

# **PLUMAS COUNTY 2005-2006 GRAND JURY FINAL REPORT**



## **In Memory of MAX BENTON 1941-2006**

"Never doubt that a small group of thoughtful, committed citizens can change the world, indeed it is the only thing that ever has"

Through his life, Max Benton was a part of many groups of such people and did his share of changing the world wherever he was.

Max came to Plumas County upon retiring in 2000 and became active in local endeavors through the Chester chapter of Rotary, The Chester Community Chorus, The Westwood Theater Group, The Almanor Culinary Arts Academy, and many others.

He was a valuable, contributing member of the Plumas County Grand Jury for two successive years 2004-2005 and 2005-2006. His knowledge, wit, and incomparable sense of humor did much in keeping us focused.

## PLUMAS COUNTY GRAND JURY

P.O. BOX 784 • QUINCY, CALIFORNIA 95971



The Honorable Ira Kaufman  
Presiding Judge, Plumas County Superior Court  
520 Main Street, Room 304  
Quincy, CA 95971

Dear Judge Kaufman:

In accordance with penal code Section 933, the Plumas County Grand Jury of 2005-2006 is pleased to submit to you and to the citizens of Plumas County our Final Report. This report in keeping with governing Grand Jury law, is the product of all of its eighteen members working together to bring to the people of Plumas County and their government constructive recommendations to enable this county to become a shining example of a county that cares for its people as well as contributes to the state and the nation.

Plumas County should be known not only for its geographical location as a place of incomparable beauty and recreational opportunities, but for its rich resources and its people's willingness to share these for the good of all.

I would like to thank all the members of the jury for their hard work and also all the people and departments contacted during the course of the year for their help and cooperation.

This years Grand Jury undertook a relatively different approach than most. Rather than concentrating on developing a list of specific items of omission or commission which, while leading to defensible recommendations, also tends toward defensive legalistic explanations; we attempted to present recommendations that are constructive and intended to be for the good of Plumas County and its citizens.

I would also like to thank the Court system and their continued support of the Grand Jury; in my opinion, one of the most beneficial institutions for efficient, dedicated county government.

Sincerely,

Gregory C. Margason, Foreperson  
2005-2006 Plumas County Grand Jury

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**Plumas County Grand Jury Committees  
2005-2006**

County Administration  
County Services  
Editorial Review  
Health, Education, and Social Services  
Law, Justice, and Public Safety  
Oversight  
Special Districts

**Plumas County Grand Jury Members  
2005-2006**

Gregory Margason, Foreperson, Quincy  
Max Benton, Foreperson pro tem, Canyon Dam  
Dawn Schoyen, Recording Secretary, Chester  
Sheila Grothe, Treasurer, Taylorsville  
Bill Mainland, Corresponding Secretary, Portola  
Cynthia Baker, Quincy  
Paul Baker, Greenville  
Dennis Durham, Lake Almanor  
Robert Fink, Quincy  
Mel Hovnanian, Graeagle  
Marjorie Hacker, Twain  
Larry Kellett, Meadow Valley  
Gloria McDonald, Portola  
Gary Partee, Chester  
Lyn Sherrard, Clio  
Dave Story, Graeagle  
Theresa Warden, Portola  
Pamela Weis, Quincy

## Introduction

Your 2005-2006 Plumas County Grand Jury is a body of eighteen (originally nineteen) Plumas County citizens charged and sworn to respond to citizen complaints and to inquire into matters of civil concern within the boundaries of Plumas County and incorporated cities within these boundaries. Grand Jury duties, powers, responsibilities, qualifications and selection process are set forth in the California Penal Code section 888 et seq.

The Grand Jury reviews and evaluates procedures, methods, and systems used by governmental agencies to determine whether they comply with stated objectives of the agency and if their operation can be made more effective and efficient. It may inquire into any aspect of the county and city government, special districts, joint powers agencies and service districts funded in whole or part by public monies, to ascertain that the best interest of Plumas County residents are being served.

The Grand Jury reviews all citizen complaints and investigates when appropriate. All complaints are treated confidentially. This applies to both written documents as well as the testimony of witnesses and participants. The complainant may be asked to appear as a witness. A complaint form may be obtained by contacting the Jury Commissioner's Office, or:

### **Plumas County Grand Jury**

**P. O. Box 784**

**Quincy, CA 95971**

The Grand Jury functions lawfully only as a body. No individual grand juror, acting alone, has any power or authority. Meetings of the Grand Jury are not open to the public. Law requires all matters discussed before the Grand Jury and votes taken to be kept private and confidential. The end result of inquiries into civil matters are released to the public in a final report which is reviewed, prior to release, by the supervising Judge of the Superior Court of the County.

The Penal Code requires the Grand Jury to:

- Inquire into the condition and management of jails within the county.
- Investigate and report on the operations, accounts, and records of county officers, departments, and functions.
- Inquire into the willful or corrupt misconduct in office of public officers.
- Submit a final report of its findings and recommendations, no later than the end of its term, to the Supervising Judge of the Superior Court. Agencies to which these recommendations are directed are required to

respond to the Plumas County Grand Jury within 90 days after the final report is released.

