Plumas County

2004-2005

Grand Jury Final Report

In Memory of Chuck Thayer 1928-2005

PLUMAS COUNTY GRAND JURY

P.O. BOX 784 • QUINCY, CALIFORNIA 95971

June 15, 2005

The Honorable Ira Kaufman
Presiding Judge, Plumas County Superior Court
520 Main Street, Room 304
Quincy, CA 95971

Dear Judge Kaufman:

In compliance with Penal Code Section 933, the Plumas County Grand Jury 2004-2005 is pleased to submit to you its Final Report. This report is the result of nineteen members working many hours researching, interviewing, deliberating and writing our report in a collaborative fashion. The members of the Grand Jury worked in a professional manner, with an open mind and a focus to provide the enclosed comprehensive report.

Mr. Ron McMaster was originally appointed to the position of Foreperson for this year's Grand Jury and held that position until April of this year when a medical condition caused him to resign from the position as foreperson. I am pleased and honored to continue his activities with the Grand Jury and hope to carry out this responsible job with the same enthusiasm and excellence.

I would like to thank my eighteen colleagues for their tenacity, perseverance and dedication during this very full year of their term. Additionally, we express our gratitude to Judge Olney, Judge Kaufman, Superior Court Clerk Therese Phelps, County Counsel Barbara Thompson, Assistant County Counsel Brian Morris, District Attorney Jeff Cunan and the county employees and private citizens for their cooperation and assistance during our term of service.

As portrayed visually by the cover picture of this report, the Grand Jury dedicates this report to Mr. Charles Thayer, a valuable and dedicated member of our group, a greatly loved and respected friend and a long time contributing citizen of Plumas County. Chuck's many efforts included working long, hard hours as a volunteer firefighter. Chuck died part way through his current Grand Jury term but his spirit lives on in encouraging the rest of us in doing our best in serving the county he loved.

Many issues remain unresolved within the county that come under the purview of the Grand Jury. It is anticipated that the next Grand Jury will continue as an active influence to bring these issues to light.

Sincerely,

Gregory C. Margason, Foreperson
2004-2005 Plumas County Grand Jury

Plumas County Grand Jury Investigation History (continued)

DEPARTMENT/ AGENCY/PROGRAM	Earlier Years	2001-2002	2002-2003	2003-2004	2004-2005
Public Defender					
Sheriff/Coroner	95-96, 96-97, 98-99	X			X
Fire		X	X		X
Ag. Commissioner					
Engineering					
Environmental Health					
Housing and Community Development					
Local Agency Formation Commission					
Planning			X		
Public Works	95-96, 97-98, 98-99	X			
Plumas County Flood Control and Water Conservation District				X	X
Airport Operations					
Building	99-00		X		
Building and Grounds	99-00				
Extension Office	95-96				
Central Plumas Recreation District	95-96				
Greenville Nutrition	95-96				
Plumas Corporation		X			
Plumas District Hospital		X			
Indian Valley Community Services District			X		X
Plumas Unified School District			X	X	X inc

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PLUMAS COUNTY GRAND JURY COMMITTEES

2004-2005

County Administration
Special Districts/County Services
Law, Justice, and Public Safety
Health, Education and Welfare
Oversight Committee

PLUMAS COUNTY GRAND JURY MEMBERS

2004-2005

Lori Bader, Portola
Max Benton, Canyon Dam
Lee DeCamp, Quincy
Thomas Fisher, Lake Almanor
Terence Harvey, Lake Almanor
Jeff Litz, Portola
Gregory Margason, Quincy
Joyce Martin, Quincy
Jaclyn McIlroy, Crescent Mills
Ronald McMaster, Graeagle
Patricia Plakk, Chester
Lester Premo, Portola
Dawn Schoyen, Chester
Gail Slavik, Blairsden
Wayne Sousa, Greenville
Isabelle Stone, Quincy
Sharon Storms, Greenville
Charles Thayer, Chilcoot
Marilyn Wiemeyer, Blairsden

Introduction

Your 2004-2005 Plumas County Grand Jury is a body of nineteen (19) Plumas County citizens charged and sworn to respond to citizens complaints and to inquire into matters of civil concern within the boundaries of Plumas County and incorporated cities within these boundaries. Grand Jury duties, powers, responsibilities, qualifications, and selection process are set forth in the California Penal Code section 888 et. seq.

The Grand Jury reviews and evaluates procedures, methods, and systems used by governmental agencies to determine whether they comply with stated objectives of the agency and if their operation can be made more effective and efficient. The Grand Jury may inquire into any aspect of the county and city government, special districts, joint powers agencies and service districts funded in whole or part by public monies, to ascertain that the best interest of Plumas County residents is being served.

The Grand Jury reviews all citizen complaints and investigates when appropriate. All complaints are treated confidentially. This applies to both written documents as well as the testimony of witnesses and participants. The complainant may be asked to appear as a witness. A complaint form may be obtained by contacting the Jury Commissioners Office, or by writing to:

Plumas County Grand Jury
P.O. Box 784
Quincy, CA 95971

The Grand Jury functions lawfully only as a body. No individual Grand Juror, acting alone, has any power or authority. Meetings of the Grand Jury are not open to the public. The law requires all matters discussed before the Grand Jury and votes taken, to be kept private and confidential. The end result of inquiries into civil matters are released to the public via a final report which is reviewed, prior to release, by the supervising Judge of the Superior Court of the county.

The Penal Code requires the Grand Jury to:

- Inquire into the condition and management of jails within the county.
- Investigate and report on the operations, accounts, and records of county officers, departments, and function.
- Inquire into the willful or corrupt misconduct in office of public officers.
- Submit a final report of its findings and recommendations, no later that the end of its term, to the Supervising Judge of the Superior Court. Agencies to which these recommendations are directed are required to respond to the Plumas County Grand Jury within 90 days after the final report is released.

Participation in the Grand Jury is an opportunity to get an intimate look at how government works and to make informed and valuable recommendations regarding possible improvements. It is also an opportunity to serve with fellow county residents and to discover how a body of nineteen citizens reaches consensus. Service on the Grand Jury is a valuable way to learn to contribute and to make a positive difference. Grand Jurors serve twelve months and may be requested to serve a second twelve months. The term of the Grand Jury runs from July 1 to June 30.

Note to Respondents

Effective January 1, 1997, there was an extensive change in the law affecting respondents and responses to Grand Jury findings and recommendations. The legal requirements are contained in the California Penal Code, Section 933.05.

For assistance of all respondents, Section 933.05, Penal Code is summarized as follows:

How to Respond to Findings

The responding person or entity must, within time frames specified in Penal Cod Section 933 (c), respond in one of two ways:

- That you agree with the finding.
- That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for disagreement.

How to Report Action in Response to Recommendations

Recommendations by the Grand Jury require action (Penal Code 933.05). The responding person or entity must report action on all recommendations in one of four ways:

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

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

The recommendation requires further analysis. If the person or entity reports in this manner, the law requires an explanation of the analysis or studies in a time frame not to exceed six (6) months.

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

1. However, if a finding or a recommendation of the Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested

by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some 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 or department.

2. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

3. During the investigation, the Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreman of the Grand Jury, determines that such a meeting would be detrimental.

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

Requirement to Respond

No later than ninety (90) days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency (includes departments) shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand Jury has responsibility pursuant to Section 914.1 shall comment within sixty (60) days to the presiding judge of the superior court, with an information copy sent to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior count who impaneled the Grand Jury.

Distribution List

The Final Report of the 2004-2005 Plumas County Grand Jury will be distributed to the following individuals and agencies:

The Honorable Judge Ira Kaufman
The Honorable Judge Garrett W. Olney
Plumas County Grand Jury 2004-2005
Plumas County Grand Jury 2005-2006
Plumas County Board of Supervisors
Clerk of the Board of Supervisors
Plumas County Administrative Officer
Plumas County Alcohol and Drug Department
Plumas County Auditor/Controller
Plumas County Building Department
Plumas County Clerk
Plumas County Counsel
Plumas County Department of Human Resources
Plumas County Development Commission
Plumas County Facilities Services Department
Plumas County Fire Departments
Plumas County Flood Control and Water Conservation District
Plumas County Information and Technology Department (Website)
Plumas County Jail
Plumas County Libraries
Plumas County Mental Health Department
Plumas County Office of Emergency Services (OES)
Plumas County Planning Department
Plumas County Probation Department
Plumas County Public Health Agency
Plumas County Sheriff
Plumas County Unified School District
California State Archivist
City of Portola
Grizzly Lake Resort Improvement District
California Department of Forestry Battalion Chief for Plumas County
Local Agency Formation Commission (LAFCo)
State Attorney General's Office

Available on-line - countyofplumas.com

PLUMAS COUNTY SHERIFF'S DEPARTMENT

Background

Information was developed by the Grand Jury during its regular review of the Plumas County Sheriff's Department. It was alleged that some members of the Sheriff's Department were possibly involved in inappropriate activities while on and/or off duty.

