



PLUMAS COUNTY
GRAND JURY

2016-2017
FINAL REPORT



PLUMAS COUNTY GRAND JURY

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PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **ROSTER OF JURORS**

John LulloForeperson

Keith Mahan.....Foreperson - Pro Tem

Emily Brock.....Corresponding Secretary

Peter Hackbusch.....Recording Secretary

Catherine Oster.....Treasurer

Diana Angel.....Member

Robert Bolton.....Member

Jackie Brackett.....Member

Nita DeWeese.....Member

Stephen Janovick.....Member

Marsha Shepard.....Member

Robert Simpton.....Member

Beth Waterston.....Member



PLUMAS COUNTY GRAND JURY

The Honorable Janet Hilde
Presiding Judge of the Grand Jury
Plumas County Superior Court
Quincy, CA 95971

Dear Judge Hilde

The 2016-2017 Plumas County Civil Grand Jury was privileged to be selected to serve as jurors and respectfully present this final report to the Court and the citizens of Plumas County in accordance with California Penal Code Section 933.

Each year, as an early part of its term of service, the Grand Jury visits the Plumas County jail. The 2016-2017 Grand Jury accomplished this on August 16, 2016. Sheriff Greg Hagwood accompanied the Jury on its tour and advised that an application for a State grant to replace the current jail was in process. Due largely to efforts of Greg Hagwood and his staff, the long hoped for 25 million dollar grant was awarded. The award was made by the Board of State and Community Corrections and the projection is that progress on a brand new jail can begin next spring with estimated completion in 2019.

This year of service has given each of us an opportunity to learn about the administrative policies of the County and make reasonable recommendations designed to improve County Government and inform the citizenry of the County.

This year as in previous years, an important fact came to light. The County is in need of a Chief Administrative Officer (CAO). This job has been vacant for 5 years. By the Board of Supervisors (BOS) failing to fill the position of CAO, they have by default assumed the responsibility of managing county operations. This is not the normal or established purpose of the BOS. Their role is to set policy and authorize spending. The result is inefficiency and discord among department heads. Refer to the Probation report contained herein.

The Grand Jury extends its appreciation to each of the County Departments for their patience and cooperation. The acceptance of the Findings and implementation of our Recommendations is now the responsibility of the County officials detailed in the report. We hope they and the public give them serious consideration.

Thank you for your confidence and support of this important service to our Community.

Sincerely,

John Lullo, Foreperson
2016-2017 Plumas County Grand Jury



PLUMAS COUNTY GRAND JURY
2016-2017 Final Report – **DISTRIBUTION LIST**

The Honorable Judge Janet Hilde
The Honorable Judge Ira Kaufman
The Honorable Plumas County Board of Supervisors
Plumas County Auditor/Controller
Plumas County Treasurer/Tax Collector
Plumas County Clerk/Recorder
Plumas County Counsel
Plumas County District Attorney
Plumas County Court Executive officer
Plumas County Jail Commander
Plumas County Libraries
Plumas County Sheriff
Plumas County Special Districts Association
Plumas County Superintendent of Schools
Plumas County Grand Jury
California Grand Jurors Association
California State Archivist
Smith & Newell CPA's

§ 933. Findings and Recommendations (Excerpt)

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

As used in this section “agency” includes a department.

§ 933.05. Responses to Findings (Excerpt)

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury **finding**, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury **recommendation**, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - PROBATION DEPARTMENT- HOW IS IT FUNCTIONING?

SUMMARY

The Plumas County Probation Department has had five Chief Probation Officers, in the last six years. There are serious deficiencies in this department's performance, negatively impacting the County's judicial system. In the absence of a Chief Administrative Officer it is the Board of Supervisors responsibility to directly supervise the Probation Department. There has been a lack of coordination between other county departments and the Probation Department because the Board of Supervisors has not provided sufficient supervision.

BACKGROUND

The Probation Department is a critical component of the Plumas County Judicial system. It is responsible for the administration of adult and juvenile probation programs in the county. The Grand Jury made the decision to form a committee to investigate the Probation Department due to continued turnover in Probation Department management and recent conflicts within the Plumas County Community Corrections Partnership (PCCCP). It should be noted that at the current time the Alternative Sentencing Program is under the oversight of the District Attorney's office.

METHODOLOGY

The Grand Jury committee attended or reviewed:

- PCCCP meetings
- Available PCCCP video minutes of meetings
- PCCCP subcommittee available agendas and minutes

The Grand Jury committee conducted multiple interviews with:

- The Chief Probation Officer
- The Supervising Probation Officer
- Four members of the Board of Supervisors
- Plumas County Sheriff
- The District Attorney
- Two Superior Court Judges
- The Auditor/Controller

The Grand Jury committee reviewed the following documents:

- Interdepartmental correspondence
- Newspaper articles
- Plumas County Probation Information Sheet
- Monthly summary Probation Report
- Example of an individual Probation report
- County of Plumas web-site
- Recommendation for Daily Reporting Center and Alternative Sentencing to the PCCCP by a member of the Board Supervisors
- Relevant Penal Codes



DISCUSSION

The Plumas County Grand Jury committee investigated the inner workings of the Probation Department. The Probation Department is mandated and serves a critical function to the County. Under the supervision of the Board of Supervisors, the Probation Department is responsible to manage the County's adult and juvenile probation programs. Interviews were conducted to better understand the day to day functionality of the Probation Department's interaction with law enforcement and the court system.