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

## **Note to Respondents**

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

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

## **How to Respond to Findings**

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

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

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

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

1. The recommendation has been implemented, with summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If the person or entity reports in this manner, the law requires an explanation of the analysis or studies in a time frame not to exceed six months.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

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

## **Requirement to Respond**

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

## **Distribution List**

The final report of the 2005-2006 Plumas County Grand Jury will be distributed to the following individuals and agencies:

- The Honorable Judge Ira Kaufman
- The Honorable Judge Garrett W. Olney
- Plumas County Grand Jury for 2005-2006
- Plumas County Grand Jury for 2006-2007
- Plumas County Board of Supervisors
- Clerk of the Board of Supervisors
- Plumas County Administrative Officer
- Plumas County Auditor/Controller
- Plumas County Building Department
- Plumas County Clerk
- Plumas County Counsel
- Plumas County Department of Human Resources
- Plumas County Development Commission
- Plumas County District Attorney
- Plumas County Facility Services Department
- Plumas County Flood Control and Water Conservation District
- Plumas County Information and Technology Department (Website)
- Plumas County Jail
- Plumas County Libraries
- Plumas County Office of Emergency Services (OES)
- Plumas County Planning Department
- Plumas County Probation Department
- Plumas County Public Health Agency
- Plumas County Sheriff
- Plumas County Unified School District
- California State Archivist
- California Attorney General's Office
- City of Portola
- All Special Districts (47)
- Local Agency Formation Commission (LAFCo)
- Fire Departments
- Feather River College
- California Grand Jurors Association
- Plumas County Court Executive Officer

## **Plumas County Reviews**

### **Review of Feather River College**

The Grand Jury is charged with reviewing all aspects of county government, since everything cannot be covered this is usually done by looking at the areas which are required to be investigated every year and then the remaining ones on a rotating basis. Since Feather River College had never been reviewed, the 2005-2006 Grand Jury decided to undertake this task.

The subject review was started but we soon discovered that it was such a complex job due to the several entities which make up the total institution: Administration, Board of Directors, Faculty, Students, and the very involved communication between them, plus the additional complications which developed that we could not do it justice within the time available to this years jury.

It is fairly easy to merely make a list of perceived problems and/or shortcomings, but we believe that to present a comprehensive picture of an area which is of such importance to the county citizens and the student clientele it would be best to continue this investigation into the ensuing Grand Jury year.

### **Plumas County Auditor/Controller**

#### **Findings**

1. The Board of Supervisors failed to establish the Audit Committee by November 1, 2005 as they agreed to do in their response to the 2004-2005 Grand Jury report.
2. At the Board of Supervisors meeting of April 4, 2006, it was commented that an Audit Committee still had not been established. At the Grand Jury meeting of April 6, 2006, a request for the nomination of two Grand Jury members to the Audit Committee was received from the County Counsel's office.
3. As of the writing of this report, June 8, 2006, the Audit Committee still does not appear to be established or functioning.

## **Recommendations**

The Grand Jury recommends that:

1. The Audit Committee be established and commence operation.
2. The Auditor/Controller Subcommittee Chair and the Treasurer of the Grand Jury be nominated as the two Grand Jury representatives to the committee.

## **Plumas County Jail**

### **INTRODUCTION**

The Plumas County Jail was completed in 1976 for the detention of both male and female adult inmates. In 1985 an addition was completed and the facility is now capable of housing sixty-seven (67) inmates. The facility houses pretrial defendants and persons who are serving a sentence of one (1) year or less. Inmates sentenced to state prison are housed at the jail awaiting transportation to a prison facility. As with so many jails in the state of California, the Plumas County Jail is outdated and in need of many major repairs and should be replaced.

### **REASON FOR INVESTIGATION**

Pursuant to California Penal Code Section 919 the Grand Jury must annually inquire into the condition and management of all public prisons located within the County

### **PROCEDURES FOLLOWED**

The Grand Jury members:

1. Inspected the Jail on 12/01/05 and did a follow-up inspection on 02/15/06.
2. Read and reviewed policy and procedure manuals, researched the California Board of Corrections websites <http://www.cdcr.ca.gov> and <http://www.cdcr.ca.gov>
3. Reviewed past Grand Jury reports.
4. Interviewed personnel.

## **FINDINGS**

1. Due to age, size and condition it is in need of replacement.
2. Reports show a change in classification, by severity of offense, of inmate percentages is causing housing issues.
3. Staffing levels are low. Injuries, vacation and training cause undue stress on remaining personnel.
4. The assigning of a full-time Facilities Services maintenance person has been a great improvement to the productivity of the jail staff. The deficiencies noted in the 2004/05 Grand Jury Report have been mostly taken care of with the exceptions of the Control Room. The working area of the staff has been redone. The maintenance person has started bringing the jail to the newer standards set by the Board of Corrections. Work maintenance logs are now available and accessible. Still needed at the last jail tour were the logs for fire safety, sprinkler and fire extinguisher (these were started, not finished).
5. The Control Room still remains a crowded maze of wires and there is no known completion date. See the Board's Response to Finding #4, Plumas County Jail, from the 2004-2005 Grand Jury Final Report: *"Agree. However, the County notes that a RFP (Request For Proposal) with specifications is being done for the repairs in the control room wiring. This RFP is estimated to be completed by December 2005."*

## **RECOMMENDATIONS**

At the time of writing this portion of the report there has only been talk of replacing the jail in the long term County strategic plan. While there may be State and Federal funds available for replacing the jail, this will still take time and major planning. The increase in the percentage of violent crime offenders, in addition to the condition of the jail, has created an unsafe workplace.

