

# EL DORADO COUNTY 2017-2018 GRAND JURY

## *CARRYING THE WORK OF THE GRAND JURY FORWARD*

Case 17-10 • June 30, 2018

### **SUMMARY**

The El Dorado County Grand Jury investigates county government during its one-year term. It also investigates city governments, agencies and districts within the county. Reports are published with findings of fact and recommendations to improve government services. Subject agencies are required by law to respond to those findings and recommendations when requested.

The current Grand Jury reviewed responses to reports from the 2016-17 and 2015-16 Grand Juries. This review is intended to ensure that the work of prior Grand Juries is not disregarded or ignored. In most cases responses were timely and complied with provisions of the California Penal Code. Further, most follow-up actions specified in responses had either been accomplished or were in the process of being done. Exceptions are noted in this report.

The Grand Jury commends those local agencies and districts that provided timely and compliant responses to the reports of the prior Grand Juries, as well as their evident commitment to implementing recommendations for improving programs and services.

### **BACKGROUND**

The Grand Jury investigates local government operations and reports the results. State law requires that reports contain findings of fact which may include issues, inefficiencies and problems identified along with recommended ways to address those issues. Grand jury reports may be published and released at any time during the grand jury term. The time involved in conducting investigations, evaluating information gathered and writing reports dictates that they are most frequently published near the end of the grand jury term.

Responses to reports are typically received after a grand jury has completed its term, when jurors have been discharged and a subsequent jury is in place. The grand jury that issues a report cannot always review its responses nor even determine if the required responses have been made. A succeeding grand jury may choose to conduct an independent review to assess those responses, ensuring that required and appropriate actions have been taken.

### **METHODOLOGY**

- Reviewed the California Penal Code sections relevant to report responses, findings and recommendations.
- Reviewed the 2016-17 and 2015-16 El Dorado County Grand Juries' reports and responses.
- Communicated with several responding agencies after reviewing their replies.
- Interviewed County officials.
- Reviewed responding agencies meeting agendas and minutes.

## **DISCUSSION**

Responses to reports published by the 2016-17 and 2015-16 Grand Juries were reviewed to determine:

- Did they comply with provisions of the California Penal Code?

The Code requires that subject agencies or individuals respond to each finding when requested, and must agree, disagree or partially disagree with each. Reasons for disagreement must be stated.

The Code also requires a response to each recommendation when requested and must specify one of several actions. If the recommendation has been implemented, a summary of the implementation must be given. If the recommendation will be implemented in the future, a time frame must be specified for completion. Should an agency respond that further study is required to accomplish a recommendation, the study must be completed within six months. When a response claims the recommendation is not warranted or is not reasonable, an explanation must be provided.

- Have the actions promised in a response been completed?

## **2016-2017 REPORTS AND RESPONSES**

Most of the 2016-17 responses reviewed were found to be satisfactory, though a few were not.

### **Georgetown Divide Public Utility District Case No. 2016-17-007**

The Georgetown Divide Public Utility District (GDPUD) response did not comply with the Penal Code in two respects:

- Responses to several Findings in the Grand Jury's report were not in compliance with Penal Code Section § 933.05(a). If respondent does not totally agree with a finding the response must be *disagrees* either wholly or partially with an explanation.
- Responses to recommendations did not include time frames for implementation required by California Penal Code §933.05(b)(2). When additional analysis is required, Penal Code §933.05(b)(3) requires that it be done within six months.

This Grand Jury requested that GDPUD resubmit a response that would fully comply with the Penal Code. GDPUD subsequently submitted an amended response that satisfied the Penal Code requirements. The original response from GDPUD, the Grand Jury's request to GDPUD and its amended response are attached to this report.

## **Cameron Park Airport District Case No. 2016-011**

The Cameron Park Airport District (CPAD) Board of Directors and the Airport Manager failed to submit responses. The Grand Jury wrote to CPAD (copy attached) about its failure and requesting an immediate response.

The Grand Jury received an email (copy attached) from the Airport Manager indicating CPAD was unaware of the time limits for responses, and that responses would be completed and delivered to the Superior Court, which oversees the Grand Jury.

Responses from the Airport Manager and the CPAD Board were received (copies attached), however, the Grand Jury determined that they did not comply with the Penal Code in two respects:

- Responses to certain Findings and Recommendations were combined. Also, responses did not contain specific wording set forth in the Penal Code.
- Some responses did not include required time frames.

A second letter was sent to CPAD requesting a fully compliant response. The Grand Jury has not received an amended response.

## **2015-2016 REPORTS AND RESPONSES**

This Grand Jury was able to determine that responding agencies had, for the most part, accomplished their pledged actions, with several exceptions.

### **El Dorado County Compliance with Americans with Disabilities (ADA) Act Case No. 15-07**

El Dorado County Findings and Recommendations response to the 2015-16 Grand Jury report about County ADA compliance was found to conform to the Penal Code.

The Grand Jury reviewed a number of actions promised in the response by the County, requesting and receiving confirmation that the actions had been accomplished.

### **El Dorado Hills Community Services District (EDHCSD) Landscape and Lighting Assessment Districts (LLAD) Case No. 15-03**

The preceding Grand Jury found an initial response from EDHCSD was inadequate and requested an amended response. The amended response arrived after the preceding jury was disbanded and was reviewed by the current Grand Jury.

