

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: David Boesch, Placer County Executive Officer
By: Bekki Riggan, Principal Management Analyst

DATE: September 23, 2014

SUBJECT: 2013-14 Placer County Grand Jury Final Report – Board of Supervisors’ Responses

Action Requested

Authorize the Chair to sign six (6) letters in response to the Placer County Grand Jury’s 2013-14 Final Report.

Background

On June 20, 2014, the Placer County Grand Jury issued its 2013-14 Final Report. The report included findings and recommendations based on the Grand Jury’s investigations, as required by law. Included in the Final Report are six individual reports titled:

- *Placer County Main Jail Annual Inspection*
- *Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance*
- *Placer County Meals on Wheels*
- *DeWitt Center Costco Lease and Its Impact on Seniors*
- *Placer County Fairgrounds and All American Speedway; and*
- *Placer County Animal Services Facility.*

Also included for you review is County Counsel’s response to the *Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance*.

The Placer County Board of Supervisors, County Executive Office, County Counsel, Sheriff’s Office, Probation Department, County Clerk Recorder’s Office, Facility Services Department, Special Fire Districts Boards of Directors, and the Placer County Superintendent of Schools were all asked to provide responses to the Grand Jury reports. In collaboration with County departments, County Executive Office staff prepared responses on behalf of the Board of Supervisors, which are subject to your approval today.

Details of the Grand Jury’s findings and recommendations are included within the attached response letters. Upon approval by your Board, the responses will be provided to the Presiding Judge of the Placer County Superior Court and to the Placer County Grand Jury.

Fiscal Impact

There is no fiscal impact associated with these responses to the Grand Jury.

Attachments:

Board of Supervisors 2013-14 Grand Jury Response Letters:

Annual Inspection of the Placer County Mail Jail

Placer County Special Fire Districts

Placer County Meals on Wheels

DeWitt Center Costco Lease

Placer County Fairgrounds and All American Speedway

Placer County Animal Services Facility

County Counsel's 2013-14 Grand Jury Response Letter:

Placer County Special Fire Districts



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OFFICE OF
COUNTY EXECUTIVE
David Boesch, County Executive Officer

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

September 23, 2014

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

Re: 2013-14 Grand Jury Final Report – *Placer County Main Jail*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Main Jail*. The Placer County Board of Supervisors and County Executive Officer would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Placer County Main Jail review.

Findings of the Grand Jury

1. The physical condition of the main jail is good. Automation is employed appropriately to enable the jail to be well managed, secure, and efficient.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer agree with this Finding.

2. Public safety realignment has presented some new and significant challenges to the County's system of jails. More sentenced inmates are being directed to County jails rather than State prisons and inmates are being sentenced for longer sentences to be served in County jails. This is creating over-crowding issues and requiring the early release of inmates to prevent the violation of Federal court orders. Inmates with longer sentences also change the array of medical services which must be available. Rehabilitation has not previously been a primary function of County jails since stays typically did not exceed one year. Now, with longer sentences, rehabilitation may need to play a bigger role in the function of the County jail.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer agree with this Finding.

3. The SPACF is not yet open and the initial opening plan will add some capacity to minimum security needs but does nothing, in the short term, to alleviate the over-crowding most impacted by realignment.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer partially disagree with this Finding.

The South Placer Adult Correctional Facility (SPACF) has opened with 240 jail beds operational, and the Sheriff's Office has implemented their Phase 1 housing and staffing plan. The facility currently holds a maximum of 120 minimum security male inmates, 30 minimum security female inmates, and three additional pods of 30 medium to maximum security classifications inmates each. Implementation of Phase 1 has resulted in a system-wide net increase of 80 additional medium to maximum security classification jail beds.

Recommendations of the Grand Jury

1. The County should prioritize the staffing and expansion of the SPACF beyond minimum security to enable that facility to absorb some of the impact of realignment. Given the nature and impact that AB109 (The Public Safety Realignment Act) has had on the inmate population at the PCMJ (both in terms of total population and in terms of duration of stay), in order to maintain public safety and to ensure that the inmates serve, at the least, a significant portion of their sentence, the Board of Supervisors should carefully examine the funding for the Sheriff's Office to enable it to adequately staff both the PCMJ and the new SPACF.