The Grand Jury recommends that:

1. The Board of Supervisors (BOS) include a new jail in the strategic plan.
2. The Facilities Services Department continue to support the full-time maintenance person at the jail, and encourage his continued proactive maintenance.
3. The Facilities Services Department and BOS follow up on the control room repairs. According to the BOS response to last year's Grand Jury this should have been completed by the February 16, 2006 inspection.

4. The Sheriff evaluate the staffing levels for the jail and request the creation of additional positions, as necessary.

## **Planning & Building**

### **Introduction (Statement of Function)**

The Department of Planning & Building Service's overall mission is to administer the County General Plan through land use, and building permit review, issuance, and inspection. Additionally, the department maintains the plan and assures that the ongoing Ordinance remains consistent with the plan. Administration of the General Plan requires timely processing of permits for land divisions, special use permits, variances, recreation facilities, building permits and other such applications. The department is the environmental review agency for the County assuring compliance with the California Environmental Quality Act so as to protect the integrity of project approvals both public and private.

The department additionally provides support for other departments and districts by maintaining county-wide maps, census data, and historical data necessary for their operations. Public assistance is the perceived primary goal.

### **Reason for Investigation**

A review of this department was conducted as the result of receipt of two citizen complaints during the previous management. This was not a thorough review in deference to the Department Administrator having been on duty for only a few months.

### **Procedure Followed**

Interviews were held with the Department Administrator and the County Counsel.

### **Commendation**

The Grand Jury supports the positive philosophy and attitudes of the department administrator and staff.

### **Findings**

1. According to interview statements the department is functioning with a public service philosophy. The Administrator is in the process of reorganizing the department and is open to public input.
2. The county currently contracts out for engineering service. It appears this is not cost effective as it is costing the county over \$200,000 per year.

3. Temporary Certificates of Occupancy (TCOs) do not consistently include date of issuance and expiration dates as noted through review of several such TCOs. Consequently tracking of TCOs has not been consistent.

## **Recommendations**

The Grand Jury recommends that:

1. The Board of Supervisors determine the cost effectiveness of hiring an engineer vs. contracting out for such service.
2. The Building and Planning Department institute a computerized tracking system as soon as possible regarding all permits.
3. All TCOs should include issuance date and expiration date.
4. The 2006/2007 Grand Jury consider in depth review of this department.

## **Veteran's Service Office**

### **Introduction-Statement of Function**

The purpose of the Veteran's Service Office is to assist veterans and/or their dependents in filing for and obtaining benefits, as a result of military service. Federal benefits include monetary compensation for service connected disabilities, pension benefits resulting from wartime service, educational benefits, application for discharge review and upgrade, life insurance, medical treatment, transportation to medical appointments at the Veterans Administration Medical Center, Reno, NV, and home loans. California veterans benefit programs include; home loans, employment assistance, inter-departmental referrals, college fee waiver, and veterans' license plates. The Veteran's Service Office also provides referrals to numerous Federal, State, and local agencies concerning a wide variety of social issues as well as full case management services.

### **Reason for Investigation**

According to Grand Jury records the Veteran's Service Office was last reviewed in 1995/1996.

### **Procedure Followed**

The new department administrator was interviewed. The Grand Jury was provided a complete folder outlining Veteran's Services overall mission, history, services, budget and new community outreach program.

## **Commendations**

1. The Plumas County Board of Supervisors has financially supported Veteran's Services in this county for many years. Records indicate that the quality of services here draws numerous veterans to our services from surrounding counties, where services are either not available or are of lesser quality.
2. The Veteran's Services Office is conducting an aggressive outreach program to the North and East of the county this year. This appears to be fiscally sound and appreciated by veterans in the outlying communities.
3. The Plumas County Veteran's Service Office is commended for providing professional and quality services to veterans and their families, in an efficient and fiscally sound manner.

## **Finding**

The list of staff ancillary duties/activities is extensive considering the staff consists of a maximum of 3 people. These staff members are trained outreach workers and have no clerical support, which detracts from their outreach function.

## **Recommendation**

The Grand Jury recommends that the Board of Supervisors fund at least a .75 Full Time Equivalent clerical employee for the 2006/2007 fiscal year.

# **Board of Supervisors**

## **Introduction-Statement of Function**

The Plumas County Board of Supervisors is established by State Law and consists of 5 elected members. Each member represents a geographic area in the County equal to approximately 20% of the population as determined in the last decennial census. Members of the Board of Supervisors are considered non-partisan and are elected for four year, staggered terms.

