



2018 – 2019 Plumas County Civil Grand Jury June 3, 2019

The Honorable Douglas M. Prouty  
Presiding Judge of the Grand Jury  
Plumas County Superior Court  
Quincy, CA 95971

Re: 2018-2019 Plumas County Civil Grand Jury Consolidated Report

Dear Judge Prouty,

The 2018-2019 Plumas County Civil Grand Jury (“Civil Grand Jury”) is pleased to present the attached consolidated final report, representing the results of our efforts for the 2018-2019 jury year. This report, includes separate reports pertaining to the Portola Fire Protection District and the Plumas County Elections Department, and also includes a Continuity Report and a summary of the disposition of complaints received by the Civil Grand Jury. It should be noted that the Civil Grand Jury conducted other investigations during 2018-19, but ultimately determined not to proceed to final reports as to those matters.

The Civil Grand Jury started the year with 19 jurors and ended the year with 17 jurors. During the course of the year we had 4 jurors resign for various reasons and one of our members (Laura Shirley) passed away in September of 2018. She was a hard working member and was greatly missed by all.

This Civil Grand Jury received 12 complaints, the disposition of which is summarized in this final report. The Civil Grand Jury also toured the Plumas County Jail facility in August 2018 and decided that no report was necessary at this time.

The members of the 2018-2019 Plumas County Civil Grand Jury spent considerable time and effort conducting research, interviews, and site visits to assess the issues presented in our final report. The members of this Civil Grand Jury extend their appreciation to the City Officials of Portola, the Eastern Plumas Rural Fire Protection District and the Plumas County Departments for their cooperation and prompt responses to all Civil Grand Jury requests. The responses to the Findings and the implementation of the Civil Grand Jury’s Recommendations are now the responsibility of the various City and County offices and officials, as noted in the reports.

It has been a privilege and honor to serve on the 2018-2019 Plumas County Civil Grand Jury. I thank the jury members for their many hours of work and dedication in making these reports possible.

Respectfully,

Howard Johnson  
2018-2019 Plumas County Civil Grand Jury Foreperson

# 2018 – 2019 PLUMAS COUNTY CIVIL GRAND JURY FINAL REPORT

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## **2018 – 2019 Plumas County Civil Grand Jury Members**

Mary Arthur	Portola	District 1
Brian Waller	Portola	District 1
James Williams	Portola	District 1
Brian Marcus	Cromberg	District 2
Jon Cappleman	Twain	District 2
David Kinney	Greenville	District 2
John Blackburn	Westwood	District 3
Marshall Brautigam	Chester	District 3
Sherrie Bridgeman	Chester	District 3
Chad Wallace	Canyon Dam	District 3
David Truax	Quincy	District 4
Shannon Lawson	Quincy	District 4
Sandra Palmer	Quincy	District 4
David Battaglia	Graeagle	District 5
Howard Johnson	Blairsden	District 5
William Harvey	Graeagle	District 5
Jackson Harris	Graeagle	District 5

## **Final Report Distribution List**

The Honorable Judge Douglas M. Prouty  
The Honorable Judge Janet Hilde  
Plumas County Board of Supervisors  
Plumas County Administrator  
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 Sheriff  
Plumas County Special Districts Association  
Plumas County Superintendent of Schools  
Plumas County Department of Social Services  
Plumas County Civil Grand Jury (2018—2019)  
California Grand Jurors Association  
California State Archivist  
Smith & Newel CPA's

## **Introduction to the 2018 – 2019 Plumas County Civil Grand Jury**

The Plumas County Civil Grand Jury is composed of 19 individuals summoned at random from a much larger citizens pool. These individuals volunteer to commit a calendar year of their time to determine if county/elected officials are utilizing county and taxpayer's funds efficiently and to draw attention to county government operations that need improvement and to address selected citizen complaints within the boundaries of Plumas County and incorporated cities. Civil Grand Jury duties, powers, responsibilities, qualifications, and selection process are set forth in the California Penal Code section §888 (see appendix).

The Civil Grand Jury reviews policies, procedures and mission statements from county government agencies to determine whether they follow and achieve stated objectives. In addition, the role of the Civil Grand Jury is to evaluate the effectiveness and fiscal responsibility of the investigated agency. Other duties may include any aspect of county or city governments, special districts, service districts and joint power agencies that the Civil Grand Jury decides to investigate. The Civil Grand Jury is a watchdog body that oversees the responsible allocations of and spending of taxpayer dollars and other county funds.

It should be noted that no Civil Grand Jury member has the power to act alone. The Civil Grand Jury lawfully functions as one body. The Civil Grand Jury is a secret body. Meetings are not open to the public and all voting and decision-making is private and confidential. The Civil Grand Jury is required by law (PC §925 and §933(a)) to produce a final report.

In the following pages we present two reports that comprise the 2018–2019 Plumas County Civil Grand Jury Final Report: an Elections Report and a Portola Fire Protection and Emergency Medical Services Report. The 2018–2019 Plumas County Civil Grand Jury understands that the following report recommendations are contingent on fiscal reality. We understand that there are limited fiscal resources available in Plumas County, and that great demands are placed on these resources. We believe our recommendations are fiscally achievable, however, it is up to the Plumas County Board of Supervisors to make the final determination.

As a consequence of our investigations the Civil Grand Jury found a very dedicated county workforce, doing good work with limited resources. Our commendations to all.

So who is the 2018–2019 Plumas Civil Grand Jury? In essence we are you, concerned citizens. Consider serving, you will find the process a most rewarding experience.

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

## **2018 – 2019 Plumas County Civil Grand Jury**

### **PLUMAS COUNTY ELECTIONS: Where Your Vote Counts**

#### **SUMMARY**

On August 28, 2018, the Plumas County Elections Division, operating under the purview of the County Clerk-Recorder's Office (the "Elections Division"), sent an invitation to the 2018-2019 Plumas County Civil Grand Jury ("Civil Grand Jury") to view multiple steps in the vote by mail process for the November 6, 2018 election, as contemplated by Section 15104 of the State of California Elections Code (the "Elections Code").<sup>1</sup> Members of the Civil Grand Jury attended each of the processes, which included logic and accuracy testing of the optical scan and TSx balloting system, processing of the mail ballots and canvass of the votes cast. Considering the importance of this function, particularly in a general election year, the Civil Grand Jury also opted to proceed with an official investigation for the annual 2018-2019 Civil Grand Jury report.

The investigation included a review of manuals and written documentation, observation of each of the steps in the process, review of the Elections Code, and interviews of selected Elections Division full-time and part-time employees.