Board of Supervisors and County Executive Officer Response: This Recommendation has been partially implemented. Since the Grand Jury's inspection in November 2013, the Sheriff's Phase 1 housing and staffing plan for SPACF has opened 240 jail beds, and the Sheriff's FY 2014-15 Final Budget includes \$11 million for continued operations at the facility throughout the current year. At the time of the Grand Jury's report, the Placer County Mail Jail had a rated capacity of 486 beds. Since the inspection, six more beds have been added to the facility, raising the rated capacity to 492 beds. With the opening of 240 beds at SPACF, there are now a total of 732 rated jail beds system-wide.

Placer County criminal justice officials are currently working on finalizing the Criminal Justice Master Plan to define system-wide needs with respect to alternative sentencing practices, jail bed requirements, rehabilitation programs, and the implementation of evidence based practices across the criminal justice system. The Board of Supervisors will continue to work with the County Executive Office to examine funding considerations system-wide, and with the Sheriff's Office specifically regarding the requirement for additional jail beds.

2. The County should consider reviewing its 2011 Public Safety Realignment Act implementation plan. While plan revisions are not required by the State, many counties have updated their plans. With a couple of years of experience dealing with the challenges of realignment, the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment.

Board of Supervisors and County Executive Officer Response: This Recommendation requires further analysis. The Community Corrections Partnership (CCP) was tasked by AB109 to develop the Public Safety Realignment Act Implementation plan. On January 10, 2012, the Placer County Board of Supervisors received, reviewed and accepted the CCP's recommended implementation plan. The CCP continues to review issues related to AB109 and to further refine Placer County's approach to meet the challenges of realignment. The Board of Supervisors is anticipating completion of the Criminal Justice Master Plan in January 2015, and will work with the County Executive and members of the Criminal Justice Policy Committee to implement the final recommendations.

The Board of Supervisors and the County Executive Officer appreciate the work of the 2013-14 Placer County Grand Jury in their report regarding the Placer County Main Jail.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
Edward N. Bonner, Sheriff-Coroner-Marshal



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

Re: 2013-14 Grand Jury Final Report – Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance*. The Placer County Board of Supervisors and County Executive Officer would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Placer County Special Fire Districts.

Findings of the Grand Jury

1. **General Training.** Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

2. **Continuing Education:** Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed "Brown Act training" only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including www.cstda.net (California Special Districts Association); www.ca.ilg.org/AB1234compliance (California Institute for Local Government); and www.caag.state.ca.us (State Attorney General's Office). The State-approved FPPC Ethics Training for Local Officials includes training on the Brown Act.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

3. **Legal Advice:** Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer partially agree with this finding. A majority of the duplication referenced is due to the nature of attorney-client legal advice given to individual clients. The Placer County Counsel has previously advised Fire Districts they are able to provide limited legal services and advice through a contract, should a fire district wish to enter into an inter-governmental agreement or contract for those services. In response to specific requests from special districts and Municipal Advisory Councils (MACs), County Counsel has recently begun to provide general training on the Brown Act. Additionally, County Counsel has advised they will be conducting an annual training session on the Brown Act, the California Public Records Act, and conflict of interest laws during the current fiscal year, and will advise the local special districts of the date, time and place of that training.

4. **Posting Agendas:** The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced "technical difficulties" and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

5. **Websites:** Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily have access to "webmasters" with technical expertise or time to create and maintain websites. Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

6. **Agendas/Websites/Consolidation:** The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ

consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to time-line obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is critical that they have access to technical support as may be supplied by County Administrative Services.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer partially agree with this finding. As previously mentioned, Special Fire Districts are separate legal entities, not County departments or agencies. However, similar to options identified in the response to F3 above with respect to the potential for contracted legal services to be provided by the County, the services identified in F6 can also be provided by the County Administrative Services Department, should a fire district wish to enter into an inter-governmental agreement or contract for those services.