The Board of Supervisors is responsible for the enactment of Ordinances and Resolutions, the adoption of the annual budget for County departments and dependent special districts for which they sit as the governing Board of Directors, approval of new programs and grants, and the adoption of land use and zoning plans. The Board of Supervisors is the policy making body with the County, not including schools and independent special districts. Between 90-95% of the County budget which the Board adopts each fiscal year is the result of State mandates.

## **Reason for Investigation**

The 2004/2005 Grand Jury recommended a thorough review of the Board of Supervisors by the 2005/2006 Grand Jury. This recommendation resulted from the Board of Supervisors failing to respond in a timely and thorough manner to recommendations made by the 2002/2003 Grand Jury.

## **Procedure Followed**

The 2004/2005 Grand Jury recommendations were thoroughly reviewed. Interviews were conducted, including each Supervisor, the County Administrative Officer, the Administrative Assistant, the Board Clerk, the former CAO, Building/Planning Services Administrator, County Clerk/Recorder and the County Counsel.

## **Findings**

1. The Board of Supervisors does not have a "Vision Statement" nor does it have a "Strategic Plan". Consequently Department Heads have little or no comprehensive guidance to follow with respect to the future of the county or their respective departments. The Board does have a list of Board Policy priorities for the year.

The Board of Supervisors has authorized the County Administrative Officer to spearhead a committee to develop a Vision Statement and Strategic Plan for the forthcoming year.

2. The Board is reviewing the use or potential use of all county owned property. One example is the acquisition of the Armory property which could potentially become the site of a new jail and or courthouse.

3. The Board is insuring that Plumas County is up-to-date and has input regarding the State of California "Water Resources Board" and its effect on Plumas County resources.

4. While state code does not require the Board of Supervisors to implement recommendations from the Grand Jury it does require timely and reasonable responses.

Stating "agree" or "disagree" with no action statement or explanation is not adequate.

Setting timelines for completion of recommendations and then ignoring them is also not adequate. The cursory review of Grand Jury recommendations conducted at the April 4, 2006 meeting implies that the Board places little value on the Grand Jury process.

5. There is no apparent concern by the Board of Supervisors to ensure that the public is informed in a timely manner of their actions. This is evidenced by the fact that the Board meeting minutes are not posted on the internet for up to six weeks following each meeting. Other means of informing the public are not employed, other than limited newspaper coverage. Only one supervisor expressed belief that this is an issue and that the public is concerned and interested.

6. Some Supervisors are not fulfilling their obligation to attend community advisory meetings on a regular basis nor to provide appropriate oversight of county departments, such as Facility Services.

### **Recommendations**

1. The Grand Jury commends the Board of Supervisors decision to develop a Vision Statement and Strategic Plan and encourages the Board to conclude the process in a timely manner and to then adopt such planning as an ongoing process.

2. The Grand Jury recommends the Board continue its proactive approach to land acquisition and sales.

3. The Grand Jury recommends the Board continue its proactive approach in working with the "Water Resources Board."

4. The Board of Supervisors has a public trust to uphold and as such pay due respect to Grand Jury findings and recommendations. Responses to recommendations made by the Grand Jury be realistic as well as informative. This Grand Jury recommends that the 2006/2007 Grand Jury continue to review the actions and conduct of the Board of Supervisors and hold them accountable to the public.

5. The public deserves to have access to Board of Supervisors meeting content in a timely and efficient manner. The time utilized by the Board Clerk to type minutes from a tape recorder could be better spent on other assignments. Board minutes do not have to be approved before dissemination to the public if noted, "Not approved". Today's technology is such that the Board meetings can be audio-recorded on disc, and digitally transferred to paper. This can then be readily placed on the internet. The discs can be copied and disseminated for a fee to those citizens who wish to hear the board meeting content, and for those who do not have internet access. It is not acceptable for individual Supervisors to imply that the public is "not really interested" or to claim that the public will "take things out of context".

6. The Grand Jury recommends that each Supervisor document his or her attendance at community advisory meetings on a regular basis, and report on same at Board meetings. Supervisors require documentation from Department Administrators when seeking information relative to those departments' responsibilities.

## **Animal Control**

### **Introduction**

The Animal Control Department was placed under the supervision of the Sheriff's Department in 2001. The Department's Administrator is a Sergeant in the Sheriff's Office who states that he currently devotes 50% of his time to the administration of Animal Control and 50% of his time to his other law enforcement duties. It is the Grand Jury's understanding that prior to the transfer of supervision to the Sheriff's Office, there was little staff guidance and indeed no written policies or procedures manuals for them to follow. The current Safety Guidelines and General Orders manuals were developed by the Sheriff's Department. According to the Departmental General Orders, Animal Control aspires to three main goals:

- To protect the public health while assisting the animal owners of Plumas County.
- To protect the welfare of animals and to promote responsible pet ownership.
- To promote an atmosphere of peace and harmonious relationships between animal owners and non-owners.

The Department usually employs 3 full-time Animal Control Officers, 1 full-time Administrative Assistant and 1 part-time Kennel Assistant. The Department is unable to utilize volunteer help as liability issues make workers' compensation insurance for volunteers cost prohibitive.