Although the amended response to Findings and Recommendations complied with the Penal Code, a number of actions promised were reviewed. All had been accomplished except the formation of a citizens' LLAD advisory group. EDHCSD reported that a community participant, who had volunteered to lead the effort to form an advisory group, had withdrawn. They have initiated efforts to form a citizens' advisory group with a public meeting on the matter held on February 27, 2018.

## **Mosquito Fire Protection District Dysfunction Case No. 15-01**

The Mosquito Fire Protection District (MFPD) responded during the 2015-16 Grand Jury term. The current Grand Jury verified that the response complied with the Penal Code and confirmed that the actions detailed had been taken to the satisfaction of this Grand Jury.

### **FINDINGS**

- F1. Most agencies responded properly and met their timelines.
- F2. A few agencies either did not understand or did not adhere to the Penal Code requirements for responding to Grand Jury reports.
- F3. The CPAD response for report 2017-011 was not timely nor was it fully compliant with the Penal Code.
- F4. CPAD has not submitted an amended response to the Grand Jury for report 2017-011.

### **RECOMMENDATIONS**

- R1. CPAD should amend its response to the 2016-17 Grand Jury report to comply with Penal Code requirements.
- R2. Grand juries should make available resources for agencies to use in creating proper responses, such as templates or detailed instructions.

### **ATTACHMENTS**

- A. GDPUD original response
- B. GJ letter to GDPUD requesting amended response
- C. GDPUD amended response
- D. GJ letter to CPAD requesting response after no response received within time requirement
- E. CPAD email response to GJ letter
- F. CPAD original response
- G. GJ letter to CPAD requesting amended response

## **REQUEST FOR RESPONSES**

This Grand Jury report is an account of an investigation or review. It contains findings and recommendations, and names those who should respond to each finding and each recommendation pertaining to matters under the respondent's control.

Responses are requested in accordance with California Penal Code §933 and §933.05.

- Response to Findings F3 and F4 and Recommendation R1 from Cameron Park Airport District Manager.
- Response to Findings F3 and F4 and Recommendation R1 From Cameron Park Airport District Board of Directors.

The written response of each named respondent will be reprinted in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. You are advised to review the Penal Code sections and carefully read the pertinent provisions included below before preparing your official response. Each respondent must use the formats below for each separate finding and recommendation identified above.

Please pay 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**

Finding F# *[Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.]*

Response: *[Review California Penal Code section 933.05 (a) (1) and (2). Respondents must specify one of three options – a) Respondent agrees with finding, b) Respondent disagrees wholly with finding or c) Respondent disagrees partially with finding. If respondent uses option b or c then the response shall specify the portion or the finding that is disputed and shall include an explanation.]*

#### **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 maintain it. 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**

Response R# *[Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.]*

Response: *[Review California Penal Code section 933.05 (b) (1) - (4). Respondents must specify one of four options – a) recommendation has been implemented, b) recommendation has not been implemented but will be implementing noting a timeframe, or c) recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued or d) recommendation will not be implemented because it is not warranted of reasonable, with an explanation.]*

## **Response Times**

The California Penal Code specifies 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.

### ***ELECTIVE OFFICERS OR AGENCY HEADS***

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

## **Failure to Respond**

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

## **Where to Respond**

All responses must be addressed to the 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

Response via Email to [courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org) is preferred.

The Court requests that you respond electronically with a Word or PDF document file to facilitate economical and timely distribution.

## **California Penal Code Section 933**

### **933.**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

## **California Penal Code Section 933.05**

### **933.05**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

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

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

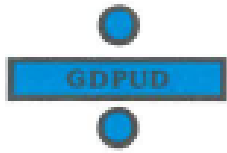
(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



# EL DORADO COUNTY GRAND JURY 2017-2018

## *ATTACHMENTS*

ATTACHMENT A



GEORGETOWN DIVIDE  
Public Utility District  
P.O. BOX 4240  
GEORGETOWN, CALIFORNIA 95634-4240  
PHONE (530) 333-4356  
FAX (530) 333-9442  
gd-pud.org

June 14, 2017

El Dorado County Grand Jury  
PO Box 472  
Placerville, California 95667

**RE: 2016-2017 El Dorado County Grand Jury Case No. GJ 2016-17-007**

Dear El Dorado County Grand Jury,

On May 17, 2017, the El Dorado County Grand Jury ("Grand Jury") released a report summarizing its review of actions by the Georgetown Divide Public Utility District ("GDPUD" or the "District") over the last six years. The report titled "Positive Changes and Continuing Challenges" listed eight (8) findings and provided five (5) recommendations on how GDPUD can conquer the challenges of aging infrastructure, inadequate revenues, over-worked staff, and a lack of leadership.

As required by California Penal Code Section 933, the GDPUD Board of Directors ("Board") hereby submits its response to the findings and recommendations of the Grand Jury Report.

Below are the eight (8) findings from the Grand Jury Report, along with the Board response to each in italics:

F1. The District water rates are insufficient to support current operations and infrastructure and maintenance.

*The Board agrees with this finding.*

F2. Total revenues are not adequate to support operations and fund needed capital improvement reserves.

*The Board agrees with this finding.*

F3. The District loses significant revenue due to outdated water meters.

*The Board agrees that revenue is lost due to outdated water meters.*

F4. The District also loses water and revenue due to leaks in the aging infrastructure.

*The Board agrees with this finding.*

F5. Employee compensation is too low for an agency this size, making recruitment and retention difficult.

