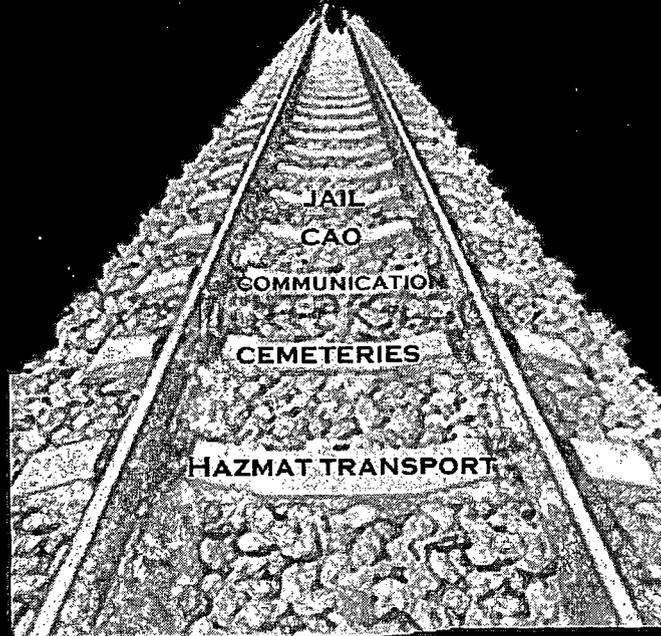
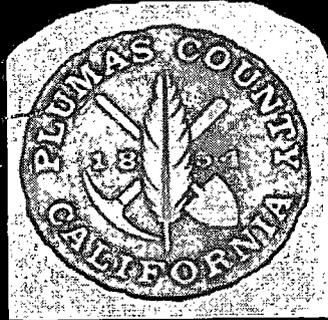


**2014 - 2015
PLUMAS COUNTY
FINAL GRAND JURY REPORT**



2014 / 2015 Plumas County Grand Jury Final Report

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2014 / 2015 Plumas County Civil Grand Jury Members

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Debbie Clarke-Howard	Pro Tem	Chester
Jamie Ellgen-Tena	Archivist	Chester
Linda Leitaker	Parliamentarian	Lake Almanor
Dennis Durham	Sergeant of Arms	Chester
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Mary Frazier	Member	Portola
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2014-15 PLUMAS COUNTY CIVIL GRAND JURY

PREFACE

The 2014-15 Plumas County Grand Jury was impaneled at a time when events have placed the grand jury system in the United States under renewed scrutiny. In recent months, several controversial cases have thrust the Grand Jury process abruptly into the public conversation. Criminal grand juries in various municipalities around the country have been asked to make decisions in very controversial matters, and the secrecy that is mandatory for all such deliberations has raised the level of public concern over both process and result. Civil grand juries have the daunting mission of investigating the workings and problems within a particular government system, and in turn offering recommendations for solutions, bound by the same laws of confidentiality that surround criminal juries.

California is one of only two states (Nevada being the other) that still utilizes a civil grand jury system to oversee and investigate various aspects of their respective county operations and administrations. Civil Grand Juries work more quietly, but are equally as important to the citizens of a county as the more public criminal grand juries. Working far from the public eye, a civil grand jury examines issues that could impact its home county, and through the reports of its investigations, helps citizens and elected officials understand all the various interactive threads that lead to both problems and solutions.

Many Plumas County residents find great satisfaction in the difference between our sparsely populated communities and the rest of the state. We don't miss urban sprawl, snarled traffic, or higher crime rates. We revel in our more leisurely lifestyles and our close knit communities. But if there is a common thread winding through many of our investigations, it is the way our county intersects with the state and nation as a whole. Recent changes in sentencing laws within our state brought drastic changes and new challenges for our local law enforcement community. Advances in communications both public and private have created new challenges for citizens and emergency personnel.

Reviewing the work of previous Grand Juries, the 2014-15 Jury discovered it had been a long time since the last review of the various cemetery districts in the county. There seemed to be a need to look into the general state of these districts as they directly serve citizens at a very critical and emotional time. We learned that LAFCO actually makes a very comprehensive review of each district on a regular basis. Rather than trying to reinvent the wheel, the Grand Jury chose to look into problems that are shared by all the districts, and offer some possible solutions.

In light of various train derailments and other spills of hazardous materials, the 2014-15 Plumas County Civil Grand Jury felt a need to examine Plumas County disaster preparedness. We also investigated various aspects of public safety radio and dispatching operations. The very nature of our scenic terrain poses a unique challenge for emergency services, both for communications and for remediation crews. We learned how very

dependent rural counties are on each other and on state infrastructure for help when disaster strikes.

Each civil grand jury is required to make an inspection of all penal facilities in the county, and has the option to do a more extensive investigation and a report if desired. Although this has been done by several previous grand juries, the 2014-2015 Grand Jury chose to carry out such an investigation, and to write a report because of the condition of the jail facility as well as activity by the Board of Supervisors which may make possible a remedy for the many problems encountered in the investigation.

Unlike many counties and municipalities, Plumas County has for some time operated without a Chief Administrative Officer. The 2014-15 Grand Jury re-examined the role of a CAO, asking if it would improve or hamper the effectiveness of county operations.

The Grand Jury Audit committee met with the County Auditor and the accounting firm contracted to audit the financial activities of Plumas County. According to the Grand Jury Manual, this should happen every year, but this jury could find no record of such a meeting for recent years. The Auditor and Grand Jury Audit committee agreed that both parties should make sure this process is continued in future years.

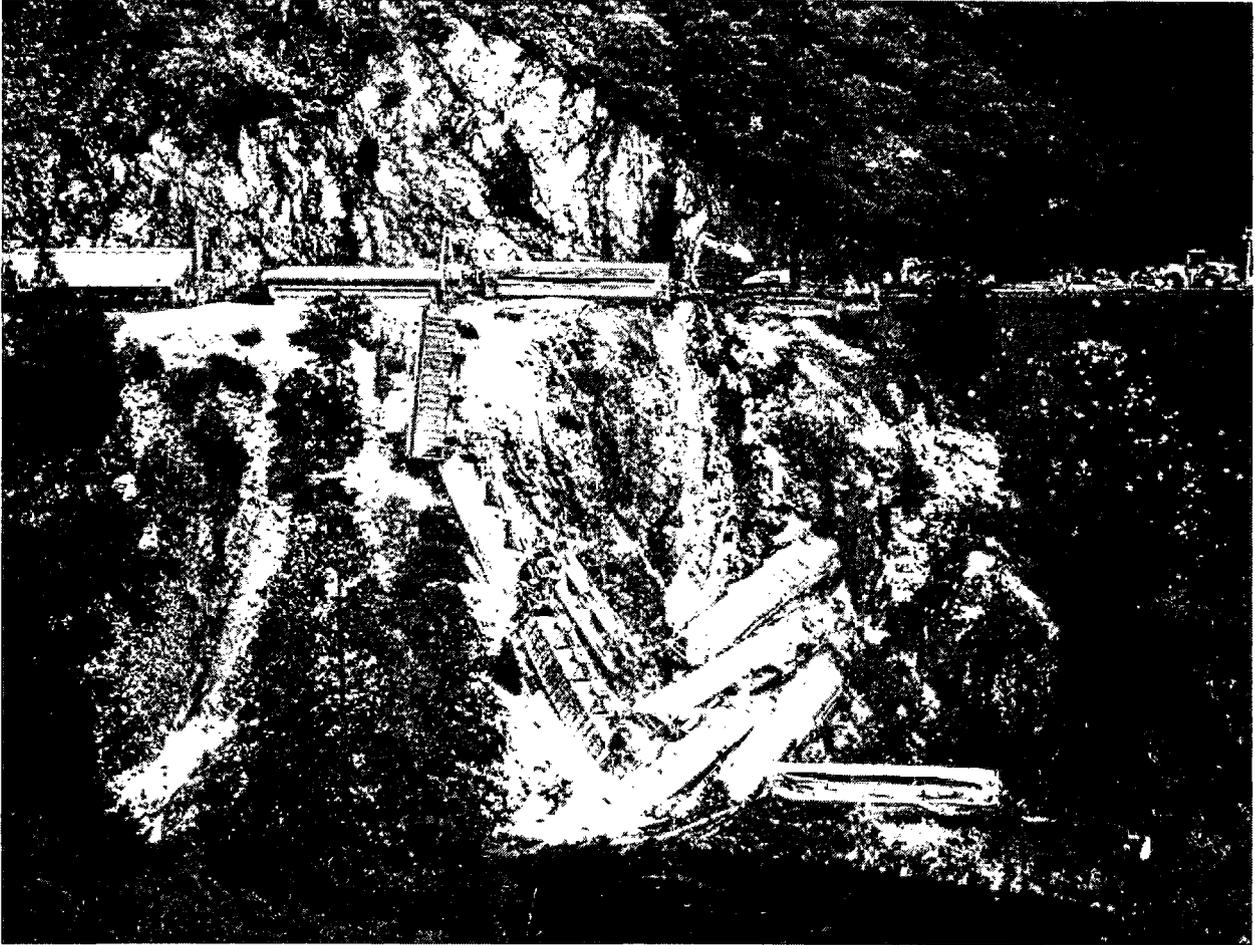
A grand jury investigation is a collaborative process. Subjects for investigation by a grand jury can come from many sources, including current events, concerns raised by jury members, and letters from citizens outlining complaints large and small. Some of these concerns can open doors to larger inquiries, such as the interconnectedness of overlapping special districts, and even the manner in which rapidly developing technology can create new problems for existing systems. A Grand Jury examines all inquiries and complaints, and even when there is no written report, the act of investigation can sometimes effect change in the system by the nature of the inquiries and the reactions of various county districts and offices.

The 2014-15 Plumas County Grand Jury hopes to encourage citizens to participate in their county government. We share a quality of life we value and hope to protect, but our lifestyle is continually exposed to forces that could threaten some of our most precious resources and lifestyles. By attending meetings of the Board of Supervisors, as well as those of special districts in each community, by reading the local paper and voicing concerns through the paper or contact with community leaders, by supporting candidates that share your beliefs and voting in elections, citizens can make sure we sustain our collective values. In the same vein, we urge eligible residents to volunteer for service on the Grand Jury. While the final choice of jurors belongs to the presiding judge, all citizens can volunteer to participate in the selection process.

Plumas County can take pride in its relative isolation, the quiet beauty of the landscape, the feeling of community. If we have learned nothing else, the 2014-15 Plumas County Grand Jury has seen how its interactions with the world outside our county lines play a significant part in the daily workings of the county, and the need for the elected officials

and county citizens to be aware of both the potential for danger and the promise of aid and support from outside our borders.

Crude Oil and Hazardous Material Transport – A Roulette Wheel for Potential Disaster



**Feather River Canyon Corn Derailment
(Photo courtesy of Dave Marquis, KXTV)**

SUMMARY

Early in the morning on November 25th, 2014, a Union Pacific freight train derailed in the Feather River Canyon just east of Belden, sending eleven railcars full of corn off the tracks and down the steep embankment. In a press statement shortly afterwards, a State Office of Emergency Services official was quoted as saying, “We dodged a bullet” because the train was only carrying corn. Based on a rash of recent derailments and spills of hazardous materials happening throughout the United States and Canada, “a bullet” in fact grossly underestimates the potential devastation, magnitude, and scope of the consequences left from these horrific incidents. Luckily, it was only corn that spilled.

With the recent surge in crude-by-rail domestic crude oil transports between oil fields in North Dakota, Texas, Colorado, and Pennsylvania and Bay Area refineries through the Feather River Canyon, the aftermath could have wrought far-reaching disaster had it been the high-flammable Bakken crude tanker cars.

According to sources, the number of crude-by-rail trains passing through the Feather River Canyon has tripled in number within the past three years. With developments in hydraulic fracking technology coming about in domestic oil fields, the petroleum market has seen a profound shift from importing foreign oil to extracting it in domestic oil fields in the United States. As a result, thousands of jobs have been created and oil prices have plummeted since this recent boon in domestic oil production. In addition, other hazardous chemicals are transported throughout the United States by rail and by truck. According to the Federal Railroad Administration, only the railroads are required to know what's in the cars they're shipping.

The Grand Jury found it extremely important to examine the recent corn derailment other recent crude-by-rail disasters in the U.S. and Canada to determine whether Plumas County agencies and private transportation operators are adequately prepared in "worst-case" scenarios. In respect to the Plumas County corn derailment, because the corn was relatively harmless and could be immediately dealt with without invoking hazardous material protocols, local, state, and railroad officials and crews did an excellent job in containment of the spill and clearing and repairing the tracks within the impact area. As a result of a quick and well-coordinated response, the Feather River Canyon rail route was restored and passing rail traffic three days after the initial derailment. Nonetheless, the Grand Jury has found the incident to be a practical review for a County hazardous material spill and useful opportunity to compare and contrast the corn spill with other recent more disastrous spills. Plumas County did indeed "dodge the bullet," and from this incident the Grand Jury believes it will provide valuable findings and recommendations which may in turn act as a catalyst and cast fresh perspectives and insights on dealing with future potential spills and hazardous material disasters.

