

DATE: September 23, 2005

TO: The Honorable Ira Kaufman, Presiding Judge

FROM: The Board of Supervisors  
By: Barbara Thompson, County Counsel

SUBJECT: Response to 2004-2005 Grand Jury Report

On behalf of the Board of Supervisors, the County Counsel respectfully submits this response to the 2004-2005 Grand Jury report. The headings used in the Board of Supervisors' ("BOS" or "Board") response to the Grand Jury's 2004-2005 Report ("Report") echoes the headings used in the Report, and responds in the same order as the Report. For reading ease, the Grand Jury's findings are re-stated above the Board's responses. The Board would invite a grand jury representative to meet with the BOS to discuss the issues raised in the grand jury report.

### **Plumas County Jail**

#### **Grand Jury's Finding #1:**

*"During the interviews and early tours of the jail facility, it became apparent to this Grand Jury that communication regarding jail conditions between the Plumas County Jail, the Plumas County Sheriff's Department, the Plumas County Facility Services Department, and the Plumas County Board of Supervisors was inadequate. There is no written system or follow-up procedure in place to ensure that maintenance problems be attended to in a timely manner."*

#### **Board's Response to Finding #1 Plumas County Jail:**

Disagree in part. There is a process in place to address maintenance problems and request they be repaired. Jail staff initiates the process by submitting a *Service Request Form* to Facility Services. This Request Form is converted into a formal work order and assigned to an employee. All work and work hours are recorded on the work order. This information is kept both in digital format, and the hard copies of the work

orders are retained for three years. Lastly, jail staff presently follow up verbally to Facility Services as needed.

Grand Jury's Finding #2:

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

Board's Response to Finding #2 Plumas County Jail:

Disagree in part. The County has made an effort to improve many of the deficiencies previously noted. While the County disagrees that the needed repairs were "brushed off", the County admits there have been some problems in correcting past repairs in a timely manner. Those repairs are being pursued.

Grand Jury's Finding #3:

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

- a. There is no perimeter fence around the jail thus allowing members of the public direct access to the exercise yards. Items could be left for inmates or yard fencing could be cut to facilitate an escape.*
- b. The doors to access the main electrical breakers that provide power to the facility are unsecured allowing for a complete shutdown of power to the jail.*
- c. The jail facility is understaffed."*

Board's Response to Finding #3 Plumas County Jail:

Agree in part and disagree in part:

Security issue (a): Only a new jail facility, in a different location, will completely address this problem however, the perimeter is under surveillance by a camera system and there is razor wire around the entire facility site. Jail staff check the fencing for security prior to placing inmates in the exercise yard.

Security issue (b): Fencing has been installed to enclose the electrical panel.

The jail facility could use additional staffing, but is operating in a safe manner according to existing resources.

Grand Jury's Finding #4:

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

- a. The Control Room still contains a crowded maze of wires piled up on the floor which according to jail staff occasionally emit sparks and smoke.*
- b. There are no slots in the maximum security cell doors for the passage of food trays and other items requiring the jail staff to come in direct contact with the maximum security inmates.*
- c. There is no automated lock-in control when moving inmates from one cell to another."*

Board's Response to Finding #4 Plumas County Jail:

Agree. However, the County notes that an RFP with specifications is being done for the repairs in the control room wiring. This RFP is estimated to be completed by December 2005. Installation of food slots, (b), is currently in progress. This work is scheduled to be completed in or around November 2005. Automated lock-in control, (c), cannot be corrected in the current jail facility.

Grand Jury's Finding #5:

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

Board's Response to Finding #5 Plumas County Jail:

Disagree. The Board is deeply concerned with the maintenance status of the jail. However, it is the responsibility of the Sheriff and Facility Services, who have been directed to repair the facilities. Further, the jail's maintenance status will be placed on the Board's agenda no less frequently than twice per year for on-going status reports.

Grand Jury's Finding #6:

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

Board's Response to Finding #6 Plumas County Jail:

Disagree. However, Sheriff's response to the Grand Jury Report states that primary responsibility for jail maintenance has been assigned to the Department of Facility Services. This could be perceived by the Grand Jury has the Sheriff's Department failing to take responsibility for the work needed at the jail. It should be noted that the Facility Services has recently hired a person to work full time on jail maintenance items.

Grand Jury's Finding #7:

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

- a. The sprinkler system inspection is past due for its required five (5) year servicing.*
- b. The facility does not have any records showing that the sprinkler system is tested and inspected quarterly as required.*
- c. The Corporal's office does not have fire sprinkler coverage."*

Board's Response to Finding #7 Plumas County Jail:

Agree with the finding that the Fire Sprinkler system was in disrepair. However, since the Grand Jury visit, the sprinkler system has been serviced (a), a record system is in place (b), and a work order has been submitted to Facility Services to install a sprinkler system in the Corporal's Office (c). This will be completed no later than in or around January 2006.

Grand Jury's Finding #8:

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

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

- c. An eighteen (18) inch minimum clearance around the sprinkler heads is not maintained in the nurse's office, the library, the laundry corridor, or the file room.*
- d. The sprinkler repair kit in the cleaning closet is not accessible.*
- e. No fire watches were performed or fire watch logs maintained while the fire alarms system was not functioning.*
- f. No fire drill procedure is in place nor is a fire drill log maintained.*
- g. There are times when there is no deputy on duty who meets the training standards for general fire safety relating to the jail facility.*
- h. The exterior sprinkler system alarm is not connected.*
- i. The exterior sprinkler system electrical plug is covered over with duct tape.*
- j. The exterior sprinkler activation alarm bell is not connected.*
- k. The exterior sprinkler system valve is not working.*
- l. No locking device is installed on the sprinkler system shut-off valve.*
- m. The work furlough day room does not have fire sprinkler coverage.*
- n. The work furlough sleeping area does not have fire sprinkler coverage.”*

Board's Response to Finding #8 Plumas County Jail:

Agree. However, these issues were addressed by the State Fire Marshall during his inspection, and all deficiencies have been corrected.

Grand Jury's Finding #9:

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

- a. Extension cords are being used as permanent wiring in the control room and the air handler room.*
- b. Wiring on the floor in the control room is not in conduit.*
- c. Exposed wiring in the wall of the control room is not in conduit.*

- d. An EXIT light in the minimum security corridor is missing.*
- e. An EXIT light in the main security corridor is missing.*
- f. There are exposed junction boxes in the air handler room.*
- g. There is an exposed junction box in a cell."*

Board's Response to Finding #9 Plumas County Jail:

Agree. However, with the exception of the use of an extension cord for the computer (a), the electrical problems have been corrected or are being addressed. As it would require substantial remodeling to install hard wiring to correct item (a); no decision has yet been made as to how to proceed with correcting this item.

Grand Jury's Finding #10:

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

- a. There are holes in the wall and ceiling in the air handler room.*
- b. There is a hole in the ceiling in the North Minimum holding cell.*
- c. There is a hole in the wall in the work furlough sleeping area.*
- d. There is an air diffuser missing in the laundry corridor.*
- e. Weed abatement of ten (10) feet from the building is not maintained.*
- f. There is no generator testing log or maintenance log.*
- g. There is no service contract to inspect or maintain the generator.*
- h. The dishwasher is not working and sanitizing properly.*
- i. There is a need to update the Health Services Policies and Procedures manual.*
- j. There is a need to update the Dental Care Procedures manual.*
- k. There is no psychotropic medications policy.*
- l. The openings in the ceiling air grills' mesh are larger than the recommended 3/16" sq or 16-mesh psi.*
- m. There is a need to update the Policies and Procedures manual.*
- n. There is a need to update the Inmate Discipline Policy and Plan.*
- o. There is a need to update the limitations on the Disciplinary Policy and Procedure plan.*
- p. There is no sobering cell or suicidal placement plan.*
- q. The plumbing access panel in the maximum security corridor is not locked."*

Board's Response to Finding #10 Plumas County Jail:

Agree. However, all items have been corrected or are being addressed. The necessary policy and procedures manuals are being updated and many sections have already been completed.