*The Board lacks sufficient information to form an opinion on this finding.*

F6. The current staffing levels are insufficient, which impairs the District's ability to operate efficiently.

## ATTACHMENT A

*The Board agrees with this finding.*

F7. The District cannot depend on new hookups and ratepayers to supplement revenues as population growth has slowed on the Divide, necessitating the need for the District to look internally for revenue.

*The Board agrees that the District needs to thoroughly evaluate revenue sources, including those other than connection fees and rates. However, the rates are the primary mechanism by which the District funds operations and capital improvements.*

F8. The Jury found no evidence that either the District Board or staff is “preparing the ground” with their customers for what may be steep increases in their bills.

*The Board agrees that at the time the Grand Jury investigation was performed, minimal work had been done on a new rate study. Since that time, the District has accomplished the following related to a new rate study:*

- *Retained Rural Community Assistance Corporation (“RCAC”) to perform a rate study.*
- *Held two public meetings of the District Finance Committee meeting to review the methodology and policy questions for the rate study.*
- *Held one public Board meeting to review the methodology and policy questions for the rate study.*
- *Additional public meetings will be held to educate the public before any Proposition 218 hearing.*

The five (5) recommendations from the Grand Jury Report are listed below with the Board responses in italics.

R1. Once the water rate study is submitted to the Board, the District must initiate a voter-approved rate increase process as soon as possible.

*The Board is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Additional public meetings will be held to educate the public before any Proposition 218 hearing.*

R2. Along with replacing the aging water meters, the District must upgrade their aging infrastructure and prioritize maintenance and capital improvement projects.

*The Board is implementing this recommendation. The District has received construction bids to replace all water meters and upgrade from paper meter reading to electronic meter reading, however the District does not have sufficient reserves or revenue to be able to borrow funds to complete this project. Rates must be increased to fund or finance any infrastructure improvements.*

R3. The District must offer competitive salaries to attract qualified professional staff.

*This recommendation requires further analysis. The Board does not have enough information at this time to make a determination of the appropriateness of current salaries. The District has limited reserves and revenue to fund personnel costs. To ensure sustainability of the District, rates must be increased to fund any additional personnel costs, including costs associated with a determination of competitive salaries.*

## ATTACHMENT A

R4. The District must review staffing levels and fill key positions with permanent staff to ensure continuity of operations.

*The Board agrees with this recommendation. However, the District has limited reserves and revenue to fund additional staff beyond the current level of staffing. To ensure sustainability of the District, rates must be increased to fund any additional personnel costs.*

R5. The District must undertake a public information program to inform its customers of impending changes in their water rates and consumption recording.

*The Board is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Additional public meetings will be held to educate the public before any Proposition 218 hearing.*

The current Board has made long term sustainability a key goal for the District. The Board appreciates the findings and recommendations of the Grand Jury, and makes it a priority of the Board to address the findings and incorporate the recommendations into the current Board's goals.

Sincerely,

Londres Uso  
President

# EL DORADO COUNTY GRAND JURY 2017-2018

*BLANK PAGE*

ATTACHMENT A



GEORGETOWN DIVIDE  
Public Utility District  
P.O. BOX 4240  
GEORGETOWN, CALIFORNIA 95634-4240  
PHONE (530) 333-4355  
FAX (530) 333-2442  
gd-pud.org

June 14, 2017

El Dorado County Grand Jury  
PO Box 472  
Placerville, California 95667

**RE: 2016-2017 El Dorado County Grand Jury Case No. GJ 2016-17-007**

Dear El Dorado County Grand Jury,

On May 17, 2017, the El Dorado County Grand Jury ("Grand Jury") released a report summarizing its review of actions by the Georgetown Divide Public Utility District ("District") over the last six years. The report titled "Positive Changes and Continuing Challenges" listed eight (8) findings and provided five (5) recommendations on how the District can conquer the challenges of aging infrastructure, inadequate revenues, over-worked staff, and a lack of leadership.

As required by California Penal Code Section 933, as the General Manager of the District, I hereby submit my response to the findings and recommendations of the Grand Jury Report.

Below are the eight (8) findings from the Grand Jury Report, along with my response to each in italics:

F1. The District water rates are insufficient to support current operations and infrastructure and maintenance.

*I agree with this finding.*

F2. Total revenues are not adequate to support operations and fund needed capital improvement reserves.

*I agree with this finding.*

F3. The District loses significant revenue due to outdated water meters.

*I agree that revenue is lost due to outdated water meters.*

F4. The District also loses water and revenue due to leaks in the aging infrastructure.

*I agree with this finding.*

F5. Employee compensation is too low for an agency this size, making recruitment and retention difficult.

*The District has not reviewed or evaluated sufficient information to form an opinion on this finding.*

F6. The current staffing levels are insufficient, which impairs the District's ability to operate efficiently.

*I agree with this finding.*

## ATTACHMENT A

F7. The District cannot depend on new hookups and ratepayers to supplement revenues as population growth has slowed on the Divide, necessitating the need for the District to look internally for revenue.

*I agree that the District needs to thoroughly evaluate revenue sources, including those other than connection fees and rates. However, the rates are the primary mechanism by which the District funds operations and capital improvements.*

F8. The Jury found no evidence that either the District Board or staff is “preparing the ground” with their customers for what may be steep increases in their bills.

