA) is responsible for providing water to the citizens of Placer County. The organization and its management are dedicated to that task. Over the past 50 plus years it has successfully served Placer County with water. PCWA faces many significant challenges (regulatory, contractual, political, and organizational) in the next several years. PCWA needs to increase its focus on preparedness to meet those challenges.

Background

The Placer County Water Agency (PCWA) was created in 1957 under its own state legislative act entitled the "Placer County Water Agency Act." The Agency is a special district located in Placer County, governed by a five member independently elected Board of Directors. PCWA provides water and energy advocacy and stewardship functions within the boundaries of Placer County. Its primary responsibility is to sustain adequate, reliable, and affordable water for Placer County's present and future needs.

PCWA's two primary sources of water are the Lake Spaulding Drum Canal through PG&E water supply contracts and surface water entitlements on the Middle Fork of the American River. The water is captured and transported to PCWA customers through an extensive system of dams, reservoirs, holding tanks, tunnels, canals, pipes, and water treatment plants. Water is sold both wholesale to various water purveyors who retail it to their customers and directly to retail customers. Wholesale treated and untreated water is sold to, among others, the City of Roseville, City of Lincoln, San Juan Water District, and Sacramento Suburban Water District. Retail water is provided to more than 38,000 customers mostly located in Auburn, Colfax, Loomis, and Rocklin.

In addition to the water system, PCWA also owns and operates five interconnected hydroelectric power plants that were constructed in the 1960's as part of the Middle Fork of the American River project (MFP) to capture and supply water to Placer County. The MFP hydroelectric system can generate 244 megawatts (maximum generation) and produces an average of 1.1 million megawatt hours annually, which is wholesaled to PG&E per a 1963 power sales contract.

PCWA is actively involved in a number of legal/regulatory activities that could significantly impact water and energy related issues affecting Placer County and its residents. The issues with potentially the most impact on PCWA are the Federal Energy Regulatory Commission (FERC) relicensing of the MFP hydroelectric facilities (water and power) and a new power purchase agreement(s) to replace the expiring PG&E contract for MFP power.

Additionally, PCWA is actively involved in: the Bay-Delta process and possible impacts upon Placer County's water supplies through CALFED and its related programs; the Truckee River operating agreement; the State Water Resources Control Board; the Sacramento River water diversion project; and various state and federal legislative and regulatory actions that could impact water supply and/or usage in Placer County.

Investigation Methods

The Grand Jury conducted seven interviews with management of PCWA. The interviews solicited information on:

- Job responsibilities;
- Operations of individual divisions within PCWA;
- Approach for documentation of work practices;
- Process for filling vacant positions;
- Identification of key individuals/positions within PCWA.

Additionally, input was received from organizations within Placer County, which interface with PCWA.

The Grand Jury members reviewed published material supplied by PCWA including; the 2010 Budget Report, the 2009 Annual Financial Report, press releases, various information documents both available to the general public and for internal use only, and Board of Director resolutions.

Facts

- PCWA is one of the largest special districts serving Placer County. Its activities and successes are central to the continued growth of Placer County. Based on interviews with management and input from leaders of organizations that have to deal with PCWA on a regular basis, it is an efficient, lean organization.
- Management is proud of the skill and knowledge of their dedicated staff.
- Customer service is of prime importance to the organization.
- They routinely use contractors/consultants, retired staff, and summer interns to handle peak and special project work.
- Between 2004 and 2009 the population of Placer County increased by 14%; while revenues, expenses, and capital assets of PCWA increased by 30%, 54%, and 95%, respectively; and staff of PCWA by only 7%.

- The existing PG&E power purchase agreement will expire in 2013 when the power generation capital costs associated with construction of the MFP have been paid off. This should result in significantly increased revenues from the power generation facilities in the PCWA system. Depending on approach and who the power supply contract is awarded to, PCWA will face more complexity, risk, and reward associated with power generation. Based on a 2006 Joint Powers Agreement (JPA) with Placer County to finance relicensing, modifications, and improvement work on PCWA's MFP generation facilities, PCWA agreed to split the revenues from the generating facilities with Placer County 50/50 starting in 2015. The total net revenues from the generating facilities could be as much as \$20 million per year by 2025.
- The PCWA Board of Directors has already approved a list of potential types of projects to be funded from their share of the additional revenue. The list included everything that is water-related within Placer County.
- Water supply is adequate for now and 30 years into the future, based on growth trends. However, there are a number of significant water supply issues that PCWA is addressing or watching which could negatively impact the amount of water available to PCWA to serve its customers. They include: PG&E relicensing of Drum-Spaulding; PCWA relicensing of the MFP; Southern California water demands; environmental requirements (Delta); claims/disputes with adjoining water supplies; new state regulations; water storage issues; etc. PCWA has two entitlements through contracts with PG&E and two entitlements under contracts with the Bureau of Reclamation. The contracts with PG&E are up for renewal in 2013, but most likely at an increased cost to PCWA.
- The PCWA workforce has been stable, with most of the management having worked together as a team for several years. However, its workforce is aging, with most of management being eligible to retire now.
- The following is a summary of average employee age and years of service.

| <i>Employee Group</i> | <i>No. of Employees</i> | <i>Average Age</i> | <i>Average Years of Service</i> |
|------------------------------|-------------------------|--------------------|---------------------------------|
| <i>Exec & Management</i> | <i>8</i> | <i>57</i> | <i>24</i> |
| <i>Mid-Management</i> | <i>16</i> | <i>49</i> | <i>13</i> |
| <i>Staff</i> | <i>155</i> | <i>46</i> | <i>11</i> |

- The Grand Jury's interviews with PCWA management revealed no specific overall organizational approach for retaining and recruiting staff, although some divisions have an approach for the development of some staff positions. Throughout the interviews, the positions of General Manager and Director of Strategic Affairs were identified as the most difficult to replace if they became vacant.

- During the Grand Jury's interviews with PCWA management, questions were asked concerning important processes within their respective organization and the formal documentation available of those processes. Given the mature nature of the organization and limited personnel turnover, it is not surprising that the availability of valid process documentation is inconsistent across the organization. There seems to be a heavy reliance on institutional knowledge located in a few key individuals in PCWA.

Findings

- F1. PCWA appears to be a lean, stable, efficiently operated organization which is focused on serving the customer within their service area (Placer County).
- F2. The financial and statistical reporting is very impressive for an organization the size of PCWA. In fact they have received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.
- F3. The Board of Directors recently approved a resolution (08-16, see Appendix) indicating what types of projects could be funded by the expected additional revenue from the sale of power from the Middle Fork Project. This is an excellent start, but the list is so broad it provides little guidance to PCWA staff.
- F4. Although PCWA is currently well positioned to provide water to current and future customers within its service area, there are numerous issues that could significantly impact the water supply. The responsibility for monitoring and/or taking appropriate action is handled by the General Manager, the Strategic Affairs Division, and outside legal counsel. The strategy, analysis, and actions of this critical function are concentrated in very few individuals.
- F5. PCWA has a stable work force, with most of the management team having worked together for a number of years. However, the work force is aging, particularly at the management level, with most being eligible to retire now. The organization does not have a consistent, known strategy to replace key staff or management when vacancies occur.
- F6. There appears to be a heavy reliance on knowledge and experience within a few key individuals and process documentation is inconsistent across the organization. These could be issues if any key individual left the organization suddenly.

Conclusion

The Grand Jury was impressed regarding the quality and dedication of PCWA management. There was a consistent enthusiasm shown for the job they were performing and for fulfilling the needs of their customers.

With few exceptions, the organization is focused on the present; serving the current customer with safe, reliable, affordable water. Given the number of potentially significant impactful issues facing PCWA and an up-coming transition of management, increased focus and preparation needs to be placed on the future.

Recommendations

The Grand Jury recommends:

- R1. Establish an ongoing process to prioritize and rank proposed projects that will be funded from the additional revenue expected by the sale of power from the Middle Fork Project.
- R2. Increase staffing within the Strategic Affairs Division to provide backup and continuity for key positions and to ensure all issues are getting the required attention.
- R3. Develop a formalized and visible plan to both develop internal candidates and outside sources for key staff and management positions. The plan once implemented will need to be monitored and updated on an ongoing basis.
- R4. Each division should assess its current operations to identify critical processes and the current state of their formal documentation. Based on that assessment, a plan should be developed to update or create appropriate process and procedure documentation.

Request for Responses

David A. Breninger, General Manager /
#R1, R2, R3, R4
Placer County Water Agency
144 Ferguson Road
Auburn, CA 95604

Due by May 17, 2011

Copy Sent To

Board of Directors
Placer County Water Agency
144 Ferguson Road
Auburn, CA 95604

Appendix: Resolution 08-16 of the Board of directors of the Placer County Water Agency

RESOLUTION 08-16 OF THE BOARD OF DIRECTORS OF THE PLACER COUNTY WATER AGENCY ESTABLISHING A POLICY FOR THE DISTRIBUTION AND USE OF NET POWER SALE REVENUES FROM THE MIDDLE FORK AMERICAN RIVER HYDROELECTRIC PROJECT

WHEREAS, the citizens of Placer County approved a bond measure in 1962 to fund the construction of the Middle Fork Project with assurances that the Project would provide benefits to the residents of Placer County; and,

WHEREAS, the existing Middle Fork Project power sale contract, which funded the repayment of the bonds which funded the construction of the Middle Fork Project and its annual operating and maintenance costs, will expire in March 2013; and,

WHEREAS, under the terms of a new power sale contract after March 2013 PCWA anticipates that there will frequently be net power sale revenues in excess of the operating costs of the Middle Fork Project, available to provide public benefits; and,

WHEREAS, PCWA intends to invest net revenues into projects and programs which benefit of the people of Placer County consistent with its authorities under the PCWA Act.

NOW THEREFORE the Board of Directors of the Placer County Water Agency does hereby adopt the attached Policy as a guide for the use of Middle Fork Project Net Revenues.

The foregoing resolution was duly passed at a regular meeting of the Board of Directors of the Placer County Water Agency held on June 5, 2008, by the following roll call vote:

AYES DIRECTORS: Gray Allen, Alex Ferreira, Lowell Jarvis, Otis Wollan,
Chairman Mike Lee

NOES DIRECTORS: None

ABSENT DIRECTORS: None

Signed and approved by me after its passage this 5th day of June, 2008.



Mike Lee, Chairman of the Board
Placer County Water Agency

ATTEST:



Cheri Sprunk
Clerk, Board of Directors

PCWA POLICY FOR THE USE OF MIDDLE FORK PROJECT NET REVENUES

This policy is intended to guide future PCWA Boards of Directors in the distribution of the Agency's share of net revenues from the sale of power from the Middle Fork Project.

The Board of Directors should allocate net revenues from the sale of power from the Middle Fork Project for disbursement to public agencies within Placer County, including PCWA's own water systems, in the form of loans or grants for projects and programs which are consistent with PCWA's authorities under the PCWA Act.

PCWA may establish by separate action such rules and procedures as it deems appropriate for the distribution of these funds.

The following is a list of the types of projects that will be eligible for funding:

Water Supply:

Water Rights protection

Water supply development; including needs assessment studies, supply feasibility studies, infrastructure design, and environmental studies – but not including construction of water supply infrastructure intended to supply new land development projects.

Water conservation and water recycling programs; including program development studies, meter installation or replacement, installation of devices for water use efficiency, leak detection, conservation education programs, conservation rebate and incentive programs, and infrastructure construction

Groundwater management; including planning and implementation, aquifer recharge management and facilities, and agriculture groundwater supply protection programs

Renewal and replacement of ageing infrastructure, including planning and assessment programs

Development of new or extension of existing water systems to serve existing homes, neighborhoods and communities that do not have adequate domestic water supplies

Water Supply Reliability:

Projects; including installation of supply facilities for use during water outages, installation of backup power generation facilities for use during power outages, increased storage capacity, control system improvements, and mapping for improved planning and emergency response

Water Quality:

Treatment process improvements; including compliance with mandated water quality requirements and projects to improve water treatment process reliability

Source water quality protection programs; including watershed management to reduce or prevent contaminants from entering the water system, watershed management to sustain or enhance flow and timing, or watershed management to reduce the risk of fire to infrastructure or the sustainability of watershed function.

Ecosystem protection:

Habitat conservation plan support; including the management of Agency lands for protection of water supplies

Aquatic system management; including removal and replacement of fish migration obstacles, installation of fish screens on intakes, stream/river bed management, listed species protection and riparian habitat management of Placer County water systems

Carbon footprint and greenhouse gas emission reduction programs, including renewable energy projects and energy efficiency programs.

Recreation:

Creation or enhancement of recreation opportunities associated with Placer County water or power facilities

Public Education:

Projects and programs designed to educate and inform the public on important water, energy, and resource issues

Financial:

Emergency financial aid to Placer County public water systems

Energy System Supply and Reliability:

Enhancements and betterments to the energy generation system, expansion of the energy portfolio consistent with the PCWA act



PLACER COUNTY GRAND JURY

Property Zoning Dispute

A Citizen Complaint

Report Date: February 17, 2011

Property Zoning Dispute

Summary

The Grand Jury investigated a complaint submitted by a landowner who purchased an undeveloped piece of land zoned for residential development with the intent to develop and market it for, hopefully, a profit on his investment. Over a period of nearly 40 years since purchasing the property, the owner has submitted several formal and informal requests to the County for various rezoning actions; some of which were approved and others denied. The landowner now insists that the County's actions have deprived him of the ability to develop his property in the manner in which he wants to and has charged the County with fraud. After a thorough investigation of all available documents and by conducting interviews with parties having direct knowledge of the facts surrounding this issue, the Grand Jury is unable to substantiate wrongdoing by any participant in this dispute.

Background

A Placer County citizen purchased a 30-acre parcel of land that was zoned Residential Agricultural (RA) in North Auburn in 1974 with the intent of creating a residential and commercial development. In 1988, he and a co-owner (silent partner) submitted a request to the County to develop a portion of his purchase to create a 10-lot subdivision with a warehouse and office buildings. The request was approved but no action was ever taken by the owners to develop the property and the authority expired in 1992. Also in 1992, the owners submitted a letter to the County asking 20 acres to be zoned for commercial use in exchange for donating ten acres to create a public park.

On June 10, 1993, the County responded to a letter, allegedly written by the landowner dated June 7, 1993, asking for the status of his proposal to donate land for a park in exchange for rezoning. He was informed that the Planning Commission supported his request but the Board of Supervisors would be the approval authority. The landowner stated that he did not write the referenced letter and never received a response from the County concerning it (Appendix A).

During the time when these actions were occurring, the County's Planning Department was preparing an update to the Auburn/Bowman Community Plan which was subsequently approved by the Board of Supervisors. As a result of this approval, the landowner's parcel was rezoned as follows: 1.7 acres Residential Agricultural (RA), 7.8 acres Open Space (OS), and 21 acres Industrial (I). During the interview with the landowner, he was unaware of the 1.7 acre parcel being zoned RA. Although the County re-zoned a portion of the property from RA to OS, the landowner stated he never requested this OS designation, which he believes significantly devalued his property. The Grand Jury interviewed Placer County Assessors that stated property in this area zoned RA would be valued at least ten times greater than property zoned OS.

In 2002 and again in 2006, County documentation indicated the landowner contacted County officials to discuss options for vehicular access to his property, which was designated as right-turn only. A letter, dated March 31, 2007 from the Planning Department, explained in detail what options the landowner might explore. At the time this report was written, no formal request to exercise any option had been received by the County.

The landowner has become upset with the actions the County has taken regarding the zoning of the remaining parcels of his land. He has made allegations of wrongdoing by the County. He is particularly upset that a portion of his land was rezoned from RA to OS when he specifically offered to donate it to the County. Numerous meetings have been held with the landowner and various County officials to determine an acceptable solution. An agreement has yet to be reached and the landowner has filed a complaint with the Grand Jury.

Investigation Methods

The Grand Jury conducted Interviews with a representative of the Placer County Community Development Resource Agency (CDRA) who had a great depth of knowledge of the history of this issue as well as with the affected landowner. Transcripts of public hearings were studied. Available maps, documents, and correspondence regarding these issues were examined and discussed with the participants during interviews.

Facts

- In 1988, the landowner was granted authority to develop a 10-lot subdivision with a warehouse and office buildings. The landowner was granted two extensions of time to submit the necessary documents to develop his property but no action was ever taken by the landowner and the authority expired four years later.
- The County responded (Attachment A) to a letter, allegedly written by the landowner, in June 1993 requesting the status of his offer to donate ten acres for a park in exchange for rezoning his remaining 20 acres to Commercial.
- The County rezoned a portion of the landowner's property from RA to OS (Attachment A).
- In 2001, the landowner sold and gifted nearly one-half of his original purchase but failed to retain easement rights to his now land-locked 16 acres.
- In 2002 and again in 2006, the landowner contacted the County requesting options to create access to his property.
- In a letter dated March 31, 2007 the County presented various options regarding the development potential to the landowner.

- The landowner stated he submitted a letter (undated) to the County referencing a May, 2003 meeting in which he reiterated his offer to donate a portion of his land free and clear to the “Placer Legacy” in lieu of it being zoned OS (Appendix B). In addition, he wished to rezone the western portion of his property to a classification other than Industrial where it would be more attractive to a potential buyer.
- The landowner stated he is upset with the County for the rezoning actions it has taken that resulted in his inability to develop his property.

Findings

- F1. On Thursday, June 10, 1993 the County responded (Appendix A) to an alleged letter which was never located, dated Monday, June 7, 1993 from the landowner, requesting the status of his offer to donate 10 acres of his land to be used for a park in exchange for rezoning the remainder of his land to Industrial. The County is unable to produce a copy of the alleged letter. The landowner states that he did not write the cited letter nor did he receive the County’s response. The Grand Jury could not locate this alleged letter in the myriad of documents provided by the County and the landowner.
- F2. The County rezoned a portion of the landowner’s property from Residential Agricultural to Open Space, which effectively devalued his property. The Grand Jury interviewed Placer County Assessors that stated property in this area zoned Residential Agricultural would be valued at least ten times greater than property zoned Open Space.
- F3. After a thorough investigation of all available documents and by conducting interviews with parties having direct knowledge of the facts surrounding this issue, the Grand Jury is unable to substantiate any fraud by the County or any participant in this dispute.

Conclusion

The Grand Jury has found no intentional wrongdoing by any of the parties during its investigation of this issue. The history of this undeveloped land covers a period of nearly 40 years. The landowner states that the County has taken actions that have impeded his ability to develop this property in a way that would allow him to profit from his investment. The County has offered several solutions to the landowner and he has not followed through on any of these offerings.

If the landowner would follow up on any of his offers with a formal submission of appropriate documents to the County and the County gives them due consideration in light of current law and policies, this issue would be resolved.

Recommendation

None.