In 2011, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 109 and AB 117. Historic legislation that was designed to help California close the revolving door of low-level inmates cycling in and out of State prisons. The Plumas County Community Corrections Partnership was established to be in compliance with the law and is composed of the following six-member panel:

Erin Metcalf, Chief Probation Officer, chairs the PCCCP

Janet Hilde, Superior Court Judge---Designee Deborah Norris

David Hollister, District Attorney

Greg Hagwood, Sheriff

Doug Prouty, Public Defender

Bob Brunson, Behavior Health Director

The Grand Jury committee found that due to the repeated turnover in the Chief Probation Officer position, the Daily Reporting Center and Alternative Sentencing Programs were transferred from the Probation Department to the District Attorney's office to ensure that these critical programs operate efficiently. There is a contentious environment during PCCCP meetings which pits department heads both elected and appointed against each other. Nothing demonstrates this more than the PCCCP meeting reported in the March 29, 2017 Chester Progressive newspaper. Since there is no Chief Administrative Officer (CAO) in place, there is no supervision to mediate interdepartmental disputes.

The Grand Jury also found that the Probation and Behavioral Health departments have not signed a Drug Court Program Memorandum of Understanding (MOU) that the other PCCCP members have signed which has resulted in the termination of this long-time program.

The March 29, 2017 Chester Progressive reported that Lori Simpson, Chairperson of the Plumas County Board of Supervisors said that she didn't understand how things could proceed. What she saw happening was members of the assembled group attacking various departments. And it's been "going on for years and years and years," she said "If we're going to get something done, who's going to do it,"

Poorly written and incomplete reports submitted to the court cause numerous problems for the prosecutor, the public defender, and the courts. The Grand Jury found that the current Probation Department is under staffed, not fully trained in critical areas of responsibility and lacks practiced internal management.

Normally oversight of the Chief Probation Officer would be the responsibility of a CAO. The decision of the Board of Supervisors to not hire a CAO has placed the responsibility of hiring and oversight of the Chief Probation Officer onto the Board of Supervisors. The Grand Jury has found that with the noted deficiencies in the Probation Department, there has not been a documented review of the Chief



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **PROBATION DEPARTMENT- HOW IS IT FUNCTIONING?**

Probation Officer during the eight months that the Chief Probation Officer has served. It was also found that the County has no written policy for probationary period reviews of newly hired department heads.

Findings

F1 The Grand Jury finds that the Board of Supervisors, in assuming the oversight role of a County Administrative Officer, is ultimately responsible for the Probation Department's success or failure.

F2 The Grand Jury finds that Plumas County currently does not have a formal review policy for newly hired Department Heads.

F3 The Grand Jury finds that court reports that have significant deficiencies will negatively impact the judicial system.

F4 The Grand Jury finds that the Drug Court is a critical part of the Plumas County Judicial system.

F5 The Grand Jury finds that having a BOS member on the PCCCP would provide help to resolve differences.

F6 The Grand Jury finds that the current status of the Daily Reporting Center and Alternative Sentencing Program within the District Attorney's office is working.

F7 The Grand Jury finds that there have been five Probation Chiefs over a six-year period which has contributed to the disruption of the Judicial system.

RECOMMENDATIONS

R1 The Grand Jury recommends, in the absence of a County Administrative Officer, the Board of Supervisors take a more active role in the training and support of the Chief Probation Officer.

R2 The Grand Jury recommends the Board of Supervisors establish a formal performance review policy for newly hired department heads.

R3 The Grand Jury recommends the Board of Supervisors see that the Probation Department staff receives report writing training to the satisfaction of the court.

R4 The Grand Jury recommends that the members of the PCCCP reconcile their differences and rewrite a new Memorandum of Understanding (MOU) for the Drug Court.



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **PROBATION DEPARTMENT- HOW IS IT FUNCTIONING?**

R5 The Grand Jury recommends the Board of Supervisors select a Board member to be the seventh member of the PCCCP.

R6 The Grand Jury recommends that the Board of Supervisors keep the Daily Reporting Center and Alternative Sentencing Program within the District Attorney's office for the next fiscal year.

REQUEST FOR RESPONSES

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

The Plumas County Board of Supervisors should respond to Findings F1 thru F7 and Recommendations R1 and R6.

INVITED RESPONSES

The presiding Judge, District Attorney and Sheriff may respond to the entire report.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **WHAT ARE THEIR JOBS** and **WHO DO THEY REPORT TO?**

SUMMARY

The citizens of Plumas County are not being given accurate job descriptions or assigned responsibilities of elected and appointed officials. This lack of accurate information creates confusion and frustration for the public, county employees and anyone seeking knowledge of the structure of Plumas County Government.

BACKGROUND

The 2016-17 Grand Jury reviewed the recommendations published in the 2015-16 Grand Jury Report and questioned the refusal of the Board of Supervisors to supply any job descriptions for elected officials. Since the County Administrative Officer position was vacated in 2012 the Board has been inconsistent when reassigning responsibilities to appointed department heads and especially elected officials.

