

**Lassen County Grand Jury  
2019-2020**



**FINAL REPORT**

# LASSEN SUPERIOR COURT

**Tony Mallery**  
**Presiding**  
**Superior Court Judge**



2610 Riverside Drive  
Susanville, CA 96130  
(530) 251-8205 Ext. 103

July 1, 2020

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

To the Clerk of the Court:

As Presiding Judge of the Lassen County Superior Court, I hereby instruct the Clerk to accept for filing the 2019-2020 Lassen County Grand Jury Final Report as presented to me the 30<sup>th</sup> day of June, 2020.

Sincerely,

A handwritten signature in blue ink that reads "Tony Mallery".

Tony Mallery  
Presiding Judge  
Lassen County Superior Court

TM:lab

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## LASSEN COUNTY GRAND JURY

Hall of Justice  
2610 Riverside Drive  
Susanville, CA 96130

June 29, 2020

The Honorable Tony Mallery  
Presiding Judge  
Lassen County Superior Court  
2610 Riverside Drive  
Susanville, CA 96139

### 2019-2020 GRAND JURY REPORT

Dear Judge Mallery,

The members of the 2019-2020 Lassen County Grand Jury are pleased to submit our final report to you and the citizens of Lassen County pursuant to California Penal Code Section 933(a). The report is a product of the hard work and civic dedication exhibited by the individual Grand Jury members who have devoted much time and effort in their commitment to this critical function of government oversight by its citizens. It has been our primary goal to be fair, accurate, and thorough in our investigations and hope that our recommendations are received in the manner in which they are presented.

The Lassen County Grand Jury would like to acknowledge the many challenges that our city, county, and special districts face in these difficult times and express our appreciation for their dedication to public service, especially during this time with COVID-19.

As this year's Foreperson, it has been a privilege to serve alongside a great group of dedicated citizens of Lassen County. I would like to express my appreciation to all the members and the chairperson for each committee, and Secretary Wilma Kominek as this was not a regular year for Grand Jury. A special thank you to Jury Commissioner Lori Barron for her efficiency between the court and jury members. We had to improvise and make accommodations regarding COVID-19. Thank you to everyone that volunteered their time and countless hours. I feel that everyone should experience serving on the Grand Jury.

Respectfully,

A handwritten signature in black ink that reads "Cody Wiltman".

Cody Wiltman  
Foreperson

## **MEMBERS OF THE 2019-2020 LASSEN COUNTY GRAND JURY**

Cody Waltman, Foreperson

Kurt Bonham, Foreperson Pro-Tem

Jesse Claypool, Alternate Foreperson Pro-Tem\*

Wilma Kominek, Secretary

Brian Blickenstaff, Financial Officer

Christi Choo

James Fannon

Theresa Fannon

Terry Johnson\*

Heather McKenzie-York

Tom Neely

Katherine Paulson

Judith Kane Rogers

Jeremy Smallin

Linda Tiffin

Cherilyn Tinston-Gore

Kam Vento

*\*Returning member from 2018-2019 Lassen County Grand Jury*

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

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

Therefore, whenever the perception of a conflict of interest existed on the part of a member of the 2019-2020 Lassen County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports, which the majority approved.

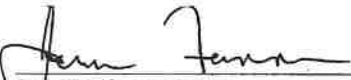
  
CODY WALTMAN, Foreperson

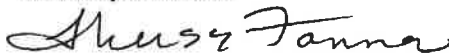
  
KURT BONHAM, Foreperson Pro-Tem


  
BRIAN BLICKENSTAFF

  
CHRISTI CHOO

  
JESSE CLAYPOOL


  
JAMES FANNON

  
THERESA FANNON

  
TERRY JOHNSON


  
WILMA KOMINEK

  
HEATHER MCKENZIE-YORK

  
TOM NEELY

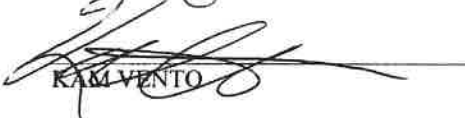
  
KATHERINE PAULSON

  
JUDITH KANE ROGERS

  
JEREMY SMALLIN

  
LINDA TIFFIN

  
CHERYLYN TINSTON-GORE

  
KAM VENTO

## CALIFORNIA GRAND JURIES

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

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city, and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are 42 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 19 citizens impaneled to watch over the citizens of Lassen County.

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

After investigations are completed, it is the responsibility of the Grand Jury to recommend changes that should be made in order to increase efficiency and improve services to the general public. Special commendations may also be made to departments or agencies for excellence in management. The reports that are released have been collected, voted on by at least 12 members, and the results carefully edited by the editing committee for a Final Report to be released to the public.

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

## DISTRIBUTION LIST

### Lassen County:

Superior Court Judge Tony Mallery

Board of Supervisors (5)

Treasurer/Tax Collector

District Attorney

Chief Executive Officer

County Counsel

Lassen County Sherriff Growdon

Personnel and Risk Management

Lassen LAFCO

### City of Susanville:

City Council (5)

City Administrative Officer

### Corrections Facilities:

California Correctional Center

High Desert State Prison

FCI Herlong

### Others:

State of California Attorney General's Office

California Board of Accountancy

California Grand Jurors' Association

Susanville District Library

Lassen Senior Services Center

Doyle Community Center

Westwood Nutrition Site

Bieber Library

Lassennews.COM (Lassen County Times Online)

KSUE/JDX

SusanvilleStuff.com

Standish-Litchfield Fire Board of Directors (4)

Susan River Fire Protection District

Janesville Fire Protection District

Susanville City Fire Department

CCC Fire Department

Cal Fire

OES

2019-2020 Grand Jurors

2018-2019 Grand Jurors

2017-2018 Grand Jurors



## 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 acceptable responses with which agencies and/or departments (respondents) may respond with respect to the findings of a Grand Jury report:

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

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

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

**RESPONSE PROCEDURE TO GRAND JURY REPORTS**

**SUMMARY OF PC §933.05**

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within 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 CEO's office.

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

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

**Findings**

I (we) agree with the findings numbered:

\_\_\_\_\_

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

\_\_\_\_\_

**Recommendations**

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

Recommendations numbered: \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a 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 months from the date of publication of the Grand Jury Report).

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

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

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

## INTRODUCTION

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

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

Each year the Grand Jury must inquire into the condition and management of all public prisons within the county. As required by law, the 2019-2020 Grand Jury toured the California Correctional Center, High Desert State Prison, and Lassen County Adult Detention Facility. The Grand Jury was unable to tour Intermountain Conservation Camp in Bieber and the Federal Correctional Facility in Herlong due to the COVID-19. After comprehensive tours and discussion, the Grand Jury found that no recommendations were necessary. As a commendation, the tours were valuable and informative. The Grand Jury enjoyed meeting, questioning, and watching presentations from institution leadership and staff that were so very knowledgeable and proud to share their procedures, facility improvements, and new and successful programs.

The Lassen County Grand Jury received eight written complaints during the 2019-2020 fiscal year. As the letters and formal complaints were received and presented to the full Grand Jury, careful consideration was given to the validity and content of each complaint. Each grievance was inspected and acted upon in a professional and conscientious manner.

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

## **City of Susanville**

### **Reason for Inquiry:**

Recommendation of Grand Jury member

### **Background Information:**

A jury member questioned why the City of Susanville has not expanded parks with the expansion of the City thru the years. It was questioned whether the amount of useable space is meeting the needs of the city.

### **Inquiry Procedures:**

The Grand Jury reviewed The City of Susanville Adopted Municipal Service Review dtd June 5, 2015 as well as the Susanville General Plan revised December 2006 and the Lassen County General Plan dtd. September 1999. The Grand Jury conducted interviews with the Executive Officer of The Lassen Local Agency Formation Commission and the City of Susanville Public Works Director.

### **Discussion:**

The City has responsibility for the operation and maintenance of the City's 6 parks: Memorial Park, Fruit Growers Park, Inspiration Point, Skyline Park, Little League Park/Pat Murphy Ball Field, and the Susan River Parkway.

### **Findings:**

The Grand Jury concluded:

F1. The City is meeting the desired ratios of 5 acres for parkland per 1,000 residents as recommended using The National Recreation and Park Association (NRPA) and the Land Development Ordinance (Title 22), as authorized in the Government Code by the Quimby Act. The City has 146.92 acres of park facilities within the City Limits which results in 8 acres of land per 1,000 population. The City is meeting the desired ratios for parkland but there was identified shortages in suggested park facilities based on The City of Susanville Adopted Municipal Service Review.

F2. Based on the City of Susanville Master Plan, and also noted in The City of Susanville Adopted Municipal Service Review "In 1988, the Parks and Recreation Commission developed standards for meeting the recreation needs of Susanville residents through the development of new facilities and upgrading existing

facilities. The needs identified are: two baseball fields; two softball/soccer fields; the addition of two more tennis courts with lighting; two multi-purpose playfields; and two neighborhood recreation centers”

F3. The City of Susanville is lacking in Neighborhood Parks. Neighborhood Parks serve the recreation needs of people living within a one-half mile radius of the park and also tend to contribute to the neighborhood identity. Fruit Growers Park, Little League Park/Pat Murphy Ball Field and the Diamond View Bobby Sox Field are identified in the City of Susanville Master Plan as the only Neighborhood Parks. The Master Plan proposed two neighborhood parks for the then planned new single-family residential area. Although the development of the new residential area north of Skyline has been completed, the neighborhood parks were not. Skyline Park was established in this area but is a Community Park, which is a park that provides recreational opportunities beyond those supplied by a neighborhood park.

F4. The City of Susanville collects Parkland Dedication fees for new residential construction. Land Development Ordinance (Title 22) as authorized in the Government Code by the Quimby Act determines the amount of parkland dedication or in-lieu fees that are required to be paid on new residential development in a community. The funds have not been used to generate a new neighborhood park.

F5. The Sierra Sports Complex located on Sierra St was funded by The 2000 Parks Bond and has never been developed into useable space.

F6. The City Council approved the planning for a dog park within the city limits back in 2018 but despite multiple attempts and funding from an anonymous donor, the park has yet to become reality largely due to location issues. Residents prefer a location such as the open space that the County of Lassen owns on North Mesa rather than the undeveloped Skyline Park or the land the City purchased on Sierra St that is also undeveloped and currently not be utilized as a Sports Complex.

**Recommendations:**

R1. Continue the planning process for neighborhood parks with an emphasis on the northern part of the city.

R.2 Work on the needs outlined in the Municipal Service Review.

R3. Work on the needs outlined in the General Plan.

R4. Make a final decision on the proposed dog park.

R5. Utilize the Sierra Sports Complex for its intended purpose.

R6. Identify the intended use and develop a plan for the parks funds that are collected in-lieu of on new construction.

**Commendation:**

The 2019/2020 Grand Jury would like to commend the City of Susanville for the work that was done to achieve the upgrades at Fruit Growers Park. The improvements have been appreciated by the residents of the City.

**Required Response:**

It is the Grand Jury's decision that we are requiring a response from the City of Susanville.



## **Standish-Litchfield Fire Protection District**

### **Volunteer Firefighting:**

#### **One of the Most Essential Services of an Organized Society**

*The Grand Jury - To examine and investigate county government and special district functions and make recommendations to improve their procedures and methods of operations to promote honest, effective government for the best interests of the people.*

### **Summary**

Receiving a complaint alleging willful misconduct, misuse of public funds, open meeting violations, and possible Health Insurance Portability and Accountability Act (HIPPA) violations, the Lassen County Grand Jury (GJ) undertook a thorough and comprehensive investigation of the Standish-Litchfield Fire Protection District (SLFPD).

During the course of the investigation, discoveries were made, with standard operational procedures and SLFPD Bylaws, policies, and procedures not being followed, various unlawful actions by the Board of Directors, ineffective leadership, administrative duties left undone, and numerous Brown Act violations.

During this investigation, the Grand Jury reviewed numerous documents, conducted interviews, researched various government code sections, and reviewed additional online resources and websites.

Lassen County's Standish-Litchfield Fire Protection District and more than 380 other fire protection districts in California draw their statutory authority from Fire Protection District Law. As a legislative body, the SLFPD Board of Directors is regulated by an extensive list of laws, regulations, and training requirements.<sup>1</sup>

Without clear institutional memory, an understanding of regulatory requirements, and effective leadership, inevitably a board of directors will be dysfunctional and ultimately a liability to the district. The Grand Jury investigation of SLFPD revealed just that.

*Special Note: The Grand Jury investigation did not examine the Standish-Litchfield Fire Protection District performance during routine or emergency response to fire or medical situations.*

## Background

Fire protection districts are formed to provide fire protection and other emergency services for a community.<sup>2</sup> Lassen County's Standish-Litchfield Fire Protection District (SLFPD) and more than 380 other fire protection districts in California draw their statutory authority from fire protection district law – California Health & Safety Code §13800, et seq.

Established in 1951, SLFPD, a small rural volunteer district that provides emergency services to the towns of Standish and Litchfield, and several miles outside the service area to the communities of Wendel and Ravendale.

