

LASSEN COUNTY, CALIFORNIA  
**GRAND JURY REPORT**

2015-2016



## TABLE OF CONTENTS

Letter from the Honorable Superior Court Judge Michele Verderosa.....	1
Grand Jury Foreperson’s Letter.....	2
Grand Jury Members List.....	3
Grand Jury Members Disclaimers and Signature Sheet.....	4
California Grand Juries.....	5
Distribution List.....	6
Responses to Grand Jury Report.....	7
Respondent’s Procedure.....	8
Introduction.....	9
Detention Facilities.....	10
Lassen County Assessor’s Office.....	16
Lassen County Assessor’s Office.....	19
Standish-Litchfield Fire Protection District.....	23
Appendix: Responses to 2014-2015 Lassen County Grand Jury Final Report.....	26

# LASSEN SUPERIOR COURT

**Michele Verderosa**  
**Presiding**  
**Superior Court Judge**



2610 Riverside Drive  
Susanville, CA 96130  
(530) 251-8205 Ext 109

June 14, 2016

Clerk of the Court  
Lassen County Superior Court  
2610 Riverside Drive  
Susanville, CA 96130

To the Clerk of the Court:

As Presiding Judge of the Lassen County Superior Court, I hereby instruct the Clerk to accept for filing the 2015-2016 Lassen County Grand Jury Final Report as presented to me this 13<sup>th</sup> day of June 2016.

Sincerely,

A handwritten signature in blue ink that reads "Michele Verderosa".

Michele Verderosa  
Presiding Judge  
Lassen County Superior Court

MV:lab

June 9, 2016

Honorable Michele Verderosa  
Presiding Judge  
Lassen County Superior Court  
2610 Riverside Ave.  
Susanville, Ca 96130

2015-2016 GRAND JURY REPORT

Dear Judge Verderosa,

Pursuant to California Penal Code section 933(a), the members of the 2015-2016 Lassen County Grand Jury are pleased to submit our final report to you and the citizens of Lassen County.

This report is a culmination of the efforts of ordinary citizens committed to the historical and legal notion of citizen oversight of local governmental entities and special districts. The members have devoted a lot of their time to this commitment and remain steadfast in the belief that this is a worthwhile mission.

We have endeavored to be accurate and fair in our assessments and hope our recommendations are perceived as helpful rather than critical.

City, County, and Special District officials face many challenges in the current environment and the Grand Jury acknowledges their dedication and efforts to serve appropriately.

As this year's Foreperson, I would like to express my appreciation to all the members and give special recognition to our secretary Emily Jones and pro-tem Mark Nareau.

Respectfully,



RONALD JARRELL  
Foreperson

**MEMBERS OF THE 2015-2016 LASSEN COUNTY GRAND JURY**

**Ron Jarrell, Foreperson\***

**Mark Nareau, Foreperson Pro-Tem**

**Emily Jones, Secretary\***

**Chevi Amrein**

**Daniel Blackard**

**Betty Harrison**

**Daniel James**

**Michael Keating**

**Portia Korver**

**Jennifer McNally\***

**Carole Menard**

**Kay Oring**

**Matthew Pregill**

**Edith Schwirian**

**Barbara Smith**

**Brenda Vicondoa**

**Lyn Voels**

**\*Returning member from 2014-2015 Lassen County Grand Jury**

**LASSEN COUNTY GRAND JURY MEMBERS'**  
**DISCLAIMER AND SIGNATURES**

The Grand Jury recognizes that a conflict of interest may arise in the course of its investigations. In such instances, the juror may ask to be recused from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the perception of a conflict of interest existed on the part of a member of the 2015-2016 Lassen County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports, which the majority approved.

  
\_\_\_\_\_  
RON JARRELL, Foreperson

  
\_\_\_\_\_  
MARK NAREAU, Foreperson Pro-Tem

  
\_\_\_\_\_  
CHEVI AMREIN

  
\_\_\_\_\_  
DANIEL BLACKARD

  
\_\_\_\_\_  
BETTY HARRISON

  
\_\_\_\_\_  
DANIEL JAMES

  
\_\_\_\_\_  
EMILY JONES

  
\_\_\_\_\_  
MICHAEL KEATING

  
\_\_\_\_\_  
PORTIA KORVER

  
\_\_\_\_\_  
JENNIFER MCNALLY

  
\_\_\_\_\_  
CAROLE MENARD

  
\_\_\_\_\_  
KAY ORING

  
\_\_\_\_\_  
MATTHEW PREGILL

  
\_\_\_\_\_  
EDITH SCHWIRIAN

  
\_\_\_\_\_  
BARBARA SMITH

  
\_\_\_\_\_  
BRENDA VICONDOA

  
\_\_\_\_\_  
LYN VOELS

## CALIFORNIA GRAND JURIES

The California Penal Code describes the organization, powers and the duties, and general structure of the Grand Jury. All of California's 58 counties are required to have Grand Juries.

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are forty-two states that have some form of Grand Jury, but California and Nevada mandate the impaneling of a Grand Jury each year. The Lassen County Grand Jury is a judicial body of nineteen (19) citizens impaneled to watch over the citizens of Lassen County.

Grand jurors are forbidden by law, to disclose any evidence acquired during investigations, or disclose the names of complainants or witnesses.

After investigations are completed, it is the responsibility of the grand jury to recommend changes that should be made in order to increase efficiency, and improve services to the general public.

Special commendations may also be made to departments or agencies for excellence in management. The reports that are released to the public, have been collected, voted on by at least 12 members, and the results carefully edited by the editing committee for a Final Report. At the end of the Grand Jury's term of office, reports are written, edited, and voted on by at least 12 members and released to the public.

The Final Lassen County Grand Jury Report is distributed as the Distribution List indicates on the following page. Both reports and responses are available on the Superior Court website at [www.lassencourt.ca.gov](http://www.lassencourt.ca.gov) and in the Jury Commissioner's office at Lassen Superior Court, 2610 Riverside Drive, Susanville, California 96130. The telephone number is (530) 251-8205. Lassen County website, [www.co.lassen.ca.us](http://www.co.lassen.ca.us) also contains a link to the Superior Court and Grand Jury reports.

**DISTRIBUTION LIST**

**Lassen County:**

Superior Court Judge Michele Verderosa

Superior Court Judge Tony Mallery

Board of Supervisors (5)

Treasurer/Tax Collector

District Attorney

Chief Executive Officer

County Counsel

Personnel and Risk Management

Assessor's Office

Probation Department

Sheriff's Department

**City of Susanville:**

City Council (5)

City Administrative Officer

**Corrections Facilities:**

California Correctional Center

High Desert State Prison

**Others:**

State of California Attorney General's Office

California Grand Jurors' Association

Westwood Chamber of Commerce

Susanville District Library

Lassen County Times Newspaper

Sierra Radio Network

XX Country Radio Station

Susanville Stuff.com

2014-2015 Grand Jurors

2015-2016 Grand Jurors

**Special Districts:**

Standish-Litchfield Fire Protection District



**RESPONSES TO GRAND JURY REPORTS**  
**SUMMARY OF PC §933.05**

A compendium of all codes pertaining to Grand Jury was produced by the Governor's Office of Planning and Research. This document is available to Grand Juries through the Superior Court in respective counties. Since the compendium was assembled the following has become law.

Penal Code §933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the findings of a Grand Jury report:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the findings, *in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.*

Penal Code §933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond in respect to the *recommendations* of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. *This timeframe shall not exceed six (6) months from the date of publication of the Grand Jury Report.*
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

**RESPONSE PROCEDURE TO GRAND JURY REPORTS**  
**SUMMARY OF PC §933.05**

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example: the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson and the CEO's office.