BACKGROUND

In review of the Feather River Canyon corn spill on November 25, 2014, a total of eleven cars full of raw corn derailed and spilled down a steep embankment near Rich Bar. Luckily, the spill was only tons of kernels and husks, and the incident proved to have had only a minimal impact environmentally speaking. The corn spill turned out to be good opportunity to test the Plumas County emergency response system. The incident was first reported by Union Pacific Railroad Dispatch (UPRR) in Omaha, Nebraska to the Plumas County Warning Center stating "...12 rail cars close to Rich Bar at Hwy 70 MPM 265 on the Canyon Sub", and that "12 rail cars loaded with grain derailed, it is unknown whether the cars are upright or on their sides, and that the derailment occurred in a canyon next to a stream or river and it is unknown at this time if the waterway was impacted." According to the After-Action Report on the incident, the State Warning Center notification included Plumas County Sheriff, CHP, Plumas County Environmental Health, State Water Quality Board, State Department of Toxics, State Drinking Water, Cal OES, U.S. EPA, and the California Fish and Wildlife. The accident occurred around

3am on November 25. By 8am, Union Pacific had placed containment booms 100 feet down the Feather River. Fortunately, none of the cars landed in the river and only a small amount of corn spilled into the river. One of the important facts that should be emphasized here concerns containment supplies and where they are located. It took roughly five hours for the railroad to have containment booms in place. According to the Plumas County officials, Union Pacific does not have any spill containment kits in Plumas County. A formal request from the Grand Jury was emailed to Union Pacific safety representatives asking about the whereabouts of containment kits—according to their response (the Grand Jury received a very quick email reply that day), Chico, Roseville, and Reno, NV were the closest railroad facilities that had emergency containment kits (see Appendix, Fig. 6).

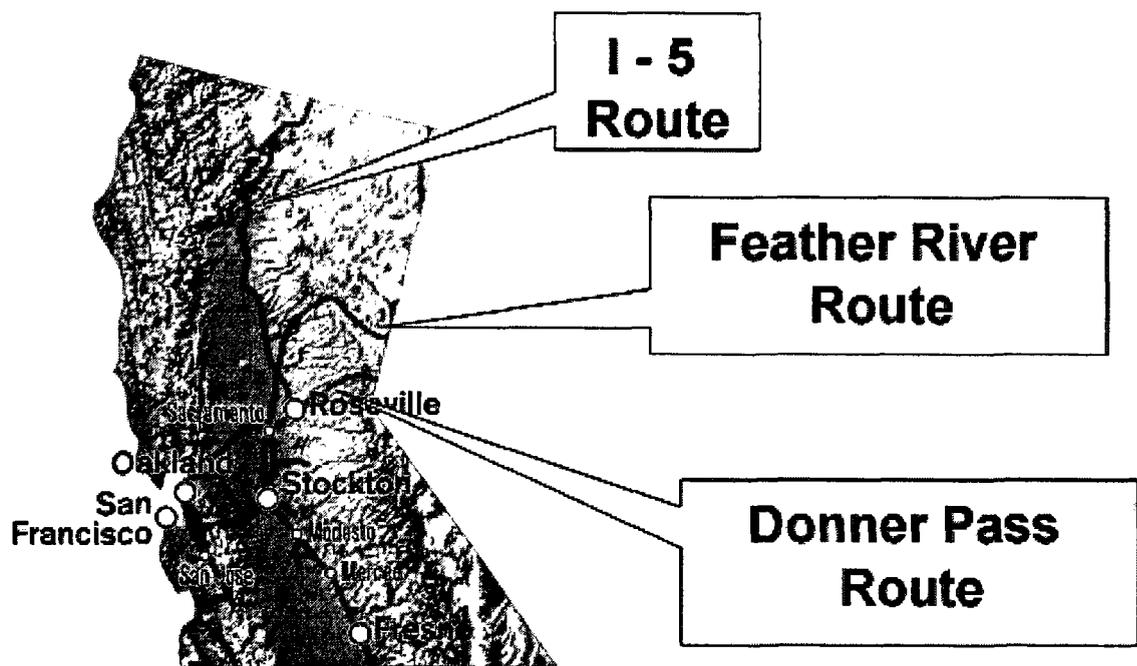
Other revelations from the After-Action Report revealed that UPPR Dispatch Center could not pin-point the exact location in the Feather River Canyon to the Warning Center. In addition, UPPR was not “forthcoming” on what was spilled, although UPPR did state that the Plumas County Sheriffs Department was notified that ‘there were no injuries, no hazardous materials released, and that no assistance was needed.’ The corn spill After-Action Report in its conclusion posted its “Corrective Actions from Railroad Incident” review. Some of the recommendations are summarized here:

- Push UPPR for better initial report information
- Use GPS to pin-point incident location
- Coordinate with USFS and DFW for any incident in the Feather River Canyon
- Incident Commander for any Hazmat is designated as primary law enforcement authority
(follow Plumas County Hazardous Materials Response Plan)
- OES will try and find local UPPR contact person

Evidently, the cause of the corn derailment was due to a section of the railroad track breaking or separating. Ironically, Union Pacific reported that *all* railroad ties along the Feather River Canyon were replaced in 2013. Union Pacific conducts track inspections at regular intervals and reportedly they conduct Feather River Canyon inspections every three months. Nonetheless, the corn derailment exemplifies that rail accidents can happen at any time. In respect to the other crude-by-rail spills the same results were concluded. Train speed was not a factor and rail and bridge inspections were documented before the incidents occurred. The crude-by-rail derailments were all on relatively flat landscapes. The Feather River Canyon route, with its rocky and unstable terrain, is much more prone to outside factors that can lead to derailments. According to 2013 Plumas County Hazard Mitigation Plan, in 2007 and in 2012 a rock slide struck and derailed passing trains. The 2007 slide derailed twenty-two rail cars. 20,000 gallons of peanut oil ruptured from several cars and 30,000 gallons of highly flammable denatured alcohol also spilled down the embankment. The 2012 incident was caused by large boulder that fell onto the tracks

and was struck by a BNSF train. Over 3000 gallons of diesel fuel spilled from the train into the Feather River.

The recent crude-by-rail spills throughout the U.S. showcases the dramatic rise in domestic oil production and rail shipments to coastal refineries. According to railroad data, in 2008 there were reportedly about ten-thousand oil cars carrying domestic crude. In 2014, there were over four-hundred thousand crude-by-rail train cars, representing a four-thousand percent increase. Furthermore, the type of crude oil coming from shale deposits from Bakken oil fields (commonly referred as “light crude”) is high combustible. In almost every instance where trains carrying Bakken crude derail and tanker cars are punctured, it results in fiery detonation. First responders and emergency service crews can merely watch it burn and concentrate on containment perimeters rather than extinguishing the oil fire. Without sensationalizing a disaster that occurred in another place, had any of the recent oil tanker disasters happened along the Feather River route, particularly at locations near population areas including downtown Portola, Blairsden, Twain, and Keddie, where the railroad tracks are relatively close, the extent of the damage could have been far different.



**Figure 1. Map of Northern California Railroad Routes
Union Pacific and Burlington Northern & Santa Fe Routes**

The Grand Jury would first like to acknowledge as a matter of fact that hazardous chemical hauling is an integral part of our economy. As potentially dangerous as it is, crude oil, gasoline and chemicals are used safely everyday and without them our economy and all the things we do, all the products we require in our daily lives, the way we move, just about everything revolves around the consumer and the safe use of chemicals and their byproducts. That being said, the vital role of both national carrier of

hazardous materials and our public safety officials at each level is to make safety the number one priority. Safety, defined here, entails the complete processing of any particular product, from its extraction and refinement to transportation and delivery, and ultimate usage. . Railroads carry over forty percent of our nation's freight. When conducted safely and securely, commodity transport over rail is proven to be economically the best and most efficient mode of transportation in terms of fuel efficiency, supply chain costs, and safety.

1. Ethanol, anhydrous 214,998 20.61 12.9 %	9. Polyvinyl chloride 41,584 3.85 2.4 %
2. Polyethylene 186,684 17.24 10.8 %	10. Urea other than liquid 34,711 3.38 2.1 %
3. Sodium carbonate 101,527 10.48 6.6 %	11. Diammonium phosphate fertilizer 33,216 3.18 2.0 %
4. Potassium chloride 88,547 9.22 5.8 %	12. Monoammonium phosphate fertilizer 30,902 3.02 1.9 %
5. Polypropylene 82,644 7.89 5.0 %	13. Anhydrous ammonia 33,448 2.63 1.7 %
6. Caustic soda 52,740 5.13 3.2 %	14. Liquefied chlorine gas 25,316 2.26 1.4 %
7. Sulfuric acid 41,354 4.06 2.6 %	15. Phosphatic fertilizer 22,696 2.16 1.4 %
8. Ammoniated nitrogen fertilizer 41,182 4.04 2.5 %	

**Figure 2. Top 15 chemicals carried by rail in the U.S.
(Source: 2008 Surface Transportation Board Waybill Sample)**

Inter-modal traffic refers to the transport of goods on trains. Today, two major rail companies, Union Pacific and Burlington Northern & Sante Fe transport inter-modal goods through Plumas County. A breakdown of what exactly is being carried by rail is shown in Figure 4. According to the graph (graph courtesy of Union Pacific Railroad), chemical transport is roughly seventeen percent of total payload being carried. The breakdown of goods however is not representative of actual train payloads. In other words, trains passing through the county could have any number of rail cars full of one particular commodity or another and the cars may be full or empty.

The Grand Jury has found that the mission statements, top priorities, primary focus, and action plans are remarkably similar in commitment, scope, and language between hazardous material producers, transport carriers, and government officials at every level.

In other words, everyone engaged directly engaged in the production and distribution of everything delivered over rail, by air, or on pavement—as well as their overseers—all share a common pledge to make safety their top priority in the public domain and the environment. In addition, the Grand Jury has studied the after-action reports of many of the most recent crude-by-rail derailments and public highway chemical transport accidents and learned that in nearly every case, there were inspections completed days or weeks before the incidents, rail and highway speeds were under the mandated limits, and handling of the volatile payloads were properly done according to Federal safety mandates.

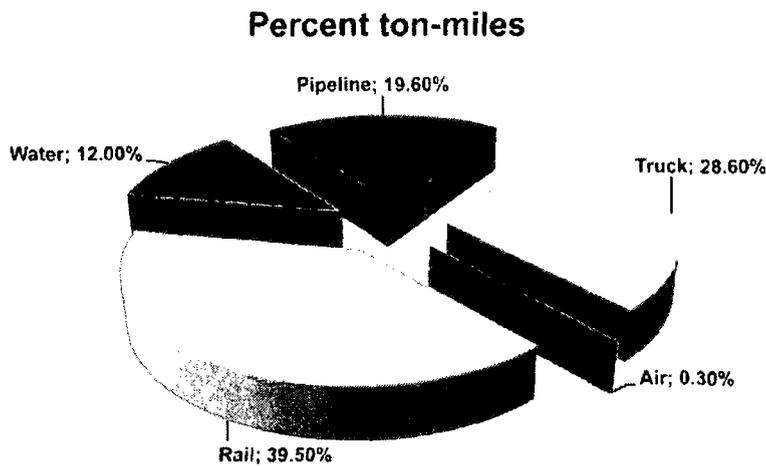


Figure 3. Mode of Transport – How Freight Moves

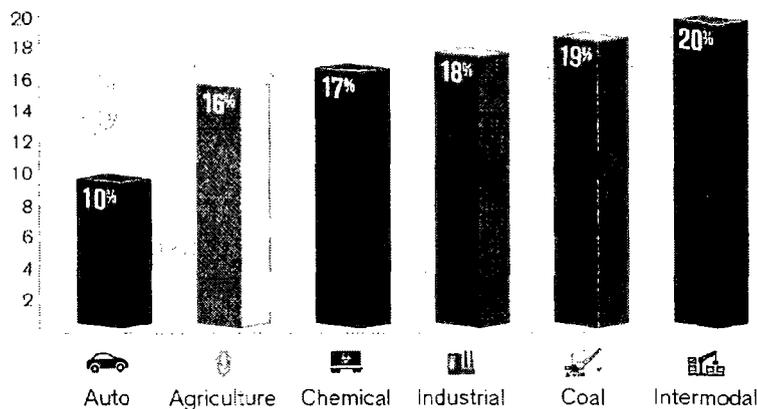


Figure 4. Union Pacific Rail Intermodal Transport Graph (Courtesy of Union Pacific)

According to official published reports, there has been more oil spilled from trains in the past two years than in the previous four decades. Between 1975 to 2012, around 800, 000 gallons of crude oil was spilled in the U.S. By comparison, according to data from the

Pipeline and Hazardous Materials Safety Administration data, over 1.5 million gallons of crude oil was spilled from rail cars. As a result of the series of ruptures and fires that have recently plagued the U.S., Federal regulators are considering higher safety standards and further upgrades such as thicker tanks, rollover protection for chemical carrying tanker cars, electronic braking systems on individual rail cars, and increased track inspections. The U.S. Department of Transportation has issued a notice for crude oil and HHFT (High-Hazard Flammable Trains) tanker cars, calling for a phase out of the older CTC-111A tanker car (commonly known as the DOT-111). Presently there are still around 300,000 CTC-111A cars still being used throughout the U.S. These tanker cars each generally carry between 20,000-30,000 gallons of oil. According to the DOT (U.S. Department of Transportation) the older CTC-111A's have the following safety flaws:

- Thin Skins – Upon Derailment, tanks often rupture
- No head shields – shields on both ends of tanker car can prevent puncturing during collisions
- Poor protection over valves and fittings –
- Lack of Pressure Relief Devices for “BLEVES” (Boiling Liquid Expanding Vapor Explosions)

In short, the older CTC-111A tanker cars were not designed for hauling flammable materials.