The Civil Grand Jury found no apparent irregularities in connection with the November 6, 2018 elections and issued no challenges under Elections Code §15104. It observed that the Elections Division works diligently and effectively, and that its personnel are well-trained and knowledgeable as to the numerous requirements of the Elections Code governing the conduct of elections within the County. They provide a high level of service to the voters of Plumas County, which in some cases seems to go beyond the minimum requirements of the Elections Code and the guidance issued by the California Secretary of State ("SOS").<sup>2</sup> Nevertheless, the Civil Grand Jury noted that the Elections Division is operating with dated equipment, below-mandated staffing, and without a well-organized set of written procedures that would help ensure continuation of a high level of service in the event that the Elections Division loses one or more of its key employees. However, the fact that Plumas County does not utilize polling locations and relies completely on mail-in ballots (under Section 3005 of the Elections Code) does simplify the Elections Division's responsibilities considerably. The Elections Division should, however, confirm with County Counsel ongoing compliance with Section 3005.

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<sup>1</sup> Elections Code §15104 provides that the county grand jury may (but is not required to) observe and challenge the manner in which vote by mail ballots are handled.

<sup>2</sup> For example, during one of our observations, we observed a group of young adults from a local high school in Plumas County observing the elections process and being educated on the right to vote. The young adults were being encouraged to pre-register to vote. – In California, people aged 16 years can pre-register to vote and once they turn 18, they will receive voting materials and ballots automatically. All residents of Plumas County are encouraged to attend any of the processes open for viewing and the Elections Division posts important dates on their website in advance of the process – <http://www.countyofplumas.com/index.aspx?NID=142>

## BACKGROUND

In June 2016, Plumas County went to an all vote by mail process for all elections, proceeding under Elections Code Section 3005, and has conducted all federal, state and local elections since then without the use of polling places.<sup>3</sup> In 2014, nearly 70% of California voted by mail.<sup>4</sup> Even counties that are not vote by mail had seen a steady increase in the number of voters requesting absentee ballots. The use of mail-in ballots is driven by a multitude of reasons, including cost savings, convenience to the voter, wishes of the public, and topography and distance. In rugged, rural counties with scattered pockets of population, such as Plumas County, maintaining convenient, well-staffed walk-in precincts can be difficult and expensive.

## METHODOLOGY

Information for this report is based on:

- **Observation** - The Civil Grand Jury attended several steps of the election process including testing of machines, counting of the ballots, ballot duplication, and final canvass of votes cast;
- **Interviews** with current full-time and part-time employees of the County Clerk-Recorder's Office/Elections Division;
- **Review** of requested documentation for the County Clerk-Recorder/Elections office including manuals, and
- **Research** on the Elections Code and on historical election practices in California and Plumas County.

## DISCUSSION

### Final Canvass

In November 2018 members of the Civil Grand Jury observed the canvass of votes cast process. This is a hand count auditing process done by precinct to confirm the accuracy of the machine vote counting process in Plumas County. The Elections Code (§15360) requires a manual tally of 1% for each ballot type. Plumas County Elections officials perform this tally in the following manner. All the ballots for a precinct are placed on a table in a secure room where four panelists are seated. One panelist will read the votes out loud, another panelist has to confirm what the first panelist read was correct. Then the two remaining panelists count the votes that were read. After every ten ballots the count is confirmed between those two panelists. If there is a discrepancy, they start over with that set of ten ballots.

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<sup>3</sup> §3005 provides in relevant part as follows: "Whenever, on the 88<sup>th</sup> day before the election, there are 250 or less persons registered to vote in any precinct, the elections officer may furnish each voter with a vote by mail ballot along with a statement that there will be no voting place for the election." Elections Code §3005(a). The Civil Grand Jury understands that, beginning in 2020, Plumas County will be able to conduct mail-only ballot elections under the auspices of Elections Code §4005, which does not mandate a limit on the number of registered voters in each precinct, but does include certain qualitative conditions or requirements. *See* Elections Code §4005.

<sup>4</sup> *See* internet article at <http://capitolweekly.net/voter-by-mail-counties-option/>

Plumas County Election officials performed a tally on 100% of the ballots cast in the November 6, 2018 California General Election. In accordance with Elections Code requirements, such tallies are open to the public. This tally process is done prior to the completion of the official final count.

The official final count for the November 2018 election was then certified by the Plumas County Board of Supervisors. The November 6, 2018 California general election had a statewide average voter turnout of 64%, which was the highest voter turnout for a midterm election since 1982. However, Plumas County's voter turnout exceeded the State average by over 10 percentage points.<sup>5</sup>

The Civil Grand Jury had follow-up questions for the Elections Division regarding how the Division ensured that all submitted ballots were processed, and how discrepancies were handled for the November 6, 2018 election. Registered voters who advised the Elections Division that they did not receive their ballots were told to come into the Elections Office where their information was updated, and they were provided provisional ballots. There were 30 instances of this, all of which were reportedly remedied, with all 30 ballots being counted. 75 ballots were returned as undeliverable. A new voter registration card was sent to any voter if there was a new address provided by the United States Postal Service. 17 voters were sent notices because their signatures were not included on the ballot envelope, and 15 voters were sent notices that their signatures did not match. These voters were notified in writing to come into the elections office to rectify the problem and their ballot could then be counted. They did not respond. Those 32 ballots were not counted.

### **Register / Pre-register to Vote**

Citizens can register to vote any time up to 11:59:59 pm Pacific time on the 15<sup>th</sup> calendar day before the upcoming election. Citizens aged 16 or 17 years may pre-register to vote, although they may not actually vote until they turn 18. Such pre-registered voters will automatically be registered to vote on their 18<sup>th</sup> birthday. As of the November 6, 2018 election, Plumas County had 28 pre-registered voters.

### **Vote by Mail Procedures**

As noted above, all Plumas County elections are conducted solely on a vote by mail basis. Plumas County registered voters, based on geography, are broken up into 203 precincts. 194 precincts have registered voters and nine precincts do not currently have registered voters living within those boundaries. These precincts are administratively grouped into 29 reporting districts for reporting to the Secretary of State.

In order for Plumas County to qualify to run each election as vote by mail under Elections Code Section 3005, each precinct must have 250 or fewer registered voters by the 88<sup>th</sup> day prior to the election. If a precinct exceeded 250 registered voters as of such date, then the Elections Division

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<sup>5</sup> See Appendix to this Report for a comparison of voter turn-out in the County and State for recent years.

would be required to set up a polling place for that individual precinct. The Elections Division made an initial determination in or about 2016 that this numerical condition was met for each precinct. It did not confer with County Counsel in so doing. The Division reports that it has periodically reconfirmed eligibility under this requirement since 2016.<sup>6</sup>

After a voter receives his or her ballot in the mail, the voter marks his or her ballot and puts it in the provided, stamped envelope. The ballot may be mailed or dropped off at specified drop boxes throughout the County or the County Clerk-Recorder's office at the Courthouse. Voters may also designate someone to drop off their ballots, but the voters must fill out the authorization section on the outside of the ballot and the designated person cannot be paid for their services.<sup>7</sup>

Once the ballot is received by the Elections Division, the signature on the ballot is compared with the signature on your voter registration card. To preserve the secrecy of the ballot, the ballot is separated from the envelope and tallied. All ballots for every election are tallied, regardless of the closeness of the race(s).