Request For Response

Michael Johnson, Director
Community Development Resource Agency
3091 County Center Drive, Ste. 280
Auburn, CA 95603

Due by May 17, 2011

Copies Sent To

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

Appendix A: County Letter to the Landowner



PLACER COUNTY PLANNING DEPARTMENT

11414 B Avenue / Auburn, California 95603 / Telephone (916) 889-7470

June 10, 1993

[REDACTED]
[REDACTED]

P.O. Box [REDACTED]
Auburn, CA 95604

RE: A/BCP PROPERTY OWNER REQUEST

Dear Mr. [REDACTED]

This letter is in response to your June 7, 1993, letter asking for confirmation that your request for a land use change for APN [REDACTED] has been approved. Your land use change request consisted of extending the Industrial land use designation from its current location north to approximately 450' from Bell Road, and in exchange the land use designation on the remainder of the property (the northern 450'+/-) would be changed from Rural Residential to Open Space with the intent that this area would be available for park purposes.

As you are aware, staff supports your request. In addition, the Planning Commission also supports your request. However, the request will still require approval by the Board of Supervisors. We don't foresee any contention by the Board relative to this land use change.

It is anticipated that the Planning Commission will conclude its review of the Auburn/Bowman Community Plan at its July 22, 1993, hearing, and forward the Plan onto the Board of Supervisors for its review and approval. Unfortunately, it is difficult to estimate at this time when the Board will consider the Plan and how many hearings it will require to complete its review and approve the Plan.

If you have any questions, please contact me.

Sincerely,

[REDACTED]

[REDACTED]
Senior Planner

c: [REDACTED]

RECEIVED
JAN 08 2008
COUNTY COUNSEL

Appendix B: Landowner Letter to the County

PO Box
Auburn, CA 95604

[REDACTED]
Placer County Planning Department
11414 B Avenue
Auburn, CA 95603

RE: [REDACTED]

Dear [REDACTED]

When I met with you in your office last month, I requested that the industrial part (5.6 acres) of our 15.6 acre parcel be moved from the Eastern part of our parcel to the Western part of the parcel. The remaining 10 acres that is zoned open space would be donated free and clear to the Placer Legacy at no charge.

I was disappointed in receiving your letter of June 12, 2003, saying that you would not support such a move. The reason for making the request is that it is not economical to develop the industrial part of the parcel, due to the cost of installing the infrastructure (roadway, water, sewer, power etc.) to the parcel. All infrastructure is currently available on the Western part of the parcel.

You may recall that [REDACTED] wanted to locate their business on that parcel. I believe that you and Supervisor [REDACTED] met with [REDACTED] trying to assist with relocation to the parcel. They spent 18 months and a lot of money trying to make it work. They finally gave up as it was too costly to locate there. Several developers have looked at the parcel since and stated the same thing. One even remarked "I couldn't afford to develop the parcel even if you donated it to me".

I do not wish to retain the Industrial Zoning and would rather down zone to allow an office type facility or allow a church facility to be but there. Currently there are several churches interested in the parcel if the zoning is moved. We would only want a "right-in and right-out" as Supervisor [REDACTED] proposed for [REDACTED]

Regarding the buffer, the entire property is heavily wooded. If any additional

Appendix B: (continued)

buffer is needed to screen buildings that could be mitigated by simply planting more trees. The two churches currently on [REDACTED] are certainly not hidden and I am confident that we can do a better job than they did.

I have retained an engineer and legal counsel. First, the only alternative access would be to come in on [REDACTED]. It is a one-lane road that serves four parcels off of [REDACTED]. Public Works would require us to widen it to commercial standards, a costly endeavor. After polling the four parcels it was discovered they do not want the road widened, nor do they want any additional traffic on their road. Second, counsel says "you don't need an alternative access, the access that you have is perfectly legal and safe, even if it is improved, you have the same right to access as the [REDACTED] and [REDACTED] located East of your property on [REDACTED]". I purchased this property before [REDACTED] was installed by the county and have used this access extensively before the two (2) [REDACTED] were built. Third, counsel has also stated, "any conditions or restrictions that the county applies to your property that adversely affects you from economically developing your property and does not adversely impact your neighbors, constitutes a taking of your property and the county must compensate you for the taking."

Mr. [REDACTED] it is not my intention to be confrontational with the Placer County. [REDACTED]. I am simply relaying information that I have obtained and am passing it on to you, in hopes you will do some follow up investigation into the situation at hand.

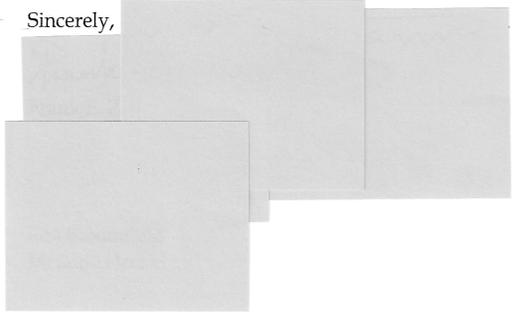
Enclosed is a copy of a letter that I sent to you over ten years ago, which offered the county one-third of our property for a park or whatever the county deemed appropriate for that property. I am still willing to honor the commitment.

Based on the information contained in this letter I would appreciate it if you would reconsider your position on this matter.

Appendix B: (continued)

I await a written response from you regarding this situation and hope that we can reach an amicable resolution that will benefit both sides.

Sincerely,

A large rectangular area of the document is redacted with a solid grey fill, obscuring the signature and name of the sender.



PLACER COUNTY GRAND JURY

Annual Inspection of the Holding Facilities in Placer County

Report Date: March 15, 2011

Annual Inspection of the Holding Facilities in Placer County

Summary

The 2010-2011 Placer County Grand Jury conducted annual inspections of all holding facilities in Placer County. The Grand Jury concludes the overall operations of the holding facilities within the County are clean, organized, and well maintained. However, the Grand Jury recommends a new motor be installed for the sally port gate at the historic Auburn Courthouse which can be electrically and manually operated, and replacement of the Sheriff's Substation at Burton Creek.

Background

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

Investigation Methods

The 2010-2011 Grand Jury inspected all of the holding facilities within the County. Areas that were inspected at the facilities were booking, inmate housing, food preparation and handling, general maintenance, security and cleanliness of the facility, and general procedures of the handling of prisoners.

Facts

Lincoln Police Department Holding Facility

As of July 14, 2010, the Lincoln Police Department no longer has a holding facility and therefore an inspection was not conducted. All arrestees are now transported directly to the Placer County Main Jail or the Juvenile Detention Facility in Auburn. The Lincoln Police Department consolidated operational and administrative functions into one location.

Roseville Police Department Holding Facility

The Roseville Police Department (PD) has the capability of detaining prisoners in their holding facility for up to 96 hours prior to being transported to the Placer County Main Jail in Auburn. If a prisoner is transported to Auburn it can be approximately a 46 mile round trip and officer time involved. When the Sheriff's Department completes construction of a jail at

the Santucci Justice Center in 2012, the time involved in the transportation of prisoners to jail by the PD will drop. It is unknown at this time if the jail at the PD will be utilized for bookings when the new County jail is completed and operating.

The Roseville PD currently has a Sentenced Prisoner Program (SPP), which offers an alternative to serving their sentence in the Placer County Main Jail. It is an option for some convicted individuals to complete their sentence in 12-hour increments for a fee while still able to maintain employment. The SPP was estimated to have generated approximately \$100,000 in revenue for the 2010 calendar year.

Auburn Historic Courthouse Holding Facility

Prisoners are brought to the Courthouse by a law enforcement car or van for court appearances. They are led from the sally port, through the lobby, up the fire escape back stairs to the holding area before being taken to a courtroom.

In the sally port there is an electrically operated gate which is raised and lowered when the prisoners are brought to the courthouse by transport vehicles. At times this gate does not work and will stay in either the up or down position and cannot be operated either manually or electrically. The outdated gate motor is generally repaired on a temporary basis. Work orders have been submitted to address this issue.

Rocklin Police Department Holding Facility

The holding facility at the Rocklin Police Department is approximately five years old. The facility is modern and was designed with a 50-year plan for growth. It is spacious, clean and well maintained. The facility has been recognized as a "green" police department by the California Peace Officers' Association as an eco-friendly building.

The Rocklin Police Department received a commendation by the Governor's Office as having the best volunteer program for police departments in California.

Auburn Police Department Holding Facility

Jurors inspected the holding facility and found that it is secure, clean, and well maintained.

Chief Valerie Harris and Captain John Ruffcorn facilitated a question and answer session with the jurors on the workings of the police department. The department actively applies for and receives grant monies available which helps meet the needs of the department in areas of appropriating communication equipment, computers, and vehicle technology.

Placer County Main Jail and Minimum Security

The Placer County Main Jail and Minimum Security facility in Auburn have a combined capacity of 646 prisoners. The Grand Jury found that the facility is clean, secure, well maintained, and noted no significant problems.

Medical services are provided through a contract with the California Forensic Medical Group. Medical staff is present in the facility 24/7.

Minimum security facilities are located at 11441 F Avenue, Auburn, in the DeWitt Center, which is close to the Main Jail. The capacity of this facility is 160 prisoners. The prisoners in this facility work in the laundry, in the kitchen, and provide maintenance of County facilities and other California State agencies.

The kitchen facilities are run by the Probation Department under the direction of Food Service Manager Renee Harvey. Prisoners from the Minimum Security Facility and civilian employees produce thousands of meals a day for the inmates at the Main Jail, Minimum Security Facility, and the Juvenile Detention Facility. Procedures are in place to prevent food-borne illness outbreaks; samples of each day's meals are frozen. In the event of an outbreak of a food-borne illness, these samples can be tested. Meals are well balanced and special diet meals are available.

Santucci Justice Center Holding Facility

The holding facility is located within the Santucci Justice Center which opened in July 2008. This facility is modern, clean, secure, and well maintained. There is sufficient camera coverage in the holding facility and courtrooms, which are monitored by deputies. Elevators are used to move prisoners between the holding facility and courtrooms.

Sheriff's Tahoe Substation at Burton Creek

On October 11, 2010, the Grand Jury inspected the Sheriff's Tahoe Substation at Burton Creek. Sgt. Helen Thompson led the inspection. This building houses the Sheriff's Department, the Tahoe Justice Center, and the District Attorney's satellite office. The inspection included the holding facility, sally port, and kitchen area. Meals are provided for the prisoners by the kitchen facility operated by the Placer County Probation Department in Auburn.

Deputies are cross-trained in search and rescue. The employees at this facility take pride in their work and the services they provide to the public.

The Substation was constructed in 1959. Grand Jury reports since 1999 have made recommendations to replace this facility. See Final Reports and Responses at: www.placergrandjury.org

The Grand Jury of 2010-2011 concurs with all prior Placer County Grand Juries' recommendations for the replacement of this facility.

Findings

F1. The Grand Jury concludes the overall operations of the holding facilities within the County are clean, organized, and well maintained.

F2. **Lincoln Police Department Holding Facility**

The Lincoln Police Department no longer has a holding facility.

F3. **Roseville Police Department**

The Grand Jury commends the Roseville Police Department for offering the Sentenced Prisoner Program.

F4. **Auburn Historic Courthouse Holding Facility**

- The motor operating the sally port gate is unreliable.
- There is no way to manually control the gate.

F5. **Rocklin Police Department Holding Facility**

The Grand Jury commends the Rocklin Police Department for their continued effort to maintain an efficient "green" and professional facility.

F6. **Auburn Police Department Holding Facility**

The Grand Jury commends the Auburn Police Department for obtaining funds through grants available to law enforcement agencies.

F7. **Placer County Main Jail and Minimum Security**

The Grand Jury commends Food Service Manager Renee Harvey for doing an outstanding job. Using local products helps to keep costs down.

F8. **Santucci Justice Center Holding Facility**

This facility is modern, clean, secure, and well maintained.

F9. **Sheriff's Tahoe Substation at Burton Creek**

- Deputies at this facility are cross-trained in search and rescue.
- The employees at this facility take pride in their work and the services they provide to the public.
- The Substation was constructed in 1959. Grand Jury reports since 1999 have made recommendations to replace this facility.

Conclusion

The Grand Jury concludes the overall operations of the holding facilities within Placer County are clean, organized, and well maintained.

Recommendations

The 2010-2011 Placer County Grand Jury recommends:

- R1. A new motor be installed for the sally port gate at the Historic Auburn Courthouse which can be electrically and manually operated.
- R2. Replacement of the Sheriff's Substation at Burton Creek.

Request For Responses

Edward Bonner, Sheriff-Coroner-Marshal
Placer County Sheriff Department
#R1, R2
2929 Richardson Drive
Auburn, CA 95603

Due by May 15, 2011

Placer County Board Of Supervisors
#R1, R2
175 Fulweiler Avenue
Auburn, CA 95603

Due by May 15, 2011

Thomas Miller
Placer County Executive Officer
#R2
175 Fulweiler Avenue
Auburn, CA 95603

Due by June 15, 2011

Jim Durfee, Director
Placer County Facility Services
#R1, R2
11476 C Avenue
Auburn, CA 95603

Due by June 15, 2011

Copies Sent To

Chief of Police
Lincoln Police Department
770 7th Street
Lincoln, CA 95648

Lincoln City Council
600 Sixth Street
Lincoln, CA 95648

Daniel Hahn, Chief of Police
Roseville Police Department
1051 Junction Blvd.
Roseville, CA 95678

Roseville City Council
311 Vernon Street
Roseville, CA 95678

Mark Siemens, Chief of Police
Rocklin Police Department
4080 Rocklin Road
Rocklin, CA 95677

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677

Valerie Harris, Chief of Police
Auburn Police Department
1215 Lincoln Way
Auburn, CA 95603

Auburn City Council
1225 Lincoln Way
Auburn, CA 95603

PLACER COUNTY GRAND JURY



Annual Inspection of the Placer County Juvenile Detention Facility

Report Date: March 15, 2011

Annual Inspection of the Placer County Juvenile Detention Facility

Summary

The 2010-2011 Grand Jury inspected the Juvenile Detention Facility on September 22, 2010, and found it to be clean, well maintained, and appropriately staffed. The web-based security cameras are installed and fully functional. The medical service provided to the minors, by California Forensics Medical Group (CFMG) is efficient and trusted by the staff and minors. There is concern the educational program has only two certificated teachers for three classrooms.

Background

The Grand Jury is responsible for inspecting all jails, and in Placer County that includes the Juvenile Detention Facility (JDF). The JDF is defined as a county facility designed for the reception and temporary care of minors detained in accordance with California Code of Regulations, Title 15, Section 5; Welfare and Institutions Code Section 210 and Juvenile Court Law.

The Grand Jury is charged with investigating and reporting on the welfare, safety and security of the minors detained and employees working in the JDF. The Placer County Grand Juries, from 2007 through 2010, have recommended security cameras be installed throughout the facility, including the classrooms, recreational area, and the dining room. As of this inspection the necessary cameras have been installed and are fully functional.

Investigation Methods

Members of the Grand jury inspected the JDF on September 22, 2010. Superintendent Greg Chinn and Deputy Superintendent Don Hazen led jury members on a tour of the facility and provided time for questions and answers.

Facts

- The facility was clean, well maintained, and there is an appropriately trained staff.
- The State-recommended ratio of Probation Officers to minors is in place.
- The web-based security cameras have been installed in all necessary areas of the facility, per prior Grand Jury recommendations.

- The JDF has a capacity of 58 minors; 36 were detained on the day of the inspection.
- There is a fire safety plan in place and fire inspections are required annually. The last one was completed in September 2010. Fire drills occur quarterly.
- California Forensics Medical Group (CFMG) provides medical care for the minors. There are medical personnel on site 12 hours per day; the contact hospital is Sutter Auburn Faith Hospital.
- Placer County Office of Education provides the education program for the minors. There are three classrooms; two staffed by certificated teachers and the third by instructional assistants.
- The kitchen area is clean and well maintained. Meals are transported from the Placer County Main Jail kitchen and served to the minors on disposable plates, with disposable utensils.
- There is a suicide prevention plan in place, with a Children's Systems of Care counselor assigned to the facility for support.
- Community volunteers offer faith-based services to the minors. Alcohol and drug counseling is also available.
- A behavior point system is in place for the minors, who earn privileges for good behavior.

Findings

- F1. The Grand Jury found the facility to be clean, organized, and well maintained.
- F2. The security cameras are installed and fully functional.
- F3. There are only two certificated teachers for three classrooms.
- F4. The medical personnel provided by CFMG are efficient, caring, and trusted by the staff and minors.

Conclusion

The facility was clean, well maintained, and has appropriately trained staff. The Placer County Grand Jury acknowledges the security cameras have been installed.

Recommendation

R1. The Grand Jury recommends staffing the third classroom with a certificated teacher, with relevant credentials.

Request For Responses

Steve Pecor, Chief Probation Officer, #R1
Placer County Probation Department
2929 Richardson Drive
Auburn, CA. 95603

Due by June 15, 2011

Gayle Garbolino-Mojica, #R1
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street
Auburn, CA 95603

Due May 15, 2011

Copies Sent To

Greg Chinn, Superintendent
Placer County Juvenile Detention Center
2929 Richardson Drive, Suite B
Auburn, CA. 95603

Jim Durfee, Director
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

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



PLACER COUNTY GRAND JURY

Placer County Wastewater Advisory Committee

Report Date: April 12, 2011

Placer County Wastewater Advisory Committee

Summary

The Placer County Grand Jury investigated a complaint regarding the practices and procedures of the Placer County Wastewater Advisory Committee (PCWAC). The complaint included concerns regarding conflict of interest, wastewater policies, procedures, and regulations. This led the Grand Jury to review the Committee By-Laws (Appendix) and specific documents, interview Placer County officials, and a visitation to the Placer County Clerk-Recorder's office.

The Placer County Grand Jury recommends the PCWAC re-write their by-laws and properly post meeting agendas. The committee also needs to clarify and re-write their definition of a quorum. It is further recommended, the committee members be required to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.

Background

The On-Site Sewage Disposal Committee is mandated and was established and approved by the Placer County Board of Supervisors on October 17, 2000. The committee was renamed the Placer County Wastewater Advisory Committee (PCWAC) in 2004; revision of the Committee By-Laws and approval by the Board of Supervisors occurred on August 16, 2005. The PCWAC was established to make recommendations to the Director of Environmental Health regarding ordinance adoption/revisions, to review methods, techniques, materials for on-site sewage treatment and disposal, as well as policy issues.

The PCWAC is composed of up to 13 members. The membership includes representatives from manufacturing, government, academia, and the public-at-large. Many of those members have direct knowledge of the use of septic systems. All members are appointed by the Board of Supervisors.

Investigation Methods

The Placer County Grand Jury researched and reviewed documents specifically related to the PCWAC, the Placer County Website, several in-depth interviews with Placer County officials, and a visitation to the Placer County Clerk-Recorder's office. The Committee By-Laws were reviewed and compared to those of another county of comparable size, with rural foothill communities using septic systems.