The new replacement tanker car, called the CPC-1232 (“CPC” is a railroad industry standard that stands for “Casualty Prevention Circular) features new standards for hazardous material railway transport. As of November 2011, all new tank cars built for transporting crude oil and ethanol must follow new standards, including half-height shields, thicker tank and head material, Normalized steel, top fitting and gauge protection, and recloseable pressure relief valves. As of March 2015, there are reportedly 60,000 of the newer CPC-1232 tanker cars hauling crude in the U.S. In response to all the recent crude-by-rail derailments, Union Pacific, CSX, and BNSF have all stepped up in increased safety inspections and adapting new safety standards. The railroads are now relying on distributed power units, which place locomotives in the middle and/or both ends of the trains. Studies show that placing power locomotives on both ends and in the middle enhances safety because it even spreads physical forces on the train. This revelation is significant—the 1991 Dunsmuir, CA toxic chemical derailment was caused by this very reason. The power locomotive was placed in the rear of a 97-car train and light and empty cars flanked a full tanker car filled with 19,000 gallons of metam sodium. The investigation of the Dunsmuir disaster found that because all the power was placed at the rear of the large train, the uneven power distribution caused the train to buckle. Metam sodium is a soil fumigant. When it spilled into the upper Sacramento River—because of poor containment action and the nature of toxicity of the chemical—it killed every plant and fish for approximately forty miles downstream. Railroads also use wayside electronic detectors to monitor railroad tracks. New safety detecting technology is also being used in their prevention and risk reduction process that feature using lasers

and ultrasound to identify rail defects. The Grand Jury has learned that many of the hazardous material rail cars do not belong to the rail carrier but to the company producing and transporting the product. For example, most of the older CTC-111A and newer CPC-1232 tanker cars are actually owned by the crude oil fracking companies and refineries.

The number of trains carrying crude oil and other hazardous materials is actually based on sheer economics. For example, in 2014, when oil prices hovered around one-hundred dollars a barrel, the price sent domestic oil production at an all-time high. Crude-by-rail oil shipments through Plumas County increased substantially as coastal refineries in Martinez and Benicia purchased more oil from the Bakken oil fields in North Dakota and other domestic oil fields in Texas and Oklahoma.

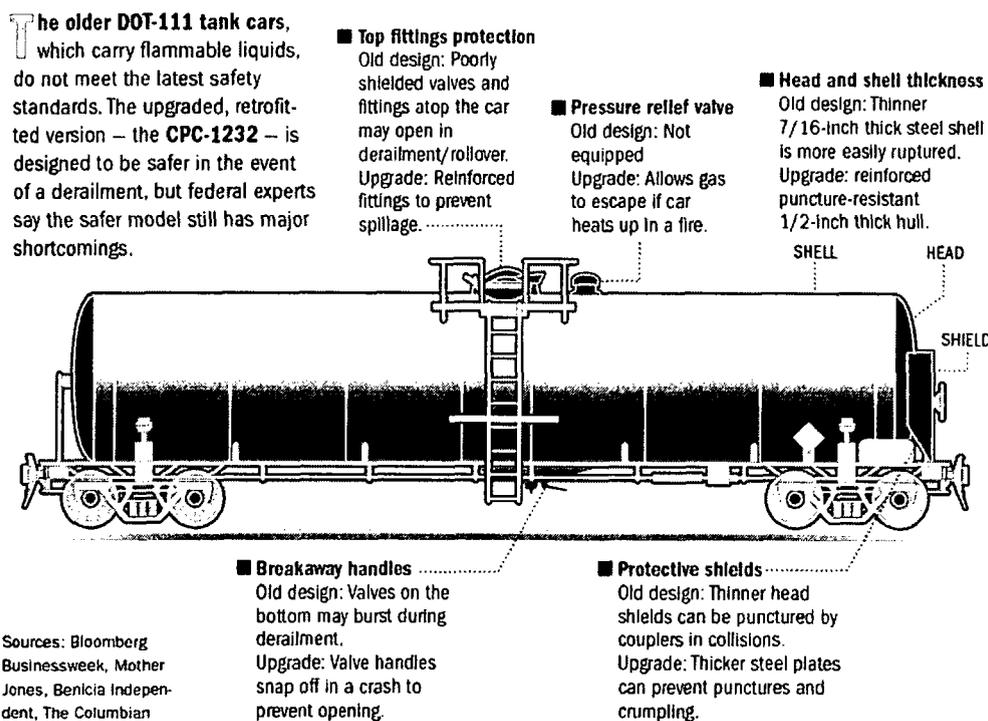


Figure 5. New CPC-1232 Crude-by-Rail Tanker Car

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DISCUSSION

The Grand Jury chose a review of several recent U.S. crude-by-rail derailments for comparative reasons. The After-Action Reports provide valuable findings and recommendations from disasters that can happen anywhere, anytime. The reports are particularly invaluable to first responders, and public safety agencies. After-Action Reports detail each incident from the time of initial report that entails the scope and severity of the incident. In response to the above disastrous incidents, the U.S. Department of Transportation (DOT) and the Federal Pipeline and Hazardous Materials

Safety Administration (PHMSA) issued a “Call to Action” in January, 2015, calling on “rail company executives, associations, shippers, and state and federal agencies to discuss how stakeholders can prevent and mitigate the consequences of rail accidents that involve flammable liquids.” The Grand Jury also believes that by examining the recent corn spill in Plumas County and comparing it with the way other derailments were handled, the findings can lead to information and recommendations that enhance and hopefully improve upon the vanguards (Prevention – Preparedness – Response – Recovery) of any future local potential disaster. The tenets from the PHMSA Call to Action Report produced similar recommendations—a strategic approach that promotes “effective pre-incident planning, preparedness, response, outreach, and training.” One important point that the Grand Jury kept hearing was a difficulty and lack of communication between the railroad and local Emergency Management officials. One of the key elements of the PHMSA Call to Action Report specifically addresses is the absolute need for interaction and relevant guidance to first responders and local Emergency Management teams to “safely and effectively manage incidents.” The report also called for pre-incident planning and communication with all organizations to learn about what is being transported. Emergency response teams must have the training to safely contain and protect themselves and the contaminate zone affected. The need for a local hazmat team cannot be underemphasized.

The following crude-by-rail disasters summarized in this Grand Jury report illustrate some of the potential circumstances other public safety agencies have had to deal with. Despite all the mandated safeguards dealing with hazardous material hauling, i.e., safe speeds, upgraded rail cars, rail car and track inspections, specialized training, etc., accidents can happen anytime and anywhere within transportation routes of hazardous materials. Plumas County and surrounding twelve counties in northeastern California lie within Region 3 of the State Emergency Services System. At the time of this report, Plumas County has no hazmat team. Upon any need for hazmat response, Plumas County must contact nearby Butte or Shasta teams. In more serious incidents, Plumas County would have to enlist State or Federal Emergency Service agencies.

Lac-Megantic, Canada - In July, 2013, a train carrying seventy-two tank cars full of crude oil spilled and exploded after the train braking system released sending the unmanned train on a down-hill run into the Canadian town of Lac-Megantic, Quebec. The runaway train crashed into a crowded downtown pub killing 47 people and destroying over thirty buildings. According to NTSB investigation, the train had been idling and unmanned for over seven hours and the emergency braking system disengaged. The train then rolled down the tracks for several miles picking up speed and eventually derailing into downtown Lac Megantic. Of the four disaster crude-by-rail spills mentioned in this report, the results from the official investigation determined that sheer neglect (train left running and unattended and braking system released causing a runaway unmanned train) was the primary factor in the disaster.

Aliceville, Alabama – A 90-car train carrying Bakken crude derails in November, 2013, and explodes. Nearly 750,000 gallons of its 2 million gallon load spills in wetlands in Alabama. Officials still assail cleanup operations today and report that containment booms and absorbent products were ineffective.

Lynchberg, Virginia - In April, 2014, a CSX train carrying crude oil derailed and caught fire in, spilling thousands of gallons of oil into the James River. Oil fires from the ruptured tanker cars burned for two days. Reports indicate that the tanker cars were all the new CPC-1232 model.

Casselton, North Dakota - In December, 2015, a BNSF train hauling grain derailed and fell across another set of tracks. Shortly after, a crude oil train heading in the opposite direction struck the derailed cars and derailed itself. Several tanker cars exploded. Slow response to the first incident set up the chain of events for the explosive second incident.

Montgomery, West Virginia - In February, 2015, a train carrying crude oil in West Virginia derailed sending twenty-seven tanker cars off the tracks. Twelve of those rail cars exploded, not at once, but randomly for up to twelve hours. The cause is still under investigation.

In the event of a local hazardous material disaster, the Plumas County Office of Emergency Services is notified and it determines the scope and magnitude of the incident and then contacts the Plumas County Board of Supervisors. Depending on the incident assessment of the Plumas County OES, the BOS has the authority to officially declare an emergency which allows the Plumas County OES to request help from relevant local, State, and Federal agencies.

Through leadership and partnership with all first responders, each incident goes through a foundational process that includes prevention, preparedness, response, and recovery. The first three steps of the mitigation process rely on the safe containment of the hazardous material as quick as possible with a special focus on protecting human life (isolate, deny entry, protect life safely, mitigate). The recovery phase however can last for years. The Dunsmuir toxic spill for example seriously impacted the area for several years after. At the time of this report, the crude-by-rail spills were all still under the recovery phase. Fortunately, the Plumas County Corn Derailment had minimal affect on the environment. The first three phases of emergency services mitigation at the Corn spill served as a great training exercise for all agencies and first responders involved. Recovery, in this case, was at a minimum in terms of environmental impact.

In regard to Plumas County hazmat, the Grand Jury has learned that the county must rely on local volunteers to devote their time first responders. Plumas County has had a difficult time finding enough volunteers to cover the entire county, and retaining volunteers after hazmat certification and specialized training has not worked out. All the local fire districts within Plumas County have been actively seeking volunteers.

FINDINGS

F1 The Grand finds that communication between Plumas County public safety agencies and railroad officials are profoundly inadequate.

F2 The Grand Jury finds that the lack of spill and containment equipment along rail routes in Plumas County poses a direct threat to public safety and the natural environment.

F3 The Grand Jury finds that relying on Hazmat Response Teams from surrounding counties compromises response times and threatens Plumas County public safety and natural resources.

F4 The Grand Jury finds that the lack of training of first responders concerning hazardous materials that they may have to deal with could have profound consequences.

F5 The Grand Jury finds that population centers within Plumas County that are in close proximity to railroads have grossly inadequate protection resources.

RECOMMENDATIONS

R1 The Grand Jury recommends Plumas County Emergency Services and Plumas County Environment Health Agency establish direct local contact with Union Pacific and Burlington Northern Sante Fe Railroad and any hazardous material carrier that operates within the county.

R2 The Grand Jury recommends that Plumas County negotiate with Railroad officials to have spill containment booms and absorbent kits in key strategic storage facilities in Plumas County.

R3 The Grand Jury recommends that the BOS find the means to provide Hazmat training and certification to in-county first responders.

R4 The Grand Jury recommends more hazardous material training between first responders and all those involved in mitigating hazardous material disasters. Union Pacific, for example offers tank car safety training in Roseville, CA, at CSTI (California Office of Emergency Services Specialized Training Institute) every year. The training involves practically all aspects of hazardous material incident mitigation.

R5 The Grand Jury recommends that the BOS and Plumas County OES conduct a "What If" evaluation for population centers within Plumas County that are within potential "blast zones" of crude-by-rail tanker cars.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

The Board of Supervisors (BOS), Plumas County Sheriff's Office, and Plumas County Office of Emergency Services (OES) should respond to F1 – F5, and R1 – R5.

INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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<http://www.redding.com/news/legacy-of-a-disaster>

Source: 2008 Surface Transportation Board Waybill Sample

http://m.richmond.com/news/virginia/article_1fed0c9e-d632-11e3-ada2-001a4bcf6878.html?mode=igmp

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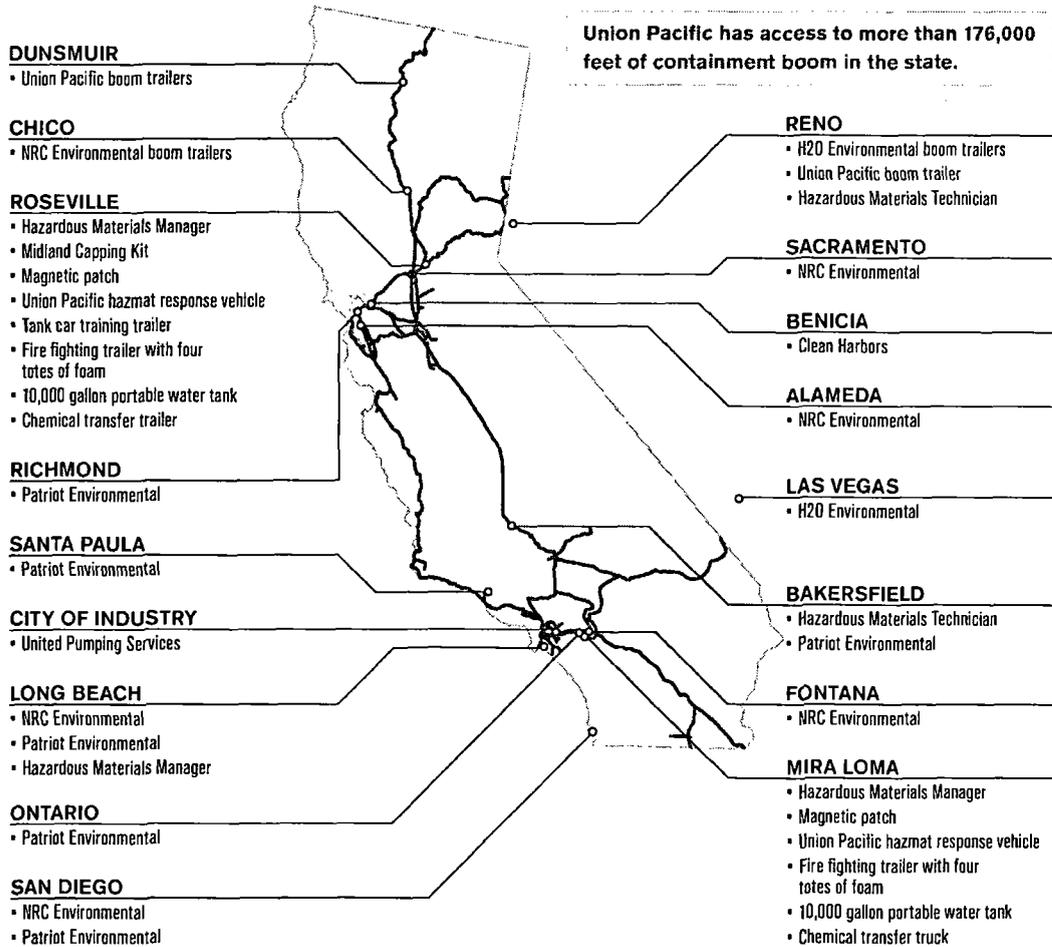
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CALIFORNIA Hazmat Response Resources



The Union Pacific Hazardous Materials Management Group (HMM) consists of experts in hazardous material transportation safety, securement and response. Part of Union Pacific Railroad's Safety Department, the HMM Group's primary focus is the safety of Union Pacific employees, the residents of communities where we operate trains and our customers.