7. **Ethics Training/County Executive Office Records:** When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer partially agree with this finding. Placer County Code Section 2.04.050 applies specifically to elected officials under the supervision and budget control of the Board of Supervisors, but not to the elected officials of separate legal entities within the County of Placer, as any legislative body of a public entity can only legislate as to matters within that body's jurisdiction. California State law specifically requires each public agency to be responsible for maintaining its own records of compliance in this area. The Board of Supervisors has no legal authority to require elected officials of a special fire district to file AB 1234 training records with the County Executive Office, or any other County department or agency.

8. **Fire Districts' Maintenance of Records:** With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

9. **Ethics Training Compliance:** The most commonly used online courses keep track of the time which the "local official/trainee" is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of

the subject matter. When reviewing a sample of elected Fire District board members' compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury's formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

10. Brown Act training as related to AB 1234: The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. On-line training is available at numerous web sites (see F2 above).

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

11. Confusion regarding "Ethics" Training: Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual regarding "cordiality in public meetings" and "use of credit cards" as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

12. Responsibility for Ethics Training/Records: Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

13. **Policies and Procedures:** There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

14. **Consolidation of administrative services:** The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.

Board of Supervisors and County Executive Officer Response: The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

Recommendations of the Grand Jury

1. (R3) **County Code Amendment:** To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.

Board of Supervisors and County Executive Officer Response: This Recommendation has not yet been implemented, but will be partially implemented in the near future. In order to further clarify the intent and purpose of Placer County Code section 2.04.050, County Counsel will prepare an Ordinance amendment requesting Board of Supervisors approval to revise the phrase "elected officials" to "County Elected Officials" or "Elected Officials in County service."

2. (R4) **Legal Advice:** In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.

Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.

Board of Supervisors and County Executive Officer Response: This Recommendation has not yet been implemented, but will be partially implemented in the near future. As noted

in the response to F3 above, at the specific request of special districts and Municipal Advisory Councils (MACs), the Placer County Counsel has recently begun to provide general training on the Brown Act. Additionally, County Counsel has advised they will be conducting an annual training session on the Brown Act, the California Public Records Act, and conflict of interest laws during the current fiscal year, and will advise the local special districts of the date, time and place of that training.

3. (R5) Website/Consolidation: Eliminate the "technical difficulties" identified in F4 and F5 (associated with some districts' websites) by each Special Fire Protection District entering into an arrangement for technical assistance with the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings.

Board of Supervisors and County Executive Officer Response: This Recommendation requires further analysis. As noted in the response to F6 above, special districts may obtain these services from the County Administrative Services Department, should they wish to enter into an inter-governmental agreement or contract for the services.

The Board of Supervisors and the County Executive Officer appreciate the work of the 2013-14 Placer County Grand Jury in their report regarding the Placer County Special Fire Districts.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
Gerald O. Carden, Placer County Counsel
Jerry Gamez, Director of Administrative Services



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

Re: 2013-14 Grand Jury Final Report – *Meals on Wheels*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Meals on Wheels: A Failure to Communicate*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Meals on Wheels review.

Findings of the Grand Jury

1. No documented policy or procedure exists that defines the relationship between the BOS and its appointed commission representative to ensure that the BOS receives complete and timely information.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. The County is in the process of clarifying the communication channels between the Board of Supervisors and its representatives for the future.

2. There was a Placer County BOS representative present at the A4AA meeting at which requests for financial assistance from the counties made.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. The representative was present at the meeting; however the Placer County Supervisor, who serves as an alternate, was unable to attend.

3. The BOS and the CEO's office stated they never received any requests for interim support loans from either A4AA staff or their appointed A4AA representatives; although, the A4AA minutes of October 11, 2013 clearly state that they are requesting financial assistance from each county until federal dollars are received. In addition, the minutes state A4AA staff is in active communication with county supervisors.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this finding. Although a representative was present at the meeting where the intent to request financial assistance was raised, a formal written request for financial assistance by A4AA was not received by the Placer County Board of Supervisors.

4. Due to the lack of an interim support loan, the Placer County seniors MOW service was changed from the delivery of a daily hot meal by SF to a once weekly delivery of five frozen meals by ACC. ACC purchases its frozen meals from Bateman. This change also had the unintended result that the daily personal contact and needs assessment of the seniors being serviced, as provided by the SF delivery staff, were not being accomplished.