The Grand Jury conducted investigations and interviews with numerous citizens of Plumas County who volunteered information relative to those allegations. The Grand Jury concluded that the information warranted the investigation by the California State Attorney General's Office.

Recommendations

The Grand Jury recommends that:

The 2005-2006 Plumas County Grand Jury assist the California State Attorney General's Office in the investigation of the Sheriff's Department.

PLUMAS COUNTY JAIL

Function

The Plumas County Jail was completed in 1976 for the detention of both male and female adult inmates. In 1985 an addition was completed and the facility is now capable of housing sixty-seven (67) inmates. The facility houses pretrial defendants and persons who are serving a sentence of one (1) year or less. Inmates sentenced to state prison are housed at the jail awaiting transportation to a prison facility.

Background

Pursuant to California Penal Code Section 919 the Grand Jury must annually inquire into the condition and management of all public prisons located within the County. To that end, interviews were conducted with the Sheriff, the Undersheriff, the Jail Commander, all five (5) Supervisors, the Quincy Fire Chief / Fire Warden, the Supervising Deputy State Fire Marshal, and the Facility Services Director. Tours of the jail facility were conducted on September 22, 2004, October 20, 2004, and February 16, 2005. In addition, this Grand Jury reviewed reports of inspections of the jail facility by the California Board of Corrections, the Department of Consumer Affairs Environmental Health, the Office of the State Fire Marshal, the Quincy Fire Protection District, and past Grand Jury Final Reports.

Findings

1. During the interviews and early tours of the jail facility, it became apparent to this Grand Jury that communication regarding jail conditions between the Plumas County Jail, the Plumas County Sheriff's Department, the Plumas County Facility

Services Department, and the Plumas County Board of Supervisors was inadequate. There is no written system or follow-up procedure in place to ensure that maintenance problems be attended to in a timely manner.

2. The jail facility is annually inspected by the local Fire Warden and the Grand Jury, and is inspected biennially by the California Board of Corrections. This Grand Jury found that the small repairs recommended by these agencies' inspections were eventually taken care of, but the more serious repairs that were required have been brushed off with statements of "not my responsibility", "waiting for someone to get back to me", and "waiting for bids".

3. There are serious security issues at the jail facility which compromise the safety of not only the Sheriff's Department staff and jail detainees, but also the citizens of Plumas County. Issues of concern are:

   a. There is no perimeter fence around the jail thus allowing members of the public direct access to the exercise yards. Items could be left for inmates or yard fencing could be cut to facilitate an escape.

   b. The doors to access the main electrical breakers that provide power to the facility are unsecured allowing for a complete shutdown of power to the jail.

   c. The jail facility is understaffed.

4. There are some security and maintenance issues that have been present for a number of years, as has been noted in past Grand Jury reports, and have still not been corrected:

   a. The Control Room still contains a crowded maze of wires piled up on the floor which according to jail staff occasionally emit sparks and smoke.

   b. There are no slots in the maximum security cell doors for the passage of food trays and other items requiring the jail staff to come in direct contact with the maximum security inmates.

   c. There is no automated lock-in control when moving inmates from one cell to another.

5. The Plumas County Board of Supervisors is aware of the unsafe and potentially dangerous conditions that exist at the jail, but most appear apathetic. The Board appears to have ignored its responsibility where the jail is concerned and seems satisfied with passing all of the responsibility onto the Sheriff's Department. At the time of this report's completion, no member of the Board had yet implemented the 2003-4 Grand Juries' recommendation to visit the jail facility at least once yearly.

6. The Sheriff and the Undersheriff (overseer of the jail facility) appear to ignore, deny, or be unwilling to accept the responsibility for any maintenance, repairs, or remedial work and are complacent, relying and acquiescing to the Facility Services Department.

7. The Automatic Fire Sprinkler System is in disrepair. There is no regard for these conditions by the Facility Services Department, the Sheriff's Department or the jail personnel. The Office of the State Fire Marshal noted the following deficiencies:

   a. The sprinkler system inspection is past due for its required five (5) year servicing.

   b. The facility does not have any records showing that the sprinkler system is tested and inspected quarterly as required.

   c. The Corporal's office does not have fire sprinkler coverage.

8. The following additional deficiencies with the Sprinkler System were noted either in the above mentioned inspection reports or by personal observations made during this Jury's three (3) tours of the facility:

   a. There is no contract for the five (5) year required servicing and certification of the sprinkler system.

   b. There is no contract for the quarterly inspection of the sprinkler system.

   c. An eighteen (18) inch minimum clearance around the sprinkler heads is not maintained in the nurse's office, the library, the laundry corridor, or the file room.

   d. The sprinkler repair kit in the cleaning closet is not accessible.

   e. No fire watches were performed or fire watch logs maintained while the fire alarms system was not functioning.

   f. No fire drill procedure is in place nor is a fire drill log maintained.

   g. There are times when there is no deputy on duty who meets the training standards for general fire safety relating to the jail facility.

   h. The exterior sprinkler system alarm is not connected.

   i. The exterior sprinkler system electrical plug is covered over with duct tape.

   j. The exterior sprinkler activation alarm bell is not connected.

   k. The exterior sprinkler system valve is not working.

   l. No locking device is installed on the sprinkler system shut-off valve.

   m. The work furlough day room does not have fire sprinkler coverage.

   n. The work furlough sleeping area does not have fire sprinkler coverage

9. Using the above mentioned inspection reports, as well as personal observations made during this Grand Jury's three (3) tours of the facility, the following list of deficiencies with the jail facility's electrical system was compiled:

a. Extension cords are being used as permanent wiring in the control room and the air handler room.

b. Wiring on the floor in the control room is not in conduit.

c. Exposed wiring in the wall of the control room is not in conduit.

d. An EXIT light in the minimum security corridor is missing.

e. An EXIT light in the main security corridor is missing.

f. There are exposed junction boxes in the air handler room.

g. There is an exposed junction box in a cell.

10. The following list of miscellaneous deficiencies with the jail facility was compiled by this Grand Jury using the above mentioned inspection reports as well as personal observations made during this Grand Jury's three (3) tours of the facility:

a. There are holes in the wall and ceiling in the air handler room.

b. There is a hole in the ceiling in the North Minimum holding cell.

c. There is a hole in the wall in the work furlough sleeping area.

d. There is an air diffuser missing in the laundry corridor.

e. Weed abatement of ten (10) feet from the building is not maintained.

f. There is no generator testing log or maintenance log.

g. There is no service contract to inspect or maintain the generator.

h. The dishwasher is not working and sanitizing properly.

i. There is a need to update the Health Services Policies and Procedures manual.

j. There is a need to update the Dental Care Procedures manual.

k. There is no psychotropic medications policy.

l. The openings in the ceiling air grills' mesh are larger than the recommended 3/16" sq or 16-mesh psi.

m. There is a need to update the Policies and Procedures manual.

n. There is a need to update the Inmate Discipline Policy and Plan.

o. There is a need to update the limitations on the Disciplinary Policy and Procedure plan.

p. There is no sobering cell or suicidal placement plan.

q. The plumbing access panel in the maximum security corridor is not locked.

Recommendations

1. The Undersheriff and the Facility Services Director should create a documented system to ensure all maintenance problems be addressed and corrected in a timely manner. This system should include the identification of the responsible party and time frames for completion.

2. The Undersheriff and the Facility Services Director should oversee the implementation of a program of ongoing inspections of the jail facility. This program should include the documentation of all inspection results and any repairs made.