Union Pacific has access to incident response equipment and assets across California. The HMM Group communicates regularly with 184 fire departments along Union Pacific rail lines in California to offer comprehensive hazmat response training in communities where we operate. Union Pacific trained more than 3,100 emergency responders across California since 2010. This includes classroom and hands-on training in tank car anatomy, hazmat shipping documentation and equipment securement.



Union Pacific works with hazardous materials contractors including NRC Environmental, H2O Environmental, Clean Harbors and Patriot Environmental, to maximize response equipment and resources across our California network. These agencies are U.S. Coast Guard certified Oil Spill Response Organizations.

Rev. 3/2015

**Figure 6. Map of Containment Sites
(Courtesy of Union Pacific Railroad)**

FINAL REPORT

PLUMAS COUNTY CEMETERIES Compassion for the Living Respect for the Deceased

SUMMARY

Cemeteries are not generally a subject for daily discussion. However, many of us have already had those conversations, and most will eventually have to become aware of their local cemetery facility. Plumas County has more than 40 cemeteries, although the County is responsible for only fourteen, which are grouped into nine Special Districts. These districts are under the limited governance of the Plumas County Board of Supervisors. Pursuant to Penal Code 925-933.6, Special districts are subject to investigation by the Plumas County Civil Grand Jury. The 2014-15 Grand Jury found that it had been more than a decade since a Plumas County Grand Jury had looked at the operations and conditions of the Plumas County Cemetery Districts. One problem that brought this subject to this Grand Jury was the fact that, in several districts, burials are not performed during some winter months due to weather conditions and ground water levels. Delayed burial subjects bereaved families to additional emotional and financial costs.

Special districts are formed through LAFCo (Local Agency Formation Commission) who establishes the boundary and service area of a district. By State law, LAFCo performs systematic Municipal Service Review (MSR) of these districts on a rotating basis, insuring that each one is thoroughly investigated every five years. These reviews can be found on the LAFCo website, and contain information about the general operations, financial states, and governing boards, as well as information that will be helpful to families during times of need.

The existence of such pertinent information about each Cemetery District changed the direction of the Grand Jury investigation. The nuts and bolts information about operations and such has already been researched and documented. However, some of our preliminary interviews had revealed some broader problems that are common among the districts. Cemetery districts are intended to be non-profit as well as self-sustaining. Sales of burial plots, charges for various burial services, and a small portion of county tax revenue are the income sources. The recession and resulting drop in property values caused a decrease in income from taxes. In addition, as the number of cremations increases, there is a resulting decrease in the number of full burials, which are a vital source of income. And families of the interred have, in good faith, paid for on-going maintenance with the burial fees, which are placed in endowment funds for each district.

During the inquiries, the Grand Jury discovered that Cemetery Districts share a problem with many other special districts. Cemetery districts are independent districts, with appointed boards whose directors serve fixed terms. These Boards of Directors are

composed of volunteers appointed by the Board of Supervisors. It is often very difficult to find enough qualified citizens willing to serve on these very valuable and legally required boards. As a result, several boards have been reduced from five to three members.

Within Plumas County there are consolidated cemetery districts, whereby individual districts combine and become governed by the same board. The advantages of consolidation allow for multiple districts having shared maintenance and operations. The Grand Jury found that it could be advantageous to the future solvency of smaller districts to consider consolidation as a means of maintaining the quality of service to the citizens of Plumas County. In addition to more efficient use of funds and manpower, such consolidated districts would require fewer volunteers to fill the chairs on the various required citizen governing boards.

The 2014-15 Plumas County Grand Jury found a lack of user-friendly access to information regarding the various cemetery districts. It is problematic that there is no information on Plumas County website. In addition, not all districts have readily accessible written policy, procedure and operations manuals. In many cemeteries, it can be difficult to locate individual graves. And all the districts are experiencing economic difficulties.

The Grand Jury recommends each cemetery district should create a uniform method of communicating information about their operations and services offered to the public. Their written manuals should be on-site and accessible. The BOS should make certain that all the pertinent information for the cemetery districts is available on the County's website. Districts need to create and maintain records of the location of all burial within their facilities. Some individual districts should consider possible consolidation with the view to make better use of resources. And finally, the families of the deceased need a clear explanation of any delay of burials for any reasons.

BACKGROUND

Plumas County has over forty documented burial grounds and almost 200 burial sites, with many undocumented sites scattered throughout the forests. Fourteen of these cemeteries, which are segregated into nine districts, are under the limited jurisdiction of the Plumas County Board of Supervisors (BOS). These Districts are:

Chester Cemetery District

Crescent Mills Cemetery District

Cromberg Cemetery District

Greenville Cemetery District

Meadow Valley Cemetery District

Mohawk Valley Cemetery District

Portola Cemetery District

Quincy / La Porte Cemetery District

Taylorsville Cemetery District

Each district is governed by a board, with each district determining the number of board members. Board members are appointed by the Supervisor from their respective district and approved by the entire BOS. Board members are uncompensated, and appointees can only be removed mid-term by their fellow board members. The term for each cemetery board member coincides with the term of office of the appointing Supervisor, but can be (and often are) reappointed. Many board members have served for multiple terms.

The 2014-15 Civil Grand Jury found that the cemetery districts had not been examined by any grand jury for a number of years. The vital nature of their services led the jury to review the overall management, general operations, and governance of the districts in an effort to determine if access to said services were understandable and readily available to the general public.

METHODOLOGY

Grand Jury members searched the County website for relevant information. They also attended meetings of some the district boards, and made site visits to various cemeteries. The jury also interviewed cemetery district board members, district employees, other county officials who deal with special districts, and some current County Supervisors. Additional interviews included friends and families of the deceased, hospice counselors, and funeral service provider employees. We examined district documents pertaining to the fees, policies, procedures, and employee relations. We familiarized ourselves with the applicable portions of the California Penal Code.

Some of the Grand Jury's concerns and examples of questions for the interviews were:

1. What are the services offered at each cemetery?
2. How are offered services established at each site?
3. Who do you contact to make burial arrangements?
4. What is working right at the cemeteries?
5. Do we have enough space set aside for the future?
6. Are there adequate funds to continue cemetery care?

7. How can visitors find graves of their loved ones?
8. Were the voiced complaints valid?
9. What improvements might be made at each cemetery?

GLOSSARY

BOS: Board of Supervisors

BROWN ACT: A state law that forbids local legislative bodies to hold secret meetings, regulates all closed sessions, and regulates the public posting of information of board meetings as well as the scheduled agendas. Found at Government Code sections 54950-54963.

JOINT POWERS AGREEMENT (JPA): A JPA is a formal agreement between two or more public agencies that share a common power and want to jointly implement programs, build facilities, or deliver service. Officials from those public agencies formally approve a cooperative agreement as described by the California Senate Local Government Committee.

LAFCo (Local Agency Formation Commission): An intra-local agency that was created by state legislation to ensure that changes in governmental organization occur in a manner that provides efficient and quality services and preserves open space land resources as set out in Government Code Section 56001, 56300, 56301, 56377, and 56668.

MUNICIPAL SERVICE REVIEW (MSR): LAFCo prepares regional municipal service review of districts under their jurisdiction, which are State-required comprehensive study of services within a designated geographic area, to better inform LAFCo, local agencies, and the community about the provision of municipal services. Service reviews gather and analyze information about the service providers and identify opportunities for greater coordination and cooperation between providers. The MSR considers the Sphere of Influence and may also lead LAFCo to take other actions under its authority.

PC: California State Penal Code

SPHERE OF INFLUENCE: County and special districts' spheres of influence define the probable physical boundaries and service area of a local agency or district as determined by LAFCo (Government Code Section 56076). According to LAFCo, the Spheres serve a similar function in LAFCo determinations as general plans do for cities and counties. The law requires that spheres be updated at least once every five years, either concurrently with or subsequently to the preparation of Municipal Service Reviews.

DISCUSSION

Cemetery districts are intended to be non-profit as well as self-sustaining. Health and Safety Code Section 8738, the Public Cemetery District Law, is the primary act that outlines the protocol for sales of burial plots, charges for various services, and includes the required minimum endowment fees, which provide the basis for future care of the cemetery. Some districts also receive a small portion of County tax revenue. This act authorizes the districts to own, operate, improve, and maintain cemeteries, provide interment series within its boundaries, and to sell interment accessories and replacement objects (e.g. burial vaults, liners, and flower vases.) It is this act that also requires the district to maintain cemeteries owned by the district.

The recession and resulting drop in property values caused a decrease in income from taxes. In addition, as the number of cremations increases, there is a resulting decrease in the number of full burials, which are a vital source of income. A portion of burial fees, paid by the families of the interred, is placed in the endowment fund for each district. State law requires each district to charge endowment fees in addition to the other costs for burial plots and services. The endowment fees must be safely invested in an established endowment fund, which is held until such time as the district ceases to accept any more interments. The fund is then to be used to maintain the cemetery grounds. The Grand Jury found that in many cases, these endowment funds are no longer keeping pace with the physical needs of the districts, and are indeed being depleted.

Future population growth cannot be accurately predicted, but Plumas County has experienced a decline in population for the past several years. This will have an impact on the revenue for the districts. Another income reduction has been the trend away from the more costly full body burials and toward cremations, which is now about 60/40 ratio. The positive side of this change is that the districts will most likely have enough room for the needs of the communities for several decades.

The Grand Jury found there is a general lack of public information available for many of the cemetery districts that are under the jurisdiction of Plumas County. There is no easily accessed, uniform system of locating information about the districts. A perusal of two local phone books shows no districts listed in the government sections; some, but not all, districts listed in the white pages; some, but not all listed in the yellow pages. Only one district, the Chester Cemetery District (which includes the Prattville Cemetery) has a website that includes the name of each interment, whether it is a full burial or ashes, military status, history of the cemetery, special sections for Catholics and Masons, board meeting information, and contact information including physical address, mailing address, and phone number.

Similar information was sought on the other districts from several County offices, and attempts were made to find it on the County website. Although the County has jurisdiction over the districts, it has no central information hub to provide contact information for the general public. The Planning Department does not hold or maintain data or records pertaining to cemeteries. The County Clerk's office provided a list of the districts and contact information for the various boards.

LAFCo determines the boundary and service area for special districts which is defined as the district's Sphere of Influence. By State law, LAFCo is required to prepare a comprehensive study, a Municipal Service Review, for each district every five years, and posts the findings and all relevant information about the districts on its website. This provides a great deal of pertinent information for the public, but the website is not well known, and can be difficult to navigate. It would be beneficial to the general public and especially to bereaved families to be able to find basic general information for all the cemetery districts on the Plumas County website, with a link to the LAFCo website for more specific information.

The County Auditor's office supplied us with financial data for eight of the nine districts. Cemetery districts provide their budgets to the Plumas County Auditor/Controller annually. They also provide a form stating whether or not they have any funds belonging in any account outside the County Treasury. The Districts' finances, including the endowment care funds, are managed and tracked through the County.

<i>Chester Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$77,554.99	\$83,437.73
2013	\$101,376.75	\$92,778.93
2012	\$75,245.50	\$86,558.65
2011	\$83,118.44	\$87,623.20
2010	\$83,531.23	\$98,440.14
2009	\$98,400.80	\$86,252.18

<i>Cromberg Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$2,667.67	\$884.91
2013	\$1,559.11	\$1,688.33
2012	\$3,233.39	\$784.10
2011	\$1,614.36	\$875.06
2010	\$1,629.80	\$4,224.02
2009	\$1,899.38	\$853.74

<i>Greenville Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$23,605.08	\$31,749.95

2013	\$27,288.73	\$33,216.07
2012	\$21,037.71	\$32,201.57
2011	\$23,285.25	\$26,036.13
2010	\$27,847.01	\$30,029.89
2009	\$25,252.87	\$20,480.44

<i>Meadow Valley Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$11,239.63	\$17,093.13
2013	\$12,323.25	\$10,129.59
2012	\$10,367.49	\$10,272.54
2011	\$8,746.90	\$10,280.80
2010	\$14,625.98	\$61,252.21
2009	\$13,502.35	\$52,034.26

<i>Mohawk Valley Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$20,757.59	\$7,849.31
2013	\$14,852.85	\$7,767.03
2012	\$17,404.12	\$10,536.69
2011	\$24,779.11	\$8,802.59
2010	\$29,559.44	\$14,258.84
2009	\$18,790.34	\$7,066.88

<i>Portola Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$52,876.23	\$58,799.94
2013	\$52,506.24	\$60,217.43
2012	\$58,030.78	\$63,737.54
2011	\$61,628.42	\$50,521.58

2010	\$74,652.54	\$64,303.67
2009	\$78,949.09	\$67,917.30

<i>Quincy-LaPorte Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$148,392.16	\$151,410.30
2013	\$162,674.81	\$153,782.67
2012	\$154,891.19	\$165,832.99
2011	\$176,716.93	\$149,461.18
2010	\$176,101.59	\$201,333.15
2009	\$159,360.52	\$162,830.19

<i>Taylorville Cemetery District</i>		
<i>Year</i>	<i>Income</i>	<i>Expenses</i>
2014	\$10,947.54	\$4,484.07
2013	\$12,176.62	\$6,059.48
2012	\$11,883.92	\$6,305.99
2011	\$11,033.36	\$5,874.76
2010	\$10,763.73	\$12,224.62
2009	\$11,327.25	\$11,639.49

Crescent Mills Cemetery District

No figures were submitted to the County Auditor/Controller for the Crescent Mills Cemetery District. Crescent Mills Cemetery District does not receive property tax revenue and therefore depends entirely on charges for service; however, there were no burials since 20113. It appears little to no income has been received by the District in the past few years. LAFCo's MSR noted "the district shows a \$511 cash balance; no information was provided by the district to LAFCo on an endowment care fund other than to note the district does not charge the legally required endowment fee". The district relies on volunteers and community service programs for administration and maintenance.

