



# Lassen County Grand Jury

2011-2012  
Final Report

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# LASSEN SUPERIOR COURT

F. Donald Sokol  
Presiding Superior Court Judge



2610 Riverside Drive  
Susanville, CA 96130  
(530) 251-8205 ext 140  
(530) 251-8431 Fax

June 22, 2012

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

To the Clerk of the Court:

As Presiding Judge of the Lassen Superior Court I hereby instruct the Clerk to accept for filing the 2011-2012 Lassen County Grand Jury Final Report as presented to me this 22<sup>nd</sup> day of June, 2012.

Sincerely,

A handwritten signature in cursive script that reads "F. Donald Sokol".

F. Donald Sokol

FDS:nh

June 19, 2012

The Honorable F. Donald Sokol  
Presiding Judge Lassen Superior Court  
2610 Riverside Drive  
Susanville, California 96130

Dear Judge Sokol:

It is with a deep sense of accomplishment that I am able to present to you the Final Grand Jury Report for fiscal year 2011-2012. I can assure everyone that the time and energy the sixteen members devoted to this most worthy cause was not wasted.

On behalf of the other members I would like to sincerely thank District Attorney Bob Burns, Lassen County Presiding Superior Court Judge F. Donald Sokol, Jury Commissioner Suzie Faulkner and the countless county, city and other staff who, without hesitation, provided the necessary assistance that allowed us to perform our tasks.

An underlying goal of all civil grand juries, we believe, is to bring about positive change for the communities they represent. While there will never be a shortage of work, the outcomes, results and focus found in this report clearly reflect a year well-spent.

I'm sure I speak for all the members of the 2011-2012 Lassen County Grand Jury when I say it has been an honor and privilege to serve you.

Respectfully,  
Mike Smith, Foreman  
2011-2012 Lassen County Grand Jury

## Members of the 2011-2012 Lassen County Grand Jury

Mike Smith, Foreman

Darlene Walsh, Secretary

Floyd Bryant

Delight Callegari

Oscar Cisneros

Sandra Datema

Byron Frazier\*

Chris Gallagher

Jane Gardner

Sandy Jansen

David Meserve

Theresa Nagel

Phillip Parry\*

Carol Polan

Greg Reinsel


\*Returning Members from 2010-2011

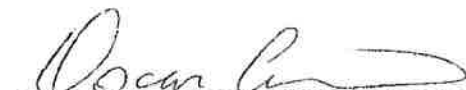
## Grand Jury Member's Disclaimer and Signatures

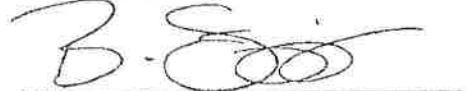
The Grand Jury recognizes that a conflict of interest may arise in the course of its investigation. In such instances, the juror may ask to be removed from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance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

Therefore, whenever the perception of a conflict of interest exists on the part of a member of the 2011-2012 Lassen County Grand Jury, that member abstains 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.

  
Mike Smith, Foreman

  
Floyd Bryant

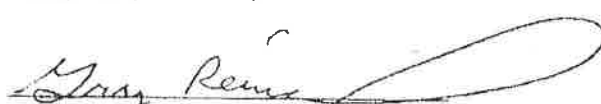
  
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Byron Frazier

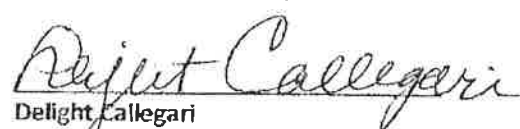
  
Jane Gardner

  
David Meserve

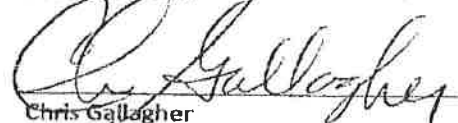
  
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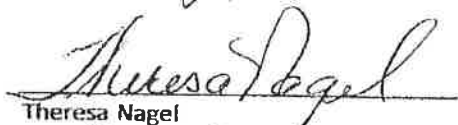
  
Darlene Walsh, Secretary

  
Delight Callegari

  
Sandra Datema

  
Chris Gallagher

  
Sandy Jansen

  
Theresa Nagel

  
Carol Polan

## Grand Jury History and Function

The first formal Grand Jury was established in Massachusetts in 1635. By 1683, Grand Juries in some form were established in all of the colonies. The first cases considered by the Grand Jury were murder, robbery and wife beating. Cases in Pennsylvania included Grand Jury indictments for: holding a disorderly meeting in 1651, witchcraft in 1683 and for other crimes in 1685. Various public evils were added to the range of investigations by the Grand Jury in 1685, and began to set a precedent for future Grand Jury Interests.

The original United States Constitution which was written in 1787 did not contain a reference to the Grand Jury, but the Fifth Amendment provided the remedy for the omission. It states: "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in the time of war or public danger..."

The fourteenth amendment in 1868 made most of the provisions of the Bill of Rights applicable to the States. Some of the states have interpreted this amendment to mean that prosecution of crimes no longer mandated a Grand Jury indictment. A study done by Deborah Day Emerson in the year 1984, shows that four states require a Grand Jury indictment for all crimes, 14 states and the District of Columbia require indictments for all felonies, six states mandate Grand Jury indictments for capital crimes only, 25 states (including California) make indictments optional. In a single state, Pennsylvania, the Grand Jury lacks the power to indict.

## 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. There have been recent changes in Section 904.6 of the Penal Code (1991) which permits any county to have an additional Grand Jury at the discretion of the Presiding Judge of the Superior Court. The Penal Code also allows county district attorney's the option of utilizing special Grand Juries in the handling of criminal cases. Although this alternative is offered in Penal Code 904.6, some counties choose to maintain their regular use of Grand Jury for criminal and civil duties.

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. Some of the recommendations made by the Grand Jury are to save the taxpayer money.

Special recommendations may be made to departments or agencies for excellence in management. The reports that are released to the public, have been collected, voted on by the 12 members, and the results carefully edited by the editing committee for a Final Report at the end of the 2011-2012 Grand Jury's term of office.

The Final Lassen County Grand Jury Report is distributed to the public and to public officials. Its distribution also includes: Lassen County Times newspaper, KSUE/KJDX radio station, the Susanville Library and is available in the Jury Commissioner's office at 220 S. Lassen Street, Susanville, California 96130. The telephone number is (530) 251-8109.



## Distribution List

### Lassen County:

Superior Court Judge F. Donald Sokol  
Board of Supervisors (5)  
County Administrative Officer  
County Counsel  
Probation Department  
Department of Economic Development  
Local Reuse Authority  
Sheriff

### City of Susanville:

Council Members (5)  
City Administrative Officer  
City Attorney  
City Clerk

### Corrections Facilities:

Lassen County Adult Detention Facility  
Lassen County Juvenile Detention Facility  
California Correctional Center  
Intermountain Conservation Camp  
High Desert State Prison

### Special Districts:

Honey Lake Valley Resource Conservation District

### Others:

Susanville District Library  
2011-2012 Grand Jurors  
California Grand Jurors Association  
California Attorney General's Office  
Lassen County Times Newspaper  
KSUE/KJDX Radio Station  
XX Country Radio Station

## 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:

The respondent agrees with the finding.

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 with respect to the *recommendations* of the Grand Jury:

The recommendation has been implemented, with a summary regarding the implemented action.

The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.

The recommendation requires future 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.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, if a finding and/or recommendation of the Grand Jury addresses **budgetary** or **personnel** matters of a county agency/department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address **all** aspects of the findings or recommendations affecting his or her agency/department.

**RESPONSE PROCEDURE TO GRAND JURY REPORT**  
**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 to 90 days. Elected officials must respond within 60 days. Governing bodies (for example: the Board of Supervisors) must respond within 90 days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson and the CAO'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 timeframe 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 timeframe 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.

The Grand Jury is mandated by law to respond to citizen's complaint letters. As letters and complaints were received and reviewed by the Grand Jury for validity and content, inquiries and reviews were initiated into areas of possible concern. Confidentiality has been strictly maintained as Grand Jury members were cautioned throughout the 2011-2012 term by the Jury Foreman.

The Lassen County Grand Jury's focus for fiscal year 2011-2012 involved many areas of government and governmental agencies. A thorough inspection and review was conducted for Lassen County's two State Prisons (including a tour of a fire camp), the Adult Detention Facility of the county, the Juvenile Detention Facility and the Lassen County Sheriff's Department.

In addition, the Grand Jury received several complaints from inmates at HDSP who were directed to address those concerns to various other departments.