### **County Clerk-Recorder's Office / Elections Division Staffing and Training**

The County Clerk-Recorder's Office has many responsibilities, only one of which is to ensure integrity in the administration of fair and impartial elections. The County Clerk-Recorder's Office also oversees the County Records Management Department and the Office of the County Recorder. Accordingly, there are three Divisions within the County Clerk-Recorder's Office - the Records Division, the Recorder Division and the Elections Division. Since 1997, when the Records Management Department was created, the County Clerk-Recorder's Office has had responsibility for a wide range of duties. During better economic times and prior to technological advancements, the County Clerk-Recorder's Office carried as many as eleven employees, but now has only six authorized full-time positions. One of these positions has been unfilled since March 2018, leaving five employees working in the three different divisions. Due to the unfilled position, one employee of the Elections Division is effectively carrying two positions. It is unclear how long the vacant position will remain unfilled. It's management's view that it is unlikely to be filled in the near future, due to insufficiency of the offered salary.

The elections process must be responsive to the specifics of each election occurring during a given year and is therefore much more dynamic than what might be assumed. In addition, the SOS frequently issues updates and directives to elections officers regarding the conduct of future elections and, the Elections Code itself is complex and extensive. Accordingly, proper training of Elections Division personnel is of key importance. Clerk-Recorder employees attend training and

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<sup>6</sup> The Elections Division provided the Civil Grand Jury with a current sample printout of the precinct registered voter numbers for each County precinct. That printout showed several precincts as having total registered voters in excess of 250. However, it appears that the Division is basing its calculations on the number of active registered voters/polling place, as to which every precinct was at a level of less than 250. It is unclear to the Civil Grand Jury whether Section 3005 contemplates a count of only active registered voters that have not previously indicated a preference for vote by mail.

<sup>7</sup> See Elections Code §3017(e)

network with other Clerks and Elections officials throughout the state. Training is offered through the California Professional Election Administrator Credential program (CalPEAC). Networking and on-going continuing education also occurs through membership in the California Association of Clerk and Election Officials (CACEO). This training appears adequate, based on our interviews.

All updates, changes and other necessary information are communicated to the staff verbally and an in-house written calendar keeps all employees on target for completing important deadlines for elections activity. The Elections Division is staffed with experienced personnel and they all seem to work well together. Many of the temporary staff have worked there previously and are given a refresher course before beginning work.

### **Aged Equipment**

The Plumas County Elections Division has been using the same voting system equipment since 2001. Funding will be available through the Help America Vote Act to offset much of the cost of a new voting system. There are upcoming “ballot on demand” systems, which would potentially allow Plumas County to save on printing costs. These new systems appear to be well suited to a county like Plumas which may have to provide slightly different ballots to a number of small areas. The new systems may require more floor space than the current equipment and the election processing area is quite limited. A ballot counting machine was taken out of use in the testing phase due to it not working properly and employees’ diligence in following guidelines.<sup>8</sup>

The current voting system (hardware, software and server) will all be decertified by the Secretary of State by the end of 2019. This will require the acquisition of updated equipment and systems prior to 2020.

### **Departmental Policies and Procedures**

The Elections Code contains an extensive and detailed set of requirements to be followed by each county elections office. These legal requirements are supplemented by guidance issued periodically by the California Secretary of State. However, while these resources are detailed, there is still a need for county-specific procedures, to help ensure that county elections office personnel are aware of all that needs to be done in order to comply with State elections laws.

The Elections Code also specifically requires, at several places noted by the Civil Grand Jury, that county elections officials maintain procedures to address certain matters (the “Enumerated

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<sup>8</sup> Importantly, the SOS recently issued a directive, setting a deadline for counties to modernize election infrastructure, noting that “throughout California, many counties are using voting systems that are at or near their life expectancy” and stating that “the time is now for all California counties to modernize voting equipment.” SOS, AP 19:020; issued February 27, 2019. This directive appears to also include vote by mail counting machines.

Procedures").<sup>9</sup>

The Civil Grand Jury requested the Elections Division to provide copies of all internal procedure documents used by the Division. A review of these materials indicated that there was no comprehensive or amalgamated policy or procedures manual. Instead, the office appears to rely on a collection of policy and procedures, including manuals provided by hardware suppliers, office memoranda, excerpts from the Elections Code itself, handwritten notes, and manual calendars kept by office personnel.

The Elections Division does appear to have written procedures addressing the several Enumerated Procedures topics required by the Elections Code. However, it appears that in some cases these mandated procedures may have been generated when prompted by the inquiry of the Civil Grand Jury. It also appears that there is no written procedure addressing the 250 voter per precinct limit determination required by Elections Code §3005.

This collection of materials, while somewhat informal and not well-integrated, appears to have worked adequately in the past. This is perhaps largely because of the high level of training and expertise of key elections personnel currently in the Elections Division. The Civil Grand Jury is concerned, however, as to the adequacy of this material in the event that one or more of the Elections Division's key personnel should depart the Division or otherwise be unavailable, particularly at or about the time of an election. In such case, the Division may find itself challenged by the lack of a coherent set of internal procedures that includes a detailed table of contents or index that brings the procedures together and makes them easily researched and used in providing the needed level of services, as required by the Elections Code.

As indicated above in the discussion as to staffing, the Civil Grand Jury notes and appreciates the fact that the Elections Division may not have adequate personnel resources at present to develop a comprehensive set of written procedures, but it should be able to derive an integrated and detailed table of contents or index, and generally organize the materials better.

## **FINDINGS**

- F1. The Elections Division is well-organized in its approach to ensuring an accurate vote count.
- F2. The County Clerk-Recorder's Office, tasked with three different and unique functions of county government, operates with a below-mandated staff augmented with part-time, as-needed employees. Currently one of the County Clerk's employees is performing duties for two positions, as a result of a non-Elections Division position in the County Clerk's Office being unfilled. This position has been unfilled since June 2018.

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<sup>9</sup> See, e.g., procedures to ensure ballot secrecy (Elections Code §3017(b)); procedures to track and confirm receipt of mail ballots (Elections Code §3017(c)); procedures designed to permit voters to learn if their ballot was accepted (Elections Code §3019.5(a)); delivery of election day duties (Elections Code §14210).

- F3. The Elections Division is doing a good job in being transparent and trying to educate and encourage voting in Plumas County.
- F4. The Elections Division has not conferred with County Counsel to confirm compliance with Elections Code Section 3005's precinct registered voter count requirement.
- F5. The Elections Division does not have a comprehensive written departmental policy and procedures manual, nor does there exist a detailed table of contents or index that unifies the various separate procedure documents and renders them readily searchable.
- F6. Current voting systems being used by the County will be decertified as of the end of 2019. There is funding available through the Help America Vote Act to match Plumas County's costs dollar to dollar up to \$206,500.00 toward replacing Plumas County's aging voting system equipment.