*I agree that at the time the Grand Jury investigation was performed, minimal work had been done on a new rate study. Since that time, the District has accomplished the following related to a new rate study:*

- *Retained Rural Community Assistance Corporation (“RCAC”) to perform a rate study.*
- *Held two public meetings of the District Finance Committee meeting to review the methodology and policy questions for the rate study.*
- *Held one public Board meeting to review the methodology and policy questions for the rate study.*

The five (5) recommendations from the Grand Jury Report are listed below with my responses in italics.

R1. Once the water rate study is submitted to the Board, the District must initiate a voter-approved rate increase process as soon as possible.

*The District is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Additional public meetings will be held to educate the public before any Proposition 218 hearing.*

R2. Along with replacing the aging water meters, the District must upgrade their aging infrastructure and prioritize maintenance and capital improvement projects.

*The District is implementing this recommendation. The District has received construction bids to replace all water meters and upgrade from paper meter reading to electronic meter reading, however the District does not have sufficient reserves or revenue to be able to borrow funds to complete this project. Rates must be increased to fund or finance any infrastructure improvements.*

R3. The District must offer competitive salaries to attract qualified professional staff.

*This recommendation requires further analysis. The District does not have enough information at this time to make a determination of the appropriateness of current salaries. The District has limited reserves and revenue to fund personnel costs. To ensure sustainability of the District, rates must be increased to fund any additional personnel costs, including costs associated with a determination of competitive salaries.*

R4. The District must review staffing levels and fill key positions with permanent staff to ensure continuity of operations.

## ATTACHMENT A

*I agree with this recommendation. However, the District has limited reserves and revenue to fund additional staff beyond the current level of staffing. To ensure sustainability of the District, rates must be increased to fund any additional personnel costs.*

R5. The District must undertake a public information program to inform its customers of impending changes in their water rates and consumption recording.  
*The District is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Additional public meetings will be held to educate the public before any Proposition 218 hearing.*

Long term sustainability is a key goal for the District. I appreciate the findings and recommendations of the Grand Jury, and it is a priority of the District to address the findings and incorporate the recommendations into the District's goals.

Sincerely,



Steven Palmer, PE  
General Manager



# EL DORADO COUNTY GRAND JURY 2017-2018

*BLANK PAGE*

## ATTACHMENT B

STATE OF CALIFORNIA

### **GRAND JURY El Dorado County**

P.O. Box 472  
Placerville, California 95667  
(530) 621-7477 Fax: (530) 295-0763  
[Grand.jury@edcgov.us](mailto:Grand.jury@edcgov.us)

**2017-2018**



September 14, 2017

Steven Palmer P.E, General Manager  
Londres Uso, President, Board of Directors  
Georgetown Divide Public Utility District  
P.O. Box 4240  
Georgetown, CA 95634

RE: 2016-2017 Grand Jury Case no. GJ 2016-17-007 Responses

Gentlemen:

We received your responses to the Grand Jury report GJ-2016-17-007. The responses are not in compliance with California Penal Code Section 933.05 et seq. Specifically:

- 1) Your responses to findings F3, F5, F7, and F8 are not in compliance with Penal Code Section 933.05 § (a) in that they qualify the responses. If the respondents do not totally agree with the finding the responding agency or individual should respond with disagrees wholly or partially, and provide an explanation.
- 2) Your responses to our report's recommendations do not include timeframes. California Penal Code § 933.05(b)(2) requires that you provide a timeframe for implementation. California Penal Code § 933.05(b)(3) necessitates your inclusion of you analysis to be prepared, not to exceed six months.

Attached is an excerpt of the Code section for your reference with the specific sections highlighted with emphasis added as underlined.

Please provide your response within 60 days for the individual and 90 days for the governing board to:

Honorable Suzanne N. Kingsbury  
El Dorado County Superior Court  
1354 Johnson Blvd  
South Lake Tahoe, CA 96150

Regards,

Tom Simpson, Foreman  
El Dorado County 2017-2018 Grand Jury

cc: Judge. Kingsbury  
Attachment (1)

## ATTACHMENT B

Attachment:

**933.05.**

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(1) The respondent agrees with the finding.*

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

*(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:*

*(1) The recommendation has been implemented, with a summary regarding the implemented action.*

*(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*

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

*(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

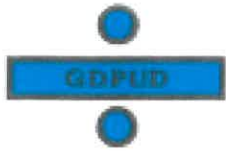
*(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.*

*(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.*

*(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.*

*(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. (CAL PENAL CODE § 933.05 et seq)*

ATTACHMENT C



GEORGETOWN DIVIDE  
**Public Utility District**  
P.O. BOX 4240  
GEORGETOWN, CALIFORNIA 95634-4240  
PHONE (530) 333-4355  
FAX (530) 333-9442  
gd.pud.org

October 3, 2017

El Dorado County Grand Jury  
PO Box 472  
Placerville, California 95667

**RE: 2016-2017 El Dorado County Grand Jury Case No. GJ 2016-17-007**

Dear El Dorado County Grand Jury,

On May 17, 2017, the El Dorado County Grand Jury ("Grand Jury") released a report summarizing its review of actions by the Georgetown Divide Public Utility District ("GDPUD" or the "District") over the last six years. The report titled "Positive Changes and Continuing Challenges" listed eight (8) findings and provided five (5) recommendations on how GDPUD can conquer the challenges of aging infrastructure, inadequate revenues, over-worked staff, and a lack of leadership.