Complaints were also received regarding business practices of the Honey Lake Valley Resource Conservation District. An initial review was conducted and will continue into the 2012-2013 term.

Concerns were raised about transparency and a violation of the "Maddy Act" by the Susanville City Council and staff which were addressed by the Grand Jury.

Lassen County's handling of the Local ReUse Authority's acquired properties in Herlong was at the center of a growing public controversy and a considerable amount of time was devoted in research and analysis of that decade-old issue.

For the first time in modern history, the Grand Jury published a Final Report on the Lassen County Probation Department - midterm - in April. That Report mandated responses from five agencies or offices and to date three of the five offices have submitted detailed responses which are included and lead the 2011-2012 Report, which follows.

## **Responses to 2012 Grand Jury Report on the Lassen County Probation Department**

A Final Report on the Lassen County Probation Department was completed and published on April 17, 2012 by Feather River Publishing. That report detailed various shortcomings and concerns discovered after nine months of review and a formal investigation by the Grand Jury of that department.

At the conclusion of the report, responses were required from five agencies or departments:

Lassen County Probation Department

Lassen County Administrative Officer

Lassen County Counsel

Lassen County Personnel Department

Presiding Superior Court Judge

To date, three of those named submitted detailed responses which are being furnished to the public.

ALL agree completely with the findings of the Grand Jury; they are, as follows:



**Superior Court of California  
In and For the County of Lassen**

220 SOUTH LASSEN STREET, SUITE 2  
SUSANVILLE, CA 96130

(530) 251-8124  
FAX (530) 257-9061

HONORABLE  
DONALD SOKOL  
PRESIDING JUDGE

**April 13, 2012**

**Lassen County 2011-2012 Grand Jury  
220 South Lassen Street, Suite 6  
Susanville, CA 96130**

Dear Members of the Grand Jury:

I am responding to the recommendations of the 2011-2012 Lassen County Grand Jury Final Report with respect to the Lassen County Probation Department and the Grand Jury's recommendations numbers 3 and 10 as follows:

**RECOMMENDATION 3. OVERSIGHT AND SUPERVISION OF THE  
CPO AND THE PROBATION DEPARTMENT.**

The recommendation has been implemented as follows:

On March 13, 2012 the undersigned convened a meeting with Judge Verderosa, Sheriff Dean Growdon, Acting Chief Probation Officer, Jeff Atkinson, County Counsel Rick Crabtree, in-coming County Counsel Rhetta Vander Ploeg and CAO Martin Nichols. Rick Crabtree had previously met with the undersigned on March 5 when he was both Acting County Administrative Officer and County Counsel at which time he informed me that Ms. Kris Simpson, private investigator, had been commissioned by the County to investigate charges of mismanagement and misconduct which had been asserted against Chief Probation Officer Letha Martin. At this March 5 meeting Mr. Crabtree acknowledged that the Administrative Office of the Courts had taken the position in 2009 that because CPOs are County employees the County is responsible for monitoring their performance and for investigating any allegations of misconduct. In a letter dated

Wednesday, February 4, 2009, Ms. Patty Williams of the AOC stated "indeed, because the Court has the responsibility for removing CPOs for good cause shown we think it is appropriate for the County to investigate any complaints or allegations of misconduct in order to maintain the Court's neutrality." Mr. Crabtree informed the undersigned that the County was in agreement with the assessment of the AOC and that was the reason for the commissioning of Ms. Kris Simpson to investigate. At the present time the Court is awaiting the report from Ms. Simpson, which is expected very soon (meaning within days).

The General Counsel Office of the AOC concluded in 2009 that once the presiding judge has appointed a CPO that person is a County employee subject to County policies and procedures. The Court, as appointing power, should be presented with the result and recommendation from the investigation of the County. Thus the Court maintains its neutral decision making role in overseeing any further action. All of the County personnel present at our March 13, 2012 meeting, enumerated above, were in agreement with the assessment of the General Counsel of the Administrative Office of the Courts.

**RECOMMENDATION 10. CPO – IMMEDIATE INQUIRY INTO THE PERFORMANCE OF THE CPO**

As stated above there is an ongoing inquiry into the performance of the CPO undertaken by the County Counsel and is being conducted with a cooperative effort between the undersigned, County Counsel and County Administrative Officer regarding work performance, allegations of misconduct, potential abuse of County cell phones and other areas of concern to the County and Court. Once the investigation is completed the County and the Court will cooperate in effecting appropriate action.

In summary, your recommendations to the Court have been implemented as above set forth.

Lassen County Grand Jury  
April 13, 2012  
Page 3

Rest assured that the findings and recommendations emanating from your investigation of the Lassen County Probation Department are greatly appreciated by the Lassen Superior Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Donald Sokol". The signature is written in black ink and is positioned above the printed name.

F. Donald Sokol

FDS:nh



County of Lassen  
**ADMINISTRATIVE SERVICES**



**ROBERT F. PYLE**

District 1

**JIM CHAPMAN**

District 2

**LARRY WOSICK**

District 3

**BRIAN D. DAHLE**

District 4

**JACK HANSON**

District 5

**Martin J. Nichols**  
County Administrative Officer  
email: [cmartin@co.lassen.ca.us](mailto:cmartin@co.lassen.ca.us)

**Julie Morgan**  
Assistant to the CAO  
email: [jmorgan@co.lassen.ca.us](mailto:jmorgan@co.lassen.ca.us)

**Regina Schaap**  
Administrative Assistant  
email: [rschaap@co.lassen.ca.us](mailto:rschaap@co.lassen.ca.us)

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

June 7, 2012

F. Donald Sokol  
Presiding Judge  
Lassen County Superior Court  
Hall of Justice  
2610 Riverside Drive  
Susanville, CA 96130

Re: Response to the 2011-12 Grand Jury Report on the Lassen County  
Probation Department

Dear Judge Sokol:

Pursuant to Penal Code Section 933.05, the response of the Lassen County Administrative officer follows:

**Response to Grand Jury Finding:**

I agree with the findings of the Grand Jury.

**Response to Grand Jury Recommendation:**

*Recommendation 1 – Morale*– The Grand Jury recommends that all Supervisors and the CPO receive advanced training in supervision and the treatment of employees. There are many good people working within the Probation Department, however ineffective supervision and management needs to be addressed.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 2 – Phone Policy*– The Probation Department should complete a review of all county cell phones in use for compliance with the Lassen County phone use policy with appropriate action taken if needed. It is also recommended that a review be done on the current cell phone plan utilized to determine if there are alternative plans available which would be a better value to the taxpayer.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 3 – Oversight and Supervision of the CPO and the Probation Department* – It is noted that the Presiding Superior Court Judge appoints the CPO, can terminate the CPO and completes the performance evaluations for the CPO. It is recommended that the Supervisor Court Presiding Judge, Lassen County Legal Counsel, County Administrative Officer, and the Lassen County Personnel Department convene on this issue to determine who should have responsible oversight of the Probation Department and the CPO; then implement a chain of command for the Probation Department into the county policy and procedures manual. Once it is determined who should have responsible oversight of the CPO and the Probation Department, it is recommended that a complete operational review be completed.

**Response: The recommendation will be implemented during fiscal year 2012-13, subject to an agreement with the Superior Court on how to implement this recommendation.**

*Recommendation 4 – Employees Allowed to Perform Work While Medically Excused from Work* – A review of the Department should be conducted in regard to County Policy in this matter to determine if it is wide spread, with appropriate action taken as needed.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 5 – Policies and Procedures* – For the protection of Lassen County in today's litigious society and to give staff a place to review procedural issues, it is imperative to establish and distribute a working Policy/Procedures Manual. It is recommended that the Lexipol program be utilized to its full extent and make written policies readily available to all Probation staff. To be in compliance with the Penal Code, a written policy/procedure must be established on Citizen Complaints. For the protection of staff, the public and Lassen County, a written "Use of Force" policy must be established.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 6 – Safety Equipment* – An in-depth review be conducted on the operational status of all safety equipment and any necessary action be taken. Documented safety equipment training needs to be completed by all staff. It is recommended that training records be initiated and maintained on all employees documenting all equipment and training received.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 7 – Firearm Policy* – It is recommended that the Probation Department complete a review of their policy regarding arming Probation Officers. It is also recommended a review be completed regarding the possibility of entering into an agreement with other law enforcement agencies in Lassen County to provide training and certification of staff to carry firearms in accordance with the California Penal Code Section 830.5-Arming Deputy Probation Officers.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 8 – Use of Personal Vehicles for Work* – It is recommended that documented training be given to all Probation employees on the County Policy for the use of personal vehicles in the work place. It is also recommended that a written departmental policy be developed for on-call employee vehicle use after normal duty hours.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

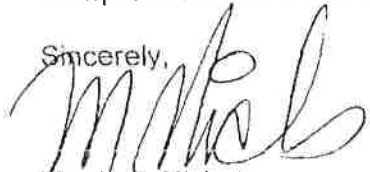
*Recommendation 9 – Staff Meetings* – It is recommended that regular staff meetings be hard scheduled to provide ongoing training and the dissemination of information.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 10 – CPO* – An immediate inquiry into the performances of the CPO should be conducted through a cooperative effort between the Presiding Judge, County Counsel, and the County Administrative Officer regarding work performance, allegations of misconduct, potential abuse of county cell phones and other areas of concern to the county and court.