METHODOLOGY

The Grand Jury reviewed a cross section of County job descriptions that are posted on the County web site under Human Resources. The Jury also reviewed the County Employee Handbook found on the website. Since no County Organizational Chart existed on the site one was obtained from Human Resources. Interviews were held with county officials and information was gathered from the California Attorney General's office. The Jury reviewed the web sites of seven other California Counties of similar size to Plumas County. The Jury interviewed several Board members.

DISCUSSION

In reviewing the Job descriptions on the Plumas County website under Human Resources, the Jury found many job descriptions had not been revised in up to twenty years. (Attachment A) Most included the County Administrative Officer (CAO) in the chain of command even though the position has been vacant for five years. Responsibilities that have changed in the last five years are not reflected in the job descriptions and there are no job descriptions for any elected officials. The Board, in its response to the 2015-16 Grand Jury, refused to detail job descriptions and responsibilities of elected officials stating *"The duties of elected officials are established by statute, however, and are not subject to Board-approved job descriptions."* The Board of Supervisors has made major changes to three elected official's responsibilities since 2012. If the Board has the authority to change the responsibilities of elected and appointed officials of the county, which they do as verified by the California Attorney General's Office (Attachment B), then they have the authority and responsibility to inform the public, County employees and county department heads by publishing accurate job descriptions.

The California Legislature, when addressing the unification of Sacramento County in a government code, stated *"It is further found and declared that local government must be responsive and its elected officials readily accountable to the needs of the people; it must be visible and representative in order to permit greater participation in governmental affairs by the public; and elected and appointed officials should have more clearly defined areas of responsibility and authority, so that the people may have more success in seeking action and redress from their government."* Given today's emphasis on government



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **WHAT ARE THEIR JOBS** **and** **WHO DO THEY REPORT TO?**

transparency and clarity, it is reasonable to assume this statement should apply to all government entities.

After reviewing the websites of seven other California counties of similar size the Grand Jury found all have detailed descriptions of the duties of all elected officials and many included goals of each department for the upcoming year and accomplishments of the past year.

The Plumas County Organizational Chart (Attachment C) of the department heads has not been updated in over five years. It is also not published on the website for the public and employees to reference. The list of Plumas County Officials found in the Employee Handbook under the Human Resources section of the County web site has not been updated in over five years (Attachment D). The 2016-17 Plumas County Budget published in October of 2016 lists County officials (Attachment E). That list incorrectly named the Human Resources Director. There have been three changes in that position since that Director retired ten months earlier.

FINDINGS

F1. The Grand Jury finds there is no up to date or accurate County Organizational Chart of department heads.

F2. The Grand Jury finds the Board of Supervisor's refusal to supply accurate up to date job descriptions of all elected officials is a decision not based in law, statute or county ordinance.

F3. The Grand Jury finds the current job description information available to the public is misleading and inaccurate.

F4. The Grand Jury finds the current lack of accurate job descriptions hinders the public from having success in seeking action and redress from Plumas County government.

RECOMMENDATIONS

R1. The Grand Jury recommends the Board of Supervisors direct the Human Resources Director to establish and maintain an accurate County Organizational Chart and post it on the County website.

R2. The Grand Jury recommends the Board of Supervisors create, maintain and publish accurate job descriptions and responsibilities for all Plumas County officials, including all elected and appointed positions.



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **WHAT ARE THEIR JOBS**
and
WHO DO THEY REPORT TO?

REQUEST FOR RESPONSES

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

The Plumas County Board of Supervisors should respond to Findings F1 thru F4 and Recommendations R1 and R2.

INVITED RESPONSES

The presiding Judge may respond to the entire report.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

ATTACHMENT- A**Plumas County Job Descriptions**

As of 5/31/17

POSITION	LAST REVISED	REPORTS TO
AG Commissioner	November 1996	CAO
Director of Building Services	November 2007	CAO
Dir. of Child Support Services	March 2001	CAO
Clerk of the Board	No Description	
County Counsel	November 1995	Board
Director of Facility Services	November 2007	CAO
County Fair Manager	November 1995	CAO & Fair Board
Human Resources Director	July 1999	CAO
County Librarian	November 1995	CAO
Mental Health Director	March 2001	CAO
Behavioral Health	May 2015	CAO
Museum	November 1995	CAO
Emergency Services Director	November 1995	CAO
Planning Director	June 2000	CAO
Chief Probation Officer	April 2014	CAO
*Public Health Director	January 2005	CAO
*Director of Public Health	January 2013	Board
Dir. of Public Works	January 2006	CAO
Social Services Pub. Guardian	November 1995	CAO
Animal Services Supervisor	August 1999	CAO

**duplicate jobs*

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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April 10, 2017

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Attachment 8

Via email only

[REDACTED]
Plumas County Grand Jury
Committee Chair
[REDACTED]

RE: Plumas County Grand Jury Request for Advice

Dear [REDACTED]

I want to expand a bit on what I told you by phone Thursday.

You have asked for advice on the authority of the Board of Supervisors to change and redefine the jobs of other elected officials, specifically the County Auditor, the Sheriff, and the District Attorney.