**Board's Response to Recommendations #1 – 7: Plumas County Jail:**  
**(Reference pages 11-12 of 2004 -2005 Grand Jury Report)**

Recommendation No. 1.:

Will implement. Although the work orders are maintained and provide some information, the County agrees to create a documentation system that allows an overview on the status of all repairs. This will be implemented by Facility Services no later than November 1, 2005.

Recommendation No. 2:

Will implement. The Director of Facility Services, Maintenance Supervisor, Jail Maintenance Mechanic and the Jail Commander will conduct a maintenance inspection of the facility at least every six months. The Undersheriff will also be requested to participate. The individuals identified above are the best equipped to identify, record and coordinate repairs for any deficiencies noted. This will be implemented no later than November 1, 2005.

Recommendation No. 3:

Will implement. The Director of Facility Services will develop an ongoing process to provide reports to the Board of Supervisors on the physical condition of the of the jail facility.

Recommendation No. 4:

Will not implement. In the alternative, the Board will be willing to commit to quarterly reviews on the status of the jail and jail repairs.

Recommendation No. 5:

Will implement. No later than November 1, 2005, a documentation system will be developed to show the status of all repairs.

Recommendation No. 6:

Will not implement. The Board cannot commit to replacing the jail at this time due to the tremendous expense of such a proposition.

### Recommendation No. 7

- a) Will implement installing a sprinkler in the Corporal's office. This will be completed no later than in or around January 2006.
- b) Has been implemented.
- c) Will not implement. However, the in-house maintenance mechanic is being trained by the Department of Facility Services to make monthly inspections.
- d) Will implement. This will be implemented immediately.
- e) Will implement. This will be completed no later than November 1, 2005.
- f) Has been implemented. This work has been completed.
- g) Has been implemented. This work has been completed.
- h) Will not implement. The shut off valve has been cabled, rather than locked.
- i) Will not implement. The Department of Facility Services reports that this is not required according to the State Fire Marshall.
- j) Has been implemented as to the exposed wiring in the wall. As to the wiring in the floor, this will be implemented when the contract is awarded for console upgrades. The RFP is estimated to be completed December 2005. Thereafter, the project will be notice and a contractor will be selected to begin work.
- k) Has been implemented. This work has been completed.
- l) Will implement some of the recommendations. The County agrees to keep generator testing and maintenance logs. The in-house maintenance mechanic will be trained to provide weekly testing. Whether this work is performed by an outside company or by County staff remains to be determined. However, the work required by this recommendation will be implemented by November 1, 2005.
- m) Will implement. A new dishwasher was ordered the week of September 12, 2005, and should be installed in October 2005.
- n) Will implement. This work will be completed by approximately January 2006.
- o) Will implement. Due to staffing shortage, and the work required by this update, this work should be completed by approximately May 2006.
- p) Will implement. This will be completed by January 2006.



### Additional three comments on Page 13

1. Has been implemented. This work has been completed. The chain link structure around exterior transfer switch has been expanded to meet PG&E clearance requirements and the roof structure has been redesigned and replaced at the contractor's expense.
2. Will implement. Facility Services is currently coordinating the removal, transport, installation of food slots and reinstallation of the maximum security cell doors with the Jail staff and Public Works staff. Several doors are completed however two of the doors hinges are welded in place and provisions will need to be made to install these on site. This work will be completed by November 2005.
3. Agreed. One full-time employee is still assigned to perform maintenance at the Jail.

### **Plumas County Alcohol and Drug Department**

#### Grand Jury's Finding #1

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

#### Board's Response to Grand Jury's Finding #1: Plumas County Alcohol and Drug Department

Agree, in part. While, the split is not best described as "old camp" and "new camp" as differences between the parties are not primary based on length of service, there is a division between the staff in the Department. Moral has been hurt by the on-going conflict in the department. One employee has been on workers compensation leave.

#### Grand Jury's Finding #2

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

Board's Response to Grand Jury's Finding #2: Plumas County Alcohol and Drug Department

Agree. The conflict between employees has effected the functioning of the department.

Grand Jury's Finding #3

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

Board's Response to Grand Jury's Finding #3: Plumas County Alcohol and Drug Department

Disagree. The department's efforts to manage and evaluate staff are not effected by the on-going litigation. The Department treats all employees the same whether or not the employee is engaged in litigation or other protected activity.

Grand Jury's Finding #4

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

Board's Response to Grand Jury's Finding #4: Plumas County Alcohol and Drug Department

Agree. The change in directors of the department over the last couple of years has effected the operations of the department.

Grand Jury's Finding #5

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

Board's Response to Grand Jury's Finding #5: Plumas County Alcohol and Drug Department

Agree.

Grand Jury's Finding #6

*"There appears to be only minimal cooperation between the A&D and the Mental Health Department in the field of Co-Occurring Illnesses; that is a mental health patient who*

*also has a substance abuse problem. This results in situations where these clients with Co-Occurring Illness are “falling through the cracks”. There appears to be little acceptance of responsibility for these clients because of the lack of adequate interaction between these Departments”*

Board's Response to Grand Jury's Finding #6: Plumas County Alcohol and Drug Department

Disagree. Both departments are making an effort to work together for the benefit of their mutual clients.

Grand Jury's Finding #7

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

Board's Response to Grand Jury's Finding #7: Plumas County Alcohol and Drug Department

Disagree in part. Agree in part. The A&D department values the input of the A&D Advisory Board. However, the County agrees that the Advisory Board was not invited to participate in the interviews of the new A&D director.

Grand Jury's Finding #8

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

Board's Response to Grand Jury's Finding #8: Plumas County Alcohol and Drug Department

Disagree. The Board reviews the performance of the Director of A&D on an annual basis. The day to day operations of the A&D department are delegated to the Department Director.

Grand Jury's Finding #9

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

#### Board's Response to Grand Jury's Finding #9: Plumas County Alcohol and Drug Department

Disagree in part. Currently, the A&D Department is located in adequate, if not outstanding, facilities. The Board recognizes the areas in which the facility could be improved. This fiscal year, the A&D Department will move to a brand-new facility. This move will eliminate many of the concerns noted with the occupancy of the old building.

#### Grand Jury's Finding #10

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

#### Board's Response to Grand Jury's Finding #10: Plumas County Alcohol and Drug Department

Agree, with the explanation as follows. The Department has no involvement in the actual number of arrests even though it is involved with enrolling and treatment of DUI Participants. Each Defendant is ordered to enroll in the DUI program within 30 days of their conviction. Currently, there is no system in place to ensure that these Defendants are actual enrolling, when in fact, it has been evident for quite some time that maybe one half of those convicted actually enroll within the 30-day period. The Department receives no additional funding for additional enrollments. The DUI budget is separate from the A&D Net Negotiated Amount (NNA) Grant, Drug Court, Proposition 36 and the Friday Night Live Mentoring Program. The Participants enrolled in the program pay a set fee to remain compliant with the court and the Department of Motor Vehicles. In order to re-instate their driving privilege, completion must be finished within a required time frame. If a Participant needs additional time, the court can extend that time, but if they fail to remain compliant, a Notice of Non-Compliance is issued and the driving privilege is immediately suspended. The increase in DUI Participants in 02-03 and 03-04 was due to extended efforts in the county to enroll Participants that had failed to follow Court requirements, DMV requirements, etc. In past years, the Department has requested the number of arrests from the Plumas County Sheriff and California Highway Patrol only as an indication of the total number of arrests versus the enrollment rate. The arrest number is difficult to obtain due to the cross over of Lassen County CHP officers and the separation of county arrest records.