There are two stations in the 91.7 square mile (58,693.9 acres) service area. Station one is mostly used for storage; station two is the primary station able to house six apparatus (Fire Engine). An elementary school, gas station/mini mart, homes and ranches, and a population of approximately 1,780<sup>3</sup> are also within the service area.<sup>4</sup>

The SLFPD has mutual aid agreements with CAL-FIRE, BLM, US Forest Service, Susan River Fire Protection District, Janesville Fire Protection District, and the California Department of Correction's fire department.<sup>5</sup>

The five-member Board of Directors is independent of any county supervision and very limited state oversight. There is a paid secretary, a fire chief, and reports indicate there are currently less than five volunteers.

## Glossary

- SLFPD Standish-Litchfield Fire Protection District
- GJ Grand Jury
- BOS Board of Supervisors
- BLM Bureau of Land Management
- CCC California Correctional Center
- LAFCO Local Agency Formation Commission
- OES Office of Emergency Services
- OSHA Occupational Safety and Health Administration
- HIPPA Health Insurance Portability and Accountability Act
- NFPS National Fire Protection Standards





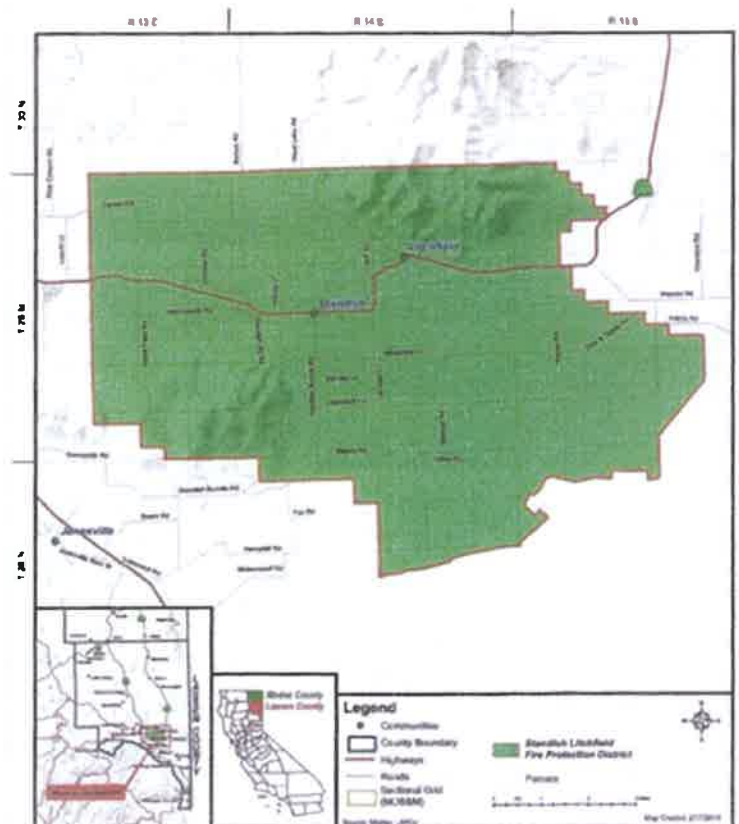
- Gov Code Government Code
- FPPC Fair Political Practices Commission
- AB Assembly Bill
- SB Senate Bill
- FYE Fiscal Year Ending
- ISO Insurance Service Offices
- OCR Office of Civil Rights
- Cal-Fire California Department of Forestry and Fire Protection
- CSDA California Special Districts Association
- Apparatus Fire engine

### Methodology

The Grand Jury obtained information used for this report through interviews, various documents, online web sites, and public records.

### Websites Reviewed:

- Ca State Fire Marshal's office [www.osfm.fire.ca.gov](http://www.osfm.fire.ca.gov)
- Ca OES (Office of Emergency Services) [www.caloes.ca.gov](http://www.caloes.ca.gov)
- Cal Fire [www.fire.ca.gov](http://www.fire.ca.gov)
- NFPA (National Fire Protection Standards) [www.nfpa.org](http://www.nfpa.org)
- Cal OSHA [www.dir.ca.gov/dosh/](http://www.dir.ca.gov/dosh/)
- Ca Labor Commission [www.dir.ca.gov/dlse/](http://www.dir.ca.gov/dlse/)
- Ca State Attorney General's Office [www.oag.ca.gov](http://www.oag.ca.gov)
- CSDA (California Special Districts Association) [www.csda.net](http://www.csda.net)
- Lassen LAFCO (Local Area Formation Commission) [www.lassenlafco.org](http://www.lassenlafco.org)
- Ca Fire Rescue Company 1 [www.firerescue1.com](http://www.firerescue1.com)
- Ca State Controller's Office [www.sco.ca.gov](http://www.sco.ca.gov)



Ca FPPC (Fair Political Practices Commission) [www.fppc.ca.gov](http://www.fppc.ca.gov)

CGJA (CA Grand Jury Assn) [www.cgja.org](http://www.cgja.org)

Lassen County Superior Court [www.lassencourt.ca.gov](http://www.lassencourt.ca.gov)

Lassen County <http://www.co.lassen.ca.us/>

*Special Note: At the time this report was prepared these websites were actively maintained and accessible, and the information used was available at the websites listed.*

## **Discussion**

### **Governance**

*Governance: The institutional capacity of public organizations to provide public services and other goods demanded by a country's citizens or the representatives thereof in an effective, transparent, impartial, and accountable manner, subject to resource constraints.*

Being involved, community pride, wanting to help, and many other reasons motivate a person to get on a Board of Directors.

Effective governance requires a time commitment; in addition to the routine business of the board, to pursue trainings, conferences, workshops, and other types of related learning opportunities.

Whether elected, appointed, or hired, good governance depends on officials and staff knowing, understanding, and following the duties and responsibilities of being a public servant as well as the relevant laws and requirements that govern it.

Members of a Board of Directors are often referred to as trustees because they are entrusted with the people's business. With a fire protection district that means the board is entrusted to provide training for the volunteers, promote safety, respond to emergencies, protect life and property, provide appropriate and functioning protective gear and apparatus, and conduct district business in an open and transparent manner.

## **Brown Act**

California regulates legislative bodies in many ways, but the most important way to ensure transparency and citizen participation is through the Brown Act, also known as the open meeting law. Adopted by the state legislature “to ensure the public’s right to attend the meetings of public agencies,” as well as “to facilitate public participation in all phases of local government decision making and to curb misuse of the democratic process by secret legislation by public bodies.”<sup>6</sup>

The Brown Act is essentially a body of rules designed to ensure open government and fairness. It regulates many aspects of local public agency meetings in both open and closed sessions. The GJ reviewed the Brown Act during the course of its investigation, special attention was given to the following sections:<sup>7</sup>

### **Meetings**

- Meetings Occur Whenever the Majority of a Legislative Body Meets to Discuss Agency Business. (Gov Code § 54952.2(a))
- All local Agencies Must Meet within Their Jurisdictional Boundaries. (Gov Code § 54954)
- A Schedule for Regular Meetings Must Be Set by Official Action and Each Regular Meeting Requires 72 hours’ notice. (Gov Code § 54954, 54954.2(a))

### **Agenda**

- All Meetings Must Have an Agenda and the Agenda Must Include a Description of Each Item on the Agenda. (Gov Code §§ 54954.2, 54954.5, 54955, 54957.5)

The Brown Act requires the preparation of a written agenda for all meetings. The agenda must contain a brief description of each individual item of business on the agenda and must be written in clear and unambiguous terms so that members of the public are aware of what business the agency intends to transact. This is required for both open and closed session agenda items.

To ensure compliance, the following guidelines should be followed<sup>8</sup>:

- The description must give fair notice of the essential nature of the business to be considered.
- The public must be provided with more than just clues from which they must then guess or surmise the essential nature of the business to be considered.
- The agenda must not be confusing, misleading, or unfairly opaque.

In 2019, the court reaffirmed the importance of describing agenda items in a clear and unambiguous manner so that the public knows the essential nature of the business to be considered by the agency.<sup>9</sup>

SLFPD agendas consistently lack openness and fail to inform the public. Agenda items are typically described by three words or less.

- o Closed Session Agenda Notice Requirements. (Gov Code §§ 54954.2, 54954.5)
- o Closed Session Items Must Be Identified on the Agenda and Orally Announced in Open Session. (Gov Code § 54957.7)

The subjects of any closed session must be described in a notice or agenda for the meeting, and agendas are required to be posted at least 72 hours in advance of the meeting. Brown Act regulations also require the legislative body to orally announce, in an open session, the issues to be heard at a closed session. If any final actions are taken, the legislative body must report the action, in open session, after the conclusion of the closed session. Government Code § 54957.1 requires that the *“legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present”*.

## **Closed Session**

- o Closed Sessions are Prohibited Except as “Expressly Authorized” to be Lawful. (Gov Code § 54962)

- o Closed Sessions are Permitted for Certain Matters. (Gov Code §§ 54954.5, 54956.5(c))
- o Minutes of an Improper Closed Session are Not Confidential. *Register Division of Freedom Newspaper, Inc. v. County of Orange* (1984)158 Cal.App 3D 893, 907-908

While there is ample opportunity for the public to comment at each open session meeting, the ability to speak has limited value if the public does not know what substantive discussions are going to take place in closed session.

### **Violations**

- o Intentional Violations of the Brown Act are Misdemeanors. (Gov Code § 54959)
- o Cease and Desist or Cure and Correct (Gov Code §§ 54960, 54960.1, 54960.2, 54960.5)

*Special Note: The Grand Jury could consider whether Brown Act violations suffices to issue an accusation of willful or corrupt misconduct in office under Gov Code 3060 which can result in removal from office for egregious misconduct.*

*A Brown Act violation justifies removal from office pursuant to section 3060. Bradley v. Lacy, 53 Cal.App.4th 883, 887 n.1 (1997).*

As a general matter, decisions that are not made according to open meeting laws are voidable. After asking the agency to correct the violation, either the district attorney or any interested person may seek a court order to have the action declared invalid. Additionally, governing body members who intentionally violate the open meeting laws may be guilty of a misdemeanor(s).

The Political Reform Act includes disclosure and disqualification requirements. A knowing or willful violation of the Political Reform Act's requirements is a misdemeanor. Such a conviction may also create an immediate loss of office under the theory that the official violated his or her official duties, or create a basis for a

grand jury to initiate proceedings for removal on the theory that failure to disclose constitutes willful or corrupt misconduct in office.

When a disqualified official participates in a decision, it can void the decision. This can have serious consequences for those affected by the decision as well as the public agency. Officials can be removed from office for willful or corrupt misconduct in office<sup>10</sup>. The misconduct does not have to constitute a crime and need not necessarily imply corruption or criminal intent.<sup>11</sup>

### **Public Records Act**

Other open government and fairness rules often intersect with the Brown Act. The two most common sets of additional rules are the California Public Records Act and the rules governing ethics in public service.

Because public agencies exist for the purpose of handling public business, their daily operations are subject to a level of transparency. The Legislature enacted the California Public Records Act<sup>12</sup> to address this need for transparency. The Public Records Act is often confused with the Federal Freedom of Information Act, which only applies to federal agencies<sup>13</sup>. The Public Records Act applies to local agencies, including cities, counties, special districts, school districts, and community college districts.<sup>14</sup>

The overall principal of the Public Records Act is that all records maintained by a public agency that deal with public business are open to inspection and subject to disclosure unless an exemption applies.<sup>15</sup>

### **Ethics**

The rules governing ethics are designed to ensure open government and fairness. The rules are complex and sometimes technical, with new rules being adopted every year.

Generally, ethics provisions fall under three categories:

1. Personal and financial gain,
2. Transparency, and

Elected or appointed officials of local agencies who receive compensation or reimbursement for expenses incurred as part of their official duties, are required to received biannual ethics training. Currently local agencies required to receive the training include cities, counties, and special districts (but not school districts)<sup>16</sup>.

### 3. Fair process and merit-based decision-making.

This category refers to processes and decisions based on objective criteria for the benefit of the residents of the district, rather than on personal gain, personal relationships (good ol' boy), or personal bias.

One of the hallmarks of government ethics is transparency. Transparency is simply making comprehensive, accurate, and up-to-date information available quickly and on-demand to the public. Such transparency is possible today as never before because of information technology and the Internet.

A very important point is that the broad topic of “ethics” in public service refers to much more than just laws. Ethics training for public officials strongly emphasizes that laws are only a minimum standard.

This report highlights the basic ethics principles and is not intended to be a comprehensive summary or review of all applicable laws. If a red flag is raised, the GJ urges the reader to consult with the applicable regulating authority, such as the Fair Political Practices Commission or California Attorney General’s Office or seek legal counsel. There are also a multitude of resources on ethics and conflicts of interest available on the internet from the following organizations:

- Institute for Local Government, [www.ca-ilg.org](http://www.ca-ilg.org). (The ILG prepared a number of publications on public service ethics)
- California Fair Political Practices Commission, [www.fppc.ca.gov](http://www.fppc.ca.gov). (The FPPC created numerous Fact Sheets)
- California Attorney General, [www.ag.ca.gov/publications](http://www.ag.ca.gov/publications). (The AG prepared a Conflict of Interest Publication)

## **Conflict of Interest**

The California Political Reform Act<sup>17</sup> sets forth the rules governing financial conflicts of interest. Public officials, both at a state and local level, may not participate in a decision if the official's financial interests might be materially affected by the decision. Participation includes using the official's position to influence a decision.<sup>18</sup>

There is a common law prohibition against participating in decisions where personal loyalties are present. As a decision-maker, the public expects public officials to be impartial and avoid favoritism. Under the common law doctrine, "A public officer is impliedly bound to exercise the powers conferred on him/her with disinterested skill, zeal, and diligence and primarily for the benefit of the public".<sup>19</sup> "Such doctrine strictly requires public officers to avoid placing themselves in a position in which personal interest may come into conflict with their duty to the public".<sup>20</sup>

"If a situation arises where a common law conflict of interest exists as to a particular transaction, the official must disqualify him or herself from taking part in the discussion or vote regarding the particular matter".<sup>21</sup> "The purpose of the conflict laws is to prevent even the appearance of impropriety"<sup>22</sup>.