## **RECOMMENDATIONS**

- R1. The Civil Grand Jury recommends that the Plumas County Elections establish a written departmental policy and procedures manual, or at a minimum develop a fully integrated table of contents or index to facilitate efficient usage of the various procedures. Such manual should include procedures confirming that the quantitative limit set out in Elections Code §3005 is satisfied in connection with each election. It is also recommended that the Elections Division confirm with County Counsel or other appropriate counsel compliance with Elections Code Section 3005.
- R2. The Civil Grand Jury recommends that the Elections Division seek, the County Administrator consider recommending, and the Board of Supervisors deliberate and consider approving, funding for the purchase and installation of new voting system equipment and software in order to comply with AP 19:020.
- R3. The Civil Grand Jury recommends that the County Administrator inquire into why the vacant position in the County Clerk's Office remains unfilled and that findings be reported to the County Board of Supervisors for consideration of further action.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses as follows:  
From the following individuals/governing bodies:

- County Clerk-Recorder's Office / Plumas County Elections Division (F1- F6, R1-R3)
- The County Board of Supervisors. (R2)
- County Administrator (R2, R3)

## **INVITED RESPONSES**

The Board of Supervisors may respond to the entire report.

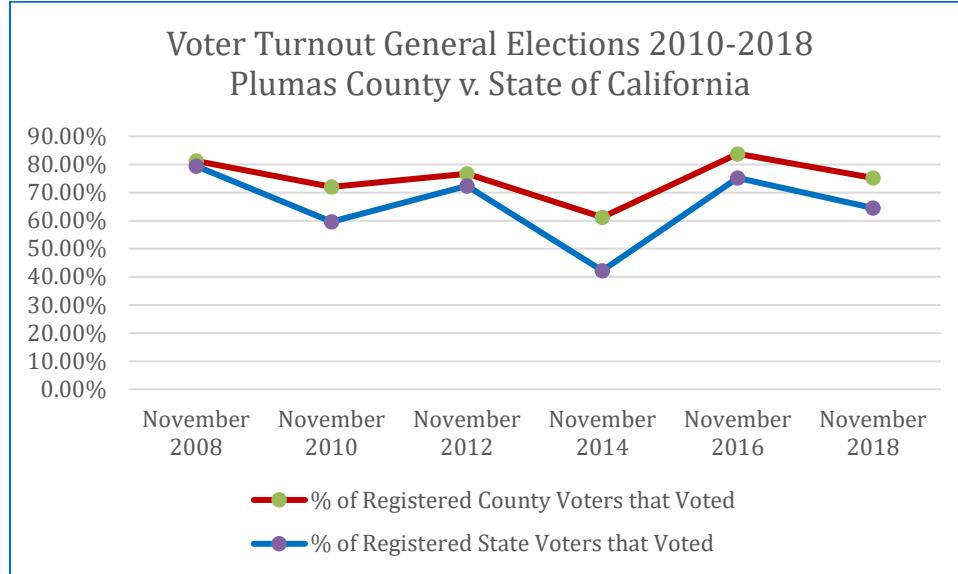
The Presiding Judge may respond to the entire report.

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

## APPENDIX

County voter turnout compared to State voter turnout for General Elections 2008-2018.

Election Date	County Registered Voters	County Total Votes	% of Registered County Voters that Voted	% of Registered State Voters that Voted
November 2018	12,480	9,390	75.24%	64.54%
November 2016	11,985	10,044	83.80%	75.27%
November 2014	11,831	7,243	61.22%	42.20%
November 2012	13,229	10,146	76.70%	72.36%
November 2010	13,055	9,395	71.96%	59.59%
November 2008	13,744	11,169	81.26%	79.42%



## **2018 – 2019 Plumas County Civil Grand Jury**

### **Portola Fire Protection and Emergency Medical Services Report**

#### **SUMMARY**

In December 2017 the City of Portola decided to stand down its Volunteer Fire Department and enter into a contract with Eastern Plumas Fire for fire and Emergency Medical Services (EMS) coverage. The 2018-2019 Plumas County Civil Grand Jury decided to investigate the current status of Portola's fire and EMS coverage. The Grand Jury also wanted to know if the City of Portola intended to try to re-establish its Volunteer Fire Department, or pursue other long-term means of offering fire and EMS coverage to the residents of Portola.

The investigation found that the City of Portola has entered into a two-year contract with the Eastern Plumas Rural Fire Protection District (Eastern Plumas Rural Fire) to provide fire and EMS coverage for the City of Portola. At present, the Portola City officials interviewed seem satisfied with the coverage and services the City is receiving from Eastern Plumas Rural Fire. And, Eastern Plumas Rural Fire has expressed its willingness to continue a long-term fire and EMS contract after the current contract expires on June 30, 2020.

The City of Portola officials interviewed also said they would like to try to re-establish an active Volunteer Fire Department sometime in the future. The Civil Grand Jury found that due to the difficulty in finding qualified volunteers, plus the high financial costs of supporting a volunteer fire department, this might not be Portola's best option for providing fire and EMS coverage for its residents.

Therefore, the Civil Grand Jury recommends that the City of Portola forgo its efforts to re-establish its Volunteer Fire Department and instead extend and deepen its partnering with Eastern Plumas Rural Fire with a Joint Powers Agreement.

#### **BACKGROUND**

Before October 13, 2017, the City of Portola had a functioning volunteer fire department, providing the residents of Portola and Gold Mountain fire protection and EMS coverage. With 13 volunteers, the Portola Volunteer Fire Department operated out of two fire stations (316 First Avenue and 420 Gulling Street). The Portola Volunteer Fire Department was equipped with six emergency response vehicles:

- (2) Type 1 Fire Engines
- (1) Water tender
- (1) Medical Rescue Vehicle
- (1) Type 6 Wild Land Engine
- (1) Command Vehicle (SUV)

Due to complaints and deficiencies in performance received from law enforcement and Northern California EMS, Inc. (Nor-Cal EMS) the Portola Volunteer Fire Department stopped all EMS calls on October 13, 2017. The Beckwourth Fire Protection District assumed EMS coverage for the City of Portola and the Graeagle Fire Protection District for Gold Mountain. On October 27, 2017 Eastern Plumas Rural Fire assumed EMS coverage for Portola and Gold Mountain, releasing Beckworth and Graeagle Fire Protection Districts from their interim commitments. During this time the Portola Volunteer Fire Department continued to respond to all fire calls. On December 13, 2017 the Portola City Council approved the cessation of all operations and the dissolution of the Portola Volunteer Fire Department. Eastern Plumas Rural Fire, per a Memorandum of Understanding (MOU) with the City of Portola, assumed fire and EMS coverage for the City of Portola. On July 1, 2018 the City of Portola entered into a formal, two-year contract with Eastern Plumas Rural Fire for fire and EMS coverage.