As required by California Penal Code Section 933, the GDPUD Board of Directors ("Board") submitted its response to the findings and recommendations of the Grand Jury Report in a letter dated June 14, 2017. The District recently received a letter dated September 14, 2017 from the Grand Jury, stating that the District's response was not in compliance with California Penal Code Section 933.05 et seq. The District is submitting this revised letter to more clearly demonstrate compliance with California Penal Code Section 933.05 et seq.

Below are the eight (8) findings from the Grand Jury Report, along with the Board's revised responses to each in italics:

F1. The District water rates are insufficient to support current operations and infrastructure and maintenance.

*The Board agrees with this finding.*

F2. Total revenues are not adequate to support operations and fund needed capital improvement reserves.

*The Board agrees with this finding.*

F3. The District loses significant revenue due to outdated water meters.

*The Board partially disagrees with this finding that "significant" revenue is lost due to outdated water meters. The Board agrees that revenue is lost due to outdated water meters. The exact amount of revenue lost is difficult to estimate. A July 2014 report prepared by MC Engineering, Inc. estimated that the lost revenue associated with residential meters is about \$31,500 and will increase by 0.25% per year. This is 1.7% of the District's estimated Fiscal Year 2017/2018 annual revenue from water sales of \$1,839,000. However, the value of this study is limited as it relied on data from available*

## ATTACHMENT C

*literature and the age of the residential water meters. The study did not test any residential meters.*

F4. The District also loses water and revenue due to leaks in the aging infrastructure.  
*The Board agrees with this finding.*

F5. Employee compensation is too low for an agency this size, making recruitment and retention difficult.  
*The Board partially disagrees with this finding. A salary and compensation survey has not been completed recently. The District has recently had success recruiting and retaining employees, though it has struggled with recruitment and retention in the past.*

F6. The current staffing levels are insufficient, which impairs the District's ability to operate efficiently.

*The Board agrees with this finding.*

F7. The District cannot depend on new hookups and ratepayers to supplement revenues as population growth has slowed on the Divide, necessitating the need for the District to look internally for revenue.

*The Board partially disagrees with this finding. The Board acknowledges that the District needs to thoroughly evaluate revenue sources, including those other than connection fees and rates. However, the rates are the primary mechanism by which the District funds operations and capital improvements.*

F8. The Jury found no evidence that either the District Board or staff is "preparing the ground" with their customers for what may be steep increases in their bills.

*The Board partially disagrees with this finding that the District Board or staff is not "preparing the ground" for potential rate increases. The Board acknowledges that at the time the Grand Jury investigation was performed, minimal work had been done on a new rate study. Since that time, the District has accomplished the following related to a new rate study:*

- *Retained Rural Community Assistance Corporation ("RCAC") to perform a rate study.*
- *Held two public meetings of the District Finance Committee meeting to review the methodology and policy questions for the rate study.*
- *Held one public Board meeting to review the methodology and policy questions for the rate study*
- *The General Manager and one Board member attended and made presentations regarding the water rate update at the September 5, 2017 meeting of the Georgetown Chamber of Commerce, and at the September 12, 2017 meeting of the Georgetown Rotary.*
- *The Operations Manager and one Board member attended and made a presentation regarding the water rate update at the September 5, 2017 meeting of the El Dorado County Rural Community Coalition.*
- *Held the first of two public workshops regarding updating the water rates on September 18, 2017 at the Georgetown Elementary School. This workshop focused on educating and informing customers on the state of District facilities and financial needs; and gathering meaningful input that will shape rate calculation. The meeting*

## ATTACHMENT C

*was advertised via billing inserts, customer email database, Facebook, and District website.*

- *The second public workshop will be held on October 12, 2017 at the Cool Community Hall. The second workshop will involve a discussion of the feedback from the last meeting, and presentation of rate calculations for a few different scenarios.*
- *Two more Board meetings are planned before the Proposition 218 hearing.*

The five (5) recommendations from the Grand Jury Report are listed below with the Board responses in italics.

R1. Once the water rate study is submitted to the Board, the District must initiate a voter-approved rate increase process as soon as possible.

*The Board is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Informational meetings have been held with the Georgetown Chamber of Commerce, El Dorado County Rural Community Coalition, and Georgetown Rotary. The first of two public workshops was held on September 18, 2017, and additional public meetings will be held to educate the public before any Proposition 218 hearing. The tentative timeline for the water rate study adoption and Proposition 218 process is:*

- *September and October 2017: Engage in public outreach and hold informational meetings regarding the rate study.*
- *October 2017: Rate study issued and 45-day public notice issued for Proposition 218 Public Hearing*
- *December 2017: Public Hearing for Proposition 218 held and Board action on new rates*

R2. Along with replacing the aging water meters, the District must upgrade their aging infrastructure and prioritize maintenance and capital improvement projects.

*The Board is implementing this recommendation. The District has received construction bids to replace all water meters and upgrade from paper meter reading to electronic meter reading, however the District does not have sufficient reserves or revenue to be able to borrow funds to complete this project. Rates must be increased to fund or finance any infrastructure improvements. This infrastructure improvement is currently planned for fiscal year 2018-2019, provided rates are increased to cover the cost of such improvements.*

R3. The District must offer competitive salaries to attract qualified professional staff.

*This recommendation has not yet been implemented, but will be implemented in the future. The District has limited reserves and revenue to fund personnel costs, including costs related to determining appropriate salaries to attract qualified professional staff. Following the proposed Proposition 218 process currently scheduled to be completed in December 2018, the District will turn to the process of determining the appropriateness of current salaries for several positions at the District as part of its budgeting process for fiscal year 2018-2019.*

R4. The District must review staffing levels and fill key positions with permanent staff to ensure continuity of operations.