**Report Title:** \_\_\_\_\_ **Report Date** \_\_\_\_\_

**Response by:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Findings**

I (we) agree with the findings numbered: \_\_\_\_\_

I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_

**Recommendations**

Recommendations numbered: \_\_\_\_\_  
have been implemented. (Attach a summary describing the implemented actions.)

Recommendations numbered: \_\_\_\_\_  
require further analysis. (Attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report).

Recommendations numbered: \_\_\_\_\_  
will not be implemented because they are not warranted and/or are not reasonable. (Attach an explanation.)

**Date:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Total number of pages attached:** \_\_\_\_\_

## INTRODUCTION

The Grand Jury is a constitutionally mandated judicial body charged to investigate civil matters but not criminal matters. The Grand Jury's responsibilities include investigating issues regarding city and county government as well as public agencies funded by the government and issuing reports and recommendations when appropriate.

All communications with the Grand Jury are confidential. Information provided to the Grand Jury to support a complaint is carefully reviewed to determine what further action, if any, is required. If it is determined that the matter is not within the investigative authority of the Grand Jury, no further action is taken. If the matter is within the legal scope of the Grand Jury's investigative powers and warrants further inquiry, the Grand Jury will contact and interview those individuals who may be able to provide additional information. During an investigation, all information and evidence will be considered, however, a review may not result in any action or report by the Grand Jury.

Each year the Grand Jury must inquire into the condition and management of all public prisons within the County. As required by law, the 2015-2016 Grand Jury toured the California Correctional Center, High Desert State Prison, Lassen County Adult Detention Facility and Lassen County Juvenile Detention Facility. This year the Grand Jury chose to write a combined summary of each institution. After comprehensive tours and discussion, the jury found that no recommendations were necessary. As a commendation, the tours were valuable and informative. The Grand Jury enjoyed meeting, questioning and watching presentations from institution leadership and staff that were so very knowledgeable and proud to share their procedures, facility improvements, and new and successful programs.

The Lassen County Grand Jury received seven written complaints during the 2015-2016 fiscal year. As the letters and formal complaints were received and presented to the full Grand Jury, careful consideration was given to the validity and content of each complaint. Each grievance was inspected and acted upon in a professional and conscientious manner.

The following Grand Jury Reports are based on interviews and information which was brought to the attention of, and investigated by the Lassen County Grand Jury.

## DETENTION FACILITIES

California Penal Code 919(b) mandates the Grand Jury “inquire into the conditions and management of all detention facilities within their county.” The following is a summary of those inquiries.

### **CALIFORNIA CORRECTIONAL CENTER**

On November 6, 2015 the 2015-16 Lassen County Grand Jury toured the California Correctional Center (CCC) located near Susanville.

#### **Summary**

The primary mission of CCC is to house and train minimum custody inmates for placement into the 18 Conservation Camps in Northern California which are administered by the Institution. Additionally, CCC houses inmates who do not meet the requirement for placement into the camps by providing work, training, educational and substance treatment programs for those inmates. Currently the inmate population is 3869 (including camps) with a total capacity of 4870. Staffing authorization is 995 which includes custody and non custody staff. There are currently 58 vacancies. The annual budget is \$153 million.

The institution offers eight vocational and seven academic programs as well as limited college classes. In 2014 a new substance abuse treatment program was established, graduating 87 inmates to date.

The Grand jury toured a large portion of the facility, including the medical area, kitchens, housing units and camp. It should be noted some of the dorms constructed in 1963 have been remodeled, with others scheduled for repair.

The Camp program is administered by CCC with 18 camps located throughout Northern California. There have been 1.6 million hours of work accomplished by the camp inmates this year. This includes community projects, improvements to Camp facilities, and wild land fire suppression.

The popular “pups on parole” program celebrated its 8<sup>th</sup> anniversary this year.

Of special interest to the Grand Jury was the effort by staff to become accredited by the American Correctional Association. The American Correctional Association (ACA). The ACA is the oldest and largest international correctional association in the world. Accreditation is intended to improve facility operations by adherence to clear standards relevant to all areas and operations of the facility. This process provides the opportunity for management and staff to work together in order to assess the program strengths and weaknesses, establish measurable criteria for upgrading operations, and is intended to improve staff training, development and

professionalism. Once accredited, additional benefit is obtained in cases of litigation against the institution.

Overall, the facility was found to be clean and well run. No major discrepancies were noted.

The hospitality afforded the Grand Jury by the Warden and Staff was appreciated. It should also be noted the staff have contributed a great deal to other projects within the community, raising in excess of \$17,000 donated to programs in Lassen County.

## **LASSEN COUNTY ADULT DETENTION CENTER**

On February 18, 2016 the 2015-16 Lassen County Grand Jury toured the Lassen County Adult Detention Facility (LCADF) located in Susanville.

### **Summary**

Upon arrival to the LCADF, we were shown the various areas used by jailed detainees and staff. Built in 1991, the building is in good condition, but certain areas are no longer functional for current needs. Most of these needs are being addressed, with the exception of the attorney meeting room. This one room is not large enough to meet current needs. The kitchen is scheduled for remodel, the control room system is being upgraded to a more efficient system and a major camera system upgrade is also in progress. Health care services have been updated. There is now a comprehensive contract in place with California Forensic Medical Group. The contract is on a sliding scale and the Juvenile Detention Facility is included. This is estimated to have saved \$100,000-\$150,000 per year. The California Correctional Facility contract ended in 2011 and that area now stands vacant. This area could be utilized for additional income by housing contracted inmates.

There are currently 124 inmates with an average stay of 7-8 months. "Realignment" has increased the length of stay. There is limited female housing. Sentenced and non-sentenced inmates are housed together. The open dormitory housing is not ideal and causes some security concerns. Inmates who break the rules are housed in Special Housing/Security Housing unit, known as SHU. There is a need for more space for special needs inmates. No counselors are employed, and there is no on-site mental health support.

Inmates are provided an Inmate Orientation Manual. The grievance procedure is listed in the manual. All complaints are handled in-house. Severe allegations receive independent review by a third party.

There are currently 29 officers employed at the Jail. The biggest challenge is retaining corrections officers for any length of time. The three prisons in the area pay more and give better benefits, particularly family health benefits. Understaffing is a chronic problem. The average length of employment at LCADF is only one year and two months. Most officers are barely

trained in the system before leaving for a new job. There is some optimism surrounding a new hiring policy, hiring local recruits, and paying for the recruits to go through the academy.

However, unless something changes drastically, there will continue to be shortages and inexperienced staff. This has been an ongoing problem with no immediate solution.

The facility is older and in need of some repair, but very clean and organized. Improvements are currently being made in the kitchen and several other areas. There were no discrepancies found during the tour.

The Grand Jury wishes to express appreciation to the Sheriff and staff for their time and hospitality.

## **LASSEN COUNTY JUVENILE DETENTION FACILITY**

On February 18, 2016 the Lassen County Grand Jury toured the Lassen County Juvenile Detention Facility.

### **Summary**

The Grand Jury was welcomed by the Chief Probation Officer and the Superintendent.

The building is approximately 25 years old, but clean and in good condition. There are classrooms, a small kitchenette, offices, a large courtroom and visitation area, outdoor recreation facilities, and youth sleeping quarters, providing adequate space for necessary activities. Court is conducted on premises. Visitation is scheduled for one hour, four days of the week.

There are 12.5 funded positions. Four are administrative, one teacher, and the remainder are counselors. All employees have received correction officer training, with the exception of the teaching position. A juvenile corrections counselor's primary responsibility is to the custody, supervision, treatment and rehabilitation of juveniles accused of or adjudged responsible for criminal or delinquent conduct. The maximum number of detainees is 40. The number of youth detainees currently runs between four and eight. Lassen County Juvenile Detention Facility also contracts with Modoc and Plumas counties for use of facility and staff. The counselor to youth ratio during waking hours must not exceed 1-10. During sleeping hours it can be as much as 1-30.