### **Reason for Investigation**

The Grand Jury, under California Penal Code No. 914, is charged with the specific responsibility of investigating and reporting on all aspects of County government. The Animal Control Department had not been reviewed since the 2003-04 term. In addition, we received a complaint from a citizen and after reviewing the supporting documentation, determined a review of the Department was warranted and would be undertaken by this Grand Jury.

### **Procedures Followed**

During the course of the investigation, this Grand Jury interviewed the Department Head and staff members. We reviewed the Department's General Orders, Safety Guidelines, various statistical data and internal documents. We also toured the Quincy facility.

### **Findings**

1. The "Animal Control Safety Guidelines" manual is incomplete. There is no written Departmental policy or procedure on accidental needle sticks. Also, the "Animal Control General Orders" manual is incomplete. There is no written Departmental procedure on euthanasia.
2. The Animal Control Department is under the supervision of the Sheriff's Department. Employees of Animal Control are represented by the Operating Engineers Union whereas the employees of the Sheriff's Department are members of the Sheriff's Association. These two entities have different standards and operating practices.
3. Many of the laws applicable to the Animal Control Department fall under the Agricultural Code rather than the Penal Code.
4. On average, Staff meetings are held only once per year.
5. Animal Control General Order Section III, A-10., states that "the pens shall be cleaned and the animals checked for food and water every 24 hours, minimally". This policy is not being followed. There is one day per week where no employee is scheduled to care for or feed the animals.
6. Dosages for euthanasia drugs are determined by animal weight. There is no scale to weigh the animals.

## **Recommendations**

The Grand Jury recommends that:

1. Policies and procedures for accidental needle sticks and for animal euthanasia be developed and implemented immediately.
2. The Animal Control Department be removed from the Sheriff's Office supervision and moved to a more appropriate department.
3. The Department Head hold staff meetings a minimum of 4 times per year.
4. Staff coverage be sufficient to provide care for the kennel animals 2 times per day, 7 days per week.
5. A weight scale be acquired and that its use be implemented immediately.
6. An oversight committee be formed. Membership could include the head of the supervising department and volunteers from the community.

# **Sheriff's Department**

## **Background**

As recommended by the 2004-2005 Grand Jury, this Grand Jury continued the investigation of the Plumas County Sheriff's Department (PCSD). Significant time and effort was invested in further interviews and document reviews. Additional allegations of misconduct by PCSD personnel were uncovered.

## **Findings**

1. The allegations of misconduct which were investigated by the Grand Jury were not supported by documentary evidence or testimony by first-hand witnesses. Unsupportable formal and informal complaints against the PCSD have been presented to the Plumas County Grand Jury for at least the last five years.
2. The Attorney General's Office, which was invited into the PCSD investigation by the 2004-2005 Grand Jury, withdrew from participation early in 2006 because it could find no first-hand testimony or evidence of felony offenses.
3. Staff meeting frequency and regularity are not consistent throughout the PCSD, in some cases degrading communications and supervision efficiency.

## **Recommendations**

The Grand Jury recommends that:

1. Citizens not elevate to the level of formal complaints second or third hand stories of official misconduct for which they have no supporting evidence and can not deliver important sworn testimony.
2. PCSD implement a uniform policy of frequent, regular staff meetings to enhance the quality of supervision and intra-departmental communication.

## **COMPLAINT SUMMARY**

### **COMPLAINT #05/06-1**

#### **Nature of Complaint**

Complainant reported “dishonest, improper, illegal and inefficient” behavior on the part of the Portola City Council.

#### **Response**

The Grand Jury sent a letter to complainant indicating that the complaint lacked adequate specificity for the Grand Jury to act and suggested that complainant resubmit with some specific details.

### **COMPLAINT #05/06-2**

#### **Nature of Complaint**

This complaint was referred from the 2004/2005 Grand Jury. The complainant brought forth several issues regarding inspections, code violations and contractor licensure with the county Building and Planning Services Department.

#### **Response**

Following investigation of this complaint a letter was mailed to the complainant advising that personal consultation with the new administrator of this department is the most effective means of solving concerns. The new philosophy and reorganization of the department should prevent such concerns in the future.

### **COMPLAINT #05/06-3**

#### **Nature of Complaint**

This complaint was Complaint #04/05-14 from the previous year’s Grand Jury.

#### **Response**

Complainant’s problem was solved without needing Grand Jury intervention.

## **COMPLAINT #05/06-4**

### **Nature of Complaint**

Building horse corrals close to complainant's property and creating a nuisance with flies and odors.

### **Response**

A letter was drafted referring complainant to the County Environmental Health Department and also recommending that complainant contact the Planning Department if there are questions concerning zoning issues.

## **COMPLAINT #05/06-5**

### **Nature of Complaint**

Complainant, a resident of Portola, reported that on January 16, 2004 complainant paid \$100 down to the Portola Cemetery District (PCD) for a \$300 plot adjacent to those of complainant's parents and that same day an out-of-county relative (OCR) sent a check for the remaining \$200 to the district. This check reportedly was a personal loan to the complainant. Complainant supplied copies of the check and receipts signed by the district manager.

Complainant's sibling (CS), with whom complainant is in litigation over the estate of their parent, was subsequently appointed to the board of directors of the PCD.