*The Board has implemented a portion of this recommendation but it will not be fully implemented at this time because the cost of this recommendation is currently unreasonable. The General Manager reviewed the staffing levels and presented the*

## ATTACHMENT C

*Board with a recommended organizational chart with the Draft Fiscal Year 2017/2018 budget. Due to limited reserves and revenue, that organizational chart was not adopted and an organizational chart with reduced staffing levels and reduced budget was adopted instead. The Approved Fiscal Year 2017/2018 Budget includes one new professional position, Water Resources Manager, and one reclassified position, Management Analyst. The recruitment to fill these positions is currently underway. The District does not have sufficient reserves and revenue to fund additional staff beyond that newly approved level of staffing. Should the District be able to increase rates, staffing levels may be increased in the future.*

R5. The District must undertake a public information program to inform its customers of impending changes in their water rates and consumption recording.

*The Board is implementing this recommendation. A water rate study is underway, and the methodology has been presented in public meetings to the Finance Committee and the Board. Additional public meetings will be held to educate the public before any Proposition 218 hearing. As discussed above, public outreach activities began in September 2017 and will continue to take place through December 2017. If the rates are successfully adopted, public outreach will continue through the implementation of the new rates in 2018.*

The current Board has made long term sustainability a key goal for the District. The Board appreciates the findings and recommendations of the Grand Jury, and makes it a priority of the Board to address the findings and incorporate the recommendations into the current Board's goals.

Sincerely,

Londres Uso  
President

STATE OF CALIFORNIA

**GRAND JURY  
El Dorado County**

P.O. Box 472  
Placerville, California 95667  
(530) 621-7477 Fax: (530) 295-0763  
[Grand.jury@edcgov.us](mailto:Grand.jury@edcgov.us)

**2017-2018**



November 30, 2017

Cameron Park Airport District  
Board of Directors  
Mr. Gary Millsaps, Airport Manager  
3374 Mira Loma Drive  
Cameron Park, CA 95682

Gentlemen:

A 2016-2017 El Dorado County Grand Jury report, case number GJ 2016-011, Cameron Park Airport District, Ceiling and Visibility Limited, released on May 16, 2017, was delivered to you before that date. That report requested responses to the report's findings and recommendations from both the District Board of Directors the Airport Manager, as provided in California Penal Code section 933 et seq.

Neither of those responses have been received by either the Superior Court or the Grand Jury. The statutory time allotted for responding elapsed in August.

Please provide your immediate reply to this letter denoting when the Court will receive those responses. Email is acceptable. Provide your written report responses to:

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

Sincerely,

Tom Simpson, Foreperson  
El Dorado County 2017-2018 Grand Jury  
[tom.simpson@edcgov.us](mailto:tom.simpson@edcgov.us)

cc: El Dorado County Superior Court ([CourtAdmin@eldoradocourt.org](mailto:CourtAdmin@eldoradocourt.org))

Enclosure



## ATTACHMENT D

### California Penal Code Section 933

#### **933.**

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

## ATTACHMENT E



Tom Simpson &lt;tom.simpson@edcgov.us&gt;

---

**EDC Grand Jury Report GJ2016-011**

1 message

---

**Airport Manager** <manager@cameronparkairport.com>  
To: tom.simpson@edcgov.us

Mon, Dec 11, 2017 at 10:57 AM

Good morning Mr. Simpson,

I sincerely apologize for the delay in providing my response to the Grand Jury Report GJ2016-011..I frankly was unaware of the 90 day time limit for response.

My response document has been completed for some weeks now but I am awaiting the response document from the Cameron Park Board to mail all to the Court in one package. I will mail my response pronto.

I will re-emphasize to the Board members that their response needs to be completed ASAP and get it to the Court no later than the end of this week.

Regards,

Gary Millsaps, Airport Manager

Cameron Park Airport District

530-676-8316 - [manager@cameronparkairport.com](mailto:manager@cameronparkairport.com)

# EL DORADO COUNTY GRAND JURY 2017-2018

*BLANK PAGE*

## ATTACHMENT F



---

3374 Mira Loma Drive, Cameron Park, CA 95682 — 530-676-8316 — [manager@cameronparkairport.com](mailto:manager@cameronparkairport.com)

DATE: December 15, 2017

TO: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court

FROM: Guy R. Hooper, President, Cameron Park Airport District Board of Directors

This report is submitted as the Cameron Park Airport District Board of Directors' response to the Findings and Recommendations reported by the El Dorado County Grand Jury's Report on the Cameron Park Airport District, Case No. GJ 2016-011.

Each Finding and related Recommendations are addressed in a single paragraph where possible.

Finding 1: We have no disagreement with the basic finding, but the term "highly susceptible" is probably overdone. The district is "susceptible" to outside economic trends, but it should be noted that the district was able to rebuild its finances in the aftermath of the economic recession that began in 2007 and continued for some years. Cameron Park Airport District (CPAD) is currently solvent and has a consistent budget surplus that is used to defray not only operating expenses but to fund capital improvement projects such as street and airport maintenance. However, external events or changed circumstances that impact general aviation operational tempo could impact CPAD's financial situation negatively. CPAD has options to increase taxes and has certain assets that could forestall insolvency.