There is also a statutory prohibition on engaging in incompatible activities.<sup>23</sup> A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.<sup>24</sup>

## **Fair Political Practices Commission**

Fair Political Practices Commission (FPPC<sup>25</sup>) The Political Reform Act of 1974, as passed by voters as Proposition 9 created the FPPC. The filing of a Form 700 Statement of Economic Interest requires public officials to disclose economic interests that might give rise to a disqualifying conflict of interest. It provides the public with the ability to ensure its elected and appointed officials are free from bias. The Form 700 should be filed upon assuming office, annually while in office, and upon leaving office.



Each local agency is required to have its own local conflict of interest code that sets forth which officials and employees need to file. Elected, appointed, and executive heads of agencies are statutorily required to file.<sup>26</sup>

Trust in government is dependent upon officials that place the public interest ahead of their own. Every level of local government, at some point, has faced allegations of conflict of interest, abuse of authority, patronage, and lack of transparency. Equally damaging is the appearance of impropriety. President Lyndon Johnson said in his 1965 State of the Union Address: *"A President's hardest task is not to do what is right, but to know what is right"*.

### **Health Insurance Portability and Accountability Act**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) required the Secretary of the U.S. Department of Health and Human Services (HHS) to develop regulations protecting the privacy and security of certain health information. To fulfill this requirement, HHS published what is commonly known as the HIPAA Privacy Rule.

The Privacy Rule, or Standards for Privacy of Individually Identifiable Health Information, establishes national standards for the protection of certain health information from fraud and theft.

Any removal of medical records from the fire hall and storing them at a private residence could be a possible violation of the HIPPA Privacy Rule.

### **Training**

The responsibility to ensure nothing less than minimum training standards are provided for and meet by every volunteer is paramount and cannot be overstated.

Proper training, education, and qualifications for each level of firefighter and apparatus operators are a key issue. National statistics have demonstrated time after time that un-qualified or poorly trained firefighters and apparatus operator accidents are a leading cause of firefighter injuries and fatalities.

In 2002, the Legislature passed SB1207 requiring volunteer firefighters to meet the same California Occupational Safety and Health Administration (OSHA) training and safety standards as career firefighters.

During a mutual aid response by SLFPD volunteers, a volunteer fire fighter was injured and taken to a Reno hospital by care flight.<sup>27</sup> The injury occurred while operating SLFPD equipment. The fact of this accident happening in the first place is concerning. The fact that it happened while operating SLFPD equipment that they should have been properly and routinely trained on is in excusable. The fact that very basic training standards are not being meet, makes this accident a result of gross negligence.

### **Financial**

Of high importance to most is the prudent handling of public funds. Whether it is a competitive bid, accurate payroll, reasonable expenditures, or the annual operating budget, the public has a right and so demands a transparent process of checks and balances.

Of course, there are more worthy uses for public funds than there are funds available. Deciding how to best utilize limited public resources is a key responsibility for a board of directors, although it is important to note that they actually have less discretion than one might expect in deciding how public monies are spent.

The law imposes some basic restrictions on how public resources may be used. For example, any use of public resources must serve the needs of those within the district. California's Constitution expresses this principle by prohibiting "gifts" of public funds by the Legislature, general law cities, and agencies created by state statute, such as special districts, for their purposes, with no benefit flowing back to the donor agency's constituents.<sup>28</sup>

During this investigation various SLFPD financial transactions and documents were reviewed, to determine the manner in which the SLFPD Board of Directors has been conducting the people's business.

Developing an annual budget is a legal requirement<sup>29</sup> H&S Code §§13890-13895 and is an agency's tool for linking near-term goals with the resources available to achieve them. The GJ was unable to obtain a copy of any SLFPD annual budget, current or otherwise, despite one not being on record and no document(s) produced after a records request.

There are two main funding sources that support SLFPD. 1) They receive annually a percentage of the property taxes collected within the district boundary.<sup>30 AB8</sup> 2) They support fire suppression efforts on State and Federal lands for a fee.

The GJ found discrepancies within the SLFPD independent audit for FY 2018 regarding SLFPD annual budget process. In addition, the required budget hearing and adoption process was not followed, including no public hearing for budget review and adoption. Furthermore, no budget was on file with the Lassen County Auditor's office. Despite having no budget on file, the Auditor accepted for deposit on behalf of SLFPD \$316,114.48<sup>31 County of Lassen Revenue Account Detail 7/18-6/20</sup> and distributed funds on behalf of SLFPD in the amount of \$391,420.56.<sup>32 County of Lassen Expenditure Detail with Account Totals 7/18-10/19.</sup> That is a difference of \$-75,306.08 for an agency that reportedly has an annual operational budget of approximately \$56,000.<sup>33 Lassen LAFCO Report</sup>

*Audits Are Required by Law: Government Code §§ 26909, 12410.6 "Special districts are required to have annual, independent audits conducted by the county auditor or a certified public accountant".*

The primary purpose of the Auditor's office is not merely data entry. The BOS needs to ensure proper and continuing education, consistent with the requirements of a Certified Public Accountant, by the County Auditor and staff, is received, and current at all times. In addition, the BOS needs to ensure the work product of the Auditor's office consistently meets generally accepted accounting standards.

If the BOS does not believe that there is sufficient authority available to them to do so, this Grand Jury recommends the Board, pursuant to Government Code § 24009 (b) or 26980(b), pursue changing the office of the Auditor to an appointed, rather than elected, position, in order to enhance the accountability of the office and the fiscal health of the County.

Two purchases caught the attention of the GJ during this investigation; both were done without giving the public any notice or by following any competitive bidding process. The items were: a used 1997 Kenworth Water tender \$37,000.00 and 2017 Ram pick-up truck \$31,249.07. These purchases were not noticed or

agenized, only briefly mentioned in meeting minutes after the fact. There is no listing of monthly warrants and any contracts for professional services are reviewed and voted on in closed session. SLFPD does not make available for public review or discussion any of its financial activities.<sup>34</sup> SLFPD Meeting Minuets & Agendas

### **Insurance Services Offices**

In the commercial insurance industry, organizations such as the Insurance Services Offices (ISO) develop standardized coverage language and documents. This standardization helps insurance regulators and creates consistent interpretations of insurance coverage. Insurance companies set rates for residential homeowner coverage based off the ISO number for that area.

During the course of this investigation, the GJ learned that SLFPD, knowingly and intentionally provided false, inaccurate, or misleading information to ISO attempting to affect their assigned ISO number.

### **Consolidation**

Unlike many other counties, Lassen County does not have direct responsibility for fire service. That responsibility resides with separate volunteer fire protection districts scattered around the county, and the Susanville City Fire Department. In addition, the California Correctional Center (CCC) Fire Department and the California Department of Forestry and Fire Protection (CAL-FIRE), provide fire protection services, as needed, throughout the County.

There are 15 volunteer fire departments or districts operating in Lassen County, they are the backbone of fire services. In 2018, they responded to a total of 1438 structure and/or wildland fires, vehicle accidents, or other medical related calls. Of those calls, 472 were mutual aid assisting other agencies.<sup>35</sup> Lassen LAFCO Report

Each district has an elected or appointed governing Board of Directors, each board independent of the other with minimal oversight from any county or state regulatory agency.

Each board is responsible for training of their volunteers, promoting safety, ensuring all protective equipment is used within its intended design specifications, being compliant with the many state and federal laws, and that the fiscal health of

the district is maintained. Some Lassen County volunteer fire protection districts have struggled with maintaining organizational oversight while continuing to provide adequate service to their districts.

Consolidation of fire protection districts is not a new or unique conversation. It is however a needed and relevant conversation with many possible outcomes.

The highest hurdle with consolidation is the money. The tax revenue each district receives is not equal, it is proportionate however.<sup>36 AB8</sup> There are options that can possibly satisfy concerns, the BOS can, to a certain degree adjust the funding amounts between districts, and a voluntary transfer of revenue between districts is permissible.<sup>37 H&S Code § 13800 et. seq.</sup>

Regardless, the disparity among funding rates between fire districts means it will be extremely difficult if not impossible for a consolidation to be revenue neutral.

The 2018 combined annual budgets of the 15 volunteer fire protection districts in Lassen County was \$ 1,828,000.00<sup>38 Lassen LAFCO Report</sup>, compelling reasons to consolidate exist, from cost savings to standardization of training, equipment, and practices, increasing operational efficiency and firefighter safety.

## Findings

REQUIRED	CODE SECTION/REGULATION	COMPLIANT		
		YES	NO	UNKNOWN
Oath of Allegiance for Public Officers	Article XX, Sec 3, State Constitution		X	
Roster of Public Agencies Filing	Gov Code 53051		X	
Ethics Training	Gov Code 53232, 53234		X	
Sexual Harassment Training	Gov Code 12950.1		X	
Annual Audit	Gov Code 26909, 12410.6	X		
Reimbursement Policy	Gov Code 53232.2(b)		X	

Enterprise Catalogue System	SB 272		X	
Website	SB 929		X	
Brown Act	Gov Code 54950		X	
Board Member and Employee Reimbursement Disclosure	Gov Code 53065.5		X	
Conflict of Interest	Gov Code 1090, 87100. 2 Cal Code of Regulations 187100		X	
Contracting and Bidding	Public Contract Code 1100 – 9203, 20100		X	
<b>REQUIRED</b>	<b>CODE SECTION/REGULATION</b>	<b>COMPLIANT</b>		
		<b>YES</b>	<b>NO</b>	<b>UNKNOWN</b>
Fair Political Practices (Political Reform Act)	Gov Code 81000, 83100		X	
Public Funds (Gift of Public Funds Prohibited)	Article XVI, Sec 6, State Constitution		X	
Incompatibility of Office Doctrine	Gov Code 1126		X	
Public Records Act	Gov Code 6250		X	
Surplus Real Property	Gov Code 50568, 54220		X	
Uniform District Election Law	Election Code 10500 - 10566		X	
Board Vacancies	Gov Code 1780		X	
OSHA Training and Safety Standards	SB 1207		X	

## Findings Cont.

1. SLFPD Board of Directors is and has been, disregarding all applicable provisions of the Brown Act. (Gov Code §§ 54950 - 54962)
  - The Brown Act was adopted in 1953 to provide guidance to local governments on procedures for conducting open and public hearings (and, inversely, circumstances under which a government body can hold a closed session). Since its initial adoption, the Brown Act has been amended numerous times and continues to be.
2. SLFPD Board of Directors is and has been, disregarding all applicable provisions of the Political Reform Act. (Gov Code §§ 81000, 83100)
3. SLFPD Board of Directors has blatantly and willfully disregarded the Uniform District Election Law. (Election Code §§ 10500 - 10566 and Gov Code § 1780)
  - Uniform District Election Law (UDEL) is the general election law for some special district types. While some special district types may contain their own unique election procedures within their principal act, some principal acts refer election procedures to UDEL. It is important to note that where UDEL and the principal act conflicts, UDEL shall apply and control (§10502(c)).
  - Vacancies Government Code §1780, et seq. Unless otherwise noted in the principal act of the district, vacancies in special districts are filled as provided in this section.
4. SLFPD is not compliant with SB 1207 OSHA Training and Safety Standards
  - In 2002, the Legislature passed SB1207 requiring volunteer firefighters to meet the same California Occupational Safety and Health Administration (OSHA) training and safety standards as career firefighters.
5. SLFPD is not compliant with the following:
  - Gov Code § 53051 Roster of Public Agencies Filing
  - Gov Code § 12950.1 Sexual Harassment Training

- Under California state law, employers must also: Display sexual harassment informational posters in visible, high-traffic areas, Ensure a workplace free of sexual harassment, Provide a sexual harassment information sheet at request, Provide training to employees within six months of hire.
- California AB 2053. Written as an addendum to AB 1825, California AB 2053 requires employers to include the prevention of abusive conduct in their biennial harassment training programs, effective January 1, 2015. This law connotes “abusive conduct” as hostile or offensive language or actions, such as threats, insults, humiliation, and intimidation.
- California SB 396. In addition to state law, California SB 396—effective October 15, 2017—covers the prevention of harassment related to gender identity, gender expression, and sexual orientation. Employers must include these topics in their harassment training programs. This mandate also necessitates a Department of Fair Employment and Housing (DFEH) poster in the workplace identifying transgender rights.
- Gov Code § 53232.2(b) Reimbursement Policy
- SB 272 Enterprise System Catalogue
  - SB 272 requires all local government agencies to create an Enterprise System Catalog listing all pertinent computer software used. There are no exemptions.
- SB 929 Website
- Gov Code § 53065.5 Board Member and Employee Reimbursement Disclosure
  - Annual disclosure of board member or employee reimbursements for individual charges over \$100 for services or products. This information is to be made available for public inspection. “Individual charge” includes, but is not limited to: one meal, lodging for one day, or transportation.