The OCR later received a warrant, dated 04/29/04, in the amount of \$300 from Plumas County along with a letter, dated 04/14/04, from the cemetery district secretary. The letter stated a mistake was made and that to a non-resident of Portola the price of the plot would be \$500 and was under review to be increased to \$785. The OCR wrote two letters to the district board. The first, dated 5/9/04 explained that the purchaser was the complainant, not the OCR, and a response was requested. The second, dated 6/21/04, addressed to the chairman of the district board asked for the minutes of the last three meetings of the board and a copy of the bylaws of the district.

Complainant reports that no reply was received to either communication.

### **Response**

The Grand Jury interviewed the Secretary of the PCD and reviewed his records of the matter.

## **Findings**

1. The nine Plumas County cemetery districts are officially special districts, but are not included in the list of special districts maintained by the County Clerk. They are included in the list of Boards, Commissions and Committees maintained by the Clerk of the Board of Supervisors. The latter list is out of date, at least as far as the Portola Cemetery District is concerned.
2. Although the PCD officially has an elected board, the members are all appointed by the district County Supervisor.
3. The PCD receipt supplied to complainant and dated 01/16/04, the check from the OCR dated 01/16/04, and the receipt to the OCR dated 2/12/04 all specify the same plot number in the Whispering Pines cemetery.
4. The PCD Secretary did not have a copy of the receipt of the complainant's \$100 deposit, which was a cash payment.
5. The refund warrant from the county to the OCR was for \$300, not \$200, which was the amount of the OCR's check.
6. The minutes of the April 14, 2004 PCD board meeting state that the board member CS presented a complaint from the complainant but does not specify the contents of that complaint. The minutes state that CS said that CS bought two cemetery plots the previous year and was promised six more plots. A motion was made and passed to write a letter to the OCR saying a mistake was made in selling OCR the plot and to refund the cost of the plot.
7. The cemetery district's records indicate that the specific plot originally sold to the complainant is now owned by the board member CS.
8. The PCD Secretary has a letter to PCD from the Plumas County Auditor-Controller's office, dated 12/2/04, which reports that the \$300 warrant issued was stale dated and had been cancelled, with the funds transferred into the unclaimed trust fund.

## **Recommendations**

This complaint appears to be a product of an ongoing private struggle between estranged siblings, however, the Grand Jury recommends that:

1. Public officers not use their office to gain advantage in private disputes.
2. County supervisors use extra care to avoid selecting special district board appointees who bring to office private agendas.

3. The next Grand Jury review all the cemetery districts, which do not receive much publicity and remain obscure to the public.
4. The County Clerk include the cemetery districts in the list of special districts maintained by that office.

**COMPLAINT #05/06-6**  
**COMPLAINT #05/06-7**  
**COMPLAINT #05/06-8**  
**COMPLAINT #05/06-9**  
**COMPLAINT #05/06-10**

### **Nature of Complaints**

These five complaints, all against the Feather River Canyon Community Services District (FRCCSD) addressed the issues of frequently interrupted, low pressure, and occasionally unsanitary water service at one of the seven systems maintained by the district. The complainants also reported a perceived lack of constructive response from the FRCCSD Board of Directors.

### **Response**

The Grand Jury interviewed the Chairman of the FRCCSD Board of Directors and the Director of the Plumas County Community Development Commission (PCCDC) and gleaned the following information:

The FRCCSD was formed in the 1980's in response to California State Department of Health Services (CSDHS) newly enforced requirements on water systems. The district was form by multiple business owners with separate water systems in order to become eligible for grant funds necessary to update the water systems to meet new state requirements. These funds were made available to the district, largely as a result of the efforts of the PCCDC and the systems were upgraded by 1989.

In the ensuing years the canyon population, and water demand, grew while the water systems equipment deteriorated. Necessary repairs became more and more frequent, with the district raising its annual budget from about \$15,000 to \$43,000 in 2005, still with an expected loss. About 2000, the CSDHS imposed new requirements on the district which require significant investment and with the help of the PCCDC in 2004 the district obtained block grants for \$326,000, which will be used to cover work to commence this summer. The work specified in the

grants does not include improvements to the system which is the subject of the complaints, but some funds may be redirected to such use.

It appears that the population base in the FRCCSD is large enough to create a water demand that exceeds the capacity of some systems, but is not large enough to finance the upgrades necessary to increase capacity and meet the CSDHS requirements. This district appears to have been surviving only on the charity of the federal and state governments.

## **COMPLAINT #05/06-11**

### **Nature of Complaint**

Complainant reports that a Sheriff's Deputy, while answering a burglary call at complainant's business establishment dealt with complainant in a rude and unprofessional manner.

### **Response**

This complaint will be referred to the 2006-2007 Grand Jury.

## **COMPLAINT #05/06-12**

### **Nature of Complaint**

Complainant reported concerns about the quality of classes being offered at Feather River College. Complainant felt that classes had been "watered down". Priorities seem to be misplaced for educating the students.

### **Response**

The Grand Jury, pursuant to California Penal Code 914, is charged with specific responsibility to investigate and report on all aspects of county government, including community colleges.