#### Grand Jury's Finding #11

*"The expenditure for out-of-county residential treatment programs has increased steadily over the last several years, and has nearly doubled since last year. There are many factors for determining whether a client is better served by the programs available within the County, or by residential treatment programs not available within the County."*

*However, the Grand Jury has found that the lack of trust between the two “camps” of employees has led to an undetermined number of clients either being underserved within the County or being sent out of the County for treatment at additional expense.”*

**Board's Response to Grand Jury's Finding #11: Plumas County Alcohol and Drug Department**

Disagree in part. The number of clients sent to programs outside the County is not related to the other issues facing the Department. The Department attempts to provide quality services to all clients. If a clinician is not providing proper care and treatment of a program client, that matter is subject to review by the Department Director.

**Board's Response to Recommendations #1 – 11: Alcohol and Drug Department (Reference pages 15 -16 of 2004 -2005 Grand Jury Report)**

1. The recommendation has been implemented. The County and the Department agree with this recommendation.

The Department continues to work closely with Human Resources to improve communication and employee relations.

The recommendation has been implemented. Performance evaluations on staff began August 15, 2005.

2. The County and the Department agrees with this recommendation.

The recommendation has been implemented and continues on an ongoing basis. Continuing efforts have been extended to complete the “progressive plan” to mend strained relationships.

3. The County and the Department agrees with this recommendation.

With the implementation of counselor certification [Adoption of Chapter 8 (commencing with Section 13000), and Amendments of Sections 9846, 10125, and 10564, Division 4, Title 9, California Code of Regulations] specific requirements have been adopted that will be incorporated into all Therapist job descriptions. The Fiscal Staff, Prevention Staff, and Case Managers job descriptions will be presented as a meet and confer item with Operating Engineers Local 3, with appropriate descriptions that will define the job duties to provide support for the clinical staff and the Department.

This will be implemented by October 1, 2005 when the counselor certification regulations become effective, or as soon thereafter as possible.

4. The County and Department agree with this recommendation.

Currently, staff is not assigned as a liaison between A&D and other Departments even though the Department continues to improve relations with Mental Health by utilizing interaction with the Program Chief, Matthew Kelley. The Department will begin a discussion among staff to place the best candidate for each Department that A&D has a shared client population. This will be implemented no later than March 2006.

5. This recommendation requires further analysis.

Whereas the Department agrees with the recommendation, due to the extensive history when the Mental Health and A&D Departments were joined, there will need to have ongoing discussions to develop a MOU. Whereas A&D has worked closely with several Mental Health clinicians in recent months, the relationship continues to improve and has also been open to relevant discussions concerning the Co-Occurring population. The Director of A&D sits on the Co-Occurring Committee in conjunction with the County Alcohol and Drug Program Administrators Association of California (CADPAAC) and has been involved with CADPAAC's White Paper on Co-Occurring disorders. This committee that includes County Mental Health Directors offers the Director significant insight into improving relationships and strengthening client services as other counties struggle with this same issue. An additional issue exists that A&D Counselors are not certified to provide treatment to the Co-Occurring population. Even though some of the current staff is versed in Mental Health services, they are not licensed to provide such services. The Department will complete its investigation of this recommendation no later than February 1, 2006.

6. The County and the Department agree with this recommendation.

This will be implemented as vacancies occur on the Advisory Board.

7. The County and the Department agree with this recommendation.

This recommendation will be implemented in part. Thus department staff will attend every meeting, and a member of the BOS will attend as frequently as possible.

Currently, the assigned Supervisor attends the A&D Advisory Board on a regular basis. If the Director is unable to attend because of prior commitments, either the date of the meeting is rescheduled or the Program Chief attends in his place. Staff is encouraged and notified of the days and times of the Advisory Board meetings. The Advisory Board has requested that at least quarterly reports are presented on client population, program progress, etc.

8. The County and the Department agree with this recommendation.

The Director of the Department will implement this recommendation by making periodic reports to the Board of Supervisors.

9. Will be implemented. The Department will move into the new Health and Human Services Building once it is completed. The Department is excited about the relocation of personnel and services under one roof. The new facility is adequately designed to ensure confidentiality and adequate security for all staff and clients.

10. The County and the Department agree with and will implement this recommendation. However, see an explanation regarding the Grand Jury finding no. 10, above.

11. Will consider, but likely will not implement. The cost of a residential treatment may be too great for a County of Plumas' size. However, the Board is considering clean and sober transitional housing.

### **Plumas County Mental Health Department**

#### **Grand Jury's Finding #1**

*"The MHD stands alone as a county department. The MHD has been split from the Department of Alcohol and Drugs. The MHD is not linked to the Plumas County Health Department."*

#### **Board's Response to Grand Jury's Finding #1: Plumas County Mental Health Department**

Statement of fact; agree.

#### **Grand Jury's Finding #2**

*"There is inadequate interaction between the MHD and the Department of Alcohol and Drugs. The relations between the two county agencies have been acrimonious for a number of years. Relations have improved slightly in the last few months."*

#### **Board's Response to Grand Jury's Finding #2: Plumas County Mental health Department**

Disagree. The Director of the Mental Health Department indicates (1) that Mental Health and A&D staff are expected by both department directors to act respectfully and professionally with one another; (2) staff of both departments are expected to resolve differences in a direct, ethical, and professional manner, (3) that both directors model appropriate professional interaction and are supportive of their independent and overlapping missions. A number of cases are shared by the two departments to facilitate treatment outcomes. Successful outcomes when cases are treated in partnership have resulted in increases in interaction and cooperation between the two departments.

### Grand Jury's Finding #3

*"There is no Memorandum of Understanding (MOU) between the MHD and the Department of Alcohol and Drugs outlining a protocol for the needed interaction between the two departments."*

### Board's Response to Grand Jury's Finding #3: Plumas County Mental Health Department

Agree. Currently both departments have an open door referral policy. Requests for consultation, referral or treatment team meetings are accepted within the limits of the law. Patient confidentiality rights are seldom a barrier as staff in both departments are well versed in the law regarding the process of facilitating communication between departments by obtaining appropriate releases. The MHD has repeatedly invited and encouraged each A&D director to collaborate in the development of protocols for emergency and routine response via the Emergency Response Committee associated with Plumas District Hospital. Establishing a protocol for emergency and routine response has been discussed and remains a future goal.

### Grand Jury's Finding #4

*"The communication between the MHD and the Sheriff's Department is minimal. One aspect of the problem that contributes to the lack of communication is complicated by patients' confidentiality rights. The MHD clinicians cannot divulge information about a client and therefore are unwilling to release information about treatment and follow-up of that client. The perception sometimes is that "nothing is being done". This appears to be one cause for misunderstandings between the MHD and the Sheriff's Department."*

### Board's Response to Grand Jury's Finding #4: Plumas County Mental Health Department

Disagree in part. Communication between the Sheriff's Department and the MHD has increased over the past five years. There are lengthy periods where contact is on a daily basis, particularly in relationship to inmates at the jail. The County agrees that there are times when employees in the Sheriff's Department are not privy to information regarding the often intense follow up provided by mental health workers. The ability of mental health workers to communicate information is strictly limited by State and Federal law. Unfortunately, this can lead to frustration and misperception for everyone involved.