3. The Board of Supervisors should be notified in open session at least once quarterly regarding the conditions at the jail facility. The Board of Supervisors should take an active part to ensure unsafe conditions and maintenance issues are addressed and remedied with expedience.

4. In open session, the Board of Supervisors should discuss and ask for the public's comments on the possible formation of a Jail Oversight Committee. This committee could consist of a Supervisor, the Undersheriff, the Facility Services Director, two members of the Grand Jury, and others.

5. The Sheriff's Department should follow the established county bid process when attempting to procure outside companies or businesses to complete work within the jail facility. The county's bid process details specific conditions to follow as well as specific deadlines for the process to be completed, The Departments of the Sheriff and Facility Services should know the stage of a particular project all times.

6. Based on the observations and findings made by this Grand Jury, as well as previous Grand Jury, an urgent recommendation is made to the Board of Supervisors to seriously begin planning to replace the jail facility. The longer the Board of Supervisors procrastinates in facing it’s obligation to the citizens of Plumas County, the more the construction costs increase. As we have seen and are currently seeing, building costs in California are increasing exponentially.

   It is essential that the Board of Supervisors plan now for a new jail for Plumas County. The Plumas County Jail, from the very onset, was poorly designed and was never conducive to a safe working environment for jail employees or the incarcerated inmates.

   The working area of the facility is too small in proportion to the confinement areas thus creating a working environment that is overcrowded with employees, equipment, and supplies. Security issues are at a level that put not only people within the jail at risk, it also puts the citizens of Plumas County at risk. A new jail would not only greatly enhance the security of all concerned but would provide a facility that would accommodate Plumas County well into the 21st century.

7. The Board of Supervisors should take a more proactive part by insisting the following remaining, uncorrected deficiencies be corrected as soon as possible:

   a. A sprinkler should be installed in the Corporal's office.

   b. A company should be contracted to provide five year services and certification of the sprinkler system.

   c. A company should be contracted to provide a quarterly inspection of the sprinkler system.

   d. An eighteen (18) inch clearance around the sprinkler heads should be maintained,

   e. A fire drill procedure should be created and a fire drill log should be maintained.

   f. The exterior sprinkler system alarm and alarm bell should be connected.

   g. The exterior sprinkler system valve should be repaired.

   h. The sprinkler system shut-off valve should have a lock.

   i. Sprinklers should be installed in the work furlough day room and sleeping area.

   j. Wiring on the floor and the exposed wiring in the wall of the control room should be put in conduit.

   k. The hole in the wall of the work furlough sleeping area should be repaired.

   l. Generator testing and maintenance logs should be kept and a company should be contracted to inspect and maintain the generator.

   m. The dishwasher should be repaired or replaced.

   n. The ceiling air grilles should be replaced to meet code.

   o. All Policies and Procedures manual should be updated and kept current

   p. The plumbing access panel in the maximum security corridor should have a lock.

Commendations

Sid Roberts and Mark Rother, who accompanied this Grand Jury and the state and fire authorities on the October 20, 2004 inspection, were instrumental in correcting deficiencies. This Grand Jury would like to commend the personnel of Facility Services for their effort. These efforts have done much to improve the safety and welfare of the jail staff, detainees, and the citizens of Plumas County. During the February 16, 2005 tour of the jail, this Grand Jury was made aware of numerous corrections to the deficiencies noted. We believe that these corrections were a direct result of this Grand Jury's insistence that the jail be inspected by the state fire authorities and re-inspected by the local fire authority,

In addition to the maintenance corrections, three (3) of the serious security issues are also being resolved. They are:

1. The main electrical breakers are now secured with fencing and locks. However, not only does the chain link structure need to be enlarged to adhere to PG & E's equipment clearance guidelines, but also the roof of the chain link structure has collapsed under the weight of snow requiring the need to redesign the structure as a whole.

2. Negotiations with the Public Works Department are underway for installation of food slots in the maximum security cell doors.

3. A full-time employee of the Facility Services Department is now assigned, specifically, to maintain the Jail.

PLUMAS COUNTY ALCOHOL AND DRUG DEPARTMENT

Function

The mission of the Plumas County Alcohol and Drug Department (A&D) is to improve the quality of life in the County through lowering the impact and incidence of alcohol and other drugs of abuse. The State requires five (5) primary divisions of the A&D Department.

- The Prevention Program includes educational youth programs such as Friday Night Live.
- The Drug Courts include an adult division that entails such services as drug testing and counseling.
- The Treatment Services include outpatient and residential services.
- The Driving Under the Influence (DUI) Program is a drunk driving school.
- The Perinatal Program helps pregnant women, women with children and their families with recovery from substance abuse.

The A&D Department is funded by State and Federal dollars as well as funds from legal fines and client payments for certain services. Therefore, it is imperative for the A&D Department to collaborate with many other County departments including the Mental Health Department and the District Attorney's Office. The State and Federal funds are closely monitored by State and Federal agencies. Client fees are set by the Plumas County Board of Supervisors.

Background

The Alcohol and Drug Department (A&D) was chosen for investigation because it had not had a comprehensive review by the Grand Jury since the 1995-1996 term of the Grand Jury. However, a citizen's complaint did prompt a cursory review of the Department in the 2000-2001 term.

Interviews were conducted with the Program Director, the Program Chief, County Counsel, the Chairman of the Alcohol and Drug Advisory Board and seven (7) additional Department staff members and citizens.

Findings

1. There is a split between the staff within the Department generally based upon length of service; ostensibly the "old camp" of employees who have been with the Department longer than the employees of the "new camp". This split has effected morale to such an extent that an alarmingly high number of employees have taken Worker's Compensation leave for stress.

2. There has been nearly continuous litigation against the County brought by a number of members of one of the "camps" over the last five years. While it is for the Courts, and not the Grand Jury, to decide the merits of each of the lawsuits, we have found that the strong convictions that prompted the litigations are not shared by both "camps" and have in fact facilitated this split. The antagonism between the two "camps" of employees precludes the Department's programs or therapists from being as effective as they might.

3. The past involvement of County Counsel and the Employee's Union in this Department's personnel matters has hampered the current Administration in its ability to manage and evaluate the staff. While input from County Counsel is appropriate particularly for its new Deputy County Counsel, when there is pending litigation, the concern lies with the fact that there is always pending litigation because of a nearly continuous stream of lawsuits.

4. There has been a lack of continuity of management in the A&D Department for many years resulting in a disruption of operation and an inconsistency of employee reviews.

5. There are people within the County that are reluctant (or have refused) to refer clients to the A&D Department because of the perception of this department's dysfunction.

6. There appears to be only minimal cooperation between the A&D and the Mental Health Department in the field of Co-Occurring Illnesses; that is a mental health patient who also has a substance abuse problem. This results in situations where these clients with Co-Occurring Illness are "falling through the cracks". There appears to be little acceptance of responsibility for these clients because of the lack of adequate interaction between these Departments.

7. There is little evidence that the Alcohol and Drug Advisory Board has any influence or oversight in the operation of the A&D Department. In addition, the Advisory Board's participation in the selection of the new A&D Director was discouraged by the Board of Supervisors.

8. There is little evidence that the Board of Supervisors has performed oversight activities in the A&D Department.

9. The A&D facility is inadequate and isolated from other services. The walls of the therapist meeting rooms are thin enough to allow passers-by to hear the conversations within and are therefore not adequate to ensure confidentiality.

10. The number of DUI arrests reported to the State, for the purpose of receiving various funding, was under-reported for the years 2002 and 2003. While the statistics reported were inaccurate, the perception within various State and County agencies that this Department inflates these statistics to increase their grant monies appears to be incorrect.

11. The expenditure for out-of-county residential treatment programs has increased steadily over the last several years, and has nearly doubled since last year. There are many factors for determining whether a client is better served by the programs available within the County, or by residential treatment programs not available within the County. However, the Grand Jury has found that the lack of trust between the two "camps" of employees has led to an undetermined number of clients either being underserved within the County or being sent out of the County for treatment at additional expense.

Recommendations

The Grand Jury recommends that:

1. The administration of the A & D strives to follow all labor regulations and Human Resources policies with regards to personnel, especially in the area of performance evaluations. Accurate and timely documentation of all personnel problems as well as achievements should do much to decrease employee's perception they are being retaliated against and thereby improve morale.

