

LASSEN COUNTY, CALIFORNIA

GRAND JURY REPORT

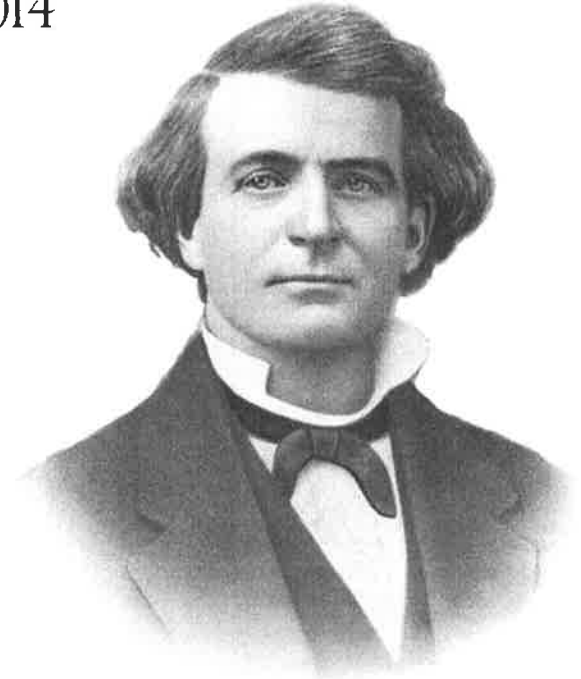
2013 ~ 2014



Kopis Fort



Susan Koop Arnold



Isaac N. Koop



Susville California in 1864



Peter Lassen

LASSEN COUNTY, CALIFORNIA

Sesquicentennial 1864 ~ 2014

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LASSEN SUPERIOR COURT

Michele Verderosa
Presiding
Superior Court Judge



2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205 Ext 109

June 30, 2014

Clerk of the Court
Lassen Superior Court
2610 Riverside Drive
Susanville, CA 96130

To the Clerk of the Court:

As Presiding Judge of the Lassen Superior court I hereby instruct the Clerk to accept for filing the 2013-2014 Lassen County Grand Jury Final Report as presented to me this 26th day of June, 2014.

Sincerely,


Michele Verderosa

MV/sf

LASSEN COUNTY GRAND JURY
2013-2014
Hall of Justice
2610 Riverside Drive
Box 48
Susanville, Ca. 96130

June 30, 2014

Honorable Michele Verderosa
Presiding Judge
Lassen County Superior Court
2610 Riverside Drive
Susanville, CA 96130

Re: 2013-2014 Grand Jury Report

Dear Judge Verderosa:

On behalf of the 2013-2014 Lassen County Civil Grand Jury I present you with our report. For the entire membership of the Jury I thank the local bench for the opportunity of serving the County in this regard. Thanks go to Jury Commissioner Suzie Faulkner for her efficiency as intermediary between your office and the Jury.

On a personal basis I would like to thank our secretary and each committee chairperson along with each individual Grand Juror. All of you worked with great devotion to the cause of making local government better for the people.

On behalf of all of the Grand Jurors I thank you for the privilege of serving the Lassen County Community in this capacity. We all certainly hope that we bring positive change to those entities we have touched.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter M. Talia". The signature is fluid and cursive, with a large initial "P" and "T".

Peter M. Talia,
Foreperson

MEMBERS OF THE 2013-2014 LASSEN COUNTY GRAND JURY

Peter Talia, Foreperson*

Thomas Dewar, Foreperson Pro-Tem*

Rosemari Reed, Secretary

Robert Beckett

Rosalee Bradley*

Kim Brooks

Marilyn Devlyne

Renelle English

Joseph Franco

Marlene Gauthier

Henry Hart

Kenneth Holmes

Mike Huber

Ralph Mauck

Michael McDonald

Dave Reger*

Juston Struthers


Jane Voss

*Returning member from 2012-2013 Lassen County Grand Jury

LASSEN COUNTY GRAND JURY MEMBERS'
DISCLAIMER AND SIGNATURES

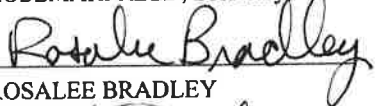
The Grand Jury recognizes that a conflict of interest may arise in the course of its investigations. In such instances, the juror may ask to be recused from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the perception of a conflict of interest existed on the part of a member of the 2013-2014 Lassen County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports, which the majority approved.



PETER TALIA, Foreperson


ROSEMARI REED, Secretary



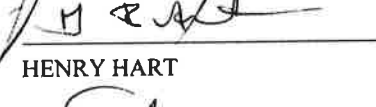
ROSALEE BRADLEY



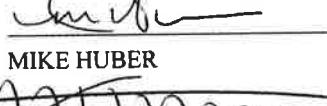
MARILYN DEVLYNÉ



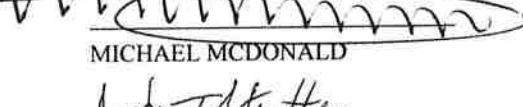
JOSEPH FRANCO



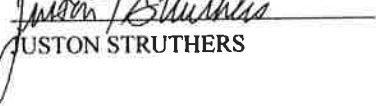
HENRY HART



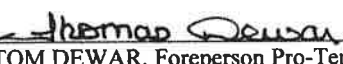
MIKE HUBER



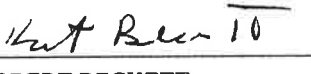
MICHAEL MCDONALD




JUSTON STRUTHERS



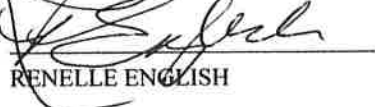
TOM DEWAR, Foreperson Pro-Tem



ROBERT BECKETT



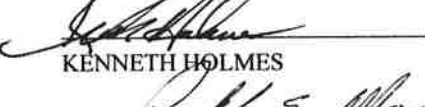
KIM BROOKS



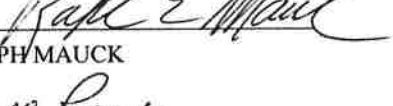
RENELLE ENGLISH



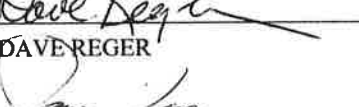
MARLENE GAUTHIER




KENNETH HOLMES



RALPH MAUCK



DAVE REGER



JANE VOSS

GRAND JURY HISTORY AND FUNCTION

The first formal Grand Jury was established in Massachusetts in the year 1635. By the year 1683, Grand Juries in some form were established in all of the colonies. The first cases considered by the Grand Jury were murder, robbery and wife beating. Cases in Pennsylvania included Grand Jury indictments for: holding a disorderly meeting in 1651, witchcraft in 1683 and for other crimes in 1685. Various public evils were added to the range of investigations by the Grand Jury in the year 1685, and began to set a precedent for future Grand Jury interests.

The original United States Constitution which was written in 1787 did not contain a reference to the Grand Jury, but the Fifth Amendment provided the remedy for the omission. It states: "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger..."

The fourteenth amendment in the year 1868 made most of the provisions of the Bill of Rights applicable to the States. Some of the states have interpreted this amendment to mean that prosecution of crimes no longer mandated a Grand Jury indictment. A study done by Deborah Day Emerson in the year 1984, shows that four states require a Grand Jury indictment for all crimes, 14 states and the District of Columbia require indictments for all felonies, six states mandate Grand Jury indictments for capital crimes only, 25 states (including California) make indictments optional. In a single state, Pennsylvania, the Grand Jury lacks the power to indict.

CALIFORNIA GRAND JURIES

The California Penal Code describes the organization, powers and the duties, and general structure of the Grand Jury. All of California's 58 counties are required to have Grand Juries. There have been recent changes in Section 904.6 of the Penal Code (1991) which permit any county to have an additional Grand Jury at the discretion of the Presiding Judge of the Superior Court. The Penal Code also allows county district attorneys the option of utilizing special Grand Juries in the handling of criminal cases. Although this alternative is offered in Penal Code §904.6, some counties choose to maintain their regular use of Grand Jury for criminal and civil duties.

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are forty-two states that have some form of Grand Jury, but California and Nevada mandate the impaneling of a Grand Jury each year. The Lassen County Grand Jury is a judicial body of nineteen (19) citizens impaneled to watch over the citizens of Lassen County.

Grand Jurors are forbidden by law, to disclose any evidence acquired during investigations, or disclose the names of complainants or witnesses.

After investigations are completed, it is the responsibility of the Grand Jury to recommend changes that should be made in order to increase efficiency, and improve services to the general public. Some of the recommendations made by the Grand Jury are to save the tax-payer money.

Special commendations may be made to departments or agencies for excellence in management. The reports that are released to the public, have been collected, voted on by 18 members, and the results carefully edited by the editing committee for a Final Report at the end of the 2013-2014 Grand Jury's term of office.

The Final Lassen County Grand Jury Report is distributed to the public and to public officials. Its distribution also includes: Lassen County Times newspaper, KSUE/KJDX radio station, the Susanville Library and is available in the Jury Commissioner's office at the Hall of Justice on 2610 Riverside Drive, Susanville, California 96130. The telephone number is (530) 251-8205, extension 103.

DISTRIBUTION LIST

LASSEN COUNTY:

Superior Court Judge Michele Verderosa

Superior Court Judge Tony Mallery

Board of Supervisors (5)

Treasure/Tax Collector

District Attorney

Chief Administrative Officer

County Counsel

Personnel and Risk Management

Planning and Building Services

Probation Department

Public Works/Roads

Sheriff's Department

Social and Family Services

Surveyor

CITY OF SUSANVILLE:

City Council (5)

City Administrative Officer

CORRECTIONAL FACILITIES:

California Correctional Center

High Desert State Prison

OTHERS:

State of California Attorney General's Office

California Grand Jurors Association

Westwood Chamber of Commerce

Susanville District Library

Lassen County Times Newspaper

Sierra Radio Network

XX Country Radio Station

Susanville Stuff.com

2013-2014 Grand Jurors

2014-2015 Grand Jurors

SPECIAL DISTRICTS:

Honey Lake Valley Resource Conservation District

RESPONSES TO GRAND JURY REPORTS
SUMMARY OF PC §933.05

A compendium of all codes pertaining to Grand Jury was produced by the Governor's Office of Planning and Research. This document is available to Grand Juries through the Superior Court in respective counties. Since the compendium was assembled the following has become law.

Penal Code §933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the findings of a Grand Jury report:

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

Penal Code §933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the **recommendations** of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. **This timeframe shall not exceed six (6) months from the date of publication of the Grand Jury Report.**
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, if a finding and/or recommendation of the Grand Jury addresses **budgetary** or **personnel** matters of a county agency/department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address **all** aspects of the findings or recommendations affecting his or her agency/department.

RESPONSE PROCEDURE TO GRAND JURY REPORTS
SUMMARY OF PC §933.05

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within 60 days. Governing bodies (for example: the Board of Supervisors) must respond within 90 days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson and the CAO's office.

Report Title: _____ **Report Date** _____

Response by: _____ Title: _____

Findings

I (we) agree with the findings numbered:

I (we) disagree wholly or partially with the findings numbered:

Recommendations

Recommendations

numbered: _____

have been implemented. (attach a summary describing the implemented actions.)

Recommendations numbered: _____

require further analysis. (attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report).

Recommendations numbered: _____

will not be implemented because they are not warranted and/or are not reasonable. (attach an explanation).

Date: _____ Signed: _____

Total number of pages attached: _____

INTRODUCTION

The Grand Jury is a constitutionally mandated judicial body charged to investigate civil matters but not criminal matters. The Grand Jury's responsibilities include investigating issues regarding city and county government as well as public agencies funded by the government and issuing reports and recommendation when appropriate.

The Lassen County Grand Jury received twenty two written complaints during the fiscal year of 2013-2014. As the letters and formal complaints were received and presented to the Lassen County Grand Jury, there was careful consideration of each complaint as to the validity and content. Each grievance was inspected and acted upon in a professional and conscientious manner by the Lassen County Grand Jury. Confidentiality has been strictly maintained as Grand Jury members were cautioned throughout the 2013-2014 term by the Jury Foreperson, Peter Talia.

The following Grand Jury Reports are based on interviews and information which was brought to the attention of the Lassen County Grand Jury and investigated by the Grand Jury.

CALIFORNIA CORRECTIONAL CENTER

Reason for Inquiry:

Public interest

Background:

The California Penal Code section 919(b) mandates that the Lassen County Grand Jury (Grand Jury) “shall inquire into the condition and management of all public prisons within their county”.

Inquiry Procedures:

The Grand Jury toured the California Correctional Center (CCC) on November 5, 2013. The Grand Jury was met by the Warden, executive staff, department heads, and medical department RN III. A mission overview and a state of affairs for CCC were presented followed by a question and answer period.

The Grand Jury was given an opportunity to tour any area of interest within the prison, led by the Warden. During this tour, the Grand Jury visited the medical department, receiving and release, facility “A” housing unit, the Pups on Parole program, administrative segregation and was given a perimeter tour of the prison. The Grand Jury also toured Antelope Camp.

Discussion:

The CCC opened in February, 1963. The Minimum Support Facility (MSF) Unit was activated in 1984, and the Facility C (Level III) was activated in 1988. The primary mission of the CCC is to train minimum custody inmates for placement into one of the institution’s 18 Northern California Conservation Camps. Working with CALFIRE these camps are strategically located throughout the north state to provide fire suppression hand crews, as well as an organized labor force for public conservation projects and other emergency needs of the state. Services provided through the conservation camp program saves millions of dollars annually for California.

Additionally, the CCC provides meaningful work, training, and education programs for inmates who do not meet the criteria for assignment to a fire camp. These alternative assignments include academic and vocational trade programs, facility maintenance jobs, food service positions, and other facility support assignments.

The Grand Jury inquired about medical services provided to the CCC inmates. Medical staff reported approximately 12,000 requests for medical care are received each month.

Overall staffing for California Correctional Center:

The following staff statistics are variable to time of year and normal fluctuation. As of October 1, 2013, staff statistics were as follows:

	<u>Staffing</u>	<u>Vacancies</u>
Custody Staff:	640	115
Non-custody Staff:	350	68
Total Staff:	990	183

Budget:

Institution:	\$122,020,165.00
Education:	\$ 5,128,248.00
Medical:	\$ 16,273,871.00
Dental:	\$ 4,243,886.00
Mental Health:	\$ 863,908.00
Pharmacy:	\$ 1,128,121.00
Total:	\$149,658,199.00

Designed Bed Space and Inmate Population:

<u>Facility Level</u>	<u>Capacity</u>	<u>Actual</u>
Facility A (Level 1/MSF)	1143	1359
Facility B (Level 2)	900	1035
Facility C (Level 3)	750	776
Camps	1908	1840
Total:	4701	5010

Pups on Parole Program:

The Pups on Parole program continues to flourish at CCC. At the time of the tour there were seven dogs at the Fire House being trained for adoption. The total number of pups adopted since the program started in June 2007, is 342.