**Response:** The recommendation has been implemented. An investigation has been completed on all the work related issues recommended by the Grand Jury.

Sincerely,



Martin J. Nichols

County Administrative Officer

cc: Board of Supervisors  
County Counsel



## LASSEN COUNTY PROBATION DEPARTMENT

Honorable F. Donald Sokol, Judge

Letha Martin, Chief Probation Officer

107 S. Roop Street  
Susanville, CA 96130  
530-251-8212  
Fax: 530-257-9160

June 14, 2012

Foreman Pro Tempore Mike Smith  
Lassen County Grand Jury  
Lassen County Superior Court  
Hall of Justice  
Riverside Drive  
Susanville, CA 96130

Re: Response to the 2011-12 Grand Jury Report on the Lassen County Probation Department

Dear Mr. Smith:

Pursuant to Penal Code Section 933.05, the response of the Lassen County Probation Department follows:

### **Response to Grand Jury Finding:**

I agree with the findings of the Grand Jury.

### **Response to Grand Jury Recommendation:**

*Recommendation 1 – Morale*– The Grand Jury recommends that all Supervisors and the CPO receive advanced training in supervision and the treatment of employees. There are many good people working within the Probation Department, however ineffective supervision and management needs to be addressed.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 2 – Phone Policy* – The Probation Department should complete a review of all county cell phones in use for compliance with the Lassen County phone use policy with appropriate action taken if needed. It is also recommended that a review be done on

the current cell phone plan utilized to determine if there are alternative plans available which would be a better value to the taxpayer.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 3 – Oversight and Supervision of the CPO and the Probation Department* – It is noted that the Presiding Superior Court Judge appoints the CPO, can terminate the CPO and completes the performance evaluations for the CPO. It is recommended that the Supervisor Court Presiding Judge, Lassen County Legal Counsel, County Administrative Officer, and the Lassen County Personnel Department convene on this issue to determine who should have responsible oversight of the Probation Department and the CPO; then implement a chain of command for the Probation Department into the county policy and procedures manual. Once it is determined who should have responsible oversight of the CPO and the Probation Department, it is recommended that a complete operational review be completed.

**Response:** The recommendation will be implemented during fiscal year 2012-13, subject to an agreement with the Superior Court on how to implement this recommendation.

*Recommendation 4 – Employees Allowed to Perform Work While Medically Excused from Work* – A review of the Department should be conducted in regard to County Policy in this matter to determine if it is wide spread, with appropriate action taken as needed.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 5 – Policies and Procedures* – For the protection of Lassen County in today's litigious society and to give staff a place to review procedural issues, it is imperative to establish and distribute a working Policy/Procedures Manual. It is recommended that the Lexipol program be utilized to its full extent and make written policies readily available to all Probation staff. To be in compliance with the Penal Code, a written policy/procedure must be established on Citizen Complaints. For the protection of staff, the public and Lassen County, a written "Use of Force" policy must be established.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 6 – Safety Equipment* – An in-depth review be conducted on the operational status of all safety equipment and any necessary action be taken. Documented safety equipment training needs to be completed by all staff. It is recommended that training records be initiated and maintained on all employees documenting all equipment and training received.

**Response:** The recommendation will be implemented during fiscal year 2012-13.

*Recommendation 7 – Firearm Policy* – It is recommended that the Probation Department complete a review of their policy regarding arming Probation Officers. It is also recommended a review be completed regarding the possibility of entering into an agreement with other law enforcement agencies in Lassen County to provide training and

certification of staff to carry firearms in accordance with the California Penal Code Section 830.5-Arming Deputy Probation Officers.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 8 – Use of Personal Vehicles for Work* – It is recommended that documented training be given to all Probation employees on the County Policy for the use of personal vehicles in the work place. It is also recommended that a written departmental policy be developed for on-call employee vehicle use after normal duty hours.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 9 – Staff Meetings* – It is recommended that regular staff meetings be hard scheduled to provide ongoing training and the dissemination of information.

**Response: The recommendation will be implemented during fiscal year 2012-13.**

*Recommendation 10 – CPO* – An immediate inquiry into the performances of the CPO should be conducted through a cooperative effort between the Presiding Judge, County Counsel, and the County Administrative Officer regarding work performance, allegations of misconduct, potential abuse of county cell phones and other areas of concern to the county and court.

**Response: The recommendation has been implemented. An investigation has been completed on all the work related issues recommended by the Grand Jury.**

Implementation of some of these recommendations has already begun but as the Acting Chief Probation Officer, I will likely not be responsible for full implementation.

Sincerely,



Jeff Atkinson  
Acting Chief Probation Officer  
Lassen County Probation Department

cc: Board of Supervisors  
County Counsel

## Honey Lake Valley Resource Conservation District (HLVRCD)

**Reason for inquiry:** The Penal Code requires that the Grand Jury report on the operation, accounts and records of local government agencies. The HLVRCD has not been reported on for some time.

**Inquiry Process:** Five 2011-2012 Lassen Grand Jury Members met with RCD's Board members Bob Anton and John Bentley on May 3, 2012 at 170 Russell Road, Suite C, Susanville.

**Background:** The HLVRCD was established on May 3, 1954 by a Resolution of the Lassen County Board of Supervisors (# 394). They obtain their authority through the Public Resources Code Chapter 3. Section 9415 allows the Directors to manage any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization projects within or adjacent to the District. Their budget revenue is primarily made up of taxes collected from property owner water rights, grants, and agriculture and commercial development. The largest expenditure is for the Water Master (Jeff White) position and the attorney firm for the Water Master function.

The HLVRCD has regular board meetings on the 3<sup>rd</sup> Wednesday of each month at 5 pm.

When asked about the District's financial status, the Board members told us they had approximately \$160,000 in the bank. They did not have a completed budget.

**Mission:** The primary mission of HLVRCD is to promote and encourage local landowners to develop conservation plans with the Natural Resources Conservation Service and implement practices that will conserve precious soil and water resources.

**Current Board Members:** Bob Anton - President, John Bentley (Sloss Creek water rights), Jeff Pudlicki, Larry Cabodi (Susan River water rights), Dave Schroeder (Baxter Creek water rights), Barbara Howe(Alt.)(Baxter Creek water rights), John Richards(Alt.)(Lassen Irrigation Company water rights).

### Overall Assessment for the HLVRCD:

Currently, the HLVRCD is involved in the Lassen County Special Weed Action Team (SWAT) to help reduce the spread of invasive species, especially Whitetop. They also are involved in the development of the Susan River Watershed Management Strategy, the Pine Creek Coordinated Resources Management Planning (CRMP) and the Lahontan Basins Integrated Regional Watershed Management Plan. They seem understaffed for the mandated duties of the district. Board members are trying to run the day to day operations.

**Staff:** One regular employee (Secretary) plus a contract grant administrator, Watermaster, and a contract bookkeeper.

**Budget:** The total annual operating budget is projected to be \$30,000 for the RCD and \$189,000 for the Watermaster. The District's fiscal cycle is a Calendar Year. California Government Code Section 26909 (b) requires that an annual audit be completed within 12 months of the end of the fiscal year for every special district. It appears that an audit has not been completed for some time. Mr. Robert W. Johnson, CPA., 6234 Birdcage Street, Citrus Heights, CA 95610, was said to be currently involved in auditing the District. The District maintains its own bank accounts, two (2) at Tri Counties Bank.

**Board Training:** We had initially asked that the District provide us with certificates of required ethics training upon our meeting with the District. No certificates were provided. Beginning in 2005, Board members are required to have Ethics training once every two years (*Government Code §53234*). Training can be obtained free of charge at <http://oag.ca.gov/ethics>.