### Grand Jury's Finding #5

*"There is no civil (non-criminal) protective locked facility for members of the community who may be a danger to themselves or to others. Currently, the MHD does not see such individuals that are considered "under the influence". As a consequence, these people remain untreated and unprotected or are taken to jail. A locked civil protective*



*custody facility is mandated by law (Welfare and Institution Code 5170), but one does not exist in Plumas County.”*

#### Board’s Response to Grand Jury’s Finding #5: Plumas County Mental Health Department

Agree in part. The MHD policy is to not provide 5150 assessments until individuals are no longer under the influence. This policy is based on the sound clinical position that it is impossible to determine the cause of an individual’s behavior or to provide appropriate diagnosis and treatment until confounding factors are addressed. The most common confounding factors in the area of mental health assessments are alcohol and drugs and medical problems. The Mental Health Department knows from well documented experience that 99% of intoxicated individuals held in the jail present with no intention of self harm or harm to others once detoxified. Research also strongly supports well supervised detoxification of under the influence individuals as the most important intervention for such individuals. Unfortunately mental health and emergency room personnel are increasingly faced with managing individuals who are dramatically altered as a result of alcohol and or methamphetamine use. In such cases the Mental Health Department has felt compelled to hospitalize such individuals under the 5150 law because doing so offered the only way that public safety could be assured. In some cases the Sheriff’s Department has been able to legitimately file charges to detain individuals who presented as a risk to public safety and as a result of legal charges hold them in jail. When such individuals are detained by the MHD, funding and resources allocated to serve mentally ill individuals are diverted to provide services for adults who voluntarily have taken mind altering drugs. Usually such individuals are released in 1-3 days and refuse follow up services offered by the MHD and A&D. When placed in psychiatric inpatient units such individuals generally require no acute mental health treatment beyond supervision and detoxification and when under the influence present as a risk to vulnerable mental health clients. Under the current system such individuals have no or limited accountability for their behavior or the costs associated with law enforcement and the courts. Individuals who abuse alcohol and drugs must be held accountable for the costs and impact of their behavior or tax payers will continue to foot the bill for expensive “solutions” that perpetuate the problem rather than solve it.

It is understandable the Grand Jury would suggest the building of a 5170 facility in Plumas County and there is little doubt that having such a facility in Plumas County would offer some remedy to the current challenges faced by the Sheriff’s Department, Mental Health and the regional Hospitals. However, to the knowledge of the Director of Mental Health, there is only one established 5170 facility operating in the state and it is further the County’s understanding that 5170 law is typical of many mandates in law in that it is unfunded. Further, Welfare & Institutions Code 5176 states:

“This article [article 1.5, chapter 2 of Part 1 of Division 5 of the Welfare Institutions Code, of which WIC 5170 is a part] shall apply only to those counties wherein the board of supervisors has adopted a resolution stating that suitable facilities exist within the county for the care and treatment of inebriates and

persons impaired by chronic alcoholism, designating the facilities to be used as facilities for 72-hour treatment and evaluation of inebriates and for the extensive treatment of persons impaired by chronic alcoholism, and otherwise adopting the provisions of this article. . . (Emphasis added.)

To the knowledge of the Directors of Alcohol and Drug and Mental Health, Plumas County has not adopted a resolution adopting the provisions of Article 1.5.

#### Grand Jury's Finding #6

*"There have been issues raised that on occasion the MHD is slow to respond to crisis intervention situations and the law enforcement officer who should be in the field is taken out of service to care for an individual during a possible mental health situation until the clinician arrives."*

#### Board's Response to Grand Jury's Finding #6: Plumas County Mental Health Department

Agree. Adequate emergency mental health response allowing Sheriff's Department personnel to return to other duties is a high priority for the MHD. The MHD has a clearly written protocol with timeline specifications that were developed in collaboration with the Sheriff's Department. The MHD seriously reviews complaints regarding time delays and takes immediate action to hold its personnel accountable for meeting timelines within the MOU. The timeliness issue has improved due to staff attention to this issue.

#### Grand Jury's Finding #7

*"There is an MOU between the MHD and the Sheriff's Department that outlines mutual areas of coordination and responsibilities for emergency evaluations and hospitalizations."*

#### Board's Response to Grand Jury's Finding #7: Plumas County Mental Health Department

Agree.

#### Grand Jury's Finding #8

*"As mandated by the State of California, Plumas County has a Mental Health Commission separate from the MHD. The Commission acts in an "Advise and Recommend" capacity to the Board of Supervisors on MHD issues and on the policies of the MHD. The Commission also acts in an advisory capacity directly to the MHD, as well as participates in the budgeting and planning agenda of the MHD. The Chair of the Mental Health Commission meets with the director of MHD on a regular basis and has an excellent working relationship. However, the Mental Health Commission meets with*

*the Board of Supervisors only once a year. A Board of Supervisors member attends the Mental Health Commission's meetings irregularly."*

Board's Response to Grand Jury's Finding #8: Plumas County Mental Health Department

Agree. It should be noted that the Director of Mental Health believes that the Mental Health Commission is meeting its legal requirements, but has referred this item to the Mental Health Commission for review.

Grand Jury's Finding #9

*"There are issues of coordination within the MHD staff about clients and their treatment that may put clients at risk."*

Board's Response to Grand Jury's Finding #9: Plumas County Mental Health Department

Disagree. The Director of Mental Health, and the Board, is unaware of any current "issues of coordination" that may put clients at risk. When such issues arise, they are referred to the Quality Assurance process for review and remediation.

Grand Jury's Finding #10

*"The MHD staff meets on a weekly basis. It was reported to the Grand Jury that communication within the staff is excellent and supportive."*

Board's Response to Grand Jury's Finding #10: Plumas County Mental Health Department

Agree.

Grand Jury's Finding #11

*"The MHD provided a budget that indicates that the Department is efficiently run and is fiscally responsible."*

Board's Response to Grand Jury's Finding #11: Plumas County Mental Health Department

Agree.

Grand Jury's Finding #12

*"The MHD operates a number of quality programs within its area of practice. The MHD is to be commended for the hard work of its employees and for the implementation of*

*innovative and supportive programs. Notable, are Sierra House, the Respite Program, and the Wilderness Program.”*

Board’s Response to Grand Jury’s Finding #12: Plumas County Mental Health Department

Agree.

Grand Jury’s Finding #13

*“The recently passed California Proposition 63 should increase revenue for the MHD.”*

Board’s Response to Grand Jury’s Finding #13: Plumas County Mental Health Department

Agree. Proposition 63 funding is now estimated at 388K for Plumas County. Unfortunately this will not result in a net increase in available mental health funding. The recent County MOU with its represented employees resulted in an expenditure increase in excess of five hundred thousand dollars for the mental health department. In addition, there is an increase in building costs for the mental health department due to relocation to the new Health and Human Services Building. The mental health department is hopeful the current fiscal challenges will improve as the State budget outlook improves and funding sources at the county level are returned to previous levels.

Grand Jury’s Finding #14

*“The MHD staff meets face-to-face once a week for four hours. Otherwise, the small staff is spread out in the various communities it serves and rarely comes together except for the weekly staff meetings. Most communication among staff is done by phone, a highly inefficient method for a task that requires communication and relay of client information. As a result, there have been errors.”*

Board’s Response to Grand Jury’s Finding #14: Plumas County Mental Health Department

Agree in part. Disagree in part. The description of the demographic and communication challenges is accurate, however to imply that the current system is inefficient is misleading. The MHD emphasizes brief, accurate and documented communication. Its record of program and case review audits is exceptional and there is no documented history of communication errors as suggested. The MHD routinely maintains 800 open case records, has 300+ new cases per year and thousands of phone contacts per year with few miscommunications or “errors.”