Board of Supervisors Response: The Board of Supervisors is unable to respond to this finding. While we understand that A4AA conducted a RFP that resulted in a new delivery model, the Board of Supervisors is unable to comment on the decision making process for that action.

Recommendations of the Grand Jury

1. The Board of Supervisors should establish a documented understanding between itself and its appointees regarding the expected information flow to ensure that it receives complete, timely and accurate information from its appointees. This flow should be bi-directional and conducted on a routine schedule.

Board of Supervisors Response: This recommendation has not yet been implemented, but will be implemented in the future. The County is in the process of defining the roles of representatives to provide for more effective communication. The Supervisor serving as an alternate representative on the A4AA Governing Body, continues to attend as many meetings as his schedule permits, and is finalizing appointment of a new representative to the A4AA Governing Body.

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding Placer County Meals on Wheels.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
David Boesch, Placer County Executive Officer
Mary Dietrich, Director of Facility Services



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Alan V. Pineschi, Presiding Judge
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P.O. Box 619072
Roseville, CA 95661

Re: 2013-14 Grand Jury Final Report – *DeWitt Center Costco Lease*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *DeWitt Center Costco Lease and its Impact on Seniors*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Costco Lease review.

Findings of the Grand Jury

1. The Grand Jury found that the deed restriction for public use, originally recorded with the deed to the DeWitt Center, has been removed through a series of quitclaim deeds between the State and the County.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

2. The Grand Jury found that the Placer County budget contains a DeWitt Center Enterprise Fund made up of revenue from buildings and land leased on the DeWitt campus. Enterprise monies left over at the end of each year are moved to reserve funds for future use. There are two of the reserve funds that have reserve balances that could be cancelled and appropriated to other purposes. They are the Assigned Capital Assets fund (\$784,204) and the Assigned Contingencies fund (\$568,539). The Board of Supervisors and the County CEO have the authority to cancel the present use of those funds and designate them for other purposes. The reserve funds can be cancelled as reserves and used for other County purposes with approval of the County Auditor.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this finding. As of FY 2014-15 the DeWitt Development Enterprise Fund no longer exists. In its place, an Internal Services Fund, Placer County Government Center Campus, has been established. The reserves noted in the report have been shifted to the new fund for the purpose of capital projects on the campus. The County will take into consideration the Grand Jury's recommendations and continue to review current fiscal policies.

3. The Grand Jury found that the County has no mandated requirement to provide services to the seniors of Placer County. There are a variety of services for seniors provided by Health and Human Services (H&HS) Department of Placer County. There are a variety of non-profit

organizations providing services funded by public donations and by Federal Government funding through contracts provided through Area 4 Agency on Aging. These funds are provided to the State through the Older American Act. The State then distributes funds to the Area on Aging Agencies.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

4. The Grand Jury found no evidence of any long-term (five years or more) planning on the part of the County to identify the needs of the growing senior population, and the consolidation of resources to satisfy these needs.

Board of Supervisors Response: The Board of Supervisors disagrees with this finding. The Board of Supervisors established the Older Adult Advisory Committee in 2004, in order to provide older adults with a voice on county matters. This committee advises the Board of Supervisors, as well as Health and Human Services, on the creation and delivery of services for this demographic. The Board of Supervisors also recently approved \$100,000 to be put towards a feasibility study of a multi-generational facility.

5. The Grand Jury found that the staff of Placer County assisted the two senior organizations in an attempt to locate adequate and sustainable facilities. This help consisted of providing them with a real estate consultant, and the identification of possible replacement facilities. They also set up meetings with owners of potential locations. In addition county staff negotiated that the Costco Foundation make a grant of \$530,000 to the Senior Center to assist in their relocation to new facilities.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Recommendations of the Grand Jury

1. Placer County consider the use of monies from the Enterprise Fund to offset the cost of relocation for Seniors First as the fund source is monies derived from leases and rental space at the DeWitt Center. Because the proposed lease with Costco will generate significant income to the County over the next 50 years, this relocation support is warranted.

Board of Supervisors Response: This recommendation requires further analysis. As noted previously, the DeWitt Development Enterprise Fund no longer exists. The creation of these funds was intended for improvements that would benefit all of the tenants of the DeWitt Center campus. The County is working to assist Seniors First in its relocation efforts and will take into consideration the Grand Jury's recommendation.

