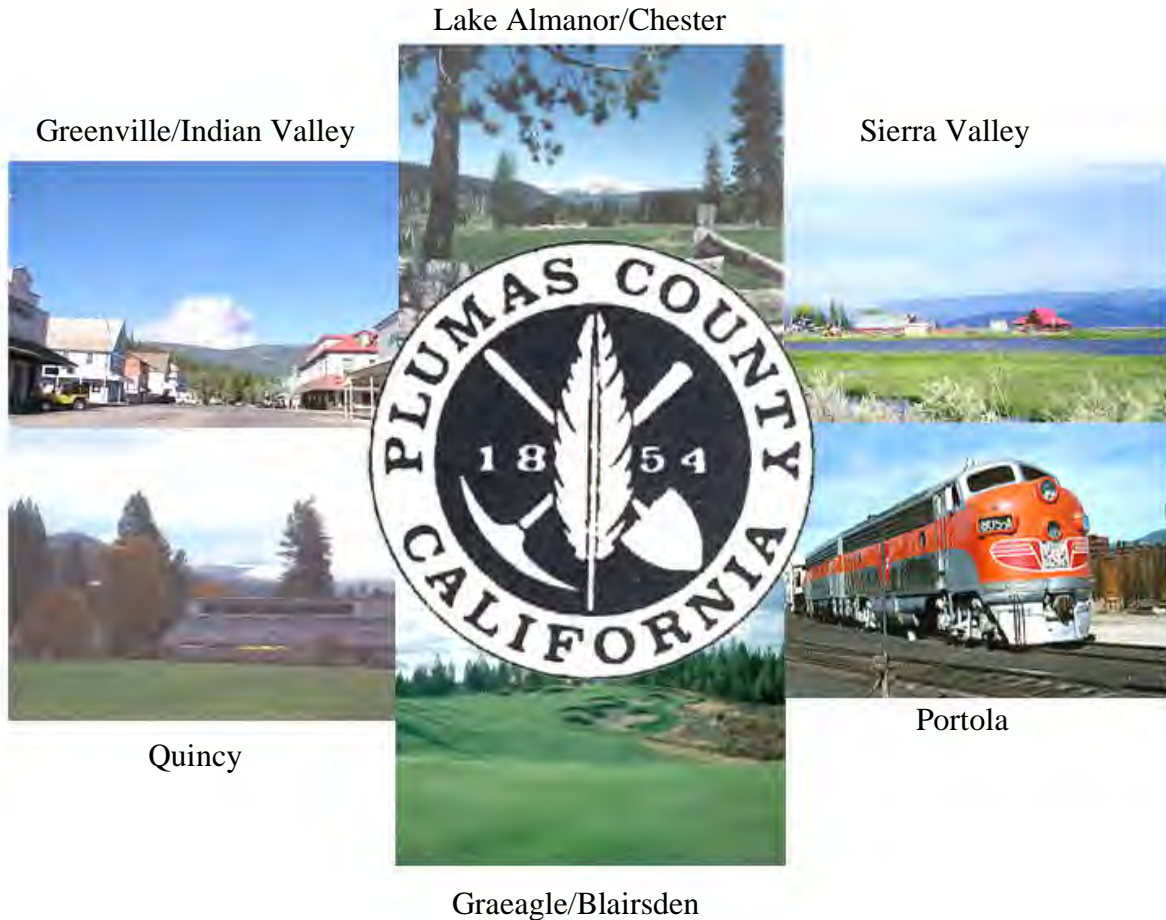


# *FINAL REPORT*



## *PLUMAS COUNTY GRAND JURY 2007 – 2008*

## PLUMAS COUNTY GRAND JURY

P.O. BOX 784 • QUINCY, CALIFORNIA 95971



Honorable Judge Ira Kaufman  
Presiding Judge of the Superior Court  
County of Plumas  
State of California

Honorable Judge Janet Hilde  
Supervising Judge of the Superior Court  
County of Plumas  
State of California

Dear Judge Kaufman and Judge Hilde:

The 2007-2008 Plumas County Grand Jury is pleased to present its final report to you and the citizens of Plumas County as prescribed by California Penal Code Section 933. This report completes the work of the 2007 – 2008 Plumas County Grand Jury.

We have worked diligently, as a team, to carry out the charge to the Grand Jury from the court. We took our responsibilities seriously. Among the activities performed by this years Grand Jury were the following:

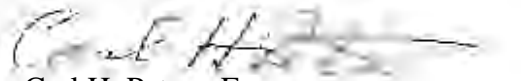
- Reviewed and followed-up on required responses to the 2006-2007 Plumas County Grand Jury final report.
- Conducted an inspection of the Plumas County Jail.
- Reviewed all written and signed citizen complaints.
- Interviewed witnesses.
- Reviewed documents, contracts, policies, procedures and operational manuals.
- Visited sites related to inquiries and investigations when appropriate.
- Met in committee sessions at least two times each month.
- Met in general session twice monthly.

A key element in determining the effectiveness of a Grand Jury is the selection of areas to be investigated. We made the decision to focus our investigations, in depth, on a few current problem areas known to individual Grand Jury members as citizens of Plumas County.

The 2007-2008 Plumas County Grand Jury gives a sincere "thank you" to all of the interviewees who took the time to share their candid and confidential thoughts with us. A special thanks also goes to those citizens who filed a citizen complaint form with the Grand Jury.

The 2007-2008 Plumas County Grand Jury is proud to have served the citizens of Plumas County.

Respectfully submitted,

  
Carl H. Peters, Foreman  
2007-2008 Plumas County Grand Jury

**TABLE OF CONTENTS PAGE**

Foreperson’s Cover Letter . . . . . 1

2006-2007 Grand Jury Members . . . . . 4

2006-2007 Grand Jury Committees . . . . . 4

Introduction . . . . . 5

Note to Respondents . . . . . 6

Distribution List . . . . . 8

Plumas County Reviews:

Board of Supervisors . . . . . 10

Plumas – Sierra County Fair . . . . . 12

Sheriff’s Office . . . . . 21

Plumas County Jail . . . . . 27

Local Agency Formation Commission (LAFCo) . . . . . 31

Office of Emergency Services (O.E.S.) . . . . . 39

Complaint Summaries: Nature, Response and Recommendations . . . 46

Plumas County Grand Jury History of Investigations . . . . . 50

## **PLUMAS COUNTY GRAND JURY MEMBERS 2007-2008**

|  |              |
|--|--------------|
| Carl Peters, Foreperson . . . . .                | Graeagle     |
| Bill Mainland, Foreperson Pro Tem . . . . .      | Portola      |
| Mahlah Holden, Recording Secretary . . . . .     | Quincy       |
| Michael Curry, Treasurer . . . . .               | Maybe        |
| Robin Kinkley, Corresponding Secretary . . . . . | Graeagle     |
| Deb Baer . . . . .                               | Portola      |
| Johna Berg . . . . .                             | Clio         |
| Tom Bridgeman . . . . .                          | Chester      |
| Alan DeWolf . . . . .                            | Quincy       |
| Doyle Frazier . . . . .                          | Graeagle     |
| Dina Lindsey-Grace . . . . .                     | Greenville   |
| Ron Longacre . . . . .                           | Lake Almanor |
| Jalie Martin . . . . .                           | Chester      |
| Gary Spence . . . . .                            | Lake Almanor |
| Philip Walling . . . . .                         | Quincy       |
| Larry Williams . . . . .                         | Quincy       |

### **GRAND JURY COMMITTEES**

|                     |                       |                   |
|---------------------|-----------------------|-------------------|
| Community Relations | County Administration | Editorial Review  |
| Health and Welfare  | Law and Justice       | Special Districts |
|                     | Oversight             |                   |

## **INTRODUCTION**

The Plumas County Grand Jury is a body of nineteen Plumas County citizens charged and sworn to inquire into matters of civil concern within the boundaries of Plumas County and any incorporated city within these boundaries. Grand Jury duties, powers, responsibilities, qualifications and selection process are set forth in the California Penal Code Section 888 et seq.

The Penal Code requires the Grand Jury to:

- Inquire into the condition and management of the public prisons within the county.
- Inquire into the willful or corrupt misconduct in office of public officers within the county.
- Investigate and report on the operations, accounts, and records of county officers, departments, or functions of the county. The investigations may be conducted on some selective basis each year.
- When requested by the Board of Supervisors, investigate and report upon the needs for increase or decrease in salaries of the county elected officials.
- Submit a final report of its findings and recommendations, no later than the end of its term, to the Presiding Judge of the Superior Court.

In addition to these requirements, the Grand Jury may:

- Investigate and report upon the needs of all county officers, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices.
- Examine the books and records of a redevelopment agency, a housing authority, or a joint powers agency and may investigate and report upon the method or system of performing the duties of such agency or authority.
- Examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county and may investigate and report upon the method or system of performing the duties of such district or commission.

Although not mandated by the California Penal Code, it is the policy of the Plumas County Grand Jury to review and acknowledge all written, dated, and signed citizen complaints. Within the time allowed by its established investigatory priorities, the Grand Jury may investigate the complaints where appropriate. All complaints are treated confidentially. This applies to written documents as well as to the testimony of witnesses and participants. The complainant may be asked to appear as a witness. Citizen complaint forms may be obtained on-line at the Grand

Jury page of the Plumas County website or by sending a written request to:

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

The Grand Jury functions lawfully only as a body. No individual grand juror, acting alone, has any authority. Meetings of the Grand Jury are not open to the public. The Penal Code requires that all matters discussed before the Grand Jury and all deliberations are to be kept private and confidential. The end result of all investigations into civil matters is released to the public in a final report, which sets forth the findings and recommendations of the Grand Jury.