- Gov Code §§ 1090, 87100. 2 Ca Code of Regulations § 187100 Conflict of Interest
  - Public officials cannot make or influence a governmental decision in which they have a conflict of interest. An official will have a conflict of interest if the decision has a foreseeable financial effect on their economic interests. They may not exert influence on a decision in which they have a conflict of interest unless their participation is legally required, or the official can establish that effect of the decision is indistinguishable from the effect on the general population.
  
- Public Contract Code §§ 1100 - 9203, 20100 Contracting and Bidding
  - The Local Agency Public Construction Act lays out the bidding and contracting procedures for special districts. Each special district type or even, at times, a specific special district has its own contracting and bidding regulations.
  
- Article XVI, Sec 6, State Constitution Gifting of Public Funds
  - Gift of public funds prohibited. Public officials cannot give, lend, nor authorize the making of any gift of public money to any person, association, or corporation.
  
- Gov Code §§ 1125, 1126, 1126(a) Incompatibility of Office Doctrine
  - Local officials cannot engage in any employment or activity which is in conflict with their duties as a local agency officer or with the duties, or responsibilities of the agency by which they are employed.
  
- Gov Code § 6250 Public Records Act
  - The Public Record Act ensures public access to government records, with limited exceptions such as attorney-client privileges.
  
- Gov Code §§ 50568, 54220 Surplus Real Property

- There are specific procedures for local governments, including special districts, to catalogue their property, including surplus property, and to sell off this property.
  - Gov Code §§ 53232, 53234, 53235 Ethics Training
    - Local elected officials and key appointed officials (and management staff like general managers) are required by law to take ethics training courses if the officials receive compensation or reimbursement. This applies even if they do not receive compensation or reimbursement, but the district's principal act allows the elected officials to receive them. By law, the affected local official must take an ethics-training course once every two years, and the district has to establish a written policy on reimbursements. The bill that established this law also made updates to the principal acts of special districts that offer reimbursement or compensation to their board.
  - Health and Safety Code § 13868 (a) A District Board Shall Keep a Record of All It's Acts
  - Health and Safety Code § 13885 Subject to Uniform District Election Laws
  - Health and Safety Code § 13890 Adopt a Preliminary Budget
    - Health and Safety Code § 13893 Publish Notice Regarding Budget
    - Health and Safety Code § 13895 Adopt a Final Budget
    - Health and Safety Code § 13960 Follow the Brown Act
  - Health and Safety Code § 13969 Train Employees
1. SLFPD knowingly and intentionally submitted false, inaccurate, or misleading information to ISO attempting to affect their assigned ISO number.
  2. SLFPD arguably violated HIPPA Privacy Rules, exposing Individually Identifiable Health Information to possible fraud and thrift.
  3. SLFPD Board of Directors consistently ignores, disregards, or does not follow its own established bylaws, policies, and procedures.

## **Recommendations**

Considering the extent of consistent willful misconduct by the SLFPD Board of Directors and the immense risk to the district they represent, the only reasonable recommendation the GJ can recommend is as follows:

1. The entire SLFPD Board of Directors be removed from office for nothing less than egregious misconduct. Gov Code § 3060
2. Lassen County Board of Supervisors assumes the role of SLFPD Board of Directors per Health and Safety Code PART 2.7. FIRE PROTECTION DISTRICT LAW OF 1987 [13800 - 13970] 13841. *Except in the case where a county board of supervisors has appointed itself as the district board*
3. Lassen County Board of Supervisors to direct staff to determine and present consolidation options/strategies.
4. Lassen County Board of Supervisors initiate a resolution of consolidation and request consolidation between SLFPD and an adjacent district.
5. Lassen County Board of Supervisors directs the County Auditor to fully and completely review and audit all accounts and financial activities of SLFPD and report back with the findings.
6. Lassen County Board of Supervisors, acting as the SLFPD Board of Directors, cure and correct past actions/violations of the SLFPD Board of Directors.

## **Required Response**

Standish-Litchfield Fire Protection District Board of Directors: Response required to all findings.

Lassen County Board of Supervisors: Response required to all recommendations.

## Invited Response

Lassen LAFCO

## Invited Response to Consolidation Only

Susan River Fire Protection District

Janesville Fire Protection District

Susanville City Fire Department  
CCC Fire Department  
Cal Fire  
OES

*Special Note: Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Grand Jury investigation.*

***This report issued by the 2019-2020 Lassen County Grand Jury with the exception of two jurors with conflict of issue concerns. Both those Grand Jurors were excluded from all parts of the investigation.***

### **Reference Material**

1. Robert W. Johnson, an Accounting Corporation-SLFPD Independent Annual Audit
2. SLFPD Bylaws, Policies, and Procedures-November 21, 2016 Edition
3. Ralph M. Brown Act-As updated through the 2019 Legislative Session
4. Compendium of California Grand Jury Law-2019 Edition
5. California Special Districts Association-White Paper "General Laws Governing Special District 2019"
6. Committees and Commissions Lassen County 2019
7. Lassen LAFCO- Draft Fire and EMS Service Review and Sphere of Influence
8. SLFPD Standard Operating Procedures and Guidelines (SOP'S & SOG'S)
9. SLFPD Standard Operating Procedures and Guidelines (SOP'S & SOG'S) Condensed January 16, 2017
10. Cal Fire Interagency Report of Incident and Dispatch Action - Event Number: 19006310
11. California Legislative [info-leginfo.legislative.ca.gov](http://info-leginfo.legislative.ca.gov)
12. Lassen County; SLFPD Community Fire Safe Plan 2004

13. Lassen LAFCO Regular Meeting Minutes; June 11, 2018 & August 13, 2018
14. Nor-Cal EMS Agency Program Policy
15. The California Grand Jury System - "Keeping an Eye on Local Government"  
Third Edition 2014
16. Division of Occupational Safety and Health-POLICY AND PROCEDURES  
MANUAL
17. <http://las.stparchive.com/archives.php> Lassen County Times Newspaper  
Archive Search
18. Grand Jury Resource Manual for California Courts-"Model Guide for Civil  
Grand Jurors"-July 2005.  
[http://gsmall.us/GJ/ProceduresManual/ModelGrandJuryReferenceManual.  
pdf](http://gsmall.us/GJ/ProceduresManual/ModelGrandJuryReferenceManual.pdf)

## Resources

- The Fire Services Training Institute (FSTI) provides training to today's volunteer public safety community including non-profit, industrial, and tribal fire agencies. Our mission is to bring quality training to firefighters and to promote community safety. [www.cafsti.org](http://www.cafsti.org)
- State Assistance for Fire Equipment Act (SAFE) Government Code §8589.8, et seq. The Act creates ways for the Office of Emergency Services to help local agencies acquire firefighting apparatus and equipment, helping local agencies meet public safety needs. The office, which is capable of identifying firefighting apparatus and equipment that is available for acquisition, will be involved in an information system with the local agencies that are interested in acquiring apparatus and equipment. A fund is appropriated to the office for financing the equipment for the local agencies.

- The UL Firefighter Safety Research Institute (UL FSRI) launched its online Fire Safety Academy, which offers free science-based courses for fire service personnel. <http://ulfirefightersafety.org>
- Target Solutions-The no. 1 choice for online fire department training. The platform features more than 250 hours of EMS recertification training, more than 60 hours of NFPA training, and powerful applications for tracking firefighter compliance, employee scheduling and conducting inspections of apparatus and equipment. [www.targetolutions.com](http://www.targetolutions.com)



## **DETENTION FACILITIES**

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

### **INTERMOUNTAIN CONSERVATION CAMP**

The Lassen County Grand Jury was not able to tour the Intermountain Conservation Camp due to COVID-19. The camp is located four miles north of Bieber on 80 acres of land in the pines at the base of Big Valley Mountain.

### **CALIFORNIA CORRECTIONAL CENTER**

On Tuesday, October 9, 2019, the 2019-2020 Lassen County Grand Jury (LCGJ) toured the California Correctional Center (CCC) located near Susanville. After an initial briefing by the warden and management staff of CCC’s mission, there was a question and answer session.

The warden and the management team strongly emphasized the importance of rehabilitation and re-entry programs for inmates housed in the facility. Though restricted by budget, they are trying to improve the areas that house these programs.

The warden remained with the Grand Jury throughout an extensive tour through Facilities A, B, C housing, education, vocation, Antelope camp and Fire Department and EMS. CCC management and staff were present to inform the Grand Jury of the mission of each facility in detail.

Included on the tour was the “Pups on Parole” program. There were 7 dogs at the Fire House being trained for adoption. There have been 555 dogs adopted since June 21, 2007.

#### **Summary:**

CCC was constructed in 1963 as a minimum-security prison, which included Facilities A, B and M. In 1987 the prison was expanded to include Facility C, which houses level III inmates.

The primary mission of CCC is to receive, house, and train minimum custody inmates for placement into the 18 conservation camps located throughout Northern California. 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 response needs of the state.

Services provided through the conservation camp program saves taxpayers an average of over 80 million dollars per year. Work projects associated with conservation camps support municipal, county, state, and federal government agencies, including schools, parks, cemeteries, and public recreation areas.

Additionally, CCC provides meaningful work, training, educational, and substance abuse treatment 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. CCC offers a wide assortment of positive leisure time activities, family relations, including numerous self-help improvement programs such as literacy, alternatives to violence, addiction recovery, veterans' affairs, religious services, and athletic programs.

The Grand Jury observed many of the daily operations of education, which range from remedial education to bachelor's degrees and several in-depth vocational programs. The Grand Jury took special note of the enthusiastic and positive approach displayed by education and vocational staff.

The Grand Jury toured Antelope Camp and the Fire Department. These facilities provide many valuable services to the institution and to the county. The camp provides inmate hand crews for fire suppression, emergency services, and community projects.

The Fire Department is one of two paid fire departments in Lassen County. They provide mutual aid to 17 volunteer fire districts covering approximately 4,750 square miles.



Antelope Camp and the Fire Department have a long history of providing mutual aid to the residences of Lassen County and is relied on to respond promptly and provide additional staffing when needed.

Each facility visited by the Grand Jury was clean and well run. No discrepancies were noted. The Grand Jury gratefully acknowledges the hospitality, patience and professionalism of the warden and staff during our visit.

**HIGH DESERT STATE PRISON**

The 2019-2020 Lassen County GJ toured High Desert State Prison (HDSP) on October 22, 2019. Members of Lassen County Grand Jury (LCGJ) were greeted by the Chief Deputy Warden and department managers for a briefing and question and answer session.

HDSP’s mission is to protect the public by providing humane and safe supervision of offenders and to provide offenders with quality health care through meaningful encounters with licensed medical, dental, and mental health professionals and inspire to improve patient satisfaction.

HDSP offers tools to effect change of culture, and inspire offenders to self-rehabilitate by facilitating educational opportunities, re-entry services, recreational activities, and leisure time activity group programs to reduce recidivism. The Grand Jury was escorted on a tour of the facility.

**Summary**

HDSP currently houses general population and sensitive needs high security (Level IV), medium security (Level III), and minimum security (Level I) inmates. The Level I inmates are housed in the minimum-security facility located outside of the main institution.

HDSP has been involved with the Department’s Re-entry Hub program. Re-entry Hub programming is geared to ensure that, upon release, offenders are ready for the transition back into society. The core of Re-entry Hub programming is Cognitive Behavior Treatment (CBT) programming. It is an evidence-based program designed for inmates who have a moderate to high risk to re-offend, assessed by the California Static Risk Assessment, and who have assessed criminogenic need, as

identified by the Correctional Offender Management Profiling for Alternative Sanctions and/or other assessment(s) identified by California Department of Corrections and Rehabilitation (CDCR).

CBT programs address the following major areas: Substance Abuse, Criminal Thinking, Anger Management, and California ID process. Beginning soon, every facility will have a Re-entry Program for all eligible inmates. This will enable CDCR to bring the program to the inmates rather than moving inmates around the state to go to the program.

The isolated and rural setting of HDSP has resulted in fewer staff available than in more populated areas. When staffing levels are too low to be filled with volunteer overtime, holdover overtime is required. This situation is slightly alleviated with the arrival of newly graduated officers. However, staff shortage remains a concern.

The LCGJ was very impressed with the overall cleanliness and organization of the prison. Both custody and support staff provided open and candid responses to our inquiries and are to be acknowledged for the job they do in a highly stressful and confined setting with many high security and sensitive needs inmates.

The Grand Jury is most appreciative for the hospitality extended by the Chief Deputy Warden and staff.

## **LASSEN COUNTY ADULT DETENTION FACILITY**

On March 11, 2020, the Lassen County Grand Jury toured the Lassen County Adult Detention Facility (LCADF) located in Susanville.

Sheriff Growdon briefed the Grand Jury on the accomplishments and challenges faced by the department by both officers patrolling the streets and officers working in the detention facility. Following the briefing the Grand Jury was guided throughout the facility.

