

**TUOLUMNE COUNTY
GRAND JURY**

2004-2005

FINAL REPORT

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General Comments

As we conducted our business, we became aware of a common thread in many of the recommendations being made because of investigations and findings. It became clear to us (and we determined by vote) that this issue had to be addressed as an overall finding with a recommendation in our final report.

We find that the administrative procedures required by county statute regarding performance evaluation at all levels from staff to department heads are not regularly conducted within the time frame required by the Personnel Rules and Regulations of the County of Tuolumne. This is, at best, detrimental to job performance and overall morale. We also find, from the various investigations and interviews that an atmosphere of intimidation often extends from the very top of our County's governmental structure throughout the ranks.

The County Administrator was unavailable to discuss this issue due to special circumstances.

It is also our finding that these two factors are pervasive and correctible.

THE 2004-2005 TUOLUMNE COUNTY GRAND JURY

Mike Macon, Foreperson	Sonora
Allen Baumann, Foreman Pro-Tem	Sonora
Carol Jackson, Secretary/Committee Chair	Sonora

Frank Beranek*	La Grange
Frank Collins*	Sonora
Neil Goodhue*	Twain Harte
Terri Henderson, Committee Chair	Sonora
Carolee James, Committee Chair	Tuolumne
Kitty Kimbell*	Tuolumne
Mary Lillie, Committee Chair	Sonora
Conrad Matthews*	Sonora
Davdene Metcalfe*	Sonora
Randi Nedom, Committee Chair	Sonora
Stephen Pearl, Committee Chair	Sonora
John Poorbaugh	Twain Harte
Donna Pratt*	Sonora
Carolyn Sando*	Columbia
Rich Sibley, Committee Chair	Twain Harte
Marcia Standley, Committee Chair	Twain Harte
Arlene Stenger, Committee Chair	Sonora
Rose Taber*	Sonora
Martha Vartan	Sonora
Steve Webb, Committee Chair	Sonora
Eileen Wilcox, Committee Chair	Tuolumne
Deana Zay, Committee Chair	Soulsbyville

*Denotes members who were unable to complete the full term.

DISCLAIMER

This Grand Jury sought to preclude any conflict of interest in which a grand juror may have a personal involvement, a material, economic or financial interest, or could not be an impartial third party. Each juror brought to the attention of the full Grand Jury any relationship that could be, or even give the appearance of, a conflict of interest and agreed not to participate in any investigation involving that relationship including interviews or acceptance of any report involving any such relationship. The Grand Jury is composed of 19 jurors and at least 12 jurors must approve each individual report. The printed Final Report is composed of the approved individual reports, which are based on information obtained from outside sources with none of the information being obtained from any excluded Grand Juror.

MISSION STATEMENT

The 2004/05 Tuolumne County Grand Jury has as its purpose to ensure that our governmental agencies and individuals are responsibly and properly performing their duties.

We will perform our charge with due diligence and impartiality making recommendations to improve government performance and operations within our jurisdiction.

**Agricultural Commissioner:
Agricultural Programs
Weights and Measures
Air Pollution Control
Animal Control**

Summary

The Agricultural Commissioner (Ag Commissioner) promotes and protects the agricultural industry, protects public health and promotes safety and the environment. This is accomplished through several programs. The Grand Jury recommends additional staff members be added to the Department to address department workload, to successfully implement the new Williamson Act Enforcement program and address needs in Animal Control.

The Agricultural Commissioner oversees four departments. These are the Agricultural Programs, Weights and Measures, Air Pollution Control and Animal Control.

The last grand jury report on the Agricultural Commissioner was done in FY 1996/1997. This investigation was made in the normal eight year rotation of departments to be reviewed by the Grand Jury. Animal Control was investigated by the Grand Jury in FY1997/998. The Department has recently been moved to the jurisdiction of the County Agricultural Commissioner. Because of this, the Grand Jury reviewed all Departments under the jurisdiction of the Agricultural Commissioner. Since the last investigation of Animal Control, changes in population density and lack of adequate staffing have greatly impacted this department.

Background

In FY 2004/2005, the Department was designated the enforcement agency for implementing the new Williamson Act Resolution. With over 400 contracts and more than 800 individual contract holders there has been a large increase in workload for the Department. Additionally, pesticide use enforcement and noxious weed control are high priority programs overseen by the Department. Part of the undertaking of the Ag Department is seeking grants to assist with funding such programs as noxious weed control. Of concern this fiscal year has been the control of Yellow star thistle and tree of heaven along county roads and county owned property and with private owners. Control of Canada thistle and detection of Sudden Oak Death and the Glassy-winged Sharpshooter are included in this year's budget.

The Animal Control Shelter is in partnership with the Humane Society and shares the Jamestown facility. Animal Control is staffed by dedicated, professional employees. The employees provide Tuolumne County with caring, humane treatment of unwanted, unclaimed, sick, stray and aged animals, pick up dead animals from the roads on a regular basis, and investigate complaints about animals. Volunteers aid in raising funds and securing homes for adoptable animals.

Methodology

The investigating committee toured facilities, interviewed the Agricultural Commissioner and staff members, attended and monitored board meetings and reviewed various

documents relating to the Agricultural Commissioner's responsibilities. Members of this committee researched past Grand Jury Reports. The Government Code Sections were studied to ascertain whether Animal Control has complied with these standards. This report is the result of these investigations.

Narrative

The Tuolumne County Agricultural Commissioner oversees the Ag Offices, located at Columbia Airport, with the exception of Animal Control, which is at 10040 Victoria Way, Jamestown.

The divisions under the Agricultural Commissioner's jurisdiction are: Agricultural Programs, Weights and Measures, Air Pollution Control and Animal Control. Animal Control was added to this department mid-FY 2002/2003. Previously, it was the responsibility of the Assistant County Administrator.

Besides the Agricultural Commissioner, there are six staff members who work out of the Ag Offices in Columbia. They are:

- Deputy Agricultural Commissioner
- Senior Agricultural—Weights and Measures—Air Pollution Inspector
- Agricultural—Weights and Measures Inspector I
- Agricultural—Air Pollution Control Field Assistant
- Agricultural Air-Pollution Control-Office-Field Assistant
- Deputy Air Pollution Control Officer

The focus of the Agricultural Programs applies to the following threats to agriculture:

Pest Detection includes insect and animal pests (such as medfly), weeds, and pathogens. Much of the work done in this program involves setting and checking traps.

Pest Eradication follows up on the threats which are identified by the Pest Detection Program. At this time Spotted Knappweed, Smooth Distaff Thistle and Dyer's Woad are examples of weed pests the Department is actively controlling.

Pest Management strives to control normal, regular pests, and to detect such pests as Glassy Winged Sharpshooter, which is the Pierce's disease vector that spreads this disease that destroys grapevines.

Pest Exclusion regulates the movement of agricultural commodities (plants) into our area, primarily through United Parcel Service and United States Postal Service.

Pesticide Use Enforcement concerns use, handling, delivery, application of and exposure to pesticides.

Nursery and Seed Inspection guards the quality of these items sold commercially within the county.

Fruit, Vegetable and Egg Inspection checks for quality and compliance with state standards for products offered for retail and wholesale. (Organic inspection is handled separately.)

Apiary Inspection checks for diseases in bee hives, and can provide strength certification when needed or desired by consumers such as orchard growers.

Crop Statistics is a compilation statistics of the crops and livestock and their values in the county.

Weights and Measures exists for consumer protection, and is an extension of the California Department of Food and Agriculture (CDFA), at the local enforcement level. The programs under this division are for commercial enterprises, establishing fairness in weighing, measurement and in counting.

This department registers all devices in the county used for commercial weighing and measuring:

Weigh Masters are those people who weigh loads that pass over scales in cases where money changes hands. Weigh Masters must be licensed for this job by the Weights and Measures Department.

Certify Scales is a function that checks that all commercial scales are accurate within tolerable bounds.

Quality Control checks for accuracy in amounts, measurements and weights offered and advertised by merchants. Some quality checks, such as firewood are done in response to complaints.

Petroleum Inspections are conducted twice a year on all gas stations for compliance with labeling and fuel quality requirements. The Department also responds to complaints of adulterated petroleum products.

Vapor Recovery tests the volume of air or gas moving through a meter. This might be liquefied petroleum gas (LPG), for example, in mobile home parks. An accurate Bell Prover is the device used to test gas meters. The Bell Prover measures gas as it passes through the meter. The variance that is allowed is 1.6% in favor of the gas company, or 3% in favor of the customer. When a meter passes inspection it is sealed with a Weights and Measures seal, embossed into a soft metal disk and attached to the meter. Portable LPG Provers are mounted on a trailer, with both a 20 gallon and a 100 gallon prover for checking different sized gas tanks.

Air Pollution Control. Tuolumne County, as well as the other foothill counties, does not meet the standards set for clean air in the Federal Clean Air Act, therefore has a nonattainment designation. Much of the air pollution that is in evidence here drifts into the county, therefore the District was excluded from the nonattainment designation of the central valley, yet still must address the problem. This District:

- Regulates all stationary (nonvehicular) or industrial air pollution sources (rock plants, power plants, painting facilities, etc.). Any pollutant is under the

jurisdiction of this department, not only toxic, but also those creating an unpleasant odor.

- Oversees burn programs, both residential and prescribed burns are under their jurisdiction, including state and federal forestry and park services, since the smoke from prescribed burns impacts our county.
- Can fine residents for burning items that are not permitted in burn piles (such as tires, paint cans, etc.)
- Works with the County Health Officer to post public notices when air quality is poor.
- May impose limits to lessen the amount of pollution drifting into our area in the case of smoke and pollution coming into Tuolumne County from control burns in outlying areas such as Yosemite National Park.

The goal of Air Pollution Control is to provide services necessary to achieve the Departmental projected service levels, including continued implementation of amended smoke management regulations, asbestos regulations, and the Federal Clean Air Act. This department's powers and duties in implementing and enforcing rules and regulations have been set forth in state and federal codes. They work with outside agencies and other county departments regarding impending ozone nonattainment designation and implementation.

Funding for the Agricultural Department budget is from various sources.

Approximately 2/3 of the funding for Weights and Measures comes from an off-road, un-refunded gas tax. About \$30,000 came from "mill taxes" from pesticide companies. State funding supplies additional monies, grants, as well as other sources for the remainder of the revenue needed for this department. Air Pollution Control is partially funded through fees. About \$40,000 also came from the California Air Resource Board for this Department. The Tuolumne County Board of Supervisors has recently approved a four dollar per vehicle registration fee to benefit Air Pollution Control, beginning in October of 2005.

From time to time grants are awarded for special concerns within the Ag Departments. Last year, for example, the county participated in a grant-funded effort to prevent the spread of Newcastle Disease within the state. That grant recently ended, as did the Newcastle threat.

The **Animal Control Department**, in Jamestown, shares its facility and is in partnership with the Tuolumne County Humane Society. They moved into this location in 1997.

The staff consists of:

- Senior Animal Manager
- Field Staff Supervising Animal Control Officer
- 3 Animal Control Officer IIs
- 2 Animal Control Officer IIs, who job share; 20 hours each.
- 2 full-time Shelter Attendants
- 4 Relief Attendants

- 1 Relief Office Assistant II for the Spay/Neuter Program

The **County Trapper** is 2/3 funded through the Ag Office and 1/3 funded through USDA (United States Department of Agriculture). His office is located at the Columbia facility.

The Mission Statement and Goals / Program Description of Animal Control:

To provide for public safety and animal welfare through the enforcement of local and state animal control and humane laws to provide a rabies control program; to provide for the proper care and housing of impounded animals; to assist with evacuations during disasters; and to provide education and resources to promote spay/neuter.

Animal Control consists of field officers who investigate complaints, impound animals, prepare and testify in criminal cases, and assist members of the public. There are also shelter employees who provide care for the animals, assist with adoptions and reclaims, administer the licensing program, field questions and complaints from the public, and dispatch to the officers.

Summary of Animal Control Performance Objectives:

To maintain staffing levels to be able to increase the frequency of on site visits to monitor declared vicious dogs and inspect kennels.

To continue to increase the number of pre-emptive patrols of problem areas to achieve greater compliance of the leash law and prevent some problems from occurring.

To utilize the county website to provide information about the agency and to promote adoptable animals.

To try to further reduce the number of animals euthanized by working with the Friends of Animal Control, Humane Society of Tuolumne County, and regional rescue groups to find homes for shelter animals and to educate the public about the importance of spay/neuter.

To increase the number of animals vaccinated for rabies by providing an additional all species clinic and by issuing more “fix-it” license citations to increase compliance.

Community service volunteers perform limited housekeeping and clerical work for the Animal Control Shelter. They are not permitted in animal areas because of strict hygiene regulations and confidentiality issues of both animals and owners. Much of the work required by Animal Control must be completed by staff alone. Friends of Animal Control has a foster care program and loans portable kennels to people willing to become animal foster care providers.