#### Grand Jury's Finding #15

*"MHD knowledge of Grand Jury investigations caused the stoppage of all quality control with Plumas District Hospital."*

#### Board's Response to Grand Jury's Finding #15: Plumas County Mental Health Department

Disagree. The noted QA process with PDH did not stop as a result of the Mental Health Department's knowledge of a grand jury investigation. A singular Quality Assurance review was not able to be conducted when attorneys for PDH directed PDH to cease any communication regarding a specific case.

#### Grand Jury's Finding #16

*"An administrator of MHD violated the admonition of the Grand Jury to keep discussion with the Grand Jury confidential."*

#### Board's Response to Grand Jury's Finding #16: Plumas County Mental Health Department

Disagree. Based upon information received by the County, once this individual was clearly informed of the admonition, there was no breach of confidentiality. The Mental Health Director states that the intention of the MHD, is and has been, to fully cooperate with the Grand Jury process and to protect the integrity of the process.

#### **Board's Response to Grand Jury's Recommendations #1-8: Mental Health Department (Reference pages 19 -20 of 2004-2005 Grand Jury Report)**

1. Will not implement. The Mental Health Department has an open door policy regarding referrals, and the Department acts in compliance with all laws and regulations regarding access to all eligible individuals, including those with co-occurring disorders. However, the director of the MHD is open to further discussions with the A&D director regarding this issue. The Director will take further action if discussion with the A&D Director indicates that an MOU will facilitate the delivery of services. See response to findings #2 and #3.
2. Requires further analysis, to be completed not later than November 1, 2005. The MHD director is available and will respond directly regarding concerns of the Sheriff's Office. It is agreed that it maybe helpful to assign an employee to regularly meet with an assigned Sheriff's Office representative to facilitate communication. This possibility was explored with patrol officers during MHSA public input process. The MHD agrees that the recommendation has merit but has concerns that the MHD doesn't currently have sufficient staff to implement this recommendation. The MHD currently dedicates hundreds of staff hours to meet the mental health needs of the county jail and is unable to recover county, state or federal funds for this service.

Dedicating further resources to provide additional coordination efforts could result in decreased service capacity in other areas of the county.

3. Will not implement. The County believes that this recommendation is a response to finding #5. Please see response to finding #5.
4. Will not implement. The MHD currently uses a sophisticated computerized management program to collect and transfer information and data. Expanding capacity of the system to allow for computerized record management has been a stated goal of the department for over 2 years. The MHD has pursued a contract to expand the potential and use of this type of technology. At the same time the MHD recognizes that computerized behavioral health data and information systems are in the beginning stages of development and currently offer as many or more risks and problems as they do solutions. The MHD's highly rated computer management contractor has strongly recommended that the department not implement an integrated informational system at this time due to negative outcomes that have resulted in attempts at implementation by other county Mental Health Departments. The estimated timeline for a simple standalone department only system to be cost effective and viable is in excess of 2 years. A viable system with "wireless," "instant" county wide access to records is not feasible in the near future. Such suggested solutions are projected to be feasible in 5+ years. Large federally funded projects including agencies such as the FBI with massive funding have failed to accomplish this type of integration. The results have been compromised records, disruption of service and unrecoverable costs. The MHD remains committed to upgrading the current management and clinical communication system but is respectful of the experiences of other counties and the experts in this area. The MHD compliments the Grand Jury's creative and visionary solutions and intends to persist in a progressive plan utilizing technology to improve communication and integration of service delivery. The MHD will be pursuing the implementation of a "telemedicine" system with Plumas County Jail in the near future in hopes of improving the efficiency of service provision for jail inmates. It is anticipated that this service will also decrease security risks.
5. Will implement immediately. In the past 5 years there have been 3 "lead" Board of Supervisor representatives for the MHD. In my opinion they all have been very interested in the operation of the department and seek to understand the complexity of regulation and operational challenges of the MHD. Supervisors have also regularly attended the Health and Human Service Cabinet meetings to assess and contribute to policy development and to encourage inter agency collaboration.
6. Will not implement. The MHD is gratified to have an active, bright and extraordinarily devoted group of individuals who compose the Mental Health Commission, MHC. The MHC has tirelessly contributed valuable insight and support to the MHD. I would support the development of a newsletter by the MHC but I do not believe the MHC has the resources to accomplish such an effort at this time. The MHD developed a newsletter as part of its quality assurance program but was

unable to continue the effort when funding cuts occurred with regard to the Children's System of Care. This recommendation has been referred to the Mental Health Commission for consideration.

7. Has been implemented. An overview of the grand jury process was presented to management council by the District Attorney on September 2, 2005.
8. Item #8 is outside the purview of the MHD so there is no response to needed to this recommendation. The Mental Health Department will cooperate and assist in any Grand Jury investigation.

### **Plumas County Board of Supervisors**

#### **Grand Jury's Finding**

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

#### **Board's Response to Grand Jury's Finding: Plumas County Board of Supervisors**

Disagree. The Brown Act does prohibit a meeting or a serial meeting between a majority of the Board without compliance with the requirements of the Brown Act. The Brown Act does not prohibit one or two supervisors from taking independent action in matters that will eventually come before the Board. Thus, if one or two supervisors discussed possible employment with a prospective CAO on their own initiative without direction from the BOS, this action would not be prohibited by the Brown Act. Specifically, Govt. Code 54952.2 states "nothing in this section shall impose the requirements of this chapter upon any of the following, "individual contacts or conversations between a member of a legislative body and any other person."

For the record, on 3/8/05, the Board agenda included a discussion regarding the CAO's office. At that time, there was discussion amongst the Board as to the correct course of action. On March 8, 2005, a motion was made to authorize the Chair to work with County Counsel to negotiate a contract for an Interim CAO. The contract for the Interim CAO was not approved until 3/15/05.

The Grand Jury report indicates that it "was found that negotiations for the position of CAO had begun prior to the posting of the BOS agenda of March 8, 2005." However, a violation of the Brown Act only would have occurred if the Grand Jury Investigation found that a majority of the Board had made the determination to begin negotiations.

**Board's Response to Grand Jury's Recommendation: Plumas County Board of Supervisors (Reference page 20 of 2004-2005 Grand Jury Report)**

1. Agree. The Board is very much aware of their responsibility to adhere to all aspects of the Brown Act, and will follow all the requirements of the Brown Act. In addition, the Board of Supervisors welcomes a "complete review of the BOS." If that occurs, the Board hopes that all members of the Board will be granted the opportunity to participate.

**Grand Jury Oversight Committee**

**Grand Jury's Finding #1**

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

**Board's Response to Grand Jury's Finding #1:Grand Jury Oversight Committee**

Disagree in part. Many responses include specific timing and responsibility, but agree that some County recommendations do not specify timing and responsibility.

**Grand Jury's Finding #2**

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

**Board's Response to Grand Jury's Finding #2:Grand Jury Oversight Committee**

Disagree. The Board is not aware of any reasons for the Grand Jury's finding that "there is still a variance in the understanding of "conflict of interest." On or about February 8, 2005, the County Counsel's office provided the Board of Supervisors with a comprehensive guide on conflicts of interest prepared by the California Office of the Attorney General. If the Grand Jury believes that the Board members were not clear on conflict of interest issues after February 2005, please inform County Counsel so that additional information may be provided to the BOS. "

**Grand Jury's Finding #3**

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



### Board's Response to Grand Jury's Finding #3:Grand Jury Oversight Committee

Disagree. The County is aware that the findings and recommendations of the Grand Jury require a response. However, the County is only required to respond to findings and recommendations within its scope of responsibility. The County is not required to respond to recommendations directed at independent districts within the County.