Educational Accomplishments:

General Education:	140
High School Diplomas:	13
College Students:	114
Physical Fitness Training:	1541
Currently Enrolled Students:	360
Vocational Students:	183

CCC offers Vocational Welding, Auto Body, Office Related Technologies, Electronics, HVAC and Building Maintenance. Each program has 4-5 components that must be completed before the program is completed. Each component is considered an accomplishment, leading to the overall program completion. There were approximately 301 certificates earned by inmates in the institution last year. Additionally, CALFIRE facilitates welding and mechanics certification programs, which resulted in approximately 517 inmates earning a certificate while at camp.

Findings:

Numerous changes have taken place since the implementation of AB109 Prison Realignment, which required the reduction of the state inmate population. This appears to have resulted in a decrease in the prison violence.

The large amount of medical requests is difficult to resolve.

The introduction of contraband into the prison system continues to be a serious breach of

security and endangers the safety of inmates, staff and the public. At the time of the tour, over 1,000 cell phones had been confiscated within the institution and the camps. These phones are donated to the Soaring Eagle Blue Star Moms and shipped to our troops overseas. Additionally, drugs are brought in or attempted to be brought in by inmates, staff and visitors. This, again, is a serious breach of security.

A beneficial change for the department was the implementation of the Strategic Offender Management System (SOMS). The new SOMS eliminates paper processes and standardizes adult and parole data and population management practices statewide.

Recommendations: None

Response Required: None

Commendations:

The Lassen County Grand Jury commends the staff of CCC for the job they perform daily to ensure the safety and security of the institution and for their continued efforts in meeting the federal mandates relating to medical services.

HIGH DESERT STATE PRISON

Reason for Inquiry:

Public interest

Background:

The California Penal Code section 919(b) mandates that the Lassen County Grand Jury (Grand Jury) “shall inquire into the condition and management of all public prisons within their county”.

Inquiry Procedures:

The 2013-2014 Grand Jury toured the High Desert State Prison (HDSP) on December 3, 2013. At the beginning of the tour the Grand Jury members were met by the Warden, his executive staff, and department heads for an entrance meeting in the Administrative Building. A mission overview and a state of affairs for HDSP were given, followed by a question and answer period. Information was presented to the Grand Jury relating to a new “Reentry Program” at HDSP. HDSP is 1 of 13 facilities in the state to be chosen to house a Reentry Hub.

Following the entrance meeting, a prison tour lead by the Warden was initiated, with the Warden inviting the Grand Jury members to tour any area they wished. Those areas toured were Health Care Services, Z Unit and B-Yard, including the Dining Hall, a Housing Unit, the Library, and Gymnasium.

The Grand Jury when touring HDSP Medical Facilities was met by the Chief Medical Officer, who assumed leadership of the medical portion of the tour.

Discussion:

The primary mission of HDSP is to provide for the confinement of general population and sensitive needs high security (Level IV) and medium security (Level III) inmates.

During the early summer months of 1990, the California Department of Corrections and Rehabilitation (CDCR) initiated discussions for a new prison in Lassen County on the grounds of the California Correctional Center. This location took advantage of existing state property and the ability to share operations with an existing prison. Construction began on July 14, 1993, with a budget of \$240 million. Named High Desert State Prison by the Lassen County Board of Supervisors, the prison is located approximately eight miles east of the town of Susanville, or about one and a half-hour drive northwest of Reno, Nevada. HDSP received its first inmate in September, 1995.

Reentry Program:

HDSP’s Reentry Hub is being established to provide relevant services specifically to inmates who are within four years of release and who demonstrate a willingness to maintain appropriate behavior.

The Reentry Hub programming is geared to ensure that, upon release, offenders are ready for the transition back into society. The core of Reentry Hub programming is Cognitive Behavioral

Treatment (CBT) programming, which is an evidence-based program designed for inmates who have a moderate-to-high risk to reoffend, as assessed by the California Static Risk Assessment (CSRA). They have been assessed with criminogenic need, as identified by the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) along with other assessments identified by California Department of Corrections and Rehabilitation (CDCR).

CBT programs address the following major areas:

- Substance Abuse
- Criminal Thinking
- Anger Management
- Family Relationships

In addition, the Reentry Hub offers the California Identification Card (Cal-ID) Program to ensure offenders obtain a valid California Identification Card upon release, which is critical for employment and other services. The Reentry Hub houses a broad range of Academic and Career Technical Education programs, giving inmates opportunities for obtaining academic degrees and trade certifications to prepare them for entry-level jobs and careers. The Transitions Program is also offered to provide inmates with job readiness and search skills and practical financial literacy to facilitate successful reentry into their communities.

Population:

The inmate population consists of three level IV yards. One such yard was converted to a Sensitive Needs Yard in October of 2007. Facility A houses Level III inmates. The Minimum Support Facility houses Level I inmates who perform job duties in various parts of the institution outside of the secure perimeter. There also is an Administrative Segregation unit. Overall, the institution houses inmates with the lowest level custody, Minimum B, all the way up to Maximum custody. Design capacity of the entire institution is approximately 4,500 inmates.

The majority of the prison population is comprised of younger inmates who are serving long sentences and/or those who have proven to be management problems while in prison.

HDSP has a Correctional Treatment Center (CTC) to provide for the health care needs of the inmates. Additionally, HDSP is designed to house inmates with disabilities who require specialized placement to accommodate accessibility issues.

Overall staffing for the High Desert State Prison:

The following staff position statistics are variable to time of year and normal fluctuation. As of December 3, 2013, staff position statistics were as follows;

Custody Staff:	881 (up from 846 in October 2012).
Support services staff:	295 (down from 309 reported in October 2012).
Medical:	265 (up from 247 in October 2012).
Total Staff:	1,441 (up from 1,402 in October 2012).

Budget:

The total institutional annual operating budget is \$138.3 million. The current medical annual operating budget is \$37.3 million.

Designed Bed space and inmate population;

<u>Facility Level</u>	<u>Capacity</u>	<u>Actual Count</u>
I	200	148
II /III	400	618
IV	1,396	2,469
AD-SEG	228	263
Total	2,224	3,498 (the total is down from 3584 in October 2012)

Findings:

The Lassen County Grand Jury found the institution to be clean and the staff to be both welcoming and informative.

Recommendations: None

Response required: None

Commendations:

The Lassen County Grand Jury commends HDSP for being chosen as 1 of 13 institutions in the State of California to house a Reentry Hub.

The Lassen County Grand Jury commends the staff of HDSP for the job they perform in dealing with some of California's most hardened criminals and for their continued efforts in meeting the federal mandates requiring the reduction of prison population.

HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT

Reason for Inquiry:

Complaint received

Background:

Lassen County Grand Jury (Grand Jury) received a complaint concerning the allegation of a Ralph M. Brown Act (Brown Act) violation and alleged poor decision making by the Honey Lake Valley Resource Conservation District (HLVRCD) Board; therefore the Grand Jury elected to inquire into these issues.

Inquiry Procedures:

Over the course of the inquiry Grand Jury members attended meetings of the HLVRCD and conducted interviews with persons associated with the HLVRCD.

Discussion:

While in attendance of the HLVRCD Board meeting, Grand Jury members did not witness any violations of the Brown Act. However, it was discovered through the interview process that violations may have occurred outside of a board meeting.

The HLVRCD Board consisted of only four members, which at times resulted in a split vote. Also, it is not uncommon for some members to be water users.

In 2008, the Watermaster services were given to the HLVRCD Board. Since that time those services have been a major distraction to the HLVRCD Board.

There is no infrastructure in the HLVRCD to effectively administer the Watermaster service. Therefore water management issues have become a major topic of discussion, rather than discussing resource issues.

With approximately 260 "agricultural" water users, the length and frequency of water management issues does hinder the ability of HLVRCD to pursue its other responsibilities. This includes "Resource Conservation" which is what it is intended to address. Meetings were prone to become discussions about Watermaster issues leaving little or no time to address resource conservation topics.

Because of dysfunction over water management issues, the HLVRCD Board's inability to actively seek grants could harm the district in the future.

Findings:

No violation of the Brown Act was discovered.

The HLVRCD Board cannot function efficiently with only four (4) members.

The HLVRCD Board meetings were discussions related to water allocation issues, hampering the board's ability to adequately address conservation resource issues and funding projects.

Recommendations:

The Watermaster has the final say in water allocation decisions.

Form a separate special district to address and implement Watermaster services, consisting of one board member from each supervisory district, with Board members appointed by their supervisor or elected from each district.

If the Watermaster administration remains under the authority of the HLVRCD: No water users sit on the HLVRCD Board and all Watermaster issues be addressed at the Watermaster's Advisory Committee meetings.

Infrastructure deficiencies and improvements be addressed, with lockable flow meters being installed, beginning with the larger water users.

The Lassen County Grand Jury recommends the Honey Lake Valley Resource Conservation Board of Directors fills the vacant seat on their Board.

Response Required: Yes

The Honey Lake Valley Resource Conservation District

Commendations:

The Lassen County Grand Jury commends the Honey Lake Valley Resource Conservation Board of Directors for seeking and receiving training on the California Open Meeting Law, the Ralph M. Brown Act.

Disclaimers:

This report of the Honey Lake Valley Resources Conservation District is issued by the 2013-2014 Lassen County Grand Jury with the exception of one member of this Grand Jury who recused himself from the entire process. This grand juror was excluded from all parts of the investigation, which included interviews, deliberation and the making and acceptance of this report. This report is based on information obtained from outside sources with none of the information being obtained from the excluded grand juror.

LASSEN COUNTY ADULT DETENTION FACILITY

Reason for Inquiry:

Public interest

Background:

The California Penal Code section 919(b) mandates that the Lassen County Grand Jury (Grand Jury) “shall inquire into the condition and management of all public prisons within their county”.

Inquiry Procedures:

On October 1, 2013, the Grand Jury met with the Lassen County Sheriff who presented an overview of the Lassen County Sheriff’s Department. A question and answer session was held with the Grand Jury receiving information on all areas of responsibility of the department by a team of Sheriff’s Department staff, including the Sheriff, Undersheriff and Captain/Jail Commander. The Grand Jury was then escorted to the Lassen County Adult Detention Facility (ADF) for a tour.

Discussion:

The Sheriff’s Office has many areas of responsibility. They provide forest service patrols, boating safety and off highway vehicle safety and enforcement programs; court security including courtroom bailiffs, inmate holding, and entrance screening; coroner duties; patrol deputies; narcotics task force operations and 911 dispatch.

The ADF is a type II facility as defined in the California Code of Regulations. As such, it houses both pre-trial and sentenced inmates. It has an inmate capacity of 156. Since the passage of the 2011 Realignment Legislation (Assembly Bill 109 or AB109), the Sheriff’s Office has experienced dramatic changes in the facility. Just prior to realignment, the population was extremely low, approximately 70 inmates. The inmate population is now regularly 120-140 and approximately 50 inmates are “county felons”. These “county felons” are those inmates that prior to AB109 would have been sentenced to a prison term rather than a jail term. There is more violence, contraband and issues dealing with the more sophisticated inmates because the ADF is designed for the average inmate stay of 1 year or less, not the long-term commitments resulting from AB109. The realignment has also caused the facility to experience a staffing shortage.

The ADF inmate population at the time of the tour was 119 males and 22 females for a total of 141 inmates. There is a contract with Shasta County and 12 low-level Shasta County inmates were also being housed at the facility. Receiving statistics showed that 52 of the 141 current inmates were realigned under AB109.

The ADF now contracts with a Third Party Administrator to keep health costs low. When an inmate is at the hospital, the Third Party Administrator must be called prior to the provision of medical services.

The ADF also operates the county motor pool with inmate workers to reduce fleet costs. Training in basic automotive skills is given to trustees.

Sheriff's personnel requested the Board of State and Community Corrections to perform a staffing analysis to help determine the numbers of correctional officers needed to adequately staff the facility to ensure the safety of the public, the inmates and the officers. While awaiting the final report on this study, the Lassen County Board of Supervisors did approve four new Correctional Officer positions to alleviate the ADF staffing issues resulting from realignment.

Several costly deferred maintenance issues have been identified at the ADF including, roof leaks (\$160,000), diesel tank (\$20,000), boiler (\$25,000), exit gate (\$20,000), and control boards (\$500,000).

Findings:

Lassen County Sheriff's Office and Lassen County Adult Detention Facility staff were knowledgeable, informed, well trained, and eager to share goals, ideas, and future plans.

Recommendations: None

Response Required: None

Commendations:

The Lassen County Grand Jury commends the Sheriff's Office for the repair of the ADF roof and exit gate.

The Lassen County Grand Jury commends the Sheriff, Undersheriff, and Captain/Jail Commander for their commitment in pursuing available grant funding, embracing innovative cost saving ideas, and cooperating with other law enforcement agencies to provide the best possible services to our community.

LASSEN COUNTY ADULT DETENTION FACILITY
Telephone System

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning the recording of confidential telephone calls placed from an inmate to an attorney.

Inquiry Procedures:

The Grand Jury met and interviewed the Sheriff, Undersheriff and Captain, about this complaint.

Discussion:

Inmate telephone calls from the housing units are recorded and the person they are calling is advised by a recorded message that the call is being recorded. Any of these telephone calls are subject to review for security reasons or to locate conversations of evidentiary value.

Findings:

The Adult Detention Facility (ADF) has policies and procedures in place for confidential telephone calls.

Confidential unrecorded telephone calls may be made from the telephone in the booking room.

Attorneys can request their telephone numbers be entered into the ADF telephone system for the purpose of attorney client unrecorded confidential telephone calls.

The Undersheriff attended a bar association meeting to advise attorneys of a method for inmates and their attorneys to communicate confidentially by telephone.

Recommendations:

ADF develop a procedure to advise attorneys and inmates of available methods of attorney/client confidential telephone communication.

Response Required: Yes

Lassen County Sheriff

LASSEN COUNTY ADULT DETENTION FACILITY Video System

Reason for Inquiry:

Complaint received

Background:

A complaint was received concerning the availability of video recording copies from the Lassen County Adult Detention Facility (ADF). It stated that the ADF has video cameras throughout their facility, but upon asking for a copy of a video recording, the complainant was told that after approximately one month, video recordings were recorded-over, violating Government Code section 26202.6.

Inquiry Procedures:

The Lassen County Grand Jury (Grand Jury) interviewed the Lassen County Undersheriff and Captain at the Lassen County Sheriff's Office. Also, a review of Government Code section 26202.6 (a) was conducted.

Discussion:

Government Code section 26202.6 (a)

"...the head of a department of a county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved."