Administration, operations, and practices can be discussed or investigated by the Grand Jury. Curriculum cannot be challenged.

## **COMPLAINT #05/06-13**

### **Nature of Complaint**

This complaint was carried over from the 04/05 Grand Jury. The complainant questioned the legitimacy of a card lock transaction.

### **Response**

The Grand Jury found that it was common for County employees to use a County credit card for gas when they use their cars for work related procedures.

### **Recommendation**

The Grand Jury recommends that the County Administrative Officer and the Board of Supervisors review county travel policy concerning such use of credit cards.

## **COMPLAINT #05/06-14**

### **Nature of Complaint**

Complaint involved accusation of a breach of confidentiality by Court employees.

### **Response**

Complainant was advised by letter that Court employees are under the jurisdiction of the State of California, and not Plumas County. Consequently the Grand Jury may not review this complaint. Complainant was advised to consult with the department administration.

## **COMPLAINT #05/06-15**

### **Nature of Complaint**

Complainant reports incidents of retaliation, harassment and failure to follow written policies at Feather River College.

### **Response**

The Grand Jury does not investigate personnel matters. Since complainant has retained legal counsel the complainant should follow the advice and counsel of the attorney as to rights and remedies in this matter.

## **COMPLAINT #05/06-16**

### **Nature of Complaint**

The complainants alleged improprieties with the lay-off procedure followed by the county and benefits due temporary employees.

### **Response**

The Grand Jury declined to pursue this complaint. The complainants should contact the Human Resources Department or their union representative for resolution of their complaint.

## **COMPLAINT #05/06-17**

### **Nature of Complaint**

The complaint alleged numerous instances of policy violation and impropriety in the Animal Control Department.

### **Response**

After reviewing the complaint and its supporting documentation, it was determined that a review of the Department was warranted. The review of Animal Control is included in the body of this Final Report.

## **COMPLAINT #05/06-18**

### **Nature of Complaint**

Complainant accused a current County Supervisor of a “conflict of interest” by simultaneously holding two public offices.

### **Response**

The Grand Jury sought County Counsel opinion on this matter. Subsequent to this opinion a letter was sent to the complainant indicating that no “conflict of interest” exists, as a co-op board of directors is not a public office.

## **COMPLAINT #05/06-19**

### **Nature of Complaint**

Complainant charges that “Temporary Occupancy Permits” were not properly issued prior to occupancy of the Animal Shelter and the Permit Center, and that such permits are not offered to private landowners on an equal basis.

### **Response**

Following investigation of this complaint a letter was mailed the complainant advising of the following:

As a result of numerous interviews regarding this matter, and the receipt of additional documentation, the Grand Jury has concluded the following:

1. Appropriate Temporary Occupancy Permits were in place for both the Animal Shelter and Permit Center at the time of occupancy.
2. At a later date there was a lapse in issuance of “Temporary Occupancy Permit” for the Animal Shelter, apparently the result of no tracking system in place for such permits.
3. Some Temporary Occupancy Permits contain a stated expiration date, while others do not.
4. There is apparently no Building Code regulation requiring such stated expiration dates.
5. Temporary Occupancy Permits are issued to private landowners.

The following recommendations will be forwarded to the Building and Planning Services administrator as well as to the Board of Supervisors:

1. Institute a computerized tracking system as soon as possible regarding all permits—including date of issuance and expiration date.
2. All Temporary Occupancy Permits should include issuance date and expiration date.

## **COMPLAINT #05/06–20**

### **Nature of Complaint**

Complaint alleges loss of institutional controls at Feather River College allowing for dishonest, improper and inefficient operations.

### **Response**

The Grand Jury advised complainant by letter that it would bear in mind complainant's concerns in its future review of Feather River College.

## **COMPLAINT #05/06-21**

### **Nature of Complaint**

Complainant charged that a Fundraiser was held on county time. The Treasurer's office collected the money without stating the purpose of the collected funds.

### **Response**

While the hours of the fund raiser were from noon to 2pm, this was attended during the county employees' lunch hours to compensate for the varying lunch times (no offices were closed for the purpose of the fundraiser). The treasurer's office did not collect the money; however the person that collected the money works in that office. The funds are set up in a personal account and are not subject to Grand Jury review.

## **COMPLAINT #05/06-22**

### **Nature of Complaint**

Complainant objects to the treatment he claims to have received from the Plumas County Child Protective Services Department.

### **Response**

This complaint will be forwarded on to the 2006-2007 Grand Jury.

## **COMPLAINT #05/06-23**

### **Nature of Complaint**

Complainant claims a Plumas County Judge was biased in the decisions made in his court case.

### **Response**

The Grand Jury wrote a letter to the complainant informing him that the Grand Jury has no jurisdiction over judges, who are state employees, and referred him to the Judicial Council of California.