Meals are prepared by the kitchen at the Adult Detention Facility (Jail) and brought to the juvenile facility. Health care is provided by California Forensic Medical Group in contract with the Jail. There are upgrades being performed to provide better communication between the two facilities.

All detained youths must participate in school. The Administration is working on a program to provide "at risk" youths with assistance. A juvenile's needs are assessed through a series of questions and documentation, verbal and written, as part of the in-take process.

Trained staff members are assisted by outside sources, including some volunteers. Available programs include counseling for substance abuse, pregnancy, anger management, life skills and parenting. There is an opportunity to grow, produce and learn nutritional and cooking skills. Lassen Career Network assists with resume writing, job applications, and interviewing skills. Staff teaches a Communication and Awareness program that includes group discussion and journaling.

Art is taught by a local volunteer, and religious services are provided by a volunteer, non-denominational Pastor.

The facility appears to be well-managed and secure. It is kept very neat and clean by staff and detainees. All questions were answered openly. No discrepancies were noted during the visit.

The Grand Jury would like to recognize the job that juvenile counselors and support staff are doing to support the youth detained at this facility. The Grand Jury also thanks the staff for their time and hospitality during the tour.

## **HIGH DESERT STATE PRISON**

The 2015-2016 Lassen County Grand Jury (LCGJ) toured the High Desert State Prison (HDSP) on April 7, 2016.

### **Summary**

Members of the LCGJ were greeted by the new Warden and several department heads for an informative question and answer period. A comprehensive Information Package was also provided. The Grand Jury was then escorted on an extensive walking tour throughout the facility.

The mission of High Desert State Prison is to provide for the confinement of general population and sensitive needs high security (Level IV) and medium security (Level III) inmates. HDSP is currently running at full capacity of 3,566 inmates. 2,595 of these are Level IV prisoners.

The Projected Annual Operating Budget is 154.2 million dollars. The Projected Medical Annual Operating Budget is 39.2 million dollars.

There are 877 corrections officer positions, with 82 current vacancies. There is a support staff of approximately 560, including Medical, Personnel, Education, Executive Staff and Trades.

There is an inherent difficulty in keeping corrections officers, often because their families do not want to move to such a rural area. Forced holdovers, when staff numbers are down, negatively impacts morale. There are eleven new officers coming on line soon.

The Warden stated his general philosophy in running the prison is to "Keep people busy; teach them how to deal differently." There are a number of positive programs that have been developed at HDSP towards this goal.

The Re-entry Hub provides courses in Anger Management, Substance Abuse, Criminal Thinking, and Family Relationships. The Transitions Program provides inmates with job skills, job search skills and basic financial literacy to successfully reenter their community. There are approximately 300 inmates enrolled at this time, with a 12-1 staff ratio. Studies show recidivism drops to about 20% (from 60%) for inmates who have completed these programs.

There is Enhanced Programming at Facility C designed to encourage inmates who want to positively program, to encourage good behavior, and thus lower their classification score. The inmates are allowed additional property and canteen items, as well as yard and dayroom time.

Mountain View Adult School is the fully accredited adult school at HDSP. There are approximately 500 inmates in assigned academic and vocational classes and another 400 in volunteer academic, high school diploma and college classes. 214 inmates are enrolled in various programs through the local community colleges.

High Desert State Prison has mutual aid agreements with the Sheriff's Office, California Highway Patrol, and Susanville Police Department. The very effective "School Crisis Program" is a result of this alliance.

The medical facilities at HDSP are undergoing improvements at this time. Inmate needs are carefully monitored. It is difficult to keep full-time doctors, dentists, and optometrists on staff. HDSP utilizes live video chat to increase access to physicians. This is also used for some psychiatric sessions.

Re-accreditation with the American Correctional Association is scheduled for the near future.

The LCGJ was impressed with the overall cleanliness and organization of the prison. The staff seemed open and candid in answering all inquiries. The custody personnel and support staff are to be acknowledged for the job they do in dealing with such a large number of high security inmates.

The Grand Jury would also like to express appreciation for the hospitality extended by the Warden and staff.



## **FEDERAL CORRECTIONAL INSTITUTION AT HERLONG**

The 2015-16 Lassen County Grand Jury toured the Federal Correctional Institution at Herlong on October 19, 2015. While the Grand Jury is required to visit all jails and prisons in the County, it does not have jurisdiction over Federal institutions. Nonetheless, we were invited by the staff to visit the facility.

### **Summary**

The Herlong facility is one of the 118 Federal Correctional Institutions across the United States. It is a medium security facility that houses approximately 1400 prisoners and employs just under 300 staff. 70 percent of the prisoners are convicted of drug related charges and average 6 to 8 year commitments.

The Grand Jury experienced a very robust security procedure prior to gaining entrance into the secure perimeter.

The facility is relatively new and in good repair. It was clean and numerous prisoners were observed performing janitorial duties.

There are a number of educational and trade programs offered to the prisoners including drug rehabilitation and pre release planning. Most are released into their community at the end of their confinement through a halfway house program and remain on probation for 3 to 5 years. Exercise opportunities are scheduled and most religious affiliations are accommodated.

The Grand Jury expresses gratitude for the invitation and hospitality afforded during the tour.

## ASSESSOR'S OFFICE

### **Reason for Inquiry**

Each year the Grand Jury is mandated to investigate and report on at least one county function. The 2015/16 Grand Jury chose to report on the Assessor's Office.

### **Background**

The Assessor's Office has the important duty to value property within the county, which is then taxed on the basis of that value in order to fund public programs. Recently the Lassen County Assessor's Office has received a substantial amount of media coverage.

### **Inquiry Procedure**

The Grand Jury toured the office area, reviewed the department's budget, reviewed the most recent evaluation conducted by the State Board of Equalization, interviewed the Assessor, the Chief Appraiser, the Appraiser/Auditor, and the Administrative Assistant. The Grand Jury also reviewed a copious amount of written material on Proposition 13, Revenue and Taxation Codes and Exemptions.

### **Discussion**

The Assessor is an elected county official who has four primary responsibilities:

- Locate all taxable property in the county and identify the ownership of that property.
- Establish a taxable value for that property.
- Apply all legal exemptions to the property.
- Prepare an assessment roll of all taxable property and provide it to the Tax Collector for collection of the taxes.

The types of property taxed are real property and personal property. Personal property is either secured (owned by a business or individual) or unsecured (property owned by a tenant). Typical household goods are exempt from taxation, however, taxable property can include boats and aircraft as well as agricultural equipment.

The types of exemptions applied are homeowner's exemption and some disabled veteran's exemption, which discounts the tax bill on specific properties. There is also the Williamson Act exemptions wherein certain agriculture and open space property is discounted through the use of a contract to keep the property in its current use. The state backfilled that lost revenue until

recently when the subvention was discontinued by the state. This results in approximately \$500,000 in annual loss to the county.

For the fiscal year 2015-16 there is just over 2.1 billion dollars in assessed value in Lassen County. Approximately 5 million dollars in personal property also exists. The total tax expected to be collected on this property is just over 19 million dollars.

The Assessor has a staff of nine full time employees, which includes appraisers and technicians, to accomplish this duty. The appraisers are required to possess certificates from the State Board of Equalization in order to appraise property. One of the appraisers deals exclusively with personal property, and the others are assigned to real property. The elected Assessor is also a certified appraiser. One appraiser has a basic certificate, and the rest have advanced certificates issued by the State of California.

The Revenue and Taxation Code dictates how assessments are made, and include numerous timelines to be met each year.