SERVICES OFFERED

All Plumas County cemeteries offer the same basic services, full body and cremains burials. Some have formally dedicated areas for cremains, ashes spreading, and above-ground vaults. Vaults are standard in all but the Taylorsville and Portola cemeteries. We found the grounds of the facilities we visited to be well maintained and the roadways fully accessible. Some cemeteries limit burials in the winter months due to weather, snow, and ground conditions (frozen ground or excessive ground water.) Such delays, which result in refrigerated storage of the remains, add another financial cost to funeral expenses, and the added emotional cost to loved ones. These delays are determined on an individual basis, but districts should be more informative for the reasons for restrictions. Families during time of bereavement need extra consideration from everyone involved in the decisions. *The requirements for burials for non-residents are described in the California Health and Safety Code Section 9061, and "include former residents, current and former taxpayers, family members of residents and former residents, family members of those already buried in the cemetery, those without other cemetery alternatives within 15 miles of the residence, and those who died while serving in the military."*

RECORDS RETENTION

With the exception of the Chester Cemetery's website, we were unable to access records of maps to indicate the locations of individual burial sites. This lack can cause distress and difficulty for friends and family members of the deceased seeking to locate the grave site of a loved one. Such mapping could be expensive and time-consuming; it would be worthwhile to investigate possible assistance sources. (Perhaps Feather River College or the University of California would have resources that could be accessed.)

Board minutes were taken at each Board meeting attended by members of the Grand Jury, and minutes of the previous meeting were approved, but those minutes are not published in a manner that would be easily accessed by the public.

POLICY, PROCEDURE, AND OPERATIONS MANUALS

We were able to obtain and review the policy, procedures and operations manuals for some of the districts, and found them to be satisfactory. Other districts are updating or creating proper manuals. On our site visits, we found that the cemetery workers and volunteers know and understand their responsibilities. However, it would be appropriate for each district to create and maintain written guidelines accessible to new personnel and to prove an accurate reference for current employees.

DISTRICT BOARD COMPLIANCE

The Board meetings attended by jurors were conducted in accordance with the Brown Act. Community attendance at these meetings was non-existent with the exception of the Grand Jury members in attendance and, of course, the board members themselves. Members of the boards take their roles seriously, and seem truly concerned about their

cemeteries, finances, and futures. Notices of the board meetings were posted appropriately in accordance with the Brown Act.

OTHER CONCERNS

As previously mentioned, there are concerns about the financial future of the various districts. Fluctuations in population, changing trends favoring cremations, and the cyclic ups and downs of the economy in general, make it hard to insure long-term solvency of the various districts. Addressing these issues will require long range planning and possible realignments of some districts.

It has become increasingly difficult to find qualified citizens willing to serve on the required boards. Many of the districts now have only three members on each board where previously there were five. This can sometimes result in a lack of the necessary quorum for voting on agenda items. In addition, having more members result in a wider point of view for examination of important issues.

Several years ago, the Prattville and Chester districts combined, to the benefit of each. The two cemeteries share equipment and some employees, and the combined revenues should suffice to cover both facilities, alleviating financial difficulties and insuring a more stable future. Prattville has the benefit of a very active volunteer group to help with maintenance, which has not been affected by the consolidation.

There are other consolidated districts, which consist of two or more facilities governed by the same board and which share maintenance and operational employees and equipment. But there are still a number of single districts. The Grand Jury found that it would be advantageous for some of these small districts to consolidate, pooling financial and maintenance resources. This would also result in the reduction of the number of required volunteer board members, and might result in several three-member boards becoming one five-member board. LAFCo has jurisdiction over such consolidations, and can offer guidelines and assistance in reorganization. The Grand Jury found that the first step could be a Joint Powers Agreement, which would give all the affected districts time to test the viability of such a venture and work out any problems before a permanent consolidated status is reached.

The property for the Greenville Cemetery District includes some forest land. The Board has made an agreement to sell timber from this property, which will create income for the preservation of the cemetery while providing more land for expansion as needed. However, this is not a sustainable source of funding.

VOLUNTEERS

In addition to the members of the various boards, there are other volunteers in the communities served by the cemetery districts that help with maintenance and clean up activities. Considering the difficult financial situations faced by many districts, these volunteers provide an invaluable service to their local facilities.

FINDINGS

- F1. The 2014-15 Plumas County Grand Jury finds a serious lack of user-friendly access to cemetery information for fees, contact numbers, board minutes, location of individual grave sites, etc.
- F2. The Grand Jury finds it problematic that not all districts have written policy, procedures, and operations manuals readily accessible on-site for employees
- F3. The Grand Jury finds a serious lack of access information about the cemetery districts on the Plumas County website.
- F4. The Grand Jury finds the lack of information about the locations of remains within most cemetery facilities creates difficulties for the general public.
- F5. The Grand Jury finds a consistent depletion of income from all sources for the cemetery districts that seriously threatens the economic viability and continued stable operations and maintenance of the facilities under the limited governance of the Board of Supervisors.
- F6. The Grand Jury finds the reasons for any delay of burials due to weather or ground conditions are not clearly communicated to the families of the deceased.

RECOMMENDATIONS

- R1. Each cemetery district should make it a priority to disseminate and publish contact numbers, board minutes and other information in a readily accessible manner, including making sure local phone books have at least one easily located number per facility.
- R2. Each cemetery should create or update its written policy, procedures, and operations manuals, and keep them on site for easy access by employees.
- R3. The BOS should facilitate the inclusion of basic access information for all the cemetery districts under its jurisdiction on its website, along with a link to the LAFCo website.
- R4. Each cemetery should create and maintain accurate records of the location of all burials within the facility, and to update these records frequently for accuracy.
- R5. The smaller cemetery districts should investigate possible Joint Powers Agreements with a view to future consolidation as a step toward making better use of the resources while increasing the viability of the county cemetery system overall.
- R6. There should be written communications by the Chair of the Board of the Cemetery District to the families of the deceased that clearly explain and reasons for delay of burial.

REQUEST FOR RESPONSES

Plumas County Board of Supervisors

Chair of the Board of Directors, Chester Cemetery District

Chair of the Board of Directors, Crescent Mills Cemetery District

Chair of the Board of Directors, Cromberg Cemetery District

Chair of the Board of Directors, Greenville Cemetery District

Chair of the Board of Directors, Meadow Valley Cemetery District

Chair of the Board of Directors, Mohawk Valley Cemetery District

Chair of the Board of Directors, Portola Cemetery District

Chair of the Board of Directors, Quincy / La Porte Cemetery District

Chair of the Board of Directors, Taylorsville Cemetery District

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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The Brown Act: California Government Code Section 54950 et sec.

LAFCo Municipal Service Reviews (MSRs)

Government Code Section 53891

California Health and Safety Code Section 9000-9093 - Penal Code 925-933.5

An Overview of Plumas County Emergency Services Communications System



SUMMARY

The Emergency Services Communications system in Plumas County plays a vital role in public safety. The communications system serves as an integral link between the public and police, fire, and EMS, and a central dispatch. Despite regular upgrades and routine maintenance, local police, fire, and EMS dispatches occasionally face service outages. The recent heavy winds in February brought about widespread power outages throughout the county. Some of the major public safety radio sites went down because redundant backup power sources (generators and battery backups) failed. Communication disruptions are not unique to Plumas County. The Grand Jury has learned that neighboring counties, with similar rugged terrain and harsh weather, also suffer from service disruptions due to commercial and backup power failures as well as lapses in reception. The 2014/2015 Plumas County Grand Jury found it necessary to examine the overall communications system to determine whether it reliably serves as a viable and effective information system.

There are several natural factors hampering the reliability of the system. As previously mentioned, the geography of Plumas County, with its heavily forested mountain ranges, steep canyons, rivers and creeks, poses a special challenge for emergency services communications. Steep terrain and remote canyons make it very difficult for communications and often cause interference and loss of radio service. In fact, some areas within the county are well known for dead spots or lapses. In addition, harsh weather can also have a detrimental role in the integrity of the system. Winds, heavy rain, and snow often lead to power outages and system breakdowns and make it difficult to access various mountaintop sites for repairs.

Other “man-made” factors play into the quality of service of the system. On January 1, 2013, the FCC implemented the “Narrowband Mandate”, a Federal ruling that cut in half the frequency bandwidth for all public safety and business mobile radio systems. This in turn caused a 20-30% loss of coverage across the nation. In mountainous areas such as that of Plumas County, coverage has been seriously compromised. In addition, given all the demands for high speed Internet, some repeater sites in Plumas County that house Emergency Services communications equipment are shared with national carriers like Verizon, AT&T, and Digital Path. This, the Grand Jury has learned, has not only spawned occasional network interference, it has driven up the month to month site rental cost on the mountain. The Plumas County Sheriffs Office has been in charge of administering and maintaining the system for the past twenty years, and the Sheriffs Office has been able to take each impact, and find a “work around” solution and alternatives for most of the disruptions. Nonetheless, the public safety radio system, including police, fire, and EMS communications is extremely important, and lapses and interference can seriously affect response times and endanger lives. Therefore, the Grand Jury’s findings and recommendations are summarized here:

- Power outages can knock out Emergency Services communications. Recently, in February, high winds knocked out power throughout most of the county. Some of the repeater sites were down. In another instance, the power company shut off power to a radio site for non-payment, causing the site to go down. The Grand Jury requests the Plumas County (BOS) negotiate an agreement with the power company for notification of any pending disconnects at public safety radio sites. In addition, the Grand Jury recommends that the BOS and Office of Emergency Services (OES) consider more reliable power backup solutions to sites that are critical for public safety.
- Highway 70 along the Feather River Canyon is prone to rock slides and train derailments, and there are many spots where communications is poor. The Grand Jury requests the BOS to look into ways to improve communications in primary transportation routes and environmentally sensitive areas. The Grand Jury offers several recommendations under the “Recommendations” section.
- The Plumas County Fire communication system requires countywide coverage. There have reportedly been many instances of poor communications during fires and training exercises. The Grand Jury requests the BOS to review communications issues with Plumas County Fire District Chiefs. The Grand Jury has learned that Cal Fire has installed their own repeaters in some of Plumas County mountaintop sites. The Grand Jury suggests that the BOS work with Cal Fire for interoperability into the Cal Fire system.
- The Grand Jury has learned that EMS radio operations face rental increases on their repeater and dispatch system, and that funding may not cover monthly fees due to increased costs from mountaintop repeater costs and other factors such as equipment maintenance and repairs. The Grand Jury requests that the BOS and OES ensure the stability of the EMS radio system. A few Plumas County

mountaintop radio sites are becoming more and more attractive commercially for private communication vendors, thus raising tower and shared-building costs and causing interference problems with the radio system. The Grand Jury requests the BOS and the Sheriff's Office pursue alternatives such as building and hosting their radio systems, as well as keeping focus on new technology such as FirstNet (First Responder Network Authority), a nationwide public safety broadband network.

BACKGROUND

The Plumas County Emergency Communications Systems has been in place for many years. It plays a vital role in providing communications for emergency responders in all types of emergencies, including fires, injuries, police actions, and disasters. Therefore, this system must prevail and be in service 24/7 in emergency situations. The system, however, has had lapses and outages over the years. According to the Plumas County Sheriff's Office, communications have been lost or disrupted during emergency calls, training exercises, system testing and routine maintenance. Communication problems and poor service are not just isolated to Plumas County. Eighteen Northern California counties experience similar problems, and typically these problems occur from bad weather, interference from other communication networks, malfunctioning or outdated equipment, and lack of training. The Plumas County Emergency Services communications system is a wireless topology consisting of mountain-top towers with microwave dishes, repeaters, and signal processing equipment residing inside small buildings at each site. This equipment relays voice traffic and data between police, fire, EMS, and a central dispatch. There are eleven mountaintop communication sites throughout Plumas County (see Figure 1). Most of these rely on commercial power to operate, although a few more remote locations are solar powered. Most of these public safety radio sites have a backup generator and a backup battery system that should start once commercial power fails. At the present time there is no way knowing for sure during commercial power outages whether the remote radio sites are up and working and able to communicate.