The ADF uses an old Pelco video recording system. The video system monitoring station is located in Central Control. It is the control officer's responsibility to monitor the various cameras and use the system as a tool for helping control inmate movement and to ensure officer and inmate safety in the facility. The video camera system may also be used as a means to review incidents. Central Control has only 16 cameras and can only store the amount of data allowed by the size of the system. Of the 16 cameras, some record continuously, such as "Intake"; others are on timers and motion detectors.

Currently the video recordings are being recorded-over every four to six weeks due to limited data storage capabilities. The expansion of Pelco systems would cost about \$13,000, and would still have storage limitations and proprietary issues.

The ADF contacted the Lassen County Information Services Department and added fiber optics and county drops. They also tried a mirror system upgrade to achieve additional storage; all efforts failed.

The Undersheriff stated that the ADF would continue to record under their current policy, keeping the cameras on as long as possible. The video camera recordings are a valuable tool in many circumstances at the ADF, however, due to budgetary constraints, no further action to meet Government Code section 26202.6 could be taken.

The video recordings are public record and the ADF will continue to provide copies of these recordings as requested. If a request is made prior to the five week record-over time limit, the ADF does provide a CD copy of the recording,

Findings:

The Lassen County Adult Detention Facility is not currently in compliance with Government Code section 26202.6(a) due to the Pelco video recording system's limitations.

Recommendations:

The Lassen County Sheriff's Department continue to develop a system to increase data storage to meet the requirements of Government Code section 26202.6.

Response Required: Yes

Lassen County Sheriff's Department

Commendations:

The Lassen County Grand Jury commends the Sheriff's Department for pursuing the use of Homeland Security funds and working with the Office of Education to replace their old ADF analog camera/DVR system with 30 new digital HD cameras and a large, updated server to increase data storage.

LASSEN COUNTY BOARD OF SUPERVISORS
Herlong Property Sale

Reason for Inquiry:

Complaint received
Public interest

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning alleged misconduct by a Lassen County Supervisor, regarding the sale of county property in Herlong, California.

The Lassen County Board of Supervisors (Board) directed the sale of surplus property at Herlong, California, that was acquired through the Base Realignment and Closure Act (BRAC) process. A Request for Proposal (RFP) for the property was completed, proposals were accepted, and a proposal was chosen and title was transferred. Shortly thereafter it was discovered that the Fort Sage One Stop had been incorrectly included in the sale. Due to the mistake of including the Fort Sage One Stop property an inquiry has been conducted.

Inquiry Procedures:

The Grand Jury reviewed the Political Reform Act, the applicable Government Code provisions on conflicts of interest, Attorney General Opinions and relevant case law.

The Grand Jury reviewed documents surrounding the receipt and disposal of federal land transferred to Lassen County as a result of the BRAC.

The Grand Jury conducted individual interviews with the Lassen County Supervisors, Lassen County Counsel, the acting Lassen County Administrative Officer, Lassen County staff, and reviewed numerous documents.

The Grand Jury toured properties referenced in the sale, including Fort Sage One Stop.

The Grand Jury reviewed the Capital Facilities Project Proposal, a request from Lassen County to the State Mental Health Department for funding to develop facilities and IT projects providing services required by the Mental Health Services Act (MHSA).

The Grand Jury reviewed a current independent professional appraisal of the Fort Sage One Stop property and the cost of replacement property.

Discussion:

Conflict of Interest

A member of the Lassen County Board of Supervisors had a preexisting business relationship with an individual who was a party to the successful bid, yet voted on the motion to execute the sale.

Transfer of Property from the Federal Government to Lassen County

In August 2003, the Lassen County Board of Supervisors approved by Resolution 03-001 a Memorandum of Agreement (MOA) between the U.S. Army and the County of Lassen. The MOA set the terms and conditions for the transfer of certain parcels of the Sierra Army Depot in Herlong to be transferred to the county. This transfer included approximately 4,788 acres.

As part of the MOA, the federal government agreed to complete an environmental cleanup of the parcels at federal government expense and provide certification of the cleanup. The land was transferred in increments as the environmental cleanup was completed.

The purpose for Lassen County entering into such an agreement was to use the land and facilities in such a way as to encourage private redevelopment and create opportunities to attract business to the county, thus increasing tax revenues.

The agreement included provisions that the U.S. Army would provide funds for a certain time to maintain and preserve the operational condition of buildings and facilities included in the transfer. As the funds ran out, Lassen County incurred the responsibility and expense of continuing to maintain these facilities through the use of their general fund. The Board assigned the responsibility for developing uses of the acquired land and managing operational costs to the Economic Development Department (EDD). The financial strain on the county's general fund to maintain the property, while meeting the other expenses associated with the operational requirements of the county became an issue with the Lassen County Board of Supervisors.

The condition of the Fort Sage One Stop property was called into question by county officials. It was stated that the property was in poor to terrible condition with minimal value. This occurred after the mistake of including the Fort Sage One Stop was discovered in the recent sale.

Request for Proposal and Sale of Herlong Property

The Lassen County Treasurer/Tax Collector submitted a letter dated December 13, 2011, to the Board in which he recommended that the Board direct staff to offer parcels for sale. The specific recommendation by the Lassen County Treasurer/Tax Collector was for the Fort Sage One Stop to be "offered individually, or as a public benefit to the current tenants".

The Lassen County Board of Supervisors passed Resolution 12-9-021 in April 2012, which directed the Lassen County Treasurer/Tax Collector to proceed at his discretion to request proposals "ASAP". He was also directed to obtain the service of a qualified real estate professional to make the Request for Proposal (RFP) available to potential investors.

In December 2012, an RFP was released which included the properties detailed in the December 13, 2011, letter. The RFP included the sale of the Fort Sage One Stop, when it had been specifically directed by the Lassen County Board of Supervisors not to be included by Resolution 12-9-021.

Two proposals were received for the Herlong properties. One proposal was submitted by GW Real Estate Holdings, LLC of Reno, NV. It was determined that a managing partner of GW Real Estate Holdings, LLC was a member of the Lassen County Board of Supervisors. A conflict of interest was noted by Lassen County Counsel and the proposal was withdrawn. The other

proposal submitted did not meet the requirements of the RFP and therefore was rejected. This resulted in the need for a second RFP.

The second RFP was issued in June 2013, and it once again contained the Fort Sage One Stop. There was no indication that any member of the county staff, department heads or elected officials identified the error and/or reported it in either RFP. The error remained uncorrected.

Lassen County staff stated that they were aware of the mistake of the inclusion of the Fort Sage One Stop in the second RFP in late July 2013. Potential bidders were contacted verbally and informed that the Fort Sage One Stop would not be included in the sale. There was no written notification of the exclusion of the Fort Sage One Stop. A corrected RFP was never issued.

The Sales Contract Agreement was prepared and again the Fort Sage One Stop property was included, the agreement was signed and recorded. Included in section 20.2 of the Sales Contract Agreement was a referee clause, which stated in part that, "any dispute shall be resolved quickly and heard by a referee." Against Lassen County Counsel's advice the Lassen County Board of Supervisors elected not to invoke the referee clause.

Fort Sage One Stop Building and Capital Facility Project agreement

Lassen County assumed ownership of the Herlong properties, including the Fort Sage One Stop. At that time the Lassen County Mental Health Department (LCMHD) opened a satellite office in that building. With the cooperative efforts of county staff and the community, the Fort Sage One Stop became a focal point for the south county. It was a Family Resource Center, Community Food Bank, Mental Health Services (MHS) facility and provided a local meeting place for the community, thus the name "Fort Sage One Stop".

On April 26, 2011, the Lassen County Board of Supervisors authorized the Health and Social Services Officer to submit to the State Mental Health Department the Lassen County Mental Health Services Act Capital Facilities and Information Technologies Plan. The county requested and subsequently received \$788,000. They received \$681,500 for construction/renovation of the One Stop in Bieber and \$107,500 for the installation of a new heating/ventilation/air conditioning system at the Fort Sage One Stop in Herlong.

Findings:

A member of the Lassen County Board of Supervisors should have recused himself from all discussions and action taken on the selling of the Herlong property, as he had a preexisting business relationship with an individual who was the successful bidder.

Other than for the drafting of the sales contract the Lassen County Board of Supervisors did not seek any outside expertise in deciding how to market the Herlong property. They also did not seek an appraisal or advertise outside of Lassen County.

The Lassen County Administrative Officer did not exercise oversight of the Treasurer/Tax Collector, the Planning Department Director, the County Surveyor and County Counsel to ensure accuracy of the sale of the Herlong property.

The turnover in the Lassen County Administrative Officer position created turbulence, a lack of continuity, poor communication, lack of oversight and uncertainty in county departments. Lassen County has had three County Administrative Officers in the less than three year period encompassing the decision to offer up the property for sale and the execution thereof.

The County Administrative Officer, the Planning Department Director and the county administrative staff failed to review the Lassen County Surveyor's legal description of properties included in the first RFP.

When the mistake of including the Fort Sage One Stop was discovered, county administrative staff chose not to inform the Board of the error in the RFP. Instead, county administrative staff chose to verbally notify buyers of the mistake by phone or in person but failed to document these conversations. By failing to notify the Board prior to opening of proposals it eliminated the possibility of the cancellation of the erroneous RFP.

In order to legally remedy and attempt the reversal of the erroneous sale of the Fort Sage One Stop property, the Lassen County Board of Supervisors could have invoked the referee clause in the sales contract. The Board elected to not contest the Fort Sage One Stop sale and impose the referee clause, even after being advised to do so by their attorney.

After the mistaken sale of the Fort Sage One Stop property was completed, the Board directed county staff to negotiate with the new owners a lease of the Fort Sage One Stop building. The current Fort Sage One Stop does not comply with the American with Disabilities Act (ADA). The county cannot invest money into the building to make it so because it is now owned by a private party.

A sense of urgency was displayed by the Board for disposing of properties in the recently concluded RFP process. There was general consensus among Board members and Acting CAO when interviewed, that funds were being expended monthly on the maintenance of the Fort Sage One Stop from the Lassen County General Fund and it was causing concern. This runs contrary to the fact that it was the intent of the Board and county staff not to include the Fort Sage One Stop in the RFP's. The reason for this was that the Fort Sage One Stop contributes significantly in providing valuable community services to south Lassen County.

The funds received from the State Mental Health Department came to Lassen County with the county attesting that The Fort Sage One Stop was owned by Lassen County and that they would continue to maintain the building and meet all applicable codes and regulations, including ADA requirements. It was also stated that the county would dedicate the Fort Sage One Stop in Herlong to the intent of MHSA based on the availability and continuation of ample MHSA funding. Sometime in 2012 the State Mental Health Department was dissolved and responsibilities were transferred to the Lassen County Community Development Department.

The condition of the Fort Sage One Stop property was called into question by county officials. It was stated that the property was in poor to terrible condition with minimal value. The Grand Jury toured the properties including the Fort Sage One Stop and the consensus was the building was in good condition with a new commercial roof and new heating/ventilation/air conditioning system.

The Grand Jury obtained the services of a professional appraiser to review the Fort Sage One Stop property to determine appraised value and to determine costs of a replacement building and/or cost of new construction. The Fort Sage One Stop was described in the appraisal as in average condition with a value of ***\$200,000***.

The county is looking into an alternate site to house the services currently provided by the Fort Sage One Stop. The existing Fort Sage One Stop is about 10,200 square feet which includes a chapel and space for other services. The cost of a replacement commercial building, based on comparative sales, averages \$24.50 per square foot. The Grand Jury estimated the cost of purchasing a *used* building based on the average of \$24.50 per square foot at approximately ***\$150,000 to \$250,000***.

The replacement cost of a *new* building of comparative size is about ***\$1,200,000***.

The county's lack of oversight resulted in the mistake of selling the Fort Sage One Stop in the Herlong property sale (an approximate \$200,000 mistake) and the cost of replacing the Fort Sage One Stop (\$150,000-\$200,000) results in an approximate cost to county taxpayers of **\$350,000** to **\$450,000**.



**Fort Sage One Stop
Herlong, California
June 2014**

Recommendations:

The Lassen County Grand Jury refers to the Lassen County District Attorney the issue of a conflict of interest by a seated member of the Lassen County Board of Supervisors.

The Lassen County Board of Supervisors and county administrative staff participate in ethics training to include review of laws related to personal financial gain by public servants; laws related to claiming perquisites (perks) of office; government transparency laws; and laws relating to fair processes.

The Lassen County Board of Supervisors and county administrative staff participate in training with an emphasis on the importance of effective communication; specifically communication from Board to staff and from staff to Board.

Prior to proceeding any further with the disposal of Herlong property, the Lassen County Board of Supervisors should seek the outside expertise required to advertise nationally and develop adequate procedures to ensure that the county maximizes revenues, both from the sale and from future tax revenues.

The Lassen County Board of Supervisors direct a review of the County's Request for Proposal policies to ensure that these documents are reviewed by identified county positions and specifically that legal descriptions are reviewed and certified as correct by the identified staff prior to documents being published.

Response Required: Yes

Lassen County Board of Supervisors
Lassen County District Attorney

LASSEN COUNTY BOARD OF SUPERVISORS

Ralph M. Brown Act Emergency Agenda Item

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning a possible violation of the Ralph M. Brown Act (Brown Act). The complaint stated that the Lassen County Board of Supervisors (Board) knowingly violated sections of the Brown Act.

Inquiry Procedures:

A review of the Brown Act, including Government Code sections 54954.3(a) and 54954.2(b)2 that were specifically referenced by the complainant, was performed. Additionally, a review of other Brown Act sections, Government Code sections and an audio recording of the January 14, 2014, Board meeting were completed.

Discussion:

On January 14, 2014 during a Board meeting the Interim Chief Administrative Officer (CAO) identified an emergency item that should be added to the agenda. The CAO presented a brief summary to the Board of the emergency item, a "resolution for an application for the Lassen Local Agency Formation Commission (LAFCO), requesting initiation of proceeding to form a Southern Cascade Emergency Service District. The district is to provide emergency medical and ambulance service to the Big Valley area and territories of Modoc and Lassen Counties".

The CAO further stated that LAFCO had scheduled a public hearing to be held on February 10, 2014, regarding the resolution. The CAO stated that failure of the Board to act on this resolution would jeopardize the formation of the new special district as it could not be placed on the ballot for the next general election in June.

Although the CAO stated he had just learned of the urgent need of an emergency action by the Board, the majority of the Supervisors stated they were aware of the LAFCO timetable on or about December 9th or 10th of 2013. During the meeting, Board members publically acknowledged their mishandling of this issue and reiterated the need to form a decision on the resolution. The Board voted unanimously to add the resolution to the agenda as an emergency item. After citizens from Big Valley and others in attendance addressed the Board with opinions and observations, the Board voted unanimously in support of the LAFCO resolution.