Facts

- The PCWAC, established by the Placer County Board of Supervisors, is mandated to exist and function as an advisory body to the Director of Environmental Health. As an advisory committee they work towards the following objectives:
 - Development and maintenance of the On-Site Sewage Manual;
 - Application of new on-site collection, treatment, conveyance, dispersal, and disposal technology;
 - Development and oversight system for introducing innovative on-site sewage technology;
 - Development and oversight system for assuring that the on-site sewage systems are appropriately operated, maintained, and monitored;
 - Future revisions to the On-Site Sewage Manual;
 - Policies, practices, and procedures to improve protection of public health and delivery of customer service;
 - Other on-site issues as requested by the Director.
- The PCWAC has Committee By-Laws in place. The By-Laws specifically address the following:
 - “Six members of the Committee shall constitute a quorum and shall have authority to transact Committee business. A quorum shall be established at roll call and shall not be affected by membership departures during the course of the meeting”;
 - “The Committee shall meet regularly on a monthly basis, and no less than quarterly, at the date and time set by the Committee at their first meeting of the year, unless otherwise notified by the Chair. Placer County Environmental Health will arrange meeting locations”;
 - “Members shall file annual financial interest statements”;
 - Committee members may not participate in making, influencing, or attempting to influence a decision in which that committee member has a financial interest;
 - Agendas shall be posted 72 hours in advance in the front office of the Environmental Health Department and a copy given to the Clerk of the Placer County Board of Supervisors for posting on their meeting board.
- The meetings are to be conducted according to the latest edition of Robert’s Manual of Parliamentary Rules.

Findings

- F1. The PCWAC does not have annual financial interest statements or Statement of Economic Interests (Form 700) on file with the Placer County Clerk- Recorder's Office. This is a contradiction between what is stated in the Committee By-Laws and the actual practice that has been implemented.
- F2. The PCWAC Agendas and Minutes are not consistently posted by the Director of Environmental Health for public access.
- F3. The Committee By-Laws state the advisory committee "shall meet regularly on a monthly basis and no less than quarterly..." This is a contradiction and may be confusing to the public.
- F4. The definition and application of a quorum in the Committee By-Laws is unclear and ambiguous.
- F5. There are specific rules stated in The California Political Reform Act regarding recusal. If there is a conflict of interest, the member must state there is a conflict; he/she must summarize the conflict and then must leave the podium and/or the room during consideration of that agenda item. This is not uniformly practiced and not clearly defined in the Committee By-Laws.
- F6. There appears to be inconsistency in following Robert's Parliamentary Rules or the rules of order stated in their Committee By-Laws.

Conclusion

The Grand Jury concludes there does not appear to be purposeful malfeasance on the part of the PCWAC. However, there is concern for the inconsistencies within the context of the Committee By-Laws, follow-through of the rules of order, the practices of the committee, and by the Director of Environmental Health. It is important to keep the public informed with regular posting of the agendas, minutes, and meeting locations.

Recommendations

The Placer County Grand Jury recommends:

- R1. The By-Laws be revised regarding recusal of a member. In the event of a conflict of interest, the member recusing them self must leave the room.
- R2. Redefine a quorum to be one more than 50% of the committee membership. A quorum be present at the time of voting.
- R3. The PCWAC practices be consistent with the revised By-Laws.
- R4. Keep the public informed as to how they function as an advisory committee to the Director of Environmental Health.
- R5. The PCWAC require the members to complete the Statement of Economic Interests (Form 700), and submit the forms to the Placer County Clerk-Recorder's Office.
- R6. The Director of Environmental Health be responsible for posting the meeting agenda and location of the meeting 72 hours in advance:
 - At the front office of the Environmental Health Department,
 - The meeting board located at the Placer County Board of Supervisor's Office,
 - On the Placer County Website (www.placer.ca.gov),
 - If the committee has no agenda items and there is no reason to meet, a cancelation should be posted in the same manner.

Request For Responses

Placer County Board of Supervisors, **Due by July 12, 2011**
#R1, R2, R3, R4, R5 & R6
175 Fulweiler Ave.
Auburn, CA 95603

Richard J. Burton, M.D., M.P.H., **Due by July 12, 2011**
Director
#R1, R2, R3, R4, R5 & R6
Health and Human Services
379 Nevada Street
Auburn, CA 95603

Anthony J. La Bouff, County Counsel **Due by July 12, 2011**
#R2 & R5
Office of the Placer County Counsel
175 Fulweiler Ave.
Auburn, CA 95603

Copy Sent To

Jill Pahl, Director
Placer County Environmental Health
3091 County Center Drive Suite #180
Auburn, CA 95603

Placer County Wastewater Advisory Committee, Chair
11454 B Ave.
Auburn, CA 95603

Appendix: Wastewater Advisory Committee By-Laws

Placer County Wastewater Advisory Committee

COMMITTEE BY-LAWS

I. PURPOSE

The Wastewater Advisory Committee (hereafter referred to as the Committee) is established by the Placer County Board of Supervisors, and shall work towards the following objectives:

- A. Development and maintenance of the On-Site Sewage Manual
- B. Application of new on-site collection, treatment, conveyance, dispersal, and disposal technology
- C. Development and oversight system for introducing innovative on-site sewage technology
- D. Development and oversight system for assuring on-site sewage systems are appropriately operated, maintained, and monitored
- E. Future revisions to the On-Site Sewage Manual.
- F. Policies, practices, and procedures to improve protection of public health and delivery of customer service
- G. Other on-site issues as requested by the Director

II. REGULAR MEETINGS

The Committee shall meet regularly on a monthly basis, and no less than quarterly, at the date and time set by the Committee at their first meeting of the year, unless otherwise notified by the Chair. Placer County Environmental Health will arrange meeting location.

III. RULES OF ORDER

The proceedings of the Committee meetings shall be governed by and conducted according to the latest edition of Robert's Manual of Parliamentary Rules, except when State Law takes precedent.

IV. AMENDMENTS

These By-Laws may be amended by a simple majority vote of the Committee members present at any regular meeting of the Committee, if notice of the proposed amendment is contained in the agenda of the meeting.

V. QUORUM

Six members of the Committee shall constitute a quorum and shall have authority to transact Committee business. A quorum shall be established at roll call and shall not be affected by member departures during the course of a meeting.

VI. MEMBERSHIP

A. *Committee Makeup*: Committee members will consist of up to 13 persons selected as follows:

1. One representative of P.A.G.E.S.
2. One representative of Academia
3. One representative of Board of Realtors
4. One representative of Placer County Facility Services
5. One representative for Septage Pumpers
6. One representative of Septic Tank Manufacturers
7. One representative of the Building Industry
8. One representative of On-Site Sewage Consultants
9. One representative of Contractors/Installers
10. One representative of Environmental Consultants
11. One representative of the Placer County Planning Commission
12. Two representatives of the Public-at-Large

B. *Selection of Members*: All members shall be appointed by the Placer County Board of Supervisors

C. *Terms of Membership*: Committee membership shall serve two-year terms, although nothing contained herein shall prohibit the Board from re-appointing Committee members for more than one (1) consecutive term.

VII. OFFICERS

A. The officers of the Committee shall include a Chair and Vice-Chair. The Chair and Vice-Chair may be removed by a simple majority of the Committee.

B. Elections shall be held at the first regularly scheduled meeting after January 1 each year.

C. The Chair shall preside over all meetings of the Committee. The Vice-Chair shall preside over all meetings at which the Chair is not in attendance. Should both the Chair and Vice-Chair be absent, the members may select an Acting Chair from committee members in attendance.

D. The term of office for Chair and Vice-Chair shall be one (1) year. The Chair and Vice-Chair may not serve more than two (2) consecutive terms.

VIII. AGENDA, MINUTES, CORRESPONDENCE, AND NOTIFICATIONS

A. The Chair and/or the Placer County Environmental Health Director shall determine the agenda for each meeting and notify each member of the Committee. The agenda will be developed as follows:

1. Any committee member or member of the public can request the inclusion of a relevant item on the committee's agenda.
2. In order for an item to be placed on the agenda for committee action, the item's sponsor must first present the item in writing to the Environmental health On-Site Program Supervisor ten working days before the meeting to allow time for staff analysis prior to the meeting.
3. Anyone can present any issue to the WAC during the public comment portion of the agenda, but no action will be taken by the committee on the item until it has been identified for action on the agenda.

B. Meeting agenda shall be posted 72 hours in advance of each meeting in the window at the Auburn Environmental Health Front Office and a copy shall be provided to the Clerk of the Placer County Board of Supervisors for posting on their meeting bulletin board.

C. Minutes, notifications, and correspondence shall be the responsibility of the Placer County Environmental Health Director.

D. Minutes shall be written summary of the proceedings and shall be kept by the Placer County Environmental Health. Copies shall be transmitted to each member prior to the next regularly scheduled meeting. A copy shall be filed in the Placer County Environmental Health office and shall be available to the public as a matter of record.

IX. CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

A. All members shall comply with Article 2.84 of the Placer County Code (Conflict of Interest Provisions).

B. Members shall file annual financial interest statements (Placer County Code §2.84.070).

C. Requirements in regard to conflicts of interest are found in the Political Reform Act and enforced by the Fair Political Practices Commission.

D. Committee members may not make, participate in the making, influence, or attempt to influence a decision in which that committee member has a financial interest. If a committee member has a conflict with regard to an item being discussed, he/she shall state for the record that such a conflict of interest exists, and shall recuse his/herself from further discussion on that matter as a committee member. The committee member may provide comments regarding this item as a member of the public.

X. ORDER OF BUSINESS

A. Call to Order

B. Preliminary Items

1. Role Call and Determination of Quorum
2. Introduction of Guests
3. Minutes Review
4. Correspondence and Public Comment
5. Agenda Review

C. Action Items

The chair should provide some structure to this portion of the meeting by following a process that allows for:

1. Presentation of the issue by the proponent
2. Clarification and questions of the proponent by the committee
3. Report and analysis by staff, when item has not been initiated by staff
4. Opening for comments by the public
5. Clarification and questions of the public by the committee
6. Closing of public comment
7. Committee deliberation and action

D. Informational Non-Action Items

E. Agenda Preparation for Next Meeting

XI. ATTENDANCE

A. Committee members are required to attend all regularly scheduled meetings. It is the responsibility of members to contact the Chair or the Placer County Environmental Health Director prior to any known absence from a regularly scheduled meeting. Three unexcused absences may result in the Committee formally submitting a petition to the Board of Supervisors requesting that the member be re-moved from the Committee and a new appointment be made.

XII. PUBLIC MEETINGS AND NOTICES

A. All meetings of the Committee shall be open to the public.

ADOPTED this 16th day of August 2005.
Placer County Wastewater Advisory Committee

Chair

Vice-Chair



PLACER COUNTY GRAND JURY

Trouble at Western Placer Unified School District

Report Date: April 12, 2011

Trouble at Western Placer Unified School District

Summary

The Western Placer Unified School District (WPUSD) has a number of facilities that are older and require extensive ongoing maintenance to ensure an environment that is conducive to learning and safe for students and staff.

The roof of the weight room at Lincoln High School was identified as leaking in October 2009. As of January 2011 it has still not been permanently repaired.

The investigation has identified troubling concerns with the deferred maintenance budget, and the work environment within the Facilities and Maintenance Department. The problems with the Lincoln High School roof are a symptom. As a result, the Grand Jury recommends contracting with a professional outside mediator to facilitate with the Facilities and Maintenance Department to improve teamwork, trust, and communication in the work environment.

The Grand Jury also recommends the WPUSD Board of Trustees develop, approve, and implement a new five-year deferred maintenance budget to be managed by the Maintenance Director.

Background

Over the last several years, the Western Placer Unified School District (WPUSD) has had serious issues within the Facilities and Maintenance Department. This has resulted in personnel turnover, budget restricted maintenance activities, and complaints to the Grand Jury.

Lincoln High School is one of two high schools in WPUSD. In addition to the two high schools, there are seven elementary schools, and two middle schools. Several of the school facilities are older and require additional repairs and maintenance.

The Grand Jury began an investigation of the leaking roof in the Lincoln High School weight room which had not been repaired prior to the current rainy season, even though it had been identified in prior years. As part of that investigation the Grand Jury reviewed

Trouble at WPUSD

WPUSD policies for procuring maintenance services, the deferred maintenance budget, the timeline for the proposed roof repair, and the responsibilities of the maintenance staff.

Investigation Methods

The Grand Jury received several complaints regarding the WPUSD Facilities and Maintenance Department and its practices over the past several years. In investigating the complaints the Grand Jury conducted a series of interviews with management and employees of the WPUSD. Eight interviews were held. The interviews solicited information regarding responsibilities, operational practices, and specifically the events associated with the effort to repair the weight room roof at Lincoln High School.

Grand Jury members visited the weight room at Lincoln High School and visually inspected conditions from ground level.

The Grand Jury requested and reviewed various WPUSD documents, including:

- Three years of deferred maintenance budget and expenditures;
- A five-year deferred maintenance plan adopted by the WPUSD Board of Trustees;
- The process used by WPUSD to procure maintenance materials and services;
- The timeline of events associated with the effort to repair the weight room roof at Lincoln High School;
- Roofing assessment plans prepared by roofing contractors in 1999-2000 and 2007-2008.

Facts

- The five-year deferred maintenance budget plan adopted by the WPUSD Board of Trustees in 2007-2008 shows a planned expenditure of approximately \$400,000 per year on deferred maintenance.
- Deferred maintenance expenditures over the last two complete budget years, 2008-2009 and 2009-2010, have averaged about \$90,000 per year. 2010-2011 deferred maintenance expenditures for six months are about \$60,000.
- In October 2009 the Facilities and Maintenance Department was notified the roof over the weight room at Lincoln High School was leaking. This roof area was identified in at least two roofing assessments by contractors (1999-2000 and 2007-2008) as being in poor condition with many problems. As of January 2011 the roof still has not been permanently repaired.
- The principal of Lincoln High School claims to know nothing about the leak or the status of the repair. He is unsure if there were any student or staff safety concerns associated with the problem.

- Several individuals interviewed indicated that the repair to the roof should have taken about two weeks to complete.
- In the past three years, there have been three Directors of Maintenance for the WPUSD.
- During the interviews it became clear to the Grand Jury; that there were serious concerns about intra-department retaliation.
- It was stated that there was no formal hourly time reporting process used to report attendance within the Facilities and Maintenance Department.

Findings

- F1. The WPUSD Board of Trustees approved a deferred maintenance five-year plan in 2007-2008, to spend approximately \$400,000 per year starting in 2008-2009. The deferred maintenance expenditures over the past several years have been less than 25% of the plan, which has negatively impacted overall maintenance. This has also contributed to the ongoing problem with the leaking roof at Lincoln High School.
- F2. There is a polarized environment in the Facilities and Maintenance Department. Issues with trust, respect, and communications impact the effectiveness of the organization to provide a safe environment for the students and staff of WPUSD.
- F3. The Facilities and Maintenance Department does not have a formal time reporting system and, until recently, did not have a leave request notification process.

Recommendations

The Grand Jury recommends:

- R1. The Board of Trustees develops and approves a new five-year deferred maintenance budget that can be implemented, given the current budgetary realities and maintenance needs.
- R2. The Director of Maintenance be responsible for executing the maintenance plan, setting priorities for all maintenance activities, and adherence to the maintenance budget.

- R3. The WPUSD consider consulting with an outside mediator to build teamwork, trust, and positive communication in the work environment. It is further recommended the WPUSD report to the Grand Jury regarding the overall action taken and progress achieved through the mediation.
- R4. As a minimum, institute a paper timesheet reporting process for all non-management employees in the Facilities and Maintenance Department to work in conjunction with the leave request notification process already implemented.

Request For Responses

WPUSD Board of Trustees / # R1, R3
600 Sixth Street
Lincoln, CA 95648

Due by June 12, 2011

Scott Leaman, Superintendent WPUSD /
R1, R2, R3, R4
District Office
600 Sixth Street
Lincoln, CA 95648

Due by July 12, 2011



PLACER COUNTY GRAND JURY

Election Report

Report Date: April 12, 2011

Election Report

Summary

Members of the Grand Jury attended election proceedings on November 2, 2010 and on January 4, 2011. The Grand Jury has found that the Placer County Registrar of Voters, Jim McCauley, and the employees in the Elections Office are doing an outstanding job. The Elections Office is always seeking ways to cut election costs, increasing voter registration, and providing voter and candidate education.

Background

Grand Jurors were invited by Placer County's Clerk-Recorder-Registrar of Voters, Jim McCauley, to monitor the proceedings for processing ballots at the Clerk-Recorder-Registrar office in Auburn.

Jim McCauley has been serving Placer County since 1987. He is a graduate of California schools including the UC Davis Campaign Management Institute where he also served as an advisor and instructor for 10 years. Jim was hired as Placer County Manager of Candidate Services in 1987 and was appointed Placer County Clerk-Recorder-Registrar of Voters-Commissioner of Marriages in 1993. He was elected in 1994 and every four years thereafter.

Investigation Methods

The Grand Jury observed the procedures used for processing absentee ballots for the statewide election held on November 2, 2010 and also the Special Vacancy General Election for the State Senate race for District 1 held on January 4, 2011. The jurors also attended a verification of ballot signature procedures on November 5, 2010.

Facts

Process

- As of October 18, 2010 there were 202,876 registered voters in Placer County. Of that number, 56% have registered to permanently vote by mail.
- At polling places, the ballots are run through an AccuVote®-OSX optical scanning unit, which tabulates the results on a "smart card" at the polls. After the poll closes, these "smart cards", along with precinct materials, are transported to receiving centers located throughout the County. Once all precincts have reported to the receiving center, Sheriff's deputies escort the receiving center personnel and "smart

cards” to the Election Office. Election Office personnel take the “smart cards” and load them into their central counting computer.

- Per state law, each county must have an AccuVote®-TSX System (touch screen) available at each polling place for handicapped voters. Because of this law it has cost Placer County 2.1 million dollars for these machines. In the June 2010 Primary Election, only three voters used these TSX machines. In the January 4, 2011 Special Vacancy Election, only two voters used these machines. In the November 2010 General Election, 25 votes were recorded at one precinct. A poll worker encouraged use of the TSX machines by voters. The poll worker was then advised by election officials that the TSX machines were to be used by disabled voters unless a voter specifically requests to use the TSX machine.
- To help ensure that all ballots are counted, Placer County Elections Office personnel are dispatched to each post office in the County and the large post office processing centers of West Sacramento and Reno, Nevada. Ballots are collected which might otherwise have remained at those offices and centers and would not be counted because they must be received and postmarked prior to 8 P.M. on election day.
- If an absentee ballot is returned to the post office as being undeliverable, the Elections Office has an agreement with the post offices in Placer County whereby they will be returned to the Elections Office so the voter database may be updated.
- By State law, returned absentee ballots can start to be counted by the Elections Office starting 10 days prior to the election but the results cannot be released before the precincts close on Election Day. These absentee counts are usually released at 8:05 P.M. on Election Day.
- There is a bar-code on the envelopes of absentee and provisional ballots. At the Elections Office these returned envelopes are passed through a reader, which brings up the signature of the voter on their original voter registration and is compared against the signature on the envelope. Go to website: http://www.placerelections.com/uploads/documents/voter_guide1.pdf for more information about “What is a Provisional Ballot?”
- Ballots are separated from the envelopes to ensure each vote remains anonymous when counted.
- By State law, one percent (1%) of all ballots must be hand counted to check for accuracy.
- The election cannot be certified until all votes have been verified. The Registrar of Voters has 28 days after an election to verify the counts.