2. Placer County move proactively to create a five year plan for the creation of an umbrella organization that will bring together all governmental and non-profit organizations providing supportive senior services under one entity to County seniors, both able and disabled; and that the County Director of H&HS coordinate this effort on behalf of the County.

Board of Supervisors Response: This recommendation has not yet been implemented, but will be implemented in the future. The Board of Supervisors agrees that it is important to move

forward to create a plan in order to address the needs of the increasing population of seniors. Placer County's Health and Human Services Department will participate in this effort along with key stakeholder organizations, including the Placer County Older Adult Advisory Commission and Area 4 Agency on Aging. The Board of Supervisors does not however believe that there needs to be the creation of a new, potentially duplicative, umbrella organization, and instead suggests that working closely with existing organizations and groups dedicated to serving seniors would be a more effective and sustainable strategy.

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding the DeWitt Center Costco Lease and its Impact on Seniors.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
David Boesch, Placer County Executive Officer
Mary Dietrich, Director of Facility Services



COUNTY OF PLACER

BOARD MEMBERS

JACK DURAN District 1	JIM HOLMES District 3
ROBERT M. WEYGANDT District 2	KIRK UHLER District 4
JENNIFER MONTGOMERY District 5	

OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

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

September 23, 2014

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

Re: 2013-14 Grand Jury Final Report – *Placer County Fairgrounds and All-American Speedway*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Fairgrounds and All-American Speedway: Progress Report*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Fairgrounds & Speedway review.

Findings of the Grand Jury

1. Two of the twelve After the Fact (ATF) permits have been issued.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this finding. Since March of 2014, a total of ten ATF issues have been addressed. Five ATF issues were addressed with the removal of structures, and another five issues were addressed through the Placer County Building Permit Final Inspections. The Placer County Fairgrounds Association (PCFA) indicated that the structures of the remaining two ATF issues are not being used at this time.

2. Three other ATF permits for the scoreboard, sound fence, and a small building foundation are being addressed by the PCFA. These require some deconstruction in order to obtain engineering approval. The PCFA maintains that these are being addressed as funds are available. The remaining non-permitted facilities will not be used until permitted.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. These three ATF permits have been addressed through the Placer County Building Permit Final Inspections, as indicated in the previous response.

3. On July 9, 2013 the BOS approved an agreement with RCH Group, Inc. for a Placer County Fairgrounds Assessment Report. The objective of this assessment is to evaluate the long-term economic viability of a flexible community resource, which fosters economic growth in surrounding communities and operates in a self-sustaining manner. This assessment is projected to be available in early 2014, and at this writing is not yet available.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. The initial draft of the Fairgrounds Assessment Report was presented to the Board on September 9, 2014.

4. The PCFA maintains that the cost of a financial audit is approximately \$8,000 to \$12,000. They have elected to conduct a financial review every three years at a cost of approximately \$3,000. In 2014, they plan to conduct this financial review covering the previous three years.

Board of Supervisors Response: The Placer County Fairgrounds Association is an independent entity from the County, and as such the Board of Supervisors cannot agree or disagree with this finding.

Recommendations of the Grand Jury

1. The BOS promptly review the Placer County Fairgrounds Assessment Report by RCH Group, Inc. and develop a plan that encompasses the use of the Fairgrounds, how it is managed, and its impact on the surrounding community.

Board of Supervisors Response: This recommendation has already been implemented. As indicated previously, RCH made a presentation to the Board of Supervisors on September 9, 2014 regarding the Placer County Fairgrounds Assessment. Comments were received by RCH from the Board of Supervisors, as well as the public, and will be incorporated into a final report to be presented to the Board by November 1, 2014. This report will make final recommendations and address the issues raised at the September 9th Board meeting.

2. The BOS examine the 2014 financial review of the PCFA and verify whether or not funds are available to comply with the County's requirements.

Board of Supervisors Response: This recommendation has already been implemented. To the Board of Supervisors knowledge, PCFA has not yet prepared a financial review for 2014. As part of the Fairgrounds Assessment, RCH examined the financial status of PCFA and found their financial condition to be unstable. With the completion of the final Fairgrounds Assessment report, the Board will explore and examine future considerations.