## Grand Jury Investigation History

### Plumas County Grand Jury Evaluations

| DEPARTMENT/<br>AGENCY/PROGRAM                 | Earlier<br>Years | 2000-<br>2001 | 2001-<br>2002 | 2002-<br>2003 | 2003-<br>2004 | 2004-<br>2005 | 2005-<br>2006 |
|-----------------------------------------------|------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Administrative/CAO                            | 95-96            |               | X             |               |               |               |               |
| Assessor                                      | 95-96,<br>98-99  |               |               |               |               |               |               |
| Auditor/Controller                            |                  |               | X             |               |               |               | X             |
| Board of Supervisors                          |                  |               | X             |               |               |               | X             |
| Clerk/Recorder                                |                  |               | X inc.        |               |               |               |               |
| Chamber of Commerce                           |                  |               |               |               |               |               |               |
| Information Technology                        | 99-00            |               |               |               |               |               |               |
| Fair                                          |                  |               | X             |               |               |               |               |
| Farm Advisor                                  |                  |               |               |               |               |               |               |
| Law Library                                   | 99-00            |               |               |               |               |               | F/U           |
| Library                                       | 98-99            |               |               |               |               |               |               |
| Literacy Program                              | 98-99            |               |               |               |               |               |               |
| Museum                                        | 98-99            |               |               |               |               |               |               |
| Human Resources                               | 99-00            |               |               |               | X             |               |               |
| Treasurer/Tax Collector                       | 98-99            |               |               |               |               |               |               |
| Alcohol and Drug                              | 95-96            |               | X inc.        |               |               |               |               |
| Senior Services                               |                  |               |               |               |               |               |               |
| District Attorney –Family<br>Support Division | 97-98            |               |               |               |               |               |               |
| Mental Health                                 | 95-96,<br>99-00  |               |               |               |               |               |               |
| Plumas County Public<br>Health<br>Agency      |                  |               |               |               | X             |               |               |
| Public Administrator                          |                  |               |               |               |               |               |               |
| Public Guardian/Conservator                   | 99-00            |               |               |               |               |               |               |
| Sierra House                                  | 99-00            |               |               |               |               |               |               |
| Social Services                               | 95-96            |               |               |               |               |               |               |
| Veteran’s Services                            | 95-96            |               |               |               |               |               |               |
| Animal Control                                | 95-96            |               | X             | X             |               | X             | F/U           |
| County Counsel                                |                  |               |               |               |               |               |               |
| District Attorney                             | 98-99            |               |               |               |               |               |               |
| Fish and Game Commission                      |                  |               |               |               |               |               |               |
| Jail                                          | 98-99            |               | X             | X             | X             | X             | X             |
| Victim Witness                                |                  |               |               |               |               |               |               |
| Office of Emergency<br>Services               |                  |               |               |               |               |               |               |

| <b>DEPARTMENT/<br/>AGENCY/PROGRAM</b>                                | <b>Earlier<br/>Years</b> | <b>2000-<br/>2001</b> | <b>2001-<br/>2002</b> | <b>2002-<br/>2003</b> | <b>2003-<br/>2004</b> | <b>2004-<br/>2005</b> | <b>2005-<br/>2006</b> |
|----------------------------------------------------------------------|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Probation                                                            | 98-99                    |                       | X                     |                       | X                     |                       |                       |
| Juvenile Hall                                                        |                          |                       |                       | X                     |                       | X                     |                       |
| Public Defender                                                      |                          |                       |                       |                       |                       |                       |                       |
| Sheriff/Coroner                                                      | 95-96,<br>96-97<br>98-99 |                       | X                     |                       | X                     |                       | INC                   |
| Fire                                                                 |                          |                       | X                     | X                     |                       | X                     | F/U                   |
| Ag. Commissioner                                                     |                          |                       |                       |                       |                       |                       |                       |
| Engineering                                                          |                          |                       |                       |                       |                       |                       |                       |
| Environmental Health                                                 |                          |                       |                       |                       |                       |                       |                       |
| Housing and Community<br>Development                                 |                          |                       |                       |                       |                       |                       |                       |
| Local Agency Formation<br>Commission                                 |                          |                       |                       |                       |                       |                       |                       |
| Planning                                                             |                          |                       |                       | X                     |                       | X                     | X                     |
| Public Works                                                         | 95-96,<br>97-98<br>98-99 |                       | X                     |                       |                       |                       | F/U                   |
| Plumas County Flood<br>Control<br>and Water Conservation<br>District |                          |                       |                       |                       | X                     | X                     | INC                   |
| Airport Operations                                                   |                          |                       |                       |                       |                       |                       |                       |
| Facility Services                                                    | 99-00                    |                       |                       | X                     |                       | X                     |                       |
| Recreation Districts                                                 | 95-96                    |                       |                       |                       |                       |                       |                       |
| Nutrition Programs                                                   | 95-96                    |                       |                       |                       |                       |                       |                       |
| Plumas Corporation                                                   |                          |                       | X                     |                       |                       |                       |                       |
| Hospital Districts                                                   |                          |                       | X                     |                       |                       |                       |                       |
| Plumas Unified School<br>District                                    |                          |                       |                       | X                     | X                     | X                     |                       |
| Feather River College                                                |                          |                       |                       |                       |                       |                       | INC                   |
| Portola Cemetery District                                            |                          |                       |                       |                       |                       |                       | INC                   |

Key: F/U = Follow-up investigation  
INC = Incomplete investigation