## **METHODOLOGY**

The 2018-2019 Plumas County Civil Grand Jury approached its investigation of these matters by interviewing:

- Elected and appointed City of Portola officials;
- An Eastern Plumas Rural Fire officer and a member of the Eastern Plumas Rural Fire's Board of Directors; and
- A Plumas Local Agency Formation Commission (Plumas LAFCo) staff officer.

The 2018-2019 Plumas County Civil Grand Jury also reviewed the following documents:

- The City of Portola's Volunteer Fire Department budget for the years 2014 through 2018;
- The Eastern Plumas Rural Fire's budgets for 2017 and 2018;
- The contract between the City of Portola and the Eastern Plumas Rural Fire;
- The Portola Volunteer Fire Department Standard Operating Guidelines;
- The Portola Volunteer Fire Department Policies and Procedures Manual;
- A map of the Eastern Plumas Rural Fire's response area;
- A Plumas LAFCo Memorandum dated October 15, 2018 with a subject line of *Fire Service Provision Status and Service Structure Options*; and
- A Plumas LAFCo Power Point presentation entitled *Eastern Plumas Regional Fire Service Options*, which was presented to town hall meetings in Portola and at a Gold Mountain Community Service District Board meeting.

The Civil Grand Jury also inspected the City of Portola's two fire stations and first response equipment. Additionally, there was a review of the Eastern Plumas Rural Fire's manning level and the number and type of apparatuses they deployed for fire and EMS responses.

## **DISCUSSION**

### **The Dissolution of the Portola Volunteer Fire Department**

As noted in the Background section of this report, on December 13, 2017 the Portola City Council approved the complete stand down of all Portola Volunteer Fire Department functions. This decision was the conclusion of a two-month process that began on October 10, 2017 and was instigated due to complaints and deficiencies reported by law enforcement and Nor-Cal EMS. The timeline of events that led to a complete stand down of the Portola Volunteer Fire Department is as follows:

- October 11, 2017: The Portola City Council approved the formation of an ad hoc Portola Volunteer Fire Department Management Advisory Committee. All authority over the Portola Volunteer Fire Department was assigned to the City Manager, or in absence of the City Manager, to the city's Mayor or Mayor Pro Tem.
- October 13, 2017: The Beckwourth Fire Protection District took over first responder EMS coverage for the City of Portola. The Graeagle Fire Protection District assumed EMS coverage for Gold Mountain. The Portola Volunteer Fire Department continued to respond to all fire calls.
- October 27, 2017: Eastern Plumas Rural Fire assumed EMS coverage for the City of Portola and Gold Mountain.
- December 13, 2017: The Portola City Council approved the complete stand down of the Portola Volunteer Fire Department from all fire and EMS responses.

In order for the City of Portola to ensure adequate fire and EMS coverage to its residents, the Portola City Council signed, on December 15, 2017, a 60-day MOU for fire and EMS coverage with Eastern Plumas Rural Fire. This 60-day MOU with Eastern Plumas Rural Fire was periodically renewed until a two-year contract with the City of Portola was signed and activated on July 1, 2018. This contract provides for the payment to Eastern Plumas Rural Fire of \$60,000 annually for fire and EMS coverage. The contract allows Eastern Plumas Rural Fire to use both of the City of Portola's fire stations, as well as, all operable vehicles and all useable fire and EMS equipment and supplies.

### **Plans to Re-establish the Portola Volunteer Fire Department**

The City of Portola hopes that this two-year contract will give the City enough time to recruit 12 to 15 volunteers needed to re-establish the Portola Volunteer Fire Department. These volunteers would get their necessary training and experience by volunteering with Eastern Plumas Rural Fire. To help facilitate this recruitment and the necessary training the Portola City Council adopted on March 3, 2018 a new *Portola Volunteer Fire Department Standard Operating*

*Guidelines* (SOG). This new SOG mirrors the SOG of Eastern Plumas Rural Fire. The new SOG would allow potential Portola Volunteer Fire Department volunteers who are currently volunteering with Eastern Plumas Rural Fire to train and operate under the same SOG they would be subject to as volunteer firefighters and EMS providers for the city of Portola. It is hoped that this standardization will help facilitate a smooth transition for Portola volunteers to a newly established Portola Volunteer Fire Department.

Once Portola has a sufficient number of qualified volunteers the City would attempt to hire a Fire Chief with an annual base salary of approximately \$45,000. This paid Fire Chief would then provide professional leadership in building up and managing a newly formed Portola Volunteer Fire Department.

### **Challenges in Re-establishing the Portola Volunteer Fire Department**

The City of Portola faces difficult challenges in initiating this plan. The first hurdle the City of Portola faces in re-establishing a future Volunteer Fire Department is declining volunteerism. Across the country there has been a decline in volunteers. Plumas County reflects this decline, as is evident in the cancellation of the 2018 Plumas County Fire Academy in Quincy and other County fire training events due to the lack of volunteers. It should be noted that none of Portola's previous volunteers switched over to Eastern Plumas Rural Fire when the City of Portola disbanded their Volunteer Fire Department. It should also be noted that the City of Portola and the Eastern Plumas Rural Fire officials interviewed stated they were skeptical that the City of Portola would be able to recruit enough qualified and eligible volunteers to re-establish the Portola Volunteer Fire Department.

The second obstacle the City of Portola faces in re-establishing a Volunteer Fire Department is funding. Before the City of Portola stood down their Volunteer Fire Department the Fire Department had an annual operating budget of approximately \$90,000. However, expenditures for the Fire Department during the fiscal years of 2014-2015 through 2017-2018 ranged from \$122,000 to \$343,000, for an average operating cost of \$196,644.73 per year. Revenue intake for Portola's Volunteer Fire Department during these same fiscal years ranged from \$52,000 to \$274,000, for an average Fire Department revenue flow of \$105,323.91 per year. The difference in revenue flow and operating expenditures for these four fiscal years is a deficit of \$91,320.82. The City of Portola covered the difference in expenses and revenue out of the City's General Fund and the use of grant monies for the years 2014-2015 (\$2,600.00), 2015-2016 (\$4,500.00) and 2017-2018 (\$188,981.00). According to the Portola City officials interviewed, future plans to re-establish the City's Volunteer Fire Department would have an added expense of approximately \$45,000 for a paid fire chief. The Plumas LAFCo Memorandum, dated October 15, 2018, highlights the funding challenges the City of Portola and other fire districts face:

*"Fire providers around the State have faced several challenges over the decade in providing an adequate and sustainable level of services, primarily as a result of ever-increasing costs associated with equipment, training requirements, gas, etc., combined with severely constrained funding from declining tax revenues, State tax shifts, and lack of support for new tax measures. Providers that rely heavily on volunteer firefighters and administration have been most impacted by these constraints."*

The City of Portola therefore faces an uphill battle in re-establishing its Volunteer Fire Department. Although the Civil Grand Jury did not conduct an independent assessment of performance adequacy as part of its investigation, the City officials interviewed were quite satisfied with the fire and EMS coverage they were receiving from Eastern Plumas Rural Fire. The City of Portola's current contract with Eastern Plumas Rural Fire is also a cost effective way for the City of Portola to provide fire and EMS coverage to its residents.

