

EL DORADO COUNTY
GRAND JURY 2015-2016



FINAL REPORT

JUNE 2016



EL DORADO COUNTY GRAND JURY 2015 - 2016

FINAL REPORT JUNE 2016

HON. DYLAN SULLIVAN, SUPERVISING JUDGE

JURORS

KEN CATER, FOREMAN
RENEE FINELLI
MICHAEL MCGEE
ROGER PICKLER
JULIE RYAN
RICHARD WHITE

RICHARD COFFIN
JOYCE HARRIS
MARY ANNE MINNICK
MICHAEL POWELL
JANET GALLAWAY SAWYER
GATHA WILLYARD

HAL ERPENBECK
PETER MARTY
THOM ORTH
DEBBIE RICE
TOM SIMPSON
LAURA WINSTON



BACK ROW: MICHAEL MCGEE, RICHARD COFFIN, MICHAEL POWELL, THOM ORTH, KEN CATER, PETER MARTY
FRONT ROW: LAURA WINSTON, ROGER PICKLER, JANET GALLAWAY SAWYER, MARY ANNE MINNICK, DEBBIE RICE,
JULIE RYAN, GATHA WILLYARD, JOYCE HARRIS, TOM SIMPSON, RENEE FINELLI
NOT PICTURED: HAL ERPENBECK, RICHARD WHITE



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GRAND JURY
El Dorado County

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(530) 621-7477 Fax: (530) 295-0763
Grand.jury@edcgov.us

2015-2016



Honorable Suzanne N. Kingsbury, Presiding Judge
Superior Court of California, County of El Dorado

Dear Judge Kingsbury:

On behalf of the 2015-16 Grand Jury and in compliance with Penal Code Section 933, it is my honor and privilege to present our final report to you, the El Dorado County Board of Supervisors, and the citizens of our county.

This grand jury was sworn in by the Honorable Dylan Sullivan, our assigned supervising judge, for our one-year term beginning July 1, 2015. As nineteen citizens coming together, we brought our own individual experiences and knowledge. We shared the common objectives of ensuring designated public entities within the county are administered lawfully and efficiently, that public funds are being expended appropriately and, reporting on the conditions and management of local detention facilities. We reviewed and considered various citizen complaints within our jurisdiction while other investigations were initiated by the grand jury itself. Those resulting investigations make up our end-of-term final report.

Throughout our term, grand jury members met and interviewed numerous elected officials, county administrators and staff, and those employed within schools and special districts. The vast majority of the witnesses were responsive and knowledgeable in answering our questions and providing requested information. I would like to thank all of those contacted and interviewed for their time, cooperation, and candor that allowed us to work efficiently and largely unimpeded.

I want to express our appreciation to the Honorable Dylan Sullivan, her steady guidance, availability and support was invaluable. I would also like to acknowledge our legal counsel, Deputy County Counsel, Paula Frantz, for her contributions and skilled assistance. Paula's expertise was particularly beneficial and allowed us to complete well-written and objective reports.

This final report represents the combined efforts of 19 dedicated grand jury members who spent countless hours conducting relevant interviews as well as evaluating and documenting their findings. I am proud of every one of them, their spirit of volunteerism, and the work they put forth.

It has been an honor and a privilege to serve as foreman of the 2015-16 Grand Jury. Thank you, Judge Sullivan for appointing me as foreperson and entrusting me to assist my colleagues in navigating the complexities of local government. It has been personally fulfilling to shoulder such an important responsibility. Moreover, it provided me with the opportunity to further my long-standing interest and commitment to the governance of El Dorado County.

Respectfully,

Kenneth E. Cater, Foreperson



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO
2985 Fair Lane Ct., Bldg C
Placerville, California 95667**

June 10, 2016

As Supervising Judge of the 2015/2016 Grand Jury, and on behalf of the Superior Court of California, El Dorado County, I want to thank you for your hard work, commitment, and dedication to making this year's Grand Jury successful. During your tenure, you have performed your duties with distinction. Your commitment to examine aspects of county government and investigate special districts and projects contributes to a better government overall for the citizens of El Dorado County. Your diligence in pursuing your investigations and your ability to remain objective in determining your recommendations is commendable.

One of the primary functions of the Grand Jury is to assist our county government in operating more efficiently. I am very impressed with the reports you produced. They are objective, without hyperbole, and directed at honest evaluation with an eye towards improvement. This is exactly what we desire from our Grand Jury. While it can be easy to get caught up in complaints themselves, this Grand Jury moved past any inclinations to do so as evidenced by the well balanced reports you produced.

Finally, special honors must be given to your foreperson, Ken Cater. His leadership abilities undoubtedly contributed to the success of this year's Grand Jury. His management and organizational skills not only assisted in making this year's Grand Jury productive, but also in improving the Grand Jury process for years to come. I cannot thank Mr. Cater enough for taking on this difficult task and performing so admirably.

The Court commends each of you. You served your fellow El Dorado County citizens well. I congratulate you on your 2015/2016 Grand Jury service.

With Warm Regards,

Dylan Sullivan
Judge of the Superior Court
Supervising Judge for the Grand Jury



GRAND JURY
El Dorado County

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NOTICE TO RESPONDENTS

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to carefully read the pertinent provisions below and prepare your official response accordingly. Please pay particular attention to required explanations and time frames. Incomplete or inadequate responses are likely to prompt further investigative inquiries by the grand jury and/or the court.

RESPONSE TO FINDINGS

The responding person or entity shall indicate one of the following:

The respondent agrees with the finding.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

IMPORTANT NOTE ABOUT GRAND JURY FINDINGS

Grand Jury Findings are derived from testimony and evidence. All testimony and evidence given to the Grand Jury is confidential by law, and it is the Grand Jury's responsibility to keep it that way. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

RESPONSE TO RECOMMENDATIONS

The responding person or entity shall report one of the following actions:

The recommendation has been implemented, with a summary regarding the Implemented action.

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. It is the expectation of the grand jury that the timeframe be specific and reasonable.

The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

RESPONSE TIMES

The California Penal Code specifies differing response times.

PUBLIC AGENCIES

The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public. The response must be addressed to the Presiding Judge of the El Dorado County Superior Court as indicated in the Response Section of each report.

ELECTIVE OFFICERS OR AGENCY HEAD

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public. Responses must be sent to the Presiding Judge of the El Dorado County Superior Court, as specified in the Response Section of each report, with a copy to the El Dorado County Board of Supervisors.

FAILURE TO RESPOND

Failure to respond as required to a grand jury report is in violation of California Penal Code Section 933.05 and is subject to further action. Such action is likely to include further investigation on the subject matter of the report by the grand jury.

The current Presiding Judge of the El Dorado County Superior Court:

Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd, Suite 2
South Lake Tahoe CA 96150

The Presiding Judge of the El Dorado County Superior Court requests that responses be sent electronically as a *Word* or *PDF* file to facilitate economical and timely distribution. Please email responses to El Dorado County Grand Jury reports to:
courtadmin@eldoradocourt.org