Findings:

Lassen County Board of Supervisors unanimously voted to accept and add the LAFCO resolution to the Board's agenda as an emergency item. The Board's action subverted prescribed/required public notification, review and public comment mandates. Upon review of Brown Act, the Board's use and implementation of the emergency rule to facilitate the modified agenda was inappropriate. Board members had known of their responsibility to place on the

agenda the LAFCO resolution well in advance of the January 14, 2014, meeting yet failed to do so, so this did not constitute an emergency.

Although the Board's intent to correct this oversight and ensure the resolution advanced to the voters in the June election was admirable, the misuse of the emergency declaration resulted in multiple Brown Act violations enumerated as follows (all references are to Government Code sections):

54954.2.(a)(1)

At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

54954.2.(a)(2)

No action or discussion shall be undertaken on any item not appearing on the posted agenda.

54954.2.(b)(1)

Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in section 54956.5.

54954.2.(b)(2)

Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

54954.3.(a)

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item.

54956.5.(a)(1)

An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

54956.5.(a)(2)

A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

54956.5.(b)1

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of section 54956 or both of the notice and posting requirements.

Recommendations:

The Lassen County Grand Jury refers to the Lassen County District Attorney the issue of the application of the emergency rule to modify the Lassen County Board of Supervisors' January 14, 2014, agenda.

The Lassen County Board of Supervisors address the issue of effectively tracking time sensitive matters and review any policies and procedures that provide a safeguard against this type of oversight.

Response Required: Yes

Lassen County Board of Supervisors
Lassen County District Attorney

LASSEN COUNTY BOARD OF SUPERVISORS

**Ralph M. Brown Act
Personnel**

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning an alleged violation of the Ralph M. Brown Act (Brown Act). The complaint stated that the Lassen County Board of Supervisors (Board) violated the Brown Act by voting on a personnel matter in closed session.

Inquiry Procedures:

The Grand Jury reviewed the Brown Act, Open Meeting for Local Legislative Bodies, and California Attorney General Opinions. The Grand Jury also reviewed agendas and minutes of the Lassen County Board of Supervisors meetings.

Discussion:

The Grand Jury determined that all actions and votes taken in closed session must be publicly reported orally or in writing within 24 hours Government Code section 54954.1 (b); copies of any contract or settlements approved must be made available promptly Government Code section 54957.1 (b), (c); closed sessions may be held for personnel matters only to discuss the appointment, employment, performance, evaluation, discipline, complaints about or dismissal of a specific employee or potential employee Government Code section 54957.

Additional information stated, any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Government Code section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

Findings:

Based on the information reviewed, the Lassen County Grand Jury finds no discernible violation of the Ralph M. Brown Act.

Recommendations: None

Response Required: None

LASSEN COUNTY CHILD AND FAMILY PROTECTIVE SERVICES

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint regarding Child and Family Services (CFS). The complaint outlined several violations pertaining to the hostile atmosphere in the work place and violations of policy and procedure.

Inquiry Procedures:

The Grand Jury conducted interviews and reviewed the Personnel Rules and Regulations of the County of Lassen that pertained to the operation of the CFS.

The Grand Jury invited the department head to attend a special meeting for the purposes of inquiring into the department's regular business practices and the expectations for the employees. The CFS department's leadership team attended this special meeting, providing an in depth look into the day-to-day operation of CFS and policies and procedures.

Members of the Grand Jury attended a tour of the CFS offices which provided an opportunity for the Grand Jury to see firsthand the work environment and atmosphere.

Findings:

The Grand Jury found that during the time frames outlined in the complaint that many of the allegations had merit. The current leadership team provided a very transparent view into what once was a "broken" department due to ever changing leadership, failure to enforce policy and procedure, lack of accountability as well as short term employees. This department was at one point identified as a hostile work environment and in need of rehabilitation. As with many local county departments CFS is short staffed and budget constraints demand "more with less".

The current leadership team outlined the expectations of the employees and provided documentation regarding statistics and workload issues. Policies and procedures are not only in place but they are enforced. The department has become an open, supportive "team" environment. Supervisors are available with an open-door policy to provide training and assistance to social workers along with the appropriate supervision in the office and out in the field.

The tour of the CFS office provided members of the Grand Jury with the information needed to ensure the atmosphere was more positive, professional and productive than outlined in the complaint. The office infrastructure is clean, friendly, and open. With a newly remodeled visiting room for families and access to supplies for children in need, this office clearly demonstrates a professional and positive atmosphere. Employees were friendly and eager to inform the Grand Jury on subject matter pertinent to daily operations. A subsequent interview with the onsite administrator confirmed CFS is flourishing under the current leadership.

Recommendations: None

Response Required: None

Commendations:

The Lassen County Grand Jury commends Lassen County Child and Family Services for recognizing and correcting their department's infrastructure and business practice shortcomings.

The Lassen County Grand Jury commends the Lassen County Child and Family Service's Leadership Team for their voluntary cooperation and transparency during the inquiry into the department.

LASSEN COUNTY FAIR

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning the unfair treatment of Grange youth members by the Lassen County Fair. The complaint stated the fair accepted entries from adult Standish Grange members, but disallowed youth members to enter their livestock and show as "Grange Youth."

Inquiry Procedures:

Grand Jury members interviewed the fair manager and reviewed the Local Junior Livestock Rules page 13, paragraph 3 and paragraph 20, and also a letter from the National Grange Deputy dated June 13, 2013.

Discussion:

The fair manager stated that as of February 2013, Standish Grange didn't have a National Charter and was not a sanctioned Grange.

The National Grange stated in their June 13, 2013 letter, "At the present time, Honey Lake Valley is the only chartered Grange in the Susanville area. While there is movement afoot to charter another Grange in the Standish area that has not yet been done. As a result, due to rules as established by Fairs and Expositions and the Grange Youth Fair program, members of Honey Lake Valley Grange who meet Lassen County Fair rules and regulations will be the only Grange members recognized to show as Grange Youth at the Lassen County Fair."

No rules were included in the letter from the National Grange regarding adult Grange members being allowed or disallowed to enter and exhibit their still exhibits as Standish Grange members. The 2013 California State Rules for Fairs, the Lassen County Fair's Junior Livestock Rules and documentation from the National Grange were used to determine the final decision.

Findings:

The determination made by the fair manager was within his authority and consistent with state and local rules.

Recommendations: None

Response Required: None

LASSEN COUNTY JUVENILE DETENTION FACILITY

Reason for Inquiry:

Public interest

Background:

The California Penal Code section 919(b) mandates that the Lassen County Grand Jury (Grand Jury) "shall inquire into the condition and management of all public prisons within their county."

The Lassen County Juvenile Detention Facility (JDF) is located at 1425 Chestnut Street in Susanville, California, adjacent to the Lassen County Sheriff's Office on Sheriff Cady Lane. The JDF is rated for a population of 40 juveniles, but operates with current staffing at a level which allows a maximum capacity of 20 juveniles. The newest portion of the building is 20 years old. Nine juveniles were housed in this facility on the date of the Grand Jury tour.

Inquiry Procedures:

On September 17, 2013, the Grand Jury toured the JDF with the Juvenile Hall Superintendent and the Acting Chief Probation Officer (ACPO).

Discussion:

The ACPO and Juvenile Hall Superintendent met the Grand Jury in the Booking Room and gave a general overview of the facility, staffing levels, budget information, daily processes and procedures and answered all of the questions posed by the Grand Jury. The tour continued to all areas of the facility including the control room, classrooms, cells, showers, Sierra Unit, courtroom/visiting room, gym and the outside yard.

The Grand Jury learned that a portion of the facility is rented to Delphi Group Home and another portion is owned by the Department of Education. Lassen County Mental Health visits the juveniles each week, the Alcohol and Drug Department is planning to schedule regular visits, and there is a contract with a local physician. Meals are provided through a contract with Lassen Adult Detention Facility (ADF) and overhead costs to the county are assessed at approximately \$30,000 per year for the department.

JDF charges Lassen County detainees \$15 per day with a waiver, which is comparable to nearby counties for their local detainees. JDF accepts detainees from Modoc and Plumas counties at \$110 per day. We were told the Lassen County Board of Supervisors continue to research the possibility of closing the JDF if it would save the county money during these lean budget times. At the time of the tour, there were 6 positions for Juvenile Probation and 16 funded positions at JDF (12 filled, 1 frozen) working 4 x 12 hour shifts.

The juvenile supervision fee for juveniles on probation may be waived to zero at time of collection by the Office of Recovery and Reimbursement. The ACPO advised the Grand Jury that even \$5 per month paid by the current 90 juvenile probationers would pay for drug testing. Her goal is to research the fees collectable for juvenile and adult probationers as well as those housed at the JDF, learning which fees are mandatory, which fees may be waived, if all possible fees are being accessed and if some fees may be increased.

JDF houses a classroom and students attend class for four to five periods each day. An “Odyssey” curriculum is being followed by the instructor. The goal is to have detainees earn credits so they can graduate with their class.

Findings:

The staff and the detainees keep the facility clean, tidy, and organized.

There is a written complaint process to be used by detainees, with the complaints being logged and followed up by staff.

Compliant logs were current and in compliance with JDF policy.

Having a local JDF appears to be a deterrent for our local juveniles.

Recommendations:

The CPO continue working with the Lassen County Office of Recovery and Reimbursement and Lassen County Counsel to fully assess and collect any and all applicable fees.

Response Required: Yes

Chief Probation Officer

Lassen County Counsel

Lassen County Office of Recovery and Reimbursement

Commendations:

The Grand Jury would like to commend the Juvenile Hall Superintendent and staff for operating a clean, neat, safe and secure facility.

LASSEN COUNTY PROBATION DEPARTMENT

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning Lassen County's handling of the Chief Probation Officer (CPO) position and the Acting Chief Probation Officer (ACPO) appointments.

The complaint alleged the County Administrative Officer (CAO) and County Counsel neglected to follow through with the investigation of the Chief Probation Officer; there was abuse of county funds spent on multiple Acting Chief Probation Officers while the CPO was on paid leave; and county administration violated Lassen County Personnel Rules and Regulations in the appointment of an Acting Chief Probation Officer.

Inquiry Procedures:

The Grand Jury interviewed and received written responses from a representative of the Lassen County Counsel Department, Personnel Department, and the Chief Executive Officer. In addition, further follow-up written inquiries were made to the Administration Department, the Auditor's Office and the Personnel Department of Lassen County.

The Grand Jury inquired about the salary range and minimum qualifications of the CPO position, salary and qualifications of the various ACPO's, and the County's Personnel Rules and Regulations and operational practices.

Discussion:

Chief Probation Officer Job description includes:

Knowledge of: principles and practices of adult and juvenile probation; criminal justice; organization, administration and personnel management; budget preparation and administration; supervision, training and performance evaluation; organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Ability to: plan, direct and control the administration and operations of the Probation Department; develop and implement department policies and procedures; successfully develop, control and administer departmental budget and expenditures; analyze problems and identify alternative solutions; supervise, train and evaluate assigned personnel.

Education and Experience: to qualify for this classification, an individual must possess any combination of experience and education that would likely produce the required knowledge and abilities. A desirable combination is: five years of increasingly responsible experience in adult and juvenile probation, including two years of significant administrative managerial experience; a Bachelor's degree from an accredited college or university with major course work in Criminal Justice, Psychology, Sociology, Public Administration or a related field; a Master's degree is preferred.

The job description for the CPO identifies the salary at Range 33, currently set at \$35.62 to \$43.07 per hour.

During a 13 month period there were four Acting Chief Probation Officer (ACPO) appointments:

- 1st ACPO served 02-27-12 to 03-26-12 earning \$22.27 per hour as administrator
- 2nd ACPO served 03-16-12 to 08-27-12 earning \$40.37 per hour. (10 day overlap)
- 3rd ACPO served 08-27-12 to 03-04-13 earning \$40.37 per hour.
- 4th ACPO served 03-05-13 to present earning \$34.22 to \$36.51 per hour

During the same time period the Chief Probation Officer was on paid leave from 02-22-12 to 06-10-13 earning \$40.37 per hour.

Lassen County Personnel Rules and Regulation:

Section 407. ACTING APPOINTMENTS

If deemed to be in the best interest of the County, the CAO may authorize and approve an acting appointment in order to fill either a temporary (e.g. due to maternity, industrial accident or military leave) or regular (e.g. due to an employee's resignation or termination) vacancy. If the position being filled on an acting basis would normally require Board approval (i.e. direct Board appointee), the Board shall approve the CAO's acting appointment.

(a) An acting appointment may be authorized for a period not to exceed six (6) months from the date of appointment, subject to an extension for an additional six (6) months on written approval of the County Administrative Officer, or Board, as the case may be. All acting employees must meet the minimum qualifications for the vacant position.

On March 18, 2014 the above section was amended to read:

(a) An acting appointment may be authorized for a period not to exceed six (6) months from the date of appointment, subject to extensions of additional six (6) month increments on written approval of the County Administrative Officer/Chief Executive Officer, or Board, as the case may be. All acting employees must meet the minimum qualifications for the vacant position.

(b) During the acting period, the employee will be assigned the title of the acting position and will be paid at the lesser of (a) the minimum rate of the salary range of the classification of the acting position or (b) an advanced step within that range which provides an approximate 5% increase above the employee's rate of pay prior to the acting appointment. In all instances, the amount of the salary increase for an acting appointment must not exceed the top of the salary range for the classification of the acting position.

Findings:

Chief Probation Officer Investigation:

During the investigation process, the Grand Jury learned that an investigation of the CPO was requested by County Administration on April 1, 2012, and completed by an independent investigator. The final investigative report was submitted to County Administration on April 25, 2012.

Abuse in Spending County Funds:

A rapid response to the original complaints regarding the CPO followed by confident, effective,

and timely resolution would have relieved the county from paying salaries to multiple ACPO's for an extended period while concurrently paying the CPO's leave salary. Changes in county leadership, failure to effectively communicate with the CPO, and failure to act on investigative findings resulted in prolonged and excessive Probation Department expenses.

Lassen County Personnel Rules and Regulations:

- *Acting appointments may be authorized for a period of six (6) months with one six (6) month extension upon written approval of the CAO or Board of Supervisors*

The Lassen County Probation Department employee currently serving as ACPO was appointed by the County Administrative Officer and Superior Court Judge on March 4, 2013. The first six (6) month term expired on September 4, 2013. The six (6) month extension expired on March 4, 2014.

Lassen County Administration did amend the Personnel Rules and Regulations on March 18, 2014 to allow for extensions of additional six (6) month increments on written approval of the County Administrative Officer/Chief Executive Officer, or Board, as the case may be.

- *Acting employees must meet the minimum qualifications for the vacant position*
The Grand Jury finds that at the time the current ACPO was appointed, the individual did not meet the minimum qualification standards for the position.