Plumas County has three separate systems that come under the supervision of the Sheriff's Office. One is dedicated to the Sheriff's Office and includes its own repeaters and base stations. Their equipment is newer than Fire and EMS. The second system is the Fire Services system. It has its own set of repeaters and base station, some co-located with the Sheriff's Office equipment at local mountaintop sites, and includes a separate base station at the S.O. plus base stations in each of the fire districts. The fire repeaters are past their replacement due dates, but there is redundancy to the system, four levels in west-county, two in east-county, and the EMS system, which consists of five repeaters with a base station located at each hospital. The EMS system is mainly for EMS providers to provide information to the hospitals about their patients. The repeaters for the EMS system are newer, but maintenance costs to keep them running and site rental fees are now running greater than the funds that the hospitals set aside for that purpose. All three systems have some means of *redundancy*. Redundancy is the ability to switch to an alternative path or repeater site in case a primary radio traffic route is down.

The heavy winds and power outages that plagued Plumas County last February provided important revelations about the public radio system. When commercial power is cut off at the various radio sites, and backup systems fail as well, the system is unable to handle emergency calls. Private cellular carrier service from AT&T, Sprint, and Verizon also depend on commercial power and they too were down in some areas for over twenty-four hours. Reportedly Central Dispatch at the Quincy Sheriffs Office was overwhelmed with calls during the storm. It is uncertain just how many calls were not able to reach dispatch. Most of the radio sites are privately owned and each site owner is responsible for preventative maintenance on their respective power systems.

The Grand Jury has inquired into service outages that have occurred in the past and found that these outages are random and unpredictable. In regard to outages, power failure seems to be one of the primary causes of communications interruption. Another common problem relates to the steep topography in Plumas County. Many remote spots within Plumas County have little or poor coverage, and communication in those areas is not available. The only work-arounds for areas like this are portable self-powered repeater/base station units, of which the county has two systems. These field units are costly to operate, and being mobile, they are often unable to be transported to such rugged parts of the county. The only other real alternative would be to add additional fixed sites that can reach into otherwise out-of-reach zones.

In addition to natural occurring factors that interfere with the integrity of the system, the Grand Jury also found that man-made factors created impacts to the system. The Plumas County Emergency Services system operates with a designated frequency bandwidth allocated by the FCC. In 2013, the FCC issued the "Narrowband Mandate" which tightened frequency ranges for emergency services between 150 and 174 MHz, and also 421 and 512 MHz. Essentially what this means is that the mandate puts limits on the public safety frequency band. For example, police and fire operate within the 150 MHz band and EMS operates within the 450 MHz range. The FCC narrowband mandate forces police and fire to communicate within a tighter frequency range (before 2013, the coverage was 30 KHz wide, the Narrowband Mandate cut that to 12.5 KHz) which often causes interference, crosstalk, and "stepping over" transmissions between inter-agencies and individual conversations. According to the Plumas County Sheriffs Office, the mandate has caused a minimum thirty-percent loss of coverage within the county. In addition, the Narrowband Mandate prompted central dispatch and all field radios to be reprogrammed to broadcast within the new mandated frequency range. This, in turn, made it necessary for increased training and field exercises, and in some cases, increased equipment upgrades and in-service testing.

The Grand Jury has learned that at the time of publication of this report, the Sheriffs Office has made significant upgrades to the Plumas County microwave system. Plumas County relies on mountaintop microwave sites on local prominent peaks that relay radio transmissions to and from central dispatch in Quincy. The upgrade includes state-of-the-art IP-based technology which not only allows for more efficient and better quality radio transmissions, it also enables the system to be able to transmit high speed data and video. Up to now, the public safety radio system in the county was strictly an outdated analog/digital hybrid that only provided voice transmission. With IP-based technology,

data and video surveillance throughout most of the county is now possible, providing a valuable asset for fire and crime suppression and prevention.

METHODOLOGY

The Grand Jury interviewed the Director of the Office of Emergency Services for Plumas County, several of the local Fire Chiefs within districts of Plumas County, and the primary Communications Officer for the Plumas County Sheriff's Office. In order to understand the scope of the Plumas County Emergency Services system and how it works, the Grand Jury interviewed the communications company that services and rents/leases radio system equipment (microwave, repeaters, transmitters, etc.) in radio sites throughout northern California and Nevada.

The Grand Jury reviewed a number of documents including the Plumas County Emergency Operations Plan (EOP), the January 1, 2013 FCC Narrowband Mandate, The Plumas County Hazardous Materials Response Plan. In addition, the Grand Jury reviewed After-Action Reports from several past Plumas County training exercises and disasters.

GLOSSARY

BOS – Plumas County Board of Supervisors

Deadspot– Areas that cannot sustain effective communications

EMS - Emergency Medical Services

FCC – Federal Communications Commission

Interoperability – A communications term for sharing a radio between two or more public safety agencies

IP-based – “Internet Protocol-based” is a new standard in communications that enables voice, data, and video transmissions to be encoded into packets of data and transmitted from source to destination(s)

Microwave - A radio system component that reflects radio waves to transmit signals between two or more locations

Narrowband Mandate – An FCC ruling that redefined all public safety and business industrial land radio systems as follows:

“On January 1, 2013, all public safety and business industrial land mobile radio systems operating in the 150-512 MHz radio bands must cease operating using 25 kHz efficiency technology, and begin operating using at least 12.5 kHz efficiency technology. This deadline is the result of an FCC effort that began almost two decades ago to ensure more efficient use of the spectrum and greater spectrum access for public safety and non-public safety users. Migration to 12.5 kHz efficiency technology (once referred to as Refarming, but now

referred to as Narrowbanding) will allow the creation of additional channel capacity within the same radio spectrum, and support more users.”

OES – Plumas County Office of Emergency Services

Redundancy – Having more than one way to communicate, or an alternative path or route for a signal to travel

Repeater – A communications device which regenerates or retransmits audio, data, or video signals. A repeater takes a radio signal from a base station or mobile radio and relays it to an intended destination. Replacement costs generally run from \$20,000 to \$22,000

DISCUSSION

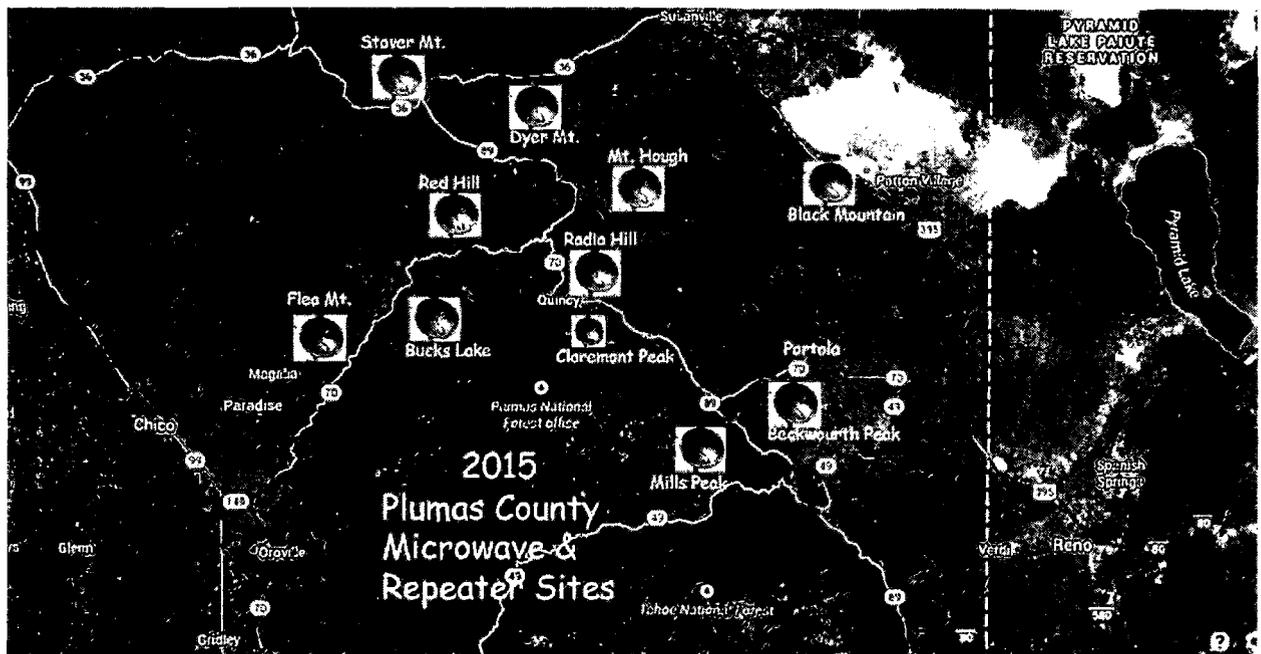


Figure 1. Map of Plumas County Repeater and Microwave Sites

During our investigation, the Grand Jury interviewed Emergency Services personnel in the Plumas County Sheriffs Office, as well as personnel in various Plumas County fire agencies. It must be stated that the Grand Jury was impressed with the dedication and professionalism of the people we interviewed and their ability to do a good job with limited resources and all the aforementioned roadblocks. We also interviewed a representative from the communications company that provides a service contract to Plumas County microwave and repeater sites. The Grand Jury decided to conduct a full investigation to determine whether the Plumas County Emergency Services

Communication System is reliable in providing communications in the face of potential disasters. First responders and emergency services depend on communications, having a reliable system and the ability to communicate with each other and back to central dispatch is of utmost importance in terms of public safety and response time. When law enforcement, fire, and EMS services are required, our public safety communications system must be dependable.

The Grand Jury has learned from its investigation that communication system works well in areas within the limits of repeaters and zones close to local cities and towns. As stated earlier in the report, problems multiply in bad weather, power outages, and specific areas that fall out of coverage areas around the eleven repeater sites. The Narrowband Mandate has added a new rash of problems for the system. Law enforcement, fire, and EMS have found areas that once had coverage are now unpredictable and prone to service disruptions. It has been learned that these agencies often have to rely on personal cell phones to make official calls.

Law enforcement, fire, and EMS operate on three separate radio systems. Each agency has radios that are tuned to a specific frequency or channel. It has been reported that in an emergency when one system is down, dispatch can switch between fire and police frequency channels. Although this capability offers a redundant solution to a problem, it merely puts a band aid on the real problem. The Grand Jury would like to see more attention to improving service to all three agencies, without having to use personal cell phones or inter-agency channels.

Commercial power is one other important factor at the heart of communications problems. The Grand Jury learned that the eleven repeater sites are leased by various companies and agencies. If the power bill is not paid, the site is subject to a service disconnect by the power company. Some of the Plumas County radio sites have generator and battery back-ups. In case of a power outage, those that do not have some alternative power back source will lose the ability to communicate.

The Grand Jury spoke with interviewees about alternative solutions that may improve or mitigate future lapses and outages. One such solution may one day become available, called "FirstNet." FirstNet was created through a Congressional Act in 2012 and funded through proceeds from spectrum auctions. The Grand Jury finds it problematic that one Federal agency would cut public agency bandwidth allocations, only to have another government agency (U.S. Department of Commerce), sell portions of it to the private sector. Nonetheless, FirstNet would allow law enforcement, fire, and EMS across the United States to use public cell phone networks. Funding from FirstNet will be provided to all public safety agencies to upgrade their existing mobile radio equipment to cellular technology. No further updates or target area starting dates have been announced at this report date.

Cal Fire is a State of California fire suppression agency that has a very small presence in Plumas County. Most homeowners within Plumas County pay the annual Cal Fire fee but receive little support in terms of fire service. The Grand Jury has learned that some of the strategic and problematic repeater sites in Plumas County may have Cal Fire repeaters

and transmitters staged but they are not being used. The Grand Jury would like to suggest that if this is the case, we would request the BOS or Plumas County Emergency Services submit a formal request for interoperability between Cal Fire communications equipment located within Plumas County and the incumbent fire services system.

Some of the Plumas County mountaintop repeater and microwave sites are joint-use sites that share towers and equipment in buildings located on the peaks. Rental cost at these sites has increased dramatically. The Grand Jury has learned that hospitals are funding their EMS system and that funding is projected to be unable to cover the rising costs. It is hoped that the BOS and the Office of Emergency Services address this issue and ensure that their radio system remains in operation for their essential services. It should be mentioned that radio towers on Plumas County repeater sites are becoming more and more attractive for private communications carriers, and that rents and leases will increase accordingly.

FINDINGS

- F1 The Grand Jury finds that the Plumas County radio system depends heavily on commercial power, and many of the inherent problems stem from power outages and power-related issues.
- F2 The Grand Jury believes that the Plumas County public safety radio system should have the capability of reaching effectively *all* stretches of major public roads and railways.
- F3 The Grand Jury finds that increasing costs and radio interference from private communication carriers are problematic.
- F4 The Grand Jury finds that emerging technology and recent congressional action may present changes in the future of public safety radio operations in Plumas County.
- F5 The Narrowband Mandate has had a detrimental affect on County emergency radio service.

RECOMMENDATIONS

- R1 The Grand Jury recommends that the BOS and Plumas County Office of Emergency Service negotiate with the power company to prevent potential disconnects on public service radio sites due to non-payment.