### **Eastern Plumas Rural Fire and the City of Portola**

The Eastern Plumas Rural Fire has approximately 20 volunteers, (the number of volunteers may fluctuate 5-10% at any given time), which include:

- (4) Emergency Medical Responders (EMR)
- (5) Emergency Medical Technicians (EMT)
- (4) Advanced Emergency Medical Technicians (AEMT)
- (1) Paramedic

Eastern Plumas Rural Fire, excluding assets acquired from Portola per their two-year contract, has 13 fire and EMS vehicles located at four stations:

- (1) Utility Truck
- (2) Type 1 Fire Engines
- (1) Type 2 Fire Engine
- (2) Type 3 Fire Engines
- (2) Type 6 fire engines
- (1) Ladder Truck
- (3) Water Tenders
- (1) Medical Rescue Vehicle

Before Eastern Plumas Rural Fire assumed both fire and EMS coverage for the City of Portola and Gold Mountain, it was responding to about 12 to 15 calls per month. Now Eastern Plumas Rural Fire is responding to approximately 45 to 50 calls per month. About ninety percent (90%) of these calls are for EMS responses. An Eastern Plumas Rural Fire officer stated that although this has put a stress on the department, they are able to handle the increased call volume. Furthermore, as Eastern Plumas Rural Fire expands its funding base due to the additional \$60,000 in annual revenue from the City of Portola and tax revenue from Gold Mountain, (a total increase in revenue of nearly 150%), it will be able to increase its fire-fighting and EMS resources.

The response area of Eastern Plumas Rural Fire, prior to the addition of Portola, encircled Portola. Furthermore, Eastern Plumas Rural Fire has six Eastern Plumas Rural Fire volunteers

who now live within the City limits of Portola. Considering that Eastern Plumas Rural Fire can now respond out of Portola's two fire stations, Eastern Plumas Rural Fire believes that it is able to provide a timely response to fire or EMS needs in Portola.

### **An Alternative Plan to Re-establishing the Portola Volunteer Fire Department**

Considering the difficulties the City of Portola faces in re-establishing its Volunteer Fire Department and their satisfaction with the coverage it is currently receiving from Eastern Plumas Rural Fire it would make sense for the City of Portola and Eastern Plumas Rural Fire to continue to build upon their working relationship. The two most timely and reasonable avenues for the City of Portola and Eastern Plumas Rural Fire to continue their partnering would be to either have Portola extend their two-year contract beyond 2020 or have Portola and Eastern Plumas Rural Fire deepen their partnership with a Joint Powers Agreement (JPA).

A continuation of the current contract between the City of Portola and Eastern Plumas Rural Fire would maintain the current status quo and offers the path of least resistance for the City of Portola to provide its residents with fire and EMS coverage.

However, the advantage of a JPA is that it would necessitate the formation of a separate decision making body that would work collaboratively with the City of Portola and Eastern Plumas Rural Fire to maximize their resources in providing fire and EMS coverage. Such a JPA collaborative effort could also include Gold Mountain, as Gold Mountain is within Eastern Plumas Rural Fire's response area. The pros and cons of a JPA are:

#### **Pros**

- Better leveraging of resources
- Elimination of duplications, such as administration
- Improved consistency on policies and practices
- Regional planning and implementation

#### **Cons**

- Does not address areas outside of Plumas LAFCo approved boundaries

The Civil Grand Jury commends the excellent working relationship the City of Portola and Eastern Plumas Rural Fire have developed in providing fire and EMS coverage for the residents of Portola. This Civil Grand Jury also commends the men and women of Eastern Plumas Rural Fire for their professionalism in assuming the additional time and effort to provide the residents of Portola with fire and EMS coverage. The City of Portola and Eastern Plumas Rural Fire have set a high standard of collaborative teamwork for Plumas County.

## **FINDINGS**

- F1. The Civil Grand Jury finds that recruiting 12 to 15 qualified volunteers to re-establish the City of Portola's Volunteer Fire Department would be a very difficult task.
- F2. The Civil Grand Jury finds that the financial cost to the City of Portola to re-establish and operate the Portola Volunteer Fire Department with a paid Fire Chief is not cost effective for the City.
- F3. The Civil Grand Jury finds that the City of Portola officials interviewed are satisfied with the fire and EMS coverage the City of Portola is currently receiving from the Eastern Plumas Rural Fire.
- F4. The Civil Grand Jury finds the Eastern Plumas Rural Fire is well equipped with personnel and equipment to provide fire and EMS coverage for the City of Portola.
- F5. The Civil Grand Jury finds that the Eastern Plumas Rural Fire is strategically located geographically to provide a timely response to fire and EMS calls in the City of Portola.
- F6. The Civil Grand Jury finds that the Eastern Plumas Rural Fire is willing to continue providing the City of Portola with contractual fire and EMS coverage once their current contract with the City of Portola expires on June 30, 2020.

## **RECOMMENDATIONS**

R1-6. The 2018-2019 Plumas County Civil Grand Jury recommends that the Portola City Council and the Board of Directors for the Eastern Plumas Rural Fire Protection District enter into a Joint Powers Agreement for mutual fire and EMS coverage when the current contract expires on June 30, 2020.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the Civil Grand Jury requests responses as follows:

From the following governing bodies:

- The Portola City Council F1-F3, and R1
- Eastern Plumas Rural Fire Protection District Board of Directors F4-F6, and R1

## **INVITED RESPONSES**

The Presiding Judge may respond to the entire report.

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

## **COMPLIANCE AND CONTINUITY REPORT: 2017 – 2018 GRAND JURY REPORT**

### **SUMMARY**

The 2018-2019 Plumas County Civil Grand Jury reviewed the responses to the three investigative reports issued by the 2017-2018 Plumas County Civil Grand Jury, to assess compliance with the California Penal Code. The complete text of these reports can be accessed at the following website:

<http://www.countyofplumas.com/index.aspx?nid=216>

The website also provides links to the responses given by the County agencies to the Findings and Recommendations contained in the reports.

### **BACKGROUND**

California Penal Code Section 933(a) requires the grand jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Governing boards or department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a grand jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)).

This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations.