Because the vast majority of the taxes collected are sent to the state, the function of the office is closely monitored by the California State Board of Equalization. There is little discretion allowed to staff. The Board of Equalization also performs an extensive evaluation of the office on a regular basis. The last evaluation included findings placing the Lassen County Assessor's Office third highest in the state for compliance with the requirements,

Since 1978, Proposition 13 has placed restrictions on how property is appraised. The maximum tax cannot exceed 1% of value plus any direct assessment taxes or bonds. The annual increase cannot exceed 2% of the current assessment.

The property cannot be reappraised except when there is a change in ownership or had new construction completed or partially completed, which causes a supplemental tax to be assigned in addition to the existing tax. Reappraisals are also required in cases of a decline in value. The Lassen County Assessor has reviewed a significant number of parcels over the past few years in order to comply with this requirement.

When there is a dispute over an assessment or tax bill, every effort is made to resolve it at the office level. If unsuccessful, there is an Assessment Appeals Board to resolve conflicts between the Assessor and the taxpayer in cases where the taxpayer disagrees with the assessment.

The workload has continued to increase for the Assessor's Office. There is one appraiser position currently unfilled as a budget saving tactic.

The office is located in the old courthouse where it has been for many years. There has been little upgrade over the past few years, and most of the work stations share common areas. Heating and cooling issues are common. Most of the records are hard copy and are not automated.

### **Findings**

- F1. There has been a significant workload increase over the past few years.
- F2. The recording and filing system are antiquated by today's standards.
- F3. The building and offices are old. Many of the work stations share common areas and can get very uncomfortable in inclement weather conditions.

### **Recommendations**

- R1. Budget for and fill the vacant appraiser position.
- R2. Upgrade and modernize the recording and filing system.
- R3. Renovate and modernize offices so as to provide for a more efficient and comfortable work environment.

### **Commendations**

The Assessor's Office is commended for their high marks from the State Board of Equalizations.

### **Required Response**

Lassen County Assessor  
Lassen County Board of Supervisors

## **LASSEN COUNTY ASSESSOR'S OFFICE**

### **REASON FOR INQUIRY**

Citizen's Complaint

### **BACKGROUND**

The 2015/16 Lassen County Grand Jury received a citizen's complaint against the Lassen County Assessor and staff alleging prejudice, retaliation, unethical professional and business conduct, and abuse of public trust.

### **INQUIRY PROCEDURE**

The Grand Jury interviewed the complainant, complainant witness, Lassen County Assessor's staff (past and present), and the Lassen County Auditor's staff. The Grand Jury also reviewed the Revenue and Taxation Codes and Exemptions, IRS Codes, the Ralph M. Brown Act, property transaction documents, Attorney General Opinions, and copious amounts of written materials.

### **DISCUSSION**

Complaint #1: Over Assessment of Property Purchased in 2003

The complainant alleges that property was purchased in a like kind exchange with a finance leasing side agreement made with the owners. Approximately two years after the purchase, the Lassen County Assessor's Office made an arbitrary and inappropriate reassessment which resulted in a substantial overpayment of taxes. The complainant filed an appeal with the Assessment Appeals Board; however the Appeals Board was untimely with the appeal hearing. As a result of the untimeliness, the complainant never appeared before the Appeals Board.

The investigation shows that in 2009, the Assessor's Office discovered the complainant had incorrectly marked the original paperwork submitted to the Assessor's Office as a sale of property. (The complainant acknowledged that this had occurred.) The documentation originally noted a grant deed from the previous owner to the claimant, which triggered the reassessment as required by Proposition 13 guidelines. The transaction happened in 2006. The Assessor determined the incorrect box had been marked and the property was, in fact, a finance leasing agreement, which is by State Board of Equalization Rule 462-200, subject to exemptions. At the advisement of the Assessor, the property was then reassessed to pre Proposition 13 guidelines and a full refund of the overpaid taxes was issued by the Auditor's Office. However, the complainant contends that no interest was paid on the refund. The complainant contends he asked the Assessor about the interest and was referred to the Auditor's office. The complainant

contends he was verbally told by staff at the Auditor's office that he would not be paid any interest.

The Grand Jury interviewed the staff at the Lassen County Auditor's Office and verified the complainant was never paid any interest when he was refunded the overpayment of taxes. The Auditor's staff indicated there is a process to apply for interest owed, however they were unable to verify if that occurred because the documentation was no longer available for review. Based on the retention schedule maintained by the Lassen County Auditor's Office, the original transaction documents were purged.

Section 5151 of the Revenue and Taxation Code require interest be paid when the overpayment was a result of an Assessor mistake. It is unclear if it is required when the mistake was made by the taxpayer.

#### Complaint #2: Over Assessment of Property Purchased in 2013

Complainant alleges the Lassen County Assessor assessed the property based on retaliation. The claim of retaliation was based on a previous disagreeable conversation that occurred between the former Assessor and the complainant. The complainant requested a reassessment and also appealed to the Assessment Appeals Board. The complainant appeared before the Appeals Board and the Appeals Board made a reduction in the taxes, but the complainant expressed issues with the Appeals Board members. Specifically, the complainant cites lack of proper education, the fact that some members should have recused themselves based on several purported conflicts of interest, and violations of the Brown Act such as the complainant was not allowed to be part of the Board's decision making process.

The Grand Jury determined that Assessment Appeals Board members are identified by the Lassen County adopted Conflict of Interest Ordinance. However, a conflict of interest is determined to exist if any of the members have a financial interest in any contract entered into by the Board. There were no contracts entered into by the Board in the instant case.

The California Attorney General issued opinion #95-1207 that stated the Assessment Appeals Board is not subject to the Brown Act.

Assessor staff defended the original assessment as appropriate based on the guidelines they are required to follow.

#### Complaint #3: Over Assessment of Property Parcels Purchased in 2014

In 2015 the complainant received a supplemental assessment on other parcels purchased and the assessment was for a much higher value than the actual purchase price. The Assessor's Office stated the assessment was based on the geothermal assets. The complainant stated the tax burden for the geothermal assets is not an issue, as that portion is being paid by the current user of the geothermal. The complainant expressed anticipated concerns that some of the other recently

purchased adjacent properties, which do not have geothermal assets, will be assessed much higher due to the averages of the adjoining parcels which have geothermal assets.

To date this has not happened.

#### **Complaint #4: Assessor's Office Giving Legal Advice**

The complainant alleges that some complications occurred concerning an easement to property being sold by the complainant due to erroneous information given to the adjacent property owner by the Assessor's Office concerning the existence and location of such easement. Complainant believes the easement information provided constituted legal advice and contends the Assessor's Office should not be giving legal advice to citizens.

The Assessor's Office routinely answers public inquiries concerning all aspects of property locations and easements as they have the official maps of all property in Lassen County. The Assessor maintains that giving out this information does not constitute legal advice.

#### **FINDINGS**

- F1. The property in complaint #1 was appropriately reassessed as required by Proposition 13 guidelines based on information provided by the taxpayer.
- F2. The Assessor discovered the taxpayer mistake, reassessed the property under the exemptions allowed by law, and initiated a refund of the overpayment.
- F3. There was no interest paid on the refund.
- F4. After interviewing several witnesses and Assessor staff, the allegations of retaliation in complaint #2 could not be substantiated.
- F5. The Brown Act does not apply to Assessment Appeals Boards, therefore there were no Brown Act violations as alleged in complaint #2.
- F6. There were no contracts entered into by the Assessment Appeals Board in this case, therefore there could not be any conflict of interested based on financial interest by the members.
- F7. Complaint #3 is an issue that has not occurred.
- F8. In complaint #4 initial inaccurate information concerning the location of an easement was given to a landowner who occupies the adjacent property. The mistake was remedied by the Assessor's office according to the complainant's own admission and does not constitute legal advice.