## **Summary**

Constructed in 1991, the building remains in good condition. There are some areas within the building that are not currently being utilized as they do not apply to current needs and the kitchen needs to be remodeled. The facility can house as many as 156 inmates. Housing for female inmates is very limited. Health care services for the LCADF are provided by the California Forensic Medical Group.

The LCADF offers numerous educational and participatory programs including, but not limited to, Business Career Network, Resume` and Interview Training, GED Training, college classes, Drug and Alcohol Abuse classes, and Mental and Behavioral Health classes.

Computers and tablets are used as an incentive for participation in some programs. Minutes are credited by participation. The time earned is utilized for designated leisure activities. Culinary training is in the planning stages, as well as HVAC and auto mechanics. Instructors are volunteers from throughout the community and from local businesses.

The LCADF currently houses 90 inmates with an average stay of 7 to 8 months. Implementation of AB 109 has increased the length of stay. Sentenced and non-sentenced inmates are housed together. The open dorm housing is not ideal and security issues are a continued concern. Inmates that demonstrate an inability to participate in the general population or are disruptive are housed in the Special Housing/Security Housing Unit.

Upon arrival to the LCADF, inmates are issued an orientation manual which includes the grievance procedure. All complaints are handled within the facility. Serious or severe allegations receive independent review by a third party.

At the request of the sheriff, the Lassen County Board of Supervisors granted a Deputy 2 level to be added to the pay scale. This offers the deputies an opportunity for advancement and a pay increase. It is hoped that this may help to retain trained and qualified personnel. The sheriff emphasized the importance of hiring from within the community and is working on offering qualified applicants and jailers the opportunity to receive paid training at the academy.

The sheriff believes that local hiring and advancement from within the department could be a reasonable solution to the high turnover rate that the department is currently experiencing.

The facility is clean and well organized but is an older building and could use some major repairs. Major repairs include the kitchen and heating system. There are improvements currently underway and future upgrades are under consideration pending funding. No discrepancies were noted during the tour.

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

### **FEDERAL CORRECTIONAL INSTITUTION AT HERLONG**

The 2019-2020 Lassen County Grand Jury was scheduled to tour the Federal Correctional Institution at Herlong on March 19, 2020. Unfortunately, the tour had to be cancelled due to COVID-19.

While the Grand Jury is required to visit all jails and prisons in the County, it does not have jurisdiction over the Federal Institutions. Nonetheless, interested members of Lassen County Grand Jury were invited to visit the facility.



## APPENDIX

### Responses to Prior Year's Report

Included in this appendix are the responses to the **2018-2019 and 2017-2018** (previous year's) Grand Jury Report, submitted exactly as they were received. It is important that citizens are aware of the reactions to the recommendations, and any positive changes implemented as a result of the Grand Jury's efforts.



## Responses for 2018-2019

### Lassen Local Agency Formation Commission

August 12, 2019

Lassen County Grand Jury  
2610 Riverside Drive  
Susanville, CA 96130

RE: LAFCO Response to the 2018-2019 Grand Jury Report

Honorable Tony Mallery, Presiding Judge,

The Lassen Local Agency Formation Commission (LAFCo) has received and reviewed the 2018-2019 Grand Jury Report and would like to offer the following response.

In 2017, the Little Hoover Commission released a report titled *Special Districts: Improving Oversight and Transparency*. One of the report's recommendations was to require all special districts to establish and maintain websites with key information. Before Senate Bill 929 was implemented, special districts were encouraged, but not required, to maintain a website. For example, the Brown Act requires special districts to publish meeting agendas online if the district has a website. SB 929 makes this legislative preference a mandate—requiring special districts maintain and use websites for such purposes.

The authors of Senate Bill 929 describe it as a transparency bill intended to fix the problem that “consumers may be unaware of what their local special district does or even how to contact them.” The bill requires independent special districts to create websites, populate them with specific information, and continually update them beginning in 2020. While SB 929 does not apply to LAFCo's, in 2018 Lassen LAFCo supported this bill and joined CALAFCo in support because it should make coordination between LAFCo's and independent special districts easier.

The Grand Jury made the following recommendations to LAFCo (Recommendation r-1):

- a. Make available on the website all current Municipal Service Reviews
- b. Website should include a list and links to all of the special districts within the County for the public to better understand the local oversight authority of Lassen LAFCo and who to contact if a problem arises.
- c. Publish website information in ways that that make it easy to find, access, share, distribute and re-purpose with content that is accurate, relevant, easy to use and conveyed in plain language

The Grand Jury made the following findings with respect to LAFCo

- F1 Not 100% of section 508/ADA Compliant
- F2 No current Municipal Services Reviews Listed
- F3 No list of or links to special districts available.

C/O John Benoit, Executive Officer - P O Box 2694, Granite Bay, CA 95746  
530.257-0720 ph. (916) 797-7631 fax. Email: lafco@co.lassen.ca.us

## Lassen Local Agency Formation Commission

The Grand Jury requested a response to findings F2 and F3

- a. Lassen LAFCo will post the most current MSR and Sphere of Influence Document(s) for agencies subject to LAFCo's jurisdiction as defined in the Government Code section 56036, 56036.5 and 56036.6 (LAFCo Act).
- b. Lassen LAFCo will create a list with links to those special districts subject to LAFCo's jurisdiction as defined in Government Code section 56036, 56036.5 and 56036.6 (LAFCo Act) to the extent feasible.

Lassen LAFCo appreciates the work of the Grand Jury as well as the research prepared in the "Additional Reading" section of the 2018-2019 report commencing on Page 25.

Sincerely,



Todd Eid  
Chair, Lassen LAFCo

C/O John Benoit, Executive Officer - P.O. Box 2694, Granite Bay, CA. 95746  
530.257-0720 ph. (916) 797-7631 fax. Email: lafco@co.lassen.ca.us

## LASSEN SUPERIOR COURT

**Tony Mallery**  
**Presiding**  
**Superior Court Judge**



2610 Riverside Drive  
Susanville, CA 96130  
(530) 251-8205 Ext. 103

August 30, 2019

Julie Bustamante  
County Clerk  
220 S. Lassen St  
Susanville, CA 96130

Dear Ms. Bustamante:

Pursuant to 933(c) of the California Penal Code, I am sending you a copy of the Response from the Office of the Assessor to the 2018-2019 Grand Jury Report to place on file with the County Clerk.

Thank you,

  
Lori Barron  
Jury Commissioner

Cc: Lassen County Grand Jury  
Lassen County Board of Supervisors



County of Lassen



Office of Assessor

**RECEIVED**

NICK CEAGLIO, Assessor  
107 S. Roop Street  
Susanville, CA 96130  
(530) 251-8241  
FAX (530) 251-8245

**AUG 27 2019**

Clerk of the Superior Court  
County of Lassen  
By \_\_\_\_\_ Deputy Clerk August 21, 2019

The Honorable Anthony Mallery  
Presiding Judge  
Lassen County Superior Court Judge  
2610 Riverside Drive  
Susanville, CA 96130

Subject: Assessor's Response(s) to the 2018/2019 Grand Jury Report.

Dear Judge Mallery,

On behalf of the Assessor's office I am submitting our response to the 2018/2019 Grand Jury Report. Although there may be some disagreement or misunderstanding on how the Assessor's Office functions, it is my responsibility and pleasure to ensure the taxpayers of Lassen County are treated fairly and with respect. To that end, our office will always move forward with process improvement and new/improved resources to better serve the public.

Our office was approached in early January 2019 and were informed that the Grand Jury was going to do a routine review since there were new people on the Jury as well as a new Assessor coming in. I believe the issues identified in the Grand Jury's finding(s) could have easily been explained had we been made aware of the Citizen complaint at the time.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nick Ceaglio".

Nick Ceaglio, Assessor

CC: Lassen County Board of Supervisors

If a property is in disrepair and is sold for significantly less than "market value", we analyze whether it is habitable or not and estimate the "cost to cure" as part of our appraisal.

California Revenue & Taxation Code section 71 states:

**"The assessor shall determine the new base year value for the portion of any taxable real property which has been newly constructed. The base year value of the remainder of the property assessed, which did not undergo new construction, shall not be changed. New construction in progress on the lien date shall be appraised at its full value on that date and each lien date thereafter until the date of completion, at which time the entire portion of property which is newly constructed shall be reappraised at its full value, and that value shall be the base year value. New construction in progress shall not acquire a base year value on each lien date."**

There is no statutory provision which allows for the "retroactive" or discretionary assessment as described in this finding, and it is unclear what the basis and/or meaning of these statements is.

#### **F6-Agree**

##### **R1-Agree and we do this.**

It is and has always been office policy to do site inspections on new construction and what we consider "non-conforming" transfers. All relevant information provided by the property owner is considered in the Assessor's valuation. If major violations are discovered, they are reported to code enforcement and in some cases, to law enforcement.

##### **R2-Mostly Agree**

We generally receive back about 60% of the property statements we send out annually and those who provide information are reviewed and changed

as necessary. The changes must be put into the system by late June. With regard to those tax payers who do not file, we keep track of them and, at least in recent history, have taken action on those taxpayers that have not filed. We send a letter reminding them it is in their best interest to file and also remind them that they are paying a 10% penalty each year. If the tax payer still refuses to comply, we pull their record for a full review. Many times we then do an on-site inspection to attempt to confirm not only the existence but the condition of the equipment.

### **R3-Disagree**

The right to appeal is clearly printed on every tax bill and assessment notice. However, it has always been in the best interest of everyone involved to come to an informal resolution via phone or face discussion with the appraiser and, if necessary, the Assessor. 95% of tax payer concerns are handled from with-in, long before a formal appeal is necessary.

### **R4-see F4**

### **R5-Disagree**

The taxpayer has the opportunity to let us know the condition of the property and also gives the new owner the ability to make remarks most commonly on Preliminary Change of Ownership Requests (PCOR). If, upon inspection of the property, the condition of the house does not match the owners' interpretation, the appraiser reaches out to the owner. The appraiser will explain that the house is appraised based on its condition on the date of purchase and that if it is being taken from a "shell" or is uninhabitable, it is subject to the addition of new construction value in the future. Again, the added values are never done retro-actively.

**R6-Agree**, we vow to continue serving the public to the best of our ability and keep the high standards in which the State Board has routinely commended to us.

## **Reason for Inquiry- "Citizen Concerns"**

### **F1-Disagree**

Real property is assessed at its fair market value, as defined in California Revenue & Taxation Code section 110. Google Earth is not a "method used to assess property," it is a tool used by the Assessor subject to significant limitations resulting from the timeliness of the aerial imagery available.

### **F2-Disagree**

Personal Property is generally appraised using the "cost approach" to value based on acquisition date and value. Each year we send out state mandated Business/Agricultural Property Statements requesting a list of all personal property as well as its acquisition date and cost. From that list, we apply State Board of Equalization depreciation tables which then create the assessed value. Besides the statements, we provide an itemized list of equipment to the taxpayer. This gives them the opportunity to add or delete items that are gone or sold. If a piece of equipment has utility, it is still generally assessable, regardless of its age.

### **F3-Agree**

### **F4-Disagree**

The Assessor's Office has historically had one vehicle for the entire department which has been more than adequate for many years in assuring that staff appraisers have the ability to fulfill their field requirements. In the event a second employee needs a vehicle, the motor pool has always allowed us to check out a vehicle.

### **F5-Disagree**

# LASSEN SUPERIOR COURT

**Tony Mallery**  
**Presiding**  
**Superior Court Judge**



2610 Riverside Drive  
Susanville, CA 96130  
(530) 251-8205 Ext. 103

September 13, 2019

Julie Bustamante  
County Clerk  
220 S. Lassen St.  
Susanville, CA 96130

Dear Ms. Bustamante:

Pursuant to 933(c) of the California Penal Code, I am sending you a copy of the Response from the Lassen County Board of Supervisors to the 2018-2019 Grand Jury Report to place on file with the County Clerk.

Thank you,

A handwritten signature in cursive script that reads "Lori Barron".

Lori Barron  
Jury Commissioner

Cc: Lassen County Grand Jury  
Lassen County Board of Supervisors

County of Lassen  
**BOARD OF SUPERVISORS**



**CHRIS GALLAGHER**  
District 1  
**DAVID TEETER**  
District 2  
**JEFF HEMPHILL**  
District 3  
**AARON ALBAUGH**  
District 4  
**TOM HAMMOND**  
District 5

**RECEIVED**

**SEP 06 2019**

Clerk of the Superior Court  
County of Lassen

By \_\_\_\_\_, Deputy Clerk

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

September 3, 2019

The Honorable Tony Mallery  
Lassen Superior Court - Hall of Justice 2610 Riverside Drive  
Susanville, CA 96130

Dear Judge Mallery:

Please find the attached Lassen County Board of Supervisors response to the 2018-2019 Grand Jury report.

Sincerely,

A handwritten signature in black ink that reads "Jeff Hemphill".

Jeff Hemphill, Chairman  
Lassen County Board of Supervisors

County of Lassen

## Introduction

The California Grand Jurors Association states that the mission of a civil Grand Jury is to "help local government be more accountable and efficient." They also state that their mission is to "facilitate positive change....". The Lassen County Board of Supervisors applauds this goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. The Lassen County Board of Supervisors recognizes the considerable contribution of time and energy by private citizens for the benefit of Lassen County as a whole.

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

Over the next pages the Lassen County Board of Supervisors will be presenting its response to this year's Grand Jury report.