The Animal Control facility is very sanitary and neat. It has 30 dog runs and approximately 80 cat cages. Stray and feral cats and dogs, as well as those seized that enter the Animal Control Shelter are mostly euthanized. Adoptable animals are generally processed by the Humane Society.

The shelter has four trucks, but not all are in use because of staffing shortages. One truck is reserved for picking up dead animals. A local business purchased a new stock trailer for Animal Control for transporting large animals. It is kept in the adjacent exercise grounds where there are pens for livestock, as well as outdoor kennels for dogs. The shelter has a walk-in cold storage area on premises for dead animals and two night-drop holding rooms for abandoned animals.

Findings and Recommendations

1. Finding

All staffing levels under the Agricultural Commissioner would benefit from additional staff members, but the greatest need is in Animal Control. Unlike other departments, shelter care for animals must be provided around the clock, every day of the year. An additional animal control officer was added in 2000, and a temporary kennel attendant was changed to a full-time position in 2001, yet staffing remains insufficient to accomplish the work that must be done.

Recommendation

For Animal Control, the Grand Jury recommends an allocation of the following positions and funding for:

- Senior Office Assistant
- One full-time or part-time Animal Control Officer
- One full-time Registered Veterinary Technician.

2. Finding

The Animal Control Shelter is staffed by dedicated, professional employees. Under stressful, daily conditions, these employees continue to provide Tuolumne County with caring, humane treatment of impounded animals.

3. Finding

The Weights and Measures of Tuolumne and Calaveras Counties have a reciprocal agreement in which equipment owned by each county may be loaned to the other as needed. This saves each county considerable expense since some of this equipment is very costly.

4. Finding

The workload for this Department has increased since assuming administrative responsibility for Animal Control and the County adoption of the new Williamson Act Resolution. There is much more work to be completed in these various programs than can ever be done by the available staff. Some of the programs are complaint or request driven, where others are regularly scheduled checks.

Recommendation

The Grand Jury recommends hiring one more staff member to fill the position of Agricultural Biologist/Weights and Measures Inspector I or II.

5. Finding

Tuolumne County Air Pollution Control District has an increased workload due to amended CARB Title 17 prescribed burning regulations or smoke management guidelines and residential burning regulation changes. There is also an increase in

workload in implementing parts of the Federal Clean Air Act, though funding has been reduced from the California Air Resource Board.

Recommendation

The Grand Jury recommends that the Board of Supervisors retain the newly assessed four dollar fee added to car registrations in order to support this Department during a time of diminished funding by the State.

6. Finding

Programs for educating the public are available through the Agriculture Department and its divisions. The public library has scheduled informative speakers from this department for various topics of concern to the community. Pesticide awareness and training have been established with county schools. Workshops are held by the Agriculture Department to provide information to the public and specific facilities impacted by new and existing regulations.

7. Finding

The Agricultural Commissioners' office building has been remodeled and expanded at the Tuolumne County Airport. The recently occupied new building will add efficiency of the department.

8. Finding

Good leadership and teamwork was in evidence throughout the department. As observed, the staff is well organized and efficient.

(There are no recommendations for this finding, nor for findings 3, 6, 7, and 8.)

Commendations

- The Grand Jury **commends** the staff and volunteers of Animal Control for the high quality and excellent care given to the animals in its charge.
- The Grand Jury **commends** and encourages Department of Weights and Measures on the continued sharing of equipment resources with Calaveras County.
- The Grand Jury **commends** the District for its efforts to inform and educate the community and encourages them to continue this effort.
- The Grand Jury **commends** Tuolumne County for upgrading the facilities needed by this vital department.
- The Grand Jury **commends** the staff under the Agricultural Commissioner and the commissioner himself, for leadership and teamwork.

APPENDIX

Various documents provided by the Agricultural Commissioner were used in compiling this report.

A. N. Francisco Building Hours of Operation

Summary

A complaint was received on December 14, 2004, by the Grand Jury about the publicly accessible office hours of the A.N. Francisco Building (ANF Building) at 48 West Yaney Street in Sonora. The complaint stated that many of the county offices are housed in this building, yet the building is locked at 3:00 p.m. without hours being posted. Further, the complainant stated that phones on the fourth floor are not answered after 3:00 p.m., and that the answering machine did not give the hours when business may be transacted.

The complaint included questions about the hours worked by employees in the building. The complainant observed that some employees were leaving the building at 3:30 p.m., while others could be seen working until much later.

Background

ANF Building Departments & Hours of Operation	
Current Building Hours are Monday - Friday 8:00 a.m.-3:00 p.m.	
Third Floor	Fourth Floor
Public Works Department-M-F 8-5:00 p.m.	Community Development Department-M-F 8-3:00 p.m.
• Transportation Division • Solid Waste Division • Survey Division (M-F 8-4:00 p.m.) • Engineering Division • Administration Division • Roads Division	• Planning Division • GIS Division • Building Division • Fire Prevention
Information System Services (does not service the public in this area)	Environmental Health Department-M-F 8-4:00 p.m.
	Information System Services (does not service the public in this area)

Starting in December 2003, the Tuolumne County Board of Supervisors (BOS) established new building hours, from 8:00 a.m. to 3:00 p.m., for the Department of Public Works, Environmental Health Division and Community Development Department to facilitate processing land development applications in response to concerns raised by the development community and general public regarding current processing times. The phones on the fourth floor's switch to voice mail at 3:00 p.m., "to provide staff an additional hour at the end of each day to process paperwork, conduct research, and have quiet time without interruptions from the public either in person or by telephone" (posted on notices in ANF Building). These hours are reviewed every six months by the BOS.

County employees are offered a flex-scheduling work day, such as 7:00 a.m.-3:30 p.m. and/or 8:00 a.m.-4:30 p.m. All full-time employees work 40 hours per week.

Methodology

Members of the Grand Jury visited the A.N. Francisco Building four times over a three month period. Staff members from Surveyor's Office, Public Works, Community Development, the Planning Division, and Environmental Health were interviewed in this

building. Department heads from Public Works and Community Development Departments as well as Deputy Director from Public Works were also interviewed. Additionally, Information System Services (ISS) technicians and a Board of Supervisors member were consulted as to the start up date of the county website as a possible, partial solution to the problem of inconvenience to those needing the services in this building.

Findings and Recommendations

1. Finding:

The Surveyor's Office is opened from 8:00 a.m.-4:00 p.m. The rest of Public Works remains open until 5:00 p.m., theoretically though, these offices are not accessible unless arrangement is made ahead of time for someone to go downstairs and open the door. At times people have driven from long distances, expecting normal office hours for county offices, and have found that they are not able to get into the building. This is an inconvenience to the public at best. To gain admittance to the building the public must get the attention of office staff through windows which are far above street level. Staff from third floor must go down and open the doors for clients to access these services.

Often employees in Public Works offices must leave their desks to admit people for after-hour appointments for the fourth floor, since the fourth floor staff has no way of knowing if someone needs access to the building. This inconveniences the staff of the Public Works offices.

Recommendation:

Keep the ANF Building open to the public until 4:00 p.m. Provide the fourth floor windows with blinds that can be closed at 4:00 p.m. daily. Post notices on doors and elevators indicating admittance to the fourth floor after 4:00 p.m. is by appointment only.

2. Finding:

Initial Grand Jury visits proved that no hours were posted at any of the entrances to the building, nor in the lobby of the building nor on the windows at the front of the building. Subsequent visits found that computer generated copies of the building's hours had been posted in several conspicuous locations. All concerns regarding hours and their purpose had been addressed on these notices. Phone numbers are posted on aforementioned notices. The hours are not, however, listed on the directory adjacent to the elevator, nor in any permanent or semi-permanent manner. These paper signs come loose and are discarded or are taken down at times.

Recommendation:

Hours should be lettered on the windows or posted in a more permanent, professional manner.

3. Finding:

The steady flow of public at the reception desk on the fourth floor prevents staff from accomplishing the paperwork and telephone calls they need to make during the day. The recently opened Tuolumne County Website has several forms available online, which were previously obtained by visiting the Community Development Department office on the fourth floor of the ANF Building. Maps and other information concerning these county offices will soon be available online. Forms and information are available in the public area of the fourth floor. These efforts to serve public needs may lighten the traffic at the desk.

Recommendation:

Encourage the public to utilize the Tuolumne County Website in order to obtain the forms and information obtainable there, in order to reduce some of the workload for those working the desk on the fourth floor.

DISCLAIMER

This report of the A.N. Francisco Building Hours of Operation 2004/2005 is issued with the exception of one member of the Grand Jury who is a current employee of the Public Works Department. This grand juror was excluded from all parts of the investigation, including interviews and the making of this report. The report is based on information from outside sources with no information being obtained from the excluded grand juror.

Assessor/Recorder/Archives

Summary

Upon seating the 2004/05 Grand Jury, the Jury Foreperson was provided with a list of five (5) departments to be investigated within the normal rotation of Jury responsibilities. The Assessor/Recorder/Archives Department was one of the departments on the rotation list. This was not a complaint driven investigation.

The Grand Jury found areas of concern. These included staffing, revenue and cross-training of staff. Recommendations are provided within this report to provide assistance to the Assessor/Recorder in an effort to improve efficiency and effectiveness.

Background

The Recorder's Office holds "vital" records i.e. death, birth, marriage, adoption etc.

The Assessor's Office was created to appraise public and private property in Tuolumne County for the specific purpose of setting the appropriate tax rate for the property.

The Assessor/Recorder's Office was consolidated in 1980 as an effort to become more efficient for property records and research.

The function of Archives Division is to preserve and protect Tuolumne County's written history.

Methodology

The compilation of information contained within this report came from interviews with various employees, the elected department head, and a tour of Recorder's Division, the Assessor's Office and the Carlo M. DeFerri Archives.

Narrative

Assessor/Recorder/Archives

All of the information gathered was from employees and volunteers who have worked for the County for many years. The current Assessor/Recorder has served Tuolumne County since 1979. They all have seen the county grow and change within the scope of their service. All interviewees were helpful, informative and eager to help us understand the inner workings of the department and its divisions as well as the services rendered to the public. Some suggestions were made by employees to better the Department.

Current personnel allocation consists of 20 full time employees as follows:

- 1 benefited Assessor-Recorder (elected official)
- 1 Archives Coordinator
- 1 Assistant Assessor
- 1 Assistant Recorder
- 3 Recordable Document Examiners
- 1 Senior Recordable Document Examiner
- 1 Assessment Office Manager
- 1 Cadastral Geographical Information System Technician II
- 1 Auditor-Appraiser
- 2 Senior Appraisers
- 2 Appraiser II(s)
- 3 Assessment Technician I/II(s)
- 2 Sr Assessment Technicians
- Volunteers (varies)

Assessor Division

The current workload for an appraiser is to complete approximately 30-40 appraisals per week. Appraisals are initiated when a change has occurred to the property or a new residence/business is erected. The properly calculated appraisal, determines the property tax to the property owner. The taxes collected directly effect the General Fund budget. The County's high rating by the State of California's Board of Equalization, is currently at 99.1% of a possible 100%¹ under the guidance of the current department head.

The budget for the FY 2004/05 for the Assessor/Recorder's Office is \$941,169 partially funded by several programs and grants. The State Board of Equalization oversees the Assessors Office and provides an annual (sometimes more often) audit to ensure the Assessor's Office is providing services, assessing properties and correctly calculating taxes. The other support for this department is the General Fund. Because property taxes are collected into the General Fund, the percentage provided to the department is directly in line with revenues collected from the property taxes.

Budget cuts are always part of the ongoing battle for County departments. The Assessor/Recorder's Office is no exception to this fact. The department has been able to continue to provide a vast amount of services to the public even though their staffing has not changed since the early 1970's. However, this level of service is becoming more

difficult to maintain with the continuing influx of new residents to the county. This, in turn, will affect the number of appraisals the Department needs to complete, thus affecting the amount of property taxes collected and budget revenues.

One of the ways the Assessor/Recorder has been able to keep providing services for the Assessor's Division is attributed to the increased use of electronic services. For example, a great deal of computerized information is available on a counter computer for public use. A drawback is persons lacking computer skills are frustrated by lack of personal contact.

Recorder's Office

The Recorder's Office is one of the oldest departments in the County. It houses records as far back as the 1800's. The Recorder's Office is supported by two separate trust funds. These monies have very specific guidelines as to their use.

Again, there have not been any new personnel allocations made by the Board of Supervisors to this division in many years. The Assistant Recorder has built a program to input all of the recordable data into a database dating from 1972 to the present. This data input takes place via computer scanner. The Assistant Recorder's goal is to complete this task prior to retirement. The Assistant Recorder did not know what would happen to the continued creation of the database after her retirement. This database currently allows the public a wonderful vehicle in which to research the history of this division's information electronically. This is one of the very creative ways the Recorder's Office has helped provide the public services without additional staff.