- The public and candidates are invited to observe the election process on the evening of the election. They are also welcome to observe how the staff processes the vote-by-mail ballots and other election activities before, during, and after the election. One of Mr. McCauley's goals is to make the voting process as transparent as possible. On the election evening, Mr. McCauley gives a 30-minute presentation to the assembled public on the voting process and encourages questions.

Staffing

- For the fiscal year 2010-2011, there are 18 direct elections staff positions allocated for the Elections Office of which 17 are funded, i.e. one position is unfunded due to overall fiscal constraints. Fifteen of the 17 positions are filled with permanent staff. Just before and after a scheduled election, supplemental staff from the Clerk-Recorder's Office provides extra help at peak periods. Hundreds of poll workers and related election officials are hired to conduct an election.

Costs

- Mr. McCauley and his office strive to encourage citizens to vote and to make it easier for them to cast their ballot while keeping costs down.
- Since 1995 all elections for Districts are held in the even numbered years to reduce costs. It is estimated that the County saved \$384,650 in fiscal year 1994-1995 with this consolidated election, which was approved by the Board of Supervisors.
- It is estimated that the County has saved an average of \$497,995 per even-year November General Elections since 1995.
- The estimated direct costs for conducting the November 1993 Election were \$362,400, or **\$3.32** per registered voter (for 109,288 registered voters). Revenue from districts and cities for costs of their November 1993 governing board/council elections was \$100,714 for that year.
- In fiscal year 2008-2009, total direct November 2008 election costs (November 2010 election costs are still being validated) were \$1,446,611 or **\$7.27** per registered voter for (199,087 registered voters) including costs for absentee ballots and costs for the consolidated district/council races. The County received \$1,162,262 in election services revenue from districts and cities for their November 2008 governing board/council elections.
- Factors accounting for the overall increase in direct election or ballot processing costs per registered voter from November 1993 to November 2008 include:
 - The general Consumer Price Index (CPI) for California increased 51% from 1993 to 2008;

- Average County employee costs for salaries and benefits increased substantially during this period, especially for employee pension and health insurance costs, including retiree health insurance costs;
- Direct Elections staffing increased from eight allocated positions in 1993 to 18 by 2008;
- New Help America Vote Act (HAVA) voting requirements for voting systems and poll workers were implemented after the 2000 Presidential Election;
- New and increased ongoing costs were absorbed for optical scan and “touch screen” computerized voting equipment and maintenance, and for elections management systems software and systems maintenance;
- Poll worker stipends and training requirements were increased by the County in 2006 to assist with recruitment and retention of poll workers and to compensate poll workers for additional voting equipment and HAVA procedure training;
- Security requirements for electronic voting were increased significantly by the California Secretary of State beginning in 2007.

Programs

- The Elections office offers programs to reach the citizens of Placer County to make it easier to vote and to become involved with the process. A few of these programs are:
 - **High School Voter Outreach**
Election office personnel go to high schools and students are given information regarding the different political parties and races, how to vote, and encouraged to register to vote if they will be 18 years of age by the next election. Voter registration between the ages of 18-24 year olds has increased from 22% to 85% since the inception of this program.

- **Senior Citizen Voter Outreach**
Election office staff works with senior citizen residential and assisted-care facilities to offer new residents the assistance in updating their voter registration and offer them permanent vote-by-mail status.
- **Student Poll Worker Program**
High school students aged 16 years or older and who are U.S. citizens with at least a 2.5 grade point average can work as clerks in polling places. They are paid a poll worker stipend and gain experience in the election process.
- **Candidate Workshops**
Usually six months prior to a major election, the Elections Office holds a series of informational workshops for potential candidates. Questions are answered pertaining to the processes necessary to run for an office. Speakers can include current officeholders, campaign consultants, media, etc. that can relate their experience and answer questions.

Findings

The Grand Jury finds:

- F1. The Registrar of Voters' total direct cost to execute an election per registered voter has increased from \$3.32 to \$7.27 (not adjusted for inflation) over the past 18 years. The Registrar of Voters has taken innovative steps in an effort to mitigate the costs, saving an average of \$497,995 per even-year November General Election for each of the past 15 years.
- F2. Significant processes and partnerships are in place for vote casting, transport, and voter verification to minimize disenfranchised voters.
- F3. The Registrar of Voters office actively seeks to increase voter registration and voter and candidate education through several robust programs.

Conclusion

The Grand Jury has found that the Placer County Registrar of Voters, Jim McCauley, and the employees in the Elections Office are doing an outstanding job. The Elections Office continually seeks ways to cut election costs, increase voter registration, and provide voter and candidate education.

Recommendations

The Grand Jury has no recommendations.

Request For Responses

Jim McCauley/County Clerk-Recorder-
Registrar of Voters
Placer County Clerk-Recorder-Elections
2954 Richardson Drive
Auburn, CA 95603

Due by June 12, 2011

Thomas Miller, County Executive Officer
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

Due by July 12, 2011

Copy Sent To

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



PLACER COUNTY GRAND JURY

Placer Land Use System (PLUS)

A Follow up to the Audit of the Community Development Resource Agency

Report Date: May 31, 2011

Placer Land Use System (PLUS)

Summary

The 2010-2011 Grand Jury, as suggested by the previous Grand Jury, elected to review the results of the 2009 Community Development Resource Agency (CDRA) audit and the 2010 follow-up CDRA audit by the Placer County Auditor-Controller. The Grand Jury found that the financial and management control deficiencies noted in the first audit were essentially corrected prior to the follow-up audit. There were no material deficiencies noted by the follow-up audit. It was, however, identified that the lack of consistent utilization of the Placer Land Use System (PLUS) computer application by CDRA still existed.

The Grand Jury has three recommendations. The first two are to emphasize the role of the PLUS Steering Committee in being pro-active in establishing goals to achieve consistency in the use of PLUS within the County. The third is to modify and expand the role of the PLUS users group.

Background

Placer County Board of Supervisors established the Community Development Resource Agency (CDRA) as an umbrella agency to include the land development departments of Planning, Building, and Engineering and Surveying. The Board's goal, and the Agency's charter, is to provide high-quality, consistent, and prompt land-development services in the County's unincorporated area for residents and developers.

The CDRA has focused on continued improvement in the permit and application review processes, coordination among all County land-use departments and divisions, and overall customer service.

A need for a comprehensive computer application to support land use in the county was identified in 2002. In 2003, Placer County purchased a software package to expedite its land use management practices. The Board of Supervisors approved the purchase of this system. The memorandum to the Supervisors in support of the procurement stated the automated system would assist in the management and processing of land development, code enforcement, and permit issuing functions, as well as a tool for the public to request services. This computer application was named the Placer Land Use System (PLUS) by Placer County.

In 2009, an audit of CDRA was undertaken at the request of the Placer County Executive Officer to evaluate CDRA operations. This audit found and documented numerous discrepancies, including the utilization of the PLUS application. As a result, a subsequent follow-up audit was conducted in the first half of 2010 to assess compliance with the first audit's findings and recommendations.

The 2010–2011 Grand Jury chose to investigate the results of these audits, as suggested by the 2009-2010 Grand Jury.

Investigation Methods

Members of the Grand Jury interviewed seven individuals with varying levels of responsibility in CDRA with a set of questions specifically designed for their function in the organization. Additional interviews were held with other County personnel.

Members conducted a site visit to view the PLUS application in operation at the customer service counter.

Members also reviewed the proposed PLUS Policy Manual and the two audit reports done by the Placer County Auditor-Controller.

Facts

- Financial control discrepancies, identified in the 2009 Audit, were significantly improved prior to the follow-up audit performed in 2010.
- There continues to be inconsistent use of PLUS throughout CDRA, contrary to the recommendation in the audit of 2009.
- PLUS contains data that may be useful to other Placer County organizations.
- Security issues with the PLUS application, identified in the 2009 Audit, have been addressed.
- The current system entry of customer data is manually intensive.
- Performance measures/metrics, although potentially available, are not used to a significant extent.
- PLUS is a mature product with limited vendor support for any future changes or enhancements.
- An updated Policy Manual for the PLUS application is currently in the management review cycle and has been for over four months.
- The Policy Manual contains a PLUS Training Plan as a direct result of the 2009 Audit findings regarding lack of consistency in PLUS use.
- As of late March 2011, the Policy Manual has not been approved.

- There is no strong, universal CDRA management direction regarding consistent and timely updating of the PLUS data by various CDRA organizations.

Findings

- F1. In the Audit of 2009, CDRA was apprised of numerous financial control issues. The Auditor-Controller, in the follow-up Audit, indicated that all control issues had been addressed, and the few remaining issues were of no material importance.
- F2. The Grand Jury finds that two organizations (Permitting and Front Counter Services) within CDRA have embraced the use of PLUS. Other functions within CDRA still view it as a system that staff ultimately has to enter data into, but is not an integral part of their operations. If the data in PLUS is perceived to be accurate and complete, customer service can be more efficient, accurate, and timely in addressing organizational goals.
- F3. The inconsistent application of PLUS in CDRA is not due to training, but to a lack of management commitment that PLUS is an integral part of the operation and therefore a responsibility within every job.
- F4. The updated policy manual identifies a PLUS Steering Committee comprised of senior level management within CDRA. The management review of the Policy Manual has been in process for over four months and is still not complete.
- F5. There is little attention paid to the use of performance data collected by the PLUS system. No one interviewed could identify the use of the reports that are generated by PLUS to validate the operations of the department or division.
- F6. The only group that seems to be mindful of any performance measure need is the front counter operations that uses a software application external to PLUS, QFlow, to track customer queue time.
- F7. There has been a change in the function of the PLUS users group since it was formed. Originally a major activity of the PLUS users group was to answer the question 'how do I do that?'. The primary focus was to identify bugs in the underlying software. Currently the focus of the users group is to discuss and provide guidance into the use of PLUS to enhance CDRA operations.
- F8. PLUS is a mature software application. While the vendor has not made any commitments or published any dates with regard to the end of support of the PLUS system, it is anticipated that this will happen in the foreseeable future. Basic safeguards for CDRA are in place, such as escrow storage for source code protection, and the fact that the system is of sufficient age that very few errors are now being found and they are not of general significance.

Recommendations

The Grand Jury recommends:

- R1. The PLUS Steering Committee establishes goals to ensure that all employees use the PLUS application as the Policy document dictates.
- R2. The PLUS Steering Committee completes the Policy Manual management review and approval process.
- R3. The PLUS Users Group be redirected, and possibly reconstituted, to accomplish the following tasks:
- Devise a method of measuring the efficiency of operations supported by PLUS to provide management with a tool to evaluate the effectiveness of their actions.
 - Develop a plan for a comprehensive PLUS training and education program.
 - Develop a plan to increase the overall utilization and value of the PLUS application to the county.
 - Start planning for the eventual replacement of the PLUS application. Even though there is no indication of near-term support termination, planning for a major upgrade to a system that is integral to operations is nominally a multi-year task.

Request for Response

Michael Johnson, Director, #R1, R2, R3
Community Development Resource Agency
3091 County Center Drive, Ste. 280
Auburn, CA 95603

Due by August 31, 2011

Copies Sent To

Thomas Miller
Placer County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603

Katherine Martinis
Auditor-Controller
2970 Richardson Drive
Auburn, CA 95603



PLACER COUNTY GRAND JURY

Tahoe-Truckee Unified School District

Double Taxation Must Stop

Report Date: May 31, 2011

Tahoe-Truckee Unified School District

Summary

Since tax year 1989-1990, the Tahoe-Truckee Unified School District (TTUSD) has levied a parcel tax (flat tax, not dependant on property value) on the properties in the District. Taxes are collected in Nevada, Placer, and El Dorado Counties. There are properties which are split by a County Line. These properties have Appraiser's Parcel Numbers in each County. The School Tax has been collected by both Counties, thereby requiring the property owner to pay the tax twice.

The Grand Jury recommends that TTUSD discontinue double taxation.

Background

TTUSD is somewhat unique in that it serves three contiguous counties, Placer, El Dorado, and Nevada. The district has five elementary schools, two intermediate schools, and four high schools. Since 1989 TTUSD has levied a parcel tax, which has been approved by voters five times (1988-2005). The language of previous tax measures has neglected to address the issue of double taxation of properties which are split by county lines.

Investigation Methods

The Grand Jury received a complaint by a residential property owner in Truckee that both Nevada and Placer Counties were taxing him and his residential neighbors for the TTUSD parcel tax.

Subsequently, the Grand Jury met with the Placer County Assessor's Office. The Grand Jury also obtained the Nevada County and the Placer County Property Maps for his property, and found that 19 properties in this neighborhood lay in both Counties.

Several Nevada and Placer County tax bills for these properties were examined.

A cursory examination of El Dorado County did not reveal any properties, within TTUSD, that are on both sides of the county line.

Facts

- TTUSD is a large District extending from Nevada County, across Placer County, and into El Dorado County.
- TTUSD has levied a parcel tax on properties every year since the tax year 1989-1990.
- There are properties that are split by county lines, and have Appraisers Parcel Numbers assigned by each County.
- TTUSD provides the information to the County Tax Assessors to be added to the tax bills of properties in the District.

Finding

- F1. For those properties split by county lines, the TTUSD parcel tax has been added to the tax bill in both counties, and therefore, the property owners have paid this tax twice.

Recommendations

The Grand Jury recommends:

- R1. TTUSD take the action necessary to stop the double billing and payment of parcel tax.
- R2. TTUSD make every effort to determine the affected properties, identify the property owners, and refund the excess tax collected.

Request For Responses

Board of Trustees / # R1, R2
Tahoe-Truckee Unified School District
11603 Donner Pass Road
Truckee, CA 96161

Due by July 31, 2011

Copy Sent To

Stephen Jennings, Superintendant
Tahoe-Truckee Unified School District
11603 Donner Pass Road
Truckee, CA 96161

Gayle Garbolino-Mojica, Superintendent
Placer County Office of Education
360 Nevada Street
Auburn, CA 95603

Placer County Assessor's Office
2980 Richardson Drive
Auburn, CA 95603-4305

Nevada County Assessor's Office
950 Maidu Ave.
Nevada City, CA 95959

El Dorado County Assessor's Office
360 Fair Lane
Placerville, CA 95667



PLACER COUNTY GRAND JURY

The 49 Fire – The Perfect Storm

Report Date: May 31, 2011

The 49 Fire – The Perfect Storm

Summary

On August 30, 2009, two arson-initiated fires occurred near the intersection of Rock Creek Road and Highway 49 in Auburn. Due to weather conditions, the two fires merged into one nearly unmanageable, fast moving fire which consumed 343 acres, 62 homes, and two businesses. The 49 Fire caused approximately \$40,000,000 in property damage and cost \$1.3 million to fight.

The Grand Jury finds the response, recovery, investigation, and subsequent process improvements to be effective. First responders, county agencies, volunteer organizations, churches and individual community members provided maximum effort under near impossible firefighting conditions.

Background

During the examination of various Placer County Government operations this year, the Placer County Grand Jury determined that members of the public continue to have questions about the 49 Fire which occurred on August 30, 2009, near the intersection of Highway 49 and Rock Creek just north of the City of Auburn. Additional questions have been asked about response times, dispatch errors, and communication problems between the various fire departments that responded to the fire.

Investigation Methods

The Grand Jury interviewed and toured the Placer County Sheriff's Dispatch Unit, the Office of Emergency Services (OES), Cal Fire/Grass Valley Emergency Command Center, and the Cal Fire Auburn Investigation Center. The Grand Jury researched and reviewed media reports, official documents, maps, and the weather conditions on August 30, 2009. The Grand Jury also cross-referenced differing opinions and information, and triangulated the findings with any information which could be given to the Grand Jury and could be reported to the public.

Note, there is an ongoing criminal investigation which is currently outside the Grand Jury's jurisdiction. The Placer County District Attorney continues to serve in an advisory role to Cal Fire in the fire investigation.

Facts

Environmental Conditions

- On August 30, 2009, at 3:10 PM, the Auburn Airport Remote Automated Weather Station records indicate the temperature was 90 degrees, 13% Relative Humidity, winds were 14 miles per hour and gusting to 22 miles per hour.
- Because of these weather conditions, the Ignition Component was 100. This means all (100%) burning embers being generated by a fire would start fires down-wind of the fire-line.

Fire Spread

- On August 30, 2009, at 2:22 PM, the Cal Fire Grass Valley Incident Command Center (GVICC) received a 911 call from a citizen at the KOA campgrounds near Auburn. It was a report of a grass fire in the area of Highway 49 and Rock Creek near Auburn. Cal Fire/Placer County Fire Dispatchers immediately sent the first alarm assignments.
- At 2:28 PM, a Cal Fire Battalion Chief, who was in the area, arrived on the scene and reported the fire was one to two acres in size. He immediately requested additional engines and aircraft to be added to the units initially dispatched.
- At 2:32 PM, Incident Commander in-place and structures were reported involved.
- At 2:37 PM, the fire jumped across Locksley Lane and 15 to 20 multiple structures were on fire with one quarter to one half mile of spotting fires generated by the wind blown ignited embers. The fire spread resembled a classic V-pattern for wild land fires.
- At 2:41 PM, the fire reached the Shale Ridge Road. There were multiple structures on fire. The fire was spreading rapidly and there were long range spotting fires from the wind blown embers.
- The leeward side of the ridge between Shale Ridge Road and Dry Creek, combined with sierra gray pine trees, weather conditions, and an ignition component of 100, resulted in embers falling on the subdivision in the Dry Creek area.
- At 2:47 PM, the fire reached Dry Creek Road and the Parkway area and many buildings were on fire.
- At approximately 2:47 PM, a second fire started at the Northeast corner of the property of the Seventh Day Adventist Church at 12225 Rock Creek Road.

Because of the intensity of the original fire, this new fire was drawn toward the larger fire and the two merged into a powerful firestorm.

- At 3:30 PM, the fire jumped across Dry Creek Road into the Saddleback area.
- At 6:00 PM, the fire stopped spreading as the air temperature started cooling and the sustained winds and gusts subsided.

Fire Response

- In the first hour of the fire the following resources were requested: 55 engines, 10 air tankers, one very large air tanker (Boeing 747), four helicopters, four hand crews, four bulldozers, five ambulances, and additional command officers.
- State and local response agreements among fire districts and agencies were used in the deployment of resources.
- The closest fire station only sent one of its two engines as its other engine was responding to an incident in a town north of Auburn per the aforementioned response agreements.
- Cal Fire's Computer-Aided Dispatch system and radios were used to immediately dispatch requested equipment.
- Total fire resources used: 90 engines; 13 hand crews; 18 bulldozers; 15 water tenders; 700 personnel; 10 air tankers; six helicopters.
- Cooperating Agencies: Various local and surrounding county fire departments; Placer County Sheriff's Department, California Highway Patrol, and other law enforcement agencies; Caltrans; California Emergency Management Agency (CalEMA); AMR Ambulance; utility companies; Placer County Office of Emergency Services; Placer County Government staff; Red Cross; Salvation Army.
- Cal Fire officials stated that because of the sustained and gusting winds, the heat, the low humidity, and the readily available dry fuel on the ground, it would have been difficult, if not impossible, to stop this fire even if the Deputy Chief had arrived with 20 fire trucks at 2:37PM that afternoon.