There is one note to be made with this year's report entitled "City and County Agency Website Compliance". What appears to be a simple printing error beginning near the top of page 24 and continuing through to the middle of page 25 caused the report to be difficult to follow to conclusion. Nevertheless, as F-2 (finding #2) is identified at the top of page 24 as requiring a response ("requested" was the word used) from Lassen County, a response thereto is provided below.

### Grand Jury Report:                      S.A.R.T. Program

Finding Number 1: "Lassen County and the City of Susanville, have a lack of certified medical personnel available to administer forensic exam kits."

Response/Comment: The Board of Supervisors agrees in part and disagrees in part with the finding.

To begin, for purposes of this discussion, the Board of Supervisors understands the use of the terms "certified medical personnel", as used in this report, to mean a person who is a registered nurse or equivalent, who has special training in the examination of alleged victims of sexual assault, special training in the collection and preservation of evidence for use in determining if a crime occurred, and subsequent testimony in a court of law regarding those findings.

Secondly, the Board of Supervisors understands this report to be focused on forensic services in the context of *adult* victims of sexual assault, not *child* victims.

The Board of Supervisors agrees with the basic premise of the finding that there is not a sufficient number of local certified medical personnel to administer these kits. At the same time the Board of Supervisors questions the implication that it is the County that should be employing personnel for these forensic services.

No doubt a need for such important service exists. The need for these services however is driven by the numbers of cases calling for them and the facts of those particular cases. Historically, the need for these

services has never been remotely close to legitimizing the hiring of a nurse by the County. Rather, the registered nurses already on staff at the local hospital have been the resource both City and County law enforcement agencies have used for such examinations. Moreover, the County does not now maintain the kind of medical facilities necessary for such forensic examinations.

In point of fact, the local privately owned hospital (BLMC) has been a faithful and contributing full-fledged member of the S.A.R.T. team for years and continues to be. Regrettably, BLMC has had difficulty finding staff willing to take on this additional responsibility. BLMC has pledged to work to increase the number of trained nurses.

So, in specific response to the finding, while it is true that there are not now any certified medical personnel locally available to perform this very specialized service, the current shortage of "certified medical personnel" needed to perform this function is with the local hospital and not the County.

Finding Number 2: "Often victims are sent to other counties and/or states for forensic exams, delays can affect the forensic findings."

Response/Comment: The County of Lassen disagrees with the finding.

The Board of Supervisors is advised that referrals for forensic examinations to other jurisdictions occurs **very rarely**, not "often". In the few instances in which it has occurred, the Board of Supervisors is advised that referral to out of County examiners is in the context of child victims and not adult victims which is the subject of this report. The other jurisdictions referenced include Shasta County, Butte County and/or Washoe County (Nevada).

Finding Number 3: "Lassen County has grant funding and other funds that could help certify more medical personnel for S.A.R.T. Program."

Response/Comment: The County of Lassen agrees with the finding.

The Board of Supervisors is advised that grant funding exists through the California Office of Emergency Services (CalOES) to fund the training of nurses to perform **child** forensic exams. This money is available to nurses of BLMC for training. As part and parcel of an operational agreement that exists between BLMC and the Lassen County District Attorney, an identified goal is to train 3 nurses for this specialized service by mid 2020.

Finding Number 4: "Lassen County has a written understanding with Banner Hospital, Lassen Family Services, Police and Fire for responses."

Response/Comment: The County of Lassen agrees with the finding.

Currently, an operational agreement exists between the local hospital and the Office of the District Attorney regarding the Multi-Disciplinary Team Program. That agreement is intended to memorialize the roles and responsibilities of each signatory regarding **child victims** of physical and sexual abuse. There



does not appear to be any question that nurses employed by BLMC who receive specialized training to deal with child victims of assault will also be able to use this training for adult victims.

*Finding Number 5:* "The cost of sending a victim to another county or state for S.A.R.T. testing can cost up to \$4500.00 per administered kit, this does not include the cost of 2 law enforcement officers or personnel to transfer the victim out of the area."

*Response/Comment:* The Board of Supervisors does not have a sufficient basis to agree or disagree with this finding.

While there is no doubt medical services are expensive, the Board of Supervisors can find no evidence that supports the finding that \$4500.00 has ever been spent for such services.

*Recommendation Number 1:* "Lassen County Board of Supervisors develop a task force for S.A.R.T."

*Response/Comment:* The recommendation will not be implemented (at least by the Board of Supervisors) because it is not warranted or is not reasonable.

The creation of, membership within, and business conducted by, the Lassen County Sexual Assault Response Team, while of importance to the Board of Supervisors, is properly a function of the two county-wide constituent elected officers, namely, the Sheriff and District Attorney. The Board of Supervisors recognizes the autonomy that these two elected officers of Lassen County have in handling the important business of the administration of justice within Lassen County and hereby commends this report to them to address with their sound discretion.

The Board of Supervisors stands by ready willing and able to consider reasonable requests for assistance related to this very important issue.

*Recommendation Number 2:* "Lassen County Health and Human Services help recruit and pay for S.A.R.T. certified medical personnel."

*Response/Comment:* The recommendation will not be implemented (at least by the Board of Supervisors) because it is not warranted or is not reasonable.

Please see response to "Recommendation Number 1" above.

*Recommendation Number 3:* "Lassen County Board of Supervisors adopt a financial incentive to prompt S.A.R.T. certified medical personnel to respond while off duty."

*Response/Comment:* The recommendation will not be implemented (at least by the Board of Supervisors) because it is not warranted or is not reasonable.

Please see response to "Recommendation Number 1" above.

*Recommendation Number 4:* "Lassen County Health and Human Services to create 24/7 call list of certified S.A.R.T. Personnel with financial incentive pay."

Response/Comment: The recommendation will not be implemented (at least by the Board of Supervisors) because it is not warranted or is not reasonable.

Please see response to "Recommendation Number 1" above.

Recommendation Number 5: "Lassen County Board of Supervisors need to develop and fund Adult S.A.R.T. Services."

Response/Comment: The recommendation will not be implemented (at least by the Board of Supervisors) because it is not warranted or is not reasonable.

Please see response to "Recommendation Number 1" above.

**Grand Jury Report: City and County Agency Website Compliance**

Opening remarks: The Board of Supervisors had some difficulty following this report. It appears there may have been a printing error beginning on page 24 and continuing through about half way down page 25. Nevertheless, in an effort to respond to that portion of the report the Grand Jury identified (found at the top of page 24; "Response Requested Lassen County F-2") the Board of Supervisors offers the following:

Finding Number 2: "No reference to a dispute resolution process or complaint policy."

Response/Comment: The Board of Supervisors agrees with the finding.

**Conclusion**

The Board of Supervisors would like to once again take this opportunity to thank those who have served as Grand Jurors for the 2018-2019 year. It is a considerable commitment, and can, from what we have seen, be frustrating at times. This Board of Supervisors wishes to acknowledge our shared interest in making Lassen County a safer, happier and more productive place to live and work. We pledge to continue to work with future Grand Juries in reaching this goal.

# Responses for 2018-2019



## City of Susanville

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

**RECEIVED**

**OCT 22 2018**

Clerk of the Superior Court  
County of Lassen

By \_\_\_\_\_ Deputy Clerk

October 18, 2018

The Honorable Tony Mallery  
Presiding Judge, Lassen Superior Court  
Hall of Justice  
2610 Riverside Drive  
Susanville, CA 96130

Dear Judge Mallery,

Pursuant to Penal Code section 933(c), please accept the Susanville City Council's response to the 2017-2018 Lassen County Grand Jury report. Our response is attached.

The Susanville City Council understands and appreciates the work of the Lassen County Grand Jury. Although, the City Council may not wholly agree with every finding or be able to implement every recommendation, the City wishes to express its respect for the role of the Grand Jury as a judicial body charged to investigate issues regarding City Government.

Respectfully,

  
Kevin Stafford, Mayor  
City of Susanville

Kevin Stafford  
Mayor  
Joseph Franco  
Mayor pro tem

Councilmembers:  
Brian Moore  
Mendy Schuster  
Brian Wilson

[www.cityofsusanville.org](http://www.cityofsusanville.org)



**Introduction:** The 2017-2018 Lassen County Grand Jury received a citizen's complaint regarding the employment practices conducted by the City of Susanville. The belief was that there were several potential discrepancies with City employment practices, including both hiring and termination of employees.

The Susanville City Council is an equal opportunity employer dedicated to ensuring that each employment application received is processed in a consistent manner, without discrimination, and in accordance with local, state, and federal laws. There is always room for improvement in how the City conducts its business, therefore the City Council appreciates the opportunity the Grand Jury has provided for the City to evaluate its employment practices and make improvements and modifications as appropriate.

The City Council welcomes the opportunity to address the 2017-2018 findings and recommendations with the following response.

#### **FINDINGS**

**F1:** The Susanville City Council failed to assure a fair hiring practice for the police chief. This occurred by allowing the City Administrator sole power to conduct the entire hiring process.

#### Response:

As to the finding that the Susanville City Council failed to assure a fair hiring practice, the City Council disagrees with this finding. The City conducted a fair hiring practice for the police chief. Prior to initiation of the police chief recruitment and selection, City Council provided direction to staff regarding the process to be followed for the hiring of the police chief. This process was followed pursuant to Council's direction.

On June 20, 2018 the City Council approved the department head hiring process. While this action took place after the police chief hiring process as referenced in the Grand Jury Report, the process employed was substantially the same. The key elements of the process are as follows:

- 1) Council reviewed applications and determined which candidates were interviewed.
- 2) An interview panel comprised of professionals in the field was convened. The interview panel ranked the candidates.
- 3) The top two candidates were interviewed, and the top candidate was selected by the City Council.

As to the recommendation that the City Administrator had sole power to conduct the hiring process, the City Council also disagrees with this finding. Section 2.08.090 of the City's Municipal Code (CMC) addresses the authority of the City Administrator regarding appointment of employees. CMC 2.08.090 states: "It shall be the duty of the city administrator to appoint and remove or promote or demote any and all officers and employees of the city with the approval of the city council, except the city attorney, and any elected position or officer. (Ord. 09-970 § 1, 2009; Ord. 04-912 § 1, 2004; Ord. 98-848 § 1; prior code § 2.60)"

The factual circumstances surrounding the hiring of the police chief in the fall of 2016 are that the City followed Section 2.08.090 of the CMC. The City Administrator played an appropriate role in conducting

the hiring process, and the process was conducted with involvement and approval of the City Council. Ultimately, City Council interviewed the top two candidates and approved the top selection.

**F2.** The Susanville City Council failed to cross reference the changes to the job announcement bulletin during the process of hiring a police chief. The changes to the job announcement reduced the qualifications necessary to be hired. This should have been a red flag warning, but instead appeared to be ignored.

Response:

The Susanville City Council partially disagrees with this finding. The initial job announcement was released and posted in error as it was a draft of the actual job posting. It was not approved for posting and was recalled the same day. When the approved job announcement was released and posted, it did not reduce any of the qualifications because the previously released announcement was not approved for release and therefore was not the job announcement.

The Susanville City Council regrets that two job announcements were published; however, the Council does not agree that the issue was ignored. Ultimately the approved job announcement was used for the recruitment of the police chief.

**F3.** Current and former City employees and members of the public had expressed concerns regarding the City Administrator's management style and hiring practices. While this information was presented to the City Council, it appeared warranted yet went unheeded. This responsibility falls directly upon the shoulders of the Susanville City Council.

Response:

As to the finding that concerns expressed regarding the City Administrator's management style went unheeded, the Council disagrees with this finding. Concerns expressed regarding the City Administrator's management style and hiring practices were investigated and addressed as appropriate.

**F4.** When it came to the hiring of City employees, we found that the Susanville City Council allowed the City Administrator far too much latitude. This was inappropriate and there was an extreme lack of checks and balances.

Response:

Susanville City Council disagrees with this finding. As the Chief Executive for the City, and pursuant to CMC 2.08.090, the City Administrator's duty is to appoint any and all employees, with the exception of the City Attorney and elected officers. Employment practices at the City have traditionally been conducted at the department level. Department heads make the final selection for their individual departments, with the City Administrator's approval.

Additionally, the City maintains an "Approved Position List" identifying approved positions and salary ranges for all City Employees. Changes to the "Approved Position List" are approved by City Council. While the City Council appreciates the Grand Jury's concern, this finding does not accurately represent the City's practice. The City of Susanville is an equal opportunity employer and strives to conduct its employment practices to ensure fairness and consistency to all races, ethnicities, sexes, ages, religions and other protected classes under state and federal law.

F5. During this investigation, it was discovered there were many circumstances wherein the Susanville City Council appeared to use a closed session for business which should have been conducted in an open session. This eliminated any possibilities for public input and media coverage. It also served as a lack of transparency with possible civil code or Brown Act violations.

Response:

The Susanville City Council disagrees with this finding. The City Council recognizes the importance of transparency in government and the requirement of open meeting laws. The City Council is not aware of any civil code or Brown Act violations during the conduct of its business. The City Attorney advises City Council at meetings and is well versed on the Ralph M. Brown Act. The City Council remains ever vigilant in its effort to remain transparent and compliant with state and federal regulations regarding local government and open meeting laws.