Participation in Grand Jury investigation and discussion is an opportunity to get an intimate look at how government works and to make informed and valuable recommendations regarding possible improvements. It is also an opportunity to serve with fellow county residents and to discover how a body of nineteen citizens reaches consensus. Service on the Grand Jury is also a way to contribute and to make a positive difference. Jurors serve 12 months and may be requested to serve a second 12 months. The term of the Grand Jury runs from July 1 to June 30.

### **Note to Respondents**

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

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

### **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:

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

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

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

1. The recommendation has been implemented, with summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. 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 months.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

If either a finding or recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority.

### **Requirement to Respond**

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 (includes departments) shall comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. 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. All of these comments and reports shall forthwith be submitted to the Presiding Judge of the Superior Court who impaneled the Grand Jury.

## DISTRIBUTION LIST

The final report of the 2007-2008 Plumas County Grand Jury will be distributed to the following individuals and agencies:

The Honorable Judge Ira Kaufman

The Honorable Judge Janet Hilde

Plumas County Grand Jury for 2007-2008

Plumas County Grand Jury for 2008-2009

Plumas County Board of Supervisors

Clerk of the Board of Supervisors

Plumas County Administrative Officer

Plumas County Auditor/Controller

Plumas County Building Department

Plumas County Clerk

Plumas County Counsel

Plumas County Department of Animal Services

Plumas County Department of Human Resources

Plumas County Department of Social Services/Public Guardian

Plumas County Development Commission

Plumas County District Attorney

Plumas County Facility Services Department

Plumas – Sierra County Fair

Plumas County Flood Control and Water Conservation District

Plumas County Information and Technology Department (Website)

Plumas County Jail

Plumas County Libraries

Plumas County Office of Emergency Services (OES)



Plumas County Planning Department  
Plumas County Probation Department  
Plumas County Public Health Agency  
Plumas County Sheriff  
Plumas County Unified School District  
California State Archivist  
California Attorney General's Office  
City of Portola  
All Special Districts (55)  
Local Agency Formation Commission (LAFCo)  
Fire Departments  
Feather River College  
California Grand Jurors Association  
Plumas County Court Executive Officer  
Plumas Corporation

## PLUMAS COUNTY BOARD OF SUPERVISORS

### **Reason for Investigation**

The previous two Plumas County Grand Jury Final Reports (2005 – 2006 and 2006 – 2007) have included findings that minutes of the Plumas County Board of Supervisors proceedings have not been posted in a timely manner. The 2007 -2008 Plumas Grand Jury has determined that prompt, timely posting of minutes of the Board Of Supervisor’s proceedings continues to be an important and unresolved issue for the citizens of Plumas County.

### **Procedure**

During the course of this investigation, members of the Grand Jury reviewed the Findings and Recommendations of the two Grand Juries empanelled prior to this year, 2005 – 2006 and 2006 – 2007. We researched and reviewed the State of California Government Code sections pertaining to the formation and operation of County Boards of Supervisors paying particular attention to the relevant code sections dealing with the posting of minutes. We interviewed the Clerk of the Board of Supervisors (BOS). We consulted with the County Counsel’s office. At the conclusion of the investigation we held a verification interview with the Chairperson of the Board of Supervisors.

### **Background**

The Plumas County Board Of Supervisor’s have acknowledged the time delay in the public posting of Board proceedings in the two previous Grand Jury reports. They have maintained a policy of refusing to post draft minutes and have stated that there is insufficient time for the Clerk of the Board to meet the time frames suggested by the Grand Jury.

### **Findings and Recommendations**

#### **Finding #1 – Timely posting of minutes of meetings held by the Plumas County Board of Supervisors.**

California Government Code Section 25150 requires the Board Of Supervisors to publish a fair statement of all of its proceedings within ten (10) days of each meeting. The current policy and procedures of the Plumas County Board of Supervisors, with regard to posting of minutes, are not in compliance with this statute.

**Recommendation #1 – Timely posting of minutes of meetings held by the Plumas County Board of Supervisors.**

It is this jury's recommendation that The Plumas County Board Of Supervisors take immediate steps to implement policies and procedures necessary to bring posting of minutes into conformance with California Government Code Section 25150.

**Conclusion**

After presentation of this finding to the Chairperson of the Board of Supervisors during the verification interview, she indicated that this item would be put before the Board of Supervisors at the last meeting of January 2008. We have reviewed the Board of Supervisors meeting agendas and minutes for the meetings held in January, February, and March and no vote on this item was scheduled or voted upon at those meetings. However, tracking the Board of Supervisors web page, indicates they have been in compliance with Code Section 25150.

## **THE BOARD OF SUPERVISORS AND THE PLUMAS – SIERRA COUNTY FAIR**

### **Reason for Investigation**

In addition to the annual Plumas/Sierra County Fair, the fairgrounds provide a year-round event center adapted to the needs of the community while providing a venue for interested parties from out of the area that wish to stage their events here. The fair grounds and facilities are owned by Plumas County. As with all county departments, the Grand Jury is obligated to review the overall operation of this facility from time to time. The last Grand Jury review was in 2001-2. This obligation coupled with apparent managerial confusion and difficulties that have come into the public view prompted our investigation of the overall operation of the fair, its facilities and its management scheme.

### **Procedure**

In the course of this investigation, the Grand Jury utilized observation, interview, and research in combination to ensure the accuracy of its findings. Members of the Grand Jury interviewed a variety of persons connected with the management, operations, oversight, and use of the fair and its associated facilities. In addition, members of the Jury toured the fairgrounds in an attempt to gain first-hand knowledge of the physical condition of the facilities. The following is a list of persons interviewed in connection with the investigation:

1. The Chairperson of the Plumas County Board of Supervisors (BOS).
2. A member of the Plumas County Board of Supervisors.
3. The Chairman of the Plumas/Sierra County Fair Board.
4. A past member of the Plumas/Sierra County Fair Board.
5. The Fair Manager/CEO.
6. The fairgrounds Maintenance Supervisor.
7. The Plumas County Chief Administrative Officer.
8. Plumas County Counsel.
9. Four separate user groups of fairgrounds facilities.

Members of the Grand Jury attended multiple sessions of the Board Of Supervisors and the Fair Board meetings. Research was conducted concerning the legislation that governs the operation of county fairs in California and the recent financial history of the Plumas-Sierra County Fair as reported in the Plumas County Budget Book. The findings contained in this report are a direct result of the correlation of evidence obtained through the interviews, research and first-hand observations by members of the Grand Jury.

## Background

In California, the governance of county fairs is controlled by various sections of the Government Code, the Food and Agricultural Code and the Business and Professions Code. The Government Code establishes the County Board of Supervisors as the primary body of authority and responsibility for the development, maintenance and operation of the fairgrounds and the fair. The Code further states that the Board of Supervisors may contract with a nonprofit corporation or association for the conducting of an agricultural fair, as agent of the county. In Plumas County, the Board of Supervisors has contracted with the Plumas-Sierra County Fair Board and its predecessors for many years.

The most recent document available that established the Fair Board was Resolution No. 97-01, adopted July 16, 1997 by the Board of Supervisors. This resolution adopted new bylaws for the Fair Board that repealed any prior bylaws or resolutions or policies that were inconsistent with the new bylaws set forth in Resolution No. 97-01.

The only operational agreement between the Board of Supervisors and the Fair Board is a Memorandum Of Understanding (MOU) adopted in 2001. This agreement contracted with the Fair Board for the purpose of managing and directing the Fair. This was accomplished by an “*Agreement Between Plumas County and The Plumas – Sierra County Fair Board*” on April 10, 2001. Section 4 of said agreement states:

*The County appoints the Association (Fair Board) as an agent of the County for the following limited purpose: managing and directing the Fair for each of the years between 2001 through 2006, on the dates to be selected by the Association of the Plumas – Sierra County Fair. Thereafter, this Agreement is automatically reviewed annually unless one party serves the other with a written notice of non-renewal at least ninety (90) days prior to the end of the initial 5-year or subsequent term.*

Basically, the Memorandum of Understanding assigns the day-to-day operation of the fair to the Fair Board but gives the ultimate power to the County Board of Supervisors. However, the Board of Supervisors, by virtue of this agreement, assumes no responsibility in connection with the Fair (Section 7 of the MOU). In addition, Section 11 of the agreement states that the Fair Board has the right to execute contracts in association with the operation of the fairgrounds as long as they are approved by a quorum of the Fair Board and posted in the meeting

minutes. However, the Board of Supervisors interpretation of the Memorandum of Understanding tends to limit the Fair Board's ability to negotiate and execute contracts. The Board of Supervisors now requires all contracts to be approved by themselves.