2. The Administration of the A&D continues the implementation of their progressive plan to mend strained relationships between the two "camps" of employees.

3. The Administration of the A&D work with Human Resources on revising the job descriptions for the Department to more accurately reflect the actual duties and training required of the positions.

4. The Administration of the A&D assign employees to be liaisons between the A&D and other Departments in which there is a shared clientele, such as Probation, the Sheriffs Department and Mental Health. These liaisons could do much to address the concerns and the perceptions of inadequacies in the A&D.

5. The A&D and the Mental Health Department develop a Memorandum of Understanding that outlines mutual areas of coordination and responsibilities, especially with regards to Co-Occurring Illness. The two departments could utilize the training and technical assistance available from the Substance Abuse and Mental Health Services Administration (SAMHSA) Co-Occurring Center for

Excellence publication states: “Screening, assessment, and treatment planning; Co-Occurring Disorder J are not stand-alone agencies. They are three components of a process that may be conducted by different agencies. Effective information sharing and following of clients most frequently occurs in systems where relevant agencies have formal network, cross-training for staff, and formal procedures for information sharing and referral.

6. The Alcohol and Drug Advisory Board work towards diversifying the membership of their Board as recommended by their auditing agency. New members could do much to rejuvenate the Board and may act as an impetus to increase their level of involvement in the A&D Department.

7. A Board of Supervisors member and the A&D Department staff members attend every meeting of the Alcohol and Drug Advisory Board.

8. The Board of Supervisors take a more active interest in the performance of the A&D and request in-depth information from them regularly until such time as the Board feels that the personnel issues have been resolved. We recommend a Department Progress Report that could include such information as activities of staff, success of programs, year to-date budget expenditures, and reports from the A&D liaisons.

9. A new facility, that provides appropriate accommodations and adequate security for clients, be found as quickly as possible.

10. The A&D improve communications with the California Highway Patrol and the Sheriff’s Department to help eliminate the errors found in the DUI statistical data reporting.

11. The Board of Supervisors considers the feasibility of operating needed residential care facilities within the County. The savings to the County by eliminating the need to send clients out of the county would go a long way to decrease this budget expenditure and provide a better quality of care to its residents.

Conclusion

In the course of our investigation, this Grand Jury became informed of numerous allegations of impropriety by staff members. The Grand Jury has worked diligently to not only verify each allegation, but also attempted to categorize them in an effort to keep our focus on the Department as a whole, not on an individual mistake. Put succinctly, we feel many of this department’s problems are heightened by (if not a result of) interpersonal relationship conflicts. There were several seemingly improper actions by staff members that the Grand Jury felt were a result of the antagonism that is so pervasive throughout the Department. The Grand Jury’s findings were focused on the core issues and not the small details. The Grand Jury did its best to focus on areas that may help to make this department more productive. It is the Grand Jury’s hope that with consistent management and increased oversight, this department will again be one upon which our citizens may rely.

PLUMAS COUNTY MENTAL HEALTH DEPARTMENT

Function

The Plumas County Mental Health Department (MHD) is an outpatient service providing a full range of outpatient, case management and socialization services. More intensive services such as acute hospitalization, long-term intensive residential and state hospital services are provided by contracting with the appropriate agencies in question. The services includes: emergency assessments, outpatient services, inpatient services, case management, day treatment programs, medication support and therapeutic behavioral services. The MHD is the managed care provider for all MediCal mental health services in the county.

Background

The Grand Jury received information alleging inadequate crisis intervention by the MHD. In addition, past Grand Jury records indicated that the MHD had not been reviewed since the 1999-2000 Grand Jury year. Therefore, it was appropriate and timely to review the MHD as a county entity.

The MHD operates under its director, who oversees a variety of community programs including the Sierra Drop-In Center, the Wrap-Around Program for Children, Cal-WORKS, and the Children's System of Care. In addition, the director is in charge of the fiscal portion of MHD and has provided this Grand Jury with financial statements indicating a balanced budget and a program working within its means. The current director had been the acting director of MHD since May 2000 and has been the director since October 2001.

All practicing clinicians are appropriately licensed, as is the director. At this time there are five licensed clinicians who see clients and one clinician in training. In addition to other emergency call procedures, each clinician is required to take after-hour emergency calls for a period of seven days every fifth week. Clinicians in training are excluded.

Findings

1. The MHD stands alone as a county department. The MHD has been split from the Department of Alcohol and Drugs. The MHD is not linked to the Plumas County Health Department.
2. There is inadequate interaction between the MHD and the Department of Alcohol and Drugs. The relations between the two county agencies have been acrimonious for a number of years. Relations have improved slightly in the last few months.
3. There is no Memorandum of Understanding (MOU) between the MHD and the Department of Alcohol and Drugs outlining a protocol for the needed interaction between the two departments.

4. The communication between the MHD and the Sheriff's Department is minimal. One aspect of the problem that contributes to the lack of communication is complicated by patients' confidentiality rights. The MHD clinicians cannot divulge information about a client and therefore are unwilling to release information about treatment and follow-up of that client. The perception sometimes is that "nothing is being done". This appears to be one cause for misunderstandings between the MHD and the Sheriff's Department.
5. There is no civil (non-criminal) protective locked facility for members of the community who may be a danger to themselves or to others. Currently, the MHD does not see such individuals that are considered "under the influence". As a consequence, these people remain untreated and unprotected or are taken to jail. A locked civil protective custody facility is mandated by law (Welfare and Institution Code 5170), but one does not exist in Plumas County.
6. There have been issues raised that on occasion the MHD is slow to respond to crisis intervention situations and the law enforcement officer who should be in the field is taken out of service to care for an individual during a possible mental health situation until the clinician arrives.
7. There is an MOU between the MHD and the Sheriff's Department that outlines mutual areas of coordination and responsibilities for emergency evaluations and hospitalizations.
8. As mandated by the State of California, Plumas County has a Mental Health Commission separate from the MHD. The Commission acts in an "Advise and Recommend" capacity to the Board of Supervisors on MHD issues and on the policies of the MHD. The Commission also acts in an advisory capacity directly to the MHD, as well as participates in the budgeting and planning agenda of the MHD. The Chair of the Mental Health Commission meets with the director of MHD on a regular basis and has an excellent working relationship. However, the Mental Health Commission meets with the Board of Supervisors only once a year. A Board of Supervisors member attends the Mental Health Commission's meetings irregularly.
9. There are issues of coordination within the MHD staff about clients and their treatment that may put clients at risk.
10. The MHD staff meets on a weekly basis. It was reported to the Grand Jury that communication within the staff is excellent and supportive.
11. The MHD provided a budget that indicates that the Department is efficiently run and is fiscally responsible.
12. The MHD operates a number of quality programs within its area of practice. The MHD is to be commended for the hard work of its employees and for the implementation of innovative and supportive programs. Notable, are Sierra House, the Respite Program, and the Wilderness Program.
13. The recently passed California Proposition 63 should increase revenue for the MHD.
14. The MHD staff meets face-to-face once a week for four hours. Otherwise, the small staff is spread out in the various communities it serves and rarely comes together

except for the weekly staff meetings. Most communication among staff is done by phone, a highly inefficient method for a task that requires communication and relay of client information. As a result, there have been errors.

15. MHD knowledge of Grand Jury investigations caused the stoppage of all quality control with Plumas District Hospital.
16. An administrator of MHD violated the admonition of the Grand Jury to keep discussion with the Grand Jury confidential.

Recommendations

The Grand Jury Recommends that:

1. The MHD and the Department of Alcohol and Drugs develop an MOU that outlines mutual areas of coordination and responsibilities. It is crucial that there be communication and support between the two agencies, in particular to prevent those individuals with co-occurring disorders of both mental illness and substance abuse from "falling through the cracks" between the agencies.