F6. The Lassen County Grand Jury requested certain documentation from the City but it was never provided. When additional information was made available, it was stalled and did not arrive in a timely fashion; in the end, inhibiting this investigation.

Response:

The City partially disagrees with the finding. The Grand Jury requested several documents from the City and the City provided the Grand Jury the requested documents that the City was legally authorized to provide. The Grand Jury may have requested documents that the City did not have or documents that the City could not legally provide, in which case, the City could not fulfill the request.

**RECOMMENDATIONS:**

**R1:** Update City policy and procedures for the hiring and termination of City employees. Upon completion, assure the Susanville City Council and all department heads are knowledgeable in these policies and they are not deviated from.

Response:

This recommendation has been implemented. The City Council has updated its established procedures in hiring department heads by adopting a Department Head Selection process on June 20, 2018. Other hiring procedures have been updated pertaining to various employment categories and types of recruitments. The City's employee manual is well established and addresses employee discipline including terminations. The City monitors and updates its policies and procedures as necessary.

**R2:** The Susanville City Council should take a more active role in the hiring of City employees, specifically the department heads.

Response:

This recommendation has been implemented. The City Council monitors and update the Approved Position List as necessary. Additionally, Council directs and approves policy changes pertaining to employment practices. Council relies on the judgement of its city administrator, department heads, and division supervisors to select the most qualified candidates when hiring employees.

On June 20, 2018 the City Council approved the Department Head Selection Process. This document outlines the recruitment and selection process specifically pertaining to department heads.

**R3:** All of the Susanville City Council Members should consider making recurring visits to City departments. These visits should include speaking with rank and file personnel as well as supervisors. In doing so, this may garner potential detrimental information which may not be readily provided by managers or department heads.

Response:

This recommendation has been implemented. Councilmembers commonly interact with rank and file staff and supervisors. In doing so, councilmembers gain insight on the operation of City Departments. This practice has been in place with various City Council members over the past several years and longer.

While councilmembers make recurring visits to City departments. The decision to visit departments lies with each individual Councilmember. Although City Municipal Code section 2.08.180 prohibits Councilmembers from providing direction to staff other than the City Administrator during a City Council meeting, there is nothing in the City code that prohibits City Councilmembers from visiting departments and speaking with City staff.

**R4:** The Susanville City Council is the chief operating authority for the City. Complete accountability ultimately stops with the five elected council members. Should this authority be relinquished to any one individual, it is fundamentally necessary for the Susanville City Council to validate all information received prior to making major decisions which could financially damage the City.

Response:

This recommendation will not be implemented because it is unreasonable. Unfortunately, the recommendation as stated is overly broad. City staff, including the city administrator, department heads, division supervisors and others are called upon to make decisions daily which could financially damage the City. For this reason, it is imperative for the City to employ competent, experienced individuals to conduct the business of the City on a day to day basis. The notion of relying on City Council to make all major decisions leads to dysfunctional governance. The role of the City Council is to provide oversight and hold City staff accountable for their actions.

**R5:** The Susanville City Council should take steps to provide more transparency when it comes to hiring or termination of key employees.

Response:

This recommendation will not be implemented because it is unreasonable. Unfortunately, the recommendation as stated is overly broad. All employees of the City of Susanville are key employees. Employees have a right to confidentiality when being hired and when being terminated. Transparency in the process would have a high likelihood of violating a reasonable expectation of privacy in the hiring and disciplinary process.

Specifically, regarding termination of employees, employers must protect the confidentiality of the reasons for termination and the circumstances surrounding termination. The reasons and circumstances often pertain to confidential information that cannot be publicly exposed.

**R6:** When the Lassen County Grand Jury conducts an information request from the City, it is essential this be provided in the timeframe given without excuses or justifications. Time is always critical for a



Grand Jury as interviews, collection of documents and evidence, and final reports must be completed within a limited timeframe. Future delays and/or obstructions will not be tolerated.

Response:

This recommendation has been implemented. The Grand Jury requested several documents from the City and the City provided the Grand Jury the requested documents that the City was legally authorized to provide. The Grand Jury may have requested documents that the City did not have or that the City could not legally provide, in which case the City could not fulfill the request.

The Susanville City Council recognizes the importance of the Grand Jury and appreciates the work involved in conducting an investigation. The Susanville City Council understands the time constraints the Grand Jury is under and in no way seeks to hamper an investigation by delaying information requests. The Susanville City Council takes this recommendation seriously and commits to provide all requested documents that the City is legally authorized to provide as timely as possible.



Honey Lake Valley Recreation Authority  
(530) 252-5106 · 66 North Lassen Street · Susanville, CA 96130

**RECEIVED**

**OCT 22 2018**

Clerk of the Superior Court  
County of Lassen

By \_\_\_\_\_, Deputy Clerk

October 16, 2018

The Honorable Tony Mallery  
Presiding Judge, Lassen Superior Court  
Hall of Justice  
2610 Riverside Drive  
Susanville, CA 96130

Dear Judge Mallery,

Pursuant to Penal Code section 933(c), the Honey Lake Valley Recreation Authority (HLVRA) has prepared the attached response to the 2017-2018 Lassen County Grand Jury report.

The HLVRA understands and appreciates the work of the Lassen County Grand Jury. Although, the HLVRA may not wholly agree with every finding or be able to implement every recommendation, the HLVRA wishes to express its respect for the role of the Grand Jury as a judicial body charged to investigate issues regarding Governmental bodies.

Respectfully,

A handwritten signature in cursive script that reads "Brian Wilson".

Brian Wilson, President  
Honey Lake Valley Recreation Authority

Brian Wilson  
President  
David Teeter  
Vice President

Board Members:  
Jeff Hemphill  
Brian Moore  
Dave Meserve

## INTRODUCTION

The 2017-2018 Lassen County Grand Jury sought to ensure that all goals stated in the Joint Powers Agreement (JPA) between Lassen County and City of Susanville are being accomplished. The Grand Jury wanted to see what measures are being taken, to assure the pool's longevity for the public. The Grand Jury had its Finance/Audit Committee inquire about the long-term financial stability of the Honey Lake Valley Recreation Authority.

The Honey Lake Valley Recreation Authority was formed in November 2013 through a Joint Powers Agreement between Lassen County (County) and the City of Susanville (City). Both the County and the City determined that it was in the best interest of the public to create the HLVRA as a separate entity from each member agency to own and operate a swimming pool. Additionally, both County and City committed to provide funding to support the HLVRA for a period of 15 years.

The initial efforts of the HLVRA entailed identifying a site and constructing the Honey Lake Valley Community Pool, which opened in July of 2017. Both County and City staff are involved in the administration and operation of the pool through separate agreements with the HLVRA. The HLVRA Board of Directors regularly meets on the third Tuesday of each month. The HLVRA Board of Directors sets policy and directs the activities of the HLVRA.

The HLVRA Board of Directors greatly appreciates the commendation provided by the Grand Jury in recognizing the efforts of the Lassen County Board of Supervisors and the Susanville City Council for working together bring a pool facility into the Honey Lake Valley region.

## FINDINGS

**Finding 1:** Article 2.1 of the JPA states, "The Authority will plan, finance, implement, manage, own and operate a multi-jurisdictional recreation system and swimming pool." Based upon our interviews and review of materials obtained during our investigation, we were unable to obtain a written plan that addresses the future viability of the Authority or to determine that such a plan exists. Based upon our interviews we have determined that such a plan does not exist.

**Response:** The Honey Lake Valley Recreation Authority (HLVRA) agrees with this finding, a written plan that addresses the future viability of the Authority does not exist.

**Finding 2:** The Authority is responsible for preparing and planning operational documents. We determined based on interviews that a plan for the day-to-day operations of the pool was not prepared prior to the opening day of the pool. And we further determined that such a plan might not be completed prior to the start of operations in 2018. One state reason for the lack of a plan is that a qualified Pool Manager has not been hired.

**Response:** The HLVRA partially disagrees with this finding. The HLVRA agrees that it is responsible for ensuring that operational documents are prepared. However, there were operational documents prepared prior to the opening day of the pool. Records indicate that a pool schedule, operational logs, and training materials were prepared and in place prior to opening day. In addition, the Pool Manger/Director position was filled prior to the start of the 2018 season.

**Finding 3:** Per the minutes of the August 15, 2017 meeting, the Authority Board addressed concerns of County staff. This related to cash handling procedures, petty cash guidelines, and credit card policies. Based upon our interviews, we determined that there was a concern that the City deposited \$24,000 of credit card revenue from the pool into the City's credit card account.

We were informed that those funds were later transferred to the Authority's Lassen County trust account with the Lassen County Auditor.

Regardless of whether the funds were transferred to an Authority account or not, it appears the authority did not authorize the use of credit card revenue. Nor did they approve the City Chief Fiscal Officer to authorize such actions. This action represents a significant breach of Internal Controls and an unauthorized violation of power from the County Treasurer and County Auditor by the City.

**Response:** The HLVRA partially disagrees with this finding. Due to the impending deadline of opening day, the City accepting credit card deposits was deemed a temporary solution to occur only until an acceptable solution was found. Although the Board did not directly approve the City to accept payments on the behalf of the HLVRA, the Executive Officer approved the action and, as stated in JPA Agreement, the Executive Officer is responsible for the administration of the Authority.

**Finding 4:** We determined through our interviews and reviewing requested documentation that the authority has not prepared long-term budgets that plan for future operation and viability of the Authority subsequent to the JPA termination in 2028.

**Response:** The HLVRA agrees with this finding. Although the HLVRA has discussed the long term viability of the pool through 2028 there are not budgets prepared that extend through 2028.

**Finding 5:** The JPA clearly states that the Authority is an entity that is separate from its financing partners (County/City). How the Authority is currently operating provides the appearance of substantial control by the City. We have noted that the County provides Treasury and Accounting services via the County Treasurer and County Auditor offices. Although the actual operations of the Authority are run by the Executive Officer, Administration and Project Manager (all city employees) and employees are hired by the City to staff the pool operations.

We also noted that the City bills the Authority for other expenses incurred by the City. These actions provide the appearance that the City is the entity that operates the pool facility. We are additionally concerned with the fact that the Authority has both the City and County performing purchases for the pool.

The County Auditor is the Controller for the Authority. This would mean that the purchase of items for the pool would be made through the policy and practices of the County Auditor. When, in actuality, the City is pre-incurring costs that are significantly larger than petty cash.

For example, the October 18, 2017 invoice from the City to the Authority has the following requested reimbursements: Equipment, \$2032.93; Publications, \$786.90; Pool Maintenance, \$8.68; Office Supplies, \$448.00; and Landscaping Costs, \$307.03.

This dual fiscal operation has the potential for a breach of budget caps, because such reimbursements are initially paid by the City without the County Auditor's approval. Incurring expenditures without the County Auditor's knowledge could result in excess spending of the approved budget.

With only one finance department, the County Auditor could better assure the outside auditor (CPA) that the financial statements of the Authority resulting in financial statements that are complete and free from omissions. Using two finance departments could result in the outside auditor having to expand the scope of testing resulting in unnecessarily increased costs to the County and City.

The Auditor's audit for 2015 and 2016 indicate that the City was paid \$28,874 in 2015 and \$40,102 in 2016. Additionally, the accounts payable to the City in 2015 were \$0 and \$31,227 in 2016. WE DO NOT BELIEVE that the City should be using the City's municipal funds to purchase items for the Authority. The City has discussed asking the voters to raise the sales tax to bolster its General Fund revenues.

Response: The HLVRA partially disagrees with this finding. Paragraph 2 states that both the City and County perform purchases, this is inaccurate. Contracted City employees perform purchases within the purchasing policy established by the HLVRA. Payments are made by County employees after verification that the policy was followed. Paragraph 3 & 4 states that the City is pre-occurring costs larger than petty cash. This is correct. The contract between the HLVRA and the City states that the City will be reimbursed for personnel and direct costs incurred by the City in providing management, administrative and operational services. At the time the pool was preparing for opening day, credit cards and accounts had not yet been obtained. The City incurred those costs, none of which exceeded the purchasing policy for either the City or HLVRA, and were then reimbursed. Since that time, HLVRA credit cards have been obtained and accounts have been set up to make purchases. The City continues to get reimbursed monthly for personnel and direct costs, such as advertising costs. Petty cash is used according to the Petty Cash Policy.

**Finding 6:** The Authority entered into an Agreement for Administrative and Operational Services contract with the City. Our reading of the contract indicates that there were no guidelines as to how many hours the Executive Officer and Secretary were to work.

Response: The HLVRA agrees with this finding.

**Finding 7:** Susanville Sanitary District (SSD) provides waste disposal services to the Authority. There appears to be a disagreement that dates back to last summer, between the SSD and the Authority. The disagreement is about how often the pool is being back-washed. The back-washing amounts to about 3,000 gallons of water. SSD has the requirement to monitor flows through its system to avoid reaching a state mandated maximum. Once SSD reached this mandated maximum, then they would incur financial obligation that will impact all users. SSD installed an Effluent Discharge Meter at the pool sewer site.

Response: The HLVRA agrees with this finding.

## RECOMMENDATIONS

**Recommendation 1:** The Authority should prepare a comprehensive, long-range plan to become financially and operationally independent of any other government entity. We recognize that such a plan will take time to be prepared, and will likely have constant revisions based on the changing economic climate and the level of use of the pool.