The Grand Jury does find mitigating circumstances, acknowledging that it is difficult to fill an "acting" department head position from an applicant pool and further that a well-qualified ACPO did recommend that an "in house" promotion be made to allow for an easier transition to yet another (4th) ACPO for the department.

- *Acting employees will be paid at the lesser of (a) the minimum rate of the salary range of the classification of the acting position or (b) an advanced step within that range which provides an approximate 5% increase above the employee's rate of pay prior to the acting appointment*

The current ACPO was a Supervising Deputy Probation Officer for a short time, earning \$23.67 per hour. This employee was appointed as the ACPO at \$36.51 per hour. This pay increase was not limited to a 5% increase as required by the Lassen County Personnel Rules and Regulations. In fact, this appointment resulted in an increase of \$12.85 per hour or a 52% increase. This hourly rate is 47% more than the pay increase allowed in the Personnel Rules and Regulations approved by Lassen County.

The Grand Jury does find mitigating circumstances, acknowledging that for a complex department head position, it may be appropriate for an employee to receive more than a 5% increase upon promotion. However, the Personnel Rules and Regulations do not differentiate between low level or high level appointments to acting positions.

- The Grand Jury finds that the Lassen County Personnel Rules and Regulations that were

provided by the Personnel Office and posted on the County website were not regularly updated. The rules given to the Grand Jury were identified as updated January 2, 2005. The Lassen County Personnel Department did correct this error and update these online Rules and Regulations in April 2014.

Chief Probation Officer Position

The CPO has been absent from the Probation Department since February 17, 2012, leaving the department employees without consistent leadership fully knowledgeable in Lassen County Probation Department procedures related to AB109 requirements, both juvenile and adult probation processes, personnel management, and budget and grant administration for over two years.

Recommendations:

1. Lassen County Administration Department must follow the written Personnel Rules and Regulations, specifically the Acting Appointments section for all Acting CPO's.
 - The acting appointment allowable term did expire prior to the amendment to the Personnel Rules and Regulations.
 - The Acting Chief Probation Officer has been paid as an experienced and qualified Chief Probation Officer even though the employee's original experience and qualifications failed to meet the standard.
 - The Acting Chief Probation Officer should have only received a 5% pay increase upon appointment and serve the six (6) month terms at that salary rate.
2. Lassen County Personnel Department should develop and implement a written procedure to ensure that the Lassen County Personnel Rules and Regulations are updated and posted to the website in a timely manner.
3. Lassen County deserves a strong and efficient Probation Department to effectively serve the community. County Administration must bring resolution to this outstanding personnel issue with the current Chief Probation Officer on leave, and hire a permanent, qualified Chief Probation Officer to improve morale and uncertainty within the department and bring a final resolution for all involved.

Note: Prior to submission of this report, an agreement with the Chief Probation Officer was met. It is the county's intent and the recommendation of the Grand Jury to advertise the permanent full-time Chief Probation Officer position statewide to make the best effort to receive a diversified and strong applicant pool.

Response Required: Yes

Lassen County Administrative Officer/Chief Executive Officer
Lassen County Counsel
Lassen County Personnel

Commendations:

The Lassen County Grand Jury commends Lassen County administrative staff members for being knowledgeable, cooperative and helpful during our inquiry into this issue.

LASSEN COUNTY PUBLIC WORKS DEPARTMENT

Roads

Reason for Inquiry:

Complaint received

Background:

The Lassen County Grand Jury (Grand Jury) received a complaint concerning the poor road conditions in the Doyle-Herlong area.

The complaint also stated that over a six-month period multiple telephone calls were made to the Lassen County Public Works Department regarding the condition of the roads. The complainant stated a response to the calls has not been received.

Due to the failure of the department to respond to the telephone calls, the Grand Jury agreed to investigate the conditions of the roads in the south county and the situation regarding the department's lack of response to public complaints.

Inquiry Procedures:

On November 10, 2013, members of the Lassen County Grand Jury toured the south county roads that were referred to in the complaint.

On November 20, 2013, members of the Lassen County Grand Jury met with a representative of the Lassen County Public Works Department.

Discussion:

Lassen County has 884 miles of roads of which 340 are paved. The road department has 36 employees and five districts. This number is down six employees from last year due to budget cuts. The five districts are Westwood, Susanville, Doyle/Standish, Beiber/Pittville and Ravendale.

The tour began at the Hackstaff Road then continued on to the Fort Sage Road. The tour continued on to Summers Road, from Summers Road it preceded south on Hackstaff Road, continuing to Laver Crossing, preceding north on 395 to Lassen A-26 on to Sierra Vista, turning on to Sage Valley Road.

The Lassen County Road Department acknowledged the department was aware of the weed and shoulder problems in the Sage Valley area, but due to budget cuts and work force shortages no mowing was completed this year.

All dirt roads are graded once a month, except during summer, because the work force is diverted to major construction projects.

The budget is derived from gas tax, federal and state funding, and timber reserves. Funding has dropped two million dollars in the last five years. The County Road Department budget has two categories, road maintenance and personnel. Combined they received 2.4 million dollars.

Construction and special projects received an additional five million dollars.

Findings:

Fort Sage and Summers Roads are dirt roads and are in drivable condition. Hackstaff Road had been graded, but there is a low spot that floods in the rainy seasons, making it impassable during rainstorms. Laver Crossing is paved and in good condition. County Road A-26 to Sierra Vista and continuing on to Sage Valley Road are all paved roads but they are badly cracked with no shoulders and weed growth of one to two feet high.

The number of telephone calls received by the department is minimal. Telephone calls should be returned by the end of the workday.

Due to budget reductions not all road maintenance issues can be addressed.

Recommendations:

Develop a schedule for weed abatement and shoulder work on all south county roadways, with priority given to residential areas.

Resolve the problem concerning the flood area on Hackstaff Road to prevent the flooding during the rainy season.

All telephone calls should be returned by the end of the workday. A telephone log should be used by staff with a weekly review of the log performed by the supervisor.

Implement a department wide policy/procedure regarding the timely response to all inquiries.

Provide staff training in the proper handling of complaints and responses according to an adopted policy/procedure.

Response Required: Yes

Lassen County Public Works/Roads

Treasurer/Tax Collector

County of Lassen



NORMA SCHEETZ, *Treasurer/Tax Collector*
Lassen County Courthouse, Suite 3
220 South Lassen Street
Susanville, CA 96130-4324

☎ 530/251-8221
FAX: 530/251-2677

September 17, 2014

Honorable Judge Verderosa
2610 Riverside Drive
Susanville, Ca. 96130

Re: Response to Grand Jury Report

Dear Judge Verderosa,

As the Treasurer Tax Collector for Lassen County I concur with the response from the Board of Supervisors that pertains to the Chief Probation Officer and the Office of Recovery and Reimbursement to continue to work together to "...fully assess and collect any and all applicable fees".

This is an ongoing endeavor between the two departments and will be a priority to assess and collect fees due for detained juveniles.

Sincerely,

A handwritten signature in cursive script that reads "Norma Scheetz".

Norma Scheetz
Treasurer Tax Collector
Lassen County



LASSEN COUNTY SHERIFF'S OFFICE

1415 Sheriff Cady Lane Susanville, CA 96130

Administration
Phone: (530) 251-8013
Fax: (530) 251-2884

Dispatch
Phone: (530) 257-6121
Fax: (530) 257-9363

Civil
Phone: (530) 251-8014
Fax: (530) 251-2884

Adult Detention Facility
Phone: (530) 251-5245
Fax: (530) 251-5243

Dean F. Growdon
Sheriff - Coroner

August 13, 2014

Lassen Superior Court
2610 Riverside Drive
Susanville, CA 96130

Lassen County Grand Jury Foreperson:

This letter will constitute the Sheriff's response to the 2013-14 Lassen County Grand Jury findings and recommendations.

Lassen County Jail telephone system: The Grand Jury recommended the jail develop a procedure to advise attorneys and inmates of available methods of attorney / client confidential telephone communication. The respondent disagrees partially with this finding. The Lassen County Jail Policy #3-25 addresses "access to courts and counsel." The policy specifically states: "Inmates may also make attorney calls on the inmate phone in the housing unit. If an inmate wishes to make toll free, unmonitored calls on the inmate phone, the inmate must make a written request. If an inmate makes such a request, it will be forwarded to the Inmate Services Officer (ISO). The ISO will coordinate with the attorney of record to determine if the attorney wants the inmate to be able to make unlimited, toll free, unmonitored calls from the housing unit. If the attorney consents, the ISO will work with command staff to make the appropriate modifications for that specific number for toll free, unmonitored calls." This policy is included as part of the "Public Information Plan" for the jail that is posted on the county jail page of the Lassen County Website. This information is readily available to the public and to any attorney.

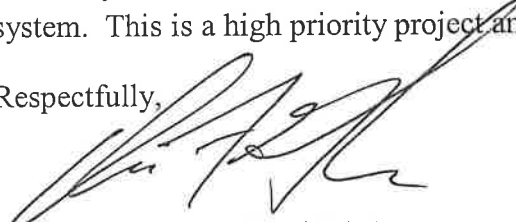
In accordance with the Grand Jury recommendation, the Sheriff's Office will add a reference to the above procedure into the Inmate Orientation Manual so inmates in custody will have ready access to the policy. However, utilizing the inmate telephone system is the least reliable means for confidential communications between inmates and attorneys. The best means for attorneys to confidentially speak with their inmate clients is to utilize the attorney visiting room in the county jail for live, face to face meetings. Utilizing the "attorney override" function in the inmate phone system will assure telephone calls are NOT recorded. However, when inmates are using phones

in a common area such as a housing unit, or day room; the inmate is subject to be overheard by other inmates or correctional officers working in the housing unit or monitoring the housing unit with audio intercoms.

Video System: The Grand Jury recommended the Sheriff's Office to continue developing a video system to increase data storage to meet the 1 year retention requirements in the California Government Code. The respondent agrees with this finding.

The Sheriff's Office has made a number of significant upgrades to the video surveillance system in the county jail over the past 8 years. The Sheriff's Office has continually researched options to increase the video storage capabilities. Unfortunately, due to the proprietary nature of the current system, there have been no viable options to increase storage and meet the 1 year retention requirement in the California Government Code. The current system only has enough storage to keep video files for approximately one month. NO files are deleted by Sheriff's personnel. The computer simply begins over-writing the oldest data, with new data. At this point the only immediate solution to meet the government code requirement is to completely disable recording capability of the current system. If there are no recordings to retain, the jail would not have to meet the 1 year retention requirement. Terminating recording capability would not only be a drastic move, it would completely compromise the safety and security of the jail. One month of storage still gives the facility the ability to review critical incidents, violent encounters between inmates, use of force incidents, accidents, or other injuries to staff or inmates. Considering the types of events captured, the system (even with its storage limitations) is valuable to the jail and its operation. The best long term solution is to migrate to a completely new system. In May of 2014, Sheriff's personnel began the process of procuring new digital high definition cameras. The Sheriff's Office has already taken delivery of 30 cameras. This camera upgrade project will require a minimum of 12 additional cameras. Once the county budget is adopted, the Sheriff's Office will attempt to procure the additional 12 cameras and make the necessary upgrades to a computer server that will serve as the back bone of the new system. Once those items are in place, Sheriff's personnel will begin the process of adding the necessary infrastructure and re-cabling the entire facility to meet the requirements for the new system. This is a high priority project and is targeted for completion in the 2014-15 fiscal year.

Respectfully,



Dean F. Growdon, Sheriff / Coroner

cc Chairman, Lassen County Board of Supervisors
Richard Egan, CAO

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LASSEN

Stacey L. Montgomery
District Attorney

Courthouse
220 South Lassen Street, Suite 8
Susanville, California 96130

(530) 251-8283
(Fax) 251-2692

September 16, 2014

The Honorable Michele Verderosa
Presiding Judge, Lassen Superior Court
Hall of Justice
2610 Riverside Drive
Susanville, CA 96130

Re: Response to FY 2013-2014 Grand Jury Report

Dear Judge Verderosa,

I, Stacey L. Montgomery, District Attorney of Lassen County, do hereby tender the following responses to the two (2) items submitted to my office for consideration by the Grand Jury pursuant to the referenced Grand Jury Report. This response is prepared in accordance with PC Section 933(b).

Grand Jury Report Title: Herlong Property Sale

Recommendation:

That the District Attorney review the issue of a conflict of interest by a seated member of the Lassen County Board of Supervisors.

Response:

Disagree.

No action will be implemented or undertaken at this time because no action is warranted or reasonable

The Report and Recommendation of the Grand Jury is vague and does not name the supervisor with the alleged conflict of interest nor does it state with specificity what the facts and circumstances are surrounding the alleged conflict. At this time there appears a lack of corpus, insufficient information and evidence to proceed and I find that at this time, without more information, successful prosecution is not probable.

Grand Jury Report Title: Lassen County Board of Supervisors, Ralph M. Brown Act, Emergency Agenda Item

Recommendation:

That the Lassen County District Attorney review the issue of the application of the emergency rule to modify the Lassen County Board of Supervisors' January 14, 2014, agenda.

Response:

Disagree.

No action will be implemented or undertaken at this time because no action is warranted or reasonable.

The report and recommendation is rejected in the interest of Justice. At this time there is a lack of corpus, insufficient information and evidence to proceed and I find at this time that successful prosecution is not probable.

It appears that the Board of Supervisors took remedial measures to correct an oversight that may have resulted in impairment to public health and safety by obtaining a unanimous vote to include the LAFCO Resolution on the ballot.

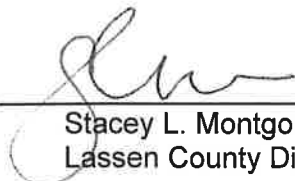
It is unacceptable to this District Attorney to proceed to prosecute an entire Board of Supervisors for such a mere oversight.

At this time it is not in the interest of the People of the State and or Lassen County and would be an ineffective and unacceptable use of County resources.

This is a matter best left to the voters.

Respectfully submitted,

Dated: 9/16/14



Stacey L. Montgomery
Lassen County District Attorney

Slm/ms

CC: Board of Supervisors



Honey Lake Valley Resource Conservation District

170 Russell Ave., Suite C - Susanville, CA 96130 - Phone (530) 257-7272, Ext. 101

September 26, 2014

Honorable Michelle Verderosa, Presiding Superior Court Judge
Lassen Superior Court
Hall of Justice
2610 Riverside Drive
Susanville, CA 96130

**RE: Honey Lake Valley Resource Conservation District – Board Vacancy Filled
On September 24, 2014**

Dear Judge Verderosa:

At the Honey Lake Valley RCD September 24, 2014 board meeting, Larry Cabodi was appointed as the new board member to fill the vacancy left by the resignation of Ramsey Wood.