Fire Damage

- Acres Burned – 343
- Single Family Homes Destroyed – 62
- Single Family Homes Damaged – 18
- Commercial Buildings Destroyed – 2
- Commercial Buildings Damaged – 14
- Vehicles Destroyed – 41
- Commercial Vehicles Destroyed – 32
- Estimated Structural Loss – \$40 Million
- Firefighting Cost – \$1.3 Million
- Lives Lost – 0

Cause of Fire

- Scientific methods as outlined in the Wildfire Origin & Cause Determination Handbook were deployed by an investigation team consisting of forensic engineers, electrical engineers, and others.
- Two points of ignition:
 - Corner of Highway 49 and Rock Creek Road;
 - Northeast corner of the property of the Seventh Day Adventist Church at 12225 Rock Creek Road.
- Initial speculation that a utility line and power pole was the cause of the fire was ruled out.
- The ignition sources for the fires are unknown as the sources were either consumed in the burn or taken away at the time of ignition.
- Accidental ignition was ruled out during the course of the investigation.
- The Cal Fire investigation team determined the cause of the fire was arson.

Changes in Procedures

- Cal Fire took the 49 Fire as an opportunity to enhance the Cal Fire Annual Operations Plan, which includes increasing the equipment initially dispatched for summer wild land fires, and both State Response Areas (SRA) and Local Response Areas (LRA) receive the same level of fire suppression support.
- The Sheriff's Department and Placer County Information Technology Department applied for and received grant monies to update the Computer Aided Dispatch (CAD) programs, so fire agencies can "talk to each other" while lowering

operating costs, reducing errors, increasing efficiency, and shortening response times.

- The Emergency Operations Plan and the Local Hazard Mitigation Plan have been updated and published. The Standard Incidence Response Plan (SIRP) has also been reviewed, revised, and published. The plan is continually reviewed and updated.

Findings

- F1. The cause of the fire was ruled as arson.
- F2. The weather, topographical, and vegetation conditions at the time of the fire were so great that a faster response or additional resources would not have prevented the rapid fire spread and the subsequent losses.
- F3. No significant dispatch and response issues were uncovered that would have had a material effect on the outcome of the fire.
- F4. Cal Fire and the Placer County Sheriff's Department have refined response plans and are implementing new technological solutions.
- F5. Cal Fire's arson investigation remains active with the Placer County District Attorney serving in an advisory role.

Recommendations

The Placer County Grand Jury has no recommendations.

Copy Sent To

Randy Smith, Deputy Chief
Department of Forestry and Fire Protection Headquarters (Cal Fire)
13760 Lincoln Way
Auburn, CA 95603

Edward N. Bonner, Sheriff-Coroner-Marshal
Placer County Sheriff's Department
2929 Richardson Drive, Suite A
Auburn, CA 95603

Rui Cunha, Director Emergency Service
Office of Emergency Services
2968 Richardson Drive
Auburn, CA 95603

Responses

Any responses due after May 31, 2011 will be included in the 2011-2012 Response Report.

All American Speedway Noise

County of Placer Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
530/889-4010 • FAX: 530/889-4009
PLACER CO. TOLL FREE # 800-488-4308

JACK DURAN
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5

RECEIVED

APR 12 2011

Placer County Grand Jury



April 5, 2011

John Monaco, Foreperson
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Re: 2010-11 Grand Jury Final Report – All American Speedway Noise: Placer County Oversight Failure

Dear Mr. Monaco,

The Placer County Board of Supervisors would like to thank the members of the 2010-11 Grand Jury for their efforts associated with the Placer County Fairground speedway and for providing your findings for our response. This letter is in response to the 2010-2011 Grand Jury's Findings & Recommendations from the report titled *All American Speedway Noise: Placer County Oversight Failure*. The County appreciates your concern for the welfare of both City and County residents.

Facts

1. California State law requires each county to have an annual agricultural fair (Government Code 25905). The Placer County Board of Supervisors has chosen the Placer County Fair Association to operate the fairgrounds. There is a written agreement signed by the Fair Association and the County. That Agreement covered the period from January 1, 2002 to December 31, 2007, which allows the Fair Association to continue operations on a year-to-year basis until the contract is renewed.

Board of Supervisors Response: The Board of Supervisors partially agrees with the Fact. Government Code 25905 identifies that the County may contract with a nonprofit association for conducting an agricultural fair as an agent of the County. The language does not speak to a *requirement* of an annual fair. It is true that there is a written agreement signed by the Fair Association and the County.

2. Placer County Facilities Department has attempted to enter into a new written agreement with the Fair Association which would give the County more oversight of the fairgrounds/Speedway operations. County officials have testified the Fair Association has refused to sign a new agreement because of the increased oversight.

E-mail: bos@placer.ca.gov — Web: www.placer.ca.gov/bos

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 5, 2011
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Board of Supervisors Response: The Board of Supervisors agrees with the Fact. The County adds, however, that both parties are presently in discussions concerning a revised agreement that contains additional operating conditions and controls.

3. There were complaints from nearby residents of excessive Speedway noise. The City of Roseville received written complaints from 26 residents and several homeowners associations about excessive noise coming from the public address system and racing vehicles, since the race track was enlarged in 2007. Complaints also encompassed traffic congestion, quality of life degradation and reduced property values. The majority of the complaints were submitted in 2007. The management at the Speedway has made some improvements with sound attenuation. There were repeated complaints recorded from 2008 through 2010. Additional telephone complaints were not documented.

Board of Supervisors Response: The Board of Supervisors partially agrees with this Fact and is aware that the City of Roseville received complaints. However, the County cannot verify the number of complaints or the specific content of the complaints. The County would appreciate reviewing any complaint documentation provided to the City of Roseville and will request the same from the Fair Association. Additionally, the County requests, in the future, all complaints lodged by residents from the City of Roseville and Fair Association be forwarded also to the County for review.

4. County officials testified that no permits or environmental impact studies/reports were obtained by the Fair Association for the Speedway expansion project.

Board of Supervisors Response: The County agrees with this Fact. There were no permits obtained prior to the Speedway modifications.

5. A written contract between the County and fairgrounds officials has not been renewed since 2007.

Board of Supervisors Response: The Board of Supervisors agrees with the Fact. However, the County would like to point out that an agreement is in place. The County previously initiated negotiations for a new agreement and had prepared and presented a revised written agreement, but the Fair Association did not agree to sign the new agreement. Presently, County staff is engaged in discussions with the Fair Association concerning the revised agreement that contains additional operating conditions and controls.

6. The Speedway exists on County property.

Board of Supervisors Response: The Board of Supervisors agrees with the Fact.

7. The City of Roseville does not have jurisdiction to enforce city noise ordinances related to county-owned property.

Board of Supervisors Response: The Board of Supervisors agrees with the Fact. The City of Roseville does not have land use jurisdiction over the fairground property.

8. The Fair Association did not follow the requirements of the Placer County Zoning Ordinances nor the contract terms as they pertain to the planning, approval, construction, or modification of facilities located within the fairgrounds. No permits were issued by the county.

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
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Board of Supervisors Response: The Board of Supervisors partially disagrees with the Fact. The County zoning ordinance does not apply to this property, however by contract terms, the Fair Association did not obtain approval.

9. Per the All American Speedway website, as of December 5, 2006, the Fair Association announces that they recently received a NASCAR-sanctioned agreement for review and approval.

Board of Supervisors Response: The Board of Supervisors cannot validate or invalidate this Fact. Additionally, the County understands that the Speedway obtained previous NASCAR sanctioning.

10. The Board of Supervisors was notified by letter from the CEO of the Fair Association dated, December 13, 2006, that the Speedway improvement project was for only "safety and maintenance" and "would have minimal impact on the Speedway operations and the community."

Board of Supervisors Response: The Board of Supervisors partially agrees with this Fact. A letter was provided to the Placer County Executive Officer on December 13, 2006 indicating the Fair Association Board of Directors approval of safety improvement work at the track. There was a statement in the letter that the "current safety improvement work will have minimal impact on the Speedway operation or the community." It is noteworthy that the letter also suggests the track improvements and ramps had been completed at the time the letter was received by the County.

11. After lengthening the track by 70 feet on one end and widening it by 30 feet on the other end, as well as increasing banking on two turns, it qualified the Speedway to hold NASCAR-approved races. The Speedway modification allows vehicles to increase speeds which generate more noise, as well as air pollution from un-combusted fuel and worn brake linings. This pollution source is across the street from a primary school and residential area.

Board of Supervisors Response: The Board of Supervisors is unable to validate or invalidate this Fact. However, the County understands that the Speedway previously received NASCAR sanctioning.

12. The Fair Association conducted improper grading operations during this project and contaminated drainage was allowed to enter the City of Roseville storm drainage system.

Board of Supervisors Response: This Fact as stated is the Board of Supervisors' understanding. County staff was notified of these issues after the grading occurred, and assisted the Fair Association in complying with storm water regulations after the work was completed.

Findings of the Grand Jury

1. The Fair Association violated their written agreement by enlarging and modifying the All American Speedway without permission from Placer County. The changes at the Speedway have caused increased noise, air, and storm water run-off pollution, as well as parking and traffic congestion. The nearby residents complain that the value of their homes has decreased because of the Speedway noise, and their quality of life suffers during racing season.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this Finding. The County cannot confirm that nearby residents have lost value of their homes or that their quality of

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
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life suffers from these improvements or that these improvements significantly increased these conditions over historical patterns.

2. By not addressing the noise and air pollution created by the Speedway, Placer County has failed to protect the health and safety of the citizens living near the All American Speedway.

Board of Supervisors Response: The Board of Supervisors disagrees partially with this Finding. Representatives from the County and the City of Roseville met with the Fair Association Director and Board members of the Fair Association Board specifically to address concerns raised relative to operation of the racetrack on April 16, 2007 including noise, parking and drainage improvements. The County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution.

3. When the Board of Supervisors was notified that construction was planned at the location, they failed to initiate an investigation which would have revealed that the Fair Association did not obtain county and state permits as required by law and as stipulated in the terms of the contract. The Board of Supervisors should have ensured that all permits had been filed and approved, and environmental and engineering studies were conducted by the appropriate agencies.

Board of Supervisors Response: The Board of Supervisors disagrees with this Finding. The County was unaware of the Fair Association's plans to improve the racetrack prior to track improvements being completed, as referenced in the December 13, 2006 letter. The letter references the improvements as having been completed, "The relocation of on/off ramps required widening of the back straightaway approximately 30 feet. Also, during the safety improvements the track was extended north approximately 70 feet and the banking increased in turns three and four to provide additional racing surface for competitors to avoid disabled-wrecked vehicles, increasing competitor safety and reducing potential injury. After being informed, the County met and otherwise communicated on numerous occasions with the Fair Association and the City of Roseville to discuss the improvements and ways to mitigate complaints

4. The Placer County Facilities Department has failed to demonstrate fiduciary responsibility by not executing a new operating agreement with sufficient oversight language to ensure the Fair Association adheres to their written agreements.

Board of Supervisors Response: The Board of Supervisors disagrees with this Finding. The Department of Facility Services initiated negotiations and drafted a new operating agreement which included provisions intended to address the noise-related issues associated with the speedway. Ultimately, the Placer County Fair Association did not sign the new operating agreement and the current agreement is still in effect. Facility Services maintained communication with the Fair Association throughout this timeframe attempting to complete negotiations for a new agreement. The County cannot unilaterally impose a new agreement. Presently, the parties have reentered discussions concerning a revised agreement.

5. It is clear that the Fair Association's intent was to qualify for NASCAR sanctioned racing events under the guise of "safety and maintenance improvements."

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 5, 2011
Page 5

Board of Supervisors Response: The Board of Supervisors partially disagrees with this Finding. The County cannot speculate on the Fair Associations intentions. Moreover, it is the County's understanding that the speedway was previously sanctioned by NASCAR.

6. Modern race vehicles (NASCAR) capable of higher engine speeds, combined with the extended length of the Speedway, continue to generate more noise than existed before the track was enlarged.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this Finding. The County cannot confirm or deny that these Findings are factual. The County has recommended that the Fair Association conduct follow-up sound studies to quantify conditions and evaluate the effectiveness of mitigation measures.

7. When residents complained to the City of Roseville, they were told that the fairground was County property and that they were unable to enforce Roseville's noise ordinances at the Speedway. The residents were referred to the County. The County directed the complaints to the Fair Association.

Board of Supervisors Response: The County partially disagrees with this Finding. As noted above, meetings were initiated with the City of Roseville and with the Fair Association to discuss the racetrack specifically. For example, the County initiated a meeting with the City of Roseville and the Fair Association on April 16, 2007 where there was consensus reached for the Fair Association to follow up to address complaints. The Fair Association worked with the City and the County to address concerns identified relative to noise and drainage and met with residents to discuss remedies being implemented. The County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution. Presently, the parties are discussing a revised agreement.

Recommendations of the Grand Jury

1. The Board of Supervisors ensure the entire All American Speedway has been examined by county building inspectors, and/or engineers so that all portions of the Speedway are brought up to current county and state codes, regulations and noise ordinances. Also ensure the facility has obtained all county and state permits, including an Environmental Impact Report (EIR), as required.

Board of Supervisors Response: This recommendation will not be implemented as recommended. At the time improvements were undertaken County and City staff inspected the site and required that remedial improvements, primarily related to drainage and erosion, be undertaken. These improvements were subsequently reviewed by staff. The County believes that the appropriate mechanism to address the issues related to the speedway is through a new operating agreement. As part of the evaluation and further development of the new operating agreement, appropriate staff will be engaged from various functional areas of expertise to analyze conditions and ensure appropriate elements are addressed. The County will work diligently with the Fair Association to closely review the concerns of the Grand Jury and implement appropriate remedies as legally required. Discussions concerning a revised agreement are on-going. The revised agreement will provide additional controls that will address many of the concerns posed by City residents.

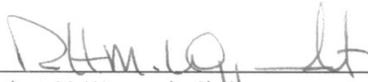
John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 5, 2011
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2. The Board of Supervisors gives the Fair Association 90 days upon the publication of this report to accept and sign a new operating agreement, which includes addressing resolution of the aforementioned Speedway issues.

Board of Supervisors Response: Unfortunately, this recommendation cannot be implemented within the timeframes specified. The County is committed to completing a new operating agreement with the Placer County Fair Association, but any such agreement must be developed bi-laterally; the County cannot simply demand that the Fair Association sign an agreement. Presently, both parties have entered into discussions concerning a revised agreement and the County is committed to completing a new agreement that addresses concerns raised as quickly as possible.

The Board of Supervisors appreciates the work of the 2010-11 Placer County Grand Jury in their report regarding the All American Speedway. The County is fully committed to resolving the issues stemming from increased noise and other impacts in the area related to improvements to the speedway. The Placer County Planning Department and Department of Facility Services have been requested to respond the Findings and Recommendations and will provide a more detailed response to this report in the coming weeks.

Sincerely,



Robert M. Weygandt, Chairman
Placer County Board of Supervisors

cc: Tom Miller, CEO, County of Placer
Roseville City Council
Mike Blair, Chief of Police, Roseville Police Department
Joan Bartosik, CEO, Placer County Fair Association



PLACER COUNTY GRAND JURY

(530) 889-7469
Mailing Address:

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

April 21, 2011

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

Dear Board of Supervisors:

Thank you for your response, dated April 5, 2011, to the 2010-2011 Placer County Grand Jury Report entitled, All American Speedway Noise: Placer County Oversight Failure.

The Grand Jury is asking for clarification to your response to recommendation #2. To reiterate: Grand Jury Recommendation:

"The Board of Supervisors gives the Fair Association 90 days upon the publication of this report to accept and sign a new operating agreement, which includes addressing resolution of the aforementioned Speedway Issues."

Board of Supervisors Response:

"Unfortunately, this response cannot be implemented within the timeframe specified. The County is committed to completing a new operating agreement with the Placer County Fair Association..."

It appears that you are saying that the recommendation will be implemented in the future. It appears your response falls under Penal Code (P.C.) Section 933.05(b)(2) – "Will be implemented in the future." P.C. 933.05(b)(2) also requires that a timeline be provided as to when the recommendation will be implemented.

The Grand Jury takes notice that this contract expired three years and three months ago, on December 31, 2007. The Board of Supervisors saw fit to include an automatic one year extension (with clauses) which in effect could allow the Fair Association to continue operating the fairgrounds indefinitely without a new contract until such time as the Board of Supervisors decides to take an adversarial stance in this matter.

Per C.C. 933.05 (b)(2), please reply back with a timeline as to when the recommendation #2 will be implemented. Please reply back by May 3, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Monaco", is written over a horizontal line.

John J. Monaco
Foreman
2010-2011 Placer County Grand Jury



Placer County Counsel
COUNTY ADMINISTRATIVE CENTER • 175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603-4581
(530) 889-4044 • FAX: (530) 889-4069

RECEIVED
MAY 05 2011

Placer County Grand Jury

ANTHONY J. La BOUFF
County Counsel

GERALD O. CARDEN
Chief Deputy

April 28, 2011

John J. Monaco, Foreman
Placer County Grand Jury
11490 C Avenue
Auburn, California 95603

Re: 2010-2011 Placer County Grand Jury Report
All American Speedway Noise: Placer County Oversight Failure

Dear Mr. Monaco:

I am responding to your April 21, 2011 letter to the Placer County Board of Supervisors. The Board of Supervisors, consistent with the requirements of the Brown Act, can only act at appropriately noticed public meetings. The next Board of Supervisors meeting is May 3, 2011, so it will be impossible for the Board of Supervisors to reply to your letter by May 3, 2011 and be consistent with the Brown Act.

The Board of Supervisors on behalf of the public entity has responded to the Grand Jury. The Board of Supervisors does not yet have the benefit of the response of the responding departments within the County which are not yet due. Specifically, the County's Community Development Resource Agency and Facility Services Department are expected to provide responses shortly. It would be difficult for the Board of Supervisors to determine an exact timeline pursuant to your request until those responses are completed.

However, as indicated in the April 5, 2011 response by the Board of Supervisors, County staff is engaged in current negotiations with the Fair Association, and it is expected the issue will be brought back to the Board of Supervisors by staff for an update on May 24, 2011. Consistent with the response to the Grand Jury of the Board of Supervisors, it is anticipated that appropriate studies might be needed for the Speedway operation. Practically, it is expected one such study might be a noise study, and by the very nature of a noise study, it would best occur over time.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By: 
Robert K. Sandman, Deputy County Counsel

RKS/dkp



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

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MAY 05 2011

Placer County Grand Jury
ADMINISTRATION

April 28, 2011

John Monaco, Foreperson
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

SUBJECT: 2010/11 Grand Jury Final Report – All-American Speedway Noise

Dear Mr. Monaco:

On behalf of the Placer County Community Development/Resource Agency, I would like to thank the members of the 2010/11 Placer County Grand Jury for their efforts associated with the Grand Jury report on the All-American Speedway noise concerns. As requested, this letter sets forth the response from the Placer County Community Development/Resource Agency (CD/RA) regarding the Grand Jury's findings on noise concerns associated with the All-American Speedway facility in Roseville.