3. The 2014-15 Grand Jury continue to monitor BOS compliance.

Board of Supervisors Response: This recommendation has not yet been implemented. The Board of Supervisors will work with the 2014-15 Grand Jury to allow it to monitor progress.

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding the Placer County Fairgrounds and All-American Speedway.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
David Boesch, Placer County Executive Officer
Mary Dietrich, Director of Facility Services



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September 23, 2014

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

Re: 2013-14 Grand Jury Final Report – *Animal Services Facility*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Animal Services Facility: In a Perfect World*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Animal Services Facility review.

Findings of the Grand Jury

1. The "Needs Assessment" report prepared by George Miers & Associates based its recommendations on trends which have transpired within the domestic animal care industry over the past decade, instead of basing recommendations on the needs of Placer County and the deficiencies of the existing animal shelter.

Board of Supervisors Response: The Board of Supervisors disagrees with this finding. The "Needs Assessment" that was prepared by George Miers & Associates, was an assessment of the needs of Placer County, projecting out human and domestic animal populations over the next 25 years. In 2012, the County completed another assessment by UC Davis Korett Shelter Medicine, updating human and domestic animal populations with more current information.

2. The Grand Jury found that the existing animal shelter has met many of the goals defined in the "Needs Assessment" report.
 - o The current facility is not overcrowded. At the time of inspection less than 50% of the holding pens were in use.
 - o Animals are never euthanized due to length of stay, only for disease or temperament that makes them unadoptable.
 - o The current facility has a veterinary building for neutering and other surgeries.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. The current facility is not overcrowded, due to the reliance on outside non-profits assisting Placer County with animal placement. This reliance is also responsible for the County only euthanizing animals for behavioral issues. The current facility does not have adequate capacity in the event of a natural disaster or emergency such as a fire, and contributes to the spread of communicable diseases among the animals. The veterinary building that is located at the current facility is merely a refurbished trailer that is in serious disrepair.

3. The Grand Jury found that the existing animal shelter is deficient in:
- o Adequate staff support areas
 - o A lobby of sufficient size to accommodate the adoption of animals and the surrender of unwanted animals.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

4. The Grand Jury found that the existing facility is in compliance with California SB 1785. The facility is clean and the use of volunteers allowed the facility to be run with minimal staff.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

5. The Grand jury found no evidence that a “cost to fix” estimate or a “fix versus replace” analysis were conducted by the county staff.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. However, various assessments have been conducted over the years by outside consultants, conveying the need for a new facility. The current facility is deficient in size, and does not meet the needs and responsibilities of Placer County over the next 25 years, which are required by the State of California. The new facility will provide more space for adoptions as well as staff, and will enhance the health and humane treatment of animals.

6. The Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999 (the “June 1999 Report”) investigated, among other things, the existing animal shelter and made recommendations for improvements and repairs that were needed. The Grand Jury was informed that certain recommendations of the June 1999 Report have been implemented. However, the Grand Jury was unable to learn which specific recommendations were implemented. In addition, the June 1999 Report has not been updated to document the recommendations that were implemented, the improvements that may have been made, or new problems or deficiencies that may have surfaced subsequent to the June 1999 report. Neither the January 6, 2014 memorandum received from Peggy Zarriello nor the January 7, 2014 memorandum from Mike Winters were, in the opinion of the Grand Jury, an update to the June 1999 Report.

Board of Supervisors Response: The Board of Supervisors partially disagrees with this finding. Various repairs and improvements of the existing facility have been completed, as identified in the Humane Society report, including the conversion of the night drop area to shelter space, addition of a modular building for the Animal Control Officers and Dispatch, a vehicle wash-down area, a new cat room and food prep area, a new laundry and euthanasia room, as well as installation of a refurbished trailer and a 6 stall barn. The memorandums referenced were not meant to be an update to the 1999 report, but merely documentation of deficiencies expressed by the public in regards to noise, odors and pests.

Recommendations of the Grand Jury

1. The Board of Supervisors direct staff to conduct a “fix versus replace” cost analysis for the existing animal shelter.