Carlo M. DeFerrari Archives

The county archivist, who is appointed by the Board of Supervisors, oversees general administration of the archive. The Records and Archive Coordinator supervises daily operations. The Archivist is currently the only paid employee for this division. The function of the records center is to "provide a records management system that will make Tuolumne County government more efficient and more responsive while reducing the risks associated with poorly managed records."²

All records accepted for preservation in the archive must have a historical connection to official county governmental business.

Volunteers from the Tuolumne County Historical Society and the Tuolumne County Genealogical Society provide countless hours of data input in exchange for access to these same records for research. The archive is largely dependent on these volunteers to perform its mission. Tailoring a volunteer's interests with specific needs of the division is a daunting task. The Archivist performs this task with great care and success.

- Document restoration (i.e. maps, books, drawings etc.) can only be completed in a very limited capacity. The budget for this division has not changed much in the past few years. Therefore, there is only enough money to provide these services for one or two projects per year. This in turn causes much needed restoration work to be delayed until proper funding is available.
- Other than the Archivist, there are no other County employees to assist drop-in visitors seeking information.

- There is a very limited ability to provide scanned copies or photographed copies of documents to visitors.
- The most efficient way for County departments to access documents is to contact the Archivist and have the documents pulled and picked up/delivered. This function is provided by workers assigned by the Probation Department.

Findings and Recommendations

1. Finding:

The continued growth in Tuolumne County has caused the work load to increase and has become more difficult to maintain at an acceptable level by the Assessor's Office staff.

Recommendation:

The Board of Supervisors allocate two (2) more positions to the Assessor's Office to accommodate the increasing work load of the Assessor's Office.

2. Finding:

The Assistant Recorder's retirement will delay/end the project to continue the ongoing creation of a database of information.

Recommendation:

Provide cross-training of the Assistant Recorder's position to facilitate the procedures, policies, continued database creation and overall information flow this employee has accumulated for the past 30 years.

3. Finding:

One full time benefited employee is not enough to cover the needs and demands for an entire division.

Recommendation:

The Board of Supervisors provide more revenue to the Archives Division to support another position allocation. This person could provide assistance to the Archivist with visitors to the archive, coordinate pick up/drop off of records, back up the Archivist in his absence, etc.

4. Finding:

There are many restoration projects in jeopardy of disintegration due to the lack of revenue to complete their restoration.

Recommendation:

Provide revenue to generate an additional restoration/preservation project each year.

Commendation

In general, the Tuolumne County Assessor/Recorder/Archive Department is to be commended for its service to Tuolumne County residents. The efforts provided are from exceptional employees guided by a knowledgeable, considerate leader. The recommendations made in this report are believed to provide assistance for both the public and staff.

¹ State Board of Equalization Audit 2002

² Assessor/ Recorder's Office Mission Statement

City of Sonora

Bungalows at Woods Creek Development Project

Summary

The Tuolumne County Grand Jury received a citizen complaint regarding issues concerning the City of Sonora's performance in relation to the development on Ponderosa Drive in the City of Sonora. The complainant had questions and/or raised concerns as to:

1. Were permits obtained from the State Department of Transportation (Caltrans)?
2. Did the City of Sonora inspect a wall constructed on the site?
3. Why wasn't a drainage ditch constructed before a hillside washout in the project?
4. Was open bidding done on this project by the City of Sonora?
5. Did the City of Sonora notify State agencies on alleged pollution of Woods Creek?
6. Did the Tuolumne Utilities District (TUD) pay for additional work they completed on this development?

The Grand Jury investigated these issues to determine the factual basis for the questions or complaints as they related to the City of Sonora and TUD. Findings and recommendations for this investigation are part of this report.

Background

The Tuolumne County Grand Jury conducted an investigation based on a Citizens' Grand Jury Complaint Form received regarding The Bungalows at Woods Creek Landing in the City of Sonora. The Bungalows at Woods Creek development is a construction project on Ponderosa Drive that began construction in November 2004. This is a private development with inspection oversight by the City of Sonora.

Methodology

Members of the Grand Jury conducted several site inspections of the area to view first-hand areas of concern noted in the complaint. The complainant was interviewed. Members met with City of Sonora staff and reviewed documents relating to this project. Additional information was gathered by telephone interviews with businesses on Ponderosa Drive impacted by this construction project. Tuolumne Utilities District (TUD) was contacted relating to water service/interruptions to their existing customers through work by district employees. Caltrans representatives were interviewed regarding permits and work compliance issues for the project. The California Water Quality Board and the California Department of Fish and Game were contacted to determine if contamination of Woods Creek occurred related to this development.

Narrative

In order for any work to proceed, which encroaches a state highway, Caltrans must approve the work through their permitting process. When a completed application is submitted and accepted Caltrans issues a permit indicating requirements for such work. Necessary applications were made and permits were issued to the developer per Caltrans policy. All requirements were met as noted by the permitting process. Caltrans noted this project was not complete as of April 19, 2005. An extension was granted due to

weather related dealys. Caltrans is unaware of any problems with the project under their purview. The project must receive final approval by the City of Sonora. The City has required a \$400,000 Irrevocable Standby Letter of Credit from the developer to ensure the project is completed properly.

City of Sonora staff claimed that it provided regular ongoing monitoring and inspection of this project as work progressed. According to the City engineer this is a hillside development and the state has strict requirements for such projects. He also stated drainage problems occurred during this project caused by rainwater and mud. The City worked with the contractor to correct these problems. Once the drainage infrastructure was completed, the problems were mitigated. The drainage ditch behind the homes at the top of Spring Drive and above the SBC site was not completed until well after the project began and well into the rainy season. Had the ditch been completed earlier it may have lessened the washout situation, even if it didn't eliminate the problem. The City indicated they cannot dictate the contractor's construction schedule, but would not provide final clearance of the project until all requirements are completed. The City of Sonora engineering staff required a retaining wall be engineered and constructed to correct the washout problem on the SBC site. No written records could be provided to verify inspections of the retaining wall construction. The lack of written records during the construction, by the City of Sonora engineering staff, compromises the competency of this critical work. The City has a \$400,000 Irrevocable Standby Letter of Credit, secured by the developer, which is only released when the City accepts the project as complete.

The Bungalows at Woods Creek Landing is a private project, not a City project. No City funds are allocated for the development and therefore the City has no involvement in a bidding process on any contracts related to the development. The funds the complainant noted, were solely allocated by the City of Sonora for each of the five units designated as affordable housing in this project. These funds are allocated from the Community Block Grant Program to the City's Homebuyer's Assistance Loan Program to assist low-income families to purchase a home. Loans to qualifying buyers in this program are allowed up to \$85,000 per unit and are paid back in thirty-one years by the purchaser. If low-income families do not purchase these units, the unused money will stay in the Homebuyer's Assistance Loan Program and can be used city-wide for affordable housing.

There is no evidence to indicate Woods Creek was contaminated or polluted because of drainage problems connected with this development. The City of Sonora noted they were unaware of any such complaint so no notification to any State agency was required. The State of California Water Quality Board has no record of any contamination to Woods Creek relating to the development. The California Department of Fish and Game noted they did receive an anonymous complaint regarding possible runoff problems into the creek. A Fish and Game representative responded to the site and noted mud and dirt on the street, which could have washed into the creek. At the time of inspection no problem was noted with the creek. The Fish and Game representative contacted the contractor, and based on their conversation additional precautions were taken by placing silt barriers (hay bales) around storm drains. The Fish and Game representative did not contact any City of Sonora staff as he was satisfied the problem was addressed adequately. No other complaints were received by the Department of Fish and Game. Additional inspections resulted with no problems being noted.

Tuolumne Utilities District (TUD) was aware of several problems during the construction of this project. Several water line breakages occurred, for which the contractor was

responsible, resulting in water service interruptions to customers on Ponderosa Drive. At one point TUD repaired the water line problems and TUD employees removed the contractor and completed the work. None of these charges were passed on to TUD ratepayers.

Findings and Recommendations

1. Finding:

All necessary permits for encroachment of Highway 49/Stockton Road were issued. The contractor adhered to the conditions of the permits. Caltrans granted a permit extension for this project. The project was not completed as of April 19, 2005.

Recommendation:

None

2. Finding:

The City of Sonora's engineering staff could not provide a written record of inspection dates for the new retaining wall constructed to correct the washout on the SBC site. The Grand Jury believes this lack of written record keeping is a serious problem for the City. The drainage ditch above the SBC site, noted on the plans, was not constructed prior to the washout. The City of Sonora had no authority to dictate the construction schedule of the contractor.

Recommendation:

The City of Sonora engineering staff shall maintain written records documenting the dates of inspections, concerns, staff onsite and tests conducted relating to projects under City review.

3. Finding:

The City of Sonora is not connected with the construction of this development and has no funds allocated to this project.

Recommendation:

None

4. Finding:

The City of Sonora has no record of notification of any contamination to Woods Creek from this project. Neither the State Departments of Water Quality or Fish and Game found evidence of creek contamination.

Recommendation:

None

5. Finding:

Because of the removal of the contractor from the project, Tuolumne Utilities District (TUD) completed work on this project. TUD billed the contractor for all corrected work completed by TUD (including staff time, materials and labor).

Recommendation

None

DISCLAIMER

This report of the City of Sonora – Development Investigation is issued by the 2004-2005 Grand Jury with the exception of one member of this Grand Jury who had a conflict of interest. This Grand Juror was excluded from all parts of the investigation, which included interviews, deliberations, and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded Grand Juror.

Public Works Department Educational Reimbursement

Summary

The granting of the largest educational reimbursement to date in the history of Tuolumne County to the person responsible for the development and management of the Public Works Department budget, begged an investigation. Charges of collusion, conspiracy, misappropriation of funds and misuse of county equipment were not supported by the evidence. All parties were acting within the existing Memorandum of Understanding (labor contract) between the County and the Tuolumne County Management Association. The Grand Jury finds no evidence of a breach of public trust or fiduciary responsibility in the granting of educational reimbursement to the Public Works Department Business Manager.

However, the Grand Jury did find a serious lack of department head involvement in the development and administration of agreements between the county and its ten bargaining units. This oversight rests upon the shoulders of the County Administrative Officer and his administrative staff. The Grand Jury recommends that the county develop a process for seeking input from department heads prior to agreeing to changes in any Memorandum of Understanding and that the county develop an ongoing process for educating department heads about the provisions of these agreements.

Background:

In November and December 2004, local media reported a controversial educational reimbursement request from a county employee. The request from the Public Works Business Manager (hereinafter "Business Manager") was for approximately \$13,500 and was made pursuant to a Memorandum of Understanding (MOU) between the County of Tuolumne (hereinafter "County") and the County of Tuolumne Management Association (hereinafter "Association"). The MOU states that the reimbursement shall be 100% of the cost of books and tuition for job-related courses approved by the Department Head and not offered by the county. Despite this language, the Assistant Auditor-Controller felt the amount was excessive and authorized reimbursement of only \$5,000. The decision of the Assistant Auditor-Controller was appealed by the Business Manager. The County Board of Supervisors approved the full reimbursement amount on a 3/2 vote on November 9, 2004.

The Business Manager is charged with and given authority to plan, coordinate, supervise and perform fiscal and budgetary functions for the department. In reality, the Business Manager is the person who prepares the line-item budget with only cursory review by the department head and an analyst in the office of the County Administrative Officer (hereinafter: "CAO"). Because of the Business Manager's responsibilities in the development of the Public Works budget, the office held by this person with the Association and its bargaining team, the unprecedented amount of the claim and public statements made by some elected and appointed county officials, the Grand Jury decided, on its own accord, that it would serve the public interest to conduct an inquiry into this matter.

Additionally, allegations were made that the Business Manager violated County policies by failing to fully inform the Director of Public Works (hereinafter “Director”) of the total cost associated with the educational program and that he used county computers for personal business during working hours.

Methodology

A committee consisting of four members was authorized and formed by the Grand Jury in December 2004. Between January 2005 and April 2005 the committee conducted an investigation into the circumstances surrounding the educational expense reimbursement to the Business Manager and the use of county computers. The committee began by gathering background information documents. Interviews with key personnel within county government were conducted. The committee interviewed a member of the Auditor-Controller’s office to obtain a historical perspective on previous educational reimbursement requests and the role of the Auditor-Controller’s Office in the approval and disbursement of county funds. A high ranking administrator in the CAO office was interviewed to gain an overall understanding of the county’s budgeting process and what role, if any, that office played in the approval of the educational reimbursement. Detailed interviews were held with the Director, Business Manager and a member of the Board of Supervisors. All were given the opportunity to respond to specific allegations made publicly and confidentially to the committee.

Narrative

The Public Works Department has an annual operating budget of nearly \$15 million and a workforce of 55 employees. The Business Manager was hired in September 2001, into a newly created position. The Director recommended to the Board of Supervisors that such a position could streamline the department’s business operations and save the county much needed funds. The Business Manager was elected president of the Association in February 2003.