Facts

1. California State law requires each county to have an annual agricultural fair (Government Code 25905). The Placer County Board of Supervisors has chosen the Placer County Fair Association to operate the fairgrounds. There is a written agreement signed by the Fair Association and the County. That Agreement covered the period from January 1, 2002 to December 31, 2007, which allows the Fair Association to continue operations on a year-to-year basis until the contract is renewed.

CD/RA Response: As any contract associated with the Fair Association is handled through the Facilities Services Department, I have no personal knowledge as to how the County complies with Government Code Section 25905, nor do I have any knowledge of the terms for operation of the Fair Association.

2. Placer County Facilities Department has attempted to enter into a new written agreement with the Fair Association which would give the County more oversight of the fairgrounds/Speedway operations. County officials have testified the Fair Association has refused to sign a new agreement because of the increased oversight.

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
Page Two

CD/RA Response: As no one from the CD/RA has been a party to any discussions regarding a new written agreement with the Fair Association for oversight of the fairgrounds/speedway operations, I have no personal knowledge as to any attempts made by Placer County Facilities Services Department to enter into such a new written agreement.

3. There were complaints from nearby residents of excessive Speedway noise. The City of Roseville received written complaints from 26 residents and several homeowners associations about excessive noise coming from the public address system and racing vehicles, since the race track was enlarged in 2007. Complaints also encompassed traffic congestion, quality of life degradation and reduced property values. The majority of the complaints were submitted in 2007. The management at the Speedway has made some improvements with sound attenuation. There were repeated complaints recorded from 2008 through 2010. Additional telephone complaints were not documented.

CD/RA Response: CD/RA partially agrees with this Fact and is aware that the City of Roseville received complaints. However, CD/RA cannot verify the number of complaints or the specific content of the complaints. A review of records for the Placer County Code Enforcement Division found that no noise complaints have been filed with the Placer County Code Enforcement Division regarding excessive speedway noise.

4. County officials testified that no permits or environmental impact studies/reports were obtained by the Fair Association for the Speedway expansion project.

CD/RA Response: CD/RA agrees with this Fact. There were no permits obtained prior to the Speedway modifications.

5. A written contract between the County and fairgrounds officials has not been renewed since 2007.

CD/RA Response: Based upon comments from the County Executive Office, CD/RA agrees with the Fact. However, as any such contract would be handled through the Placer County Facilities Services Department, CD/RA has no personal knowledge as to the status of the contract.

6. The Speedway exists on County property.

CD/RA Response: CD/RA agrees with the Fact.

7. The City of Roseville does not have jurisdiction to enforce city noise ordinances related to county-owned property.

CD/RA Response: CD/RA agrees with the Fact. The City of Roseville does not have land use jurisdiction over the fairground property.

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
Page Three

8. The Fair Association did not follow the requirements of the Placer County Zoning Ordinances nor the contract terms as they pertain to the planning, approval, construction, or modification of facilities located within the fairgrounds. No permits were issued by the county.

CD/RA Response: CD/RA partially disagrees with the Fact. The County zoning ordinance does not apply to this property. However, as reported by the County Executive Office and by contract terms, the Fair Association did not obtain approval.

9. Per the All American Speedway website, as of December 5, 2006, the Fair Association announces that they recently received a NASCAR-sanctioned agreement for review and approval.

CD/RA Response: CD/RA cannot validate or invalidate this Fact.

10. The Board of Supervisors was notified by letter from the CEO of the Fair Association dated, December 13, 2006, that the Speedway improvement project was for only “safety and maintenance” and “would have minimal impact on the Speedway operations and the community.”

CD/RA Response: CD/RA partially agrees with this Fact. A letter was provided to the Placer County Executive Officer on December 13, 2006 indicating the Fair Association Board of Directors approval of safety improvement work at the track. There was a statement in the letter that the “current safety improvement work will have minimal impact on the Speedway operation or the community.” It is noteworthy that the letter also suggests the track improvements and ramps had been completed at the time the letter was received by the County.

11. After lengthening the track by 70 feet on one end and widening it by 30 feet on the other end, as well as increasing banking on two turns, it qualified the Speedway to hold NASCAR-approved races. The Speedway modification allows vehicles to increase speeds which generate more noise, as well as air pollution from un-combusted fuel and worn brake linings. This pollution source is across the street from a primary school and residential area.

CD/RA Response: CD/RA is unable to validate or invalidate this Fact. However, the County understands that the Speedway previously received NASCAR sanctioning.

12. The Fair Association conducted improper grading operations during this project and contaminated drainage was allowed to enter the City of Roseville storm drainage system.

CD/RA Response: This Fact, as stated, is CD/RA’s understanding of the issue. County staff was notified of these issues after the grading occurred, and County staff assisted the Fair Association in complying with storm water regulations after the work was completed.

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
Page Four

Findings of the Grand Jury

1. The Fair Association violated their written agreement by enlarging and modifying the All American Speedway without permission from Placer County. The changes at the Speedway have caused increased noise, air, and storm water run-off pollution, as well as parking and traffic congestion.

The nearby residents complain that the value of their homes has decreased because of the Speedway noise, and their quality of life suffers during racing season.

CD/RA Response: CD/RA partially disagrees with this Finding. The County cannot confirm that nearby residents have lost value of their homes or that their quality of life suffers from these improvements or that these improvements significantly increased these conditions over historical patterns.

2. By not addressing the noise and air pollution created by the Speedway, Placer County has failed to protect the health and safety of the citizens living near the All American Speedway.

CD/RA Response: CD/RA disagrees partially with this Finding. Representatives from the County and the City of Roseville met with the Fair Association Director and Board members of the Fair Association Board specifically to address concerns raised relative to operation of the racetrack on April 16, 2007 including noise, parking and drainage improvements. As represented by the County Executive Office, the County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution.

3. When the Board of Supervisors was notified that construction was planned at the location, they failed to initiate an investigation which would have revealed that the Fair Association did not obtain county and state permits as required by law and as stipulated in the terms of the contract. The Board of Supervisors should have ensured that all permits had been filed and approved, and environmental and engineering studies were conducted by the appropriate agencies.

CD/RA Response: CD/RA disagrees with this Finding. The County was unaware of the Fair Association's plans to improve the racetrack prior to track improvements being completed, as referenced in the December 13, 2006 letter. The letter references the improvements as having been completed:

“The relocation of on/off ramps required widening of the back straightaway approximately 30 feet. Also, during the safety improvements the track was extended north approximately 70 feet and the banking increased in turns three and four to provide additional racing surface for competitors to avoid disabled-wrecked vehicles, increasing competitor safety and reducing potential injury.”

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
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After being informed after-the-fact regarding the above-stated improvements, the County met and otherwise communicated on numerous occasions with the Fair Association and the City of Roseville to discuss the improvements and ways to mitigate complaints.

4. The Placer County Facilities Department has failed to demonstrate fiduciary responsibility by not executing a new operating agreement with sufficient oversight language to ensure the Fair Association adheres to their written agreements.

CD/RA Response: As CD/RA was and is not a party to the written agreements by and between Placer County and the Placer County Fair Association, CD/RA has no information that would allow the Agency to agree or disagree with this Finding.

5. It is clear that the Fair Association's intent was to qualify for NASCAR sanctioned racing events under the guise of "safety and maintenance improvements."

CD/RA Response: CD/RA partially disagrees with this Finding. The County cannot speculate on the Fair Association's intentions. Moreover, it is the County's understanding that the speedway was previously sanctioned by NASCAR.

6. Modern race vehicles (NASCAR) capable of higher engine speeds, combined with the extended length of the Speedway, continue to generate more noise than existed before the track was enlarged.

CD/RA Response: CD/RA partially disagrees with this Finding. The County cannot confirm or deny that these Findings are factual. The County has recommended that the Fair Association conduct follow-up sound studies to quantify conditions and evaluate the effectiveness of mitigation measures.

7. When residents complained to the City of Roseville, they were told that the fairground was County property and that they were unable to enforce Roseville's noise ordinances at the Speedway. The residents were referred to the County. The County directed the complaints to the Fair Association.

CD/RA Response: CD/RA partially disagrees with this Finding. As noted above, meetings were initiated with the City of Roseville and with the Fair Association to discuss the racetrack specifically. For example, the County initiated a meeting with the City of Roseville and the Fair Association on April 16, 2007 where there was consensus reached for the Fair Association to follow up to address complaints. The Fair Association worked with the City and the County to address concerns identified relative to noise and drainage and met with residents to discuss remedies being implemented. The County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution. Presently, the parties are discussing a revised agreement.

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
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Recommendations of the Grand Jury

1. The Board of Supervisors ensure the entire All American Speedway has been examined by county building inspectors, and/or engineers so that all portions of the Speedway are brought up to current county and state codes, regulations and noise ordinances. Also ensure the facility has obtained all county and state permits, including an Environmental Impact Report (EIR), as required.

CD/RA Response: This recommendation will not be implemented as recommended. At the time improvements were undertaken, both County and City staff inspected the site and required that remedial improvements, primarily related to drainage and erosion, be undertaken. These improvements were subsequently reviewed by staff. Although outside of the purview of the CD/RA, the County believes that the appropriate mechanism to address the issues related to the speedway is through a new operating agreement. As part of the evaluation and further development of the new operating agreement, appropriate staff will be engaged from various functional areas of expertise to analyze conditions and ensure appropriate elements are addressed. The County will work diligently with the Fair Association to closely review the concerns of the Grand Jury and implement appropriate remedies as legally required. Discussions concerning a revised agreement are on-going. The revised agreement will provide additional controls that will address many of the concerns posed by City residents.

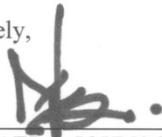
2. The Board of Supervisors gives the Fair Association 90 days upon the publication of this report to accept and sign a new operating agreement, which includes addressing resolution of the aforementioned Speedway issues.

CD/RA Response: As previously stated in the letter from the County Board of Supervisors to the Grand Jury on this issue, this recommendation cannot be implemented within the timeframes specified. The County is committed to completing a new operating agreement with the Placer County Fair Association, but any such agreement must be developed bi-laterally; the County cannot simply demand that the Fair Association sign an agreement. Presently, both parties have entered into discussions concerning a revised agreement and the County is committed to completing a new agreement that addresses concerns raised as quickly as possible.

John Monaco
2010/2011 Grand Jury Final Report – All-American Speedway Noise
April 28, 2011
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The Community Development/Resource Agency appreciates the work of the Placer County Grand Jury in its report regarding the All-American Speedway. The County is fully committed to resolving the issues stemming from increased noise and other impacts in the area related to improvements to the speedway.

Sincerely,



MICHAEL J. JOHNSON, AICP
Agency Director
Placer County Community Development / Resource Agency

cc: Tom Miller, County Executive Officer, County of Placer
Placer County Board of Supervisors
Anthony LaBouff, County Counsel
James Importante, Management Analyst
Roseville City Council
Mike Blair, Chief of Police, Roseville Police Department
Joan Bartosik, CEO, Placer County Fair Association



**COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT**

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

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MAY 03 2011

Placer County Grand Jury

JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
WILL DICKINSON, DEPUTY DIRECTOR
JOEL SWIFT, DEPUTY DIRECTOR
MARK RIDEOUT, DEPUTY DIRECTOR
VALERIE BAYNE, ADMIN. SVS. MANAGER

April 27, 2011

John Monaco, Foreperson
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Re: 2010-11 Grand Jury Final Report – All American Speedway Noise: Placer County Oversight Failure

Dear Mr. Monaco,

The Placer County Department of Facility Services appreciates this opportunity to respond to the Jury's 2010-11 Report concerning the Placer County Fairground Speedway. Facility Services respectfully submits this letter in response to the 2010-2011 Grand Jury's Findings & Recommendations from the report titled *All American Speedway Noise: Placer County Oversight Failure*.

Facts

1. California State law requires each county to have an annual agricultural fair (Government Code 25905). The Placer County Board of Supervisors has chosen the Placer County Fair Association to operate the fairgrounds. There is a written agreement signed by the Fair Association and the County. That Agreement covered the period from January 1, 2002 to December 31, 2007, which allows the Fair Association to continue operations on a year-to-year basis until the contract is renewed.

Facility Services' Response: Facility Services partially agrees with the Fact. Government Code 25905 identifies that the County may contract with a nonprofit association for conducting an agricultural fair as an agent of the County. The language does not speak to a *requirement* of an annual fair. It is true that there is a written agreement signed by the Fair Association and the County.

2. Placer County Facilities Department has attempted to enter into a new written agreement with the Fair Association which would give the County more oversight of the fairgrounds/Speedway operations. County officials have testified the Fair Association has refused to sign a new agreement because of the increased oversight.

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

Administration – Building Maintenance – Capital Improvements – Museums – Parks
Property Management – Environmental Engineering - Utilities

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 27, 2011
Page 2

Facility Services' Response: Facility Services agrees with the Fact. However; both parties are presently in active discussions concerning a revised agreement that contains additional operating conditions and controls. The County has taken the lead in this process and is committed to developing a new agreement.

3. There were complaints from nearby residents of excessive Speedway noise. The City of Roseville received written complaints from 26 residents and several homeowners associations about excessive noise coming from the public address system and racing vehicles, since the race track was enlarged in 2007. Complaints also encompassed traffic congestion, quality of life degradation and reduced property values. The majority of the complaints were submitted in 2007. The management at the Speedway has made some improvements with sound attenuation. There were repeated complaints recorded from 2008 through 2010. Additional telephone complaints were not documented.

Facility Services' Response: Facility Services partially agrees with this Fact and understands that the City of Roseville received complaints. However, Facility Services cannot verify the number of complaints or the specific content of the complaints. In negotiations, Facility Services has requested that the Fair Association provide documentation as to complaints received and any response or resolution of complaints by the Association. The Department has requested the same from the City.

The Department communicated consistently with the two citizens that communicated complaints directly to the Department over the course of 2009 and 2010, keeping them both informed as to the status of negotiations with the Fair Association. Facility Services met several times with Fair Association management and Board members to relay concerns and to attempt to reach agreement on a new agreement.

4. County officials testified that no permits or environmental impact studies/reports were obtained by the Fair Association for the Speedway expansion project.

Facility Services' Response: Facility Services agrees with this Fact. There were no permits obtained prior to the Speedway modifications.

5. A written contract between the County and fairgrounds officials has not been renewed since 2007.

Facility Services' Response: Facility Services agrees with the Fact. However, a legal, valid agreement is in place. As detailed above and throughout this Response, the Department previously initiated negotiations for a new agreement and had prepared and presented a revised written agreement, but the Fair Association did not agree to sign the new agreement. Presently, Department staff is fully engaged in discussions with the Fair Association concerning a revised agreement that contains additional operating conditions and controls.

6. The Speedway exists on County property.

Facility Services' Response: Facility Services agrees with the Fact.

7. The City of Roseville does not have jurisdiction to enforce city noise ordinances related to county-owned property.

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 27, 2011
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Facility Services' Response: Facility Services agrees with the Fact. The City of Roseville does not have land use jurisdiction over the fairground property.

8. The Fair Association did not follow the requirements of the Placer County Zoning Ordinances nor the contract terms as they pertain to the planning, approval, construction, or modification of facilities located within the fairgrounds. No permits were issued by the county.

Facility Services' Response: Facility Services partially disagrees with the Fact. The County zoning ordinance does not apply to this property. The Department agrees that the Fair Association did not obtain approval. The current Agreement requires the Fair Association to comply with applicable laws in operating the Fairgrounds.

9. Per the All American Speedway website, as of December 5, 2006, the Fair Association announces that they recently received a NASCAR-sanctioned agreement for review and approval.

Facility Services' Response: Facility Services cannot validate or invalidate this Fact. Additionally, the County understands that the Speedway has historically had NASCAR sanctioning.

10. The Board of Supervisors was notified by letter from the CEO of the Fair Association dated, December 13, 2006, that the Speedway improvement project was for only "safety and maintenance" and "would have minimal impact on the Speedway operations and the community."

Facility Services' Response: Facility Services partially agrees with this Fact. A letter was provided to the Placer County Executive Officer and copied to the Director of Facility Services on December 13, 2006 indicating the Fair Association Board of Directors' approval of safety improvement work at the track. There was a statement in the letter that the "current safety improvement work will have minimal impact on the Speedway operation or the community." It is clear from this letter that the track improvements and ramps had been completed or were under way at the time the letter was received by the County.

An inspection of the site conducted by Facility Services in January of 2007 revealed that all major work on the improvements was already completed. That was the first time that the Department was made aware of the full scope of the improvements.

11. After lengthening the track by 70 feet on one end and widening it by 30 feet on the other end, as well as increasing banking on two turns, it qualified the Speedway to hold NASCAR-approved races. The Speedway modification allows vehicles to increase speeds which generate more noise, as well as air pollution from un-combusted fuel and worn brake linings. This pollution source is across the street from a primary school and residential area.

Facility Services' Response: Facility Services is unable to validate or invalidate this Fact. However, the County understands that the Speedway historically had NASCAR sanctioning.

12. The Fair Association conducted improper grading operations during this project and contaminated drainage was allowed to enter the City of Roseville storm drainage system.

Facility Services' Response: This Fact as stated is Facility Services' understanding. County staff was notified of these issues after the grading occurred, and assisted the Fair Association in complying with storm water regulations after the work was completed.

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 27, 2011
Page 4

Findings of the Grand Jury

1. The Fair Association violated their written agreement by enlarging and modifying the All American Speedway without permission from Placer County. The changes at the Speedway have caused increased noise, air, and storm water run-off pollution, as well as parking and traffic congestion. The nearby residents complain that the value of their homes has decreased because of the Speedway noise, and their quality of life suffers during racing season.

Facility Services' Response: Facility Services partially disagrees with this Finding. While the Department agrees that the Fair Association did not obtain approvals, the County cannot confirm that nearby residents have lost value of their homes or that their quality of life suffers from these improvements or that these improvements significantly increased these conditions over historical patterns.

2. By not addressing the noise and air pollution created by the Speedway, Placer County has failed to protect the health and safety of the citizens living near the All American Speedway.

Facility Services' Response: Facility Services partially disagrees with this Finding. Representatives from the County and the City of Roseville met with the Fair Association Director and Board members of the Fair Association Board specifically to address concerns raised relative to operation of the racetrack on April 16, 2007 including noise, parking and drainage improvements. The County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution.

3. When the Board of Supervisors was notified that construction was planned at the location, they failed to initiate an investigation which would have revealed that the Fair Association did not obtain county and state permits as required by law and as stipulated in the terms of the contract. The Board of Supervisors should have ensured that all permits had been filed and approved, and environmental and engineering studies were conducted by the appropriate agencies.

Facility Services' Response: Facility Services disagrees with this Finding. The County was unaware of the Fair Association's plans to improve the racetrack prior to track improvements being completed, as referenced in the December 13, 2006 letter. The letter references the improvements as having been completed, "The relocation of on/off ramps required widening of the back straightaway approximately 30 feet. Also, during the safety improvements the track was extended north approximately 70 feet and the banking increased in turns three and four to provide additional racing surface for competitors to avoid disabled-wrecked vehicles, increasing competitor safety and reducing potential injury."