### **Findings:**

The Grand Jury members had concerns over the amount of money that passes through the HLCRCD, from grants and taxes, and a lack of a budget document. The budget is created after the fact instead of before the fiscal year, and is simply a single sheet of paper outlining expenses. It was felt that this could leave the District open to allegations of improper spending of unallocated funds. To make matters even worse, they were quite behind on their past years' audits. This too could lead to questions regarding spending. It appears that no Board members have completed the required ethics training and may be unaware of Brown Act requirements.

A small number of the current Board members are trying to run the day to day operations of the organization. The only person that is currently keeping track of the goings on in the organization is the secretary. There is no manager responsible for the overall operations of the HLVRCD. It seems that the RCD would run more cohesively, and could help keep the Board on track with District requirements, with a manager who would direct all aspects of the District and be responsible to the Board.

The District also does not have a set of its own policies. They are using the California Resource Conservation District Directors' Handbook as their guide. The District would most likely be better run if they adopted policies that were applicable to their specific duties.

Proper agendas were not posted on the District's web site as required (*Government Code §54954.2*). The web site was also in need of updating ([www.honeylakevalleyrcd.us](http://www.honeylakevalleyrcd.us)).

### **Recommendations:**

The HLVRCD should explore the possibility of hiring a manager to run the district.

The HLVRCD should create a professional budget document that outlines revenue, expenses, goals, projects, etc. that could be published each year so their customer base would know what the District is planning on doing each year.

The HLVRCD should complete the required audits each year.

The HLVRCD Board Members should all complete the required ethics training every two years.

Board agendas should be properly posted and available as required by law (*Government Code §54954.2*).

Board members should be trained in Brown Act Policy.

**Response required:** Yes. The Grand Jury would like to be sent all Board agendas and minutes, audits of the District when they are complete, certificates of Board ethics training once all members have completed the training, and a copy of the budget for the next fiscal year. We will also pass this review on to the 2012-2013 Grand Jury for Follow-up.

**Additional:** We did receive a copy of the HLVRCD audit and it mentions many of the items that we have covered in this report. Annual audits should be continued (GC Section 26909 (b)). It is clear to the Grand Jury that the processes currently in place in the District are inadequate!



**ROBERT  
W.  
JOHNSON**

An Accountancy Corporation  
Certified Public Accountant

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June 2, 2012

To the Board of Directors  
Honey Lake Valley Resource Conservation District  
Susanville, California

We have audited the financial statements of Honey Lake Valley Resource Conservation District as of and for the year ended June 30, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America.

In planning and performing our audit of the financial statements of Honey Lake Valley Resource Conservation District as of and for the year ended June 30, 2011, in accordance with auditing standards generally accepted in the United States of America, we considered Honey Lake Valley Resource Conservation District's internal control over financial reporting (internal control) as a basis for designing our auditing procedures but not for the purpose of expressing our opinion on the effectiveness of the District's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the District's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we have enclosed other recommendations for your consideration.

This communication is intended solely for the information and use of management and Board of Directors and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

*Robert W. Johnson, An Accountancy Corporation*

Robert W. Johnson, An Accountancy Corporation

1. Accounting Overview:

Observation – prior to year 2010-11, the accounting system of the District consisted of a single-entry, checkbook program (Quicken). No conventional financial statements were produced and the District had never been audited.

In 2010-11 a double-entry system (Quickbooks program) was established. A CPA from Chester, California was hired to summarize the accounting records including preparation of payroll and monthly financial statements. This CPA service contributed to more accurate records and provided independent oversight of financial transactions.

The Board of Directors also contracted for the first time audit of the books (year ended June 30, 2011).

2. Fraud Policy:

Observation – the District has no formal written fraud policy.

Recommendation – the purpose of a fraud policy is to develop controls that will aid in the detection and prevention of fraud against the District. The policy would include:

- scope
- actions constituting fraud
- investigation responsibilities
- confidentiality
- reporting procedures
- termination

### Red Flag Regulations:

Observation – in response to the growing problem of identity theft, the Federal Trade Commission (FTC) adopted new regulations entitled “Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003; Final Rule” (Red Flag Regulations). Under the Red Flag Regulations, “creditors” with “covered accounts” must adopt an “Identity Theft Prevention Program” that complies with these new regulations. The Red Flag Regulations became effective May 1, 2009.

Recommendation – the District is a “creditor” with “covered accounts” for purposes of the Red Flag Regulations and must adopt an “Identity Theft Program”.

### Rules and Regulations:

Observation -- the District rules and regulations were last written and summarized in September 2009.

Recommendation – update the rules and regulations to include:

- records retention policy
- personnel policies
- use of computer
- fixed asset policy
- reserve fund policy

Organizations such as CSDA (California Special District Association) provide examples of District policies.

### Board Minutes:

Observation – minutes not manually signed.

Recommendation -- common procedure for minutes to be manually signed by Secretary (as submitted) and Board President (as approved).

Also, Board minutes normally provide for a separate motion to approve bills for payment and approve monthly financial statements.

6. Ethics Law – AB 1234:

Observation – not all of the Board members have received their required ethics training. Also, AB 1234 requires written policies for board member compensation and travel reimbursement.

Recommendation – comply with AB 1234.

7. Grants:

Observation – while the District accounting system provides separate accounting for individual grant receipts and expenditures, the supporting grant files were not in order.

Recommendation – organize grant files in a more orderly fashion.

8. Budgets:

Observation – the budgets do not follow the same format (account descriptions of revenues and expenditures) as the accounting records.

Recommendation – use same format for budget and accounting records to facilitate meaningful comparison of “budget” and “actual”.

## **CITY OF SUSANVILLE**

### **Planning Commission Appointments**

**Reason for Inquiry:** A perceived lack of transparency by City Staff and Council Members in the appointment of new members to vacancies on the Planning Commission.

**Background:** On or about October 20, 2010, the Susanville City Council was informed by Beth Bennett, a member of the 5-member City Planning Commission that her term had expired and that she was requesting to be appointed for an additional term. No action was taken by the council at that time.

On April 12, 2011, an agenda item for the City Council's regularly scheduled meeting included interviews with Beth Bennett, Dan Foster and two other possible candidates (Jeffery Garnier and Vicki Lozano) for 2 positions on the Commission. After the interviews, the Mayor and a majority of the City Council decided to retain Bennett and Foster. The City Clerk had posted the two vacancies and advertised for them in the local paper.

Subsequently, on August 3, 2011, two other sitting members were re-appointed to terms on the Planning Commission without posting and public notice for the vacancies.

It is the conclusion of the Grand Jury that the City of Susanville was in violation of the "Maddy Act"; California Government Code Section 54970-54974.

Section 54972 of the Maddy Act requires that: "On or before December 31 of each year, each legislative body (meaning the board of Supervisors or its Chairman or the City Council or the Mayor) shall prepare an appointments list of all regular and ongoing boards, commissions and committees which are appointed by the legislative body of the local agency". Section 54973 states, in part: "The legislative body shall designate the public library with the largest service population within its jurisdiction to receive a copy of the list". Section 54974 require that: "Whenever an unscheduled vacancy occurs in any board, commission or committee for which the legislative body has the appointing power... a special vacancy notice shall be posted in the office of the clerk of the local agency, the library designated pursuant to Section 54973, and in other places as directed by the legislative body, not earlier than 20 days before or not later than 20 days after the vacancy occurs." In addition, legislative bodies may use an "adjudicated publication" such as the Lassen County Times, to publish the vacancies.

While both instances appear to violate the Maddy Act by being untimely, the more recent appointment process clearly avoids the provision in the Act requiring public notification.

Additionally, each incident contradicts the aim of the act which states in Section 54970a: "... (that) rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees; ... (b) ... that the general public of this state has traditionally been denied access to information regarding vacancies which occur on such boards, commissions, and committees, thereby denying most citizens and interest groups the opportunity to nominate for consideration..."

While the Mayor's and Council's right to choose members is absolute and may only be politically questionable, their duty to inform the public of vacancies as required by the Maddy Act is required.

**Recommendation:** The City Council, City Attorney and other staff as necessary be informed of the Maddy Act and comply accordingly. A copy of the pamphlet, "How to Fill a Vacancy", available through the Lassen county Elections department is being forwarded to the City of Susanville. It is also recommended that any position openings always be advertised in the local paper to allow the greatest exposure to interested persons.

**Response Required:** Yes

City Clerk  
City Attorney  
City Manager

## **LASSEN COUNTY** **SIERRA ARMY DEPOT REDEVELOPMENT AREA**

**Reason for Inquiry:** The Penal Code requires that the Grand Jury report on the operation, accounts and records of local government agencies. Based on public concern, the Grand Jury researched spending factors regarding the properties in the South County area of Herlong that Lassen County received from the Department of the Army in 2003.