   In most counties in California, mental health departments and alcohol and drugs departments are closely linked. The division in Plumas County between these two departments has been going on for years. The Board of Supervisors, as the governing body of these two departments, must take a proactive stance in facilitating cooperation.
2. The MHD develops a position in which an employee acts as a liaison between the MHD and the Sheriff's Department. This employee would be approved by both departments and would be in daily contact with both departments and would address problems with communications, protocol, and allegations of misconduct.
3. As mandated by the State of California, Board of Supervisors must act to provide a civil protective custody facility for Plumas County in which to house those individuals who need protection but should not be arrested. This facility will allow law enforcement personnel to safely place individuals into protective custody and then return to law enforcement duties in the community with expediency. This will alleviate the problem of the MHD's position of not seeing an individual for assessment until the individual is free from alcohol and/or substances.
4. It is time to computerize the MHD. The staff is dispersed and timely communication is essential. The MHD and community safety would benefit greatly with a wireless computer that would allow clinicians to submit and read records and information quickly and confidentially. New data would be available instantly assuring that every staff member would be apprised of the history of client contact or client crisis in a timely manner.
5. A Board of Supervisor's member regularly attends the Mental Health Commission's meetings and report back to the Board of Supervisors
6. The Mental Health Commission publish a periodic newsletter of statistical information in order to keep the public informed of its activities.
7. Training on Grand Jury interaction and scope of Grand Jury authority be performed.

8. This ongoing review of the MHD be referred to the 2005-2006 Grand Jury for further investigation.

PLUMAS COUNTY BOARD OF SUPERVISORS

Background

As stated in the California Government Code Section 54953 (a) "All meetings of the legislative body of a local agency shall be open and public and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter".

Also stated in the above mentioned code section 54957.7 (a) "Prior to holding any closed sessions, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session…the legislative body may consider only those matters covered in its statement…".

In the same code section 54954.2 (a) "At least seventy two (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, including items to be discussed in closed session.

Finding

The Board of Supervisors violated the Brown Act in failing to notify the public of their intention to conduct interviews for the position of County Administrative Officer (CAO) in a timely manner. The Brown Act states that "no action or discussion shall be undertaken on any item not appearing on the posted agenda". During the Grand Jury's investigation it was found that negotiations for the position of CAO had begun prior to the posting of the BOS agenda of March 8, 2005 in which the agenda mentioned a "possible action" regarding the position of CAO. The Brown Act requires notice of "at least 72 hours before a regular meeting" on any intention to act.

Recommendation

The BOS must follow the legislative intent of the Brown Act in all cases. Furthermore, we recommend that the Grand Jury of 2005/2006 conduct a complete review of the BOS.

GRAND JURY OVERSIGHT COMMITTEE

Background

The Grand Jury reviews the findings and recommendations of prior years' Grand Juries and the responses of the public entities to those findings and recommendations as required by law. These responses may be filed by the entities up to 90 days after publishing. Without the diligent review of the Grand Jury, corrective actions may not occur.

Findings

1. Responses to recommendations often contain actions intended to correct a condition brought to the attention of the governing bodies but do not specify timing and responsibility.

2. There still exists a wide variance in the understanding of "conflict of interest".

3. There is still not a complete understanding that the law states that recommendations by the Grand Jury require a response and that "no response" is not acceptable.

4. The Law Library was established by an ordinance of the Board of Supervisors on March 9th, 1905. On October 1st, 2003, the Board of Supervisors closed the Law Library. The library's collection of Nolo Press books and public access computers were donated to the Quincy Public Library. (Lexis Nexis, an on-line source of legal information, is available with no charge to the public.)

5. The Plumas Unified School District was under the impression that they had adequately responded to the 2003-2004 Grand Jury's concerns through the interview process and were not aware that a formal written response was required within 90 days. Such a response has been received and has been included with those of other county entities referred to in the 2003-2004 report.

Recommendations

The Grand Jury Recommends that:

1. The Department of Human Resources is to be commended on its follow-up on the prior year Grand Jury recommendations. Additional action is still needed to revise and clarify the Plumas County Personnel Rules currently in progress.

2. The Board of Supervisors again request County Counsel to provide it with a specific legal definition of Conflict of Interest. All actions should convey no hint or appearance of a conflict of interest.

3. The Board of Supervisors stress, encourage, and/or dictate to all in County personnel that: "the findings or recommendations of the Grand Jury require action*".(Reference California Penal Code, section 933.05)*

4. The Board of Supervisors makes every effort to guarantee that the public has equal benefit and access to legal assistance through the Public Library as it previously had through the Law Library and that funding remain sufficient to maintain and provide on-line service.

PLUMAS COUNTY FIRE DEPARTMENTS

Function

The Plumas County Fire Departments provide fire protection and emergency medical services to properties and persons in their districts and in other areas via mutual agreements or assignments.

Background

The 2004/2005 Plumas County Grand Jury undertook a study of the fire departments in the County as a follow up to the work done by the 2002/2003 Grand Jury. The latter Grand Jury performed extensive analysis and research of the problems facing the fire departments in the county. As part of the current Grand Jury's follow-up process, a questionnaire was distributed to the fire chiefs that asked them about their status, operation, and the problems they are currently facing. They were also asked for suggestions for solving current problems.

Findings

1. The recommendations of the 2002/2003 Grand Jury were, for the most part, ignored by the County. The following list contains the recommendations of that Grand Jury. For each finding or recommendation, the current status, as found by the current Grand Jury, is shown in bold print.

   2002/2003 Grand Jury Findings:

   1. *Plumas County has no legal requirement to provide fire protection services to the citizens of Plumas County. That responsibility is relegated to the fire districts within the County.*

      Current Status: No change in this situation.

   2. *The County Fire Warden position is part-time and exercises no direct control over the fire districts within Plumas County. The Fire Warden does respond when requested by the fire districts to provide technical assistance and training.*

      Current Status: The Fire Warden has resigned.

   3. *With few exceptions, Plumas County fire districts have inadequate funding to carry out their mission. Most equipment is outdated and each of the districts relies on volunteers to staff their departments.*

      Current Status: No change in this situation.

   4. *Approximately 20 percent of the privately held land in the County is not in a fire district.*

      Current Status: Little change in this situation.

   5. *A majority of fire chiefs interviewed favored more coordination and assistance from the County Fire Warden on fire issues such as funding, standardizing grant writing, training, recruiting and acquiring equipment.*

      Current Status: Since there is now no fire warden, this situation has worsened.

6. *There is no proactive effort by the County to inform new residents what level of fire protection, if any, exists in their area. In fact, on more than one occasion, witnesses responded with a "let the buyer beware" reply on that issue.*

   Current Status: No change in this situation.

7. *Plumas County Resolution No. 01-6534 is a resolution adopting a policy for County property tax exchanges with special districts providing fire protection services.*

   Current Status: This Grand Jury has seen no evidence that this resolution has been acted upon.

2002/2003 Grand Jury Recommendations:

1. *That the Board of Supervisors form a Fire District Consolidation Committee, with members including the County Fire Warden, Fire District Chiefs, Executive Director of LAFCo and a representative of both CDF and Fire Safe Council to determine the feasibility of establishing three to five regional fire departments within the County The Grand Jury urges the Board of Supervisors to make this a high priority and coordinate closely with LAFCo Executive Director.*

   Current Status: Such a committee has not been formed.

2. *That the proposed Fire District Consolidation Committee advises the boards of county fire districts on methods to increase funding, including, but not limited to, developer and user fees. The Grand Jury recognizes that this is a cumbersome, political process. Nevertheless, the Board of Supervisors should do everything necessary to provide the committee with expertise in raising fees and exactions to properly fund the fire protection effort within Plumas County.*

   Current Status: No committee was formed. Thus, there has been no action on this recommendation.

3. *That the community service districts providing fire protection review the benefits (Resolution 01-6534) of annexations and/or reorganizations to avail themselves of a property tax exchange with the County of up to 7 percent of the tax increment. According to the Resolution, as a condition of the exchange, the district must attempt to raise additional revenue from the voters or landowners in the affected tax rate areas.*

   Current Status: There has been some activity in this area, but there is no general application of this resolution.

4. *That the Board of Supervisors empower and direct the County Fire Warden to determine which areas in the county are not covered by a fire district and advise LAFCo, so that those areas can be annexed into a fire district.*

   Current Status: This Grand Jury has seen no attempt by the County to identify such areas.

5. *That the County Fire Warden monitors the county fire districts for compliance with SB 1207 and CAL OSHA standards. The fire chiefs of each of the districts need to provide their full cooperation and assistance in this endeavor.*

   Current Status: The Fire Warden has resigned.