During the investigation, an allegation was made that from the very beginning of his employment, the Business Manager had two goals; increase the health and welfare benefits package and change the educational reimbursement from 50% to 100%. In the context in which the statement was made the implication was that this was evidence of premeditative acts to use his positions as Business Manager and Association President for personal gain. There is no evidence to prove this allegation. The fact is that the Association proposed a three tier structure for educational reimbursement with 100% for a grade of A, 75% for a grade of B and 50% for a grade of C. Under this scheme, the Business Manager would have received less than 100% reimbursement for three classes. According to the chief negotiator for the County, it was the CAO who proposed the 100% reimbursement. It is true that any improvements in the MOU would benefit the Business Manager but all other employees represented under the MOU would benefit as well. Even if there was evidence supporting the allegation, there would be no violation of law or county policy. If the Business Manager used the collective bargaining process to achieve personal gain to the detriment of others, that would be a matter for the Association membership and is outside the jurisdiction of the Grand Jury.

As to the allegation that the Business Manager failed in his fiduciary responsibilities by failing to inform the Director as to the true and actual costs of a Masters of Public Administration (MPA) degree, we found evidence to the contrary. According to both the Director and the Business Manager, they attended a conference in November 2003 where

Golden Gate University had a booth advertising an accelerated MPA degree. According to the Director, he learned at that time that the cost would be \$12,000-15,000. When the Business Manager made his verbal request for advanced approval of the courses the Director was well aware of the cost. Once approved it was the responsibility of the Business Manager in the role of budget manager, to ensure funds were available to pay for the expense, just like he would do if an expense for new office furniture was approved by the Director. We find no evidence which would suggest the Business Manager violated his fiduciary responsibility to the County or any collusion between the Director and Business Manager to manipulate funds in order to pay for the educational reimbursement. In fact, the department had a budget surplus for the year in question.

In a memo to the Board of Supervisors dated November 1, 2004, the Assistant Auditor-Controller sets forth rationale for denying the Business Manager full reimbursement for the educational expenses. One of those rationale states, "The entire line item is \$15,000 for this department. This is double from the year before. This one claim will deplete the entire line item. There will be no other training funds for other employees in this department." We believe it is from this statement that at least one member of the Board of Supervisors and some members of the public arrived at the conclusion that the reimbursement to the Business Manager would deplete funds for road crew safety training. This is an inaccurate conclusion!

The Public Works Department includes eight departments; Administration, Engineering-Development, Engineering-Capital Improvement Projects, Traffic and Engineering, Roads, Transportation, Solid Waste and Survey. They all have separate department budgets, with a travel – training and seminars line item and each is managed by the Business Manager. It is from this line item, account number 529120, that educational reimbursement is budgeted and paid. The Administration Division to which the Business Manager is assigned has a total of six employees, none of who are assigned to road crews. While it is true that the Business Manager's claim will deplete the entire funds in the Administration 529120 account and that the \$15,000 is double the amount in the FY 2003-2004 budget, the Grand Jury found justification for both.

After receiving approval from the Director, the Business Manager began classes in March 2004. At the time of enrollment and with approval from the Director, the Business Manager arranged for Golden Gate University to bill the county directly at the beginning of each term rather than paying for classes and then seeking reimbursement from the county. This arrangement would save the county \$500 over the course of five terms. In March 2004 the Director received an invoice from Golden Gate University in the amount of \$2,736. This invoice was submitted to the Auditor-Controller for payment. The claim was denied on the grounds that the coursework was not job-related. By email dated April 2, 2004, the Director informed the Assistant Auditor-Controller that he had approved the courses and that they were in fact job-related. The opinion and decision of the Director was supported by the CAO, Assistant CAO, and the Human Resources Manager. According to an email sent to the CAO and Assistant CAO in September 2004, the Assistant Auditor-Controller approved the payment of \$2,736 in April 2004, but because the original claim was not resubmitted to the Office of the Auditor-Controller, it was not paid. The claim should have been promptly paid; it was not and the Office of the Auditor-Controller failed to inform either the Director or the Business Manager that the claim needed to be resubmitted. The Business Manager continued taking classes from March through September believing the initial invoice had been paid and that Golden Gate University had billed the county directly for additional classes taken between June and

August. Had Golden Gate University billed the county in a timely manner, approximately \$5,500 dollars in tuition would have been paid during FY 2003/2004. Golden Gate University failed to submit additional invoices but allowed the Business Manager to continue taking classes despite the lack of payment. The Business Manager did not learn of the billing problems or the failure to pay the original \$2,736 until September 2004.

The FY 2004/2005 budget process began in April 2004, and the Board of Supervisors adopted a final budget at the end of June. The Public Works Administration budget account 529120 was approved at \$15,000. This amount was derived from the \$7,500 which was spent the previous fiscal year plus \$7,500 for the remaining cost for the MPA degree. It is significant that at the time the budget was prepared, the Business Manager believed that approximately \$5,500 in tuition had already been paid by the county. At the time the budget was adopted it was believed that the 529120 account held enough money to cover the historical costs for the six Administration employees to attend seminars, conferences and classes plus the remaining costs of the MPA degree. The adverse impact of the MPA degree program on the FY 2004/2005 529120 account can be attributed to the failure to pay the initial \$2,736, the failure of Golden Gate University to timely bill the county and the failure on the part of the Director and the Business Manager to anticipate the bills and to follow-up with Golden Gate when the invoices were not received.

Nearly all county employees are represented by an exclusive bargaining representative who bargains with the county on behalf of those employees. There are ten such bargaining representatives within the county. The Public Works Department employees are represented by several different bargaining representatives, each with a different MOU. Administering the MOU on a daily basis is the responsibility of each department head. During the course of the investigation the committee learned that department heads have not been asked for input during the bargaining process nor been provided orientation on any of the ten MOUs. Specifically, with regards to the Association's MOU educational reimbursement provision, we consistently heard from high ranking officials that no one anticipated the potential costs of 100% reimbursement language. When each of the persons interviewed was asked whether he had attended a meeting where application of the educational reimbursement language from any of the MOUs was discussed, the answer was always "no"! And when asked if there were any written guidelines to follow when approving educational reimbursement or any other MOU provisions, again the answer was "no"! Despite what appears to be clear language in the Association's MOU that courses must be "...approved by the Department Head prior to registration..." and the fact that the Director knew of other department heads who had denied requests for educational reimbursement, the Director firmly believed he had no option but to approve the Business Manager's request. In his memo to the Board of Supervisors, the Business Manager argued that the cost of a MPA degree from Golden Gate University is reasonable when compared to other institutions. He wrote that through the University of Phoenix cybercampus the cost exceeds \$25,000. Had the Business Manager decided to enroll at the University of Phoenix, would the Director have been obligated to approve this course as well? We do not mean to imply that the cost of a MPA degree through Golden Gate University is excessive, we did not research that issue. What we do suggest is that responsibility for this situation starts at the very top of county government; had the CAO sought input from department heads on the proposed change in language from 50% to 100% it is likely someone would have asked whether there was a limit as to the amount that could be approved. Furthermore, the Director, or someone

else, may have asked if a department head had the authority under the MOU to deny approval even if the course is job related.

As to the issue of unauthorized use of county computers; the county has a very extensive Information Technology (IT) Policy. Section 4 states in part:

It is not the intent of this policy to preclude the use of IT resources for non-business related activities at appropriate times during the workday. This view must be taken into account in any department or agency level supplemental policies that arise from this policy. Department Heads and Agency Administrators can approve non-business related use of County IT systems. Authorization of any non-business related use shall be specifically described in departmental or agency supplements to this policy.

The Public Works Department supplemental procedures and policies state the following:
The desire of this department is that all employees be able [sic] access information from the internet... Public Works employees may use the internet during breaks in their normal Tour of Duty. It should not interfere with their normal work products.

According to the Director, he gave the Business Manager permission to use his office computer for course work during lunch and breaks. According to the Business Manager, on several occasions he posted a "do not disturb" sign on his office door because he was completing an on-line, timed, test. Since the Business Manager is exempt from overtime he does not have set break and lunch periods and it is therefore impossible for this committee to determine whether he misused his computer. If he did comply with the directive from the Director then the Business Manager should not face any disciplinary action.

Findings and Recommendations

1. Finding:

By Resolution No. 183-78 1979 of the Board of Supervisors dated March 6, 1979, the Board of Supervisors vested the Auditor-Controller with authority under Government Code Section 29743 to deny any proper claim which is greater than the amount justly due, he may allow the claim in part and issue his warrant for the portion allowed. The Auditor-Controller did not find the initial claim from the Business Manager in the amount of \$2,736 to be excessive and should have promptly paid the claim.

Recommendation:

That the Auditor-Controller's Office promptly pay all legitimate claims.

2. Finding:

The Office of the Auditor-Controller failed to promptly pay the \$2,736 claim in part because it felt the courses were not job related and because the original claim was not resubmitted after reversal of the initial denial.

Recommendation (A):

That the Auditor-Controller approve or deny proper claims on the basis that they are either greater than the amount that is justly due or not and not based upon independent interpretations of MOUs.

Recommendation (B):

That the Office of the Auditor-Controller establish procedures for informing appropriate county personnel about the need to resubmit claims which are initially denied and subsequently approved for payment.

3. Finding:

There was no evidence of misappropriations of any kind or any violation of fiduciary responsibility on the part of the Business Manager, nor was there any evidence of collusion between the Director and Business Manager to deceive the county in order to gain a benefit for the Business Manager.

Recommendation:

None

4. Finding:

The CAO and his immediate staff failed to seek input from department heads and appropriate others on the potential impact of a change in the educational reimbursement benefit.

Recommendation:

That the CAO develop a process to seek meaningful input from department heads and appropriate others prior to agreeing to changes or new provisions in any MOU.

5. Finding:

The CAO does not have a system in place for educating department heads or appropriate others on the provisions contained in the ten County MOUs.

Recommendation:

That the CAO implement an ongoing and continuous process to familiarize and educate department heads and appropriate others on administering the various MOUs within county departments.

6. Finding:

The Board of Supervisors acted appropriately in approving the educational reimbursement to the Business Manager.

Recommendation:

None

7. Finding:

Prior to December 2004, there were no written county procedures for implementing the provisions of the various educational reimbursement provisions within the MOUs and there is a lack of written procedures for implementing other provisions as well.

Recommendation:

That the CAO order a review of all ten MOUs for the purpose of determining whether provisions exist which necessitate the development of written procedures for implementation.

DISCLAIMER

This report of Education Reimbursement 2004/2005 is issued with the exception of one member of Grand Jury who is a current employee of the Public Works Department. This grand juror was excluded from all parts of the investigation, including interviews and the making of this report. The report is based on information from outside sources with no information being obtained from the excluded grand juror.

Facilities Management Department

Summary

Upon seating the 2004/05 Grand Jury, the Jury Foreperson was provided with a list of five (5) departments to be investigated within the normal rotation of Jury responsibilities. The Facilities Management Department was one of the departments on the rotation list. This was not a complaint driven investigation.

The Facilities Manager reports to the Assistant County Administrative Officer.

The Grand Jury found only a few areas of concern in regards to the Facilities Management building, Facilities Manager's responsibilities, employee's assigned equipment and job descriptions. The Grand Jury made recommendations to this efficiently run county department in an effort to provide an even more successful Facilities Management Department.

Background

Facilities Management's mission is "To provide high quality, cost effective services to all County Departments and the Community, in a way that is dependable and provides a comfortable atmosphere for work and other Community needs." Facilities Management's goals are "To maintain and manage County property in a manner which provides an efficient work environment for employees and to protect the Public Funds invested in them." Facilities Management's objective is "To minimize major breakdowns that are costly and inconvenient. Also in facilities such as the Jail and the Hospital maintaining them at a level that meets State and Federal Standards."¹

The FY 2004/2005 budget is \$2,691,247. Facilities Management currently has a staff of 35 employees (see Attachment A).

The building maintenance unit is responsible for minor new construction, remodeling and preventative maintenance of all county facilities, with the exception of the airports. The major buildings of concern are the County Jail and Tuolumne General Hospital, since most of the electrical and mechanical systems are in constant need of repair due to age. Three maintenance workers are assigned to Tuolumne General Hospital, two are assigned to the Jamestown Mine with the remainder of employees responsible for the County Jail and all other county buildings. The maintenance staff is also responsible for providing grounds keeping to all county owned property and public parks. The staff has a wide range of experience including electrical, mechanical as well as building systems in general.

The housekeeping unit provides custodial services to the majority of County facilities. The most demanding area of responsibility is Tuolumne General Hospital. Four housekeepers are assigned to the downtown offices, five housekeepers to the Greenley Basin County offices. The remainder of housekeeping unit is assigned to the Hospital day and night shifts.

The overall morale in Facilities Management is moderate to high. The senior staff has more than 20 years of service in this department, and can step in to handle problems

when needed. A source of irritation for both units are workload caused by reductions in staffing and shortage of supplies. All maintenance requests are prioritized. High priorities are given to safety problems, plumbing and electrical problems. Light replacement, moving furniture and painting are considered low priorities and are addressed when time is available.