**Inquiry Process:** Members of the Grand Jury Government Committee researched and reviewed public documents and met with County officials to review the history of the origin and use of public funds in promoting, use and maintenance of the Herlong Properties.

**Background:** In the year 2000, the Lassen County Board of Supervisors applied for transfer of the ownership of several parcels of property in Herlong, CA which were part of the Sierra Army Depot. The parcels included green space and utility easements, vacant housing, old barracks, a theater building, and a large building suitable for multi-use. Transfer of the property from the Department of the Army to Lassen County was realized in 2003.

The County's Community Development Department had several plans with the intention of promoting uses to revitalize the Herlong area by providing job opportunities and locating businesses to the area for economic benefit to the Herlong area and Lassen County as a whole.

To date, attempts to revitalize the area have brought no apparent positive results. In addition, leases and other contracts had expired or were loosely drawn and property management functions were lax. Several parcels are now in use for local business, non-profit and County public services. The multi-use building is currently being used by a Credit Union, Post Office, Realty, Sheriff's Office, and Public Library. Other occupants include the Honey Lake Veterans of Foreign Wars, Post 6456 (VFW), a C-Mart store and Delicatessen operation, the County's Health and Social Services Department's "One-stop" program and the Sacred Heart Church. The One-stop and the space for the church share the existing Chapel building.

Operations of the property are under the direction of the Lassen County Local Reuse Authority (LRA). In a LRA report of income vs expense presented to the Board of Supervisors in March of 2012, the County is currently operating at an estimated monthly loss of \$9,187 or \$110,244 annually. Additionally, insurance costs for the property are approximately \$20,000 annually creating a yearly loss of about \$130,000. Since its receipt in 2003, costs for operating a redevelopment plan and management of the properties has totaled \$813,662 through February, 2012. This does not include approximately \$2.1 million in federal and state grants that had been expended in the area in prior years. The source of funding from the County has included no interest (0%) loans from the County of Lassen Fund 107 (two loans of \$100,000 each) and two no interest (0%) loans (\$50,000 and \$80,000) from the Lassen County Economic Development Housing Fund 178. The first of these loans is due for payments to start in 2013 with the others due starting in the years 2015, 2018 and 2022. Each loan is set for 2 years of payments with balloon payments due at the end of the 2 years. In a 2010-11 report by the Lassen County Community Development Commission the outstanding indebtedness for the Sierra Army Depot Redevelopment Project area was \$331,250.

In October, 2011, the County transferred ownership of the Veterans Building to the Honey Lake VFW. The property being used by the C-Mart was transferred to the owners in November, 2011.

A report written by George W. Robson of Robson Planning, Inc. who served as Interim Director of the Lassen County Economic Development Department and Operations Manager of the Lassen County Local Reuse Authority recommended that the County "Direct staff to prepare the necessary descriptions for [Sierra Army Depot] properties to be placed on the Auction site the County uses for [tax defaulted] property disposal."



**Findings:**

The Grand Jury found no apparent intentional mismanagement of funds, but does feel that the County has made an error in judgment in obtaining the Sierra Army Depot properties.

In concept, obtaining the Depot properties seemed to be positive in its attempt to provide economic development to improve the Herlong area.

For a variety of reasons including the impact of the current recession, the program has proved to be decidedly expensive causing an unnecessary drain on County resources that could be better used in other areas.

The project as operated by the County shows no apparent reasonable chance of producing positive returns to the County.

If continued, the expense of operation will continue to grow and require continued general fund support from the County against very minimal income from rents for the properties currently occupied.

Under current conditions it is unlikely that the outstanding loans from other county funding sources will be paid back, with one possible exception being a long-term lease of a cell tower site in the area which currently generates \$1,400 per month... the only arrangement requiring little or no maintenance or property management skills by the county.

**Recommendation:** The Grand Jury recommends that all possible attempts be made to eliminate the drain of County funds in support of this project. It is recommended that the County follow through on the sale of the properties as recommended in the Robson report. Any funds obtained through the sale of the property should be used to pay back the outstanding loans under the terms of the loan documents.

**Response Required:**

Lassen County Administrative Officer  
Lassen County Department of Economic Development  
Lassen County Local Reuse Authority  
Lassen County Counsel

## Lassen County Adult Detention Facility

Reason for Inquiry: The California Penal Code 919(b) mandates that the Grand Jury “inquire into the condition and management of all detention facilities within their county”. Additionally, earlier in the year Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 109 and AB 117, known as Public Safety Realignment which is legislation that allows non-serious, non-violent and non sex offenders to serve their sentences in county facilities instead of state prison. This legislation will reduce the prison population but in turn will greatly increase the county’s inmate population. Some inmates could potentially serve numerous years in the county jail and the Grand Jury was inquiring about the preparedness of the Lassen County Sheriff Department and Adult Detention Facility.

Inquiry Procedures: The 2011-2012 Lassen County Grand Jury (LCGJ) toured the Lassen County Adult Detention Facility (LCADF), with Sheriff Dean Growden and Undersheriff John Mineau on Wednesday, January 4, 2012.

Background: The LCADF is located on Sheriff Cady Lane in Susanville, California and is adjacent to the Lassen County Sheriff’s Office.

Findings: The Lassen County Grand Jury (LCGJ) gathered at the Lassen County Sheriff’s Office and was greeted by Sheriff Dean Growden. Prior to the tour of LCADF Sheriff Growden gave a very informative briefing of the daily operations of the Adult Detention Facility (ADF) as well as the responsibilities of the Lassen County Sheriff’s Department. During this discussion the Grand Jury asked a variety of questions regarding the facility and the impact of Assembly Bill 109. The Grand Jury was informed of the continuing economic difficulties which greatly impact various areas of the LCADF as well as the new financial challenges the Sheriff’s Department and LCADF is facing. These financial difficulties are a direct result of the expiration of a contract with California Department of Corrections and Rehabilitation (CDCR) resulting in the closure of the Lassen County Correctional Facility (CCF) which was opened on July 1, 1994. The CDCR paid Lassen County to house CDCR inmates and as a result of this joint venture, the LCADF was able to benefit from support services provided by state inmates helping with laundry and cooking for both the jail and juvenile hall resulting in substantial savings to the county. Sheriff Growden indicated that due to the closure of the CCF numerous staffing positions were eliminated. The Grand Jury learned that Sheriff Growden and his staff spend a considerable amount of time writing grants to acquire funding to supplement their budget to ensure compliance within the law and maintain staff and public safety. A physical tour of the LCADF was conducted by Undersheriff John Mineau. The Grand Jury visited the housing units which had a total inmate count for the day of 74, control, kitchen/food preparation area and the booking desk. In spite of financial cutbacks the Grand Jury was impressed with the cleanliness of the facility and did not find any safety hazards or maintenance concerns. The Grand Jury was impressed with the friendly and professional demeanor of all staff and their ability to answer our questions.

Commendations: Sheriff Growden and his staff have done an outstanding job preparing, training and accepting the difficult task of doing more with less as a result of the closure of the CCF, implementation of AB 109, AB 117 and ever constant court mandated policies and procedures. Therefore, the Grand Jury would like to thank Sheriff Growden and his staff for ensuring the public safety of the citizens of Lassen County.

Recommendations: None

Response: No

## Lassen County Juvenile Detention Facility

**Reason for Inquiry:** The California Penal Code 919(b) mandates that the Grand Jury “inquire into the condition and management of all detention facilities within their county”.

**Inquiry Procedures:** The 2011-2012 Lassen County Grand Jury toured the Lassen County Juvenile Detention Facility (LCJDF), with Letha Martin, Chief Probation Officer and Bob Roadifer, Juvenile Hall Superintendent on Wednesday, January 4, 2012.

**Background:** The LCJDF is located at 1425 Chestnut Street in Susanville, California and sits in front of the Lassen County Sheriff’s Office on Sheriff Cady Lane. In June 2000 the original facility was upgraded to accommodate 50 youthful offenders, however in 2008 due to budget concerns a section of the LCJDF was converted and leased to Environmental Alternatives Group Home. The LCJDF now has the capacity to accommodate 20 juveniles. On the day of the visit LCJDF had 8 juveniles housed in the facility.