### Grand Jury's Finding #4

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

### Board's Response to Grand Jury's Finding #4:Grand Jury Oversight Committee

Agree in part. The law library space on the third floor was closed on the public in or around 2003, and recently was opened part-time to the public. For a period of time, Lexis was available in the public library. This is no longer the case. However, information is now available in the law library three days a week, from 1:00 p.m. to 5:00 p.m. The materials provided to the Library may have been on loan, rather than donated.

### Grand Jury's Finding #5

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

### Board's Response to Grand Jury's Finding #5:Grand Jury Oversight Committee

This finding is not directed to the County or the Board of Supervisors.

### **Board's Response to Grand Jury's Recommendations #1-4: Grand Jury Oversight Committee (Reference page 21 of 2004-2005 Grand Jury Report)**

This is an issue that should be responded to by the Plumas Unified School District.

## **Plumas County Fire Departments**

### **Grand Jury's Finding #1**

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

#### **2002/2003 Grand Jury Findings:**

1. *Plumas County has no legal requirement to provide fire protection services to the citizens of Plumas County. That responsibility is relegated to the fire districts within the County.*  
**Current Status: No change in this situation.**
2. *The County Fire Warden position is part-time and exercises no direct control over the fire districts within Plumas County. The Fire Warden does respond when requested by the fire districts to provide technical assistance and training.*  
**Current Status: The Fire Warden has resigned.**
3. *With few exceptions, Plumas County fire districts have inadequate funding to carry out their mission. Most equipment is outdated and each of the districts relies on volunteers to staff their departments.*  
**Current Status: No change in this situation.**
4. *Approximately 20 percent of the privately held land in the County is not in a fire district.*  
**Current Status: Little change in this situation.**
5. *A majority of fire chiefs interviewed favored more coordination and assistance from the County Fire Warden on fire issues such as funding, standardizing grant writing, training, recruiting and acquiring equipment.*  
**Current Status: Since there is now no fire warden, this situation has worsened.**
6. *There is no proactive effort by the County to inform new residents what level of fire protection, if any, exists in their area. In fact, on more than one occasion, witnesses responded with a "let the buyer beware" reply on that issue.*  
**Current Status: No change in this situation.**
7. *Plumas County Resolution No. 01-6534 is a resolution adopting a policy for County property tax exchanges with special districts providing fire protection services.*

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

2002/2003 Grand Jury Recommendations:

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

***Current Status: Such a committee has not been formed.***

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

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

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

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

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

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

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

***Current Status: The Fire Warden has resigned.***

### Board's Response to Grand Jury's Finding #1: Plumas County Fire Departments

Disagree in part. It is more appropriate to state that the Fire Warden has retired, rather than resigned. Furthermore, Mr. Anderson is still providing services to the County pursuant to contract. The County has not abolished the Office of Fire Warden.

Second, many fire districts are aware of resolution 01-6534 and there has been much discussion regarding this policy over the last several months. However, Resolution 01-6534 cannot be acted upon until a fire district takes action, on its own, to establish an assessment.

### Grand Jury's Finding #2

*"Since there seemed to be a great deal of confusion and animosity on the part of the fire chiefs regarding the Plumas County Local Area Formation commission (LAFCo), this jury interviewed the LAFCo executive director. As a result of this interview, it was found that the commission is state-mandated, is operating according to California state law, and is a necessary partner in the County planning process. Since it is essentially a regulatory commission and has an extensive list of mandated conditions for changes in districts, the LAFCo is seen as a very expensive road block to change. Many fire departments simply cannot afford the expense of meeting the LAFCo requirements and fees. There has been at least one instance where a department aborted proposed changes due to the complexity and expense of the process. There has also been at least one instance where a proposed change has been cancelled even before applying to LAFCo due to the process' perceived complexity and expense."*

### Board's Response to Grand Jury's Finding #2: Plumas County Fire Departments

Agree. However, this is an issue LAFCO, rather than the BOS

### Grand Jury's Finding #3

*"Current methods of funding the fire departments are inequitable in that a few departments are over-funded and most departments are under-funded. When under-funded, departments must rely on the charity of other departments and agencies inside and outside Plumas County and on the charity of the people and companies within their districts in order to survive. This has resulted in the use of antiquated equipment and improvisations that endanger the lives of the departments' personnel and the lives and property of the persons they are trying to protect. These situations are direct violations of OSHA regulations. On the other hand, a few departments have more money than they can use. This could be construed as a waste of public funds."*

### Board's Response to Grand Jury's Finding #3: Plumas County Fire Departments

Disagree. The County does not believe that districts having adequate or even plentiful funding is a "waste of public funds. However, the County admits there is a large

disparity in the resources of various fire districts within Plumas County. Those fire districts that have adequate funding have accomplished this through self-assessment of those within the district. If money is being “wasted”, it is the responsibility of those in the Fire District, not the County. Furthermore, the issues of OSHA violations and antiquated equipment are issues for the districts, not Plumas County. Plumas County is not obligated to fund the needs of these independent districts.

#### Grand Jury's Finding #4

*“The County provides very little assistance and few services to the County’s fire departments. These volunteer organizations are in great need of centralized training, grant research and preparation, equipment acquisition, administrative assistance and guidance and other services that can best be provided on a central or regional basis.”*

#### Board's Response to Grand Jury's Finding #4: Plumas County Fire Departments

Agree in part. The County provides very little assistance and few services to the County’s fire departments. However, as the Board noted in the Grand Jury Report 2003/04, “Plumas County has no legal requirement to provide fire protection services to the citizens of Plumas County.” The County disagrees that all the needs of the fire districts could necessarily be best met on a centralized, or regional basis.

#### Grand Jury's Finding #5

*“There have been many discussions regarding the creation of regional fire districts. Based on the survey conducted by this Grand Jury, there is no general consensus among the fire chiefs.”*

#### Board's Response to Grand Jury's Finding #5: Plumas County Fire Departments

Agree.

#### Grand Jury's Finding #6

*“Many of the fire departments are embedded in community services districts. This has the advantage of potentially increasing the availability of funding and other resources and has the disadvantage of burying the concerns and needs of the departments in organizations formed primarily to provide utility and other non-emergency services.”*

#### Board's Response to Grand Jury's Finding #6: Plumas County Fire Departments

Agree.

### Grand Jury's Finding #7

*"There is no standardization of communication equipment between departments. This causes problems during operations involving more than one department."*

### Board's Response to Grand Jury's Finding #7: Plumas County Fire Departments

While the County does not have knowledge of specific instances that this has caused problems within Plumas County, the County agrees that it could create problems.

### Grand Jury's Finding #8

*"Provision of fire protection is not an essential element in the planning process for new real estate developments."*

### Board's Response to Grand Jury's Finding #8: Plumas County Fire Departments

Disagree. Provision of fire protection is an essential element in the planning process. The Plumas County General Plan directs when and where fire protection will be required for new developments. Fire protection is required for Prime Opportunity areas, Suburban areas, and Commercial and Industrial areas. Prime Opportunity areas permit densities of two dwelling units or more per acre. Suburban areas permit densities of one dwelling unit per acre. When and where fire protection ought to be required was given serious and extensive consideration when the General Plan was written. Consideration was given to the alternative of requiring fire protection for all residential densities greater than twenty acres per dwelling unit (EIR #39, pages 57-1 through 59). One of the greater subjects of controversy was whether the Secondary Suburban area (density of three acres per dwelling unit or of 2.5 acres per dwelling unit – that was another subject of controversy) ought to have development standards requiring paved roads and fire protection. The decision made was to not require paved roads and fire protection for Secondary Suburban areas – which were also set at a density of three acres per dwelling unit.