Since one of the findings/recommendations of the enclosed Grand Jury response letter was to fill the vacant seat on our Board, we wanted to make you aware that this has now been accomplished.

Best regards,

Merry Wheeler, Executive Secretary
Honey Lake Valley Resource Conservation District

cc: Honey Lake Valley RCD Board of Directors
Lassen County Board of Supervisors

Enclosure

grand jury response cover letter – vacancy filled – 9-26-14



Honey Lake Valley Resource Conservation District

170 Russell Ave., Suite C - Susanville, CA 96130 - Phone (530) 257-7272, Ext. 101

September 25, 2014

Honorable Michelle Verderosa, Presiding Superior Court Judge
Lassen Superior Court
Hall of Justice
2610 Riverside Drive
Susanville, Ca. 96130

Re: **Honey Lake Valley Resource Conservation District – Response to 2013-2014
Grand Jury Report**

Dear Judge Verderosa:

This letter constitutes the statutory response to the 2013-2014 Lassen County Grand Jury Report pertaining to the Honey Lake Valley Resource Conservation District (HLVRCD).

The HLVRCD appreciates the interest and work of the Grand Jury as reflected in the 2013-2014 Grand Jury report. The HLVRCD also expresses its hope and belief that the HLVRCD is currently well led and moving in a positive direction for the residents and water users of Lassen County.

The HLVRCD's responses to the findings and recommendation are as follows:

Findings:

The HLVRCD cannot function efficiently with only four members.

HLVRCD Response: Agree.

The HLVRCD has advertised in the local paper, posted the application in a public place, and tried to generate interest by word of mouth to solicit applicants for the vacancy created by the unexpected resignation of a board director. The HLVRCD also requested the Lassen County Board of Supervisors appoint a director to fill the vacancy, but the Board of Supervisors responded that they were not interested in appointing a director and that the HLVRCD should hold a special election to fill the vacancy. The HLVRCD does not have the resources available to do this.

The HLVRCD Board meetings were discussions related to water allocation issues, hampering the board's ability to adequately address conservation resource issues and funding projects.

HLVRCD Response: Agree.

For quite some time the HLVRCD board meetings have been overtaken by watermaster or water service area issues. These issues are almost always instigated by two or three water users who insist on discussing water related items that should be directed to the Watermaster Advisory Committee (WAC). The HLVRCD has implemented new policies to ensure that future RCD meetings will not be impacted by water issues (see Recommendations).

HLVRCD'S RESPONSE TO GRAND JURY RECOMMENDATIONS

Recommendation: The Watermaster has the final say in water allocation decisions.

HLVRCD Response: The HLVRCD agrees that the Watermaster have the final say in water allocation decisions. All water disputes are to first go to the Watermaster (WM) to be resolved. If the WM cannot resolve the issues, a Dispute Resolution Committee (DRC) will be assigned by the chairman of the WAC to assist in complaint resolution.

Recommendation: Form a separate special district to address and implement Watermaster services, consisting of one board member from each supervisory district, with Board members appointed by their supervisor or elected from each district.

HLVRCD Response: A majority of the board members feel that forming a special district is simply passing the current issues on to another entity. The HLVRCD feels the WAC should administer the Watermaster function.

Recommendation: If the Watermaster administration remains under the authority of the HLVRCD: No water users sit on the HLVRCD Board and all Watermaster issues be addressed at the Watermaster Advisory Committee (WAC) meetings.

HLVRCD Response: Regarding the real or perceived conflict of interest of water users being on the HLVRCD Board, the board suggests limiting the number of board members who are water users. It is almost impossible to find a non-water user in Lassen County who is interested in being a director of the HLVRCD.

The Board strongly agrees there should be no Watermaster related items on the HLVRCD meeting agenda unless those items come directly from

the WAC, since that way the Watermaster service is completely driven by the WAC. This policy has been implemented.

Recommendation: Infrastructure deficiencies and improvements be addressed, with lockable flow meters being installed, beginning with the larger water users.

HLVRCD Response: The HLVRCD board agrees this is a good policy and recommends we move forward with implementation. It is already an existing policy and requires enforcement.

Recommendation: The Lassen County Grand Jury recommends the Honey Lake Valley Resource Conservation District Board of Directors fill the vacant seat on their Board.

HLVRCD Response: The HLVRCD has advertised the unscheduled vacancy in the local paper, by posting in a public place, and by word of mouth. The Lassen County Board of Supervisors has declined to appoint a director to fill the unscheduled vacancy, so the HLVRCD is moving forward at its next Board meeting to appoint a new director. To date the HLVRCD has received only one application for the vacancy.

Respectfully,

HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT
BOARD OF DIRECTORS



Willis Dow, Chairman



John Bentley, Vice Chairman



Ruth Dike, Treasurer



Jesse Claypool, Director



Larry Capodi, Director

A Response to FY 2013-2014 Grand Jury Report

Lassen County Historic Courthouse and Jail, circa 1923



Presented by:
The Lassen County Board of Supervisors
September 16, 2014

Lassen County's First Courthouse, circa 1900



Lassen County Historic Courthouse and Jail, 2014

County of Lassen
BOARD OF SUPERVISORS



ROBERT F. PYLE

District 1

JIM CHAPMAN

District 2

LARRY WOSICK

District 3

AARON ALBAUGH

District 4

TOM HAMMOND

District 5

County Administration Office
221 S. Roop Street, Suite 4
Susanville, CA 96130
Phone: 530-251-8333
Fax: 530-251-2663

September 16, 2014

The Honorable Michele Verderosa
Presiding Judge, Lassen Superior Court
2610 Riverside Dr.
Susanville, CA 96130

Dear Judge Verderosa,

Pursuant to Penal Code section 933(c), the Lassen County Board of Supervisors offers the attached responses to the 2013-2014 Lassen County Grand Jury report. More specifically, the Board of Supervisors has included responses to each finding and recommendation. It should be noted that the form provided in the Grand Jury report which is apparently to be utilized for making our responses includes the premise that every response to a finding or recommendation include the number of the finding or recommendation. Since the report of the Grand Jury did not number their findings or recommendations, we simply responded in the same sequence as they were presented. There was one exception to this. In the report entitled "Probation" the recommendations were numbered. Consequently, we numbered our responses to correspond thereto.

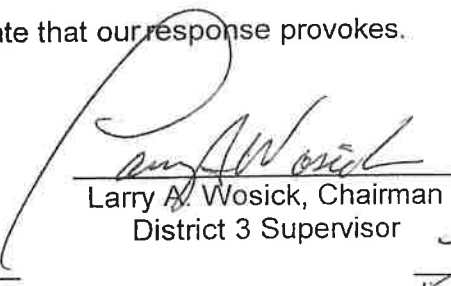
Moreover, the Grand Jury attempted to compel responses from individuals they are not empowered to. Specifically, the Grand Jury attempted to compel responses from the (Acting) Chief Probation Officer, the County Counsel, Lassen County Administrative Officer/Chief Executive Officer, Lassen County Personnel, and Lassen County Public Works. Pursuant to Penal Code section 933(c), and consistent with the opinion of the California Grand Jurors Association, no such responses will be offered or authorized. We are responding on their behalf, as it should be.

We look forward to the debate that our response provokes.

Respectfully,



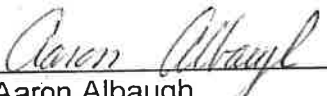
Bob Pyle
District 1 Supervisor



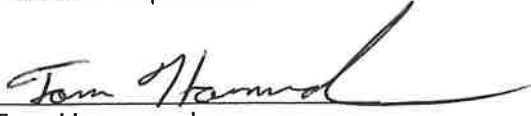
Larry A. Wosick, Chairman
District 3 Supervisor



Jim Chapman
District 2 Supervisor



Aaron Albaugh
District 4 Supervisor



Tom Hammond
District 5 Supervisor

Introduction

The California Grand Jurors Association states that the mission of a civil Grand Jury is to “help local government be more accountable and efficient.” They also state that their mission is to “facilitate positive change in Lassen County.” The Lassen County Board of Supervisors applauds this goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. This considerable contribution of time and energy by private citizens for the benefit of Lassen County is not lost on this Board of Supervisors. We thank you.

The Board of Supervisors welcomes the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart many of the recommendations brought forth by the Grand Jury. The Board of Supervisors joins the Grand Jury in trying to make local government as effective as possible.

At the same time, the Lassen County Board of Supervisors will take this opportunity to point out some things that have repeated themselves over the years, as it relates to Grand Jury reports, that have affected their credibility and the manner in which they have been received.

According to the California Grand Jurors Association, California and Nevada are the only two states in the union to require the formation of a civil Grand Jury in every county, every year. Each Grand Jury is made up of 19 persons who, according to the Grand Jurors Association, are not “administrators, legislators, or politicians.” Much like a petit Jury, or trial jury, it is widely believed that the Grand Jury is randomly selected from the community. The Grand Jury enjoys an image of being independent and objective, and for many, the final word on controversial topics.

In actuality however, at least in Lassen County, jurors are not selected randomly at all. In fact, they are recruited. The Board is aware that most years the Court struggles to empanel a full jury. Many of our citizens just don’t have the time or resources to be able to commit an entire year to this effort. The Board of Supervisors is also of the perception, and we don’t believe we are alone, that some persons, whether they admit it or not, derive their interest in serving as a Grand Juror as a result of some experience or conflict with local government. Also, and perhaps for different reasons, some of the persons selected over the years to serve are, in fact, the “administrators, legislators, or politicians” that the Grand Jurors Association contends it is not made up of.

Recent examples include the following:

1. Former Wardens.
2. Former Chief of Police for the City of Susanville.
3. Former Chief Executive of Lassen Superior Court.
4. Former Planning Commission Member.
5. Former Susanville City Councilman.
6. Former County Sheriff.
7. Former County Clerk/Recorder.
8. Current City Attorney

The most striking example is from this most recent Grand Jury year. The foreman of the 2013-2014 Grand Jury is the sitting Susanville City Attorney. This person has also recently served as the Attorney for the Honey Lake RCD, the subject of one of this year's reports.

This year, the Grand Jury received twenty-two complaints. They chose to file a total of fourteen reports which make up its year-end report (the Grand Jurors Association considers and teaches that each topic is its own report). Of the fourteen published reports, four were of detention facilities in our community, and were generated likely as a result of the Grand Jury's obligation to look into these facilities. The manner in which the remaining ten were selected is of most interest to the Board of Supervisors. Nine out of the ten deal with general County functions. There were no published reports that dealt with any City functions. The one report that did not deal with a general County function related to the Honey Lake Valley RCD, the foreman's prior client. That report appeared superficial and did not find any fault on the part of the Honey Lake RCD, despite considerable public criticism of their activities.

The individual relied upon for a real estate "appraisal" referenced in the Herlong Property Sale report was the chair of the RCD board during the time the foreman of this jury was their attorney, and this person continues to serve on that board.

The point to be made is simple.

The Board of Supervisors wants Lassen County Government to be as efficient and effective as possible. The Board believes that the Grand Jury, by and large, does too.

Nevertheless, an incomplete report, presented by individuals that do not present with the independence that Grand Jury service contemplates, does not further the mission of the Grand Jury.

Over the next pages the Lassen County Board of Supervisors will be presenting its response to this year's Grand Jury report. Contrary to past years where the Board has been fairly quiet, this year the Board will actively point out inaccuracies and misperceptions. This year, the Board of Supervisors will highlight the fact that the Grand Jury sometimes is composed of people who are not infallible, not always properly informed, and not always motivated to come to the proper conclusions.

Grand Jury Report: Herlong Property Sale

Finding:

“A member of the Lassen County Board of Supervisors should have recused himself from all discussions and action taken on the selling of the Herlong property, as he had a preexisting (sic) business relationship with an individual who was the successful bidder.”

Response /Comment:

Disagree.

The report makes no effort to identify that Supervisor. Respondents are left to speculate to whom the Grand Jury was referring and to formulate a response based on that speculation. As there was only one sentence in the report dedicated to the “Conflict of Interest” discussion, respondents are also left to guess what the basis for the alleged conflict is and upon what authority that assertion is made.

Finding:

“Other than for the drafting of the sales contract the Lassen County Board of Supervisors did not seek any outside expertise in deciding how to market the Herlong property. They also did not seek an appraisal or advertise outside of Lassen County.”

Response/Comment:

Agree in part, disagree in part.

The Board agrees there was no “outside” expertise sought in deciding how to market this property. The Board further agrees that no appraisal was sought immediately prior to its being offered. The Board does not agree with the statement that the property was not marketed outside of Lassen County. In fact, the Request for Proposal was posted on the World Wide Web.

Finding:

“The Lassen County Administrative Officer did not exercise oversight of the Treasurer/Tax Collector, the Planning Department Director, the County Surveyor and County Counsel to ensure accuracy of the sale of the Herlong property.”

Response/Comment:

Agree in part, disagree in part.

The County Administrative Officer is not authorized to exercise “oversight” over the Treasurer/Tax Collector, County Counsel, or the County Surveyor. The Treasurer/Tax Collector is an elected official accountable to the voters. County Counsel, is appointed by, and supervised by the Board of Supervisors. The County Surveyor is appointed by the Board of Supervisors, and supervised by the Director of Planning and Building Services. The only party identified with whom the County Administrative Officer serves in a supervisory role is the Planning Department Director (the position is correctly identified as the Director of Building and Planning Services). The CAO certainly had some ultimate responsibility

involving the error, but the Jury fundamentally misconstrues the organization of County Government, and the role of the County CAO.

Finding:

“The turnover in the Lassen County Administrative Officer position created turbulence, a lack of continuity, poor communication, lack of oversight and uncertainty in county departments. Lassen County has had three County Administrative Officers in the less than three year period encompassing the decision to offer up the property for sale and the execution thereof.”

Response/Comment:

Disagree.

The Board of Supervisors disagrees with the suggestion that the changes in County Administrative Officer had any significant connection to the legal description error which occurred related to the Herlong Property or the handling of the matter thereafter.

Finding:

“The County Administrative Officer, the Planning Department Director and the county administrative staff failed to review the Lassen County Surveyor’s legal description of properties included in the first RFP.”

Response/Comment:

Disagree.

These materials were reviewed by the parties identified. Nevertheless, these parties did not detect the error which occurred.

Finding:

“When the mistake of including the Fort Sage One Stop was discovered, county administrative staff chose not to inform the Board of the error in the RFP. Instead, county administrative staff chose to verbally notify buyers of the mistake by phone or in person but failed to document these conversations. By failing to notify the Board prior to the opening of the proposals it eliminated the possibility of the cancellation of the erroneous RFP.”

Response/Comment:

Agree.