#### **RECOMMENDATIONS**

- R1. No recommendation.

- R2. No recommendation.
- R3. The Lassen County Auditor's office should review the interest requirement with legal counsel concerning the overpayment and pay the interest from the date of overpayment to the date of refund if it is determined to be required.
- R4. No recommendation, as this claim could not be substantiated.
- R5. No recommendation as the Brown Act does not apply to the Appeals Board.
- R6. Assessment Appeals Board panel members should ensure there is never a conflict of any financial or personal interest with the citizens for which they are tasked with making panel decisions.
- R7. This is an anticipated problem and as such there is no recommendation.
- R8. Greater care should be used when identifying easements on property.

**RESPONSE REQUIRED:**

Lassen County Assessor

Lassen County Auditor



## STANDISH LITCHFIELD FIRE PROTECTION DISTRICT

### **REASON FOR INQUIRY**

Public Complaint

### **BACKGROUND**

The 2015/2016 Lassen County Grand Jury received a complaint regarding a personnel decision made by the Standish Litchfield Fire Protection District (SLFPD) Board of Directors which also alleged violations of the California Labor Code, Section 1198.5, the Firefighter's Bill of Rights, the Ralph M. Brown Act (Brown Act), and the American's with Disabilities Act (ADA).

### **INQUIRY PROCEDURE**

Copies of agendas, minutes, by-laws, and correspondence were received and reviewed and interviews were conducted with past and present members of the SLFPD Board of Directors, firefighters, and employees. The SLFPD fire station was visited and a board meeting was attended.

### **DISCUSSION**

The SLFPD Board of Directors consists of five non paid members volunteering to serve their community as the public's representatives. In the past ten years there have been ten new board members, all of whom were appointed by the SLFPD board or the Lassen County Board of Supervisors. Loss of continuity and lack of training promotes the dependence by new board members on the one experienced board member, lending to the appearance that one board member is "running the show". Limited training and minimum knowledge of parliamentary procedures has exaggerated this and other issues.

The agendas do not clearly state the reasons for closed sessions as required by the open meeting laws.

The current members appear dedicated to the welfare of the residents of their district and are responsible for meeting the needs of the SLFPD fire department while working on a very limited budget and with little to no training.

Per the Auditor's Report, the 2015 SLFPD budget and expenditures ended financially sound. The district is funded to date, and the required safety equipment and operating funds are provided, however there are no available funds for replacement of equipment that is older and will eventually need replacing. The board is exploring ways to increase funding, including the Belfast Road annexation which to date has cost the district over \$5,500. The completion of this issue is reportedly with the county. The district's population is approximately 1,780 people and covers an area of approximately 91.7 square miles.

California Government Code, Section 61040 (a), states that a legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. However, there are no district policies, procedures, or written responsibilities for board members of the SLFPD and the by-laws currently in place are antiquated and in need of updating. Ethics and Brown Act training is very limited. Two directors were appointed around March 2015, took their oath at the October 2015 meeting, and have had no training to date. Lack of understanding the necessity to take the oath prior to participating in meetings as a board member could place the individual board members at risk.

There were several Brown Act violations, including Section 54961, determined by interviews, agendas, meeting minutes, and site visits.

California Assembly Bill (AB) 1234 requires all cities, counties, and special districts to provide ethics training, which is available through the Office of the Attorney General's website. The Special Districts Leadership Foundation provides free certifications of excellence. The checklists provided on their website demonstrate how special districts may attain excellence. These two resources are free. Training is also available through the California Special District Association. This is not common knowledge and may be cost prohibitive for most special districts. There is an absence of any local guidance and oversight to assist the small district boards with information on how to obtain training.

The Standish Litchfield fire station has no accommodations for a person with special needs. The posted agenda for the monthly meeting with the board does not have a contact number for people with special needs to request accommodations. There is no wheelchair ramp into the dayroom/office area where the restroom is located and the size and configuration of the restroom makes it inaccessible to anyone in a wheelchair. The board has started holding the monthly meetings in the heated truck bay, which is easily accessible by everyone, however there still are no restroom facilities for anyone unable to climb stairs.

The SLFPD board failed to meet the 30 day time limit to provide a personnel file when it was requested, as required by California Labor Code, Section 1198.5. The personnel file was eventually provided.

The complaint on the personnel decision made by the SLFPD board and the allegations of violations of the Firefighter's Bill of Rights is a matter for litigation remedy and will not be addressed by this Grand Jury.

## **FINDINGS**

F1. There has been insufficient training for the SLFPD board on the Brown Act, the duties and responsibilities of a board member, and parliamentary procedures. There are no written policies, procedures, and responsibilities for the board members.

F2. The district failed to provide the requested copies of personnel records within 30 days as required by California Labor Code, Section 1198.5.

F3. The reasons for closed sessions are not clearly posted on the agenda as required by the Brown Act, Section 54954.2.

F4. Although meetings are now being held in the heated truck bay, there are no restroom accommodations for a person in a wheelchair.

F5. There is no contact information on the posted agendas for a person with special needs to call for accommodations to attend the meetings (Brown Act, Section 54954.2).

F6. The district needs more revenue for operational and administrative needs.

### **RECOMMENDATIONS**

R1. As a service to the appointed special district board members who serve on a voluntary basis, and to meet the requirements of AB1234, the Lassen County Board of Supervisors needs to establish an open meeting advisory position to provide and coordinate initial training in ethics, parliamentary procedures, and open meeting laws, and be available for attendance at meetings in a procedural advisory capacity for all boards in the county.

R2. The SLFPD board establish policies and procedures for their district.

R3. The SLFPD board provide typed reasons for closed sessions on the agenda which shall be posted 72 hours before the meeting.

R4. The SLFPD to hold their meetings in an ADA compliant location.

R5. The SLFPD board to include a contact number on the agenda for people with special needs to call to request accommodations to attend the meetings.

R6. The SLFPD board work with the county to pursue additional revenue generating programs to include the annexation finalization of the Belfast Road area.

### **RESPONSE REQUIRED: Yes**

Lassen County Board of Supervisors  
Standish Litchfield Fire Protection District Board

### **COMMENDATIONS**

The Grand Jury recognizes the commitment required for service on voluntary boards and commissions by members of the community.

**APPENDIX:**

**Responses to Prior Year's Report**

Included in this appendix are the responses to the 2014-2015 (previous year) Grand Jury report, submitted exactly as they were received. It is important that citizens are aware of the reactions to the recommendations, and any positive changes implemented as a result of the Grand Jury's efforts.

County of Lassen  
**BOARD OF SUPERVISORS**



**ROBERT F. PYLE**

*District 1*

**JIM CHAPMAN**

*District 2*

**JEFF HEMPHILL**

*District 3*

**AARON ALBAUGH**

*District 4*

**TOM HAMMOND**

*District 5*

County Administration Office  
221 S. Roop Street, Suite 4  
Susanville, CA 96130  
Phone: 530-251-8333  
Fax: 530-251-2663

September 15, 2015

The Honorable Michele Verderosa  
Presiding Judge, Lassen Superior Court  
2610 Riverside Dr.  
Susanville, CA 96130

Dear Judge Verderosa,

Pursuant to Penal Code section 933(c), please accept the Lassen County Board of Supervisors response to the 2014-2015 Lassen County Grand Jury report. Our response is attached.

We know that last year we were quite critical regarding the 2013-2014 Grand Jury report. We took issue with both form and content. We were also critical of the way Grand Jurors were being selected. We think it only fair for us to now recognize the positive changes we have seen in just this last year.