The subject of requiring paved roads and fire protection for Secondary Suburban areas has been addressed again from time to time, and no changes have been made. The General Plan requirements are policy decisions made by the Board of Supervisors. However, this issue may be readdressed when the General Plan is amended.

### **Board's Response to Grand Jury's Recommendations #1 -11: Plumas County Fire Departments (Reference page 25 of 2004-2005 Grand Jury Report)**

1. This recommendation requires further analysis. This analysis will be completed by January 1, 2006. It should be noted that currently Supervisors Powers is working on issues relating to the fire districts, including how Resolution 01-6534 should be implemented in the future, or whether it should be modified. His recommendation is scheduled to be presented to the Board on October 11, 2005.

2. This recommendation requires further analysis. This analysis will be completed by January 1, 2006.

3. Will not implement. Although Supervisor Powers is attempting to address the financial concerns of fire districts, including exploring whether certain functions may be shared and whether insurance costs can be reduced, the fire districts themselves retain the ability to raise revenues through a special tax or assessment.

4. Will not implement. Please see the response to finding no. 8. This would require amendments to the County general plan.

5. Will implement. This recommendation will be implemented by the Fire Warden by November 1, 2005.

6. Will not be implemented by Plumas County. Plumas County has not authority to affect the organizational status of the independent districts within Plumas County.

7. Will not implement. The County is not in a position at the current time to subsidize independent fire districts. As the Grand Jury will recall, the Board loaned money to Sierra Valley Fire Protection District to conduct its election for a special tax. The first time that matter was before the voters, the special tax was defeated. It is the responsibility of individuals within a fire protection district to determine what level of services they desire.

8. Will not implement. The County does not control LAFCO, although two supervisors are members of the LAFCO Board. The County agrees to bring this to LAFCO's attention to determine whether the LAFCO executive officer is willing to undertake an educational program throughout the County to improve the understanding of LAFCO not later than November 1, 2005.

9. This recommendation does not require a response from the County.

10. This recommendation does not require a response from the County. The County agrees to bring this issue to LAFCO's attention to determine what LAFCO's response is to this recommendation not later than November 1, 2005.

11. Will not implement. This is a matter that must be determined by the LAFCO Board. The County agrees to bring this issue to LAFCO's attention to determine what LAFCO's response is to this recommendation not later than November 1, 2005. The County notes that this proposed change would require that other districts, or the County, subsidize LAFCO for those amounts."

## **Plumas County Facility Services Department**

### **Grand Jury's Finding #1**

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

### **Board's Response to Grand Jury Finding #1: Plumas County Facility Services Department**

Agree.

### **Grand Jury Finding #2**

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

### **Board's Response to Grand Jury Finding #2: Plumas County Facility Services Department**

Disagree in part. The Director of the Facility Services Department states that the Department has been and remains open to all communications and continually attempts to coordinate operations with all customer departments. Based on this, the County looks forward to better communication in the future between Facility Services and the Sheriff's Department. However, the County agrees that it appears that communications between the Sheriff's Department and the FSD could have been improved in the past.

### **Grand Jury Finding #3**

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

### **Board's Response to Grand Jury Finding #3: Plumas County Facility Services Department**

Agree. However, the budget for the FSD has been increased for the 2005-2006 fiscal year.



#### Grand Jury Finding #4

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

#### Board's Response to Grand Jury Finding #4: Plumas County Facility Services Department

Disagree. The law required that a transitional plan be developed to bring County structures into compliance. The County developed such a plan and has made multiple changes to increase ADA compliance. Furthermore, the 2005-2006 County budget has included, for the first time, support staff for an ADA coordinator. Hopefully, this position will assist the County in monitoring complaints and the transitional plan to ensure that the County is making reasonable progress in bringing all of its structures into ADA compliance where possible. Please also see the response to recommendation no. 4.

#### Grand Jury Finding #5

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

#### Board's Response to Grand Jury Finding #5: Plumas County Facility Services Department

Agree, in part. However, a Condition Assessment Report (a facility report card) system has been under development over the past year.

#### Board's Response to Grand Jury Recommendations #1-6: Facility Services Department (Reference page 27 of 2004-2005 Grand Jury Report)

1. Already Implemented. The Board has increased funding for this Department in FY 2005-2006.
2. Will implement by developing a master work-order system.
3. Will implement. This will be placed on the Board of Supervisor's agenda no later than February 1, 2006 for a "State of County Facilities" update by the Director of Facility Services.
4. Will implement. The Board will be updated on the status of the County's ADA compliance no later than February 1, 2006. However, the conclusion of the Grand Jury is overly broad. Quoting from 28 C.F.R. § 35.150(a)(3):

(a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not--

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) Methods--(1) General. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. . .

5. Will implement in part. The FSD has been developing a condition assessment report for presentation to the Board of Supervisors. This will be completed no later than November 1, 2005. The assessment will be performed by County staff, rather than outside consultants.
6. Will implement. The Board will take this factor into consideration if future budget cuts are required.

### **Plumas County Auditor/Controller**

#### **Grand Jury Finding #1**

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

- a. The 2003 Series A cash had not been reconciled to the fiscal agent statement or properly recorded in the general ledger*
- b. .Some program information required for the preparation of the Schedule of Federal Expenditures was not provided by the responsible departments in a timely manner.*
- c. The Independent Auditor noted that the county reflects the solid Waste Planning and Operations as a special revenue fund instead of an enterprise fund.*
- d. The depreciation schedule for senior transit buses did not include an acquisition date for the vehicles. Depreciation appears to be based on the model year of the vehicle rather than the acquisition date of the vehicle.*
- e. The County Workers Compensation internal service fund had a deficit fund balance of \$1,572,431 on June 30, 2004. Adequate reserves are necessary to ensure that the county is able to meet its self insurance obligations.*

#### **Board's Response to Grand Jury Finding #1: Plumas County Auditor/Controller**

Agree.

#### **Grand Jury Finding #2**

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

## Board's Response to Grand Jury Finding #2: Plumas County Auditor/Controller

Agree. This is statement of fact as to the actions of the Grand Jury.

## **Board's Response to Grand Jury Recommendations #1-3: Plumas County Auditor/Controller (Reference page 31 of 2004-2005 Grand Jury Report)**

1. Has been implemented. The auditor indicates that all these matters have already been implemented.
2. Will implement no later than November 1, 2005.
3. Will not implement. This recommendation was disagreed with by the Auditor Michael Tedrick in his response to the Grand Jury. However, the County has hired a CAO who will also serve as the County's budget officer. Thus, if the future auditor also chooses not to cross-train his/her staff, the CAO will be knowledgeable in the budget preparation process.

## **Plumas County Human Resources**

### Grand Jury Finding #1

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

### Board's Response to Grand Jury Finding #1: Plumas County Human Resources

Disagree. The County has a policy against nepotism and does not believe that nepotism is an on-going issue within the County. Although the appearance of nepotism may be harmful, an applicant should not be disqualified based on an appearance, if in fact, no nepotism exists. Nepotism does not result from family members merely working in the same department. To exclude an individual from County employment for the sole reason that a family member is currently working for the same department is inappropriate and potentially unlawful.