**Findings:** The Grand Jury found the entire facility to be clean and organized. The staff was cooperative and responded to all questions asked by jury members. The Grand Jury discovered the LCJDF to be primarily a housing facility that provides limited programs and services due to budget constraints and the low number of juveniles being housed within the facility. The Grand Jury spent a considerable amount of time in the education classroom with the teacher and students. PACE was a cooperative alternative education program between the Lassen County Office of Education, the Lassen County Department of Health and Human Services, and the Lassen County Probation Department which closed its doors in 2011. However, the County Office of Education provides a teacher who conducts alternative education classes daily on site. Individual educational programs are developed for each student so they may work at their own academic level allowing them to reach appropriate educational goals including obtaining their GED and High School Diploma. The classroom looked like and was furnished as a public school classroom with computer workstations and desks. The students spoke freely with the Grand Jury about the school and appeared to be proud of their accomplishments within the programs afforded to them. The Grand Jury toured the rest of the facility including the day room, control area and outside areas. The Grand Jury noted that the LCJDF currently uses video cameras which are placed strategically around the facility to monitor activity. These cameras do not have the ability to record and are only used for monitoring. The designated outside yard area has numerous blind areas and LCJDF staff expressed a great need for a camera monitoring system as it would document incidents that occur and would greatly assist with the safety and security of the juveniles, staff and the facility.

**Commendations:** The Grand Jury would like to commend and thank the Lassen County Juvenile Detention Facility and staff for maintaining a clean, safe and secure facility for detained juveniles within Lassen County.

**Recommendations:** The Grand Jury recommends that the Lassen County Juvenile Detention Facility staff continue to pursue all available resources to secure additional funding for a video recording and monitoring system.

**Response Required:** No.

## California Correctional Center

**Reason for inquiry:** California Penal Code 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county”.

**Inquiry Process:** The 2011-2012 Lassen Grand Jury (LCGJ) toured the California Correctional Center (CCC) on October 4, 2011.

**Background:** Opened in 1963, the primary mission of the California Correctional Center is to receive, house, and train minimum custody inmates for placement into one of the institution’s 18 Northern California Conservation Camps. Working collaboratively with the California Department of Forestry and Fire protection (CAL FIRE), these camps are strategically located throughout the north state to provide fire suppression hand crews, as well as an organized labor force for public conservation projects and other emergency needs of the state. Services provided through the conservation camp program historically amount to many millions of dollars in value to the public. Work projects associated with the conservation camps support municipal, county, State, federal government agencies, schools, parks, cemeteries, and public recreation areas.

The secondary mission of the California Correctional Center is to provide meaningful work, training, and education programs for inmates who do not meet the criteria for assignment to a conservation camp. These alternative assignments include academic and vocational trade programs, facility maintenance jobs, food service positions, and other facility support assignments.

### Overall Assessment for the California Correctional Center:

The following staff statistics are variable to time of year and normal fluctuation. As of October 4, 2011, staff statistics were as follows;

Custody Staff: .....693

Non-Custody Staff: .....350

Medical: .....154

Total Staff: .....1,197

California Out-of- State Correctional Facility (COCF) Program- CCC has transferred 600 inmates to out of state correctional facilities. Sixty-seven inmates voluntarily transferred out-of-state, with the remaining 533 inmates involuntarily transferred.

### Budget:

Institution:.....\$ 111,409,774

Education: .....\$ 3,772,037

Medical:.....\$ 21,581,024

Total: .....\$136,762,835

Designed Bed space and inmate population;

Facility Level	Capacity	Actual Count
I (Cascade/Arnold Unit)	1,586	1,507
II (Sierra)	1,012	980
III (Lassen Unit)	1,000	975
Camps	2,077	1,966
Total	5,675	5,428

Pups on Parole Program- The Pups on Parole Program continues to flourish at CCC. There are currently six pups at the Fire House being trained for adoption. There have been 238 pups adopted since June 21, 2007.

Education Accomplishments for 2010-2011;

General Education Development/High School Diplomas:	388/8
College Students:	265
Physical Fitness Training:	1,718
Academic Students currently enrolled:	3,410
Vocational Students:	1,969
Vocational Certifications:	277
Attendance for Self-Help Groups (including the Camps);	
Alcoholics Anonymous Meetings:	6,259
Narcotics Anonymous Meetings:	3,490
All other Self-Help:	5,369
Religious Services:	18,336

**Findings:** At the beginning of the inquiry the LCGJ was met by the Warden, Chief Medical Executive Officer, their executive staff, and department Heads. A mission overview and a state of affairs for CCC were given. Following this presentation, a question and answer period ensued by the LCGJ in which CCC staff openly answered all questions presented to them.

Following this entrance meeting, a prison tour was initiated with the LCGJ able to tour any area we wished to tour. During the tour the LCGJ visited the Medical Department, Sierra Yard-to include a dorm housing unit, Lassen Yard-to include several cells, kitchen/food preparation area, dining areas, and religious services building. Following the inter-facility tour, transportation was provided to the Fire House and ambulance building for a presentation of the services they provide to CCC, High Desert State Prison,

and the community. A presentation and tour of the "Pups-on Parole program was then given to the LCGJ. This program is a partnership between the California Correctional Center and the Lassen County Humane society. This program saves the lives of dogs that would otherwise be destroyed. It was impressive to see the interaction between the inmate dog trainers and their dogs. As stated by staff and inmates, this program also helped greatly with the rehabilitation of inmates for their eventual return to society. It is a win-win program for the dogs, the inmates, and the community. The LCGJ wishes to thank CCC and the Lassen County Humane Society for their commitment to this program.

Overall, the LCGJ was very impressed with the cleanliness of the prison and the openness to all our questions. The main mission-to train inmate firefighters, is fully being met by CCC. It is questionable as to what the impact of the recent AB-109 bill will have on the Fire Camps and CCC, but the state of California has a great cost saving program in the Camps which saves millions of dollars a year for the taxpayers. The LCGJ was very impressed with the professional nature of the staff we encountered on our tour and wishes to thank CCC for their cooperation on our inquiry into their prison.

**Recommendations:** None

**Response required:** No

## Intermountain Conservation Camp

**Reason for inquiry:** California Penal Code 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county”.

**Inquiry Process:** The 2011-2012 Lassen Grand Jury (LCGJ) toured the Intermountain Conservation Camp on November 15, 2011.

**Background:** Intermountain Camp began its history in 1959 when the California Division of Forestry (now known as the California Department of Forestry and Fire Protection, or CAL FIRE) became interested in an 80 acre parcel of land owned by a local rancher. CAL FIRE was interested in establishing a conservation camp operated through a cooperative agreement with the California Department of Corrections and Rehabilitation (CDCR). CAL FIRE was able to secure the property and in 1962 the camp went into operation.

Intermountain Camp is located four miles north of Bieber, California, in the pines at the base of Big Valley Mountain in Lassen County. Intermountain Camp is one of 39 camps located throughout the state of California. The primary mission of the camp is to provide inmate fire crews for fire suppression. In addition to fire suppression, inmate fire crews provide a workforce for floods, conservation projects and community services.

### **Overall Assessment for the Intermountain Conservation Camp:**

The California Department of Corrections and Rehabilitation (CDCR) are responsible for the selection, supervision, care and discipline of the inmates. The CAL FIRE supervises the work of inmate fire crews and is responsible for the custody of inmates on their CAL FIRE work project activities. Both the CAL FIRE and CDCR supervise inmates in the maintenance and operation of the camp.

The majority of inmate laborers receive \$1.45 per day for their work, such as laundry, clerk, barber, etc. Skilled inmates such as mechanics, plumbers, welders, carpenters and electricians may earn up to \$3.90 per day. While assigned to fighting fires or working other declared emergencies, inmates earn \$1.00 per hour. Earnings are retained in an inmate trust fund and are utilized to purchase items from the camp canteen, or for use upon release to parole.

The following staff statistics are variable to time of year and normal fluctuation. As of October 15, 2011, staff statistics were as follows;

Correctional Custody Staff: 8

CAL FIRE Staff: 13

Total Staff: 21

**Budget:**

CAL FIRE Camp Operations:	\$ 105,806 (this covers facility costs, vehicle maintenance, travel, training, utilities, fuel, and communications.)
CAL FIRE wages and benefits:	\$1.3 million
Food:	\$67,000 (per year paid by CDCR)
Propane:	\$ 130,000 (per year paid by CDCR)
Fuel:	\$8,000 (per year paid by CDCR)
Inmate Clothing:	\$30,624 (per year paid by CDCR)
Inmate Payroll:	\$36,960 (per year paid by CDCR)
Total:	\$1,678,390 (approximately)

**Designed Bed space and inmate population:** Intermountain Camp has an 80 inmate bed capacity, which is nearly always fully utilized.