Board of Supervisors Response: This recommendation will not be implemented because they are not warranted or are not reasonable. The current facility is in need of serious repairs, many of which are not cost effective. The size and housing constraints of the existing facility are also of concern, as they do not address the needs of Placer County over the next 25 years, as mandated by the State of California. The Board of Supervisors approved the construction of the new animal shelter on August 26, 2014.

2. The Placer County Board of Supervisors ensures that, if a new shelter is warranted, that the design be focused on the needs of Placer County.

Board of Supervisors Response: This recommendation will not be implemented because they are not warranted or are not reasonable. The Shelter Capacity and Housing Recommendations report prepared by UC Davis Koret Shelter Medicine Program assessed the needs of Placer County now, and for the next 25 years. The new facility was designed based on this assessment, and in collaboration with the Humane Society and various local non-profits. The construction of the new facility, which was approved by the Board of Supervisors on August 26, 2014, realizes numerous efficiencies, and is being constructed based on current, as well as anticipated future County needs.

3. The June 1999 Report be updated to document the recommendations that were implemented, the improvements that may have been made, and new problems or deficiencies that may have surfaced subsequent to the June 1999 Report.

Board of Supervisors Response: This recommendation will not be implemented because they are not warranted or are not reasonable. The 1999 Report documented the fact that the existing facility has outlived its life expectancy, and highlighted the, “insufficient size and poor condition of the existing sheltering facilities.” It goes on to state that, “spending resources on renovations to the current Auburn structure in an effort to mitigate the above concerns would not address the serious deficiencies found.” The report concluded the need of a new facility and recommended that the County “relocate and construct within the Placer County governmental complex.”

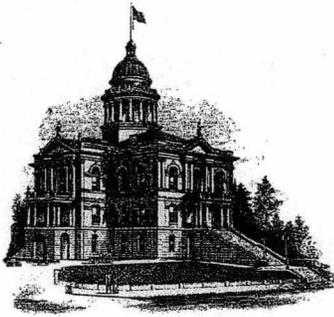
The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding the Animal Services Facility.

Sincerely,

Jack Duran, District 1
Chairman, Placer County Board of Supervisor

Sharon Stanners, Foreperson
2013-14 Grand Jury Final Report – Animal Services Facility
September 23, 2014
Page 4

cc: Sharon Stanners, Foreperson of Placer County Grand Jury
David Boesch, Placer County Executive Officer
Mary Dietrich, Director of Facility Services



PLACER COUNTY COUNSEL

GERALD O. CARDEN, COUNTY COUNSEL

VALERIE D. FLOOD, CHIEF DEPUTY

175 Fulweiler Avenue
Auburn, California 95603
Telephone: 530-889-4044
Facsimile: 530-889-4069
www.placer.ca.gov

September 23, 2014

The Honorable Alan Pineschi
Presiding Judge
Placer County Superior Court
10820 Justice Center Drive
Roseville, CA 95661

Re: County Counsel's Response to the 2013-14 Grand Jury Report
Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance

Dear Judge Pineschi:

I appreciate the opportunity to respond to the above-identified Grand Jury report ("Report"). This office will work closely with the County Executive Offices to address the Grand Jury's recommendations. My office is currently working with the County Executive Officer to present amendments suggested by the Grand Jury for the County Code to the Board of Supervisors for consideration and adoption. With respect to the specific findings and recommendations in the Report, I wish to respond as follows:

Findings

F3. Legal Advice - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.

I partially agree with this finding. Unfortunately, much of the duplication referred to is the result of the attorney-client nature of legal advice to an independent special district, or any other client. In addition, this office has advised fire districts in the past that if they

would like our office to provide legal services to the District, we would require a written contract that details both the costs and the scope of services we can provide. While our office does provide some level of general subject matter to our clients, the training has been in smaller groups and with a mix of training and legal advice. We have begun to provide general training on the Brown Act in response to specific requests from a few special districts and for some of our Municipal Advisory Councils. We are planning to offer an annual training session on the Brown Act, the California Public Records Act and conflict of interest laws during the current fiscal year, and we can advise the local fire districts, as well as other local special districts of the date, time and place of that training.

F7. Ethics Training/ County Executive Office Records - When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.