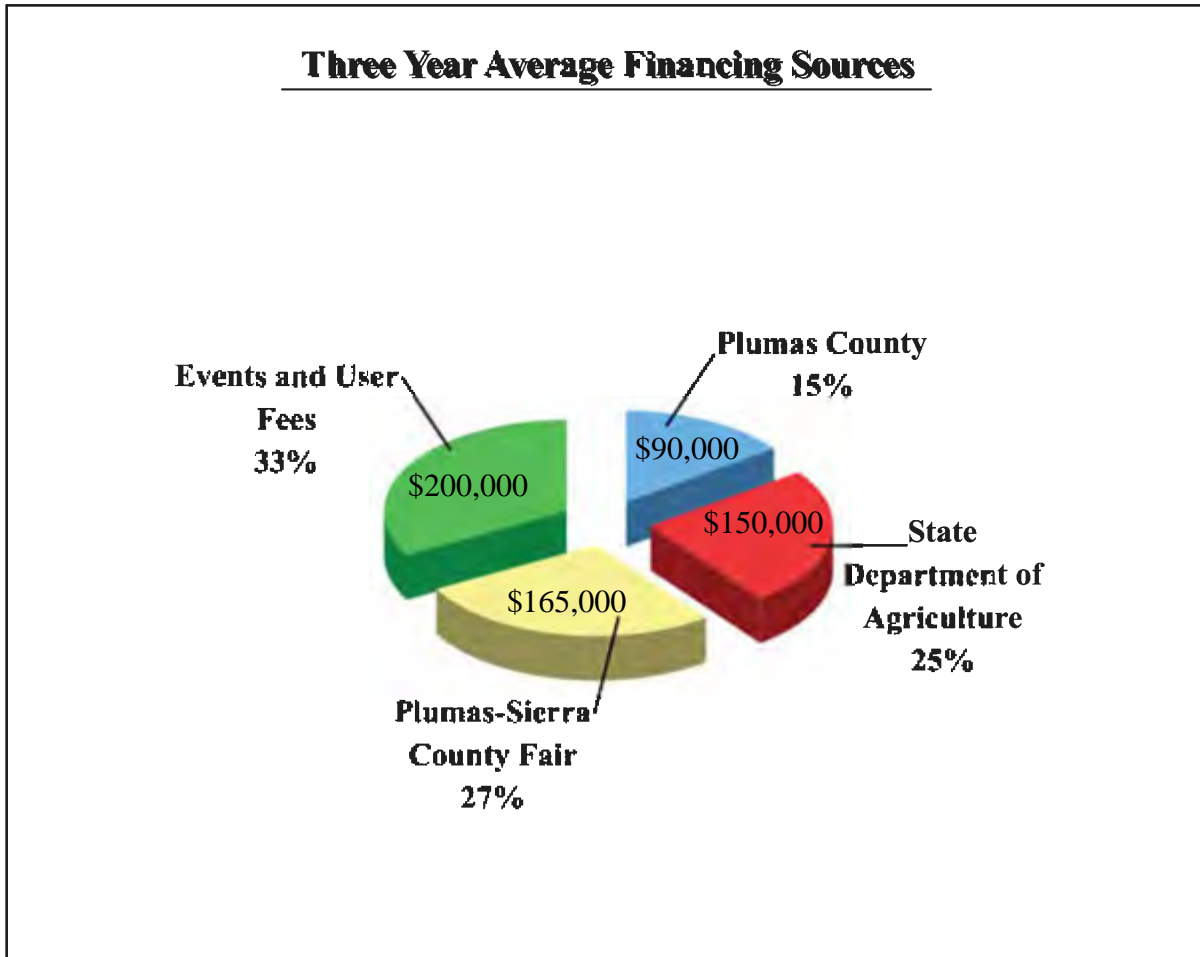
The adequacy of the Memorandum of Understanding was not brought into question until control over the High Sierra Music Festival became an issue. Until this time communications between the two boards had not been an issue. Historically, the Board of Supervisors allowed the Fair Board to operate the fairgrounds as well as conduct supervision of the Fair Manager. Once the Board of Supervisors began to exert control over the operation of the Fairgrounds, communications began to falter. Issues of control over the execution of contracts and who was allowed to negotiate said contracts became a wedge between the two boards. County Counsel was asked by the Chairman of the Board of Directors of the Plumas/Sierra County Fair to render an opinion regarding the roles of the boards as defined by the Memorandum Of Understanding. On August 31, 2007 County Counsel sent a response letter to the Fair Board. County Counsel's opinion did not favor the views of the Fair Board, which only increased the amount of tension.

Financing for the fair and fairgrounds comes from a number of sources. Over the past three fiscal years, total financing sources have averaged \$605,000 dollars per year. The annual Plumas/Sierra County Fair itself has generated an average of \$165,000 per year over the past three years. This represents approximately 27% of the financing sources of the annual budget in recent years.

The largest portion of governmental funding is provided by the State of California through the Department of Agriculture. The Plumas/Sierra County Fair is classified as a Level II exhibition as defined by the State Department of Agriculture. The current base funding allocation for Level II is \$150,000 per year. This amount represents approximately 25% of the average total financing sources of the Plumas/Sierra County Fair. The State Department of Agriculture funds are derived totally from gambling revenues associated with horse racing events at tracks around the state. The horse racing industry has seen a decline in revenues over the past several years. There is an uncertain future for this State revenue source.

Plumas County has contributed \$90,000 dollars from the General Fund, which represents approximately 15% of the yearly financing sources of the Fair. This amount remained constant in each of the previous two years and is budgeted at that level again in 2007-2008.

All other funds are generated through fees for use of the fair facilities and grounds during periods other than during the Fair, for example: the American Valley Speedway, The High Sierra Music Festival, County Picnic and storage facilities. Periodically there are grant funds available for specific projects.



Clearly, with budget constraints at the State and County level for the foreseeable future, it will be imperative for all of the parties involved in and responsible for the Plumas/Sierra County Fair to work closely together to develop new revenue sources and to control expenditures, while maintaining it as an important resource for the citizens of Plumas County.

## **Findings and Recommendations**

### **Finding #1 – The Memorandum of Understanding (MOU)**

The Memorandum Of Understanding (MOU) dated April 10, 2001 is poorly drawn and is a primary cause of the disagreements and tensions that currently exist between the Plumas-Sierra Fair Board and the Plumas County Board of Supervisors. There are concerns with the following:

- There is no clear chain of command with regard to the operation of the facilities or the supervision of the Fair Manager.
- Confusion exists with regard to who is responsible for personnel issues at the fairgrounds. This is particularly evident in association with personnel policies involving the Fair Manager. This confusion also affects the fair users, who stated in interviews that they did not know who was in charge of the decision making processes associated with the management of facilities.
- The authority to negotiate and execute contracts is not clearly defined.
- There is confusion as to the relationship between the two boards. At times the Fair Board has operated as a managerial body and at other times they have functioned as an advisory body to the Board of Supervisors.
- The Board of Supervisors, by virtue of Section 7 of the current Memorandum of Understanding, “*assumes no responsibility in connection with the fair*” while at the same time they claim control over most, if not all aspects of the operation of the fairgrounds.
- The Policy and Procedures Manual being used by the Fair has never been approved and accepted by the Board of Supervisors.

### **Recommendations #1**

Form a committee made up of 2 members of the Board of Supervisors, 2 members of the Fair Board, and the Fair manager to draft a new Memorandum of Understanding and Policies and Procedures Manual.



The following issues should be clarified:

- Define contract authority and monetary limits associated with the Fair Board's event coordination.
- Establish a clear chain of command.
- Responsibilities associated with personnel issues.

## **Finding #2 – Communication**

Consistent and reliable communication among the Fair Board, the Fair Manager and the Board of Supervisors is lacking.

- Consistent and reliable communications are the cornerstone of good management practice. Ill feelings among some members of The Board of Supervisors, The Fair Board, and the Fair Manager exist. A culture of mistrust has developed that tends to exacerbate an existing communications gap between them. This has had an adverse effect on the operation of the fairgrounds.
- The Fair Manager has not communicated effectively with the Fair Board and the Board of Supervisors. All significant information should be equally shared among all parties. Several members of the Fair Board complained of learning about significant Fair issues in the local newspaper, not from the Board of Supervisors or the Fair Manager. This problem is directly related to the poorly defined chain of command as outlined in Finding No. 1.

## **Recommendations #2 - Communication**

Establish a clear chain of command as mentioned in Finding #1.

1. The Board of Supervisors should demand that the Fair Board be given a full measure of courtesy by fair management with regard to sharing of information, correspondence, proposals, and any and all negotiations involving use of fairgrounds facilities.
2. The Board of Supervisors should endeavor to create a more cooperative atmosphere with the Fair Board. This includes more clearly defined channels of communication and adoption of a less combative attitude by certain members of the Board of Supervisors when dealing with the Fair Board.

### **Finding #3 – Facilities Planning and Maintenance**

There is no evidence of a Facilities and Maintenance Master Planning Document associated with the future development of facilities at the fairgrounds.

- The only document presented to the Grand Jury was an aerial photograph that had been provided by the Plumas County Museum in conjunction with a proposed historical project to be housed at the fairgrounds.
- There are signs of disrepair associated with many of the facilities observed during a tour of the fairgrounds by members of the Grand Jury. Buildings need repair and repainting (with the exception of the Tulsa Scott building and the Mineral Building). One member of the jury leaned against a metal railing at the racetrack grandstands and the railing gave way due to deterioration of the concrete holding the support post.
- The Plumas County Fairgrounds' yearly operational budget is not sufficient for the maintenance operation to proceed at more than a minimal level.
- An active fundraising mechanism is listed as a goal in the existing Policy Manual. This would be accomplished through grants and charitable donations. There is no evidence that an active effort exists in this area.

### **Recommendations #3 – Facilities Planning and Maintenance**

1. Responsibility for the development of a Master Planning Document should be made a function of the Fair Manager in consultation with the Board of Supervisors.
2. The Fair Board and the Fair Manager should be responsible for a program to finance improvements at the fairgrounds through an active grant writing program and the seeking of charitable donations to augment the traditional funding of the fairgrounds budget.

### **Finding #4 – Equipment and Supplies**

No consistent system for tracking of equipment and supplies purchased by the fairgrounds exists.

- Having no consistent system for the inventory and tracking of equipment and supplies, creates an atmosphere with the potential for misuse of public funds.
- Previous fair managers established a verbal policy that stated, items purchased, having a value of less than \$100 dollars were classified as consumables.

#### **Recommendations #4 – Equipment and Supplies**

1. Develop a system whereby all items purchased should be inventoried and tracked over time.
2. Conduct a yearly inventory of all items.

#### **Finding #5 – Management Practices**

The yearly audit of the County’s finance and management practices, conducted by the Accounting Firm of Smith and Newell revealed numerous deficiencies associated with the Fairgrounds accounting practices. Some of these items have been recurrent issues that were not dealt with by previous managers. The five (5) general areas identified were; Statement of Operations, Accounting for Capital Assets, Admission Revenue, Bank Reconciliation, and Cash On Hand.