The Authority should also address in their long-range planning document, how they will accomplish the second requirement of operating a multi-jurisdictional recreation system. The Grand Jury believes that such an operational plan will accomplish the goal of an independent and financially viable government

entity as outlined in the JPA. We suggest that the Authority meet one day per month to address these concerns.

**Response:** As to the recommendation that the Authority should prepare a comprehensive, long-range plan, the recommendation has not yet been implemented, but will be implemented within 180 days from the date of this report. The HLVRA agrees that long-range planning is an important aspect of effective governance. The HLVRA has had the experience of two operational seasons that can be utilized in preparing a long range plan.

As to the recommendation that the Authority, meet one day per month to address the goal of becoming an independent and financially viable government entity, the recommendation has been implemented. The HLVRA board meets monthly.

**Recommendation 2:** The pool is an important asset to the residents of the County. The planning and budgeting of future years should take into account the financial resources required to maintain the pool as a functional entity. Whether the pool is to operate at a loss, break-even or at a profit, the Authority must establish a reasonable plan of action. In this plan it must address the financial resource requirements of the Authority and prepare long-term budgets that reflect the policies contained in the plan.

The Authority should, as soon as practicable, determine stable funding sources that will replace the County/City's current subsidy for the pool. The Authority should have created a pool operations and maintenance manual prior to its grand opening. This manual would be comprehensive in establishing policy and procedures, and would address the requirements of the Treasurer and Controller as well as the daily operations and maintenance of the pool.

**Response:** The recommendation has not yet been implemented but will be implemented as soon as practicable. The HLVRA agrees that stable funding sources should be identified that will replace the subsidies for the pool.

**Recommendation 3:** Fiscal transactions of the Authority should be performed by the County Auditor and County Treasurer. The City should not incur obligations against the Authority without prior approval from the County Auditor, with the exception of pool employees.

The Authority should hire a QUALIFIED Executive Officer/Pool Manager to carry out the operations of the Authority. By taking this action, the Authority would eliminate one City overhead position and take a step towards independence. This Executive Officer/Pool Manager would then have the ability to control costs, and work directly with the County Treasurer and County Auditor. In turn, this will enhance fiscal internal controls.

It is our opinion, based upon our interviews, that only the County Auditor should be performing these duties based upon appointment of that person by the Board of Directors. The County Auditor has the systems and staff in place to handle this function.

**Response:** As to the recommendation that the City should not incur obligations against the Authority without prior approval the recommendation will not be implemented because it is not reasonable. The Agreement between the HLVRA and the City states that the City will be reimbursed for personnel and direct costs in providing Management, Administrative and Operational Services to the HLVRA. It is not reasonable for the HLVRA to expect the City not to incur financial obligations against the Authority in

managing, administering, and operating the pool. The County Auditor provides oversight regarding the processing of warrants and payments.

City employees include the Pool Manager/Director and Assistant Pool Manager whom have been authorized to purchase materials and equipment within the approved budget. It is good business practice and functionally necessary to empower employees to purchase items needed to effectively operate the facility. The practice has led to decreased administrative costs charged to the HLRVA.

As to the recommendation that the Authority should hire an Executive Officer/Pool Manager, the recommendation will not be implemented because it is not warranted or reasonable. Due to the limited hours that an Executive Officer/Pool Manager is needed for the operation of the pool, a full-time executive officer/pool manager is not warranted. Additionally, it would not be reasonable to hire an Executive level position due to the wage that would be necessary to attract and retain a QUALIFIED individual. Traditionally, other joint City and County boards utilize City and County staff for their Executive Officer functions.

**Recommendation 4:** We understand that budgeting beyond the current fiscal year is difficult, especially when operations data is minimal. However, when the Authority complies with our recommendation, the Executive Officer can develop a budget that complies with the long-range plan. This budget would then alert the Authority Board of Directors to any potential long-term issues. This would alert them if there were significantly increased costs or if revenues and not meeting established income generation requirements.

**Response:** The recommendation had not yet been implemented but will be within 180 days from the date of this report. The HLRVA board recognizes the benefits of long-range planning as an important aspect of effective governance.

**Recommendation 5:** The Authority should allow the County Treasurer and County Auditor to perform their duties. The City finance department should have minimal operational footprint with regards to the pool. Continuing what appear to be the split duties of the County and City, could eventually create a problem for the Authority. It should be a stand-alone entity.

We also believe that the independent County Treasurer is best suited to performing the treasury duties as the Authority's Treasurer. Without day-to-day control over the respective functions, future obligations may not be reasonably discerned. Thus, resulting in the budget not being complied with.

If the City is in need of additional funds to perform City operations then it should avoid using city funds to pay for Authority expenses.

**Response:** As to the recommendation that the Authority should allow the County Treasurer and County Auditor to perform their duties, the recommendation has been implemented. The County Treasurer and County Auditor perform their duties.

As to the recommendation that the City Finance department have a minimal operational footprint, the recommendation will not be implemented because it is not reasonable. Unfortunately, the recommendation, as stated, does not account for the roll of the City finance department in processing the payroll for "operational employees" which include the Pool Manager, Assistant Manager, Life Guards, and

Swim Instructors. These payroll costs are fronted by the City and reimbursed by the HLVRA. Additionally, the payroll costs, constitute a significant portion of the operational costs for the pool.

**Recommendation 6:** Based upon our interviews, we suggest that the Agreement for Administrative and Operational Services state the maximum hours during a billing period for the Executive Officer and Secretary. The expected number of work hours should be included in the agreement, so it can provide the Authority with control over budgeted line items for these City employees.

An open-ended contract could lead the Authority to a budget surprise.

It is important that the Authority, not the City, have operational control over these City employees when they are performing Authority Business. We also recommend that the time sheets from these employees be more specific to the tasks completed. Admin and project oversight for every hour of work does not provide the Authority, the City, or the public with enough information to determine the validity of claimed hours and reimbursement.

**Response:** As to the recommendation that time sheets be specific to the tasks completed, the recommendation has not yet been implemented but will be implemented immediately for future invoices submitted by City for Administrative Services.

As to the recommendation of modifying the Agreement to state the maximum hours during a billing period. The recommendation will not be implemented because it is not warranted and is not reasonable. The HLVRA has a mutual interest with the City of Susanville in reducing the number of hours worked by the Executive Officer and the Secretary. The Executive Officer and Secretary are City employees that are not solely dedicated to the Pool. The ideal situation would allow for the operation of the pool without an Executive Officer or Secretary; however, the services of these two positions are vital and often necessary.

The recommendation is not warranted because with the expanded of a new pool manager, the hours charged by the Executive Officer and the Secretary have been significantly reduced. The HLVRA board receives frequent reports indicating the time charged for administrative purposes and operational purposes. Additionally, the Executive Officer is the official that is responsible for the administration of the Authority and is accountable to the Board of Directors.

The recommendation is additionally not reasonable, because implementation of a cap on the hours billed for administrative services could affect the operation of the Authority to meet mandates imposed by outside entities, or in emergency situations.

**Recommendation 7:** We do not take the position regarding who is right or wrong on this matter. However we are of the strong opinion that an operations manual must be created to give management guidelines and standards for pool operations along with following and monitoring the established agreement with the Susanville Sanitary District.

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. The HLVRA will endeavor to prepare a written operations manual during the 2018/2019 off season, with the goal of having a written manual in place prior by April 1, 2019.

Many elements pertaining to the mechanical operation of the pool have been developed and tested over the 2018 season. Elements such as scheduling, cash handling, purchasing are already written and established.



County of Lassen  
**BOARD OF SUPERVISORS**



**CHRIS GALLAGHER**  
District 1  
**DAVID TEEYER**  
District 2  
**JEFF HEMPHILL**  
District 3  
**AARON ALBAUGH**  
District 4  
**TOM HARRISON**  
District 5

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

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OCT 23 2018

Clerk of  
Co. Clerk

By \_\_\_\_\_ Clerk

October 23, 2018

The Honorable Tony Mallery  
Presiding Judge, Lassen Superior Court  
2610 Riverside Dr.  
Susanville, CA 96130

Dear Judge Mallery,

Pursuant to Penal Code section 933(c), please accept the Lassen County Board of Supervisors response to the 2017-2018 Lassen County Grand Jury report. Our response is attached.

While we may or may not be able to implement every recommendation as a result of other limitations, the Board of Supervisors welcomes the constructive criticism offered by the Grand Jury, considers it seriously, and takes to heart the recommendations brought forth.

We would like to take this opportunity to recognize the Court and the 2017-2018 Lassen County Grand Jury for a job well done.

Respectfully

  
CHRIS GALLAGHER  
Chairman

VICE CHAIR

*Choose Civility*

**RESPONSE PROCEDURE TO GRAND JURY**

**REPORTS SUMMARY OF PC §933.05**

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within 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 CEO's office.

Report Title: Lassen County Child and Family Services

Date Received July 27, 2018

Response by: CHRIS GALLAGHER

Title: CHAIRMAN, LASSEN COUNTY BOARD OF SUPERVISORS

**Findings**

I (we) agree with the findings numbered:

1, 2, 3, 4, 5

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

3

**Recommendations**

Recommendations numbered: 1, 4, 5 have been implemented. (Attach a summary describing the implemented actions.)

Recommendations numbered: NONE 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 months from the date of publication of the Grand Jury Report).

Recommendations numbered: 2, 3 will not be implemented because they are not warranted and/or are not reasonable. (Attach an explanation.)

Date: 10-23-18

Signed: 

Total number of pages attached: 2

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## **Introduction**

The California Grand Jurors Association states that the mission of a civil Grand Jury is to "help local government be more accountable and efficient." They also state that their mission is to "facilitate positive change..." The Lassen County Board of Supervisors applauds that goal and would like to thank the citizens who have given of themselves to serve as Lassen County Grand Jurors. The Lassen County Board of Supervisors recognizes the considerable contribution of time and energy by private citizens for the benefit of Lassen County as a whole.

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

Over the next pages, the Lassen County Board of Supervisors will be presenting its response to this year's Grand Jury Report.

## **Lassen County Child and Family Services**

### **Grand Jury Report:**

**Finding Number 1:** "Since the 2016 Grand Jury Report it appears that the CFS has made improvements in following procedures and implemented the recommendations made."

**Response/Comment:** The Board of Supervisors agrees and appreciates the positive feedback on the improvements made from the previous year.

**Finding Number 2:** "Based on information gathered, CFS could become more efficient with the acquisition and implementation of mobile electronic equipment."

**Response/Comment:** The Board of Supervisors agrees with this finding. The Department is currently evaluating mobile electronic equipment options that may help CFS improve operational efficiencies.

**Finding Number 3:** "Through interviews it is our understanding that CFS has funds that could be used to upgrade and incorporate mobile technology."

**Response/Comment:** The Board of Supervisors agrees in part and disagrees in part. While CFS has funds available to procure tools needed to conduct program business, including use of mobile technology, the Department is unable to confirm that there are sufficient funds available to procure mobile technology upgrades as well as fund other competing priorities.

**Finding Number 4:** "At times employees struggle with inputting documents and field notes into the CFS Data Storage System in a timely manner. This is due to an overwhelming number of caseloads per Case worker, the distant case workers must travel to perform the required client visits and with the historical staff turnover the insufficient staff to handle the case loads."

**Response/Comment:** The Board of Supervisors agrees with this finding. CFS staff has not consistently entered caseload data into the CFS Data Storage System in a timely manner. In response, the Department added an additional full-time case worker position to CFS and is committed to expeditiously filling vacant positions. New hires are promptly trained on the data entry process and timeline expectations. Supervisors and staff now have access to weekly reports that assist with tracking and monitoring progress.

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Finding Number 5: "Information gathered identified that employee performance evaluations are not being completed on an annual basis."

Response/Comment: The Board of Supervisors agrees with this finding. Employee evaluations are now being completed in a timely manner and on an annual basis.

Recommendation Number 1: "CFS continue to follow the guidelines set forth in the County and State Policy and Procedures Manuals."

Response/Comment: CFS will continue to implement and follow County policies, procedure manuals and State published guidance and policy instructions.

Recommendation Number 2: "CFS acquire some type of mobile technology, such as; but not limited to, voice recording devices, laptops, IPADs, or Tablets. It is anticipated that this type of mobile technology will streamline field investigation operations and data input."

Response/Comment: The recommendation will not be implemented because it is not warranted or is not reasonable due to privacy laws and the confidential nature of working with minors.

Recommendation Number 3: "Non-restrictive funds could be made available for purchasing the mobile technology identified in R2."

Response/Comment: The recommendation will not be implemented because it is not warranted or is not reasonable due to privacy laws and the confidential nature of working with minors.

Recommendation Number 4: "CFS should hire additional clerical employees to input data and assist with the creation of documents, which would allow more time for the other required duties performed by social workers."

Response/Comment: The recommendation has been implemented. Additional clerical temporary support has been assigned to assist CFS.

Recommendation Number 5: "Employee performance evaluations must be completed in a timely manner as identified in the Lassen County Employee Handbook."

Response/Comment: This recommendation is being implemented. Expectations and deadlines have been discussed with Supervisors to ensure timely completion of employee performance evaluations, as required by the Lassen County Employee Handbook.

//////////

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