I partially agree with this finding. While a member of the public could be confused about the applicability of the term "elected officials," in the context of Placer County Code section 2.04.050, only elected officials under the supervision and budget control of the Board of Supervisors are bound by that provision. The legislative body of a public entity can legislate only as to matters within that body's jurisdiction. State law in this area requires that each public agency is responsible for monitoring and maintaining its own records of compliance. The County Board of Supervisors has no authority to compel members of independent special districts to file AB 1234 training records with the County Executive Office. We will clarify the scope and intent of the County ordinance as recommended below.

Recommendations

R3. County Code Amendment - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R 2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.

The recommendation will be implemented in the near future. In order to further clarify the intent and purpose of Placer County Code section 2.04.050, an ordinance amendment will be brought to the Board of Supervisors to revise the phrase "elected officials" to "county Elected Officials" or "Elected Officials in county service."

R4. Legal Advice - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts. Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these Recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.

This recommendation will be partially implemented. (1) As noted above, our office is planning on conducting general training on the Brown Act, the California Public Records Act and conflict of interest laws open to all county Boards, Commissions and Committees. We will invite members of fire districts and other independent special districts to attend. However, fire districts already have available to them such training through their state fire association and related Joint Power Authorities (JPAs). The Fire District Association of California (FDAC), in conjunction with the Fire Agencies Insurance Risk Authority (FAIRA) and the Fire Agencies Self Insurance System (FASIS) exist and are designed to provide such support to independent fire agencies. The FDAC, FAIRA and FASIS websites indicate that they provide training, certification and written materials in many areas including the Brown Act. One purpose of these associations and JPAs are to provide cost-effective education, training and other support to their members, recognizing that their members often lack the financial ability to provide these services in-house.

(2) An excellent Brown Act FAQ has been created by the California Attorney General and is available at no charge on the A.G.'s website. This office could work with the Placer County website manager to make this and related links available on the County's Fire and Transparency web pages.

(3) The most difficult issue with responding to telephone inquiries from special districts is that attorneys in the County Counsel's Office are subject to the same California State Bar rules of conduct as all attorneys practicing law in California. Accordingly, if any attorney in this office provides legal advice to anyone, an attorney-client relationship has been created as to the subject matter of that particular issue. The attorney-client relationship would necessarily be created before or during the phone conferences. While County Counsel's Office could participate in a dialog with each of the fire districts along the lines suggested in the report, such a relationship necessarily raises a number of considerations which go beyond the scope of this report. Primarily, with the creation of an attorney-

client relationship comes the potential of conflicts occurring between this office and the other fire districts, or more importantly between the fire districts and our primary client - the County. The law has granted to County Counsel Offices great latitude in representing its statutory clients in the face of potential and actual conflicts. In its discussion of Government Code section 27645, the report acknowledges the circumstances under which County Counsel may provide statutory representation of fire districts. If the Placer County Counsel's Office provides legal services outside of the statutory scheme, this increases the potential for conflicts which are not easily reconcilable.

(4) The primary tool that the County Counsel's Office has in dealing with potential conflicts between statutory clients is the number of attorneys in the office. Potential conflicts have to be assigned to different attorneys. The Placer County Counsel's Office is a small to mid-sized law office with limited attorney resources. This complicates the potential conflict issue discussed above. It also complicates the overall attorney staffing issue. The staffing issue exists regardless of whether legal services are provided by this office to fire districts at little or no charge, or are provided with the fire districts paying a standard rate. This office would need to employ an adequate number of attorneys to be available to meet the legal demands of its clients and the increased demands of the fire districts. This office does not have sufficient attorney resources to adequately handle the additional demand for legal services. If funding to hire an additional attorney assigned to the fire districts became available, the funding would need to be stable enough to keep the attorney on staff when the fire districts are not actively utilizing the attorney. As with the previous recommendation, this office could explore this possibility with the fire districts, but there are a number of considerations that would need to be addressed.

Again, I appreciate the opportunity to respond to this report. Should you or any member of the Grand Jury have questions regarding the above responses, please do not hesitate to contact me.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By: _____
Gerald O. Carden
Placer County Counsel

cc: Foreperson, Placer County Grand Jury
Placer County Board of Supervisors, c/o Clerk of the Board