- The Statement of Operations is a report required by the State of California Department of Agriculture, supplying information about the state of the County Fair. It is necessary to file this report on time in order to receive State funds.
- The fairgrounds accounting technician is in the process of developing a financial tracking system to bring the fairgrounds into compliance with requirements of the Audit Report. No such system was in place prior to the hiring of the new management staff.

#### **Recommendation #5 – Management Practices**

1. Finish the development of a reliable fiscal tracking program.
2. Ensure that all issues identified with the audit management report be corrected.
3. The Board of Supervisors should ensure the timely filing of the Statement of Operations with the State Department of Agriculture.

## **Conclusions**

The Memorandum Of Understanding (MOU) dated April 10, 2001 is poorly drawn and is a primary cause of the disagreements and tensions that currently exist between the Plumas-Sierra Fair Board and the Plumas County Board of Supervisors. Consistent and reliable communication among the Fair Board, the Fair Manager and the Board of Supervisors is lacking. There is no evidence of a Facilities and Maintenance Master Planning Document associated with the future development of facilities at the fairgrounds. No consistent system for tracking of equipment and supplies purchased by the fairgrounds exists. The yearly audit of the County's finance and management practices, conducted by the Accounting Firm of Smith and Newell revealed numerous deficiencies associated with the Fairgrounds accounting practices. The responsibility for correcting these issues lies with the Plumas County Board of Supervisors, the Plumas-Sierra County Fair Board of Directors and the Fair Manager.

## PLUMAS COUNTY SHERIFF'S OFFICE

### **Reason For Investigation**

The Plumas County Sheriff's Office provides for public safety and emergency services to the citizens of Plumas County. The Sheriff's Office is experiencing difficulty in recruiting and retaining trained peace officers. The reason for this investigation is to provide insights and assistance to the Sheriff's Office regarding this issue.

### **Procedure**

The majority of Sheriff's Deputies were interviewed as well as selected supervisory staff. The findings contained in this report reflect the opinions of those interviewed who expressed the reasons that they believe the County of Plumas has been unable to effectively recruit and attract new peace officers, as well as the loss of officers to other agencies.

### **Background**

The Deputies of the Plumas County Sheriff's Office are competent, well trained and dedicated to serving the citizens of Plumas. The majority choose to work and raise their families in Plumas County in spite of opportunities for better pay, benefits, and working conditions elsewhere. This being said, conflict within the Sheriff's Office and perceived lack of support from the Board of Supervisors is forcing Deputies to seriously consider alternative employment.

1. The Board of Supervisors controls the majority of the funding of positions within the Sheriff's Office. This affects the number of positions available to provide for the safety of the public as well as the equipment and training available to Deputies in the field.
2. Inadequate staffing levels based on changes in population and unfilled positions cause Deputies to work alone, often with over an hour wait for emergency backup. There are times when there are only two Deputies on duty at opposite ends of the county as well as times when there is no law enforcement on duty at all in the entire county. Not only is the public not protected, the lives of Deputies are placed in jeopardy.
3. It is the responsibility of the elected officials of Plumas County, the Sheriff and the Board of Supervisors, to work together to assure that the citizens of Plumas County receive the best possible service from the Sheriff's Office.
4. The Board of Supervisors controls the hiring of support personnel even when those positions are fully funded within the Sheriff's Office budget.

This includes such critical public safety positions as Correctional Officer and Emergency Services Dispatcher.

## **Findings and Recommendations**

### **Finding#1-Compensation and Benefits**

Plumas County is often unable to attract trained candidates from law enforcement academies because the financial compensation and benefits that the Sheriff's Office is able to offer is non-competitive with other agencies.

- Trained Deputies have been lured to other agencies that can offer better financial compensation and benefits.
- Experienced peace officers from other agencies interested in transferring to Plumas County, in spite of lower pay, often decline to come to Plumas County once they learn that the peace officer retirement benefit is less than what is now becoming the standard for peace officers in California.

### **Recommendation#1-Compensation and Benefits**

The Board of Supervisors and the Sheriff should work together to develop a long-term plan to make the financial compensation available to Deputies more competitive with other agencies. The retirement benefit should reflect what is becoming the standard for peace officers in California.

### **Finding#2-Equipment**

The county does not fund the replacement of worn-out emergency vehicles as it does with the rest of the county departments. This has forced the Sheriff's Office to fund the replacement of emergency vehicles from grant funds that had been designated to upgrade radio communication.

- Radio communication for Deputies responding to emergencies ranges from fair to non-existent. This places the public as well as deputies at risk.
- Having unsafe or inadequate equipment and poor radio communications places both the public as well as Deputies at greater risk during routine

and emergency situations. It becomes less desirable to work under such conditions.

### **Recommendation#2-Equipment**

The county should fund the replacement of worn-out emergency vehicles following the procedure it uses for other county departments.

- The Board of Supervisors should provide funding to upgrade the county communication system.

### **Finding#3-Training**

The Sheriff's Office has excellent and effective in-house training. Specialized out-service training to allow Deputies to safely and effectively perform their duties is inhibited by the shortage of staff. This means Deputies cannot be sent to needed training, resulting in less service to the public. A small county with a limited number of Deputies needs to have effectively cross-trained officers. It is cost effective, positive for morale and provides better public safety.

### **Recommendations#3-Training**

Implementation of recommendations for improved recruitment and retention as well as increasing the number of positions available would permit more out-service training, greater service to the public and increased officer safety.

- Many law enforcement agencies grant incentives to its officers who have specialized training or skills. The Board of Supervisors should provide funding to Deputies who attend training and retain certification in needed skills such as HazMat and others.

### **Finding#4-Supervision and Management**

The general consensus of those interviewed is that the sergeants who provide supervision in the field are supportive, effective and provide good leadership. The only concern expressed was because of a shortage of field supervision, there are times when there are no supervisors on duty. This often requires Deputies to deal with situations or make decisions that are the responsibility of supervisors.

## **Recommendations#4-Supervision and Management**

The Sheriff should review the number of field supervisors and scheduling so that there is always a supervisor on duty whenever Deputies are on duty.

## **Finding#5-Management**

Upper management is seen as not providing leadership to the department. They are seen as not being involved, caring or supportive. There is a general fear of retaliation and the perception that some are favored more than others. Rarely does a member of management venture into the field to see what is going on, talk to their deputies, visit sub-stations or interact in any positive way. There is no interest in the ideas or opinions of field staff in improving the department. Most information comes to the field by the rumor mill rather than through direct communication from management. Deputies in the field expressed that management indifference to personnel is a major factor affecting retention of employees.

## **Recommendation#5-Management**

Upper management needs to recognize its current perceived lack of leadership and to engage itself in a positive manner with its employees. The Sheriff can bring in facilitators trained in team building. Upper management should develop a plan and schedule regular visits to sub-stations, ride along on patrol on all shifts with Deputies, participate in training exercises with their staff and listen to their ideas and opinions to improve the department.

A formal process of effective and timely communication should be developed so that all employees of the department are kept fully updated on events, issues, changes and any other information needed to do their job and be informed. Departmental e-mail, notices and regular staff meetings should be implemented. This should include more informal mini-staff meetings at the sub-stations so that management and field staff can interact in a less formal environment.

## **Finding#6-Board of Supervisors**

There is a 100% consensus of those interviewed that: (1) the Board of Supervisors does not support the Sheriff's Office; (2) members of the Board perpetuate interpersonal conflict with the Sheriff; (3) members of the Board purposely create road blocks that damage the morale and effective and safe operations of the



department. These are the major issues expressed affecting retention of employees.

An example cited is the requirement that the Board approve the filling of critical support personnel such as Correctional Officers and Emergency Services Dispatcher even when these positions are fully funded. Instead of approving filling these positions, the Board put off approval week after week jeopardizing the safety of the public as well as Deputies in the field and Correctional Officers in the jail.

### **Recommendations#6-Board of Supervisors**

The Board of Supervisors and the Sheriff, for the safety of the public and the Deputies who serve them, need to be able to work together. A facilitator trained in conflict resolution should be brought in to work with the Board and the Sheriff to help resolve the inter-personal conflicts.

- Members of the Board should, on a regular basis, visit the stations, ride along and meet with the deputies in their Districts to better understand the needs, requirements and restrictions faced by all parties.
- Authorization should be passed to the Sheriff to hire any position within the Department that is funded.

### **Finding#7-Public Support**

Deputies in the field believe that the public generally supports them. However, there are negatives perceived by the public relating to personnel issues within the Sheriff's Office and a lack of support from the Board of Supervisors. There has been little effort made by upper management in addressing issues regarding public support, and field staff is discouraged from interacting with civic groups and organizations. The Board of Supervisors rarely, if ever, has publicly spoken in support of the Sheriff's Office.

### **Recommendations#7-Public Support**

The Sheriff should support, encourage and even require Deputies, supervisors and management staff to seek opportunities to speak and interact with civic groups, clubs, schools and other venues to inform the public about the Sheriff's Office and its mission.

- The Sheriff should develop a program for citizens of Plumas County to volunteer in support of the Sheriff's Office. A Citizens Auxiliary Unit could assist with things such as traffic and crowd control during community events, staff sub-station desks, assist with recruiting as well as other duties.

## **Conclusions**

The majority of the Deputies in Plumas County believe that there is a lack of support from both the upper management of the Sheriff's Office and the Board of Supervisors. There is a shortage of staff, no emergency vehicle replacement program, poor radio communications system and little interaction with the community. This has created a negative work environment that severely detracts from the ability of the Sheriff's Office to serve the public and jeopardizes the safety of officers in the field. The potential for serious injury or loss of an officer due to lack of support places a tremendous liability both on the County of Plumas and its elected officials.