- R2 The Grand Jury recommends testing of backup power systems at all radio sites to be conducted on a regular basis.
- R3 The Grand Jury recommends that the Plumas County Sheriffs Office and Fire Districts conduct field testing to identify areas within Plumas County that are known for poor communication zones.
- R4 The Grand Jury recommends that the BOS, Sheriffs Office, and Fire District Chiefs set up a working committee to meet periodically to address ongoing communication issues.
- R5 The Grand Jury recommends that the BOS work with Cal Fire for interoperability into the Cal Fire mobile radio system.
- R6 The Grand Jury recommends that the BOS and Office of Emergency Services review potential rate increases and explore measures and alternatives that ensure the stability of the EMS radio system.
- R7 The Grand Jury recommends that the BOS work with the Sheriffs Office in considering building their own sites at specific locations where private carrier activity is service affecting and pushing rental costs at shared site tower and vaults beyond affordability.
- R8 The Grand Jury recommends that the BOS, Office of Emergency Services, and Sheriffs Office stay informed on communications technology and work closely with vendors and experts to find a system that can provide reliable service and widespread coverage.
- R9 The Grand Jury further recommends the BOS pursue a cooperative relationship with local communication provider PSLN (Plumas-Sierra Rural Electric Coop) in considering the possibility of using their new fiber network as a means to provide an alternative to the present radio system.
- R10 The Grand Jury recommends more attention to be focused on training with what we presently have, and finding resolutions to all the inherent problems that have been outlined in this report.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

The Board of Supervisors (BOS), Plumas County Sheriff's Office, and Plumas County Office of Emergency Services should respond to F1 – F5, and R1 – R10.

INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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2014/2015 Plumas County Civil Grand Jury Report HOW IS PLUMAS COUNTY DOING WITHOUT A CAO?

SUMMARY

There are 58 counties in California. At the time of this report, three counties do not have County Administrative Officers (CAO): Glenn, Plumas and Sierra. The Plumas County Board of Supervisors (BOS) has been operating without a CAO since April 2012. In November 2012, the BOS decided to leave the position of CAO vacant and assumed the duties of the CAO position to offer relief for the financial constraints imposed on the County due to the overall economic climate, declining population, and unfunded mandates while continuing to provide and address the needs of Plumas County's residents. The County has been operating without a CAO for the past two fiscal year budgets. The Grand Jury's question is "How is Plumas County doing without a CAO?"

In our initial interviews, the Grand Jury was concerned with the circumstances that led the BOS to make the choice to assume the role of CAO rather than hiring another CAO. We found that although the last CAO left by mutual agreement among the BOS, conflicts over management issues left a lingering resistance by some employees to work with another CAO. We found that even though many employees were hesitant to work with another CAO, they felt the County would be better served with a CAO.

The BOS has chosen to proceed without a CAO which is arguably their most valuable organizational tool. The Grand Jury finds the BOS is focusing on the day-to-day operation(s) of the County rather than taking a more proactive approach and making a long-range strategic plan(s). The Grand Jury recommends that the BOS consider hiring a CAO to manage the organization which would allow them to address long-range planning analysis of the County's future needs for service with the impacts of legislation, budget constrictions and our declining population. This would be a more proactive.

BACKGROUND

The California Constitution recognizes two types of counties: general law and charter. There are 44 general law counties and 14 charter counties. Plumas County is a general law county and therefore would have an Administrative CAO. An Administrative CAO is essentially the agent of the Board of Supervisors (BOS), unlike an Executive CAO which has more authority. Only charter counties can establish the position of County Manager or Executive CAO.

Plumas County's CAO job description, as it appears in Plumas County's Human Resources records, states that the CAO position is to ensure the delivery of quality County services in a cost-effective manner in accordance with the vision and policies outlined by the Board of Supervisors and its constituents. Responsibilities include administering policies of the BOS; supervision of all appointed department heads, monitoring legislative affairs, preparing the County's annual budget, reviewing all

agenda items for Board of Supervisors, serving as Budget Officer, and undertaking studies and investigations for the BOS. This job description is consistent with the California State Association of Counties.

By statute, the BOS is authorized to provide services to its citizens, and at their discretion, establish departments, boards, commissions and districts to meet community needs. Plumas County has previously employed several CAOs. Since the November 6, 2012 BOS' decision to leave the CAO position vacant and to fill the role of the CAO themselves, the BOS has divided up the CAO duties, taking on many duties themselves and assigning other duties to selected employees. The BOS determined that this action was one of the necessary steps toward saving money in the General Fund. The BOS has not monitored the cost savings, nor have they assigned any staff to record any cost savings. The current Plumas County adopted budget for 2014-15 identifies the CAO position as "vacant" and "unfunded."

METHOD OF APPROACH

The Grand Jury interviewed five elected officials, six department heads, and other County employee(s). The Grand Jury reviewed a number of documents including County Ordinance(s) and Resolution(s), Board of Supervisors' Minutes and Agendas, the Auditor's report, personnel rules, Memorandums of Understanding with Operating Engineers Local #3 Mid-Management & Supervisors Unit, Crafts & Trade Unit, Probation Mid-Management Unit, Probation Unit, the Confidential Employees Association, the Sheriff's Unit and the Sheriff's Management Unit, the credit card policy, State reports and articles on County structures and power, demographic and population information, County of Colusa Board of Supervisors Minutes and Agendas, and scrutinized other counties that continue to operate without a CAO.

GLOSSARY

BOS: Board of Supervisors

CAO: County Administrative Officer

Brown Act: Intent of the law is that the actions of public commissions, boards and councils and other public agencies in the State be taken openly and that their deliberations be conducted openly.

(www.ag.ca.gov/publications/2003_Intro_BrownAct.pdf)

DISCUSSION

The Grand Jury was initially concerned with why the BOS would make a dramatic change from having a traditional CAO to taking on the job themselves, regardless of whether issues with the former CAO were personality conflicts with department heads and employees, a lack of supervision of the CAO by the BOS, or an opportunity to save money. As a result of our interviews, study, and analysis, the Grand Jury found it could

have been any or all of the above and redirected its focus to the matter at hand: "How are we doing without a CAO?"

The Grand Jury wanted to verify the actual amount saved by leaving the CAO's office vacant. This is very difficult to do as there is no accounting procedure in place tracking the savings accrued or where the other operational costs were absorbed. At the request of the Grand Jury, the County's Human Resources Department, using a budget module that developed the salary and benefit budget for all County departments, including the 2014-15 CalPERS rates and the 2014 health insurance benefits, projected the cost associated with the Office of the CAO which includes a CAO and an Executive Assistant position for the current fiscal year. The cost would total approximately \$247,969.34. In the adopted 2014-15 Fiscal Year Budget, the BOS contracted a budget consultant to assist in developing the current adopted budget and has given an annual stipend to an employee for taking on the responsibility of certain administrative functions that were previously done by the CAO and/or their Executive Assistant. These two expenditures total \$42,000. Using these figures, the Grand Jury has identified a cost savings in the amount of approximately \$205,969.34. Plumas County has no accounting procedure in place that would allow the Grand Jury to track on-going expenses as they relate to the duties of a CAO. The Grand Jury has found many additional duties and workloads taken on by not only the BOS but by department heads and other employees. Most of these additional duties have been taken on without pay. Other unidentifiable costs associated with those duties were dispersed and absorbed by the individual departmental budgets. This is a limited, one-sided picture of the savings accrued with no verifiable forensic analysis to recapture expenditure figures ranging from 2012 to present. Although the BOS can demonstrate some salary/benefit savings by leaving the CAO position vacant, the Grand Jury finds that the choice of leaving the CAO position vacant comes with a cost to the whole organization which is more than just monetary.

The employees who were interviewed had previous experience working for or with other CAOs as well as having worked with the former CAO of Plumas County. These employees pointed out that some of the past problems went away when the BOS assumed the role of the CAO. Some of these issues are public knowledge and have been in the local newspaper and some were handled in Executive Session of the BOS. Many employees stated their opinion that although the County is managing without a CAO, it would be better if the County had a CAO. Many employees stated the job of a CAO is to manage the multiple departments, seek to fulfill the goals set by the BOS, serve as a bridge between appointed department heads and the elected BOS, coordinate programs within departments, resolve departmental conflicts, and be an on-site employee. Currently, these supervisory duties are lacking in organization, according to some employees. The Grand Jury finds that these are some of the non-monetary costs to the County by leaving the CAO position vacant.

The Grand Jury has identified the benefits of working without a CAO. Among these benefits are:

- The BOS has indeed saved money;

- The BOS has established a closer working relationship with department heads;
- The BOS has become more familiar with internal mechanics of each department;
- The BOS has become more familiar with the various types of funding sources other than the General Fund.

The Grand Jury has also become aware of the needs of department heads and staff in which the BOS falls short:

- Many felt that a CAO streamlined the budget process and offered better communications.
- It was pointed out that a CAO position can provide relief for the BOS.
- With a CAO, appointed department heads report to an appointed CAO who then answers to an elected BOS.
- The CAO is the missing link between department heads and BOS. It is difficult for a department head to have five bosses, and with a CAO there is only one who then answers to the BOS.
- Some department heads are not working well together and do not have a clear understanding of their roles.
- It is important for department heads to make contact with the BOS regarding direction and not violating the Brown Act; a CAO can supervise all department heads without violating the Brown Act.
- A CAO serves as a buffer or a bridge between appointed department heads and the elected BOS department heads.
- It is more convenient for department heads to work with an on-site CAO. The BOS are not in Quincy every day.
- Without a CAO, when issues cannot be resolved between departments, they are taken to the BOS in a public hearing, and having to take issues to the entire BOS in a public meeting is not the best conflict resolution method.
- Without a CAO, there is a lack of coordination between departments.
- The current department head meetings are not well attended and do not offer the coordination needed between departments. The meetings do not offer any conflict resolution without the BOS.

The Grand Jury found the workload fluctuates with incremental staffing changes, election changes, as well as budget impacts. This affects the County's administrative effectiveness as a whole. The BOS will have to evaluate those impacts and make adjustments. The BOS is currently acting in a crisis-management mode due to budget constraints, unfunded mandates, and declining population. While in the midst of an economic crisis, the BOS has maintained the status quo and that is to be applauded, but it cannot be described as progress.

The Grand Jury believes the BOS needs to address these issues, with or without a CAO, and that can be done by setting clear County-wide goals. The BOS needs to quantify or track the results of the goals. This would afford the department heads the ability to then set their goals accordingly.

In our study, we found how another county working without a CAO has handled the situation. The Colusa County BOS authorized a study to review their options and approach for the position of CAO. In January, 2014, the Colusa County BOS chose to amend the CAO job description consolidating the Clerk of the Board with the County Administrative Officer. With this change to an administrative-style CAO with limited executive decision-making abilities, a CAO has been hired. This is an option the BOS may want to consider when reassessing the CAOs role in this County.

The Grand Jury found that the Board of Supervisors and staff are to be commended for addressing this fiscal struggle by taking on additional responsibilities, most without additional remuneration or pay. The Board of Supervisors has met their intended goal of some financial savings by not replacing the CAO but there may be hidden costs in operating without a CAO that have yet to be adequately accounted for in any cost analysis report.

FINDINGS

- F1. The Grand Jury finds a CAO would free-up the BOS to focus on strategic planning instead of reacting to every day operational matters.
- F2. The Grand Jury has identified an estimated cost savings in operating without a CAO in the amount of approximately \$205,969.34, but there is no accounting procedure in place to allow an accurate cost/expenditure analysis as some unidentifiable costs have been dispersed and absorbed by the individual departments taking on the additional workload;
- F3. The Grand Jury finds it is not in the best interest of the employees to continue operating without a CAO because employees must take on extra duties, most without financial compensation.
- F4. Given that it is important for department heads to make contact with the BOS regarding direction without violating the Brown Act, a CAO would be better positioned to supervise all department heads without violating the Brown Act;

F5. The Plumas County Civil Grand Jury finds it commendable that the Board of Supervisors and staff have addressed this fiscal struggle by taking on additional responsibilities, most without additional remuneration or pay.

RECOMMENDATIONS

R1. The Grand Jury recommends the BOS have a study conducted to review their options and approach for the position of CAO.

R2. The Grand Jury recommends the BOS reevaluate Plumas County's CAO job description.

R3. The Grand Jury recommends the BOS consider filling the vacant CAO position for the following reasons:

R3a. To manage the organization while allowing the BOS to become more proactive.

R3b. To better serve the constituents of Plumas County by allowing the BOS to do what they were elected to do rather than the day-to-day administrative duties that could be done by a CAO.

R3c. To be more cost effective.

R3d. To avoid airing any unresolved departmental issues at public BOS meetings

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows from the following governing bodies:

The Board of Supervisors should respond to F1-F5 and R1-R3d

INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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2014-2015 Plumas County Civil Grand Jury Report NEW JAIL INSPECTION, SAME OLD PROBLEMS

SUMMARY

In compliance with Government Code Section 919(b), each Civil Grand Jury in the State of California is mandated to inspect correction facilities within the fiscal year. Members of the Plumas County Civil Grand Jury inspected the Plumas County Jail on September 29, 2014. The Grand Jury was looking at the specific needs of the Jail itself, not the Sheriff's Office as a whole.

The Grand Jury completed the required Jail inspection, analysis of reports and interviews. The Grand Jury observed insufficiencies in the Jail's physical plant. The Grand Jury finds the Jail facility inadequate and that the County needs a new Jail as no amount of repair can bring it into compliance with State standards. This is not unexpected, as nine previous Grand Juries have found the need for a new Jail facility. The Board of Supervisors (BOS) on January 6, 2015, unanimously voted to authorize a contract with Carter Goble Lee Companies (CGL) to prepare and submit a grant application to the State of California for a \$20 million grant to build a new Jail. There are five small county grants being offered by the State and Plumas County will be applying for one of those five grants. If the grant is awarded to Plumas County, it could be three to four years before construction is complete and ready for occupancy. If Plumas County is not awarded the grant, the County would have to repair and maintain the existing facility. Either way, the BOS must provide funding for the Jail to cover on-going expenses, repairs, building maintenance, and to bring the facility into compliance with State regulations and the Americans with Disabilities Act (ADA).