A review of this year's published report and its content shows that it is based on fact. While we may or may not be able to implement every recommendation as a result of other limitations, we agree with every finding. Moreover, because the Grand Jurors approached this year's report in the manner in which they did, the report they published is credible.

We have also become aware of the Court being engaged in increased efforts to recruit a more diverse Grand Jury. We are informed that the Court is summoning panels of prospective Grand Jurors from the jury pool as a whole. Additionally, you or your staff also contacted each of us to ask about the nomination of prospective grand jurors. We applaud these efforts wholeheartedly.

Lastly, we have said before and we will say again, the quality of an individual Grand Jury report combined with the composition of the body itself, in large part, dictates the way it is received. Consequently, we would like to take this opportunity to recognize the Court and the 2014-2015 Lassen County Grand Jury for a job well done.

Respectfully,

A handwritten signature in cursive script, appearing to read "Robert Pyle".

Robert Pyle, Chairman  
Lassen County Board of Supervisors

## **Introduction**

The California Grand Jurors Association states that the mission of a civil Grand Jury is to "help local government be more accountable and efficient." They also state that their mission is to "facilitate positive change...." The Lassen County Board of Supervisors applauds this goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. The Lassen County Board of Supervisors recognizes the considerable contribution of time and energy by private citizens for the benefit of Lassen County as a whole. The Board of Supervisors believes this considerable contribution is many times not afforded the appropriate recognition.

The Board of Supervisors welcomes the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart the recommendations brought forth by the Grand Jury. The Board of Supervisors joins the Grand Jury in trying to make local government as efficient and effective as possible.

Over the next pages the Lassen County Board of Supervisors will be presenting its response to this year's Grand Jury report. Contrary to last year, where the Board took exception to the final report, this year the Board would like to commend the Grand Jury on the quality of their final product.

New to this year's report style is the idea that two County departments were invited to respond. The law only requires a response from the governing body, in this case, the Lassen County Board of Supervisors. The Lassen County Board of Supervisors respectfully declines that invitation on their behalf. The Board of Supervisors accepts responsibility for the actions of the persons in these departments.

### **Grand Jury Report: Lassen County Health and Social Services, Environmental Health**

#### **Finding Number 1:**

"The services provided by this department are essential in providing a safe and healthy community."

#### **Response/Comment:**

The respondent Board of Supervisors agrees with the finding.

#### **Finding Number 2:**

"Most of the laws and regulations enforced by Environmental Health are state and federal regulations without adequate funding being provided by either entity."

#### **Response/Comment:**

The respondent Board of Supervisors agrees with the finding.

#### **Finding Number 3:**

"Current funding for the department's critical functions is diminishing."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.

Finding Number 4:

"The inability to retain qualified staff is problematic. Improved pay and accommodation for educational opportunities for potential qualified employees already established locally may improve this situation."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.

Finding Number 5:

"There are some free services provided for which Environmental health could collect fees."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.

Recommendation Number 1:

"Strive to obtain funding for unfunded mandates from the federal and state governments."

Response/Comment:

This recommendation has already been implemented. For decades now, the County has sought to obtain grant and/or matching funds to the greatest degree and wherever possible for the purpose of offsetting the costs of unfunded mandates imposed by the state and federal governments. The County intends to continue this regardless of any recommendation to do so by the Lassen County Grand Jury.

Recommendation Number 2:

"Establish as a priority providing a compensation package that is competitive especially in those areas where particular expertise is required."

Response/Comment:

This recommendation has already been implemented. The compensation package established for any particular position within the County structure is typically a supply and demand analysis. Specifically, the assignment of a salary range requires a careful analysis of the skills and/or expertise required for the job compared to the availability of individuals with similar training and education in the market place. This effort of attracting qualified and competent applicants, in light of the limited resources available overall, is a balancing act that has been ongoing since the County was formed.

Recommendation Number 3:

"Provide educational incentives and modified work schedules that facilitate established employees to obtain the educational requirements for certain licenses."

Response/Comment:

This recommendation has been implemented.

Recommendation Number 4:

"Establish a fee schedule for some of the inspections currently done for free, especially those requiring re-inspections for non-compliance and those done for mortgage companies on property sales."

Response/Comment:

This recommendation has not yet been implemented. It is expected that within the next Grand Jury reporting period these matters will be presented to the Lassen County Board of Supervisors for consideration.

Grand Jury Report : Lassen County Building and Planning Services

Finding Number 1:

"There is a complaint and investigation procedure in place for violations of the Lassen County Code related to storage of junk and vehicles."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.

Finding Number 2:

"The general public often is not aware of the comprehensive enforcement program available for the abatement of these code violations."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.

Finding Number 3:

"There is sufficient work load to justify additional personnel assigned to the program."

Response/Comment:

The respondent Board of Supervisors agrees with the finding.



Recommendation Number 1:

"Provide a public awareness campaign for the complaint process and have the forms readily available in the office and online."

Response/Comment:

The Board of Supervisors agrees with the recommendation of the Grand Jury that an awareness of the complaint process, and availability of requisite forms, related to the code enforcement program could be improved.

To that end, the Board of Supervisors, through the office of the County Administrative Officer, has already started the process of improving the quality of the webpage known as [LassenCounty.org](http://LassenCounty.org). One of the anticipated improvements to this page will be a more accessible and transparent description of the code enforcement program, and how citizens can avail themselves of it.

Recommendation Number 2:

Add additional personnel to the code enforcement program. At a minimum add a technician position that can assist with the voluntary compliance issues allowing the Code Enforcement Officer more time for the complex, time consuming investigations."

Response/Comment:

The Board of Supervisors agrees with the recommendation of the Grand Jury that the addition of another staff position, even a technician, to the code enforcement function would be desirable. The addition of staff positions, however, is a function of the annual budget process where the needs of the entire County are considered. The Board of Supervisors would like to note that there are several functions within the County structure that it believes are worthy of additional staff that, regrettably, limited resources precludes the ability to fill. Nevertheless, the Board of Supervisors agrees to, and has already begun the process of, earnestly considering the Grand Jury's recommendation in its annual budget discussions for fiscal year 2015-2016.

Conclusion

The Board of Supervisors would like to once again take this opportunity to thank those who have served as Grand Jurors for the 2014-2015 year. It is a considerable commitment, and can, from what we have seen, be frustrating at times. This Board of Supervisors wishes to acknowledge our shared interest in making Lassen County a safer, happier and more productive place to live and work. We pledge to continue to work with future Grand Juries in reaching this goal.



# City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

August 20, 2015

Sent Via U.S. Mail

The Honorable Michele Verderosa  
Presiding Judge of the Lassen County Superior Court  
2610 Riverside Drive  
Susanville, CA 96130

RE: Susanville City Council Responses to 2014-15 Grand Jury Final Report

Dear Judge Verderosa:

On June 15, 2015, you instructed the Lassen County Superior Court clerk to file the 2014-15 Lassen County Grand Jury Final Report. This report included the results of an inquiry into two complaints against the Police Department of the City of Susanville (SPD). At issue in the Grand Jury's investigation were allegations that the SPD was negligent in its investigations of two suspicious deaths. The Grand Jury reviewed the SPD's policies and procedures regarding reports of a death and whether the department followed those policies when it investigated the two deaths that were the subjects of the complaints. The complaints and the results of the Grand Jury's inquiry provided the basis for the final report.

Pursuant to California Penal Code sections 933 and 933.05 and with appreciation for the chance to respond to the community's concerns, the City Council for the City of Susanville (City) provides the following responses to both the findings and recommendations. Additionally, the City includes a point of clarification to the report for your information and consideration.

## Findings Complaint No. 1

### Grand Jury Finding No. 1:

The medical aid 911 call was for possible overdose. According to City of Susanville Police Department policy and procedures, a report is required and was not done.