2. Since there seemed to be a great deal of confusion and animosity on the part of the fire chiefs regarding the Plumas County Local Area Formation commission (LAFCo), this jury interviewed the LAFCo executive director. As a result of this interview, it was found that the commission is state-mandated, is operating according to California state law, and is a necessary partner in the County planning process. Since it is essentially a regulatory commission and has an extensive list of mandated conditions for changes in districts, the LAFCo is seen as a very expensive road block to change. Many fire departments simply cannot afford the expense of meeting the LAFCo requirements and fees. There has been at least one instance where a department aborted proposed changes due to the complexity and expense of the process. There has also been at least one instance where a proposed change has been cancelled even before applying to LAFCo due to the process' perceived complexity and expense.
3. Current methods of funding the fire departments are inequitable in that a few departments are over-funded and most departments are under-funded. When under-funded, departments must rely on the charity of other departments and agencies inside and outside Plumas County and on the charity of the people and companies within their districts in order to survive. This has resulted in the use of antiquated equipment and improvisations that endanger the lives of the departments' personnel and the lives and property of the persons they are trying to protect. These situations are direct violations of OSHA regulations. On the other hand, a few departments have more money than they can use. This could be construed as a waste of public funds.
4. The County provides very little assistance and few services to the County's fire departments. These volunteer organizations are in great need of centralized training, grant research and preparation, equipment acquisition, administrative assistance and guidance and other services that can best be provided on a central or regional basis.
5. There have been many discussions regarding the creation of regional fire districts. Based on the survey conducted by this Grand Jury, there is no general consensus among the fire chiefs.
6. Many of the fire departments are embedded in community services districts. This has the advantage of potentially increasing the availability of funding and other resources and has the disadvantage of burying the concerns and needs of the departments in organizations formed primarily to provide utility and other non-emergency services.
7. There is no standardization of communication equipment between departments. This causes problems during operations involving more than one department.
8. Provision of fire protection is not an essential element in the planning process for new real estate developments.

Recommendations

This Grand Jury recommends that:

1. The recommendations of the 2002/2003 Grand Jury be implemented except where modified by this Grand Jury's recommendations.

2. The office of Fire Warden be re-established and strengthened to provide more direct control of, and assistance to, the fire departments. This assistance would include funding, searching for grant opportunities and standardizing grant writing, providing or arranging for training, recruiting, and acquiring equipment. In addition, the Fire Warden should play a significant role in the activities of the Plumas Sierra Fire Chiefs Association.

3. An equitable method of funding be found that will provide the resources needed to perform their jobs without undo concern for costs and at the same time not produce more revenue than can be efficiently utilized by the departments.

4. No real estate project or development be approved without adequate coverage by an existing or new fire department.

5. A Plumas County map overlay be developed that clearly shows the boundaries of all fire districts and highlights those areas that are not protected by any fire department.

6. A plan to make all fire departments independent entities with their own funding and operational control be created. This should not exclude the creation of cooperative agreements with other departments or other government agencies.

7. The County consider subsidizing the training of fire fighters and emergency medical personnel and the administrative personnel or services of the fire departments.

8. The Board of Supervisors and the LAFCo undertake an educational program throughout the County to improve the understanding of its function and procedures and its place in the planning process.

9. The fire departments make an effort to understand the LAFCo's function and procedures and its place in the planning process.

10. The LAFCo be audited by a qualified auditing company or agency.

11. The Board of Supervisors and the LAFCo, in certain circumstances, consider subsidizing, reducing, or rescinding LAFCo fees for changes in fire districts.

Commendation

In spite of the problems facing the fire departments, there is a good esprit de corps among the fire fighters. They willingly assist other departments and agencies and respond to emergencies without regard to funding and the quality of their equipment.

PLUMAS COUNTY FACILITIES SERVICES DEPARTMENT

Function

The Facilities Services Department (FSD) is charged with providing and maintaining acceptable environments in which all county employees are able to comfortably carry out their individual duties. The FSD maintains over thirty (30) facilities and real properties owned and/or operated by the county.

Background

The prior year's Grand Jury performed a fundamental investigation of the FSD and recommended that this year's Grand Jury follow up with a more thorough investigation. During this review, we interviewed the County Administrative Officer (CAO), the Facilities Department head, the County Auditor/Controller, and many other employees who deal and interact with the FSD.

Findings

1. The FSD has done a commendable job in view of its lack of sufficient support both in personnel and in funding required to perform its functions.

2. There seemed to be inadequate coordination and communication between the FSD the Auditor/Controller, the Sheriff's Office, the Jail Commander, and the Board of Supervisors (BOS).

3. Over the past two years, the FSD has been inordinately impacted by budget reductions. This is primarily due to the fact that, unlike other County departments, the utilities and other fixed costs relating to all county facilities are part of this department's budget. Thus, when departments are subjected to an across-the-board budget cut, the FSD must cut its only variable costs: personnel and supplies.

4. The number of facilities that have not been brought up to standards necessary to meet the needs of the disabled public is absolutely appalling and definitely does not meet the legal requirements under existing applicable laws. This law has been in effect for many years and the county is not now and has not been in compliance. Just because the county under its current insurance arrangement has only limited liability, it is in no way excusable to avoid this responsibility.

5. There appears to be no system to evaluate the many physical facilities the county owns as to the feasibility of maintaining or replacing individual structures or complexes.

Recommendations

The Grand Jury recommends:

1. The BOS, the county Auditor/Controller, and the Director of Public Works actively support the mission of the FSD through adequate funding and personnel to avoid further deterioration of the county's many physical facilities.

2. The BOS mandate coordination, cooperation, and communication between the FSD and the BOS and between the FSD and all other County departments.

3. The BOS periodically review the FSD's mission and the progress being made toward the accomplishment of that mission.

4. The BOS read and become thoroughly conversant with the legal requirements that <u>all</u> public facilities are to be available and accessible to any disabled person and take appropriate action.

5. The BOS mandate that all the county-owned and/or operated facilities are annually inspected and evaluated to determine:

    a. Their structural integrity
    b. The feasibility of their continued maintenance
    c. If the facility should be replaced
    d. If the County should discontinue its operation/ownership

6 That utility and other fixed facility costs be removed from the FSD's budget, or allowance be made for the inordinate amount of its budget that cannot be reduced. These costs should not be part of any budget cuts.

INDIAN VALLEY COMMUNITY SERVICES DISTRICT

Function

The Indian Valley Community Services District (IVCSD) provides the following services to the inhabitants of the District:

1. Water
2. Sanitation
3. Fire Protection
4. Ambulance Service
5. Public Works – including road and building maintenance

Background

In response to citizen complaints, the Grand Jury reviewed the use of funds procured by the IVCSD to acquire and rehabilitate the Greenville Water system and investigated a charge of nepotism. The Grand Jury was also asked to ensure that financial audits are conducted regularly by a qualified accountant.

Findings

The funding to acquire and rehabilitate the Greenville Water system consisted of a $1,957,863 loan from USDA Rural Utilities Services (RUS) at 4.5% interest and a grant of $35,000 from the same agency. Terms of the loan are annual payments on a sliding scale with the first payment due two years after the granting of the loan which occurred in September of 2003. The total cost of procuring the Bidwell Water System was $1,351,331. The remainder was to be used for the rehabilitation of the system. The actual work started in September of 2003. It was closely monitored on a monthly basis by the USDA RUS. A review of the check register of the account required to be set up by the terms of loan was reviewed by the Grand Jury and was found to be in order. There was a formal proposal and bidding process performed by the District. The project was performed in eight (8) phases and is now complete. Before the project started, the water system was losing the majority of its water due to leakage. When the project was completed, the leakage problem was reduced, but not eliminated due to the poor quality of the miles of branch pipes not covered by the project.