The California Constitution requires the Legislature to provide for county powers, and further requires that the offices of Sheriff, District Attorney, Assessor, and Board of Supervisors be filled by election. (Art. XI, sec. 1(b).) The Constitution says little about the duties of these elected officers, rather their duties are defined by statute. (*See Beck v. County of Santa Clara* (1988) 204 Cal.App.3d 789, 796 [regarding the position of sheriff “the constitutional provisions do not describe, much less cast in bronze, the duties of the office.”])

The Legislature, acting pursuant to its constitutional authority, has given boards of supervisors broad power organize the delivery of county services, “except those duties and responsibilities of other elected county officials mandated by the California Constitution or by statute.” (Gov’t Code § 24308.) Thus I think a good summary of California law on the division of duties within a county is this: A board of supervisors has much discretion in assigning duties except as to duties assigned by the Constitution or by statute to other officials.

The Government Code offers a brief description of the duties of the three elected county officials about whom you ask. (*See Gov’t Code §§ 26500-26509 [District Attorney], §§ 26600-26778 [Sheriff], §§ 27421-27423 [Assessor].*) None of these statutes appear to prohibit the

April 10, 2017
Page 2

transfers of duties you ask about. Thus I believe that it was within the Board's authority to make the transfers.

You also ask whether an elected official's responsibilities can be changed during his or her term of office. As a general rule, responsibilities can be changed during an elected official's term of office. (*Anderson v. Superior Court* (1995) 11 Cal.4th 1152, 1160 ("There is no authority for the broad proposition that duties assigned at election to any given office are unalterably vested in that elected official until the expiration of his or her term.")) Again, in the absence of a constitutional provision or statute to the contrary, this is an area where Board of Supervisors appears to have much discretion.

Do not hesitate to call if you have questions.

Sincerely,

George Waters

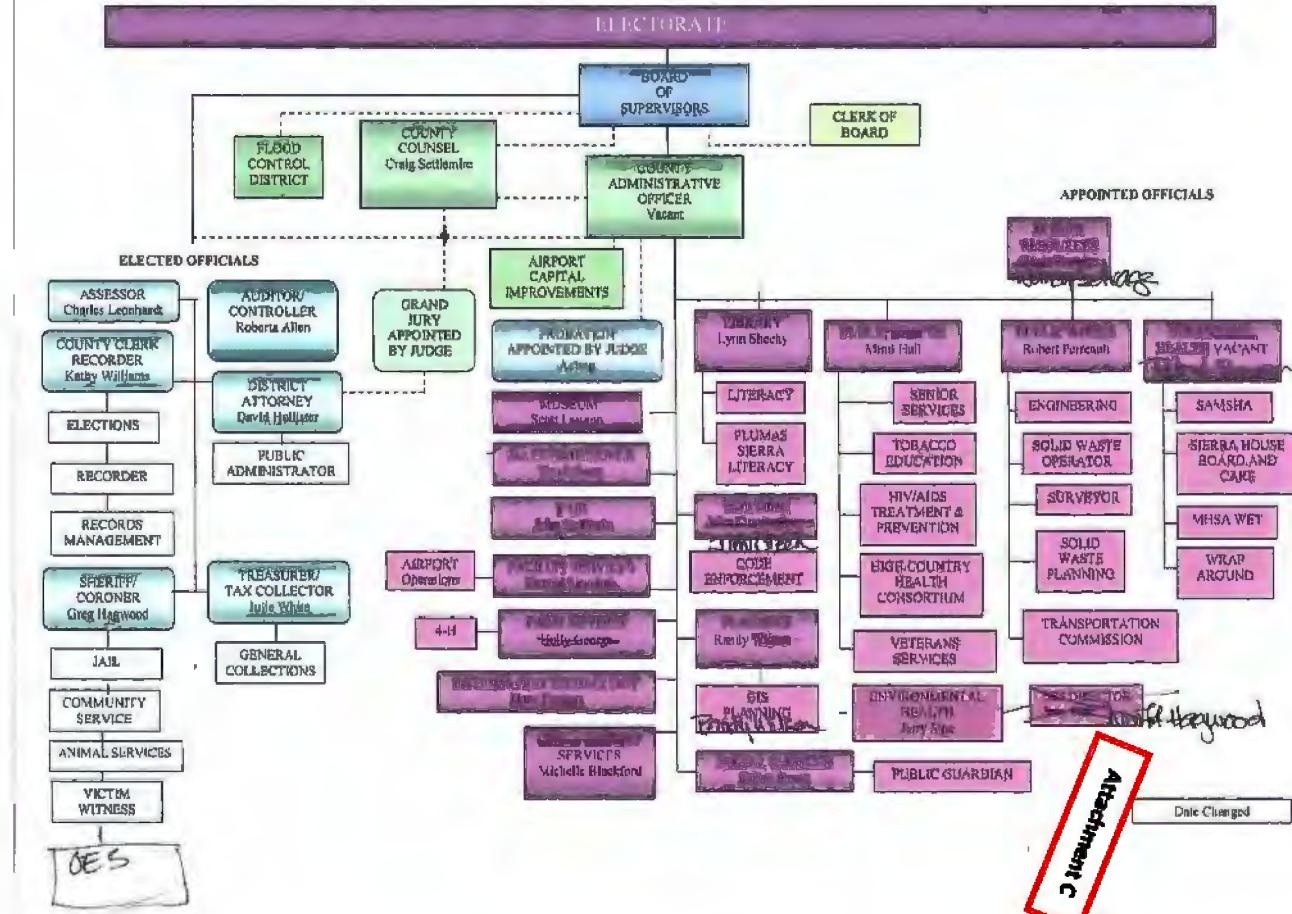
GEORGE WATERS
Deputy Attorney General

For **XAVIER BECERRA**
Attorney General

GW:

SA2017106435
12646887.doc

PLUMAS COUNTY ORGANIZATIONAL CHART



Attachment D

**PLUMAS COUNTY ELECTED OFFICIALS
AND DEPARTMENT HEADS**

Administrative Officer , Jack Ingstad 520 Main St. Room 309, Quincy	283-6315
Agricultural Commissioner , Karl Bishop 208 Fairgrounds Rd., Quincy	283-6273
Alcohol & Drug , John Banks 711 E. Main Street, Quincy	283-6316
Assessor , Chuck Leonhardt 555 Main St., Quincy	283-6380
Auditor-Controller , 520 Main St. Room 205, Quincy	283-6246
Board of Supervisors , Nancy Da Forno, 520 Main St. Room 309, Quincy	283-6170
County Clerk/Recorder , Kathy Williams 520 Main St. Room 102, Quincy	283-6218
County Counsel , Barbara Thompson 520 Main St. Room 302, Quincy	283-6240
District Attorney , Jeff Cunan 520 Main St. Room 404, Quincy	283-6303
Facility Services , Sid Roberts 198 Plumas Ave., Quincy	283-6299
Fair Manager , David Cline 204 Fairgrounds Rd., Quincy	283-6272
Health Department , Henry Foley, M.D. 1446 E. Main St., Quincy	283-6337

COUNTY OF PLUMAS
County Officials

Attachment E

ELECTED OFFICIALS

Supervisor, District 1	Terry Swofford
Supervisor, District 2	Kevin Goss
Supervisor, District 3	Sherrie Thrall
Supervisor, District 4	Lori Simpson
Supervisor, District 5	Jeff Engel

Assessor	Charles Leonhardt
Auditor/Controller	Roberta Allen
Clerk/Recorder	Kathleen Williams
District Attorney and Public Administrator	David Hollister
Sheriff/Coroner	Greg Hagwood
Treasurer/Tax Collector/Collections	Julie White

DEPARTMENT DIRECTORS/ADMINISTRATORS

Administrative Officer, General Services	Vacant
Agricultural Commissioner/Sealer of Weights & Measure/Animal Control	Tim Gibson
Building	Jim Green
Child Support Services	Michelle Blackford
Clerk of the Board of Supervisors	Nancy Daforno
County Counsel	Craig Settemire
Environmental Health Director	Jerry Sipe
Facility Services	Donald Sawehuck
Fair	John Stellanic
Farm Advisor	Holly George
Human Resources	Gayla Trumbo
Information Technology	Dave Preston
Librarian (Acting)	Lynn Sheehy
Mental Health (Interim)	Peter Livingston
Museum	Scott Lawson
Office of Emergency Services	Jerry Sipe
Planning	Randall Wilson
Probation	Erin Metcalf
Public Health/Veteran's Service	Mimi Hall
Public Works	Robert Perreault
Social Services and Public Guardian	Elliott Smart



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report – **BOARD OF SUPERVISORS NEEDS TO TAKE GRAND JURY SERIOUSLY**

SUMMARY

The 2016-17 Grand Jury gave the Board of Supervisors two opportunities to correct violations in their responses to the 2015-16 Grand Jury report. Both times they failed to follow the California Penal Code.

BACKGROUND

June 30 2016, the 2015-16 Grand Jury submitted its report to the Superior Court, the Board of Supervisors, the Sheriff and applicable department heads. A copy of California Penal Code 933 and 933.05 was attached, as required, and referenced in the report. The Board responded in 90 days as required by law. The 2016-17 Grand Jury reviewed the responses for Compliance, Responsiveness and Implementation. This review process is not required by law but it is strongly recommended by the California Grand Jury Association. The Grand Jury's monitoring of responses can be divided into these three levels:

Compliance is a simple determination that the response met the legal requirements of PC 933 and PC933.05 with respect to the timeliness of the response and the mandated format and content.

Responsiveness is a determination that the response reflected that the entity understood the issues in the report and responded accordingly. The response must be clear and not evasive.

Implementation is a determination as to whether the official or entity did as it stated it would do in its response.

When the response fails any of these tests the Jury may request that the Court insist on a legal response or the Jury may conduct a new investigation and publish a follow-up report that will focus additional attention on the topic and the public agency that failed to meet the timeline or comply with the legally mandated response format and content.