Finding 2 and Recommendation 1: CPAD is pursuing completion of its Airport Master Plan (AMP) in order to compete for federal level capital improvement grants. The AMP is a complex engineering document that ordinarily costs over \$100,000 to properly complete. CPAD's Airport Manager, however, has extensive planning experience having been part of the Denver International AMP project. Consequently, CPAD is doing most of the AMP writing in-house. Due to the detailed nature of creating the AMP, it is not possible to complete the AMP within 6 months. The process is likely to take in excess of a year.

Finding 3 and Recommendations 2 & 3: CPAD has considerable community expertise in operating the airport during periods when the Airport Manager position is unfilled. The typical hiring cycle to bring a new manager on board is on the order of one month. If such a situation were to occur where the airport was left without an Airport Manager, CPAD would solicit temporary contractor support from agencies that have qualified personnel for hire. Additionally, there are people within the district who have volunteered in the past and would volunteer again in the future to serve as a temporary fill-in for the position. The District has directed the current Airport Manager to find an "Assistant" who would gain experience during those periods where the Airport Manager is absent for leave, vacation, illness or other circumstances. Once this position is filled, our first option (if the Airport Manager position were to be unfilled) would be to bring in the Assistant Airport Manager until a new hire could be found.

Finding 4: The Board concurs that the current Airport Manager is superbly qualified and has brought a level of professionalism to the airport operations that has not previously existed.

## ATTACHMENT F

Finding 5 and Recommendation 8: The Board concurs with the recommendation to enhance its website and has done so with the new website going "live" in December 2017.

Finding 6 & Recommendation 7: This finding is cured with the new website which publishes board agendas. Previously, the district posted Agendas in two places with the appropriate lead time required by the Brown Act. The Board of Directors have all received Brown Act training as provided by the County of El Dorado Hills in the past 6 months and this training is documented at the county.

Finding 7: This finding is cured with the new website which has links to agenda documents.

Finding 8: The district is composed of 125 "parcels" with approximately 100 residences and 25 undeveloped parcels. In an unknown number of cases, the residences are owned by out-of-state residents who are not eligible to serve on the CPAD Board of Directors. The current board has had no trouble filling 2 recent vacancies and there has been no period in the past 10 years where there were not a full board of 5 elected members. Notwithstanding the small number of potential and interested candidates, CPAD remains strongly connected with the community and does not anticipate a problem recruiting future board members. However, this does not distract from the finding which emphasizes that new ideas come from new board members, and that the community at large needs to remain engaged with its local government. The Board of Directors does not concur that perceived community lack of interest reaches a level where the future of the district is uncertain.

Recommendation 4: The board consistently reaches out to new residents to make them aware of how the board operates and make it clear that new members on the board are welcome. In the past 6 months, 3 new families have moved into the district and each family has attended the regular and/or special meetings of the district.

Recommendation 5 & 6: We want to evaluate the effectiveness of the website before tasking our Airport Manager to create a social media presence or write a newsletter.

We believe that this document responds fully to the Grand Jury request for responses. We are available for follow-up if required through the District Office at 530-676-8316.

Sincerely,



Guy R. Hooper  
President, Board of Directors  
Cameron Park Airport District  
3374 Mira Loma Drive  
Cameron Park, CA 95682

## ATTACHMENT F



---

3374 Mira Loma Drive, Cameron Park, CA 95682 — 530-676-8316 — [manager@cameronparkairport.com](mailto:manager@cameronparkairport.com)

December 12, 2017

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

Judge Kingsbury,

Enclosed please find the Airport Manager's response to the findings and recommendations contained in the El Dorado County Grand Jury's report, GJ 2016-011.

It is hoped the responses are thorough and address the findings and recommendations and satisfies the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Millsaps", is written over the word "Sincerely,".

Gary Millsaps, Airport Manager  
Cameron Park Airport District



## ATTACHMENT F



---

3374 Mira Loma Drive, Cameron Park, CA 95682 — 530-676-8316 — [manager@cameronparkairport.com](mailto:manager@cameronparkairport.com)

This report is submitted as the Cameron Park Airport Manager's response to the Findings and Recommendations reported by the El Dorado County Grand Jury's Report on the Cameron Park Airport District, Case No. GJ 2016-011.

Each Finding and Recommendation addressing like information will be co-jointly addressed.

As to Finding F1:

The Cameron Park Airport District continues to remain solvent—not due to Federal monies—but due to ongoing efforts to reduce costs of operations, efficient use of enterprise-driven revenues and careful budget management. To date, the District has decreased its basic services costs (electrical service, phone service, etc.) by approximately one-third. This has been accomplished by replacing outdated equipment with more energy efficient devices; taking advantage of pricing programs offered by the service companies; ensuring the services meet the needs of the operation with no un-needed services added on; and continually evaluating alternative programs offered by service vendors that could prove more cost-effective to the District. The District is also planning to increase the current Special Tax levied on each parcel within the District soon. The District is also carefully increasing the Hangar and Tie-down rental rates as they had gone unchanged for too many years.

Federal grant monies, known as the Airport Improvement Program (AIP), are derived from the Federal Aviation Fuel Tax dollars paid on every gallon of avgas and jet fuel sold in the US. These grant funds are made available via a competitive process and are mandated for major capital improvements, not day-to-day operations funding.