Penal Code Section §933.05 states that the board or official is required to select one of four possible responses to the Recommendations (PC §933.05(b)):

- 1) The Recommendation has been implemented, with a summary of the action taken;
- 2) It will be implemented, with a timeframe for implementation being provided;
- 3) It requires further analysis, with an explanation and the scope of the analysis and a timeframe for response being provided of not more than six months from the release of the report; or
- 4) It will not be implemented because it is not warranted or is not reasonable, with an explanation being provided.

The 2017-2018 Civil Grand Jury issued the following reports in its consolidated report dated June 6, 2018:

1. Child Protective Services
2. Plumas County Animal Services
3. Jail Report

This Compliance and Continuity Report focuses on responses to the Recommendations made by the 2017-2018 Civil Grand Jury. The three reports contained ten Recommendations, which required, in total, twelve responses from three different agencies. Six responses were received within the Penal Code's specified timeframes, but six responses were not timely received. The responses that were not received on a timely basis included:

- Plumas County Board of Supervisors
  - Child Protective Services Report responses due on August 5, 2018, received on September 18, 2018. (One Recommendation)
- Plumas County Board of Supervisors
  - Plumas County Animal Services Report responses due on August 5, 2018, received on September 18, 2018. (Five Recommendations)

## **METHODOLOGY**

The 2018-2019 Civil Grand Jury evaluated responses to the 2017-2018 Civil Grand Jury Recommendations to ensure compliance with the governing sections of the Penal Code (PC §933.05(b)). The following criteria were considered:

1. If a response indicated that a Recommendation had been implemented, did it include a summary of what was done?
2. If a response indicated that a Recommendation would be implemented, did it include a summary and timeframe for what would be done?
3. If a response indicated that a Recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?
4. If a response indicated that a Recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

## **DISCUSSION**

The following tables offer a summary of the responses provided to the 2017-2018 Civil Grand Jury's three reports, as assessed by the 2018-2019 Civil Grand Jury. In some cases, the responses contained additional details that are not included in the table.

### **1. Child Protective Services**

Pursuant to a citizen's complaint, the 2017-2018 Civil Grand Jury investigated removal of a juvenile from a foster care home and whether appropriate policies and procedures were in place.

The report was issued on June 6, 2018, with responses required from the Director of Social Services and the County Board of Supervisors to the sole Recommendation. Responses were received on August 7, 2018 and September 28, 2018.

The complete responses submitted for this report appear on the Plumas County Grand Jury website at <http://www.countyofplumas.com/Archive.aspx?AMID=38>

CHILD PROTECTIVE SERVICES				
R1. The 2017-2018 Plumas County Civil Grand Jury recommends that Board of Supervisors direct the Child Protective Services to create a workable, written policy and/or procedure when a Foster Care Juvenile needs to be immediately removed from a Foster Care Home.				
Responding Agency	Recommendation	Response Date; Response Timely or Tardy?	Content responsive to PC §933.05(b)?	Summary of Reply and 2018-19 Civil Grand Jury Analysis
Social Services	R1	August 7, 2018 / Timely	Yes	Will not be implemented. Reply focused on Finding and not Recommendation. However, response did address development of policy and procedures related to placement of juveniles. Respondent disagreed with the Finding and explained the reason for disagreement. Upon further review, the Department did adopt a policy for when removal of a child was necessary.
Board of Supervisors (BOS)	R1	September 18, 2018 / Tardy	Yes	Will be implemented. BOS indicated they will direct a policy or procedure to be developed and implemented within six months.

## 2. Plumas County Animal Services

The 2017-2018 Civil Grand Jury initiated an investigation of the Plumas County Animal Services to review the security, administration, maintenance and staffing of the shelter facility.

The report was issued on June 6, 2018, with responses to five of the eight Recommendations required from the Board of Supervisors and responses to the other three Recommendations required from the Plumas County Sheriff, who oversees the Animal Services. Responses were received on August 20, 2018 and September 28, 2018.

The complete responses submitted for this report appear on the Plumas County Grand Jury website at <http://www.countyofplumas.com/Archive.aspx?AMID=38>

ANIMAL SERVICES				
R1. The 2017-2018 Plumas County Civil Grand Jury recommends the Board of Supervisors commission a cost analysis study to determine which is the most cost effective, using the crematorium for cremations or disposing of animals at a landfill.				
R2. The 2017-2018 Plumas County Civil Grand Jury recommends the Board of Supervisors to direct the County Facility Services Department to connect the Animal Shelter generator to the building. Test the emergency operation and develop operating instructions to train Shelter personnel in the use of the generator.				
R3. The 2017-2018 Plumas County Civil Grand Jury recommends that the Board of Supervisors direct the Department of Facility Services to resolve the password issue.				
R4. The 2017-2018 Plumas County Civil Grand Jury recommends that the Board of Supervisors direct the Department of Facility Services to relocate the security camera system monitor to the front desk and relocate cameras for optimum surveillance.				
R5. The 2017-2018 Plumas County Civil Grand Jury recommends the Board of Supervisors authorize funds to purchase an Animal Shelter management computer program.				
R6. The 2017-2018 Plumas County Civil Grand Jury recommends the Sheriff's Office reevaluate the benefits of the use of inmates and hire additional employees and/or enlist volunteers to assist in the operation of the Animal Shelter.				
R7. The 2017-2018 Plumas County Civil Grand Jury recommends the Sheriff's Office include the Animal Control Supervisor in their annual budgeting proceedings.				
R8. The 2017-2018 Plumas County Civil Grand Jury recommends the Sheriff to direct his staff to develop an office policy and procedure manual for the operation of the Animal Shelter.				
Pursuant to Penal Code section 933.05, the Plumas County Civil Grand Jury requires responses from the following governing bodies:				
<b>Board of Supervisors (R1, R2, R3, R4, R5)</b> <b>Plumas County Sheriff (R6, R7, R8)</b>				
Responding Agency	Recommendation	Response Date; Response Timely or Tardy?	Content responsive to PC §933.05 (b)?	Summary of Reply and 2018-19 Civil Grand Jury Analysis
Board of Supervisors	R1	September 18, 2018; Tardy	Yes	Further analysis needed. On May 1, 2018 BOS approved a contract for repair and service of crematorium. Will then need to see if a cost analysis will be necessary.