**Inmate Fire Crew Projects:** During 2010, Intermountain Conservation Camp provided the local communities with 7,256 hours of project and conservation work. State agencies benefited from 48,760 hours and federal agencies benefited from 2,088 hours. The fire season of 2010 saw Intermountain Crews dispatched to 22 incidents and logging over 26,803 hours of fire suppression.

**Findings:** At the beginning of the inquiry the LCGJ was met by the Custody Staff supervisors and CAL FIRE staff. A mission overview and a state of affairs for the Camp were given. Following this presentation, a question and answer period ensued by the LCGJ in which Camp staff openly answered all questions presented to them. The LCGJ was then able to attend the daily morning Camp briefing in which CAL FIRE and Custody staff discussed the inmate crew work details for the day and any other Camp issues which needed review.

Following this entrance meeting, the LCGJ was taken to the outskirts of the Camp for a demonstration to see an inmate fire crew in action cutting a fire line through heavy brush. The LCGJ was very impressed with the command and control, how well the inmates worked together, and the speed with which the fire line was cut. Following this impressive demonstration, a Camp tour was initiated, with the LCGJ able to tour any area we wished to tour. During the tour the LCGJ visited the dorm housing units, kitchen/food preparation area, dining areas, religious services building, CAL FIRE maintenance shops and training areas. A large Camp greenhouse was also toured, which was very impressive. The Camp grows a substantial amount of food themselves to supplement their food budget, saving taxpayer dollars.

Overall, the LCGJ was very impressed with the cleanliness of the Camp and the openness to all our questions. Even though the Camp opened up in 1962, with many original buildings still in use, the Camp buildings were in great shape showing that they were being well taken care of. All through the tour, the LCGJ made note of the teamwork attitude displayed between the CDCR staff and CAL FIRE staff. It was very obvious that a great working bond is in place.



The LCGJ was very impressed with the professional nature of the staff we encountered on our tour and wishes to thank Intermountain Camp for their cooperation on our inquiry into their facility.

The LCGJ is aware that the main function of the recently enacted bill, " AB 109" , is to reduce low level offenders within the State Prison System. It appears this bill is having the desired effects as the State Prison population is indeed dropping. The low level offenders are the type of inmate who gets placed into the Camp Program. It is hoped that the CDC-R will continue to find ways to keep the Conservation Camp Program at full strength and all Camps operating, as the loss of any portion of this program would be a loss to the citizens of California.

**Recommendations:** None

**Response required:** No

## High Desert State Prison

**Reason for inquiry:** California Penal Code 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county”.

**Inquiry Process:** The 2011-2012 Lassen Grand Jury (LCGJ) toured the High Desert State Prison (HDSP) on October 18, 2011.

**Background:** During the early summer months of 1990, the California Department of Corrections and Rehabilitation (CDCR) initiated discussions for a new prison in Lassen County on the grounds of the California Correctional Center. This location took advantage of existing state property and the ability to share operations with an existing prison. Construction began on July 14, 1993, with a budget of \$240 million. Named High Desert State Prison by the Lassen County Board of Supervisors, the prison is located approximately eight miles east of the town of Susanville, or about one and a half-hour drive northwest of Reno, Nevada. HDSP received its first inmate in September 1995.

**Mission:** The primary mission of High Desert State Prison (HDSP) is to provide for the confinement of general population high security (Level IV) and high-medium security (Level III) inmates. Additionally, there is a 200-bed minimum support facility (MSF) and a 400 bed reception center (RC) that processes inmates who are remanded to the care of the California Department of Corrections and Rehabilitation from Northern California Counties. The majority of the prison population is comprised of younger inmates who are serving long sentences and/or those who have proven to be management problems while in prison. HDSP has a Correctional Treatment Center (CTC) to provide for the health care needs of the inmates. Additionally, HDSP is designed to house inmates with disabilities who require specialized placement to accommodate accessibility issues.

### **Overall Assessment for the High Desert State Prison:**

The following staff statistics are variable to time of year and normal fluctuation. As of October 18, 2011, staff statistics were as follows;

Custody Staff:	869
Non-Custody Staff:	357
Medical:	258
Total Staff:	1,484

**Budget:** The total annual operating budget is \$90 million.

Designed Bed space and inmate population;

Facility Level	Capacity	Actual Count
I	200	195
II /III	400	479
IV	1,396	2,693
RECEPTION CENTER	100	579
AD-SEG	343	295
Total	2,452	4,241

**Community Activities:** The Warden promotes fundraisers to benefit the community, such as the Susanville Salvation Army and the Toys for Tots program. Through the efforts of HDSP staff, approximately \$2,500 was raised last year for the Susanville Salvation Army and approximately \$2,000 was raised for the Toys for Tots program.

HDSP supports the Daffodil Days, an American Cancer Society program that sells bouquets of daffodils to employees to raise money for cancer treatment and research, as well as promoting education and awareness. HDSP staff also supports the Susanville Relay for Life program, which is a huge fundraiser for the American Cancer Society.

**Findings:** At the beginning of the inquiry the LCGJ was met by the Warden, Chief Medical Executive Officer, their executive staff, and department Heads. A mission overview and a state of affairs for HDSP were given. Following this presentation, a question and answer period ensued by the LCGJ in which HDSP staff openly answered all questions presented to them.

Following this entrance meeting, a prison tour was initiated with the LCGJ able to tour any area we wished to tour. During the tour the LCGJ visited the Health Care Services CTC area, kitchen/food preparation area, dining areas, celled housing units, Administration Segregated Housing Unit, a clothing room, and the main exercise yards.

Overall, the LCGJ was very impressed with the cleanliness of the prison and the openness to all our questions. The staff at HDSP are to be thanked for the job they perform in dealing with some of California's worst and most hardened criminals.

**Recommendations:** None

**Response required:** No



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**Honey Lake Valley Resource Conservation District**

170 Russell Ave., Suite C - Susanville, CA 96130 - Phone (530) 257-7272, Ext. 101

September 26, 2012

Honorable F. Donald Sokol  
Lassen County Hall of Justice  
2610 Riverside Drive  
Susanville, Ca. 96130

Re: Comment on 2011-2012 Grand Jury Report on Honey Lake Valley  
Resource Conservation District

Dear Judge Sokol:

**Background:** To clarify this item the Honey Lake Valley Resource Conservation District (HLVRCD) would like to point out that it is true that the largest recurring expenditure is actually for the contract Deputy Water Master (Jeff White). The attorney firm mentioned is an out of town firm specializing in water law which was hired specifically for a major litigation filed by one of the larger users of the Susan River. Named as defendants in that litigation were the Lassen Irrigation Company and the HLVRCD as the Water Master. Though the Court knows there was a substantial initial expenditure of funds in defense of the HLVRCD, the District has minimized its legal expense by entering into a tolling agreement pending a decision by the Third District Court of Appeal regarding interpretation of the decree. In doing so the HLVRCD has saved the Susan River waters users substantial funds in the process. Appeal is still pending on that matter. Other local legal matters and compliance issues are being handled by local counsel. HLVRCD has only been Water Master since January 1, 2008.

At the time of the Grand Jury interview there was indeed no budget completed because HLVRCD was waiting for completion of the annual audit. HLVRCD has now adopted a budget for 2012-2013 fiscal year and has filed that budget with the Lassen County Auditor and served it upon all water users. There have been no objections filed to the budget and time for formal objection has expired under the terms of the Water Master decree in *Fleming v. Bennett*, Lassen County No. 4573.

**Mission:** The mission is correctly stated but also the HLVRCD serves as the Water Master for the Susan River Water Master Service Area having replaced the State of California Division of Water Resources effective on the date stated above.

**Overall Assessment of the HLVRCD:** HLVRCD agrees generally with this assessment. The referenced secretary is a part time employee and the Deputy Water Master and grant administrator (works on other duties as stated by the Grand Jury in the "Mission" portion of the report as the "primary mission") are independent contractors. There are currently no full time employees.

**Budget:** The District's fiscal cycle is July 1 through June 30. There may be some confusion here as the operating year revolves around the fact that the Deputy Water Master's contract runs from January 1<sup>st</sup> through December 31<sup>st</sup>.

**Findings:** HLVRCD has had a Water Master Budget since its appointment effective January 1, 2008. Prior to becoming the Water Master the County of Lassen provided a budget of approximately \$4,600.00 used for the other function listed in the Grand Jury's report of the "primary mission". When the HLVRCD took over the Susan River Water Master duties the flow of the \$4,600.00 from the County stopped. The tax imposed upon the users of water and monies received from grants are the funds received by the HLVRCD. Of the monies received the HLVRCD receives 10% for administration fees.