Finding:

“In order to legally remedy and attempt the reversal of the erroneous sale of the Fort Sage One Stop property, the Lassen County Board of Supervisors could have invoked the referee clause in the sales contract. The Board elected to not contest the Fort Sage One Stop sale and impose the referee clause, even after being advised to do so by their attorney.”

Response/Comment:

Agree.

The Board agrees that it could have and did not invoke the referee clause. A majority of the Board of Supervisors, in a split decision, after considering many factors, chose not to.

Finding:

“After the mistaken sale of the Fort Sage One Stop property was completed, the Board directed County staff to negotiate with the new owners a lease of the Fort Sage One Stop building. The current Fort Sage One Stop does not comply with the American(sic) with Disabilities Act (ADA). The County cannot invest money into the building to make it so because it is now owned by a private party.”

Response/Comment:

Agree in part, disagree in part.

The Board agrees that it directed staff to negotiate a lease with the new owners of the One Stop. The Board agrees that the building that is currently occupied by the One Stop does not currently comply with the Americans with Disabilities Act.

The Board disagrees with the idea that general fund money could not be spent to improve this building. There are some circumstances where this could legally be done.

Finding:

“A sense of urgency was displayed by the Board for disposing of properties in the recently concluded RFP process. There was general consensus among Board members and Acting CAO when interviewed, that funds were being expended monthly on the maintenance of the Fort Sage One Stop from the Lassen County General Fund and it was causing concern. This runs contrary to the fact that it was the intent of the Board and county staff not to include the Fort Sage One Stop in the RFP’s. The reason for this was that the Fort Sage One Stop contributes significantly in providing valuable community services to south Lassen County.”

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees that the One Stop service, wherever it is located in the Herlong-Doyle area, provides a valuable service to its constituents. The Board agrees that it was interested in expediting the disposal of the surplus Herlong property. The cost of maintaining these properties, paid from general fund monies, was mounting. The Board and staff decided not to offer the One Stop building in the RFP as the funding stream utilized for its upkeep were available without impacting the General Fund. The error highlighted the costs associated with maintaining this building.

The Board disagrees with the implication that the County intended to keep the One Stop building solely because it “contributes significantly in providing valuable community services to south Lassen County”. The Board intended to keep the property for a variety of reasons, most notably that the building was

currently being utilized and despite its less than optimum utility, it would at least provide a temporary space for County services.

Finding:

“The funds received from the State Mental Health Department came to Lassen County with the county attesting that the Fort Sage One Stop was owned by Lassen County and that they would continue to maintain the building and meet all applicable codes and regulations, including ADA requirements. It was also stated that the county would dedicate the Fort Sage One Stop in Herlong to the intent of MHSA based on the availability and continuation of ample MHSA funding. Sometime in 2012 the State Mental Health Department was dissolved and responsibilities were transferred to the Lassen County Community Development Department.”

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees that MHSA funds were received from the State and the intent was, in part, to utilize those funds to operate the Fort Sage One Stop. The Board agrees that it intended to continue to operate this One Stop in Herlong as long as the MHSA funding continued.

The Board disagrees with the statement that the responsibilities of the State Mental Health Department were transferred to the Lassen County Community Development Department. The Lassen County Department of Building and Planning Services is not and has never been responsible for the functions of the State Mental Health Department.

Finding:

The condition of the Fort Sage One Stop property was called into question by county officials. It was stated that the property was in poor to terrible condition with minimal value. The Grand Jury toured the properties including the Fort Sage One Stop and the consensus was the building was in good condition with a new commercial roof and new heating/ventilation/air conditioning system.

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees that the condition of the building that the Fort Sage One Stop occupied was called into question by county officials. As a result of the erroneous transfer, it became apparent that the building occupied by the One Stop was not well suited for its intended use. Specifically, it contained a chapel and far more square footage than necessary for the County functions.

Finding:

“The Grand Jury obtained the services of a professional appraiser to review the Fort Sage One Stop property to determine appraised value and to determine costs of a replacement building and/or cost of new construction. The Fort Sage One Stop was described in the appraisal as in average condition with a value of \$200,000.”

Response/Comment:

Disagree.

The California Business and Professions code defines an appraisal as "...a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion in a federally related transaction as to the market value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information." (See California Business and Professions Code section 11302(b)).

Upon investigation of the finding made by the Grand Jury, the County Administrative Officer spoke to Grand Jury Foreman Talia and Appraiser John Bentley. The Board has concluded that no proper appraisal was performed or delivered to the Grand Jury on the One Stop building. When contacted, Mr. Talia indicated to the County Administrative Officer that he had, "out of his own pocket", contacted Bentley for an appraisal and that Talia asked Bentley to just "give him some numbers." Talia told the County Administrative Officer that he was unsure if a written report was ever prepared. Foreman Talia has not responded to further requests for a copy of any such document.

When the County Administrative Officer contacted John Bentley, Bentley was also unsure of the level of analysis that went into the "appraisal" for the Grand Jury. Bentley said that a full appraisal would probably cost about \$5,000.00 dollars to produce. Bentley reported that the Grand Jury simply asked him to provide some "ball park figures." Bentley is licensed as a residential property appraiser. The building "appraised" is a commercial property.

It should be noted that Foreman Talia, also currently the attorney for the City of Susanville, represented the Honey Lake RCD while Bentley was chair of that board.

The Board of Supervisors rejects the Grand Jury's valuation of the One Stop building which is the premise of this finding and others.

Finding:

"The county is looking into an alternate site to house the services currently provided by the Fort Sage One Stop. The existing Fort Sage One Stop is about 10,200 square feet which includes a chapel and space for other services. The cost of a replacement commercial building, based on comparative sales, averages \$24.50 per square foot. The Grand Jury estimated the cost of purchasing a **used** building based on the average of \$24.50 per square foot at approximately **\$150,000 to \$250,000.**"

Response/Comment:

Agree in part, disagree in part.

The Board agrees that it is looking into an alternate site for the location of the One Stop. The Board agrees that the existing Fort Sage One Stop building, which includes a chapel, is approximately 10,200 square feet.

The Grand Jury has not provided a credible basis for their assertion of the \$24.50 per square foot cost to replace this building and consequently does not accept the statement that purchasing a used building to replace it would cost taxpayers between \$150,000.00 and \$200,000.00 dollars.

Findings:

The replacement cost of a *new* building of comparative size is about ***\$1,200,000.***"

Response/Comment:

Agree in part, disagree in part.

The Board agrees that construction costs for public entities are high due to many factors. The Board questions the relevance of the finding given the abundant availability of existing suitable commercial space nearby.

Findings:

The county's(sic) lack of oversight resulted in the mistake of selling the Fort Sage One Stop in the Herlong property sale (an approximate \$200,000 mistake) and the cost of replacing the Fort Sage One Stop (\$150,000-\$200,000) results in an approximate cost to county taxpayers of ***\$350,000*** to ***\$450,000.***

Response/Comment:

Agree in part, disagree in part.

There can be no dispute that the transfer of the building currently occupied by the One Stop was not intended to be part of the overall RFP transfer. Nevertheless, it was done. The County Assessor has recently valued the property at \$125,000. Because of the buildings lack of marketable utility, staff believes the property could be purchased between \$70,000 and \$75,000.

The finding that the cost to the taxpayers would include both the cost of the mistake, as well as replacing the building is both overstated in terms of value, and simply not logical, in that it double counts the error.

Response to Recommendations:

Recommendation:

"The Lassen County Grand Jury refers to the Lassen County District Attorney the issue of a conflict of interest by a seated member of the Lassen County Board of Supervisors."

Response/Comment:

This recommendation is apparently directed to the District Attorney and does not call for a response from the Board of Supervisors.

Recommendation:

"The Lassen County Board of Supervisors and county administrative staff participate in ethics training to include review of laws related to personal financial gain by public servants; laws related to claiming perquisites (perks) of office; government transparency laws; and laws relating to fair processes."

Response/Comment:

The recommendation has been implemented.

Ethics training has been required by AB 1234 since 2005. Every other year, in cooperation with LAFCo, a free ethics training has been presented to County officials covering the topics addressed by the Grand Jury and more.

On October 17, 2014, LAFCo will once again be presenting this training. The Board of Supervisors would respectfully invite the members of the 2014-2015 Grand Jury to attend.

Recommendation:

The Lassen County Board of Supervisors and county administrative staff participate in training with an emphasis on the importance of effective communication; specifically communication from Board to staff and from staff to Board.

Response/Comment:

The recommendation will not be implemented because it is not warranted or is not reasonable.

Under the County structure of government, the Board of Supervisors may only give direction to certain members of staff, typically the County Administrative Officer, the County Counsel, and a few more. These persons, in turn, are obliged to carry out the direction of the Board through their respective staff. The Board of Supervisors does not give direction to this "line staff."

As the Grand Jury knows, the Board of Supervisors is subject to the Ralph M. Brown Act. Any communication between "staff" and more than two members of the Board must occur in an open and noticed meeting of the Board of Supervisors. Likewise, efforts to communicate with individual members outside of meetings on matters of County business, unnecessarily risks an allegation of a "serial" meeting.

Consequently, the proper exercise of the authority of the Board of Supervisors, by law, comes in the form of direction only to certain enumerated individuals and only in open session of the Board of Supervisors, unless an exception to the open meeting requirement is appropriate.

The Board is somewhat surprised at this recommendation given the allegation made by the Grand Jury that the Board had committed "multiple" violations of the Brown act as it related to the addition of an "emergency" item at another time for another reason.

Recommendation:

"Prior to proceeding any further with the disposal of Herlong property, the Lassen County Board of Supervisors should seek the outside expertise required to advertise nationally and develop adequate procedures to ensure that the county maximizes revenues, both from the sale and from future tax revenues."

Response/Comment:

The recommendation will not be implemented because it is not warranted or is not reasonable. An appraisal of very unique property such as the former LRA properties would be very costly, time consuming, and provide little insight into the likely selling price of the property.

Recommendation:

“The Lassen County Board of Supervisors direct(sic) a review of the County's Request for Proposal policies to ensure that these documents are reviewed by identified county positions and specifically that legal descriptions are reviewed and certified as correct by the identified staff prior to documents being published.”

Response/Comment:

The recommendation will not be implemented because it is not warranted or is not reasonable. The County Purchasing Policy which deals with Requests for Proposals is currently being revised to account for a variety of changes that have occurred since its last review. This will include the policy regarding requests for proposal. It is not practical to address only one component of the County's Purchasing Policy out of context from the other components.

Grand Jury Report: Ralph M. Brown Act, Emergency Agenda Item

Finding:

"Lassen County Board of Supervisors unanimously voted to accept and add the LAFCO resolution to the Board's agenda as an emergency item. The Board's action subverted prescribed/required public notification, review and public comment mandates. Upon review of Brown Act (sic), the Board's use and implementation of the emergency rule to facilitate the modified agenda was inappropriate. Board members had known of their responsibility to place on the agenda the LAFCO resolution well in advance of the January 14, 2014, meeting yet failed to do so, so this did not constitute an emergency.

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees that a unanimous vote was taken on the morning of January 14, 2014 to add an item to the agenda of that morning's meeting. The Board of Supervisors agrees that this item was not posted for 72 hours before the prescribed meeting. The item sought to be added was a Resolution regarding the authorization of LAFCO to initiate public hearings on the formation of a new emergency medical and ambulance services district for northern Lassen County. The consideration of the Resolution at this meeting was time sensitive due to LAFCO and election law time constraints. At that time, regular emergency medical services, including ambulance services, were in jeopardy for Northern Lassen County. Ultimately, the Board added the item to the agenda that day and approved the Resolution by unanimous vote.

The finding alleges that the Board of Supervisors knowingly violated the Brown Act because it knew the LAFCO timetable weeks prior. In fact, the Grand Jury stated that the Board of Supervisors "subverted" prescribed/required public notification, review and public comment mandates. Moreover, the Grand Jury referred the matter to the District Attorney.

The Board of Supervisors believes that the conclusion of the Grand Jury inaccurately characterizes what occurred.

The Ralph M. Brown Act, otherwise known as the Open Meeting Law, requires that any legislative body post, at least 72 hours before a regular meeting, a brief general description of each item of business to be transacted or discussed at the meeting. ***There are exceptions to this posting requirement.*** Government Code section 54956.2(b) sets forth three situations where a Board, if it has to, may deal with business that has not otherwise been posted for 72 hours. One situation is where an "emergency" exists. "Emergency" is fairly narrowly defined and can be found at Government Code section 54956.5(a)(1). The addition of an item concluded to be an "emergency" may only be made when a majority vote of the Board finds that an "emergency" situation exists. Only then may the Board deal with the issue believed to be an "emergency."

The second situation which permits a Board to transact business, if it has to, that had not been posted for 72 hours, is when the need to take action came to the attention of the local agency after the agenda had been posted and there is a need to take immediate action. This second situation can only be described as the "immediate need" exception to the posting requirement. The addition of an item concluded to be an "immediate need" may only be made when a 4/5ths vote of the Board finds that an "immediate need" exists. Only then may the Board deal with the issue believed to be an "immediate need." Sometimes when reliance is placed on this sub-section to legitimize the addition to an agenda of

an item that needs immediate attention, it is erroneously referred to as an "emergency" item. This mistake in language has been made before and it has been made since.

The third situation which permits the addition to the agenda of an item after the 72 hours posting requirement is distinctly different than the two mentioned previously and does not warrant further discussion.

There is no question that the Board of Supervisors believed that there was an "immediate need" to address the Resolution at the January 14, 2014 meeting. It does not appear that the Grand Jury disagrees with this idea either. In fact, the Grand Jury commended the Board of Supervisor's by commenting that the Board's "...intent to correct this oversight (emphasis added) was admirable..." It appears the principal complaint was that the Board had some degree of knowledge before the January 14 meeting agenda was posted that they would have to act on the 14th and should therefore have agendized the issue.

While much could be said regarding the December 10 meeting and whether Supervisor Chapman's report to the Board regarding potential LAFCO action constituted notice, the Board of Supervisors believes a better view of what happened is best described in the manner in which Supervisor Chapman described it on January 14 before the vote was taken to add the matter to the agenda. Specifically, Supervisor Chapman stated:

"...sometimes we have emergencies that happen because there are emergencies and then we have emergencies that happen because we lose track and this is one of those..."

It should be noted that between the time Supervisor Chapman brought this issue up at the December 10 meeting and the time Acting CAO Egan advanced it on the morning of the January 14 meeting, Martin Nichols, the CAO on December 10, was terminated. Acting CAO Egan was not aware of this issue until Friday January 10, 2014, after the posting of the agenda for the meeting of the 14th.

The Board of Supervisors specifically rejects the characterization by the Grand Jury that the Board's action "subverted" prescribed/required public notification, review and public comment mandates.