Methodology

On September 16, 2004, members of the Grand Jury interviewed the Facilities Manager and Assistant County Administrative Officer. A Grand Jury questionnaire was submitted to the Facilities Manager prior to this visit. Both the Facilities Manager and Assistant County Administrative Officer explained in detail current and new projects in which the Facilities Management Department was involved. They also detailed the contracts with unincorporated towns to provide scheduling of facilities, housekeeping and/or maintenance duties from within their community for buildings located in their towns due to the limited staff. For example, Tuolumne Parks and Recreation administers the maintenance of Memorial Hall, Memorial Park, the Tuolumne ball field and the new library and youth center in Tuolumne.

The Grand Jury committee met with the Facilities Manager on October 19, 2004, to discuss additional questions generated during the September interview. At that time the Grand Jury members toured the Facilities Management building located at 229 West Jackson Street in Sonora, which houses the offices, wood shop, paint shop, supply storage for the maintenance and housekeeping units and a maintenance work area. A covered outside area is used to store surplus office furniture and recyclable fixtures. Over the next several weeks, the Grand Jury members conducted several interviews, with the housekeeping and maintenance staff.

Narrative

The housekeeping workers, in general, like their jobs. Some hospital workers expressed a need for training on existing equipment and the purchase of new/upgraded equipment to facilitate daily tasks. They all have a sense of pride in their work. All staff is cross-trained between maintenance and housekeeping as pertains to their current job descriptions.

The Facilities Management Department is very well managed. The Facilities Manager is generally accessible at all times through the use of pagers and cell phone. There is a high level of camaraderie between the Facilities Manager and the office staff. Despite the Manager's absences from the office for meetings and outside project management, the office functions at a high level of efficiency due to the tenure, knowledge and cross-training of the Fiscal Technician and Senior Account Clerk.

The Facilities Management Department's building is old and cramped and has inadequate parking. County vehicles that are used for this department are parked on the street overnight. There has been no vandalism to these vehicles to date. The employee rest and break area is uninviting with poor heating, cooling and ventilation. A recent staff and space needs study shows that there are currently 35 Facilities Management employees within a total of 4,608 sq. ft. of building space. The space need study recommends current space needs of 8,160 sq. ft. By 2010 the projected need is for 41 staff and 9,840 sq. ft.

In FY 2003/2004 the Facilities Manager and Department were involved with 31 projects distinguished from routine maintenance and service functions. The projects range from new drinking fountains in the jail to seismic design and testing at Tuolumne General Hospital. Nine projects were completed, seven projects carried into FY 2004/2005 and 15 were either cut or waiting for further review. In FY 2004/2005 17 new projects (see Attachment B) were begun and two were completed at the time of this report:

1. Animal Control remodel and expansion
2. Tuolumne Library and Youth Center.

On projects that are contracted out, the Facilities Manager acts as Project Manager. He spends approximately 60% of his time managing these types of county projects.

Findings and Recommendation:

1. Finding:

The Facilities building is old and inadequate for the needs of the department. It is costly to maintain. The Grand Jury Committee concludes the employee rest and break areas in the facilities building are inadequate and inappropriate for employee use.

Recommendation:

Move to a modern facility with a minimum of 10,000 square feet.

Alternative Recommendation:

Find a new home for the surplus office furniture and recyclable fixtures. Remodel that space to include a new break/lunch area, and additional storage space.

2. Finding:

The Facilities Manager spends approximately 60% of his time on project management.

Recommendation:

That the Board of Supervisors allocate, fund and hire a full or part-time Project Manager for contracted projects.

3. Finding:

Even though the employees knew their jobs and what was expected of them, the written job descriptions were not up to date.

Recommendation:

Bring all job descriptions up to date.

4. Finding:

Housekeeping equipment is outdated/obsolete.

Recommendation:

Begin a program to replace cleaning equipment on a reasonable and regular basis.

DISCLAIMER

This report of Facilities Management by the 2004/2005 Grand Jury is issued with the exception of one member of the Grand Jury who is a former employee. This Grand Jury member was excluded from all parts of the investigation, including interviews and the making of this report. The report is based on information obtained from outside sources with no information being obtained from the excluded grand juror.

¹ Facilities Management Department's Mission Statement

**Department of Public Health
Women, Infants, and Children (WIC Program)**

Summary

Tuolumne County Grand Jury members conducted an interview and tour of the Women, Infants, and Children (WIC) program. This review was initiated by a citizen complaint. The complaint issued to the Grand Jury was two-fold: the complaint stated that said participant was told by a WIC employee that (1) her baby would suffer dire physical consequences if she did not nurse, and (2) said participant was shorted on items allowed her under the program.

Background

The Special Supplemental Nutrition Program for Women, Infants, and Children – known as the WIC Program – serves to safeguard the health of low-income pregnant women, infants, and children to five years of age. Qualified participants are below the national poverty level and are at risk nutritionally. Participants must be residents of Tuolumne County. WIC provides vouchers for healthy foods to supplement diets. It also provides information on healthy eating, healthy dental care, and referrals to health care providers, as well as on-site classes. The vouchers are redeemable at local grocers and health care providers in the county.

The program is funded by the United States Department of Agriculture and governed by the State of California. WIC operates in Tuolumne County from the Tuolumne County Public Health Department /WIC offices. WIC provides rotating clinics at three other locations in Tuolumne City, Groveland, and Jamestown.

Currently the WIC Program in Tuolumne County is funded for a caseload of 925 clients. At the time of our interview WIC was at 98% of maximum caseload. This allowed WIC to provide services to all referrals without delay. Vouchers are printed in house allowing immediate assistance. Additional equipment, such as breast pumps are available for checkout to WIC clients.

Methodology

The Grand Jury visited the WIC department located at 20111 Cedar Road North, Sonora. The Program supervisor was interviewed as well as several staff members. The staff consists of registered nurses or dietitians.

Findings and Recommendations

1. Finding:

The WIC Supervisor spoke of a very similar complaint that was brought to her attention recently. The Grand Jury concluded the complaints were one and the same. The supervisor stated she had spoken to the staff member in question and would follow up as needed.

Recommendation:

The Grand Jury recommends the WIC department develop and use a client survey. This instrument could help the department track services used by clients and obtain evaluations on staff and services.

2. Finding:

The Grand Jury was told that if a client declares she does not want to nurse, WIC staff is encouraged to educate the client on breast-feeding. If the client still refuses to nurse, the subject is to be dropped.

Recommendation:

No recommendation made

3. Finding:

The Grand Jury found the WIC environment to be welcoming and inviting. A play area for waiting children, and accommodations for Spanish-speaking clients are available.

Recommendation:

No recommendation made-Please see Commendations

Commendation

The Grand Jury commends the WIC staff for highly competent, dedicated, and experienced workers.

A commendation of the highest caliber is given to this department for the continuing services provided of the highest standard.

**Department of Public Health
Child Welfare Services (CWS)**

Summary

The Grand Jury received a complaint regarding the Child Protective Services (now Child Welfare Services, CWS) Department. The complaint stated that telephone calls to the department were regularly handled without concern for swift action from the staff. The Grand Jury toured the CWS facilities and interviewed staff. Possible solutions were discussed at the time of our initial visit. Prior to our follow-up visit new policies were in place to reduce occurrences of slow response times and unanswered telephone calls.

Background

The Grand Jury investigated a complaint regarding the CWS Department, signed by four mandated reporters alleging neglect on the part of CWS staff. Mandated reporters are people holding positions in child care occupations and similar jobs, that dictate they report any suspicious contact with children (See attachment for legal description of a mandated reporter).

A complaint stated that telephone calls by mandated reporters to the department were regularly handled without concern for swift action by the staff at CWS. As a department within the Department of Social Services of Tuolumne County, CWS is charged with the safety and well being of children.

The complaint alleged that on several occasions calls by mandated reporters were transferred to a telephone messaging system. Callers were asked to leave confidential information without acknowledgement as to department contact or action. They were also told that there would be a waiting period of several days before a staff member could respond.

Methodology

The Grand Jury made one announced and one unannounced visit to the Child Welfare Services facility at 20111 Cedar Road North, Sonora. We had the opportunity to interview staff at various levels. We toured work stations where reports are received by telephone and spoke to the individuals charged with the responsibilities of handling each call that comes in during regular business hours. We were told that a social worker is on call during all other hours via a pager.

Finding and Recommendation

1. Finding:

The Grand Jury found the telephone procedures and equipment inadequate at the time of our first visit. There was only one phone line for incoming calls. One staff member was charged with the responsibilities of answering the phone, taking reports, tracking down support staff, and transferring calls to the appropriate personnel. During our second visit the Grand Jury found the telephone procedures improved, and new equipment had been installed. The department has hired and trained, three highly motivated individuals with experience in the child welfare area. The policies and new equipment now in place will greatly diminish occurrences of delayed response time when calling in a report.

Recommendation:

- A. Policies now in place continue.
- B. Stay abreast of public concerns and take appropriate steps to make necessary changes.

Commendation

The Grand Jury commends the CWS staff for being extremely caring and responsive to the needs of children in Tuolumne County. As a team, they took our concerns to heart and improved their communications immensely and swiftly.

The CWS staff now meets monthly and discusses methodology needed to secure the well being of children of Tuolumne County.

Probation Department

Summary

The Tuolumne Grand Jury conducted an investigation based on a Citizen's Grand Jury Complaint Form received regarding the Probation Department internal operations. The complainant identified these concerns:

1. Caseload.
2. Employee turnover.
3. Up-to-date supplies.
4. Management advocacy.
5. Employee yearly required training.
6. Is there good communication between the Probation Department and; the Sheriff's Department, Sonora City Police Department, U.S. Forest Service and other peace officer jurisdictions in the county?

Background

The Chief Probation Officer has held the position for six years, and has been with the department since 1977. There are 32 employees, which include transportation officers, clerks, 15 probation officers (seven adult and eight juvenile). Additionally, there are two drug officers funded by Proposition 36 which allows people convicted of first and second time non-violent, simple drug possession to receive drug treatment instead of incarceration.

The Probation Department's mission statement is: "To serve the Court, to protect the Community, to change lives."

Methodology

A committee to investigate this complaint regarding the Probation Department was formed in March 2005. We (the committee) conducted visits to the department three times during the course of the investigation. The first visit was a scheduled visit on March 7, 2005. The second visit was unannounced on March 15, 2005 and the third visit was scheduled on May 4, 2005. We interviewed the department head and eight employees within the department.

Narrative

During the interview on March 7, 2005 with probation officers and the office manager, the following issues were discussed:

Caseload concern

Juvenile: There is no actual recommended caseload; however according to one of the probation officers, a desirable caseload is 40-45 cases per officer. This includes sexual assaults, drug possession, petty theft etc.

Adult: Some of the felons in Tuolumne County are supervised by write-in rather than face-to-face meetings. The write-in process is a process whereby cases are supervised on paper. For example a person who is convicted of driving under the influence of drugs/alcohol may have to provide proof of attendance to DUI counseling classes, traffic school, Probation Department appointments etc. These forms are reviewed and signed off by the Probation Officer assigned to the case. There are 1,200 adult cases, and 1,300 juvenile cases for a total of 2,500 cases to manage. The length of time involved in a case depends upon the type of case (anywhere from approximately one month to several years). Therefore, the amount of cases to manage fluctuates regularly. In 2004 there were 500 more adult felony cases in Tuolumne County than the 2003; an increase of 16%. Juvenile cases increased from 370 in 2003 to 466 in 2004; an increase of 25%. The staffing vs caseload issue is not just symptomatic of Tuolumne County or small counties in general but a continuing statewide problem.

Employee turnover

The next issue brought to the attention of the Chief Probation Office was that of high employee turnover. In the last three years there have been 26 new employees hired and 25 employees either retire or resign from the department. The "Golden Handshake," which was an early retirement program, was accepted by two officers in 2004. This program is no longer being offered; however these positions cannot be filled until 2009. This gives the county an opportunity to budget for the five years it takes to recoup the costs of a retiree.

According to the Human Resources/Risk Manager, the Probation Department was a county department affected by the hiring freeze in effect during the entire FY 2003/2004. The freeze continues to be in effect for all general fund departments. Any exceptions for the freeze must be approved individually by the County Administrative Officer.

The time frame to replace a Probation Officer is approximately 5-9 months as can be seen in the following timeline:

- 4 week classified ad and employment application
- 1 week Department of Motor Vehicles license check
- 1 week Human Resources interview
- 2 week State of California test for Tuolumne County
- 2 weeks to obtain results of test
- 2 months for State of California background check
- 2 weeks psychological test
- 2 weeks interview appointments
- 2 weeks notice for leaving previous employment

The Probation Department is currently fully staffed.

Supplies

Next we investigated the need for up-to-date supplies. One of two issues identified by the committee was the availability of current Penal Code books. The Grand Jury learned that Penal Code books are expensive. In the past, the department has postponed orders due to budget allocation of funds. The Probation Department recognizes that every officer must have access to adequate Penal Code books. This issue has since been resolved by the purchase of additional books.