It is the responsibility of the Sheriff and the Board of Supervisors to work together to resolve these issues.

## PLUMAS COUNTY JAIL

### **Reason For Investigation**

The Plumas County Grand Jury is required to annually inspect any jail within the county in accordance with the California Penal Code.

### **Procedure**

The Plumas County Grand Jury conducted an inspection of the Plumas County Jail. This included interviews with jail medical staff, Correctional Officers and supervisors.

### **Background**

When fully staffed, sixteen correctional officers provide 24 hours a day, 7-days a week coverage. The officers are competent, well trained and dedicated to serving the citizens of Plumas County. The Plumas County Jail is over 35 years old. It is designed to house a maximum of 67 men and women inmates in minimum, medium, maximum and segregated facilities. It also includes a medical room, kitchen, laundry, recreational rooms and yard, control center, as well as office space and storage.

1. The Board of Supervisors controls the majority of the funding for positions within the jail through the Sheriff's Office budget. This affects the number of Correctional Officers available to secure the inmates in the jail and operate the facility as well as equipment, maintenance and training.
2. Unfilled positions and inadequate staffing levels place jail staff in constant jeopardy from violent inmates. Night shifts are limited to only two Correctional Officers on duty in the facility, there is little backup response available in case of an emergency. Day shifts may have as few as three Correctional Officers on duty.
3. The Board of Supervisors controls the hiring of Correctional Officers and other support personnel even when these positions are funded within the Sheriff's Office budget.
4. On October 3, 2007 the California Department of Corrections, Facility Standards and Operations Division, inspected the Plumas County Jail. The inspection determined that the County of Plumas is out of compliance with California State Law regarding the number of Correctional Officers required to be on duty at any one time to operate the facility. The County had 90 days from the receipt of their report, November 27, 2007, to submit a corrective action plan to the California Department of Corrections.

## **Findings and Recommendations**

### **Finding#1-Facility/Equipment**

The building is over 35 years old with outdated plumbing, wiring and utilities requiring constant and costly maintenance. The structure was built many years prior to the use of computers and video surveillance systems and installation of this equipment requires wall-mounted conduits, cables and wiring. The internal layout of the facility does not allow staff to be able to easily observe inmates in different parts of the jail as to respond to emergencies. It is often over capacity and often requires correctional officers to constantly move inmates from area to area for segregation and safety. Some of the observed problems: the kitchen is inadequate the laundry does not have enough capacity, there is a lack of storage and office space and the control center is not secure. The medical room lacks secure storage for medications and medical records.

### **Recommendation#1-Facility and Equipment**

The Board Of Supervisors, Chief Administrative Officer and the county Risk Manager should conduct a comprehensive inspection of the jail facilities to see for themselves the condition of the facilities and the working conditions that jail staff is subjected to.

- The Board of Supervisors should direct the Planning Department to begin the process of designing a replacement jail constructed to modern standards and funding sources be explored.
- The Sheriff should immediately direct a comprehensive review of all kitchen, laundry, booking communications, security and other equipment with the goal of replacing worn out and inadequate items.

### **Finding#2-Staffing**

The California Department of Corrections inspection of October 3, 2007 determined that the Plumas County Jail was out of compliance with state law regarding the number of Correctional Officers required to safely operate the jail. In accordance with minimum staffing levels determined by the jail commander, an additional 5 positions are required.

- The Board of Supervisors has delayed the hiring of critically needed Correctional Officers, often for several weeks, even though funding for those positions is available in the Sheriff's Office budget.
- Jail security requires one Correctional Officer to monitor the control room while the other Correctional Officer is out in the facility. If attacked by inmates the officer being attacked may be out of sight and hearing of the officer in the control room. If the officer in the control room responds the control room must be secured and left un-staffed while that officer responds. This means no one is observing inmates in the rest of the jail.
- The Jail Commander has requested on several occasions, that civilian staff be hired to handle routine administrative duties and control room monitoring so that Correctional Officers can more effectively operate and provide security to the facility.
- On any given day there are not enough Correctional Officers available to provide security for the medical personnel during morning sick call, supervise the kitchen during inmate meal preparation, supervise inmate laundry workers, supervise inmates cleaning cells and facilities, process inmates being booked into the facility, transport inmates to court, medical appointments or transfer inmates to out of county facilities, supervise the exercise yards, process inmates out of the facility and many other required duties. There are often shifts in which there is no supervisor on duty.
- In Plumas County, pay differentials are not provided to Correctional Officers who receive specialized training and continue to maintain certification for specialized duties such as emergency response teams, transportation and training officers. This practice tends to have a negative impact on correctional officer retention.
- The first level supervision of the Sheriff's Office for Deputies is that of Sergeant. The first level of supervision in the jail is Corporal. Given the level of responsibilities required of supervisors in the jail, the inconsistency between the supervisory titles of Sergeant and Corporal tends to have a negative impact on correctional officer retention.

## **Recommendations#2-Staffing**

In order to comply with state law, provide for the personal safety of jail employees, and the security of the facility the Board of Supervisors should immediately authorize the hiring of 5 additional Correctional Officer positions in the jail.

- The Board of Supervisors should immediately authorize the addition and the hiring of civilian positions in the jail to perform routine administrative duties so that Correctional Officers are better able to provide supervision and security to the facility.
- The Board of Supervisors should transfer authority to hire Correctional Officers to the Sheriff when those positions are funded within the Sheriff's Office budget.
- In order for Correctional Officers to maintain training and certification for special duties, the Board of Supervisors should immediately authorize pay differentials for those officers who receive training and maintain certification.
- The Sheriff should immediately conduct a review of supervisory staffing levels in the jail to ensure full time supervision. Should the review indicate the need for additional funding in order to properly staff and supervise the jail function, the Sheriff should submit a proposal to the Board of Supervisors to provide appropriate levels of funding.

## **Conclusions**

The jail facility of Plumas County is old, outmoded and unsafe for both inmates and jail staff. The Board of Supervisors should immediately start the process of developing plans and funding sources for a new jail.

The staffing of the jail has been determined by the State of California to be inadequate to operate the facility. This places tremendous liability on Plumas County, the Sheriff and the Board of Supervisors if an incident occurs that causes the injury or death of an inmate or Correctional Officer because of inadequate staffing.

## **PLUMAS LOCAL AREA FORMATION COMMISSION (LAFCO)**

### **Reason for Investigation**

Plumas LAFCo has not been investigated previously by the Grand Jury since becoming an independent commission in 2001. Also, since the governing legislation does not require LAFCOs to file annual financial statements, or to obtain outside audits, an independent review of Plumas LAFCo records was considered appropriate. In addition, the Grand Jury was aware of some resistance to the fees being charged to special service districts and the City of Portola by Plumas LAFCo. Given these facts, the 2007-2008 Plumas County Grand Jury voted to undertake this investigation.

### **Procedure**

In conducting this investigation of Plumas LAFCo the Grand Jury employed the three key investigatory methods of observation, research, and interviews. A diligent effort was made to cross check information obtained from various sources. Grand Jury members observed Commission meetings and Special District meetings. The Grand Jury obtained and reviewed bookkeeping records maintained by the County Auditor/Controller's Office. Budget records, Commission memoranda, the Plumas LAFCo Policy & Procedures Manual, and several municipal service reviews were requested and received from the Executive Officer. The Grand Jury also obtained numerous documents from various public Internet sources including the California Government Code, other county LAFCo websites and the California LAFCo Association web-site. Interviews were scheduled and completed with the following individuals:

- Plumas LAFCo Executive Officer
- Plumas LAFCo Commissioner representing the City of Portola
- Several officers/directors of Plumas County special districts
- President of the Plumas County Special Districts Association
- City Manager of the City of Portola
- Plumas County Auditor/Controller

## Background

The California Legislature passed the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) to update previous legislation governing Local Area Formation Commissions. Among the stated purposes are the discouraging of urban sprawl, preserving open space and prime agricultural land, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

The CKH legislation established the 58 California county Local Area Formation Commissions as independent entities, and delegates to them the exclusive power to regulate the boundaries of all cities and most special services district boundaries. Specifically, LAFCOs are responsible for city and special district:

- Annexations and detachments
- Formation or dissolution
- Consolidation or reorganization
- Establishment of subsidiary district (s)
- Development of, and amendments to spheres of influence
- Extensions of service beyond an agency's boundary
- Provision of new or different services by special districts
- Municipal Service Reviews

Under the CKH Act, the appointed county commission is comprised of two county supervisors, two city council members or mayors, and one member from the public at large. In addition, a simple majority of special districts within a county may vote to join LAFCo, in which case, the districts selection committee appoints two district commissioners, bringing the total commission membership to seven. Also each category of commissioner has an appointed alternate.

At the present time, only 29 of the 58 California county LAFCOs have special district members. In Plumas County the special districts have not voted to join Plumas LAFCO.

Although the CKH Act is state mandated legislation, the state provides no funding for the operation of the county LAFCOs. Government Code Section 56381 (b) states that *In counties in which there is no independent special district representation on the commission, the county and its cities shall each provide a one-half share of the commission's operational costs.*



Therefore in Plumas County this code section requires the County (General Fund) and the City of Portola (the only incorporated city in the county) to each provide one-half of the Plumas LAFCo operational costs.

The concept of independent county commissions under local control makes sense. However, the “one size fits all approach” of the state mandated program creates a significant funding challenge in rural counties, particularly those like Plumas County with only one incorporated city and a very limited revenue base.