BACKGROUND

As mandated by California State law, the Plumas County Civil Grand Jury examined the Jail facility and found a plant that is more than 45 years old which was last remodeled in the 1990s. Remodeling costs were approximately \$1 million and at various times an inmate worker dorm (for trusted inmates), a sally port, and an officer locker room at the back of the facility were added. The Jail was originally built as a short-term holding facility. The 2014-2015 Grand Jury found that with the adoption of AB 109 and Prop 47 the Jail facility experienced a major impact which has changed the original use; it is now being used as a short-term as well as a long-term holding facility. The BOS has been acutely aware of the need for a new Jail. The BOS has consistently cited budgetary constraints and lack of funding sources as reasons for being unable to build a new Jail.

METHOD OF APPROACH

The Grand Jury inspected the Jail facility on September 29, 2014, and interviewed two elected officials and two Jail employees. The Grand Jury read many of the previous Plumas County Grand Jury reports, reviewed the 2012-2014 Biennial Inspection, Penal Code 6031, Welfare and Institutions Code Section 209 dated 10/23/2013, Quincy Fire Inspection Report of 2/1/2008, and the Plumas County Environmental Health Report dated 12/1/2013. The Grand Jury also familiarized themselves with AB 109, AB 678 and Prop 47 and the impacts of those unfunded mandates. The Grand Jury also reviewed the Plumas County Jail Procedures Manual which was recently updated and approved.

GLOSSARY

AB 109: “In 2011, Gov. Edmund G. Brown, Jr., signed Assembly Bill (AB) 109 and AB 117, legislation to enable California to close the revolving door of low-level inmates cycling in and out of state prisons. It is the cornerstone of California’s solution to the U.S. Supreme Court order to reduce the number of inmates in the state’s 33 prisons to 137.5 percent of original design capacity.”

(www.cdcr.ca.gov/realignment/docs/realignment-fact-sheet.pdf)

ADA: Americans with Disabilities Act –US Department of Labor “prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and government activities...:

(www.dol.gov/dol/topic/disability/ada/htm)

BOS: Plumas County Board of Supervisors

Inmate Worker: Inmates convicted of non-violent crimes and who consistently show good behavior that perform work both inside & outside of the facility under the Inmate Worker program

Prop 47: “The initiative reduces the classification of most ‘non-serious and nonviolent property and drug crimes’ from a felony to misdemeanor...”

(www.voterguide.sos.ca.gov/en/propositions/47/)

SB 678: Criminal recidivism: Existing law authorizes the Department of Corrections and Rehabilitation to oversee programs for the purposes of reducing parolee recidivism.

(www.courts.ca.gov/documents/sb678.pdf)

DISCUSSION

The Grand Jury inspected the Jail facility and identified safety and security issues that need to be repaired and, in some cases, upgraded. The Grand Jury finds the building itself needs repair and was not meant to be nor fully equipped as a long-term holding facility. The consequences of the largely unfunded mandates of AB 109 and Prop 47 have changed the County needs from a short-term holding facility to a long-term holding facility. Ignoring or delaying these safety and security issues could place Jail personnel and inmates at risk. The Plumas County Jail has a rated capacity of 67. The Jail does not

generally operate at full capacity due to daily population fluctuations. Although the Jail continues to operate, the Board of State and Community Corrections found the physical plant is and has been non-compliant with Title 24, Section 1231.2.4, Sobering Cell. This regulation requires sobering cells to have padded partitions located next to toilet fixtures in such a manner that they provide support. No such partition is present.

SITE TOUR

NOTE: For the purpose of maintaining the integrity of security at the Jail, specific details of safety concerns and/or issues will not be identified in this report.

The Jail facility is over 45 years old. At one time, the Jail and Sheriff's administrative office shared the same space at this location. There have been additions over the years and areas previously used for regular law enforcement needs have been converted to give additional space for prisoners.

This Jail is in the old linear construction, with most of the cells spread out along one hallway, as opposed to newer designs, which utilize pod construction. In the pod model, the command center is in the center of the cells, and all cells can be monitored from a single location. This old, out-dated design puts correctional officers and inmates at risk because this design does not lend itself to have all areas monitored from a single location by correctional officers. The camera system, which aids in the monitoring process of inmates, is antiquated. During the Grand Jury's investigation, we observed several locations which could not be seen due to system limitations. The Jail administration estimated cost of a new system is approximately \$50,000 (purchase and implementation). The BOS adopted fiscal year 2014-15 budget did not include funds for this upgrade.

State and federal laws mandate segregation of inmates for a variety of reasons, which include, but are not limited to, gender, type of offense, physical or mental disabilities. This often results in a reduction of space available. At full capacity, the Jail can hold 67 inmates but the need to isolate multiple inmates can reduce that significantly. In addition, there is currently only one room (about 15'x20') in which inmates can participate in programs such as drug and alcohol counseling, domestic violence counseling, and education. The strict guidelines for separating various categories means all the programs are heavily impacted. The programs are in high demand and there is a backlog of inmates waiting for access. One of the goals of the current administration is to reduce recidivism and prepare inmates to become contributing members of the community, since most inmates in the Jail will eventually be released back into Plumas County. The various programs are seen as the best avenue to achieve this goal. The lack of space to present these programs is a major roadblock to slowing down the revolving door for many offenders.

There are three correctional officers active at the Jail at all times. Other duties impact this number such as correctional officers transporting offenders to court or medical facilities. This would leave only two correctional officers in the facility to cover potentially a maximum of 67 inmates. There must always be at least one female correctional officer member on duty. There is a nurse either on-duty or on-call 24-hours a day. All other jobs,

other than correctional duties, are performed by inmates. This includes cleaning, cooking, laundry, etc. The kitchen is regularly inspected by County Health officials and always receives excellent marks. As an example of the detailed duties of the Jail staff, the refrigerator/freezer units have to be checked 8 times a day to make sure proper temperatures are maintained. When new appliances are purchased a service contract is also purchased because the Jail cannot go without these appliances for even part of a day.

In the Grand Jury's interviews, it was learned that there was a 1989 lawsuit by two prisoners that resulted in a judgment and a Federal Consent Decree. Operating under that Federal Consent Decree since 1992 has been possible because it brought some extra (and extremely rare) State funding for the Jail including funding for female staff, some exercise programs, and educational programs. As previously noted, all programs are heavily impacted due to a lack of sufficient space. However, lawsuits in general present a large unfunded liability for the County.

There is a concern about the impact on the Jail of the recently passed Prop 47. Prop 47 decriminalizes some felonies. It is anticipated to bring more new offenders into the County Jail system and will return even more offenders to the county of origin. Prop 47 may be the tipping point. County jails throughout the State may go to full capacity immediately with no place to accommodate new local offenders. At this point, no one knows what the effect of Prop 47 will have nor have funds been allocated by the State to mitigate possible steep increases to the inmate population. There are no statistics available to analyze the potential impact on our local Jail.

In compliance with the spirit of AB 109 and Prop 47, the Grand Jury found the Jail administration has made many changes in recent years. One change is the state of mind towards AB 109 and its implementation. Prior to adopting AB 109, the Jail and prisons were warehousing inmates and the recidivism rate was high. The intent of AB 109 is to improve prisons by lowering recidivism rates for the 98% of inmates who will return to society. In keeping with AB 109, the Jail administration's philosophy is to provide programs to inmates that help reduce the recidivism rate by building a base for them to be self-sufficient and help them take responsibility for their own actions. The Grand Jury found the Jail administration has initiated inmate assessment need(s) at intake rather than waiting for the assessments to be done by Probation Department at time of release. This assessment of inmate needs at the time of intake/custody provides the opportunity for early enrollment of the inmate in appropriate programs such as drug/alcohol, anger management, GED and college. Completion of program segments result in corresponding reduction in the length of sentence. However, once again, the effectiveness of this early assessment is compromised by the relative lack of space to deliver programs. The Grand Jury found all of these programs offered to inmates are conducted in a limited space -- a single room. This is one of many reasons a new Jail facility is needed. All classification levels of inmates and both men and women need to be segregated, which is extremely difficult with only one acceptable room available. The segregation of these various groups makes a major impact on how programs are conducted as well as how many programs can be offered.

The Grand Jury found the Jail administration is building a base for inmates' self-sufficiency such as learning to fill out forms, a gardening program, program(s) to earn their GED or get a higher education which helps them to be employable, productive citizens upon release. The gardening program helps cut food costs for the Jail's kitchen and provides fresh produce. The Jail has a custodial contract with the Courthouse to clean certain areas of the Courthouse. Under the Second Chance program, inmates can go to Feather River College (FRC) in order to earn their GED or higher education. The inmates are authorized to help non-profit organizations and seniors. The inmates sweep sidewalks and clean seniors' yards. Last year, the inmates prepped the Little League fields. They also baked dozens of cookies for seniors at Christmas time (supplies were provided by the Jail Commander and his family). This year, a trailer is being rebuilt for the use of the outside inmate crews. The trailer will haul equipment, debris and a port-a-potty for inmate use only. These programs help raise self-esteem and teach inmates to take more responsibility as well as accountability for their own actions.

The Grand Jury looked at staffing issues and found that the Jail has 17 authorized positions. There are currently three positions funded but vacant. The challenge is finding qualified people to fill the positions. In the recent past, because the salaries are low and the remote nature of this County, the Jail administration has hired and trained personnel, provided the necessary job experience, only to have these employees relocate to other areas in the State offering higher salary and better benefits after training is complete. When this happens, the time consuming recruitment and training process starts all over again and becomes a revolving door. The Jail administration has stated they are being very cautious in selecting future candidates for employment. A key factor in recruitment is the candidate's desire to work and continue to live in this County. In addition to the residential criteria, the Jail administration screens for candidates who can pass written and physical tests, an oral interview process, and a thorough background check. Demographics of Plumas County reflect it is a small county with a declining population which complicates the hiring process.

It is not possible to cut staffing levels at the Jail as they are operating on mandated levels. Three positions in the Jail are funded by outside sources: AB 109 (prison realignment) pays for 2 positions and SB 678 (a crime reduction bill that has to do with probation) pays for one more. A portion of fines paid to the County goes to the Sheriff's department for building needs.

The economic downturn in recent years has caused reductions in many county government budgets throughout the State; Plumas County is no exception. There has been no appreciable movement by the BOS to put extra funds into the Jail for the past decade. With the possibility of obtaining a \$20 million dollar grant from the State of California to fund construction of a new facility, the BOS voted unanimously to authorize a contract with CGL consultants to prepare the grant application. The grant requires that the County have a 5% match of \$1 million. The \$1 million match could be satisfied by including staff time spent, monies paid to consultants, and land purchase. Towards funding a new Jail, the BOS has re-negotiated bonded indebtedness in the amount of \$2 million and has set aside \$400,000 in the General Fund specifically for this project.

The grant application is not a panacea, but it is a significant step forward. Should the County be successful in their bid for the \$20 million grant, the entire process from grant approval, planning and construction could take three years or more. During that time, the current Jail still has to operate safely. The Grand Jury found that the kitchen equipment needs replacing and the Jail does not meet ADA requirements. Just these necessary upgrades have been estimated by Jail administration to cost from \$500,000 to \$1 million. On-going operational costs have to be considered and certain repairs and/or upgrades made to maintain and operate the Jail at its current level, until such time as a new Jail is ready for occupancy. The full effects of Prop 47 have not yet been realized, but there may be additional costs. Even maintaining the status quo will result in higher costs due to inflation.

The Grand Jury realizes that most departments throughout the County have suffered staffing and budget cuts due to the economic problems experienced by the County in the last few years. Minimum staffing for the Jail is mandated and because of the relationship of the Jail staff and the Sheriff's Office, in general, limits in funds can cause safety concerns for the County.

The Plumas County Civil Grand Jury would like to commend the Sherriff, Jail Commander and Jail Staff for their commitment in keeping the Jail functioning and as safe as possible with the out-dated design, state of disrepair and limited budget(s), and by making use of the resources at hand.

FINDINGS

- R1. The Grand Jury finds the Jail facility antiquated and inadequate and that the County needs a new Jail as no amount of repair can bring it up-to-date.
- R2. The Grand Jury finds although the Jail continues to operate, the Board of State and Community Corrections found the physical plant is and has been non-compliant with Title 24, Section 1231.2.4, Sobering Cell.
- R3. The Grand Jury found kitchen equipment to be inadequate and needs replacing.
- R4. The Grand Jury found it problematic the Jail does not meet the requirements of the ADA Act.

RECOMMENDATIONS

- R1. The Plumas County Civil Grand Jury recommends that the BOS fully commit to build a new jail to replace the current jail facility which is antiquated and inadequate.
- R2. The Grand Jury recommends the BOS continue to support the grant writing opportunity that has been started by GCL. Should the grant be awarded to Plumas County, the BOS should facilitate building the new Jail facility in Plumas County immediately.
- R3. The Grand Jury recommends that if the grant is not awarded to Plumas County, the BOS fund the replacement of the kitchen equipment.

R4. The Grand Jury recommends that Jail be brought into compliance with ADA Act.

R5. The Grand Jury recommends repair of the Jail's sobering cell to bring it into compliance with the Board of State and Community Corrections Title 24, Section 1231.2.4, Sobering Cell. The BOS could utilize some of the funding in the General Plan which has been set aside for the matching funds portion of the State's grant application requirement.

R6. The Grand Jury recommends that if the grant is not awarded to Plumas County, the BOS pursue other opportunities to fund the building of a new Jail facility in Plumas County.

REQUEST FOR RESPONSES

Board of Supervisors should respond to F1-F4 and R1-R6

Plumas County Sherriff should respond to F1-F4 and R1-R6

FROM THE FOLLOWING GOVERNING BODIES:

The Board of Supervisors should respond to F1-F4 and R1-R6

INVITED RESPONSES

Presiding Judge may respond to the entire report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.