The only other identifiable supplies issue was computer software licenses for Sustain court case software. The department currently suffers a shortage of two licenses (\$700 apiece), which limits availability of work stations.

The Grand Jury learned that the Information Systems Services (ISS) Department purchased and installed the Synovation Case 2.7 program in July 2002; however, the supplier went out of business in 2003. This software will be replaced by Case 2.7+ a data base software and be on line in late July 2005. Until Case 2.7+ is online for use, clerical staff must assist officers with data input due to the lack of training on the Synovation Case 2.7 system for the officers.

Management Advocacy:

The committee turned its attention to the question of whether management advocates for the department in regards to the following issues when appearing before the Board of Supervisors:

- accurately represent true working conditions
- staffing levels
- case load

Does it create an atmosphere where employees feel free to present their problems and solutions to:

- the courts?
- District Attorney's Office?
- the Public Defender's Office?
- immediate supervisors?

Interviews with three probation officers and three clerks, provided us information regarding these issues:

- Management does advocate for the department with the Board of Supervisors. An example of this is that recently a shortage of staff was identified. The Chief Probation Officer went to the Board of Supervisors and made a request for additional staff. That request was granted.
- There is an open door policy with administration, and they are receptive to concerns and complaints from staff.

Mandated Training Concern

All mandated training is reported to California State Department of Justice.

The committee reviewed this matter with the Chief Probation Officer and was offered the following information regarding training for the Probation Department Officers, counselors and clerks:

- 200 hours of general overview for new officers
- 40 hours (5-8 hour increments) for all supervisors and officers of Standards and Training for Corrections (STC). This training is the same as Peace Officer Standards and Training (POST) under the Department of Justice.
- Clerks are required to take first aid classes.
- Two or more counselors each year are required to attend domestic violence classes.

Communication between law enforcement agencies

Is there adequate communication between the Probation Department and; the Sheriff's Department, Sonora City Police Department, U.S. Forest Service and other peace officer jurisdictions in the county?

This committee spoke with two juvenile Probation Officers, one adult Probation Officer and the office manager regarding this issue. Their opinion of the concern was that there is good rapport amongst all agencies involved with the Probation Department. Communication is not a problem that is evident in any way to the Grand Jury committee.

An interview with the Probation Officers and the Chief Probation Officer as well as other employees, offered the following information in general regarding the Probation Department.

Multiple sites of justice departments

- Currently, probation clients must follow a very strict process to complete their probation service. Those include:
 - Attending appointments on a regular basis with their Probation Officer at 465 So. Washington Street
 - Making payments of fines to the Office of Revenue Recovery at 2 So. Green Street
 - Attending court appearances at 41 W. Yaney or 60 No. Washington Street

It should be noted that all of the above mentioned departments are spread out in various areas of the county and the City of Sonora. This proves to be a very difficult process for the probationer as transportation is usually a challenge, parking is almost non-existent, traffic can be difficult to maneuver and appointments can be severely compromised due to time constraints caused by the previously mentioned issues. These concerns also effect the Probation Officers, District Attorneys, courts' schedules and any county employee involved in a particular case. Discussion and study of a Central Justice Center has taken place at the Board level. The immediate construction of this center is highly supported by the Probation Department for the reasons listed above.

Juvenile Detention Facility

- There is a continuing serious need for a juvenile detention facility in this county. A court appearance requires 2 round trips. Currently, Tuolumne County uses approximately five beds in other counties. San Joaquin County is the primary county used, and Nevada County and Glenn County as backups (See Table below). The number of incarcerated juveniles fluctuates.

County	Cost	Distance (Round Trip)	Travel Time	Travel Time (If Court)	Total per day	Total per year
San Joaquin	\$104/day	140 miles	3 hours	6 hours	\$520.00	\$182,500.00
Nevada	\$96/day	338 miles	7 hours	14 hours		\$23,616.00 (prorated through 3/05)
Glenn	\$94/day	420 miles	7 hours	14 hours		\$19,260.00 (prorated through 2/05)

- Estimated total for transportation officer wages FY 2004/2005 is approximately \$88,000 per year for fuel, labor and equipment.

Besides housing costs, out of area transportation for the wards is a drain on Tuolumne County funds. For example, the cost estimate to maintain a juvenile facility for use by 3-counties with a 30-bed single cell facility is \$1.5 million/year. The Grand Jury has a serious concern for juveniles housed out of Tuolumne County isolated from family and exposed to more experienced gang/prison influences.

Peer Court Program

- The Grand Jury learned there is a highly successful Peer Court Program where juveniles hold their own court, including juvenile defense attorneys, bailiffs and jury. The job of the Peer Court is to administer punishment for the crime committed. Guidelines for procedures within the court and punishment for the defendants are provided by Deputy District Attorneys and the presiding Superior Court Judge who actively administers this program. Defendants have previously acknowledged guilt. The punishment provided by the jury is reported to the Probation Department with completion noted on the defendant's record.

Staff Safety

- Staff expressed concern for security/safety at the front desk of the Probation Department. A Mylar window, which begins at counter level and extends six feet towards the ceiling, currently separates the clients from staff. It does not enclose the entire front counter area.
- Also, there is nothing in place to alert staff that an unruly client is out of control and staff needs assistance.

Findings and Recommendations

1. Finding:

Considerable time and funds are spent every week traveling to different locations of the Tuolumne County justice system. This is due to a lack of a central justice site and a shortage of parking at all justice locations and county offices.

Recommendation

The Grand Jury recommends pursuing funding and construction of a Central Justice Center.

2. Finding:

There is an inadequate number of Sustain software licenses and work stations to process client's court case information. Also, probation officers are not currently trained to use the software and consistently need the input and guidance of clerical staff to accomplish this task.

Recommendation

This committee recommends obtaining two additional Sustain licenses, one for the main floor and one for the basement. Also, provide training for all probation officers who use this software.

3. Finding:

The Grand Jury verified that all mandated training is currently being provided to staff.

Recommendation

There is no recommendation for this finding.

4. Finding

The lack of a local juvenile facility is extremely expensive to Tuolumne County and its citizens; financially for the Probation Department and ultimately ineffective for juveniles and their families.

Recommendation.

The public, Probation Department and courts in Tuolumne County need to pursue construction of a local juvenile detention facility.

5. Finding:

The current safety standard for front office staff is unacceptable.

Recommendation:

Provide a secure front office to staff.

6. Finding

There is no alarm system installed in the department or at individual work stations to request assistance if necessary.

Recommendation:

Provide a security system at all necessary work stations to request assistance of backup by staff/law enforcement.

7. Finding:

There is no central location for probationers and county employees to process needed services for clients of the Department of Justice (inclusive of Probation Department, courts, Office of Revenue Recovery and District Attorney's Office).

Recommendation:

Coordinate with Sheriff's Office for funding and construct of the Central Justice Center.

Commendations

A high commendation is offered to the Tuolumne County court system for providing the Peer Court Program.

Commendations are offered to the Probation Department employees for providing the necessary services to Tuolumne County under extreme budget constraints and constant understaffing for the department. Good morale and cooperation among staff is evident to the Grand Jury committee.

Tuolumne County Jail

Summary

The Grand Jury conducted a “careful and complete” investigation of the Tuolumne County Jail as required by law (Grand Juries are directed by statute to visit all jails and prisons within the jurisdiction of the Jury every year). This jury’s initial visit took place on October 21, 2004, and was a “scheduled” (announced) visit. A subsequent unannounced visit took place on April 29, 2005. Information gathered from these visits, personal and telephone interviews and researching past Grand Jury Reports provided data which constitutes the following report.

Background

The facts herein were gathered from the two tours conducted by a committee of the whole. During these tours, jurors asked questions of the deputies, booking clerks, and other jail personnel who provided answers or suggested sources where answers might be found.

The Grand Jury also referred to the reports of previous grand juries, conducted interviews with three members of the Board of Supervisors and scheduled an interview session with the Sheriff of Tuolumne County during which the jail was discussed. We also had telephone conversations with the Undersheriff and Jail Commander.

Narrative

The Tuolumne County Jail facility was constructed in three phases. The original structure was built in 1962. The second story was added in 1985, and in 1991 the booking area was completed. The age and inadequacy of the facility is well documented in past Grand Jury reports.

Funding for new jail facilities is mainly through grants from the State of California Department of Corrections (DOC).

The Grand Jury has a number of concerns about the safety of jail personnel and ultimately the safety of the general public. Many of these concerns are based on the overcrowding which plagues the jail. The facility can legally accommodate 140 inmates. Because of overcrowding, the jail staff has been forced to institute a program of early release of prisoners. Early release means that inmates are released before they have served a full sentence. The current Early Release Policy is:

- Begin with misdemeanors and release according to time remaining on sentence. These individuals are assigned to the Probation Work Crew to perform community service jobs until the time is served. At the time of this report, the capacity of this program is 15 inmates. Capacity is based on availability of Probation Department staff to supervise workers.
- When the Probation Work crew is full, inmates are released to the street based on the nature of the misdemeanor offense and time remaining of the sentence.
- **No violent or sexual offenders are considered for the Early Release Program.**
- Since late March of this year when the jail began keeping a daily record of early release numbers, 113 inmates have been released (as of June 2, 2005) according to the terms of the Early Release Program.

At the time of our visits, jail deputies were working four 10 hour shifts weekly and were required to work overtime each week to make up for shortage of staff. According to the Jail Commander, this condition has existed for at least 12 years. Whereas the employees prefer the 4/10 shifts, the mandatory overtime is an obvious burden to deputies and their families. In the opinion of the Grand Jury this factor alone makes the working conditions substandard and unacceptable.

There are two vacancies for booking clerks. One exists because of the hiring freeze, the other because a clerk resigned. Therefore, only four booking clerks are covering the entire booking process 24 hours a day, seven days a week. The screening process to hire new jail employees requires up to nine months because of the elements of the process and the strict requirements for jail employment.

The jail deputies who conducted our April 29, 2005 visit informed us of the installation of a 24 hour video surveillance system since our visit in October. A state of the art fingerprinting system and the Advanced Technology Information Management System (ATIMS) which is the jail management computer system used by the Sheriff's Office are scheduled for installation this year.

During each visit, the Grand Jury observed evidence of the work done to correct the mold problem referred to in the 2003/04 Grand Jury Report.

Findings and Recommendations

1. Finding:

The physical plant housing the Tuolumne County Jail is outdated and inadequate in every category. We believe issues raised by staff during our visit could provide an unsafe environment for the jail staff and inmates because of the shortage of personnel, the overcrowded inmate facilities, and because of the overall configuration of the building.

Recommendation:

The Sheriff and the Board of Supervisors establish a business relationship with a person or persons who maintain(s) up to date knowledge of the funding availability from DOC. This person or persons must be able to write and present grant requests acceptable to DOC, and be directed to do so at the proper time. The Sheriff and BOS shall establish contact with such person(s) and report on the details of the contact and activity in their response to this Report.

2. Finding:

Ventilation and lighting are woefully inadequate and contribute to the substandard working/living conditions in the jail.

Recommendation:

Make such improvements in the ventilation and lighting of the jail as are possible given the nature of the facility. Respondents shall reply to this recommendation including details of the efforts to meet this recommendation.

3. Finding:

The jail is extremely understaffed. Standards for hiring new deputies are understandably strict, limiting the number of potential candidates.

Recommendation:

Adopt the personnel shortage at the jail as a priority requiring immediate attention and maintain this level of commitment until the problem is solved.

4. Finding:

The admittedly non-competitive pay scale continues to be a problem in recruiting and keeping staff. Salary and benefits remain below what is offered in nearby comparable jurisdictions.

Recommendation:

See recommendation for Finding #3.

5. Finding:

The weekly overtime required of all jail deputies and the efforts of the booking clerks and jail dispatchers to compensate for the shortage of personnel is costly in human terms. The county incurs the cost of work related health issues and employee turnover which result from these working conditions.

Recommendation:

See recommendation for Finding #3.

6. Finding:

The current jail staff is dedicated to providing the best service possible under the circumstances. The staff is supportive of one another.

Recommendation:

No recommendation.

7. Finding:

Conditions at the jail have been a major element in Grand Jury Reports for at least the past ten years. However, in this Jury's interviews with three members of the Board of Supervisors only one could pinpoint the last time he or she visited the jail to observe and evaluate the facility, and that visit was part of the orientation program for newly elected supervisors.

Recommendation:

First hand knowledge of the conditions at the jail is at a minimum, expected of our elected representatives (members of the Board of Supervisors). It is the strong recommendation of the jury that supervisors make a visit to the jail on an annual basis and report to the public on observations from these visits. It is further recommended that the CAO make a similar annual visit to the jail.

8. Finding:

The mold problem has been corrected for the time being.