The above loan and grant was specified for the purchase and rehabilitation of the system as a whole and the replacement of the filter media in the pressure water filter. It did not cover the structure of the water filter which was later determined to be failing. A second loan in the amount of $200,000 was requested from the County for the purpose of repairing or replacing the failed filter and adding a new one with the same filtering capacity. The second filter is needed to bring the system into conformance with state health standards for filter capacity. The existing filter was fixed at a cost of about $43,000 using funds left over from the large loan. The District has obtained a single-cell filter from the Lake Davis system that could be used as a pre-filter for the current system. The District received a bid of about $97,000 to provide 2 new filters. The district is also investigating the possibility of acquiring used filters from other water districts. The cost of modifying the filter site, including buildings and new piping, would be extra. As security collateral for the loan, the District provided five acres of land adjoining highway 89, income from the Greenville Water System, and agreed to sell part of its water rights to avoid default on this note. The District had received a bid of $150,000 from a private party for the land and also received an estimate from a realtor that stated the property would be worth $120,000. The loan terms are: 18 months with an interest of 1% above the rate the County receives on its long term investments. This results in an interest rate of about 3.5%. Terms would be renegotiated at the end of 18 months if the loan is not repaid. The District is working on getting a USDA grant or loan to retire this loan.

As regards to the charge of nepotism, the Grand Jury found that the daughter and grandson of a current employee were hired apparently without a significant search or advertisement. One is no longer with IVCSD and had worked only about 2 hours per week from January to June of 2004. The other started in June of 2004 as a temporary, as-needed employee. He started working only a few hours a week and is now up to about 30 hours per week. It was determined that at no time was either relative under the current employee's direction nor did they work in the same area, nor was any evidence found that the current employee directly influenced the decision to hire the relatives. The by-laws of the District do not prohibit the hiring of relatives.

Finally, the Grand Jury investigated the allegation that the District was not regularly audited by a qualified auditor. Such audits are required of all community districts on an annual basis. The Grand Jury was provided with the audit reports by qualified accounting

firms for the last 4 years. The only deviation from the audit requirement was that the years 2001 and 2002 were combined in one report.

Recommendations

IVCSD should improve its methods for informing its customers and the local community of the programs and services it provides by:

1. Publicizing progress on current projects explaining their benefits and costs.

2. Making audit results available to the public and/or giving notice of their availability.

3. Advertising for available employment opportunities.

4. Providing a means for the public to express their concerns.

COMMUNITY SERVICE DISTRICT SPECIAL ELECTIONS

Function

The Community Services Districts (CSD) provides the following services to the inhabitants of their districts:

6. Water
7. Sanitation
8. Fire Protection (Sometimes)
9. Ambulance Service (Sometimes)
10. Public Works – including road and building maintenance

Background

In order for CSD's to make changes in the services they provide and how and to whom they provide their services, special elections are required. It is important that these elections are held so that those affected can express their opinions and thus determine whether or not the changes are to be made in the manner proposed.

Findings

The board of directors of a CSD may order a special election at any time it is faced with a decision that it believes requires one. Examples of situations in which special elections might be required include district boundary changes, changes in who receives services, changes in fees for services provided, changes in how services are provided, provision of new services, and deletion of existing services.

To hold an election, the CSD board makes a request to the Plumas County Clerk-Recorder. The matter is then presented to the Plumas County Board of Supervisors

(BOS) for approval. The BOS must pass a resolution authorizing the election. The election is then scheduled according to that resolution and the ballots are prepared and distributed to the voters affected by the matter(s) being considered.

The total cost of the election is borne entirely by the district. The cost varies widely depending upon when and how the election is held. A polling place special election costs about $13,000. A mail-in special election costs about $10,500. An election held as part of a general election costs a small fraction of the cost of either type of special election.

Recommendations

The Grand Jury recommends that:

1. The CSD carefully consider the costs of holding an election versus the benefits of the matter being considered.

2. Due to the costs involved, the CSD consider the cost versus benefits of holding a special election instead of waiting until the next general election.

PLUMAS COUNTY AUDITOR/CONTROLLER.

Function

The Grand Jury reviewed the Audit/Controller Department to determine if internal controls and procedures are in place to provide assurance of the control structure.

Background

In order to gather the information necessary to assess the Audit/Controller department the Grand Jury has interviewed the Auditor/Controller and the independent external auditor. The Grand Jury has reviewed the *County of Plumas, California Management Report for The Year Ending June 30, 2004* and the *County of Plumas California Annual Financial Report As Of June 30, 2004 With Independent Auditor's Report*. The Grand Jury has also reviewed the budget process.

Findings

1. In reading the two (2) reports noted above the Grand Jury became aware that were five (5) conditions mentioned that required a corrective action plan. The conditions mentioned were as follows:

    a. The 2003 Series A cash had not been reconciled to the fiscal agent statement or properly recorded in the general ledger

    b. .Some program information required for the preparation of the Schedule of Federal Expenditures was not provided by the responsible departments in a timely manner.

c. The Independent Auditor noted that the county reflects the solid Waste Planning and Operations as a special revenue fund instead of an enterprise fund.

d. The depreciation schedule for senior transit buses did not include an acquisition date for the vehicles. Depreciation appears to be based on the model year of the vehicle rather than the acquisition date of the vehicle.

e. The County Workers Compensation internal service fund had a deficit fund balance of $1,572,431 on June 30, 2004. Adequate reserves are necessary to ensure that the county is able to meet its self insurance obligations.

2. In response to an article in the Feather River Bulletin stating that the position of budgetary officer was being transferred from the County Administrative Officer to the Auditor/Controller the Grand Jury reviewed the reason for this change.

Recommendations

1. In the *County of Plumas, California Management Report For The Year Ending June 30, 2004* the Independent Auditor has made recommendations to correct the five (5) conditions mentioned. These recommendations are clear and specific and need to be put in place as soon as possible. It is to be noted that at the time of the presentation of the Independent Auditor's report the Auditor/Controller had already implemented the Cash with Fiscal Agent condition and partially implemented the Transportation System Accounting. The Auditor/Controller will raise the Workers Compensation rates to ensure adequate reserves. That will leave the Depreciation on Transit Buses and Classification of Solid Waste Planning and Operation to be implemented. It is important the Board of Supervisors monitor these items to ensure their completion.

2. The establishment of an Audit Committee is an acceptable and widely used tool in other counties to aid in the process of monitoring county operations. The Grand Jury recommends that The Board of Supervisors seek to establish such a committee. The members should include at least two (2) members of the Board of Supervisors, two (2) members of the Grand Jury, and the Auditor/controller.

3. The Auditor/Controller has been instrumental in preparing the budget in years past and at the time of this report is the most knowledgeable person in the process. The Auditor/Controller must cross-train his staff and any other persons (in the county with a need to know) in the process of the budget preparation to ensure continuity in this process under all circumstances.

PLUMAS COUNTY HUMAN RESOURCES

Function

Human Resources administers implementation of *The Personnel Rules of Plumas County.* The purpose of these rules is to provide a consistent, equitable, and efficient program of personnel administration.

It has come to the attention of the Grand Jury that the problem with the lack of interaction of the Human Resources Department is common in many other departments. A well run and efficient Human Resources Department is the key to the success of all other county functions.

Findings

The Grand Jury findings are that:

1. Nepotism is an ongoing issue within the county. The appearance of nepotism is as harmful as the actual fact itself.

2. People are hired to fill vacant positions that do not meet the County's job qualifications as described in the Plumas County Job description's qualifications. The results are poor performance and employee problems.

3. Department managers do not follow proper procedures for disciplinary and termination action resulting in wrongful termination claims and issues involving the employee's union. These actions are very costly and should be avoided. The training provided to department managers in the appropriate ways to handle employees with stress leave, disciplinary action, and termination procedures is inadequate.

Recommendations

1. Human Resources must monitor all employee job positions to insure that there are no family members working in the same department and equally important, that no family members are working in departments that share confidential information or that would have a conflict of interest.

2. All job applications should receive approval by Human Resources before hiring can take place. It is the responsibility of Human Resources to see that each applicant meets the qualifications of the position for which they are applying. Each applicant must have a reference check performed by Human Resources. These actions would eliminate the hiring of non-qualified persons**.**

3. It is the responsibility of Human Resources to provide training to all managers and supervisor to handle disciplinary problems in the proper manner. This training can be done by conducting classes and by providing the managers and supervisors with a management handbook that spells out the correct procedures to follow in all cases of disciplinary actions.

PLUMAS COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Function

Provide for the control, storage, and distribution of storm, flood, and other waters under district's jurisdiction and make that water available for any present or future lawful, beneficial use or uses of lands or inhabitants within the district. The water can be used for irrigation, recreation, fire protection and can be used by municipal, commercial, industrial entities. .