METHODOLOGY

The Grand Jury reviewed:

- The Board of Supervisor's initial response to the 2015-16 Grand Jury Report.
- The Board of Supervisor's supplemental response to the 2015-16 Grand Jury Report
- The April 4th letter to the Court from the Board of Supervisor's
- Minutes of the Board of Supervisor meetings
- California Penal Code 933 and 933.05

The Grand Jury met with:

- The County Counsel



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2016-2017 Final Report – **BOARD OF SUPERVISORS NEEDS TO
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- The Superior Court
- Members of the Board of Supervisors
- The District Attorney

DISCUSSION

The Grand Jury felt that the violations of the penal code in the original response were excessive enough to seek the advice of the Court. The Jury was offered another solution by the Court which was to meet with a representative of the Board, explain our concerns and offer the Board a chance to restate their responses in the format mandated by the Penal Code. That meeting took place on November 9th 2016. All responses were reviewed for format and all violations noted. It was also pointed out that the Jury had concerns over the resistance of the Board to supply accurate job descriptions of both elected and appointed county officials and numerous examples were cited. (see Grand Jury Report – WHAT ARE THEIR JOBS..) At the conclusion of that meeting it was agreed the Board would rewrite and submit new responses to the Court by December 15, 2016.

On December 6, 2016 the Board met to discuss and rewrite their response. With the guidance of the County Counsel the Board restated their responses. The supplemental responses were submitted to the Court and the Grand Jury. Again the Jury reviewed the responses and found twelve responses that did not meet the Penal Code requirements.

The Code requires the entity to select one of four possible responses to satisfy PC 933.05(b)

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

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



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report – **BOARD OF SUPERVISORS NEEDS TO
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In the original response to the Jury the phrase *“This recommendation has not yet been implemented, but will be implemented in the future”* was stated sixteen times. This response would have met 933.05 if a timeframe had been included but it wasn’t.

In the supplemental response to the Court the phrase *“It is expected the recommendation will be implemented by the end of the Fiscal Year 2016-17”* was stated twelve times. That response, by including the phrase “It is expected”, does not meet the standard of 933.05.

The Penal Code is clear and is referenced in every Grand Jury report. A copy of the Code is attached to every Grand Jury report every year. The Board of Supervisors quoted parts of the Code in some of their responses but ignored the Code in many other responses.

The County Counsel is the lawyer for the Board of Supervisors and was involved in writing the response to the Grand Jury Report. In a meeting with the County Counsel the Grand Jury was told that a conflict of interest existed and it was recommended the Grand Jury contact the Court or the District Attorney for advice. The District Attorney suggested the Grand Jury meet with two members of the Board to work out a resolution. That meeting took place on March 9th 2017 with the District Attorney, four members of the Grand Jury and two members of the Board of Supervisors present.

At that meeting the Grand Jury reviewed the supplemental responses and reiterated the concern for the vague timeframe and the fact that it did not meet the standard set forth in PC 933.05. The Jury felt it was in uncharted waters. To ask for another response or to have the Court step in would be an embarrassment to the Board, the Jury, the Court and confusing to the public. After discussing all the issues the Jury committee suggested, not demanded, the Board respond by letter to the Court with responses that adhered to the Penal Code. The Board members were again given a copy of Penal Code 933.05. As an example the Jury proffered a sample letter (attachment A) with the preface that it was only an example and in no way was the Jury telling them what to write. The immediate response was *“do I have to sign this”*. The Jury emphasized again it was only an example. That exchange was followed by an explanation from the District Attorney that it was only an example of how to possibly respond and follow the Penal Code.

It was again explained that they could rewrite, edit or do whatever with the letter; it was only an example that the Jury felt would possibly satisfy the Court. The District Attorney felt that the Board could decide on its next move and take action within two weeks.

The Board met on April 4, 2017 to approve and authorize the Chair to sign a letter to the Court. The Jury after receiving a copy of the letter (Attachment B) concluded that the letter did



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nothing to correct the violations to the Penal Code nor did it in any way explain any actions taken or offer a legitimate time frame for completion that would in any way satisfy the Code. The letter misstated their own supplemental response by leaving out the exact words the Jury had objected to multiple times, *“It is expected”*. The twelve supplemental responses stated *“It is expected the Recommendation will be implemented by the end of the Fiscal Year 2016-2017”*. The letter to the Court did not correct the Supplemental Response. The responses are still standing as “it is expected” and is in direct conflict with the Penal Code.

The Board’s letter and the discussion at the Board meeting of April 4, 2017 also stated that the Jury *“directed”* “the Board have monthly town hall meetings in their districts which is a misrepresentation of the recommendation made at the meeting and in the sample letter. If the full Board had the opportunity to read the sample letter they would have seen in the third paragraph *“We are encouraging each Board member to hold monthly town hall meetings in their own district”* “not directing or insisting.

The conclusion of the Jury is the Board of Supervisor’s responses repeatedly failed to meet the Compliance Standard by not following the mandated format and content detailed in Penal Code 933.05. The Board of Supervisor’s responses failed to meet the Responsiveness standard by being evasive in the letter to the Court and by not stating their full supplemental response. The Board of Supervisor’s responses failed to meet the Implementation standard in its letter to the Court by not stating any action it *“Expected”* to accomplish by the end of the fiscal year. The Board of Supervisors failed to meet the Implementation standard by delaying the implementation of recommendations for an indefinite period.

FINDINGS

F1. The Grand Jury finds that some of the members of the Board of Supervisors were not presented with all the facts prior to voting on their letter to the Court.