### City Response to Finding No. 1:

The City of Susanville agrees with this finding.

Brian R. Wilson  
Mayor  
Nicholas B. McBride  
Mayor pro tem

Councilmembers:  
Lino P. Callegari  
Rod E. De Boer  
Kathie Garnier

**Grand Jury Finding No. 2:**

The unresponsive female was taken by ambulance to Banner Lassen Medical Center for treatment then transported to Renown where she later died as a result of the overdose.

**City Response to Finding No. 2:**

The City of Susanville agrees with this finding.

**Grand Jury Finding No. 3:**

The investigation in this case was not handled in a timely manner.

**City Response to Finding No. 3:**

The City of Susanville agrees with this finding in part and disagrees in part. The City acknowledges that initially the investigation was not handled in a timely manner. This was due to an employee failing to prepare a written report as required by policy. The employee's supervisor noticed this failure to follow policy after a short period of time. After the investigation was assigned to an investigator, the case moved forward as staffing levels, caseload, and the complexity of the case allowed. A thorough investigation resulted in an arrest and the case is proceeding through the court system at the time of this response.

**Grand Jury Finding No. 4:**

The Susanville Police Department purchases a prewritten policy and procedures manual from Lexipol LLC.

**City Response to Finding No. 4:**

The City of Susanville agrees with this finding.

**Grand Jury Finding No. 5:**

Failure to follow policy contributed to the delay in this investigation.

**City Response to Finding No. 5:**

The City of Susanville agrees with this finding.

**Complaint No. 2**

**Grand Jury Finding No. 1:**

Initial delays in this complicated investigation have prevented a timely resolution to the case.

**City Response to Finding No. 1:**

The City of Susanville disagrees with this finding. The Grand Jury incorrectly assumes that a deceased individual connected to the case was not contacted prior to his death. SPD personnel contacted this person on two separate occasions and, as a result, received valuable information. Further, a Sheriff's Sergeant interviewed this person about this case prior to his death. At that time, the SPD and Lassen County Sheriff's personnel were working together on the investigation



and sharing duties by dividing the interviews up between the departments to reduce duplicated work and inefficiencies.

**Grand Jury Finding No. 2:**

The case remains open as an unresolved case.

**City Response to Finding No. 2:**

The City of Susanville agrees with this finding.

**Recommendations on Complaints No. 1 and No. 2**

**Grand Jury Recommendation No. 1:**

Follow Susanville Police Department policy requiring written reports on medical aid calls.

**City Response to Recommendation No. 1:**

The SPD implemented this recommendation prior to the Grand Jury report. Staff was directed to and instructed to comply with the specific policy referenced in this complaint. In addition, first-line supervisors have discussed ways to monitor the staff's adherence to this policy. The City of Susanville and the SPD continue working together to ensure that SPD policy is followed and SPD staff receives continued policy training throughout their careers with SPD.

**Grand Jury Recommendation No. 2:**

Assign an investigator to and require immediate follow up investigation on suspicious death calls.

**City Response to Recommendation No. 2:**

The SPD implemented this recommendation prior to the Grand Jury report. This has been the SPD's policy for a long time. In this instance, one officer did not report the incident as suspicious, which meant the incident was not assigned to an investigator.

**Grand Jury Recommendation No. 3:**

Require initial training on policy and procedures, and implement a maintenance training program to ensure compliance with the policy.

**City Response to Recommendation No. 3:**

The SPD implemented this recommendation prior to the Grand Jury report. This is an existing policy in the department. The City of Susanville and the SPD continue working together to ensure that SPD policy is followed and SPD staff receives continued policy training throughout their careers with SPD. The SPD and the City believe the failure of one employee - who no longer works for the department - to follow the policy was the issue.

**Grand Jury Recommendation No. 4:**

Revise certain portions of the "boiler plate" purchased policy manual that are pertinent to ensuring appropriate action in these types of cases.



**City Response to Recommendation No. 4:**

The City of Susanville implemented this recommendation prior to the Grand Jury report. The policy manual comes to the SPD in “boiler plate” form. Before issuing new policy, the SPD

Chief reviews the policy, makes changes where needed to make sure the policy fits the needs of the community and SPD, then issues the new policy to SPD Staff.

It is common practice for law enforcement agencies to purchase “boiler plate” policy manuals. According to Lexipol, roughly 500 law enforcement agencies in California are supplied with “boiler plate” policy manuals from Lexipol. SPD values the policy manual from Lexipol because Lexipol manuals are written by a team of lawyers, law enforcement and subject matter experts. Lexipol supplies SPD and purchasers of Lexipol policy manuals with policy manual updates throughout the year. This allows SPD staff to remain current on law enforcement best practices, new statutes and new case law.

The Grand Jury’s complaint does not appear related to a problem with the SPD’s policy manual; rather, it appears there is an issue with one prior employee’s failure to follow the policy.

**Grand Jury Recommendation No. 5:**

All active investigations should be reviewed periodically until resolved by a first line supervisor to ensure investigation is progressing and appropriate follow-up procedures are being followed.

**City Response to Recommendation No. 5:**

The City of Susanville implemented this recommendation. The department’s command and supervisory staff met with all employees to remind them of the importance of timely investigations and that failure to comply could result in disciplinary action. The SPD reinstated a case follow-up logging system to better track follow-up investigations. Moving forward, periodic auditing will be conducted to confirm that staff members are following the guidelines.

**Grand Jury Recommendation No. 6:**

Review “boiler plate” policies to ensure they meet the needs of a small, rural police department.

**City Response to Recommendation No. 6:**

The City of Susanville implement this recommendation prior to the Grand Jury report. The City’s response is the same as its answer in “City Response to Recommendation No. 4.”

**Point of Clarification**

1. According to SPD records, the Grand Jury did not request a copy of or view the original case file of the April 2, 2013, death of a man found in a public area near a local creek, which was the subject of complaint No. 2 in the Grand Jury report. The complaint states the SPD did not interview a “person of interest.” The case file, however, reveals the individual was contacted and interviewed prior to his death. Because the Grand Jury did not request a copy of or view the original case file, it could not determine if Finding No. 1 for Complaint No. 2 (“Initial delays in this complicated investigation have prevented a timely resolution to the case”) could be substantiated.



The City appreciates the time and dedication of the Grand Jury to undertake this task and values its findings even on points that the City and Grand Jury disagree. The City is committed to transparency regarding its processes and procedures of these two death investigations and any others. Please do not hesitate to contact the City for additional information.

Sincerely,



Jared G. Hancock  
City Administrator  
On Behalf of the City Council of  
The City of Susanville



**City of Susanville**

66 North Lassen Street - Susanville, CA 96130-3904

**Response to Lassen County Grand Jury Report 2014-2015**

**Honey Lake Valley Resource Conservation District**

**Response by: Honey Lake Valley RCD Board of Directors**

## GRAND JURY REPORT

### Findings

**F1: *The Watermaster program in its current form is dysfunctional, and jeopardizes other critical programs.***

The Honey Lake Valley Resource Conservation District (RCD) does not agree that the Watermaster program in its current form is dysfunctional, and jeopardizes other critical programs. The Honey Lake Valley Resource Conservation District (RCD) agrees that during FY14-15, under a different Board of Directors, there was a certain amount of dysfunction associated with the Watermaster program and that the negative attention and energy that this created detracted from other important positive programs and accomplishments that the RCD has completed during this fiscal year, including:

1. Acting as lead agency for the development of the Lahontan Basins Integrated Regional Water Management (IRWM) Plan that will assist Lassen County agencies and organizations to obtain millions of dollars in State Water Bond funds to address public water and wastewater infrastructure issues as well as water quality and water quantity issues related to agricultural production and natural resource management.
2. Taking the lead to treat unnatural fuel loads and forest health issues that subject Lassen County residents in the Diamond Mountains to the potential risk of catastrophic wildfire. Through the implementation of the Diamond Mountain Forest and Meadow Restoration Project, the RCD has treated over 1,000 acres of forest and meadow habitat on a landscape scale that will allow local fire resources to safely treat a wildland fire within the Wildland Urban Interface (WUI) between the Lassen National Forest and the communities of Susanville, Johnstonville, and Janesville.
3. Assisting the Natural Resource Conservation Service (NRCS) to conduct outreach and provide technical support to Lassen County agricultural producers to improve soil and water quality, address noxious weed issues, and improve productivity.
4. Reestablishment of the Lassen County Special Weed Action Team (SWAT), a multi-agency coalition with the mission of controlling and eradicating noxious weed infestations in Lassen County.