Recommendation:

Continue to monitor the mold problem in the jail. The nature of the problem and the health of all persons exposed to mold require vigilance.

9. Finding:

During our investigation, it came to our attention that the current Sheriff has never requested funds from the Board of Supervisors for a new jail.

Recommendation:

The Tuolumne County Sheriff needs to request and pursue funding and construction of a new jail for Tuolumne County.

Commendations

1. The Grand Jury commends the entire personnel staff of the Tuolumne County Jail for the high level of job performance under very difficult conditions.
2. Jail personnel were courteous, well informed and current in all aspects of professional training.

Request for Response

The Tuolumne County Grand Jury 2004-05 requests a written response to this report from the Sheriff and the Board of Supervisors within the time specified by statute. We further request that the Board of Supervisors prepare and present its own response rather than assign this important responsibility to the CAO.

Appendix

1. Scheduled visit (initial investigative visit) to Tuolumne County Jail on October 21, 2004.
2. Unscheduled (unannounced) follow up visit to Tuolumne County Jail on April 29, 2005.
3. Interviews with individual members of the Board of Supervisors on May 11, May 18, and May 25, 2005.
4. Review of Grand Jury Reports from FY 1993/1994 through FY 2003/2004.
5. Telephone conversation with Undersheriff on June 2, 2005.
6. Telephone conversation with Jail Commander on June 2, 2005

Sheriff's Office Morale

Summary

While there was no complaint filed with the Grand Jury specifically addressing the issue of morale within the Sheriff's Office, it was felt by the Grand Jury that this was an appropriate area to investigate. It was found that in spite of difficult conditions such as overcrowding, of prisoners, lack of workspace for staff, out of date and widely dispersed facilities, the committee found the overall morale of the Sheriff's Office was positive.

Background

During the visit to the Sheriff's Office, Patrol Division, Investigations Division, Drug Enforcement, Search and Rescue, and Boat Patrol, there were several issues that repeatedly arose to the surface. These included: overcrowding, wages, turnover of staff, and the widely separated facilities, which often cause difficulties in communication. The Grand Jury felt these concerns could be having a negative effect on the morale of the Sheriff's Office.

Procedures and Methodology

The committee to investigate the morale of the Sheriff's Office was formed by the Grand Jury in February 2005. The committee made arrangements to meet and interview two deputies, one from the Patrol Division and one from the Investigations Division. Several employees were interviewed, including various clerical and administrative staff personnel. Other pertinent data was gathered, and at a later date, members of the committee made an unannounced visit to the central offices of the Sheriff's Office. During that visit we met and interviewed several clerical, records, and other "non-sworn" personnel. Data related to officer turnover from the department during the last two years was also gathered from Human Resources.

Narrative

During the interview the Officers were open and quite forthcoming with information. At a later date, we made an unannounced visit to the offices at the main Sheriff's facility. At that time we interviewed several office, clerical, records, and dispatch personnel. All of the people interviewed, with only minor differences, restated what had already been brought to our attention during the previous Grand Jury tour. The facilities are old and overcrowded with little or no storage. The wages and benefits are lower than neighboring areas. There is a high turnover rate in the department. The various divisions are spread out over several locations in the county making intra-departmental communications difficult at best.

The committee found these concerns were not adversely affecting morale in the Sheriff's Department. Almost everyone interviewed agreed there are certain serious problems that need to be addressed. Interviewees felt that at times, these problems were making their work more difficult, they generally enjoyed their jobs and felt that this was true of others. The committee found that even though the issues might be lowering efficiency they did not noticeably lower the overall morale of the Sheriff's Office.

Findings and Recommendations

1. Finding

The committee found the general morale of the Tuolumne County Sheriff's Office to be good.

Recommendation:

No Recommendation

2. Finding:

We also found the widely separated facilities to be a hindrance to intra-departmental communications.

Recommendation:

The committee recommends providing email to help improve the communications between the various departments.

3. Finding:

In addition, the committee found the jail and Sheriff's various office facilities to be deplorable. It had been reported that leaking sewer lines spilled onto employee's desks. Our understanding is that this situation has since been repaired. Other concerns include overcrowding and lacking even minimal work and storage areas.

Recommendation:

The committee recommends to the Board of Supervisors the development and construction of a County Central Justice Center being the highest priority, to establish a capital improvement plan with the jail being the initial phase of construction. Funding for such a Central Justice Center could be pursued by the through the California Department of Corrections.

Commendations

The committee commends all members of the Sheriff's Office for maintaining a positive attitude and a "team spirit" in spite of the difficulties they must overcome on a daily basis.

Treasurer/Tax Collector Department Office Of Revenue Recovery

Summary

Upon seating the 2004/05 Grand Jury, the Jury Foreperson was provided with a list of five (5) departments to be investigated within the normal rotation of Jury responsibilities. The Office of Revenue Recovery Department was one of the departments on the rotation list. This was not a complaint driven investigation.

Background

The Office of Revenue Recovery (ORR) serves as the county's collection agency as a function of the Treasurer/Tax Collector's Office. It was established in 1988 as a result of two previous grand jury investigations that cited unpaid court fines, which were being filed away in "shoe boxes" and were not being collected. Resolution 51-88 was adopted by the Board of Supervisors on March 1, 1988 to set the responsibilities and powers of Central Collections Division (now ORR). The ORR consists of seven employees and the Assistant Treasurer/Tax Collector. These employees provide counseling services for installment plans, mailing out collection letters to debtors, and calls to debtors.

Methodology

Grand Jury members interviewed employees of the ORR and discussed problems the ORR has with the Tuolumne General Hospital (TGH) Business Office, and the day-to-day operations of the department as well. These meetings were conducted by appointment and unannounced visits. A Grand Jury Questionnaire was provided to the ORR prior to our visit. Current collection procedures (see Attachment B) were researched.

The Treasurer/Tax Collector and the Assistant Treasurer/Tax Collector were subpoenaed to provide sworn testimony before the entire Grand Jury.

Present and former TGH staff appeared voluntarily at the regular meeting of the Grand Jury as well as at an appointment at TGH. Questions were asked in reference to communication problems existing between the ORR and TGH.

Narrative

In any given month between 400 to 1,000 accounts are assigned to the ORR. These accounts include Tuolumne General Hospital (TGH), Tuolumne County Ambulance, the airport, Visiting Nurses Association Hospice, courts, Probation, victim restitution, Environmental Health, court-appointed attorneys, Environmental Health, Animal Control and the City of Sonora. ORR collected \$2,619,577 during the FY 2003/2004 and will collect approximately \$3,094,000 in FY 2004/2005. The adopted budget for the office was \$432,506 for FY 2003/2004 and expenditures were \$432,506.

Both state and federal laws govern the policies and procedures of the ORR. The ORR retains 22% of the debts collected on the county's behalf as operating budget.

The ORR staffs eight employees as follows:

- 5 Collection Officers II
- 1 Office Assistant II
- 1 Account Clerk II
- 1 Assistant Treasurer/Tax Collector

An area of concern with the ORR exists with the ongoing problem in communication between ORR and TGH. For example, hospital patient debt may be turned over to the ORR for collection. In the meantime, patients may be in contact with the hospital Business Office addressing their debt concerns. Patients may pay off their debt, set payment schedules or other form of debt settlement directly with TGH, and the ORR has not necessarily been notified of the arrangement. Delinquent accounts are also reported to the credit bureaus, affecting a person's credit report.

Employees in the ORR were found to be loyal to their office and dedicated workers. They are clear about their job descriptions and agree their job training was adequate for their positions. The Grand Jury found that all ORR staff, with the exception of the Assistant Tax Collector, receives annual job evaluations. All interviewed expressed satisfaction with their jobs and their department.

The ongoing problem in communication was addressed in separate interviews with each staff member of the ORR. Without exception, everyone at the ORR agreed that lack of communication was a main issue. ORR staff stated that they were instructed by TGH administration not to communicate with the TGH Business Office staff via e-mail or telephone.

The Assistant Treasurer/Tax Collector expressed frustration with TGH billing files coming to ORR improperly completed and regularly rejected claims. Because of this, the Assistant Treasurer/Tax Collector stated he communicated these issues with TGH Business Office Manager, the Chief Financial Officer (CFO) and the Hospital Administrator in 2004 and that the CFO basically gave no response.

When TGH business office staff was interviewed, the Grand Jury was told that communication between TGH and the ORR was virtually non-existent due to supervisors in both departments not taking steps to resolve the issue and each side blaming the other. Again, nobody stepped forward to accept accountability or initiate changes.

Findings and Recommendations

1. Finding:

Currently, informational data between certain departments must be entered manually by another department. ORR is unable to interface with the other software.

Recommendation:

A more amicable software system and upgrades should be available for the various departments that need to interface. Revenue should be set aside on a regular basis to fund this continuing need.

2. Finding:

From the time a patient is admitted into TGH, incomplete and mishandled paperwork occurs at every level, still without accountability.

Recommendation:

The Assistant Treasurer/Tax Collector must provide regular training to all departments involved with ORR in the processing of claims by ORR.

3. Finding:

Tuolumne County Resolution 51-88 provides intra-department policy to assist in the debt collection by ORR.

Recommendation:

Hospital Board Members, specifically both the County Counsel and the County Administrative Officer, should assist and enforce the most basic of policies to provide a better avenue in debt collection. The Tuolumne County Tax Collector must not only be forthcoming with a solution, but enforce it as well.

4. Finding:

The Grand Jury found that the County is allowed to write off a certain amount of debt after five to eight years of non-collection from debtors. The Grand Jury believes this policy entices debtors to ignore billings and “wait out the system”. The ORR has requested the Tuolumne County Board of Supervisors to write off \$500,538.00 for TGH debts to date this fiscal year.

Recommendation:

The Assistant Treasurer/Tax Collector should also work constructively with the Tax Collector in solving outstanding issues with other departments to provide continued efficient productivity.

5. Finding:

The Grand Jury found that department supervisors at both TGH and ORR blame each other for lack of communication and, again, nobody takes responsibility nor do they take corrective steps to resolve the problem.

Recommendation:

The Tuolumne County Tax Collector should conduct monthly staff meetings to provide employees the opportunity to air departmental issues and assist in solving them.

6. Finding:

When the Grand Jury interviewed the Tuolumne County Tax Collector, who oversees the ORR, the Grand Jury discovered that the Tax Collector is aware of most of the problems existing between the ORR and TGH, but has not taken any steps to correct the problem.

Recommendation:

The County Tax Collector must be proactive in solving problems between the ORR and any other department. The Assistant Treasurer/Tax Collector should also work proactively with all departments to provide training/understanding of processing ORR claims. The Assistant Treasurer should provide regular training of ORR procedures to the Tax Collector.

7. Finding:

The Tuolumne County Tax Collector is uneducated in several of the duties for which ORR is responsible.

Recommendation:

The County Tax Collector needs to attend some in-house training about the inner-workings of his department.

8. Finding:

Grand Jury committee members found very little interest on behalf of the ORR Assistant Treasurer/Tax Collector to address the communication issues with the hospital. Lack of communication and unwillingness among department heads to accept accountability at both the ORR and TGH has made transactions between departments extremely difficult.

Recommendation:

County administrators need to mediate a solution between these two departments.

9. Finding:

The Tuolumne County Tax Collector does not provide required annual job evaluations for the Assistant Treasurer/Tax Collector.

Recommendation:

The Tuolumne County Tax Collector must provide regular annual employee evaluations to all staff he is required to evaluate.

10. Finding:

The Tuolumne County Tax Collector does not use performance indicators to evaluate the success of collection efforts for any department. He does not know how long accounts are kept open until they go to the Board of Supervisors to request forgiveness.

Recommendation:

Written reports from ORR should be completed on a weekly and monthly basis for review with the Tax Collector.

Conclusion

It appears this lack of leadership is directly reflective of the CAO's inability to provide over-all leadership to his department heads. The ORR is staffed by loyal and honest employees whose productivity is stymied by an appalling lack of departmental leadership. The Tuolumne County Tax Collector, the Assistant Treasurer/Tax Collector and the TGH administrators are all responsible for communication issues that exist between their departments and all share the blame. These issues must be solved immediately. Time is of the essence.

Tuolumne General Hospital Business Office

Summary

The Grand Jury was not mandated to either visit nor investigate Tuolumne General Hospital (TGH). However, the Grand Jury opted to tour the hospital to get a clearer understanding of TGH's operations. The first tour encompassed the standard hospital facilities. The second tour was conducted to complete the facilities tour including the psychiatric ward. After the tours were completed, members of the Grand Jury met with hospital personnel and also had a chance to speak to several patients.

During an interview with Tuolumne County Office of Revenue Recovery (ORR) by another Grand Jury committee, allegations were made that there were long standing issues with the Business Office of TGH concerning the collection of past due accounts, proper procedures for billing completion and communication problems with ORR.

The Grand Jury Committee found several areas of concern. Findings and recommendations are provided within this report to help make the day to day operations of Tuolumne General Hospital's Business Office more efficient.