F2. The Grand Jury finds the Board of Supervisors do not have knowledge of the responsibilities of the Grand Jury or Penal Codes 933 and 933.05.

F3. The Grand Jury finds the Board of Supervisors did not legally respond to the recommendations listed in 2015/2016 Report.

RECOMMENDATIONS

R1. The Grand Jury recommends the sitting Board of Supervisors becomes knowledgeable in the responsibilities and duties of the Grand Jury.



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TAKE GRAND JURY SERIOUSLY**

R2. The Grand Jury recommends that prior to voting on any issue all documents, codes, and laws concerning that issue be presented to the full Board.

R3. The Grand Jury recommends that the Board of Supervisors legally respond to the recommendations in the 2015/2016 Report.

R4. The Grand Jury recommends that the Board of Supervisors follow Penal Code 933 and 933.05 prior to responding to all future Grand Jury recommendations.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand Jury requests responses as follows:

The Plumas County Board of Supervisors shall respond to Findings F1 thru F3 and Recommendations R1 and R4.

INVITED RESPONSES

The presiding Judge may respond to the entire report.

The District Attorney may respond to the entire report.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

ATTACHMENT - A

Judge Hilde

As the newly elected Chair of the Plumas County Board of Supervisors I have urged the Board to take immediate action on the recommendations of the 2015-16 Grand Jury. The Board has agreed to the following action.

We have instructed Human Resources to update all county job descriptions and see that they are consistent in their format. Human Resources will also re –do the county Organizational Chart to reflect the current organizational structure of the county, post it on the web. They will be posted on the county web site and updated with each future change. Human Resources will also query all county codes and ordinances to locate all references to the CAO. We will work with the County Council to edit where possible and change if necessary so as to reflect the current assignment of those jobs or responsibilities. These actions are long overdue and this plan of action will clarify the chain of command and give the citizens of Plumas County a clearer picture of their county government.

The Board has created a committee of two Board members to create a more formal method of passing on Board activities and projects to new members and also work on a method for a past Chairperson to hand off information and projects in progress to the incoming Chair. The objective will be to make it as smooth as possible for the incoming executive to come up to speed. We are also encouraging each Board member to hold monthly town hall meetings in their own district. This will allow the Board member and the public the opportunity to interact and exchange ideas, information and needs.

And, after five years it is time to bring back the position of CAO. The Board will work with Human Resources, key department heads, and CSAC to create a job description that fits the needs of Plumas County government. This will be completed within 90 days. Our intent is to establish a true cost to bring in a new county executive and fund that position in the next county budget.

The Grand Jury also made a number of recommendations regarding safety issues at Animal Services. We do not want county employees or the public having contact with county inmates vetted or not. We have asked the Sheriff submit a plan to address those issues and we will work with the Sheriff on all budget requirements to make Animal Services a safe work environment.

BOARD OF SUPERVISORS

MICHAEL SANCHEZ, DISTRICT 1
KEVIN GOSS, DISTRICT 2
SHARON THRALL, DISTRICT 3
LORI SIMPSON, DISTRICT 4
JEFF ENGEL, DISTRICT 5

April 4, 2017



Attachment 8

Honorable Janet Hilde
Presiding Judge
Plumas County Superior Court

Dear Judge Hilde,

The Plumas County Board of Supervisors has responded to the 2015-2016 Plumas County Grand Jury Report by a letter to you dated September 29, 2016.

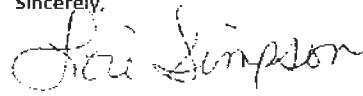
The 2016-2017 Plumas County Grand Jury members were not satisfied with our responses in regards to timeframes for further study and implementation. Following a conversation with a few members of the Grand Jury, the Chair of the Board, Sherrie Thrall placed the matter on the agenda of December 13, 2016 for discussion in an open forum. A few members of the 2015-2016 and the 2016-2017 grand juries attended this public session. The Board with myself as Vice Chair sitting in for Board Chair Sherrie Thrall went through each finding and recommendation where we indicated in our initial response either 1) a need for further study, or 2) that it will be implemented at a future date. If the recommendation has already been implemented, we amended our response to so indicate. In some situations we changed our response to indicate the recommendation will not be further studied or implemented. Where we still intend to implement a recommendation, we often changed our response to state the recommendation will be implemented by the "end of the current fiscal year." The "end of the current fiscal year" is the same as stating "by June 30, 2017." We submitted an amended and supplemental response to the 2015-2016 Plumas County Grand Jury Final Report in a letter to you dated December 13, 2016, after that open session with the Grand Jury whose members at that time voiced no objections to our open dialogue about our amended responses at that December meeting.

On March 9th, Past Chair Supervisor Thrall and past Vice Chair myself were summoned to meet with a small committee of current Grand Jury members to again address the BOS responses the 2015-2016 Grand Jury report. We were told that stating, "by the end of the current fiscal year" is not an appropriate response. At that time, we were also presented with specific examples of items that needed to be "fixed" like county organizational charts, job description updates for department heads, and specific information on our county webpage. At this meeting both Supervisor Thrall and myself agreed that these items would be corrected and some were already in process. We disagreed on some of the directives that were told we needed to do by the Grand Jury as we explained the roles of Chair and Vice Chair of the Board and the discretion of the individual board members to hold town hall meetings as they see fit.