Background

The Plumas County Board of Supervisors serves as the Board of Directors for the Plumas County Flood Control and Water Conservation District (PCFC). In the past, the primary function of PCFC was purchasing water from the State Water Project (from Lake Davis) as one of the 29 state water contractors and distributing that water to customers in Plumas Count, including the City of Portola and the Grizzly Lake Resort Improvement District. However, as a result of an agreement settling a lawsuit over changes in the state water contract (the Monterey Amendment), the PCFC also became one of three parties to the Plumas Watershed Forum (WF). The forum was established to implement watershed management and restoration activities for the benefit of Plumas and the State Water Project.

The Monterey Settlement Agreement (MSA) provides for the California Department of Water Resources to pay the PCFC $8 million in the form of eight annual payments. The first four payments must be made as long as the PCFC complies with the MSA, but the final four payments are contingent upon the successful completion of a new Environmental Impact Report for the Monterey Amendment.

Under the MSA, a majority of the $1million received each year must be spent on "watershed programs." The Watershed Forum members have adopted the Feather River Watershed Management Strategy, which provides a framework for the forum's prioritization and funding of specific watershed management and restoration projects. The balance of each $1 million payment may be used for any PCFC-related purpose, as determined by the PCFC after considering the needs of the Watershed Forum. In practice, the forum members have agreed that $500,001 (a "majority") of each payment will be spent on watershed programs and the remaining $499.000 will be spent by the PCFC after consulting with the forum.

Findings

1. It is not clear that all projects or proposals for which MSA funds have been expended have been approved by the WF.

2. It is not clear exactly how much money has been received by PCFC under the MSA.

3. It is not clear how the money received by PCFC under the MSA has been spent.

4. The previous Grand Jury expressed the belief that some of the project expenditures did not meet the MSA's stated goals. Further investigation reveals that these project expenditures were approved by the WF. However, it is unclear how the programs specified in the MSA were served by the expenditure of $115,000 for "budget expenditures" and $452,000 to "repay the general fund for loans to PCFC for expenditures that had accumulated for several years ". These expenditures are being reviewed by DWR.

Recommendations

The Grand Jury recommends:

1. That while the directions for expenditure of funds under the MSA allow some latitude, the PCFC avoid the temptation to expend MSA funds for purposes not approved by the WF and that do not specifically benefit the MSA programs.

2. That the PCFC explain how the $115,000 of "budget expenditures" and the $452,000 for loan repayment benefited the programs specified by the MSA.

3. That the PCFC states exactly how much money it has received to date under the MSA.

4. That the PCFC states clearly how the funds received under the MSA were spent and how much of those funds have not yet been spent.

5. That the PCFC keep the public informed of the status of the EIR and legal challenges to the MSA.

COMPLAINT SUMMARY

COMPLAINT #04/05-01

Nature of Complaint

This is a continuation of last year's Grand Jury Complaint #03/04-03 alleging widespread and gross misconduct within County Offices.

Response

The issues of this complaint were discussed by the Law and Justice Committee and the complainant was advised by letter to take the complaint to the California Attorney General's Office.

COMPLAINT #04/05-02

Nature of Complaint

This complaint was a continuation of several complaints previously filed with previous Grand Juries against a Plumas County employee.

Response

This complaint was referred to the District Attorney and County Counsel offices.

COMPLAINT #04/05-03

Nature of Complaint
This was a continuation of complaint 03/04-09 alleging wrongful and retaliatory termination of employment at Plumas District Hospital (PDH).

Response
As this complaint had been investigated by the Health, Education, and Welfare Committee of the Grand Jury last year, and deemed a labor dispute, it was not investigated further as it did not fall under Grand Jury jurisdiction. The complainant was notified by letter.

COMPLAINT #04/05-04

Nature of Complaint
Complaint delineated a list of problems arising from a private civil matter.

Response
The Grand Jury declined to pursue investigation, indicating to the complainant by letter that this was a private civil matter and could possibly be resolved by legal counsel.

COMPLAINT #04/05-05

Nature of Complaint
The complaint lodged was of a possible criminal nature involving the destruction of property.

Response
The complaint was referred to the District Attorney and after his review it was determined that the statue of limitation has expired.

COMPLAINT #04/05-06

Nature of Complaint
The complainant accused a Sheriff Deputy of not acknowledging monies he had supposedly received.

Response
The complainant was informed by letter that this was not considered a matter for the Grand Jury.

COMPLAINT #04/05-07

Nature of Complaint
Complaint was submitted regarding an issue the complainant had with Plumas County several years ago.

Response
After reviewing the history of the incident the Grand Jury felt that this was not an item for Grand Jury investigation and the complainant was informed by letter of this action.

COMPLAINT #04/05-08

Nature of Complaint
This complaint stated that no action had been pursued by Plumas County Officials on a previous criminal conviction.

Response
The complaint was referred to the County District Attorney.

COMPLAINT #04/05-09

Nature of Complaint
Alleged improper actions that were taken by the Indian Valley Fire Chief, while at a Greenville Park the summer of 2004.

Response
Complaint was reviewed by the Grand Jury, but not investigated. A letter was written to the complainant stating that all district fire departments would be notified to use caution when exhibiting equipment.

COMPLAINT #04/05-10

Nature of Complaint
Complainant charged that the Portola City Council is remiss in dealing with the citizens of the City of Portola and is out of compliance with the Portola Municipal Code.

Response
The Grand Jury reviewed the complaint, but action will not be taken this year. This item will be referred to the 2005-2006 Grand Jury.

COMPLAINT #04/05-11

Nature of Complaint
Complaint was made against actions by the Plumas County Planning Department.

Response
The Grand Jury reviewed the complaint, but action will not be taken this year. This item will be referred to the 2005-2006 Grand Jury.

COMPLAINT #04/05-12

Nature of Complaint

The complainant brought a situation to the Grand Jury's attention regarding a card lock transaction.

Response
This matter was unfounded and resolved.

COMPLAINT #04/05-13

Nature of Complaint
A complaint was received by a parent whose child attends elementary school within the Plumas Unified School District. The complaint alleged mistreatment of the child by a teacher and was supported by letters received by the Grand Jury through the District Attorney. The complaint also alleged a lack of response from the school district administration.

Response
An Accusation Hearing was conducted by the District Attorney. The Grand Jury heard testimony from several witnesses and complainants.

The Grand Jury deliberated after the hearing and concluded that there was reasonable cause for the District Attorney to bring an accusation against the school district administration. This matter is now in the hands of the District Attorney.

COMPLAINT #04/05-14

Nature of Complaint
This complaint involves the alleged mistreatment and harassment of family members over a number of years by the Plumas County Sheriff's Department.

Response
The Grand Jury will review the complaint, but action will not be taken this year. This item will be referred to the 2005-2006 Grand Jury.

COMPLAINT #04/05-15

Nature of Complaint
The complaint stated problems that had occurred because of lack of following zoning ordinances by his neighbors.

Response
No action will be taken this year and the complaint will be referred to the 2005/2006 Grand Jury.

Plumas County Grand Jury Investigation History

DEPARTMENT/ AGENCY/PROGRAM	Earlier Years	2001-2002	2002-2003	2003-2004	2004-2005
Administrative/CAO	95-96	X			
Assessor	95-96, 98-99				
Auditor/Controller		X			X
Board of Supervisors		X			X inc
Clerk/Recorder		X inc			
Chamber of Commerce					
Information Technology	99-00				
Fair		X			
Farm Advisor					
Law Library	99-00				X
Library	98-99				
Literacy Program	98-99				
Museum	98-99				
Human Resources	99-00			X	X
Treasurer/Tax Collector	98-99				
Alcohol and Drug	95-96	X inc			X
Senior Services					
District Attorney – Family Support Division	97-98				
Mental Health	95-96, 99-00				X
Plumas County Public Health Agency				X	
Public Administrator					
Public Guardian/Conservator	99-00				
Sierra House	99-00				
Social Services	95-96				
Veteran's Services	95-96				
Animal Control	95-96	X	X		
County Counsel					
District Attorney	98-99				
Fish and Game Commission					
Jail	98-99	X	X	X	X
Victim Witness					
Office of Emergency Services					
Probation	98-99	X		X	
Juvenile Hall			X		