It is unfortunate that Lassen County residents and others read and hear little regarding the accomplishments of the RCD, but are provided with regular updates regarding the difficulties that the RCD, a small agency with limited staff, are having in administering a complicated program adopted from the Department of Water Resources (DWR), a large complex state bureaucracy with engineers, lawyers, hydrologists, and other professional staff.

Nevertheless, the RCD sees the merits and benefits of continuing to administer the Watermaster program. In 2007, DWR threatened to raise the rates of water rights holders in the Susan River Watermaster Area four fold. Since then, the RCD has been able to administer the Watermaster



service at a budget consistently lower or equal to what DWR charged prior to 2007 and this has saved local water rights holders and agricultural producers in the community hundreds of thousands of dollars.

The RCD has taken steps to address the dysfunction of the Watermaster program and the negative energy this dysfunction generates. The RCD has hired an Interim District Manager and advertised for a permanent District Manager as well as made the Deputy Watermaster position an employee position of the District (now referred to as the Watermaster Technician) rather than a consultant in order to improve accountability and transparency. The RCD continues to work with the Watermaster Advisory Committee (WAC), made up of water users and agricultural producers, to seek advice on how we can learn from the failures of the past to improve this locally lead program into the future.

***F2. The chairperson has difficulty maintaining order during the public comment portions of the HLVRCD meetings. The public speaks out of turn and for long periods of time, failing to follow the agenda notification of a five-minute limitation for public comment.***

The RCD does not agree that the current Chairperson has difficulty maintaining order during public comment portions of the HLVRCD meetings. The RCD agrees that public comment portions of RCD meetings during FY14-15 have at times been quite unruly with certain members of the public using the public comment period to conduct personal attacks and promote their own agendas in an unproductive and uncivil manner.

#### **Recommendations**

***R1. Honey Lake Valley Resource Conservation District should discontinue the administration of the watermaster program.***

Local control of the watermaster service provides enormous monetary and service benefits to local agricultural producers. The RCD requested that the Watermaster Advisory Committee (WAC) review this issue and provide a recommendation to the RCD regarding the future of the Watermaster program. The WAC addressed this issue at their March 12, 2015 meeting and recommended to the RCD Board that they continue to administer the program. The RCD approved the WAC's recommendation at their May 27, 2015 meeting. The RCD will continue to administer the program during FY15-16.

***R2. If the Honey Lake Valley Resource Conservation District continues to administer the watermaster program, all irrigation water issues should be referred to the Watermaster Advisory Committee prior to coming to the HLVRCD Board.***

The RCD agrees with this recommendation and has adopted a policy whereby all watermaster issues are referred to the Watermaster Advisory Committee (WAC) for a recommendation prior to being agendized for action by the RCD Board.

***R3. During public meetings, and after the public comment portion of the agenda, at the chairperson's discretion, restrict public comments to a time limit, and only allow comments on topics under discussion at the time.***

The RCD has a policy to allow public comment (five minutes per individual) at the beginning of the meeting regarding any issue including issues on the agenda. The RCD often allows the public to participate in discussion of agenda topics under Board consideration and public comment has provided valuable input. Recent meetings have been civil and productive.





Office of Assessor

---

DAN SCHLUETER, *Assessor*  
Lassen County Courthouse  
220 South Lassen Street, Suite 4  
Susanville, CA 96130

(530) 251-8241  
FAX (530) 251-8245

October 3, 2016

The Honorable Michele Verderosa  
Presiding Judge, Lassen Superior Court  
2610 Riverside Dr.  
Susanville, CA 96130

Dear Judge Verderosa,

Pursuant to Penal Code section 933(c), please accept the Lassen County Assessor's response to the 2015-2016 Lassen County Grand Jury report. Our response is attached.

Senior members of my staff and I have reviewed this year's published report and its content and it appears to be based on fact and it is clear that a good deal of time and effort was put into the report. While we may not be able to implement every recommendation as a result of other limitations, we agree with many of the findings. The Grand Jurors approach to the report was fair and impartial and I feel their findings and recommendations were as well.

We, as an office, collaboratively agree that the quality of the report, combined with the individual make-up of the individuals involved, leaves us at ease with the facts and with the detail of the report. We would like to take this opportunity to recognize and commend this year's Grand Jury Report and thank the Court and the 2015-2016 Lassen County Grand Jury for a job well done!

Respectfully,

A handwritten signature in cursive script that reads "Dan Schlueter".

Dan Schlueter

Lassen County Assessor

**Assessor's response to Grand Jury Report, investigation, mandated by statute.**

Response 1-We have budgeted for our vacant appraiser position for the last few years and this year the request was approved by the CEO and the Lassen County Supervisors. We flew the position in late September and hope to have the position filled by the end of October.

Response 2-Our data base program(Crest) has undergone a major upgrade, significantly assisting in the automation and modernization of our record keeping process. We are also in the process of contracting out(at no cost to the County) our mapping system with Parcelquest Inc. We have begun the process of scanning much of our "hard copy" data into PDF format in order to simplify storage procedures.

Response 3-Specific upgrades, remodels, and/or relocation ideas are in the works and we will continue to move forward with keeping our staff as comfortable as possible.

## **Assessor's Response to four separate complaints from "unanimous" citizen.**

Response 1-The Assessor's Office makes assessment decisions based on the information they have. This information sometimes comes from research and judgement but many times information from the taxpayer is essential. When a taxpayer withholds vital information or refuses to respond to the Assessor's questions, the Assessor's Office needs to make educated assumptions when re-appraising property.

Response 2-See above

Response 3-Interest on refunds is determined by the Auditors Office and the Assessor is not involved.

Response 4- It's not in the best interest of the Assessor's Office to retaliate by attempting to manipulate assessed values. The Assessor's Office is governed by the State Board of Equalization and is audited on a regular basis. Property values must be supported by market data and any attempt to manipulate the data would be revealed through the audit process.

Response 5-As stated, the Brown Act does not apply to Assessment Appeal members.

Response 6- At every appeal, the question of conflict of interest is brought up. The board, along with everyone else in the room has the opportunity to state their case at that time. The Appeals Board members are vetted by the County Board of Supervisors with regard to being qualified for the position and are required to complete training prior to being able to become a member of the Appeals Board.

Response 7-This complaint is completely without merit. The Assessor was provided no information that mineral rights were part of the sale and several attempts to gain important information relevant to the transfer were ignored. Due to the lack of cooperation or any data to refute previous information regarding the contract between the Power Plant and the "shareholders", the previous contract dictated that the share of royalties was deducted from the transfer. The closing of the Power Plant will necessitate an independent review of the contract and will not directly affect the value of the property in question.

Response 8- No legal advice was given and the owner was merely shown a map of their property. Since, by the complainant's "own admission", the mistake was remedied by the Assessor's office and does not constitute legal advice, no rebuttal is deemed necessary by the Assessor.