Upon further consideration, we believe the approach of the 2016-2017 Grand Jury in seeking corrections or further responses to the Board's response to the 2015-2016 Grand Jury Report is irregular, and not contemplated by Penal Code section 933.05. That section requires that responses be provided to the presiding judge of the superior court, not to the successor grand jury. It would appear to follow that if the response was missing or inadequate, that would be a matter for the presiding superior court judge to address, not the successor grand jury. Nor is it a matter to be addressed by the grand jury making the report, since once their report is issued that grand jury's service is at an end. We recognize, of course, that a future grand jury can conduct its own investigation of matters reported on by a prior grand jury and report on the progress (or lack of progress) on Board's intentions to implement the recommendations of a prior grand jury. To that end, we are available to the successor grand jury, including meeting as the full Board of Supervisors with the full panel of the current grand jury in closed session as provided in the Brown Act at Government Code section 54953.1.

The members of the Plumas County Board of Supervisors feel that we have fulfilled our responsibility in responding to the 2015-2016 Grand Jury Report and we are in the process of implementing recommendations.

Sincerely,



Lori Simpson, Chair
Plumas County Board of Supervisors



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **PENINSULA FIRE DISTRICT**

SUMMARY

The Peninsula Fire District (PFD) receives a positive review from the Grand Jury. The Grand Jury selected the Hamilton Branch of the Peninsula Fire District for a safety review as part of the 2016-17 Grand Jury Report. The Grand Jury found that the Peninsula Fire District is effectively providing quality service to its customers and to the employees who make up the Fire District. One recommendation was made, regarding counseling programs for Post Traumatic Stress Disorder (PTSD).

BACKGROUND

The Grand Jury selected the PFD main station (Hamilton Branch Fire Station) for review since the PFD had not been reviewed in over seven years.

METHODOLOGY

The review was focused on training, safety, and general welfare of all personnel associated with the Fire District. The Grand Jury made three trips to do personnel interviews, inspect facilities and equipment. The Jury reviewed documents including safety meeting agendas, meeting attendance records and vehicle maintenance inspections.

The Grand Jury interviewed two full time firefighters, one volunteer fire fighter, an Assistant Captain, two of the District Captains as well as the Fire Chief. All the interviews were held at the Peninsula District Hamilton Branch Fire house. Visits were made to the Hamilton Branch Fire station to inspect equipment, vehicles, and the EMT vehicle.

The Grand Jury reviewed the following documents from the Peninsula Fire District:

- The Administrative Assistant Evaluation Form
- The Final Budgets for 2012-2013, 2013-2014, 2014-2015, and 2015-2016
- The Safety Training Records for 2014, 2015, 2016
- The Performance Appraisal Form for Firefighters / Engineers / Captains
- The form used to evaluate the Fire Chief
- Vehicle inspection documents
- The contract for personal use of PFD vehicle
- The Grand Jury also reviewed the Plumas County Fire Association web site and the PFD web site.

DISCUSSION

Safety, whether it is personal training, vehicle and building maintenance as well as morale, are all areas the Peninsula Fire District takes very seriously. During the three visits to the District the Grand Jury paid particular attention to process and procedures exercised by the district staff and focused on all areas that might affect the safety of the fire fighters. Vehicle maintenance procedures were reviewed along with an inspection of vehicle supplies (i.e. Respirators, rehydration supplies, and personal safety equipment). The PFD conducts equipment, vehicle and safety inspections which are fully documented daily, weekly and monthly.

The PFD has processes and procedures for replacing of safety equipment, filing and responding to personnel complaints, and dealing with employee Post Traumatic Stress Disorder (PTSD). The Grand Jury



PLUMAS COUNTY GRAND JURY

2016-2017 Final Report - **PENINSULA FIRE DISTRICT**

did find that the telephone number posted on the firehouse wall for fire fighters and first responders to deal with possible PTSD is not valid.

The PFD has a contract agreement in place with the current Chief that allows use of the district vehicle due to the need for his quick response time, since he is on call 24 hours a day and 7 days a week.

FINDINGS

F1. The Grand Jury finds that the Peninsula Fire District is effectively providing quality management of its fire fighters, volunteers and employees who make up the Fire District.

F2. The Grand Jury finds the PFD is safety conscious and has proper processes and procedures in place to insure the safety of its firefighters and staff.

F3. The Grand Jury found the PFD vehicles are properly supplied with rehydration supplies and safety equipment.

F4. The Grand Jury finds the PFD has a documented process for handling employee complaints.

F5. The Grand Jury finds that the PFD posted phone number for PTSD referral is incorrect.

RECOMMENDATIONS

R1. The Grand Jury recommends the PFD correct the posted PTSD referral phone number and notify staff of the correction.

REQUEST FOR RESPONSES

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

PFD Fire Chief should respond to Findings F1 thru F5 and Recommendation R1.

Bibliography

www.countyoffice.org/hamilton -ca.fire-departments/

<https://www.facebook.com/peninsulafire/> Hamilton Branch

[www.plumasfirechiefs.org/fire-departments.htm/](http://www.plumasfirechiefs.org/fire-departments.htm) Fire Chiefs