A review of the Plumas LAFCo operating budget and actual financial results for the current and past four fiscal years demonstrates this challenge. There is clearly a conflict between the approved annual budgets and the ability of the County and the City of Portola to fund the commission’s operational costs as follows:

| <b>Revenue</b>          | <b>2007-2008</b> | <b>2006-2007</b> | <b>2005-2006</b> | <b>2004-2005</b> |
|-------------------------|------------------|------------------|------------------|------------------|
| Plumas County           | \$55,000         | \$45,000         | \$30,000         | \$30,000         |
| City of Portola         | \$55,000         | \$45,000         | \$30,000         | \$30,000         |
| Total Contribution      | \$110,000        | \$90,000         | \$60,000         | \$60,000         |
| <b>Expenses</b>         |                  |                  |                  |                  |
| Salaries                | \$100,000        | \$100,000        | \$87,451         | \$81,211         |
| Benefits                | \$21,500         | \$21,500         | \$22,100         | \$19,549         |
| Payroll Tax             | \$8,900          | \$8,850          | \$8,600          | \$6,840          |
| Total Employee Expenses | \$130,400        | \$130,350        | \$118,151        | \$107,600        |
| Other Expenses          | \$48,520         | \$43,350         | \$46,800         | \$47,300         |
| Total Expenses          | \$178,920        | \$173,700        | \$164,951        | \$154,900        |
| Gap                     | \$68,920         | \$83,700         | \$104,951        | \$94,900         |

Although combined budget contributions from the County and the City of Portola increased to \$110,000 in fiscal 2007-8 they still cover only 62% of total budgeted expenditures.

The existing Plumas LAFCo staff consists of two employees, the Executive Director and one Clerk. 2007-8 Budgeted Salary expense of \$100,000 consists of \$81,265 for the two employees, based upon a 25 hour work week, plus \$18,735 to give the Executive Officer the opportunity to either increase current staff hours above 25 hours per week or to hire temporary clerical help, if needed. (It should be noted that if both staff members were to convert to a full-time, 40-hour work

week, the Salary expense would be \$130,024 at their current rate of pay.

Budgeted Employee Benefits expense of \$21,500 covers both the employer and employee contribution to the Public Employees Retirement System and the CalPERS Health Care costs based upon a 25-hour work week.

Budgeted Payroll Tax expense of \$8,900 consists of employer social security, workers' compensation insurance and unemployment insurance for the two employees.

2007-8 Budgeted Other Expenses are \$48,520. The largest items of Other Expense include \$9,070 for Commissioner per diem and payroll tax, \$12,000 for travel expenses, and \$6,600 for office rent.

The Plumas County Auditor/Controller Department provides bookkeeping and expenditure payment services to Plumas LAFCo at no charge. A monthly statement of actual revenues and expenditures and a comparison to budget is generated. However, beyond these bookkeeping services no verification, analysis, or auditing of revenues and expenditures is done by the Auditor/Controller Department.

As a result of the Commission's approval of an annual expenditure budget that significantly exceeds the combined funding provided by the County Board of Supervisors and the City Council of Portola, a significant gap has remained each year. A portion of the gap has been closed each year through management of the expenditures below the budgeted amount. However, the gap has been funded primarily through the imposition of fees associated with virtually all of the activities of the paid staff.

Government Code Section 56383 (a) states that "*The commission may establish a schedule of fees for the costs of proceedings taken pursuant to this division, including, but not limited to, all of the following:*

1. *Filing and processing applications filed with the commission.*
2. *Proceedings undertaken by the commission and any reorganization committee.*
3. *Amending a sphere of influence*
4. *Reconsidering a resolution making determinations."*

Plumas LAFCo has established a fee schedule based upon a cost analysis conducted by the staff and approved by the Commission. The Grand Jury did not attempt an evaluation of the assumptions underlying this cost analysis. However, as indicated by the following chart developed through a survey of other Northern California county LAFCOs, the fee schedule for Plumas LAFCo is significantly out of line.

| <b>Services</b>        | <b>Plumas Co.</b> | <b>Lake Co.</b> | <b>Colusa Co.</b> | <b>Amador Co.</b> | <b>Del Norte Co.</b> |
|------------------------|-------------------|-----------------|-------------------|-------------------|----------------------|
| Full MSR               | \$7,500           | \$0             | \$0               | \$0               | \$0                  |
| Abbreviated MSR        | \$3,500           | \$0             | \$0               | \$0               | \$0                  |
| Full SOI Amendment     | \$5,500           | \$2,000         | \$2,000           | \$1,000           | \$1,500              |
| 5 Year SOI             | \$3,500           | \$0             | \$0               | \$0               | \$0                  |
| District Consolidation | \$7,500           | \$2,000         | \$2,000           | \$0               | \$2,000              |
| Annex 0 - 10 Acres     | \$4,000           | \$1,000         | \$2,000           | \$1,000           | \$1,500              |
| Annex 11+ Acres        | \$6,500           | \$1,000         | \$2,000           | \$1,000           | \$1,500              |

In some cases fees are triple, or more, the amount charged by other counties for the same LAFCo services. Particularly striking is the fact that Plumas LAFCo is the only county of the five covered by the chart that posts any fee schedule for Municipal Service Reviews (MSR). While the government code does not prohibit charging for MSRs, many counties take the approach that these are inherent in the basic mandated daily activities of LAFCo and do not represent a “proceeding” that requires additional fee allocation.

The Executive Officer of Plumas LAFCo, in Grand Jury interviews, has stated that it is the only “enterprise” LAFCo in California and defines this on the basis that Fee Revenue, as a percent of Total Revenue, is higher than any other county. This contention was also documented in the Executive Officer’s memo of June 18, 2007, concerning the fiscal 2007-8 final budget adoption.

An “enterprise” approach to government operations is certainly a positive in many situations. However, to the extent that Fee Revenue generated by Plumas LAFCo is collected from special services districts and the City of Portola, this is also taxpayer money. These entities are largely funded by tax allocations and many are hard-pressed by finances to deliver the services for which they were formed. This money is then being used to balance the Plumas LAFCo budget.

## **Findings and Recommendations**

### **Finding #1 - Plumas LAFCo Cost Structure**

The current operational costs of Plumas LAFCo substantially exceed the funding provided by Plumas County and the City of Portola. The fee schedule developed to fund the resulting gap is substantially higher than that of other county LAFCOs surveyed.

Application fees for LAFCo proceedings are to some degree a function of county growth rates and real estate activity. If that source of fee revenue declines, Plumas LAFCo will increasingly rely on fees charged to special districts for Municipal Service Reviews and Sphere of Influence studies to meet its budget deficit. These fee payments come from special district general funds. This places an undue financial burden on special districts.

### **Recommendation #1 - Plumas LAFCo Cost Structure**

It is recommended that the Commission, independent of the Executive Officer, review alternative approaches to the operation of Plumas LAFCo to reduce the operating costs to a level that can be funded without significant reliance on application and other fees.

Government Code Section 56380 states that, *“the commission may choose to contract with any public agency or private party for personnel and facilities.”*

Since the problem of properly funding LAFCo is not limited to Plumas County, it is suggested that the Commission take the initiative to contact other rural counties to determine the feasibility of jointly contracting with a provider to operate several county LAFCOs in a geographically manageable area.

### **Finding #2 - Plumas LAFCo - Relationships with Constituent Agencies**

Grand Jury interviews and observations indicate that the current Executive Officer, in over six years on the job, has failed to establish a positive liaison and rapport with officials of the City of Portola and many of the special districts within Plumas County. The establishment of a positive relationship with the county, city and special district personnel is a critical part of the intent of the LAFCO legislation and is a key component of the Executive Officer’s employment contract.

## **Recommendation #2 - Plumas LAFCo - Relationships with Constituent Agencies**

The Commissioners should immediately establish a schedule to meet with officials of the City of Portola and with board members of a representative cross-section of the special services districts in Plumas County, without the presence of the Executive Officer, to listen to candid feedback regarding their relationship with Plumas LAFCo and the Executive Officer. Based upon this feedback, the Commissioners should determine whether there is a reasonable likelihood that the relationship between Plumas LAFCo and its constituents can be satisfactorily mended under the present Executive Officer. If so, a specific plan of action to resolve the matter should be undertaken and should become a key part of the Executive Officer's performance evaluation going forward. If not, the Commission should take appropriate action to resolve the issue.

## **Finding #3 - Plumas LAFCo - Financial Audit**

LAFCO legislation contains no requirement for annual financial statements of actual operating results to be submitted to State or County authorities. This lack of a mandated financial oversight potentially exposes the taxpayers, the Commission and the LAFCo staff to unnecessary concerns and risk.

## **Recommendation #3 -Plumas LAFCo Financial Audit**

It is recommended that the Commissioners publish a Request for Proposal to be sent to Certified Public Accounting firms in Northern California to initiate steps to obtain an independent financial audit.

## **Finding #4 - Special Districts and Plumas LAFCo**

Each year, the Executive Officer of Plumas LAFCo, as required by the **CKH** legislation, has provided, to each special district board in the county, a copy of the proposed preliminary and final proposed budget for Plumas LAFCo for the coming fiscal year. This provides an opportunity for the special districts to make their concerns and comments known. On May 12, 2008, the regular publicly noticed meeting of the Commission was held to consider adoption of the 2008-9 Plumas LAFCo budget. The public attendance at that meeting included just one board member from one of the approximately 55 special districts in the county.

## **Recommendation #4 Special Districts and Plumas LAFCo**

While it is recognized that the board members of the special districts are primarily volunteers and have numerous commitments for their time, it is imperative that the various districts, perhaps through the Plumas Special Districts Association, make the effort to better understand the purposes, powers, limitations and mission of Plumas LAFCo as they affect the ability of the districts to effectively and efficiently deliver services to their constituents.

The Plumas County Special Districts Association and the Boards of the individual Special Districts in Plumas County need to become much more pro-active with Plumas LAFCo, whether, or not, they decide to join and appoint 2 Commissioners.