As stated previously, an inspection of the site conducted by Facility Services in January of 2007 revealed that all major work on the improvements was already completed. That was the first time that the Department was made aware of the scope of the improvements.

After being informed, the County met and otherwise communicated on numerous occasions with the Fair Association and the City of Roseville to discuss the improvements and ways to mitigate complaints.

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 27, 2011
Page 5

4. The Placer County Facilities Department has failed to demonstrate fiduciary responsibility by not executing a new operating agreement with sufficient oversight language to ensure the Fair Association adheres to their written agreements.

Facility Services' Response: Facility Services disagrees with this Finding. The Department initiated negotiations and drafted a new operating agreement which included provisions intended to address the noise-related issues associated with the speedway. Beginning in 2007, Facility Services staff has met with Association staff on numerous occasions to discuss and negotiate, and has taken the lead in developing a comprehensive draft agreement intended to institute mitigations for the noise issues. Ultimately, the Placer County Fair Association did not agree to sign the new operating agreement and the current agreement is still in effect. Facility Services maintained communication with the Fair Association throughout this timeframe attempting to complete negotiations for a new agreement. The County cannot unilaterally impose a new agreement. Presently, the parties have continued discussions concerning a revised agreement.

5. It is clear that the Fair Association's intent was to qualify for NASCAR sanctioned racing events under the guise of "safety and maintenance improvements."

Facility Services' Response: Facility Services disagrees with this Finding. The County cannot speculate on the Fair Association's intentions. In fact, the Department understands that the speedway has historically been sanctioned by NASCAR.

6. Modern race vehicles (NASCAR) capable of higher engine speeds, combined with the extended length of the Speedway, continue to generate more noise than existed before the track was enlarged.

Facility Services' Response: Facility Services partially disagrees with this Finding. The Department cannot confirm or deny that this Finding is factual. The Department has attempted to negotiate with the Fair Association to have the Association conduct follow-up sound studies to quantify conditions and evaluate the effectiveness of mitigation measures.

7. When residents complained to the City of Roseville, they were told that the fairground was County property and that they were unable to enforce Roseville's noise ordinances at the Speedway. The residents were referred to the County. The County directed the complaints to the Fair Association.

Facility Services' Response: Facility Services partially disagrees with this Finding. As noted above, meetings were initiated with the City of Roseville and with the Fair Association to discuss the racetrack. The County initiated a meeting with the City of Roseville and the Fair Association on April 16, 2007 where there was consensus reached for the Fair Association to follow up to address complaints. The Fair Association worked with the City and the County to address concerns identified relative to noise and drainage and met with residents to discuss remedies being implemented. The County has consistently encouraged the Fair Association to address complaints, and continues to work to put a new agreement in place that will contractually address complaint resolution.

John Monaco, Foreman
2010-11 Grand Jury Final Report-All American Speedway Noise
April 27, 2011
Page 6

Recommendations of the Grand Jury

Facility Services is required to respond to Recommendation 2:

R2. The Board of Supervisors gives the Fair Association 90 days upon the publication of this report to accept and sign a new operating agreement, which includes addressing resolution of the aforementioned Speedway issues.

Facility Services' Response: The County cannot implement the Recommendation within the timeframes specified. The County is committed to completing a new operating agreement with the Placer County Fair Association, and the Department of Facility Services will carry out this initiative. Any such agreement must be developed bi-laterally, however; the County cannot simply demand that the Fair Association sign an agreement. Presently, both parties have entered into active discussions concerning a revised agreement and the County is committed to completing a new agreement that addresses concerns raised as quickly as possible.

The Department of Facility Services appreciates this opportunity to respond and wishes to thank the 2010-11 Placer County Grand Jury for investigating and reporting on this important issue. The Department is committed to resolving the issues detailed in this Response.

Sincerely,



James Durfee
Director of Facility Services

cc: Tom Miller, CEO, County of Placer
Roseville City Council
Mike Blair, Chief of Police, Roseville Police Department
Joan Bartosik, CEO, Placer County Fair Association

Supplying Water to Placer County



PLACER COUNTY WATER AGENCY
 SINCE 1957

| | |
|----------------------------------|-------------------|
| BOARD OF DIRECTORS | BUSINESS CENTER |
| Gray Allen, District 1 | 144 Ferguson Road |
| Alex Ferreira, District 2 | MAIL |
| Lowell Jarvis, District 3 | P.O. Box 6570 |
| Mike Lee, District 4 | Auburn, CA 95604 |
| Ben Mavy, District 5 | PHONE |
| David Breninger, General Manager | 530.823.4850 |
| Ed Tiedemann, General Counsel | 800.464.0030 |
| | WWW.PCWA.NET |

May 10, 2011

Placer County Grand Jury
11490 C Avenue
Auburn, 95603

RECEIVED

MAY 12 2011

Placer County Grand Jury

Re: Response to Grand Jury Report – Supplying Water to Placer County

Ladies and Gentlemen:

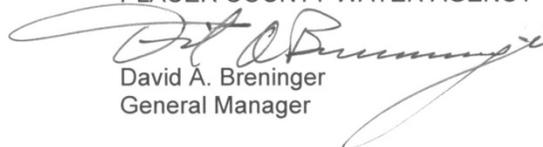
I'm pleased to provide my attached responses to the six findings and four recommendations contained in the Placer County Grand Jury Report entitled "**Supplying Water to Placer County – Placer County Water Agency (PCWA)**", dated February 17, 2011.

I thank the members of the Grand Jury for meeting with members of my staff and me and for their report. Also I thank you for recognizing the Agency as a "lean, stable, efficiently operated organization" and that "the financial and statistical reporting is very impressive for an organization the size of PCWA." These observations are very much appreciated.

Should members of the Grand Jury have any questions or need clarification or further information on any aspect of my responses, please let me know and my team and I will follow up accordingly.

Sincerely,

PLACER COUNTY WATER AGENCY



David A. Breninger
General Manager

- c: PCWA Board of Directors
- PCWA General Counsel
- PCWA Management Team



PLACER COUNTY WATER AGENCY
SINCE 1957

| | |
|---------------------------|-------------------|
| BOARD OF DIRECTORS | BUSINESS CENTER |
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| | 800.464.0030 |
| | WWW.PCWA.NET |

**Placer County Water Agency
General Manager's
Response to Placer County Grand Jury Final Report**

Grand Jury Report Title: *Supplying Water to Placer County – Placer County Water Agency (PCWA)*
Grand Jury Report Date: *February 17, 2011*
PCWA Response by: *David Breninger, General Manager, Placer County Water Agency (PCWA)*
PCWA Response Date: *May 10, 2011*

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MAY 12 2011

Placer County Grand Jury

I agree with the Findings F1 and F2.

Grand Jury Finding F1

PCWA appears to be a lean, stable, efficiently operated organization which is focused on serving the customer within their service area (Placer County).

Grand Jury Finding F2

The financial and statistical reporting is very impressive for an organization the size of PCWA. In fact they have received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

I respectfully disagree with Finding F3.

Grand Jury Finding F3

The Board of Directors recently approved a Resolution (08-16, see Appendix) indicating what types of projects could be funded by the expected additional revenue from the sale of power from the Middle Fork Project. This is an excellent start, but the list is so broad it provides little guidance to PCWA staff.

PCWA Response to Finding F3

The framework for determining the types of projects that may be considered eligible for funding from Placer County Water Agency's (PCWA's) portion of Middle Fork Project (MFP) net power sale revenues under PCWA Board of Directors' Resolution 08-16 is limited in scope. This is because the Resolution, a policy document of the Board of Directors, was purposely prepared based upon the powers and authorities granted to PCWA when the Agency was created in 1957 by State law referred to as "The Placer County Water Agency Act." As described more fully in my response below to Recommendation R1, I respectfully disagree with Finding F3 that the list is so broad that it provides little guidance to Agency staff.

Recommendation R1 has not yet been implemented, but will be implemented in the future.

Grand Jury Recommendation R1

Establish an ongoing process to prioritize and rank proposed projects that will be funded from the additional revenue expected by the sale of power from the Middle Fork Project.

PCWA Response to Recommendation R1:

This Recommendation relates to Finding F3, which I disagreed with in my response.

Background: There are several elements to consider to provide context for replying to the Finding and to this Recommendation; for example:

In 1993, the Agency's Board of Directors established a policy that has come to be known as the PCWA Financial Assistance Program (FAP). This was placed into policy in 1996 when the Board of Directors adopted Resolution 96-06. The FAP was prepared based upon the powers and authorities granted to PCWA when the Agency was created.

The FAP sets forth criteria for the distribution of PCWA general funds in the form of loans and grants to districts within the Agency's boundary (which is all of Placer County). The types of programs or facilities that are eligible for FAP funding relate to the production, treatment, storage, transmission, distribution or conservation of water for beneficial use. There is also a planning and design component to the program. FAP funds cannot be used for daily operations and maintenance. FAP funds cannot be used to pay for facilities that new development should fund. Also, within the scope of the FAP, Agency management and legal counsel provide advice to districts, as well as circumstances warrant. The PCWA Board of Directors holds final authority to authorize FAP loans and grants.

The FAP is financed from revenues budgeted within the PCWA general fund. These revenues are set aside annually by the Board of Directors in the Agency-Wide Budget. Each year Agency staff and a FAP Steering Committee of the Board of Directors review FAP applications and make recommendations to the full Board of Directors for their action. Consistent with this policy the Agency has distributed over \$1.5 million since 1993 in grants (thus far, no loans have been requested) to various districts in Placer County pursuant to the FAP.

Illustration of FAP process: The FAP Steering Committee concluded this year's (2011) review of FAP applications and made its recommendation to the Board of Directors on May 5, 2011. This year nine water districts applied with requests totaling \$336,100. Funds budgeted in the Agency-Wide Budget this year for the FAP are

\$35,000. The Board of Directors received and discussed the Committee's report and based upon available funding approved four grants to water districts that cumulatively total \$35,000.

In addition to the FAP funding mechanism, the Agency's Board of Directors, in June 2008 established another policy when it adopted Resolution 08-16 relevant to the future use of the Agency's portion of MFP net power revenues. The policy sets forth the possible future uses of the MFP net power revenues to be available to PCWA. The first opportunity for the distribution of these new net revenues to the Agency will occur in late 2015.

When the FAP was created by the Board of Directors in the early 1990s, one major consideration at that time for doing so was for the future purpose to have a 'funding tool' mechanism in place for PCWA to use at such time as PCWA's portion of future MFP net power revenues become available.

The FAP provides guidance to PCWA staff which beginning in 2015 will be an excellent means for administering Resolution 08-16 for the distribution of PCWA's portion of MFP net power sales revenues.

Additionally, and linked in a similar fashion to the FAP, the Agency is pursuing the development of a Water Service Master Plan. The purpose of the proposed plan is to assess water demands and needs across Placer County, to identify areas of the County that have unmet or under-met water supply needs, to assess how best those needs could be served, and to assess key and critically important storage and conveyance systems and reliability factors associated with each.

At the verbal suggestion of a Grand Jury member when this Recommendation was discussed, Agency staff has been following up with Sacramento Municipal Utility District (SMUD) staff to learn about their Capital Project Prioritization Process. Under this Process, SMUD identifies the organization's strategic objectives (such as financial, reliability, customer and community relations and environmental protection) which they then prioritize. SMUD then applies a numerical model method developed by a consultant to "score" how well proposed capital projects meet those prioritized objectives. Agency staff is following up on this for possible adaptation to assist the Agency in a possible similar prioritization and selection process as further guidance for refinements of Resolution 08-16 in conjunction with the FAP funding process.

Taken together, I find Recommendation R1 appropriate. I will review the FAP process, the County-Wide Water Service Master Plan (which is a "work in progress" now), a prioritization process (such as a SMUD or similar approach), and Resolution 08-16 with the Board of Directors. They can then determine what further direction, if any, they may desire be given to staff for prioritizing and ranking projects relevant to additional revenue expected by the sale of power from the MFP to PCWA.

I respectfully disagree with Finding number F4.

Grand Jury Finding F4

Although PCWA is currently well positioned to provide water to current and future customers within its service area, there are numerous issues that could significantly impact the water supply. The responsibility for monitoring and/or taking appropriate action is handled by the General Manager, the Strategic Affairs Division, and outside legal counsel. The strategy, analysis, and actions of this critical function are concentrated in very few individuals.

PCWA Response to Finding F4

The Strategic Affairs Department, the Agency's General Counsel (Kronick, Moskovitz, Tiedemann, and Girard), the General Manager, and a number of other management team members and consultants participate in various ways to work, advocate, and protect the water supplies available to our County.

There are a number of people involved on this important function. To illustrate: The Strategic Affairs Department (comprised of three management professionals) is fully engaged at all times to advocate for water supplies for our County. Agency legal counsel also has lawyers available to represent and/or litigate when needed for PCWA. Additionally, other departments and consultants are available to assist. There is a continuing effort to sustain among many individuals communications at a high level so that everyone is aware of the range of water resource issues and threats that confront the Agency and our County's water supplies.

Accordingly, I respectfully disagree with Finding F4 that water supply strategies, analysis and actions are concentrated in very few individuals.

Recommendation R2 will not be implemented because it is not warranted.

Grand Jury Recommendation R2

Increase staffing within the Strategic Affairs Division to provide backup and continuity for key positions and to ensure all issues are getting the required attention.

PCWA Response to Recommendation R2

This Recommendation relates to Finding F4 which I disagreed with in my response.

Background: The Strategic Affairs Department staff currently consists of a Department Head, two mid-management level employees, and an Administrative Aide, for a total of four employees. Plus those who assist the Strategic Affairs Department include PCWA General Counsel, special Federal Energy Regulatory Commission (FERC) legal counsel, the General Manager, a number of other professional level consultants and technical experts, and other PCWA departments as appropriate.

The Strategic Affairs Department I specifically created and it is charged with the duty to manage high profile, complex, and significant projects and issues for the Agency. The Strategic Affairs team, for example, is currently managing the relicensing of the

MFP, the extension of time request for use of the Agency's MFP water rights, negotiations of a new MFP power sale contract, engaged in the relicensing processes involving the Yuba/Bear River Systems that provide water supplies to our County, just to name a few current activities.

One of the keys to PCWA's success is that the Strategic Affairs Department, as well as all of the departments of the Agency, work and interact as a strong team.

As for the Strategic Affairs Department, the team discusses the status of all projects and continually communicates so that each member is sharing and tracking information and the status of all assignments and projects. This allows the capability for anyone to step in as backup and/or to support one another as needed. In addition, the Strategic Affairs Department receives support and expertise from legal counsel, other departments, and consultants. Likewise, the Strategic Affairs Department provides assistance and expertise on projects that are managed by other departments within the Agency as well.

The organization of PCWA is—by my design—a “flattened” and “less hierarchal” management structure. The result is greater focus on teamwork, cooperation and enhanced communications. Basically, “out of the box” thinking is highly encouraged, as well as practiced. One of the key benefits of this type of intra-departmental and inter-departmental cooperation is organizational teamwork, unity, trust, better information sharing and considerable depth across the full spectrum of PCWA.

For the reasons above, I believe that the Strategic Affairs Department has adequate staff and respectfully disagree with Recommendation R2.

I respectfully disagree with Finding F5.

Grand Jury Finding F5

PCWA has a stable work force, with most of the management team having worked together for a number of years. However, the work force is aging, particularly at the management level, with most being eligible to retire now. The organization does not have a consistent, known strategy to replace key staff or management when vacancies occur.

PCWA Response to Finding F5

The Agency workforce is built upon the many men and women who collectively over many decades have dedicated their careers to serve the public.

The average age of the Agency work force over the decades has always hovered around the mid to upper 40's age level. The Agency currently has 180 authorized positions (with several currently vacant) and the current average age of the work force is 47 years of age. The replacement of key staff or management positions has never been a problem to fill when positions become vacant.

The Agency is constantly evaluating our work force needs, as well as providing training opportunities, educational assistance and mentoring. Workforce succession planning is an ever evolving process as is internal staff development itself. When vacancies occur, we look carefully at internal candidates as well as at external candidates for replacement of key staff, management, and other positions in the organization. The goal and organizational strategy is to ensure the most qualified people fill positions to work at PCWA at no matter what "level" in the organization they perform work.

Accordingly, I respectfully disagree with Finding F5.

Recommendation R3 will not be implemented because it is not warranted.

Grand Jury Recommendation R3

Develop a formalized and visible plan to both develop internal candidates and outside sources for key staff and management positions. The plan once implemented will need to be monitored and updated on an ongoing basis.

PCWA Response to Recommendation R3

This Recommendation relates to Finding F5 which I disagreed with in my response.

Background: In 2007, the Agency studied the characteristics of the work force. We began a process to identify, assess and address needs of the current work force and likely or probable future work force needs. The analysis reviewed staffing levels, work force skills, work force demographics and employment trends, as well as the use of consultant services in lieu of employees whenever practical. The analysis also reviewed work force skills to meet projected needs, staffing patterns, consultant services, and anticipated program and workload changes. This provided information to assess organizational needs for recruiting, retention, training, and succession planning, for both employees and the Agency's use of consultant services.

Also in 2007, the Agency initiated its first formal internship program. Through outreach to local high schools and colleges, this program has been very successful with many students coming to work with the Agency during the summer months in a variety of capacities in different departments.

The Agency also provides employees on-going, in-house and external training, an educational assistance program and mentorship opportunities.

The Agency has long recognized the need for and has always been successful in filling positions as they occur. Maintaining organizational knowledge and continuity of services when employees leave, requires planning, knowledge sharing, training and leadership development. PCWA excels at this.

Agency work force succession planning and staff development and enhancement is an ever ongoing process. I do not find that a more "formalized and visible plan" is needed. Accordingly, I respectfully disagree with Recommendation R3.

I respectfully disagree with Finding F6.

Grand Jury Finding F6

There appears to be a heavy reliance on knowledge and experience within a few key individuals and process documentation is inconsistent across the organization. These could be issues if any key individual left the organization suddenly.

PCWA Response to Finding F6

The Agency's organizational structure is based strongly on teamwork, collaboration, shared information, trust, and intradepartmental and interdepartmental cooperation. I have not found that heavy reliance on knowledge and experience is vested in a few key individuals or that process documentation is inconsistent across the organization. Accordingly, I respectfully disagree with Finding F6.

Recommendation R4 will not be implemented because it is not warranted.

Grand Jury Recommendation R4

Each division should assess its current operations to identify critical processes and the current state of their formal documentation. Based on that assessment, a plan should be developed to update or create appropriate process and procedure documentation.

PCWA Response to Recommendation R4

This Recommendation relates to Finding F6 which I disagreed with in my response.

Background: Functions and duties vary by department and correspondingly the documents themselves may vary within each, but not the process and procedures regulating government documents here at PCWA.

Several federal and state laws set forth the process and procedures regarding access, retention, archiving, and destruction of the various types and formats of government records and documents. Also, the California Secretary of State issues guidelines for the management of local government documents and records. The Agency abides by these laws and guidelines.