Finding:

"Although the Board's intent to correct this oversight and ensure the resolution advanced to the voters in the June election was admirable, the misuse of the emergency declaration resulted in multiple Brown Act violations enumerated as follows (all references are to Government Code sections):

54954.2.(a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

54954.2.(a)(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda.

54954.2.(b)(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in section 54956.5.

54954.2.(b)(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

54954.3.(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item.

54956.5.(a)(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

54956.5.(a)(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

54956.5.(b)1 In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of section 54956 or both of the notice and posting requirements."

Response/Comment:

The Grand Jury stated there were "multiple" violations of the Brown Act. Thereafter, it printed eight sections from the California Government Code. The implication is that the Board of Supervisors violated these sections of the Brown Act. The sections cited are incomplete quotations, some just don't apply, and others could never constitute a violation.

Sections 54956.5.(a)(1), 54956.5.(a)(2) and 54956.5.(b)1 were cited. Those sections relate to what constitutes an "emergency" item and based on the discussion above we know that the item was added based on it being an "immediate need" item. They don't apply to this discussion nor do they provide an independent basis for claiming a Brown Act violation.

Sections 54954.2.(b)(1) and 54954.2.(b)(2) were also cited. These sections simply set out what the vote requirement is to add an item dependent on whether it is considered an "emergency" item or an item of "immediate need." They are of no consequence here as the vote to add was unanimous. Nevertheless, they were presented in a manner where the reader could infer that each section constituted a separate Brown Act violation. Such is not the case.

Lastly, the Grand Jury cited sections 54956.5(a)(1) and 54956.5(a)(2). These sections simply grant the Board the authority to determine the presence of an emergency, and waive the noticing requirement if appropriate. They do not compel or prohibit any action; therefore cannot logically be "violated."

The Board understands and appreciates that there is a genuine debate over whether it should have proceeded on adding this item to the agenda on January 14, 2014. Despite this debate, the Board still believes, under the circumstances, it chose the right course.

Recommendation:

"The Lassen County Grand Jury refers to the Lassen County District Attorney the issue of the application of emergency rule to modify the Lassen County Board of Supervisors' January 14, 2014, agenda."

Response/Comment:

This recommendation is apparently directed to the District Attorney and does not call for a response from the Board of Supervisors.

Recommendation:

"The Lassen County Board of Supervisors address the issue of effectively tracking time sensitive matters and review any policies and procedures that provide a safeguard against this type of oversight."

Response:

The recommendation has been implemented. In point of fact, each agenda of the Lassen County Board of Supervisors includes a last page entitled "future board items." This schedule is discussed at each agenda meeting to evaluate whether or not an item may need to be agendized.

Grand Jury Report: Juvenile Detention Facility

Finding:

The staff and the detainees keep the facility clean, tidy, and organized.

Response/Comment:

Agree.

Finding:

There is a written complaint process to be used by detainees, with the complaints being logged and followed up by staff.

Response/Comment:

Agree.

Finding:

Compliant (sic) logs were current and in compliance with JDF policy. Having a local JDF appears to be a deterrent for our local juveniles.

Response/Comment:

Agree.

Recommendations:

The CPO continue working with the Lassen County Office of Recovery and Reimbursement and Lassen County Counsel to fully assess and collect any and all applicable fees.

Response/Comment:

On behalf of the Board of Supervisors, the Office of County Counsel and the Chief Probation Officer have been directed to continue to work with the Office of Recovery and Reimbursement so as to enhance and maximize revenues as a result of detained juveniles.

The Treasurer/Tax Collector joins this response.

Grand Jury Report: Probation

Finding:

“Chief Probation Officer Investigation:

During the investigation process, the Grand Jury learned that an investigation of the CPO was requested by County Administration on April 1, 2012, and completed by an independent investigator. The final investigative report was submitted to County Administration on April 25, 2012.”

Response/Comment:

Agree.

Finding:

Abuse in Spending County Funds:

“A rapid response to the original complaints regarding the CPO followed by confident, effective, and timely resolution would have relieved the county from paying salaries to multiple ACPO's for an extended period while concurrently paying the CPO's leave salary. Changes in county leadership, failure to effectively communicate with the CPO, and failure to act on investigative findings resulted in prolonged and excessive Probation Department expenses.”

Response/Comment:

Agree in part, disagree in part.

Until August 19, 2014, the only person in Lassen County who had the authority to appoint or remove the Chief Probation Officer was the Judge of the Juvenile Court. In Lassen County, that's the Presiding Judge. The Presiding Judge of Lassen Superior Court possessed the very same investigative report referenced above and maintained the appointment while at the same time appointing an Acting Chief Probation Officer. While the Chief Probation Officer was out on leave the County had the legal obligation to pay that employee as well as to staff the department with a leader (consistent with California employment law).

The Board does not find fault with the caution exhibited by the Court and reminds the Grand Jury that the last time the Court acted rashly regarding a personnel decision involving the Chief Probation Officer it cost the taxpayers of Lassen County over three million dollars.

The Board of Supervisors is aware that the Grand Jury is precluded by law from commenting in its reports on the activities of the Superior Court and its judges. The Board of Supervisors believes that the Grand Jury's legal inability to comment on the activities of the Superior Court and its judges renders this finding incomplete and inaccurate.

Finding:

Lassen County Personnel Rules and Regulations:

- *Acting appointments may be authorized for a period of six (6) months with one six (6) month extension upon written approval of the CAO or Board of Supervisors."*

The Lassen County Probation Department employee currently serving as ACPO was appointed by the County Administrative Officer and Superior Court Judge on March 4, 2013. The first six (6) month term expired on September 4, 2013. The six (6) month extension expired on March 4, 2014.

Lassen County Administration did amend the Personnel Rules and Regulations on March 18, 2014 to allow for extensions of additional six (6) month increments on written approval of the County Administration Officer/Chief Executive Officer of Board, as the case may be."

Response/Comment:

Agree in part, disagree in part.

The Board will confirm that the appointments referenced by the Grand Jury of the current Acting Chief Probation Officer are accurate as to when they were made and for how long they were made.

The Board will confirm that the Lassen County Personnel Rules and Regulations were amended on March 18, 2014 to allow for more than one extension of an "acting" appointment.

The report inaccurately states that the County Administrative Officer appointed the Acting Chief Probation Officer and fails to acknowledge the reality that these appointments were made solely by the Presiding Judge of Lassen Superior Court.

Finding:

- *Acting employees must meet the minimum qualifications for the vacant position.*

The Grand Jury finds that at the time the current ACPO was appointed, the individual did not meet the minimum qualification standards for the position."

The Grand Jury does find mitigating circumstances, acknowledging that it is difficult to fill an "acting" department head position from an applicant pool and further that a well-qualified ACPO did recommend that an "in house" promotion be made to allow for an easier transition to yet another (4th) ACPO for the department."

Response/Comment:

Disagree.

The Board of Supervisors does not accept the finding that this ACPO candidate was not qualified. As previously discussed, the point is moot as the Presiding Judge is the appointing authority, not the Board of Supervisors.

Finding:

- *Acting employees will be paid at the lesser of (a) the minimum rate of the salary range of the classification of the acting position or (b) an advanced step within that range which provides an approximate 5% increase above the employee's rate of pay prior to the acting appointment.*

The current ACPO was a Supervising Deputy Probation Officer for a short time, earning \$23.67 per hour. This employee was appointed as the ACPO at \$36.51 per hour. This pay increase was not limited to a 5% increase as required by the Lassen County Personnel Rules and Regulations. In fact, this appointment resulted in an increase of \$12.85 per hour or a 52% increase. This hourly rate is 47% more than the pay increase allowed in the Personnel Rules and Regulations approved by Lassen County.

The Grand Jury does find mitigating circumstances, acknowledging that for a complex department head position, it may be appropriate for an employee to receive more than a 5% increase upon promotion. However, the Personnel Rules and Regulations do not differentiate between low level or high level appointments to acting positions.

The Grand Jury finds that the Lassen County Personnel Rules and Regulations that were provided by the Personnel Office and posted on the County website were not regularly updated. The rules given to the Grand Jury were identified as updated January 2, 2005. The Lassen County Personnel Department did correct this error and update these online Rules and Regulations in April 2014.

Response/Comment:

Agree in part, disagree in part.

The Board agrees that the ACPO was hired at the rate and compensated at \$36.51 per hour. The Board also agrees that this is an appropriate level of compensation for this position.

The Board disagrees with the remainder of the finding in that the Personnel Rules and Regulations are ambiguous as to Court appointed County employees. Until August 19, 2014 the only Court appointed County employee was the (Acting) Chief Probation officer.

Finding:

Chief Probation Officer Position

The CPO has been absent from the Probation Department since February 17, 2012, leaving the department employees without consistent leadership fully knowledgeable in Lassen County Probation Department procedures related to AB 109 requirements, both juvenile and adult probation processes, personnel management, and budget and grant administration for over two years.

Response/Comment:

Agree.

While the Board of Supervisors agrees with this finding, it should be noted that contained in this year's County budget is authorization for the position of Deputy Chief Probation Officer. This position was identified and funded for the purpose of increasing stability within the Probation Department.

Recommendation:

1. Lassen County Administration Department must follow the written Personnel Rules and Regulations, specifically the Acting Appointments section for all Acting CPO's.

- The acting appointment allowable term did expire prior to the amendment to the Personnel Rules and Regulations.
- The Acting Chief Probation Officer has been paid as an experienced and qualified Chief Probation Officer even though the employee's original experience and qualifications failed to meet the standard.
- The Acting Chief Probation Officer should have only received a 5% pay increase upon appointment and serve the six (6) month terms at that salary rate.

Response/Comment:

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

As of August 19, 2014, the Lassen County Board of Supervisors unanimously passed an Ordinance removing from the Juvenile Judge of Lassen Superior Court the authority to appoint or remove the Chief Probation Officer. As a result of this change, the Chief Probation Officer will be appointed and/or removed by the Board of Supervisors and will clearly be subject to Lassen County Personnel Rules and Regulations.

Recommendation:

2. Lassen County Personnel Department should develop and implement a written procedure to ensure that the Lassen County Personnel Rules and Regulations are updated and posted to the website in a timely manner.

Response/Comment:

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

The Board of Supervisors agrees that annual review of the County Personnel Rules and Regulations is in order. This review will begin this year.

Recommendation:

3. Lassen County deserves a strong and efficient Probation Department to effectively serve the community. County Administration must bring resolution to this outstanding personnel issue with the current Chief Probation Officer on leave, and hire a permanent, qualified Chief Probation Officer to improve morale and uncertainty within the department and bring a final resolution for all involved.

Note: Prior to submission of this report, an agreement with the Chief Probation Officer was met. It is the county's intent and the recommendation of the Grand Jury to advertise the permanent full-time Chief Probation Officer position statewide to make the best effort to receive a diversified and strong applicant pool.

Response/Comment:

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

In August 2014, a recruitment began to fill the Chief Probation Officer position. The recruitment will be statewide. The Board expects the position to be filled by December 1, 2014. The Board of Supervisors agrees with the Grand Jury that Lassen County "deserves a strong and efficient Probation Department to effectively serve the community."

Grand Jury Report: Public Works/Roads

Findings:

Fort Sage and Summers Roads are dirt roads and are in drivable condition. Hackstaff Road had been graded, but there is a low spot that floods in the rainy seasons, making it impassable during rainstorms. Laver Crossing is paved and in good condition. County Road A-26 to Sierra Vista and continuing on to Sage Valley Road are all paved roads but they are badly cracked with no shoulders and weed growth of one to two feet high.

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees with the finding of the Grand Jury as it relates to all observed and reported road conditions but one. Specifically, The Board of Supervisors agrees that there is a "low spot" on Hackstaff Rd. that accumulates water during the wet season. The Board of Supervisors disagrees with the statement that the road is impassable during rainstorms.

Finding:

The number of telephone calls received by the department is minimal. Telephone calls should be returned by the end of the workday.

Response/Comment:

Agree in part, disagree in part.

The Board of Supervisors agrees that the number of phone calls that the Public Works Department receives daily or weekly is minimal. The Board of Supervisors agrees that those calls requiring a response should be returned as soon as possible, whether that is the same workday or not.

Finding:

Due to budget reductions not all road maintenance issues can be addressed.

Response/Comment:

Agree.

Recommendation:

Develop a schedule for weed abatement and shoulder work on all south county roadways, with priority given to residential areas.

Response/Comment:

The recommendation has been implemented.

Each district has a maintenance schedule already in existence, including the fifth Supervisory District (Road District 3) which covers Doyle-Herlong. The Foreman for each district is responsible for its implementation. Road maintenance, which includes weed abatement and shoulder work, is a priority in residential areas. However, it needs to be said that maintenance on major roads and highways holds a higher priority.

Recommendation:

Resolve the problem concerning the flood area on Hackstaff Road to prevent the flooding during the rainy season.

Response/Comment:

The recommendation has not yet been implemented, but will be implemented in the future, with a timeline for implementation.

The need has been identified for attention to be dedicated to this particular location on Hackstaff Rd., among many others. The Board of Supervisors has received assurance that the matter will be dealt with within one year's time.

Recommendation:

All telephone calls should be returned by the end of the workday. A telephone log should be used by staff with a weekly review of the log performed by the supervisor.

Response/Comment:

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

The department agrees that all calls should be returned as soon as possible. The creation of a Log will not contribute to this effort.

Recommendation:

Implement a department wide policy/procedure regarding the timely response to all inquiries.

Response/Comment:

The recommendation has been implemented. A policy on timely responses has been in place for years.

Recommendation:

Provide staff training in the proper handling of complaints and responses according to an adopted policy/procedure.

Response/Comment:

The recommendation has been implemented. However, the Public Works Department feels that continual training is beneficial and will therefore schedule staff training in the proper handling of complaints during upcoming monthly staff/safety meetings.

Conclusion

The Lassen County Board of Supervisors hopes that this nontraditional response to the year-end report of the Grand Jury is received in the manner in which it was intended. The Board specifically set out to show that the Grand Jury is not always right and to think so is also a mistake. Moreover, the Board tried to point out that dependent on who becomes involved in the reporting process, the integrity of a report itself can be called into question, thereby affecting the credibility of the whole.

The Board of Supervisors expects that the Grand Jury would like to be taken seriously and have their reports received with credibility equal to the effort invested. Our point is that the Grand Jury and the Court can help itself in this regard by re-doubling its efforts to be wise in whom it selects to serve and the topics and content of its year end reports.

In the meantime, the Board of Supervisors would like to once again take this opportunity to thank those who have served as Grand Jurors. It is a considerable commitment, and can, from what we have seen, be frustrating at times. This Board of Supervisors wishes to acknowledge our shared interest in making Lassen County a safer, happier and more productive place to live and work. We pledge to continue to work with future Grand Juries in reaching this goal.