An applicant should receive equal treatment in the selection process as any other applicant if the applicant meets the following requirements: (a) not a family member to the supervisor or the department head in which employment is sought, (b) has the minimum qualifications as listed in the job description, and (c) passed the test for the position.

Human Resources assist departments when questions arise during the hiring process. The HR department has in the past and will continue to disqualify applicants that are family members of the immediate supervisor or department head. If the HR Department has doubts about an applicant, the department consults with County Counsel for advice in the interpretation of the laws governing nepotism.

County Counsel is available to discuss the issue of nepotism with the Grand Jury if so desired.

### Grand Jury Finding #2

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

### Board’s Response to Grand Jury Finding #2: Plumas County Human Resources

Disagree. All recruitments and job applications are received and processed through the Human Resources Department. This process consists of reviewing applicant’s qualifications, verifying that they meet the minimum qualifications of the job description. If the applicant does not meet the minimum qualifications of the job description, a letter is issued informing the applicant of this fact. The name of anyone who does not meet the minimum qualifications of the job description is not placed on the list of eligible to hire, their application is not moved forward and is not provided to the hiring department.

The HR department also proctors tests for many positions. This is to assist departments in finding individuals with the skills and ability to function in the capacity of which the position requires. Those that pass the test and meet the minimum qualifications are then sent to the Department for which the position is being recruited. Staff is always available to assist Departments in the interview process. In fact, the HR Department encourages all departments to have a member of this Department sit through the interview process as an observer and to assist if a question should arise. If a department feels that they are not receiving qualified candidates then they need to notify HR so that HR may review the job description to see if it needs to be updated.

### Grand Jury Finding #3

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

### Board’s Response to Grand Jury Finding #3: Plumas County Human Resources

Disagree. The HR Department has provided and will continue to provide training and work with all managers and department heads, upon request, regarding all aspects of supervisory responsibilities. The County does not take disciplinary actions lightly.

The County currently evaluates possible discipline action before action is taken. If there is enough evidence to warrant a disciplinary action, then the employee is provided with

a Notice of Intended Disciplinary Action. This action provides the employee with the right to a pre-disciplinary hearing. A neutral Department Head is assigned as the Hearing Officer. After reviewing and hearing all information pertaining to the notice of discipline, the hearing officer has the responsibility to render a decision to uphold, modify or revoke the intended disciplinary action.

Training has been done in the past and is on going in this process. In the past, the County brought in Management Training Network to go over the discipline process. This training covered Roles and Responsibilities in Discipline, Legal Requirement and Restraints, Discipline Issues/ Performance Issues Documentations, and the Six-Step Method for Confronting an Employee.

The County also provides the opportunity for supervisors and department heads to attend the North State Employment Relations Consortium each year, which provides five full days of training spread out over the calendar year. These trainings are held in Chico, Red Bluff, Oroville and Redding. The cost to the departments is only for the transportation costs. During these trainings, managers and department heads are being trained on the correct procedures to follow in handling employee performance issues and disciplinary actions, as well as to take positive action to correct performance or unacceptable behavior before it becomes a disciplinary issue. However, some departments have chosen not to participate in these training opportunities.

**Board's Response to Grand Jury Recommendations #1-3: Plumas County Human Resources (Reference page 32 of 2004-2005 Grand Jury Report)**

1. This recommendation requires further analysis as to whether the County's definition of nepotism should be modified, and whether there should be additional policies or rules implemented. This analysis will be completed by February 1, 2006.
2. Already implemented in part. The HR department does verify that candidates meet the minimum qualifications for the position. At this time, the Human Resources department does not have the staff available to perform reference checks on all applicants. Therefore it is the responsibility of the department hiring to perform a reference check on any candidate that they are considering to hire. The County is willing to establish a policy mandating all department heads to perform reference checks on employees before hiring.
3. This recommendation requires further analysis. This analysis will be completed no later than February 1, 2006.

*Other comments:*

The HR Department invites the Grand Jury to visit their office, ask questions, speak with staff members, and view the process that HR goes through regarding recruitments, training and disciplinary matters.

**Plumas County Flood Control and Water Conservation District (FCWCD)**

**Grand Jury Finding #1**

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

**Boards Response to Grand Jury Finding #1: FCWCD**

Disagree. Watershed Forum approval is not required for the expenditure of Monterey minority funds. Nonetheless, the Flood Control District has consulted with the Watershed Forum on all projects that have been funded. Otherwise, all expenditures of majority funds have been approved by the Watershed Forum.

**Grand Jury Finding #2**

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

**Boards Response to Grand Jury Finding #2: FCWCD**

Disagree. The Monterey Settlement Agreement sets forth a specific timetable for payment of funds to the Flood Control District, and all payments have been made as scheduled.

**Grand Jury Finding #3**

*“It is not clear how the money received by PCFC under the MSA has been spent”*

**Boards Response to Grand Jury Finding #3: FCWCD**

Disagree. The expenditure of Monterey funds has received regular public discussion by the Board in open session and is a matter of public record. In addition, the updated Watershed Forum website lists projects that have been funded and the amount allocated to each project. Also, the Watershed Forum budget is reviewed in public meetings each October.

**Grand Jury Finding #4**

*“The previous Grand Jury expressed the belief that some of the project expenditures did not meet the MSA’s stated goals. Further investigation reveals that these project*

*expenditures were approved by the WF. However, it is unclear how the programs specified in the MSA were served by the expenditure of \$115,000 for "budget expenditures" and \$452,000 to "repay the general fund for loans to PCFC for expenditures that had accumulated for several years ". These expenditures are being reviewed by DWR."*

#### Boards Response to Grand Jury Finding #4: FCWCD

Disagree. See the response to Recommendation No. 2 below.

#### **Boards Response to Grand Jury Recommendations #1-5: FCWCD** **(Reference page 34 of 2004-2005 Grand Jury Report)**

1. Will not implement. Watershed Forum approval is not required for the expenditure of all Monterey funds, and the Board will continue to exercise its discretion in this area.

The Board has used Monterey minority funds for watershed purposes that go beyond specific Monterey Settlement purposes, and it may be prudent to continue to do so in the future.

2. Will implement, by the response included herein. The minority portion may be spent in the Board's discretion. In 1996, the Board of Supervisors created a loan system that would note General Fund contributions for water related expenditures. When revenues were received, it was expected that the County would seek repayment of those expenditures. Without these expenditures, the actual settlement perhaps would not have occurred.

In 2003-2004 fiscal year, the year of the first one million dollars received, the Board of Supervisors used \$452,000 to pay down some of the monies that were previously loaned. This resulted in the savings of several County employee positions in a very tight budget year. This repayment of funds has been discussed at the Forum meetings.

One hundred and fifteen thousand dollars (\$115,000) was spent for staff expenses, including \$32,325 for County Counsel and \$10,000 for travel. To date, every request for funding that has been received has been funded, with the exception of three applications that did not comply with requirements.

3. Will implement, by the response included herein. The PCFCWCD has received the sum of three million dollars as of this date. The fourth and final mandatory payment is expected in June 2006.

4. Will implement. The expenditure of any minority and majority funds are a matter of public record. Project descriptions and funding commitments are presented on the Watershed Forum website. In addition, the next annual financial report will be presented at the Watershed Forum meeting on October 25, 2005, and posted on the website as part of the forum's Annual Report.



5. Will implement. The public will be updated along with the Board as developments arise. However, it should be noted that DWR is the lead agency and they are complying with the public notice requirements for the EIR. In addition, there is website, [www.montereyamendments.water.ca.gov](http://www.montereyamendments.water.ca.gov) that may be consulted by the public.