### **Conclusion**

The current operational costs of Plumas LAFCo substantially exceed the funding provided by Plumas County and the City of Portola. Grand Jury interviews and observations indicate that the current Executive Officer, in over six years on the job, has failed to establish a positive liaison and rapport with officials of the City of Portola and many of the special districts within Plumas County. LAFCO legislation contains no requirement for annual financial statements of actual operating results to be submitted to State or County authorities. Each year, the Executive Officer of Plumas LAFCo, as required by the **CKH** legislation, has provided, to each special district board in the county, a copy of the proposed preliminary and final proposed budget for Plumas LAFCo for the coming fiscal year. This provides an opportunity for the special districts to make their concerns and comments known.

The Commissioners and Executive Officer of Plumas LAFCo, The Plumas County Board of Supervisors, the Plumas Special Districts Association, the boards of the Plumas County special services districts and the officials of the City of Portola have an obligation to the citizens of Plumas County to work together to find the most cost effective way to enable Plumas County LAFCo to deliver the services mandated by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

## **THE PLUMAS COUNTY OFFICE OF EMERGENCY SERVICES (OES)**

### **Reason for Investigation**

Since the events that occurred on September 11, 2001, the Federal Government and the State of California have enacted new laws and procedures to protect the public safety and property, to provide an organizational structure to guide emergency responders, and to provide for reimbursement to local responding agencies. The 2007-2008 Plumas County Grand Jury decided to inquire into Plumas OES as a result of these changes and in light of recent events in Plumas County that have been featured in the local news papers. We were aware of concerns with the processes and procedures being employed by the Plumas County OES. In addition, the Plumas County Grand Jury has not previously examined the Office of Emergency Services.

### **Procedure**

We used three important investigatory methods to obtain our results; observations, research, and interviews. Observations were conducted at Quincy Fire Department/HAZMAT, Peninsula Fire Department, Plumas County Sheriffs Department Communications Center, and the railroad spill site at Storrie. Documents reviewed included Plumas County Emergency Operations Plan; Plumas County Multi-Hazard Mitigation Plan; Plumas County Hazardous Materials Response Plan; and California OES website.

The Grand Jury interviewed:

- 1 Director of the Office of Emergency Services,
- 2 Assistant Director of the Office of Emergency Services,
- 3 Chief of the Quincy Fire Department
- 4 Director of Plumas County HAZMAT,
- 5 The Director of Environmental Health
- 6 Communications Specialists with the Sheriff's Department
- 7 Plumas County Risk Management Director
- 8 County Auditor
- 9 Local Citizens

## **Background**

The Governor's Office of Emergency Services (OES) serves as the lead state agency for emergency management in California. Its mission is to ensure the state is ready and able to mitigate against, prepare for, respond to, and recover from the effects of emergencies that threaten lives, property and the environment. The state OES coordinates the activities of all state agencies relating to preparation and implementation of the State Emergency Plan. OES also coordinates the response efforts of state and local agencies and the integration of federal resources into state and local response and recovery operations. The *California Emergency Services Act* (ESA) found in Government Code Chapter 7 of Division 1 of Title 2 provides the basic legal authorities for emergency management in the state.

The state's 58 counties are grouped into three OES Administrative Regions - Coastal, Inland, and Southern. The operational area of Plumas OES encompasses Plumas County and all the political subdivisions located within its boundaries. On-scene responders such as law enforcement, fire services and public works personnel conduct direct response activities. Independent agencies can augment the American Red Cross and other relief agencies.

California Government Code, Section 8607, requires the development of a Standardized Emergency Management System (SEMS), which is a uniform method for managing emergencies. Local government agencies must use SEMS to be eligible for State reimbursement of eligible response related personnel costs resulting from a disaster.

California State Government Code, Section 8610 states Counties and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency or state of emergency. The Multi-Agency Coordination Group is the local disaster council in Plumas County and is composed of key personnel from:

1. Environmental Health Department
2. Public Health Department
3. HAZMAT Response Team
4. Fire Department Representatives
5. Sheriff's Office
6. Highway Patrol
7. Public Works Department
8. Road Department
9. Board of Supervisors



10. CAO of Plumas County
11. Clerk to the BOS
12. County Clerk
13. Department of Social Services
14. US Forest Service
15. Cal Trans
16. Plumas Sierra Rural Electric Co-Op.
17. American Red Cross
18. Plumas District Safety Officer
19. City of Portola Administrator
20. Director of Plumas County Office of Emergency Services

California State Government Code, Section 8613 states that “Should an accredited disaster council fail to comply with the rules and regulations of the Office of Emergency Services in any material degree, the office may revoke its certification”.

The Plumas County Office of Emergency Services, working with the Plumas County Environmental Health Department is responsible for overall pre-emergency planning and coordination among the various emergency responders. This includes coordination of emergency assistance between contiguous jurisdictions.

The State and Federal Governments help local jurisdictions cover the cost of disasters. To get this help, Plumas County must declare a local emergency within 10 days of the actual occurrence of a disaster. The County must then assess damages, and apply for aid within 60 days after the Proclamation of a Local Emergency and contact the State Office of Emergency Services for assistance information. Federal aid, coordinated by the Federal Emergency Management Agency (FEMA), is given at the request of the Governor.

The Office of Emergency Services is responsible for assisting the various county departments in the preparation and tracking of such claims, and should coordinate the filing of claims.

As with all mandated government activities an adequate level of funding is critical. During the interview process it became apparent that there are many funding gaps in the Plumas Office of Emergency Services. The various agencies have been left to seek their own funding through grants, special district allocations and fund raising efforts.

During the Grand Jury interview process the interviewees were asked if the Office of Emergency Services has conducted full, "in the field" countywide preparedness drills to test the system. The general response was that "the personnel in each department are responsible to make sure that their own departments are safe, properly trained, know the OES rules, and know their responsibilities in emergency situations". Apparently there was a "table top" OES exercise conducted within the past two years when the only full field exercise was cancelled because of inclement weather.

It should be noted that on March 11, 2008 the Plumas County Board of Supervisors accepted the resignation of the Director of the Plumas OES and also his resignation as the County Fire Marshall.

## **Findings and Recommendations**

### **Finding #1**

The Plumas County Organizational Chart obtained from the Human Resources Department by the Grand Jury, dated June 12, 2007 does not include the Plumas Office of Emergency Services, which calls into question the historical chain of command and the extent of the OES assimilation into Plumas County operations.

### **Recommendation #1**

The Plumas County Organizational Chart should be amended to reflect the proper chain of command.

### **Finding #2**

While numerous individual emergency responder agencies in Plumas County possess high levels of training, skill and performance capabilities, there is a lack of inter-agency communication and coordination training. This is in direct violation of the Office of Emergency Services State mandate.

The director and the assistant director have not met on a regular basis with the effect that the assistant director is not always advised of the current situations.

## **Recommendation #2**

The Office of Emergency Services, in conjunction with the Environmental Health Department, should conduct regular disaster exercises with all response agencies and with voluntary participation of business representatives.

The Director and Assistant Director should meet as frequently as necessary to insure that the assistant director is fully advised of all situations.

## **Finding #3**

The Multi Agency Coordination Group, which is the local disaster council, does not meet on a regular basis. It is the responsibility of the Director of Emergency Services to schedule these meetings.

## **Recommendation #3**

The Multi Agency Coordination Group should meet on a regular basis. The Director of Emergency Services should schedule these meetings.

## **Finding #4**

There is a serious retention issue concerning the HAZMAT responders. After these responders are trained, they are often recruited by outside agencies that provide better compensation.

## **Recommendation #4**

HAZMAT responders who are trained through Plumas County should receive a pay differential to maintain certification. In addition, they should be required to sign a contractual agreement stating that they will serve the county for a minimal time period or reimburse the county for training expenses.

## **Finding #5**

On June 30, 2007 there was a 22-railcar derailment that released toxic chemicals and residents were ordered to evacuate. The Emergency Command Center was not activated nor was the Plumas County Emergency Operations Plan implemented. As a result, post evacuation care was not provided as required by the Plumas County Emergency Operations Plan.

### **Recommendation #5**

In the event of future occurrences, the Office of Emergency Services should activate the Emergency Command Center and implement the Plumas County Emergency Operations Plan. A reception and care site should be activated to provide evacuees with information on the incident and directions to temporary housing.

The Director of Emergency Services should contact the displaced county residents to mitigate their evacuation expenses and to keep them apprised of the current situation concerning the cleanup of the site and when it is safe to return to their residences.

### **Finding #6**

The Director of Emergency Services has not sought reimbursement from the state and federal governments for Hazardous Spills, Fire Fighting efforts by the Special District responders, or for the Claremont Dynamite incident in Quincy.

### **Recommendation #6**

The Director of Emergency Services should seek reimbursement through the State and Federal Governments and follow the procedures set forth in the document that was adopted by the Plumas County Board of Supervisors on September 13, 2005 by Resolution No. 05-7200.

### **Finding #7**

The Director of Emergency Services has left the grant seeking process to individual departments.

### **Recommendation #7**

The Director should also be responsible for the coordination of grant writing activities for the different departments to insure that all needs are being addressed.

### **Finding #8**

The new communication system at the Sheriff's Office is truly state of the art. The system is hooked up to all agencies in California so that help can be requested

quickly. The Communication Center is fully staffed with eight operators. They have two people on duty 24 hours a day, 7 days a week.

Currently they are working on:

- The reverse 911 system
- Voting receivers that will select the strongest receiver signal automatically
- Wireless broadband communications

## **Recommendations #8**

The Grand Jury commends the Sheriff's Communication Department and more specifically, Mike Grant, for the new Communication Center. It has taken a tremendous effort to bring Plumas County into the 21<sup>st</sup> century of communications. And this deserves our gratitude and special recognition. We further recommend that the Plumas County Board of Supervisors formally recognize Mr. Grant for his outstanding efforts.