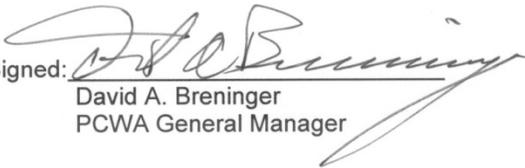
PCWA has a well-established Records Management Manual. The most recent and the most advanced update to this occurred in 2003 when the Board of Directors adopted Resolution 03-15. And this has been updated from time to time. All departments have access to the Manual. The Manual includes, among other things, a comprehensive records retention schedule. PCWA staff follows and administers the procedures set forth in the Manual across the organization, within every department and on a consistent basis.

For the reasons noted above, I believe that the Agency has been and is meeting the expectations of the Grand Jury and no additional action is needed on Recommendation R4. Of course, we will continue to monitor laws, legal decision and

guidelines as changes occur; and we will modify our procedures and Manual in order to continue to comply with these.

Thank you for this opportunity to respond to the six findings and four recommendations of the Placer County Grand Jury.

Date: May 10, 2011

Signed: 
David A. Breninger
PCWA General Manager

Property Zoning Dispute



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

RECEIVED

MAY 03 2011

Placer County Grand Jury

ADMINISTRATION

April 28, 2011

John Monaco, Foreperson
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

SUBJECT: 2010/11 Grand Jury Final Report – Property Zoning Dispute

Dear Mr. Monaco:

On behalf of the Placer County Community Development/Resource Agency, I would like to thank the members of the 2010/11 Placer County Grand Jury for their efforts associated with the Grand Jury report on the Property Zoning Dispute concerns. As requested, this letter sets forth the response from the Placer County Community Development/Resource Agency (CD/RA) regarding the Grand Jury's findings set forth in the Grand Jury letter, dated February 17, 2011.

Facts

1. In 1988, the landowner was granted authority to develop a 10-lot subdivision with a warehouse and office buildings. The landowner was granted two extensions of time to submit the necessary documents to develop his property, but no action was taken by the landowner and the authority expired four years later.

CD/RA Response: CD/RA agrees with this Finding.

2. The County responded (Attachment A) to a letter, allegedly written by the landowners, in June 1993 requesting the status of his offer to donate ten acres for a park in exchange for rezoning his remaining 20 acres to Commercial.

CD/RA Response: CD/RA agrees with this Finding.

3. The County rezoned a portion of the landowner's property from RA to OS (Attachment A).

CD/RA Response: CD/RA agrees with this Finding.

John Monaco
2010/2011 Grand Jury Final Report – Property Zoning Dispute
April 28, 2011
Page Two

4. In 2001, the landowner sold and gifted nearly one-half of his original purchase, but failed to retain easement rights to his now land-locked 16 acres.

CD/RA Response: As the County was not a party to this transaction, CD/RA cannot affirm with certainty this Finding.

5. In 2002 and again in 2006, the landowner contacted the County requesting options to create access to his property.

CD/RA Response: CD/RA agrees with this Fact.

6. In a letter dated March 31, 2007, the County presented various options regarding the development potential to the landowner.

CD/RA Response: CD/RA agrees with this Fact.

7. The landowner stated he submitted a letter (undated) to the County referencing a May 2003 meeting in which he reiterated his offer to donate a portion of his land free and clear to “Placer Legacy” in lieu of it being zoned OS (Appendix B). In addition, he wished to rezone the western portion of his property to a classification other than Industrial where it would be more attractive to a potential buyer.

CD/RA Response: CD/RA agrees with the Fact. Based upon the record and a subsequent letter from the County to the landowner, dated June 12, 2003, this letter was received by the County.

8. The landowner stated he is upset with the County for the rezoning actions it has taken that resulted in his inability to develop his property.

CD/RA Response: CD/RA disagrees with this Fact. The rezoning action for this property was done consistent with a request from the landowner. The landowner is still able to develop his property in a manner consistent with the zoning designations assigned to the property.

Findings of the Grand Jury

1. On Thursday, June 10, 1993, the County responded (Appendix A) to an alleged letter which was never located, dated Monday, June 7, 1993, from the landowner, requesting the status of his offer to donate 10 acres of his land to be used for a park in exchange for rezoning the remainder of his land to Industrial. The County is unable to produce a copy of the alleged letter. The landowner states that he did not write the cited letter, nor did he receive the County’s response. The Grand Jury could not locate this alleged letter in the myriad of document provided by the County and the landowner.

CD/RA Response: CD/RA agrees with this Finding.

John Monaco
2010/2011 Grand Jury Final Report – Property Zoning Dispute
April 28, 2011
Page Three

2. The County rezoned a portion of the landowner's property from Residential Agricultural to Open Space, which effectively devalued his property. The Grand Jury interviewed Placer County Assessors that stated property in this area zoned Residential Agricultural would be valued at least ten times greater than property zoned Open Space.

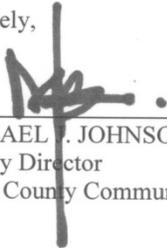
CD/RA Response: CD/RA partially agrees with this Finding. The County did in fact rezone the property as requested by the landowner. As staff within the CD/RA are not appraisers, CD/RA cannot attest to the validity of the possible change in land values.

3. After a thorough investigation of all available documents and by conducting interviews with parties having direct knowledge of the facts surrounding this issue, the Grand Jury is unable to substantiate any fraud by the County or any participant in this dispute.

CD/RA Response: CD/RA agrees with this Finding.

The Community Development/Resource Agency appreciates the work of the Placer County Grand Jury in its report regarding this property zoning dispute. The County remains ready and available to assist the landowner in implementing any of the solutions that have been previously provided to the landowner regarding the property in question.

Sincerely,



MICHAEL J. JOHNSON, AICP
Agency Director
Placer County Community Development / Resource Agency

cc: Tom Miller, County Executive Officer, County of Placer
Placer County Board of Supervisors
Anthony LaBouff, County Counsel
James Importante, Management Analyst

Annual Inspection of the Holding Facilities in Placer County

**County of Placer
Board of Supervisors**

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JACK DURAN
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JIM HOLMES
District 3
KIRK UHLER
District 4
JENNIFER MONTGOMERY
District 5

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MAY 10 2011
Placer County Grand Jury



May 3, 2011

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

Re: 2010-11 Grand Jury Final Report – Annual Inspection of the Holding Facilities in Placer County

Dear Judge Pineschi:

The Placer County Board of Supervisors would like to thank the members of the 2010-11 Grand Jury for their efforts in their annual inspection of the holding facilities in Placer County and for providing your findings for our response. This letter is in response to the 2010-2011 Grand Jury's Findings & Recommendations from the report based on the annual inspection.

FINDINGS

- The Board agrees with the following finding Placer County's Holding Facilities:
 - Finding No. 1 – All County Facilities. The overall operations of the holding facilities within the County are clean, organized, and well maintained.
 - Finding No. 4 – Historic Courthouse Holding Facility. The motor operating the sally port gate at the Historic Courthouse is unreliable and there is no way to manually control the gate.
 - Finding No. 7 – Main Jail and Minimum Security. Food Service Manager Renee Harvey for doing an outstanding job and uses local products to help keep costs down.
 - Finding No. 8 – Santucci Justice Center Holding Facility. The Santucci Justice Center is modern, clean, secure, and well maintained.
 - Finding No. 9 – Sheriff's Tahoe Substation at Burton Creek. Deputies at the Burton Creek substation are cross-trained in search and rescue. The employees at this facility take pride in their work and the services they provide to the public. The Substation was constructed in 1959 and Grand Jury reports since 1999 have made recommendations to replace this facility.

E-mail: bos@placer.ca.gov — Web: www.placer.ca.gov/bos

The Honorable Judge Pineschi
2010-11 Grand Jury Final Report – Annual Inspection of the Holding Facilities in Placer County
May 3, 2011
Page 2

RECOMMENDATIONS

- Recommendation R1 to replace the motor for the sally port at the Historic Courthouse has not yet been implemented, but will be implemented in the future.

The Board of Supervisors understands that the recommendation has not yet been implemented, but will be implemented in the future. Under the terms and provisions of the *Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts (AOC), and the County of Placer*, after the transfer of the Historic Courthouse, the AOC is responsible for the ongoing oversight, management, operation, maintenance and repair of the Court Exclusive-Use Area, including the sally port.

Regarding the specific recommendation, the Board of Supervisors supports the Superior Court in replacing the motor for the sally port gate. Additionally, communication with the Sheriff's Department and Superior Court confirms they are currently working on procuring a new motor to replace the broken motor for the sally port gate.

- Recommendation R2 to replace the Burton Creek substation has not yet been implemented, but will be implemented in the future.

The Board of Supervisors recognizes the need to replace the Burton Creek facility with the project on the County's Capital Improvement Projects list. As stated in the Board's response to similar recommendations by previous Grand Juries, the replacement of the Burton Creek facility is contingent upon available funding, developing a suitable building site, CEQA environmental review, construction drawings and plans, bid proposal and solicitation, reviewing bids, negotiation and awarding construction contract, construction, and requisite inspections prior to occupancy.

A major issue that requires resolution before a further planning or construction of a replacement facility could occur is the scope of the project. The current Burton Creek facility is a comprehensive justice center including a Sheriff substation, jail, and a courtroom used by the Superior Court. This co-location of law enforcement and judicial services, similar to the Santucci Justice Center, provides the public a convenient service. The Board, in its previous response to the Grand Jury on August 24, 2010 mentioned that the AOC notified the County that a feasibility study for a new Tahoe Courthouse was approved by the State Public Works Board, the State Department of Finance and the Joint Legislative Budget Committee. The AOC anticipated that this study will identify a new site for the courts.

Subsequent to our response, a letter from the AOC dated October 15, 2010 stated that the AOC was given approval by the State Public Works Board to proceed with site acquisition and preliminary plan phases to construct a new courthouse in the Tahoe area of Placer County. The new courthouse is funded by the state and the County is not responsible for any portion of funding for the

The Honorable Judge Pineschi
2010-11 Grand Jury Final Report – Annual Inspection of the Holding Facilities in Placer County
May 3, 2011
Page 3

courthouse. While the courthouse is a separate project entirely undertaken by the AOC, the potential still exists to co-locate the courthouse and the Sheriff's substation. The County will continue to work with the AOC as they proceed with the courthouse project on whether co-location is possible and will ultimately define the scope of the replacement of the Burton Creek facility.

The Board of Supervisors remains committed to a replace the Burton Creek facility for the Sheriff and believes in doing so in a responsible manner given the economic recession and limited resources available to the County.

The Board would like to thank the 2010-11 Grand Jury for its report on the annual inspection of the County's holding facilities. The Director of Facility Services will follow up this response and provide additional information regarding the annual inspection of the County's holding facilities, as requested by the Grand Jury.

Sincerely,

COUNTY OF PLACER



Robert M. Weygandt, Chairman
Placer County Board of Supervisors

cc: Placer County Board of Supervisors
Tom Miller, CEO
Edward Bonner, Sheriff
Jim Durfee, Director, Director of Facilities

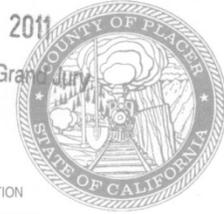


PLACER COUNTY
SHERIFF
CORONER-MARSHAL

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APR 21 2011

Placer County Grand Jury



MAIN OFFICE
2929 RICHARDSON DR.
AUBURN, CA 95603
PH: (530) 889-7800 FAX: (530) 889-7899

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

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

DEVON BELL
UNDERSHERIFF

April 4, 2011

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

**Response to Recommendations of the
2010 – 2011 Placer County Grand Jury**

Report Title: Annual Inspection of the Holding Facilities in Placer County

Report Date: March 15, 2011

Response By: May 15, 2011

FINDINGS

- I agree with the findings, numbered: F1, F4, F7, F8 and F9.

RECOMMENDATIONS

- R1. A new motor be installed for the sally port gate at the Historic Auburn Courthouse which can be electrically and manually operated.

Recommendation numbered R1 has not yet been implemented, but will be implemented in the future.

The Auburn Historic Courthouse vehicular gate has been serviced many times within the past two years, with the most recent service being approximately three months ago. During the last visit, it was recommended that the motor eventually be replaced due to age. Although currently operable, it was deemed a matter of time before the gate completely failed. At the time, the information was provided to the Court Executive Officer, the Administration of Courts Supervisor, and Placer County Facility Services Supervisor. Because the Auburn Historic Courthouse is a shared cost between the County and AOC, a combined effort is underway to replace the motor for the sally port gate.

Response to Recommendations of the
2010-2011 Placer County Grand Jury
Annual Inspection of the Holding Facilities in Placer County
April 4, 2011
Page 2 of 2

- R2. Replacement of the Sheriff's Substation at Burton Creek.

Recommendation numbered R2 requires further analysis.

While the Sheriff's Office agrees that the substation at Burton Creek needs to be replaced, there is no immediate funding source for such a project. In response to past recommendations from the Grand Jury, several improvements have been implemented in order to improve conditions at the current facility. The decision to replace the Burton Creek facility would be driven by the County Executive Officer and the availability of Capital Improvement funding. It is impossible in this budget climate to determine when this recommendation could be implemented.

I wish to thank the members of the 2010-2011 Placer County Grand Jury for their dedication to the community and all of their work during the past year.

Sincerely,



Edward N. Bonner
Sheriff-Coroner-Marshal

Annual Inspection of the Placer County Juvenile Detention Facility

STEPHEN G. PECOR
Chief Probation Officer

Auburn Justice Center
2929 Richardson Drive, Suite B
Auburn, CA 95603
(530) 889-7900
(530) 889-7950 (fax)
www.placer.ca.gov

COUNTY OF PLACER

CSOC - Probation
11716 Enterprise Drive
Auburn, CA 95603
(530) 889-6700
(530) 889-6735 (fax)

CSOC - Roseville
1130 Conroy
Roseville, CA 95661
(916) 784-6440
(916) 784-6480 (fax)



Santucci Justice Center
10810 Justice Center Dr.
Suite 170, Roseville, CA 95678
(916) 543-7400
(916) 543-7472 (fax)

Juvenile Detention Facility
11250 "B" Avenue
Auburn, CA 95603
(530) 886-4850
(530) 886-4588 (fax)

Central Kitchen
11352 "C" Avenue
Auburn, CA 95603
(530) 889-7923
(530) 889-7955

PROBATION DEPARTMENT

Youth Resource Center
1020 Sundown Way
Roseville, CA 95661
(916) 784-6165
(916) 784-6165 (fax)

Alder Grove Community School
11096 "B" Avenue
Auburn, CA 95603
(530) 886-5592
(530) 886-5591 (fax)

Tahoe Office - Probation
PO Box 363
Tahoe Vista, CA 96148
(530) 546-1900
(530) 546-8734 (fax)

Response to Grand Jury Report Form

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Placer County Grand Jury

Report Title: Annual Inspection of the Placer County Juvenile Detention Facility

Report Date: March 15, 2011

Response By: Marshall Hopper, Chief Probation Officer

FINDINGS

- F1. The Grand Jury found the facility to be clean, organized, and well maintained.
- F2. The security cameras are installed and fully functional.
- F3. There are only two certificated teachers for three classrooms.
- F4. The medical personnel provided by CFMG are efficient, caring, and trusted by the staff and minors.
 - I (we) agree with the findings, numbered: F1, F2, F4.
 - The Placer County Office of Education provides educational services to the minors housed at the Juvenile Detention Facility. Placer County Office of Education has received the findings and recommendations, and will address F3 and R1 in their response.

Date: 4-25-11

Signed: *Marshall Hopper*
Marshall Hopper, Chief Probation Officer

Number of pages attached 0

cc: The Honorable Alan V. Pineschi, Presiding Judge of the Superior Court
Placer County Grand Jury
Tom Miller, County Executive Officer, Placer County

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MAY 05 2011
Placer County Grand Jury



May 2, 2011

Board of Education
Mr. Stanford G. Hirata
Area 1

Mr. Robert Tomasini
Area 1

Ms. Suzanne Jones
Area 2

Mr. Scott Gnile
Area 3

Ms. Pam Robie Hart
Area 4

Mr. E. Ken Tokutomi
Area 4

Mrs. Lynn M. Oliver
Area 5

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Dear Grand Jury Members:

I would like to submit my response to the finding and recommendation contained in the 2010-2011 Grand Jury Report pertaining to the Annual Inspection of the Placer County Juvenile Detention Facility. I have carefully reviewed the information and recommendation made by the Placer County Grand Jury and my response is as follows:

Superintendent's Cabinet
Keith J. Bray
Chief of Staff/General Counsel

Jerry Johnson
*Associate Superintendent
Business Services*

Renee Regacho-Anaerlio, Ed. D.
*Associate Superintendent
Educational Services*

Phillip J. Williams
*Assistant Superintendent
Special Education*

James L. Anderberg
*Executive Director
Administrative Services*

Catherine Goins
*Executive Director
Early Childhood Education*

Ward H. Andrus, Ed. D.
*Executive Director
Educational Innovation
& Career Development*

RECOMMENDATION # 1:

The Grand Jury recommends staffing the third classroom with a certificated teacher, with relevant credentials.

RESPONSE:

I agree with the basis of this recommendation.

The enrollment and placement in units at the Juvenile Detention Facility fluctuates daily based on the amount and the type of offense that is committed by our incarcerated youth. Currently, the program operates with two levels of security: basic security and maximum security and the number of students assigned to each classroom are dependent upon the unit to which they are assigned. As such, there are times when enrollment exceeds and/or decreases in each unit and the instructional program needs to be flexible and accommodate those changes.

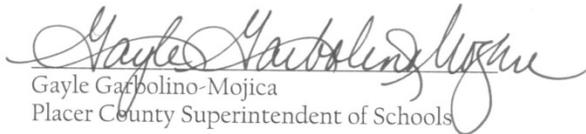
In order to accommodate the fluctuations in student enrollment, PCOE has lawfully utilized paraprofessional instructional staff under the direct supervision of a certificated teacher to supervise small groups of students working independently on computers. The instructional program at the Juvenile Detention Facility includes three groups of students "transitioning" between three instructional staff (two certificated teacher and one paraprofessional under the supervision of a certificated teacher) throughout the day. For the 2011-12

Placer County Grand Jury
May 2, 2011
Page 2

academic year, PCOE will assign certificated teaching staff to each separate class should an increase in enrollment necessitate such an addition.

Furthermore, given the Grand Jury's annual inspection of the Placer County Juvenile Detention Facility, should there be future questions pertaining to the education program and not the facility itself, I would respectfully request that the members of the Grand Jury contact me or members of my staff for clarification prior to making a finding that would lead to a recommendation. We pride ourselves as collaborative partners with various county agencies. To learn about a concern raised by the Grand Jury in the 2010-11 Grand Jury Report without first having the opportunity for me or my staff to disclose the reasons that support the current staffing level at the detention facility, was disappointing.

Respectfully submitted by:



Gayle Garbolino-Mojica
Placer County Superintendent of Schools

GGM/ma

c: Placer County Board of Supervisors
Chief Probation Officer, County of Placer
Superintendent, Placer County Juvenile Detention Center