**Recommendations:**

**The HLVRCD should explore the possibility of hiring a manager to run the district.** This is agreed. The recommendation has not yet been implemented but it is anticipated that it will be implemented within 6 months. We are discussing it and are committed to hiring a manager. We will fly the position soon. The Board agrees that it should be minimally involved in the day to day operation of the district.

**The HLVRCD should create a professional budget document that outlines revenue, expenses, goals, projects, etc. that could be published each year so their customer base would know what the District is planning on doing each year.**

This is agreed. HLVRCD is a product of its own growth. The Board realizes that more budget detail is needed but also points out that it has been audited appropriately. The board is attempting to provide more detail and will forthwith. We have hired local legal counsel who is advising us in these matters. As stated above we are also planning on hiring a manager and between lawyer and manager we will accomplish this result.

**HLVRCD should complete the required audits each year.**

This is agreed and has been implemented. As stated in the report, the Grand Jury has received the HLVRCD audit for the last year. This will continue.

**The HLVRCD Board members should all complete the required ethics training every two years.**

**The HLVRCD Board members should all complete the required ethics training every two years.**

This is agreed and will be implemented forthwith as it is planned that the entire Board will attend the ethics and Brown Act training on September 28, 2012 from 10:00 AM through noon at the Susanville City Council chambers. This event is jointly sponsored by LAFCO and Lassen County. Some board members have taken the online training also.

**The Board agendas should be properly posted and available as required by law**

Agreed. We are doing this now. We will be starting forthwith to place agendas and minutes on our website in addition to posting as required by law.

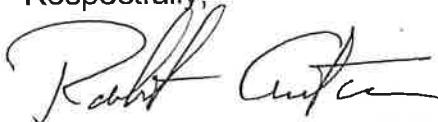
**Board members should be trained in Brown Act "policy"**

Agreed. We are attending the class referenced above and are also taking guidance from the Lassen County CAO.

**Further Response**

The Grand Jury will forthwith be sent all HLVRCD agendas and minutes, audits and certificates of ethics training.

Respectfully,



**ROBERT ANTON, CHAIRMAN,  
HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

## Honey Lake Valley Resource Conservation District (HLVRCD)

**Reason for inquiry:** The Penal Code requires that the Grand Jury report on the operation, accounts and records of local government agencies. The HLVRCD has not been reported on for some time.

**Inquiry Process:** Five 2011-2012 Lassen Grand Jury Members met with RCD's Board members Bob Anton and John Bentley on May 3, 2012 at 170 Russell Road, Suite C, Susanville.

**Background:** The HLVRCD was established on May 3, 1954 by a Resolution of the Lassen County Board of Supervisors (# 394). They obtain their authority through the Public Resources Code Chapter 3. Section 9415 allows the Directors to manage any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization projects within or adjacent to the District. Their budget revenue is primarily made up of taxes collected from property owner water rights, grants, and agriculture and commercial development. The largest expenditure is for the Water Master (Jeff White) position and the attorney firm for the Water Master function.

The HLVRCD has regular board meetings on the 3<sup>rd</sup> Wednesday of each month at 5 pm.

When asked about the District's financial status, the Board members told us they had approximately \$160,000 in the bank. They did not have a completed budget.

**Mission:** The primary mission of HLVRCD is to promote and encourage local landowners to develop conservation plans with the Natural Resources Conservation Service and implement practices that will conserve precious soil and water resources.

**Current Board Members:** Bob Anton - President, John Bentley (Sloss Creek water rights), Jeff Pudlicki, Larry Cabodi (Susan River water rights), Dave Schroeder (Baxter Creek water rights), Barbara Howe(Alt.)(Baxter Creek water rights), John Richards(Alt.)(Lassen Irrigation Company water rights).

### Overall Assessment for the HLVRCD:

Currently, the HLVRCD is involved in the Lassen County Special Weed Action Team (SWAT) to help reduce the spread of invasive species, especially Whitetop. They also are involved in the development of the Susan River Watershed Management Strategy, the Pine Creek Coordinated Resources Management Planning (CRMP) and the Lahontan Basins Integrated Regional Watershed Management Plan. They seem understaffed for the mandated duties of the district. Board members are trying to run the day to day operations.

**Staff:** One regular employee (Secretary) plus a contract grant administrator, Watermaster, and a contract bookkeeper.

**Budget:** The total annual operating budget is projected to be \$30,000 for the RCD and \$189,000 for the Watermaster. The District's fiscal cycle is a Calendar Year. California Government Code Section 26909 (b) requires that an annual audit be completed within 12 months of the end of the fiscal year for every special district. It appears that an audit has not been completed for some time. Mr. Robert W. Johnson, CPA., 6234 Birdcage Street, Citrus Heights, CA 95610, was said to be currently involved in auditing the District. The District maintains its own bank accounts, two (2) at Tri Counties Bank.

**Board Training:** We had initially asked that the District provide us with certificates of required ethics training upon our meeting with the District. No certificates were provided. Beginning in 2005, Board members are required to have Ethics training once every two years (*Government Code §53234*). Training can be obtained free of charge at <http://oag.ca.gov/ethics>.

**Findings:**

The Grand Jury members had concerns over the amount of money that passes through the HLCRCD, from grants and taxes, and a lack of a budget document. The budget is created after the fact instead of before the fiscal year, and is simply a single sheet of paper outlining expenses. It was felt that this could leave the District open to allegations of improper spending of unallocated funds. To make matters even worse, they were quite behind on their past years' audits. This too could lead to questions regarding spending. It appears that no Board members have completed the required ethics training and may be unaware of Brown Act requirements.

A small number of the current Board members are trying to run the day to day operations of the organization. The only person that is currently keeping track of the goings on in the organization is the secretary. There is no manager responsible for the overall operations of the HLVRCD. It seems that the RCD would run more cohesively, and could help keep the Board on track with District requirements, with a manager who would direct all aspects of the District and be responsible to the Board.

The District also does not have a set of its own policies. They are using the California Resource Conservation District Directors' Handbook as their guide. The District would most likely be better run if they adopted policies that were applicable to their specific duties.

Proper agendas were not posted on the District's web site as required (*Government Code §54954.2*). The web site was also in need of updating ([www.honeylakevalleyrcd.us](http://www.honeylakevalleyrcd.us)).

**Recommendations:**

The HLVRCD should explore the possibility of hiring a manager to run the district.

The HLVRCD should create a professional budget document that outlines revenue, expenses, goals, projects, etc. that could be published each year so their customer base would know what the District is planning on doing each year.

The HLVRCD should complete the required audits each year.

The HLVRCD Board Members should all complete the required ethics training every two years.

Board agendas should be properly posted and available as required by law (*Government Code §54954.2*).

Board members should be trained in Brown Act Policy.

**Response required:** Yes. The Grand Jury would like to be sent all Board agendas and minutes, audits of the District when they are complete, certificates of Board ethics training once all members have completed the training, and a copy of the budget for the next fiscal year. We will also pass this review on to the 2012-2013 Grand Jury for Follow-up.

**Additional:** We did receive a copy of the HLVRCD audit and it mentions many of the items that we have covered in this report. Annual audits should be continued (GC Section 26909 (b)). It is clear to the Grand Jury that the processes currently in place in the District are inadequate!





# City of Susanville

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

September 19, 2012

The Honorable F. Donald Sokol  
Presiding Superior Court Judge  
Hall of Justice  
2610 Riverside Drive  
Susanville, CA 96130

**RECEIVED**  
SEP 24 2012  
A. ASHBY, COURT EXEC. OFFICER  
LASSEN SUPERIOR COURT  
By \_\_\_\_\_ Deputy

Honorable Judge Sokol:

The City Council of the City of Susanville responds to the 2011 – 2012 Grand Jury Report as follows:

Page 29: Planning Commission Appointments

The City Council concurs with the recommendations of the Grand Jury relative to compliance with the Maddy Act. The Council recognizes the critical role that citizen involvement plays in local governance, and improvements to encourage public participation by serving on Boards and Commissions will be implemented immediately. Specifically, notification of Commission vacancies will be posted on the City website, lobby areas in the finance and community development departments, the public library, and advertised in the local newspaper.

In closing, the City Council and staff of the City of Susanville are committed to providing the citizens of Susanville every opportunity to participate and serve in local government, and we look forward to building a solid relationship with future community leaders.

Respectfully submitted,

Rod E. De Boer  
Mayor

cc: Council Members  
Peter M. Talia, City Attorney

Rod E. DeBoer  
Mayor  
Brian R. Wilson  
Mayor pro tem

Councilmembers:  
Lino P. Callegari  
Cheryl L. McDonald  
Nicholas McBride