Background

Tuolumne General Hospital is located at 101 Hospital Road in Sonora. This investigation was based on concerns and allegations that arose during another Grand Jury committee's investigation into the ORR. Interviews with both departments revealed a long standing communication problem between the ORR and TGH Business Office. Issues included policy and procedures compliance, personnel management and proper billing.

Methodology

A Grand Jury questionnaire was submitted to the Hospital Administrator prior to the visits and interviews. Grand Jury members toured the Business Office, conducted interviews with personnel from the TGH Business Office, Information Systems Services (ISS), Office of Revenue Recovery (ORR), TGH Board of Trustees, Assistant County Administrator, Assistant Auditor Controller, Human Resources and other county staff personnel. Research was conducted into past Grand Jury reports, current ORR collection procedures (see attachment in preceding report) and current TGH Business Office billing procedures.

Narrative

There have been six Business Office Managers since 1999. The current Assistant Tax Collector provided interim supervision in the Business Office from January 2000-August 2001. His main direction was to update all billings, to collect funds for outstanding debts and create a procedure for staff to continue timely processing of accounts. The manager hired in 2001 was trained by the Assistant Tax Collector. The Assistant Tax Collector stated that during the tenure of this manager, there were no reported problems with accounts at ORR.

Allegations were made by the Assistant Tax Collector during the Grand Jury committee's interview on September 24, 2004 in regards to the Business Office of TGH, which allegedly began after a new Business Office Manager was hired in April 2002. The

allegations made by the Assistant Tax Collector and investigated by the grand jury are as follows:

1. Many of the delinquent accounts that have been turned over to ORR for collection since the hiring of the new Business Office Manager had never been billed to the patient's insurance carrier. Since ORR cannot bill insurance companies the accounts had to be returned to the Business Office for insurance billing.
2. In a few cases, accounts were sent to ORR in which the patient was deceased without any mention of this fact or who, if anyone, was responsible for the bill.
3. The Business Office accepted payments on accounts that had been sent to ORR, but did not inform ORR of the payment, which caused serious public relations problems when ORR contacted the patient for payment.
4. Face to face communications between the Business Office Manager and Assistant Tax Collector were non-existent. The only interface between the two departments was done by telephone or email and was strained at best.

An interview with the Business Office Manager on October 15, 2004 to discuss the ORR issues revealed lack of knowledge of any problems with ORR and TGH's business practices. The Business Office Manager responded to each of the allegations as follows:

1. There was a possibility that accounts were turned over to ORR without insurance companies being billed because in many cases the Business Office receives the paperwork for billing too late to bill insurance companies. This is due to doctors not completing their charts in a timely manner (See Attachment A). She also stated that there are some doctors that are habitually late with their paperwork or refuse to do it all. One doctor was quoted as saying, "I'm here to treat patients, not push paper." (Unfortunately, if this statement is true, this one individual is costing the hospital thousands of dollars in unrecovered funds.)
2. She was unaware of any accounts of deceased patients as not being flagged for ORR notification.
3. The Business Office Manager was aware of payments being made at the hospital for accounts that had been sent to ORR for collection. She stated that her staff does notify ORR by e-mail, memo, and telephone in all cases of payment.
4. She was not aware of any serious communication problem with the Assistant Tax Collector.

Upon completion of the interview, the Business Office Manager stated that she would contact the Assistant Tax Collector in an attempt to resolve any issues that were present.

The Business Office Manager stated that an attempt to resolve the communication issue with the Assistant Tax Collector was met with resistance and lack of cooperation at our second interview on December 13, 2004. The lack of communication between the Business Office and the ORR is quite disturbing.

The Business Office Manager stated that from the beginning of employment there had been many changes and improvements made to the organization of the Business Office

in an attempt to standardize billing procedures, update billings, train staff on the Meditech billing system and provide better organization of staff time. Some of these were met with resistance by TGH Business Office personnel.

The Business Office Manager met with department heads, department representatives and the Board of Trustees regularly to try and work out issues as they pertained to the Business Office and TGH functions. She believed these meetings had accomplished that goal.

In an interview with the Business Office personnel it was brought to light that staff has not been fully trained on the Meditech billing system. The previous Business Office Manager had been hired primarily because of her Meditech background. She stated that some employees have resisted the training to the Meditech billing system and those employees that were learning needed more hands on training. (A consultant was hired to train the Business Office personnel. However, this has not occurred as the consultant has been processing the billing for the Business Office in an effort to bring billing current.)

Therefore, the Business Office personnel have not been thoroughly trained in billing procedures and they have not had goals or adequate direction from management to accomplish management's expectations in this area.

In interviewing the Assistant County Administrative Officer, this committee was told all the managers have had extensive training in the area of Tuolumne County evaluation processing. Upon interviewing several of the staff members of the Business Office it was found that evaluations had not been performed on the required annual basis. In fact, evaluations for all Business Office personnel were overdue including, but not limited to, the Chief Financial Officer and the Business Office Manager. It was verified through Human Resources that initial three and six month evaluations had been completed for staff but subsequent annual evaluations were not within personnel files in the Human Resources Department. Some staff informed the committee that some evaluations have never been done and that one of staff's evaluation had been lost. When that particular staff person asked Human Resources for assistance, Human Resources never contacted them to assist with this issue. This raises a question of how employees know what is expected of them if performance goals are never set, reviewed or enforced? The Hospital Administrator has not complied with County Personnel Rules and Regulations, Rule #8 "Work Performance Evaluation", Section E. It also appears the County Administrative Officer has been inattentive and unconcerned in making sure evaluations are accomplished by department heads and for department heads in the required time period. It is hard to have accountability from any one individual if the evaluations are not completed and the performance standards for the department have failed.

Many of the employees stated that they feel they are being the scapegoats for what is really poor to non-existent upper level management. Business Office personnel stated they feel they were set up to fail. Lack of leadership and communication is counter-productive to even a reasonable work environment. Upper management needs to have better intra personal communication relations, commitment to training and enforcement of policies. The responsibility for the Business Office operations is with the Chief Financial Officer.

In the past, the Business Office Manager not only managed staff on day-to-day tasks, but also had to complete some of the daily office tasks normally performed by clerical staff.

She was expected to train new employees, attend meetings and provide reports to upper management. This is a heavy workload especially when the Business Office is having so much trouble with the Meditech billing system and not accurately processing delinquent accounts.

Attachment A is the standard billing procedure as explained to this committee by the current Business Office Manager who was hired in April 2005. The proper coding of all services rendered is the responsibility of the Medical Records Technician. Since this a vital and critical step in using the correct codes for the insurance industry as well as billing the patient the correct amount, it is imperative that all Medical Records Technicians are properly trained and certified.

In Tuolumne County, Medical Records Technicians are represented by the Tuolumne County Employee's Association Memorandum of Understanding 2003-2006 (TCEA MOU). The Business Office Manager provided information on training and certification of Medical Records Technicians. Currently the Medical Records Technicians at TGH are self-taught and are not certified. They are part of the Medical Records Department.

Training for Medical Records Technicians is available at both Columbia College and Modesto Junior College. Classes are based on the coder's knowledge of anatomy, physiology, medical terminology, biology, billing etc. There are also weekend seminars that are available for coders to attend. The American Health Information Management Association gives two tests a year that would certify Medical Records Technicians. If a Technician does not pass the first time they must wait a year to take the test again. Three certifications are offered:

- Certified Coder Specialist [CCS] – Hospital Coders
- Certified Coder Associate [CCA] – Basic coding
- Certified Coder Physician [CCP] – Clinic Coders

Coding for inpatient and outpatient services are different. Trained and certified Technicians are able to submit the correct codes for the dissimilar services. This begs the questions that if TGH's Medical Records Technician are not properly trained and certified, is it possible that many services and procedures have gone unbilled? If so, for how long?

According to the TCEA MOU, Article 12. Educational Reimbursement, "The county shall pay the cost of any specialized certification for employees whose position classification requires said certificate be maintained as a condition of employment." This brings the question, would Tuolumne County be willing to pay for the certification of the Medical Records Technicians in order to provide quality services in the Business Office and ensure proper recovery of all revenues due TGH?

Properly completed charts by doctors and nurse practitioners must be sent to the Medical Records Technician as soon as treatment is complete. The Technicians must then send the correct coded information to the Business Office to ensure prompt billing and ultimately prompt payment to the hospital. The Assistant County Administrator has stated that TGH has implemented a new policy that doctors and nurse practitioners do not get paid if their paperwork is not correct and submitted in a timely manner.

Findings and Recommendations

1. Finding:

The Business Office is in dire need of leadership who will work cooperatively with other county departments to ensure proper processing of all TGH billing accounts.

Recommendation:

Hire an office manger with expertise in delinquent accounts, current software used by TGH, good staff management and communication skills with other department management. This person should be able to work closely with senior management (Hospital Administrator, Chief Financial Officer, and Assistant County Administrative Officer).

2. Finding:

Current procedures for turning over the proper accounts to ORR are not working.

Recommendation:

Develop new procedures to identify those accounts that need to be turned over to ORR. These procedures should contain a check list for the Business Office personnel and the Business Office Manager to ensure the proper information is being sent to ORR.

3. Finding:

There are no identifiable regular meetings held between the Business Office Manager and the Assistant Tax Collector.

Recommendation:

The Business Office Manager and the Assistant Tax Collector should have monthly meetings to maintain an open and meaningful dialogue about accounts being turned over for collections, ongoing issues both departments share and possible solutions for both.

4. Finding:

The Business Office personnel have not been fully trained on the Meditech billing system.

Recommendation:

All Business Office personnel should be evaluated as to their ability to work with the Meditech billing system. Those employees who do not possess the ability for their current duties, should be trained to bring them into compliance with the duties of their position. Evaluation of their progress should be completed in a timely fashion. Action should be taken for those who will not comply with goals/requirements of their evaluation.

5. Finding:

Business Office Manager has too many day-to-day clerical tasks assigned to her.

Recommendation:

Create or promote a staff member to a position to fulfill these duties.

6. Finding:

Medical Records Technicians are not properly trained or certified.

Recommendation:

Require, at a minimum, that all existing Medical Records Technicians become certified as Certified Coder Specialists (CCS) and provide the training they need to accomplish this requirement. Hire a CCS consultant to verify the coder's work until they are trained and certified. In the future hire only Certified Medical Records Technician or provide training for those who are not certified.

7. Finding:

Doctors' and nurse practitioners' paperwork need to be filled out properly to ensure proper billing information, which can be sent to the insurance companies right the first time.

Recommendation:

The Hospital Administration must continue with the new policy that stipulates doctors and nurse practitioners do not get paid if paperwork is not correct, complete and submitted in a timely manner.

8. Finding:

There are no definite times when charts are to be completed and sent to the Technicians, nor is there a time frame for how long the Coders have until they send the coding information to the Business Office.

Recommendation:

Establish workable time frames for both doctors and nurse practitioners to get their completed charts to the Medical Records Technician. Also, establish the amount of time the Technicians have with the charts before sending the billing code information to the Business Office.

9. Finding:

Evaluations for employees are not being completed in a timely fashion. Therefore, employees have no attainable goals towards which to work and for which they are accountable.

Recommendation:

The Hospital Administrator should bring all Business Office staff evaluations current. He needs to provide attainable goals to all employees and review them throughout the evaluation period for accomplishment.

General Comment

We understand that a new Business Office Manager was hired in April 2005.

**Standard Billing Procedure
TGH Business Office**

Most all-private insurance carriers, Medi-Cal, Medicare, and others have a determined time frame for when medical services are rendered and when they must be billed. Some must be billed no later than one or two months from the time the service was performed. If they are billed after that time frame, either a reduced payment or no payment is made.

Step by Step Billing Claim Cycle:

1. A patient with a cut arm enters the Hospital emergency room (ER)
2. The patient completes information paperwork including insurance coverage.
3. The patient is taken to an ER room where the cut is sutured.
4. The physician completes his report detailing, the cut, and the procedure(s) performed, ie; injections, sutures, bandages, and physicians time etc.
5. The medical report goes to Medical Records where it is coded by the Medical Records Technician for the procedure performed and supplies, etc.
6. After the chart is coded by the Medical Records Technician the bill/claim is sent to the Business Office.
7. The Business Office then checks for insurance and bills the insurance company.
8. After the insurance company pays their portion, the balance of the bill is sent to the patient.

Sample problems to the above:

1. The physician completes the wrong medical record citing the patient had a broken ankle when in fact the medical record is for the patient with the cut arm.
 - The Medical Records Technician would catch the error and have the physician correct the chart. How long it takes for the physician to make the correction will add age to the insurance claim. Some ER physician's work only once a month.
2. If the Medical Records Technician code the bill/claim incorrectly, using the code for a broken ankle instead of a sutured cut arm, the Business Office would bill the insurance, the insurance company would send the claim back questioning why a cast was needed for a cut arm. By the time the correct claim was sent the insurance company could disallow payment in part or all due to the delayed correct information.