As to Finding F2 & Recommendation R1:

While it is true the lack of a current Airport Master Plan does hinder the District's ability to obtain Federal grant monies, developing such a plan is a complex task. In general, it is accomplished through several task blocks including: developing an FAA approved Airport Layout Plan (in progress); an inventory of the current facility; a full financial accounting of its current state; analysis of the land space and its potential for future use; an analysis of the current value the facility has for the community it serves; regional socioeconomic characteristics; forecasts of aeronautical activities; etc.

Once the data gathering and analysis is complete, several community outreach meetings are scheduled to take the case to the people and obtain feedback from not only the District residents but the regional population as a whole.

## ATTACHMENT F

Draft copies of the plan are then generated and circulated for comment; after which the finalized report is submitted to the FAA Regional office for acceptance.

As shown, this task cannot be completed within a six-month time frame and the District begs the Court's indulgence that it be given more time to complete the Airport Master Plan.

As to Finding F3 and Recommendations R2 & R3:

The District will indeed need to find a replacement for the current Manager sometime in the future. As with most airports, this is usually accomplished through a job advertising and recruitment process followed by careful vetting of the candidates. This is an accepted practice nationwide and serves the industry well. One of the focuses of the current Manager is thoroughly documenting a comprehensive set of policies and procedures so whenever a new manager is brought on-board, there is continuity of processes in place.

If the Cameron Park Airport was a larger facility, adding an Assistant Manager would be prudent; however, the day-to-day workload does not warrant such action and would prove to be a further burden on the budget of the District. Using intern help is also questionable as the periods and times the intern would be available might be limited, rendering them unable to respond to significant events, be responsive to the user-base and able to answer the hard questions. Managing even a small GA airport involves many disciplines, which could be taught, by the time such intern training was completed, the interns term-of-service will likely have expired.

As to Finding F5, F6 & F7 and Recommendations R5, R6 & R8:

The District is developing a website which will be online in December 2017. It has taken some time to ensure the site meets all the requirements of statutory code for such websites. With the completion of this task, the Board Meeting Agendas, Minutes, Resolutions and other governance documents will be available online. All this information is currently available by request via email, phone or written request and is maintained in the Airport Manager's office. Currently, the Board Meeting Agendas and Minutes are emailed to the residents more than 72 hours prior to any meetings scheduled and the agendas are posted on three publicly accessible bulletin boards posted around the District. The District is still evaluating the need and effort to maintain a "social media" presence as it has an active email list that reaches 98% of the District's residents and is used very frequently by the management, Board members and the residents themselves.

As to Finding F8 and Recommendation R4:

In meeting and communicating with the residents, the Airport Manager regularly encourages them to attend the Board Meetings and get involved with the governance of their District and regularly shares the email information received from the El Dorado County Elections Office.



## ATTACHMENT F

As to Recommendation R7:

The Airport Manager has studied several of the excellent online resources for governing bodies to remain compliant with the Brown Act. The Manager has also taken an online four-part examination produced by California Special Districts Association, scoring a 98% on the examination.

I sincerely hope these responses prove useful and fulfill the expectations of the El Dorado County Grand Jury and Superior Court members.

## ATTACHMENT G

STATE OF CALIFORNIA

### **GRAND JURY El Dorado County**

P.O. Box 472  
Placerville, California 95667  
(530) 621-7477 Fax: (530) 295-0763  
[grand.jury@edcgov.us](mailto:grand.jury@edcgov.us)

**2017-2018**



January 16, 2018

Guy R. Hooper, President, Board of Directors  
Gary Millsaps, Airport Manager  
Cameron Park Airport District  
3374 Mira Loma Drive  
Cameron Park, CA 95682

Gentlemen:

Thank you for your recent responses to Grand Jury Report *Cameron Park Airport District, Ceiling and Visibility Limited*, case number 2016-011. The Grand Jury has reviewed them. While they appear to address the issues presented in the report, you have combined responses to both findings and recommendations. We cannot determine with certainty what text applies to which finding or recommendation.

Responses to findings and recommendations cannot be combined. California Penal Code section 933.05 et seq. specifies that each report finding, and each report recommendation be responded to individually. Moreover, each one must include one of several specific wordings, that are different for findings and recommendations. Additionally, the Penal Code requires inclusion of an implementation timeframe for recommendations that have not yet been implemented.

Please correct your responses and send them via email to the El Dorado County Superior Court at [courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org).

You may find this response to previous Grand Jury report useful:

[https://www.edcgov.us/government/grandjury/report 2015-2016/documents/Mosquito Fire Protection District Response to El Dorado Grand Jury.pdf](https://www.edcgov.us/government/grandjury/report%202015-2016/documents/Mosquito%20Fire%20Protection%20District%20Response%20to%20El%20Dorado%20Grand%20Jury.pdf)

California Penal Code section 933.05 et seq. is enclosed for your reference, with highlighting added to relevant portions. Please contact me with any questions or concerns.

Sincerely,

Tom Simpson, Foreperson  
El Dorado County 2017-2018 Grand Jury  
[grand.jury@edcgov.us](mailto:grand.jury@edcgov.us)

cc: El Dorado Superior Court ([courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org))  
Enclosure

## ATTACHMENT G

### **933.05.**

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(1) The respondent agrees with the finding.*

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

*(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:*

*(1) The recommendation has been implemented, with a summary regarding the implemented action.*

*(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*

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

*(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

*(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.*

*(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.*

*(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.*

*(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. (CAL PENAL CODE § 933.05 et seq)*

# EL DORADO COUNTY GRAND JURY 2017-2018

*BLANK PAGE*