## **Conclusion**

The Plumas County Organizational Chart obtained from the Human Resources Department by the Grand Jury, dated June 12, 2007 does not include the Plumas Office of Emergency Services. There is a lack of inter-agency communication and coordination training. The Multi Agency Coordination Group, which is the local disaster council, does not meet on a regular basis. There is a serious retention issue concerning the HAZMAT responders. On June 30, 2007 there was a 22-railcar derailment that resulted in the release of toxic chemicals, the Emergency Command Center was not activated nor was the Plumas County Emergency Operations Plan implemented. The Director of Emergency Services has not sought reimbursement from the state and federal governments for Hazardous Spills, Fire Fighting efforts by the Special District responders, or for the Claremont Dynamite incident in Quincy. The Director of Emergency Services has left the grant seeking process to individual departments. The responsibility for correcting these issues lies with the Plumas County Board of Supervisors and the Director of Emergency Services.

Currently the Board of Supervisors is seeking a new candidate for the position of Director of Emergency Services. It is critical that the new director has a clear understanding of the State and Federal regulations.

## COMPLAINT SUMMARIES

### Complaint No. 07/08-1

#### **Nature of Complaint**

The complaint was received from an anonymous source.

#### **Response**

It is the policy of the Plumas County Grand Jury that all complaints must be in writing, signed and dated. Therefore, this complaint was not considered by the Grand Jury.

### Complaint No. 07/08-2

#### **Nature of Complaint**

The complainant alleged criminal acts by a former county official.

#### **Response**

This Plumas County Grand Jury is civil in nature. The complaint did not fall under the jurisdiction of this Grand Jury.

### Complaint No. 07/08-3

#### **Nature of Complaint**

The complainant alleged that the “Plumas County Jail has refused to post the inmate welfare fund in the Library.” The complainant also alleged that “The dispensing of narcotics and anti-psychotic, psychotic medications by non-qualified correction personnel, ...it does not fall into correctional duties and is a violation of the law.”

#### **Response**

California Penal Code Section 4025 governs the management of the Inmate Welfare Fund. This code determines the sources for monies deposited in the fund, permitted expenditures of the fund and the requirements for accounting of the fund. There is no requirement that the Inmate Welfare Fund be posted in the jail. The law requires that, “An itemized report of these expenditures shall be submitted annually to the Board of Supervisors.”

California Code of Regulations, Title 15 Section 1216 governs the dispensing of medications within the county jail. Subsection (b)(7) states, “Delivery of medication may be done by either licensed or non-licensed personnel, e.g. custody staff, acting on order of a prescriber.”

#### **Complaint No. 07/08-4**

##### **Nature of Complaint**

Complainant alleged the Board of Supervisors was in violation of specific chapters of the Ralph M. Brown Act

1. Chapter V – The elimination of all community residents’ names and comments opposing the establishment of a drug and alcohol rehabilitation facility “was a form of viewpoint discrimination...”
2. Chapter VII – The BOS deprived “the public of information which the members knew or had reason to know the public was entitled to receive.”

##### **Response**

With regard to the complaint filed against the BOS, The Plumas County Grand Jury finds no violation of the provisions of Chapter V of the Ralph M. Brown Act as indicated in the complaint. Based on what was presented to the Grand Jury there is nothing to substantiate the necessity for recommending pursuit of criminal penalties as outlined in Chapter VII of the Ralph M. Brown Act.

#### **Complaint No. 07/08-5**

##### **Nature of Complaint**

The complainant alleged improper conduct and the unlawful seizure of property by Plumas County Animal Control Officers.

##### **Response**

The Grand Jury investigation revealed that under California Penal Code Section 597.1 (a)(b) the officers acted within the scope of their duties as defined by law.

#### **Complaint No. 07/08-6**

##### **Nature of Complaint**

The complainant alleged that the Eastern Plumas Health Care Board of Directors illegally ceded its power to one person, namely the CEO. The complainant also alleged irregularities with regard to the CEO’s disability claims. The complainant

also alleged that past Grand Juries were denied access to the CEO's personnel files.

**Response**

The Grand Jury interviewed the complainant and consulted the District Attorney. The District Attorney had also received the complaint and had forwarded the allegations within this complaint to the Office of the State Attorney General for an opinion. No response has been received as of the writing of this report.

**Complaint No. 07/08-7**

**Nature of Complaint**

The complainant alleged negligence on the part of Union Pacific Railroad with regard to a derailment in the Feather River Canyon that affected the complainant's property and business.

**Response**

The Grand Jury has no jurisdiction over private companies.

**Complaint No. 07/08-8**

**Nature of Complaint**

The complainant alleged that the Quincy Fire District has failed to keep the public informed regarding the use of funds generated by "measure A" on the July, 2006 ballot.

**Response**

The complaint was received too late for this year's Grand Jury to accomplish a proper investigation. The complainant should re-file the complaint with the 2008-2009 Grand Jury.

**Complaint No. 07/08-9**

**Nature of Complaint**

The complainant alleged a violation of his constitutional rights by Officials of Plumas County.

**Response**

This complaint does not fall under the jurisdiction of this Grand Jury.



## **Complaint No. 07/08-10**

### **Nature of Complaint**

The complainant alleged confusion involved with the relocation of a county sponsored program.

### **Response**

This complaint was received too late in the year for this Grand Jury to conduct a proper investigation. The complainant should re-file the complaint with the 2008-2009 Grand Jury.

**PLUMAS COUNTY GRAND JURY HISTORY OF INVESTIGATIONS**

| <b>Department, Agency, Program</b>   | <b>Earlier Years</b> | <b>2000-2001</b> | <b>2001-2002</b> | <b>2002-2003</b> | <b>2003-2004</b> | <b>2004-2005</b> | <b>2005-2006</b> | <b>2006-2007</b> | <b>2007-2008</b> |
|--------------------------------------|----------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Administrator/CAO                    | 95-96                |                  | X                |                  |                  |                  |                  |                  |                  |
| Agriculture Commissioner             |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| Airport Operations                   |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| Alcohol and Drug                     | 95-96                |                  | Inc.             |                  |                  |                  |                  |                  |                  |
| Animal Services                      | 95-96                |                  | X                | X                |                  | X                | F/U              | X                |                  |
| Assessor                             | 95-96,98-99          |                  |                  |                  |                  |                  |                  |                  |                  |
| Auditor/Controller                   |                      |                  | X                |                  |                  |                  |                  |                  |                  |
| Board Of Supervisors                 |                      |                  | X                |                  |                  |                  | X                | X                | X                |
| Building and Planning Services       |                      |                  |                  | X                |                  | X                |                  |                  |                  |
| Clerk/Recorder                       |                      |                  | Inc.             |                  |                  |                  |                  |                  |                  |
| Community Services Districts         |                      |                  |                  |                  |                  |                  |                  | X                |                  |
| County Counsel                       |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| District Attorney                    | 98-99                |                  |                  |                  |                  |                  |                  | X                |                  |
| Facility Services                    | 99-00                |                  |                  | X                |                  | X                |                  |                  |                  |
| Fair                                 |                      |                  | X                |                  |                  |                  |                  |                  | X                |
| Farm Advisor                         |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| Feather River College                |                      |                  |                  |                  |                  |                  | Inc.             | X                |                  |
| Fire Departments                     |                      |                  | X                | X                |                  | X                | F/U              |                  |                  |
| Health Dept./Env. Health             |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| Hospital Districts                   |                      |                  | X                |                  |                  |                  |                  |                  |                  |
| Housing and Comm. Development        |                      |                  |                  |                  |                  |                  |                  |                  |                  |
| Human Resources                      | 99-00                |                  |                  |                  | X                |                  |                  |                  |                  |
| Information Technology               | 99-00                |                  |                  |                  |                  |                  |                  |                  |                  |
| Jail                                 | 98-99                | X                | X                | X                | X                | X                | X                | X                | X                |
| Juvenile Hall                        |                      |                  |                  | X                |                  | X                |                  |                  |                  |
| Library                              | 98-99                |                  |                  |                  |                  |                  |                  |                  |                  |
| Local Agency Formation Comm. (LAFCo) |                      |                  |                  |                  |                  |                  |                  |                  | X                |
| Mental Health                        | 95-96,99-00          |                  |                  |                  |                  |                  |                  |                  |                  |
| Museum                               | 98-99                |                  |                  |                  |                  |                  |                  |                  |                  |
| Nutrition Program                    | 95-96                |                  |                  |                  |                  |                  |                  |                  |                  |
| Office of Emergency Services (OES)   |                      |                  |                  |                  |                  |                  |                  |                  | X                |
| Plumas Corporation                   |                      |                  | X                |                  |                  |                  |                  |                  |                  |

| Department, Agency, Program          | Earlier Years | 2000-2001 | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | 2007-2008 |
|--------------------------------------|---------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Flood Control and Water Conservation |               |           |           |           | X         | X         |           |           |           |
| Public Health Agency                 |               |           |           |           | X         |           |           |           |           |
| Plumas Unified School District       |               |           |           | X         | X         | X         |           |           |           |
| Cemetery Districts                   |               |           |           |           |           |           |           |           |           |
| Probation                            | 98-99         |           | X         |           | X         |           |           |           |           |
| Public Works                         | 98-99         |           | X         |           |           |           |           |           |           |
| Recreation Districts                 | 95-96         |           |           |           |           |           |           |           |           |
| Sheriff/Coroner                      | 98-99         |           | X         |           | X         |           |           |           | X         |
| Social Services/Public Guardian      | 95-96         |           |           |           |           |           |           | X         |           |
| Treasurer/Tax Collector              | 98-99         |           |           |           |           |           |           |           |           |
| Veteran's Services                   | 95-96         |           |           |           |           |           | X         |           |           |

**Key**

F/U \_\_\_\_\_ Follow up

Inc. \_\_\_\_\_ Incomplete