Board of Supervisors	R2	September 18, 2018; Tardy	Yes	Will be implemented. BOS will direct Facility Services to reconnect the generator. 2018-2019 Civil Grand Jury follow up found that the generator has been reconnected and is now functional.
Board of Supervisors	R3	September 18, 2018; Tardy	Yes	Will be implemented. BOS will direct Facility Services to address the camera password issue. Grand Jury follow up found that the software is functional.
Board of Supervisors	R4	September 18, 2018; Tardy	Yes	Will be implemented. BOS will direct Facility Services to address moving the camera monitor. 2018-2019 Civil Grand Jury follow up found that the camera monitor is functional and visible to front desk personnel.
Board of Supervisors	R5	September 18, 2018; Tardy	Yes	Further analysis is needed. Since the budget process was completed for fiscal year 2018-2019, the funds were not appropriated but the current software is sufficient for operational needs.
Sheriff's Office	R6	August 30, 2018; Timely	Yes	Will not be implemented. Until funding is secured / approved, Sheriff's Office will consider GJ Recommendation regarding use of inmates. 2018-2019 Civil Grand Jury follow up found that currently the facility is staffed by two employees and five volunteers. Inmates are not currently being used at the facility.
Sheriff's Office	R7	August 20, 2018; Timely	Yes	Implemented. Animal Control Supervisor has always been involved in the budgetary process; information that the GJ was given that ACS was not involved was erroneous.
Sheriff's Office	R8	August 20, 2018; Timely	Yes	Further analysis needed. Sheriff's Office will look into any deficiencies related to policy manuals. No timeframe or further actions are indicated.

				Grand Jury follow up found that the policy manual has already been drafted. A printed copy is available at the front desk.
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### 3. Jail Report

Each year the Plumas County Civil Grand Jury visits and inspects the condition and management of all correctional and holding facilities in Plumas County. The 2017-2018 Civil Grand Jury toured the County jail facility twice to review the physical plant, compliance with the Americans with Disabilities Act and the jail's state of cleanliness. The State of California announced on June 8, 2017 that grant funding was to be awarded to Plumas County in order to help fund the building of a new jail facility.

The complete responses submitted for this report appear on the Plumas County Grand Jury website at <http://www.countyofplumas.com/Archive.aspx?AMID=38>

JAIL REPORT				
Responding Agency	Recommendation	Response Date; Response Timely or Tardy?	Content responsive to PC §933.05(b)?	Summary of Reply and 2018-19 Civil Grand Jury Analysis
Sheriff's Office	R1-2	August 20, 2018; Timely	Yes	Implemented. Sheriff's Office agrees with the Recommendation and will continue to work with all involved parties to ensure the completion of the jail project. 2018-2019 Civil Grand Jury follow up found that the process is currently moving according to schedule and all involved parties are working toward the completion of the project.

Board of Supervisors	R1-2	June 5, 2018; Timely	Yes	Implemented. Respondents agreed to continue working with the State and supporting County departments in the new jail project. 2018-2019 Civil Grand Jury follow up found that the process is currently moving according to schedule and all involved parties are working toward the completion of the project.
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## **SUMMARY**

While content requirements were adhered to by all responding agencies and personnel, several responses from the Board of Supervisors were tendered late. For future reports, the Civil Grand Jury expects that the Board of Supervisors will respond in the time requirements set forth in the Penal Code.

## **SUMMARY OF WRITTEN COMPLAINTS RECEIVED BY 2018 – 2019 CIVIL GRAND JURY**

### **SUMMARY**

All 17 members of the 2018-2019 Plumas County Civil Grand Jury (“Civil Grand Jury”) reviewed each written complaint that was received during the Civil Grand Jury’s term and prior to May 1, 2019. The complaint process is the means by which citizens can file a formal written complaint regarding the actions of local government entities or public officials within Plumas County. All complaints are confidential, as is information regarding the identity of the complainant.

### **BACKGROUND AND METHODOLOGY**

A Citizen Complaint Form and the complaint guidelines are attached. These are available on the website: <http://www.countyofplumas.com/DocumentCenter/Home/View/1696>. The following is the method used by the Civil Grand Jury for processing a written complaint.

1. A complaint is received.
2. The complaint is logged.
3. Each complaint is assigned a unique file number.
4. An acknowledgment letter is sent to the complainant.
5. The complaint is referred to the Civil Grand Jury Foreman.
6. The complaint is reviewed by the entire Civil Grand Jury.
7. The Civil Grand Jury evaluates the complaint and a determination is made if an investigation is needed.
8. If the Civil Grand Jury determines that the matter is within the legally permissible scope of its investigative powers and would warrant further inquiry, additional information may be requested. If a matter does not fall within the jury’s investigative authority or the jury decides not to investigate, no action will be taken and there will be no further contact with the complainant.
9. Responses may or may not be sent to the complainant, as determined by the Civil Grand Jury.
10. All files are sealed and placed in storage for five years

The Civil Grand Jury uses its discretion, after consultation with the County Counsel when appropriate, in determining whether to proceed with an investigation. The Civil Grand Jury is not obligated to investigate or follow up on complaints filed.

### **2018 – 2019 CITIZENS’ COMPLAINTS**

12 Complaints were processed and divided into the following categories:

General Topic of Complaint	Total
Road Maintenance	1

Cannabis Working Group appointments	4
Planning Commission appointment	2
Misuse of personal information re: law enforcement	2
Brown Act violations	2
Board of Supervisors acting against Cannabis Initiative	1

These 12 complaints were subject to the following dispositions:

Disposition of Complaint	Total
Reviewed, No Action Taken	6
Forwarded/Referred to outside agency for follow up	6

### **COMPLAINT FORM AND GUIDELINES**

Citizens who wish to submit complaints to the Civil Grand Jury should do so by using the complaint form and guidelines which are found on the Civil Grand Jury website:

<http://www.countyofplumas.com/DocumentCenter/Home/View/1696> Complaints should be completed with as much information as possible, including attachments and supporting documentation, and mailed to the Civil Grand Jury, P.O. Box 784, Quincy, California 95971.

## **APPENDIX**

California Penal Code §888 requires the Civil Grand Jury to:

- Inquire into the condition and management of jails within the county.
- Investigate and report on the operations, accounts, and records of county officers, departments, and function.
- Inquire into the willful or corrupt misconduct in office of public officers.
- Submit a final report of its findings and recommendations to the Supervising Judge of the Superior Court.

Agencies to which these recommendations are directed are required to respond to the Plumas County Civil Jury within 90 days after the final report is released.

### **Note to Respondents**

The legal requirements for individuals and agencies to respond are contained in the California Penal Code, Section §933.05 as summarized below:

### **How to Respond to Findings**

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

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

### **How to Report Action in Response to Recommendations**

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

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

- The recommendation requires further analysis. If the person or entity reports in this manner, the law requires an explanation of the analysis or studies in a time frame not to exceed six (6) months.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

### **Respondents Should Note**

1. If a finding or a recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury. However, the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
2. A Civil Grand Jury may request a subject person or entity to come before the Civil Grand Jury for the purpose of reading and discussing the findings of the Civil Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
3. During the investigation, the Civil Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreman of the Civil Grand Jury, determines that such a meeting would be detrimental.
4. A Civil Grand Jury shall provide to the affected agency a copy of the portion of the Civil 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.

### **Requirements of Respond**

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

comments and reports shall forthwith be submitted to the presiding judge of the Superior Court who impaneled the Civil Grand Jury.