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8. This ongoing review of the MHD be referred to the 2005-2006 Grand Jury for further investigation.

PLUMAS COUNTY BOARD OF SUPERVISORS

Background

As stated in the California Government Code Section 54953 (a) "All meetings of the legislative body of a local agency shall be open and public and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter".

Also stated in the above mentioned code section 54957.7 (a) "Prior to holding any closed sessions, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session...the legislative body may consider only those matters covered in its statement...".

In the same code section 54954.2 (a) "At least seventy two (72) hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

Finding

The Board of Supervisors violated the Brown Act in failing to notify the public of their intention to conduct interviews for the position of County Administrative Officer (CAO) in a timely manner. The Brown Act states that "no action or discussion shall be undertaken on any item not appearing on the posted agenda". During the Grand Jury's investigation it was found that negotiations for the position of CAO had begun prior to the posting of the BOS agenda of March 8, 2005 in which the agenda mentioned a "possible action" regarding the position of CAO. The Brown Act requires notice of "at least 72 hours before a regular meeting" on any intention to act.

Recommendation

The BOS must follow the legislative intent of the Brown Act in all cases. Furthermore, we recommend that the Grand Jury of 2005/2006 conduct a complete review of the BOS.

GRAND JURY OVERSIGHT COMMITTEE

Background

The Grand Jury reviews the findings and recommendations of prior years' Grand Juries and the responses of the public entities to those findings and recommendations as required by law. These responses may be filed by the entities up to 90 days after publishing. Without the diligent review of the Grand Jury, corrective actions may not occur.

Findings

1. Responses to recommendations often contain actions intended to correct a condition brought to the attention of the governing bodies but do not specify timing and responsibility.
2. There still exists a wide variance in the understanding of “conflict of interest”.
3. There is still not a complete understanding that the law states that recommendations by the Grand Jury require a response and that “no response” is not acceptable.
4. The Law Library was established by an ordinance of the Board of Supervisors on March 9th, 1905. On October 1st, 2003, the Board of Supervisors closed the Law Library. The library’s collection of Nolo Press books and public access computers were donated to the Quincy Public Library. (Lexis Nexis, an on-line source of legal information, is available with no charge to the public.)
5. The Plumas Unified School District was under the impression that they had adequately responded to the 2003-2004 Grand Jury’s concerns through the interview process and were not aware that a formal written response was required within 90 days. Such a response has been received and has been included with those of other county entities referred to in the 2003-2004 report.

Recommendations

The Grand Jury Recommends that:

1. The Department of Human Resources is to be commended on its follow-up on the prior year Grand Jury recommendations. Additional action is still needed to revise and clarify the Plumas County Personnel Rules currently in progress.
2. The Board of Supervisors again request County Counsel to provide it with a specific legal definition of Conflict of Interest. All actions should convey no hint or appearance of a conflict of interest.
3. The Board of Supervisors stress, encourage, and/or dictate to all in County personnel that: “the findings or recommendations of the Grand Jury require action”. (Reference California Penal Code, section 933.05)
4. The Board of Supervisors makes every effort to guarantee that the public has equal benefit and access to legal assistance through the Public Library as it previously had through the Law Library and that funding remain sufficient to maintain and provide on-line service.

PLUMAS COUNTY FIRE DEPARTMENTS

Function

The Plumas County Fire Departments provide fire protection and emergency medical services to properties and persons in their districts and in other areas via mutual agreements or assignments.

Background

The 2004/2005 Plumas County Grand Jury undertook a study of the fire departments in the County as a follow up to the work done by the 2002/2003 Grand Jury. The latter Grand Jury performed extensive analysis and research of the problems facing the fire departments in the county. As part of the current Grand Jury's follow-up process, a questionnaire was distributed to the fire chiefs that asked them about their status, operation, and the problems they are currently facing. They were also asked for suggestions for solving current problems.

Findings

1. The recommendations of the 2002/2003 Grand Jury were, for the most part, ignored by the County. The following list contains the recommendations of that Grand Jury. For each finding or recommendation, the current status, as found by the current Grand Jury, is shown in bold print.

2002/2003 Grand Jury Findings:

1. *Plumas County has no legal requirement to provide fire protection services to the citizens of Plumas County. That responsibility is relegated to the fire districts within the County.*

Current Status: No change in this situation.

2. *The County Fire Warden position is part-time and exercises no direct control over the fire districts within Plumas County. The Fire Warden does respond when requested by the fire districts to provide technical assistance and training.*

Current Status: The Fire Warden has resigned.

3. *With few exceptions, Plumas County fire districts have inadequate funding to carry out their mission. Most equipment is outdated and each of the districts relies on volunteers to staff their departments.*

Current Status: No change in this situation.

4. *Approximately 20 percent of the privately held land in the County is not in a fire district.*

Current Status: Little change in this situation.

5. *A majority of fire chiefs interviewed favored more coordination and assistance from the County Fire Warden on fire issues such as funding, standardizing grant writing, training, recruiting and acquiring equipment.*

Current Status: Since there is now no fire warden, this situation has worsened.

6. *There is no proactive effort by the County to inform new residents what level of fire protection, if any, exists in their area. In fact, on more than one occasion, witnesses responded with a “let the buyer beware” reply on that issue.*

Current Status: No change in this situation.

7. *Plumas County Resolution No. 01-6534 is a resolution adopting a policy for County property tax exchanges with special districts providing fire protection services.*

Current Status: This Grand Jury has seen no evidence that this resolution has been acted upon.

2002/2003 Grand Jury Recommendations:

1. *That the Board of Supervisors form a Fire District Consolidation Committee, with members including the County Fire Warden, Fire District Chiefs, Executive Director of LAFCo and a representative of both CDF and Fire Safe Council to determine the feasibility of establishing three to five regional fire departments within the County The Grand Jury urges the Board of Supervisors to make this a high priority and coordinate closely with LAFCo Executive Director.*

Current Status: Such a committee has not been formed.

2. *That the proposed Fire District Consolidation Committee advises the boards of county fire districts on methods to increase funding, including, but not limited to, developer and user fees. The Grand Jury recognizes that this is a cumbersome, political process. Nevertheless, the Board of Supervisors should do everything necessary to provide the committee with expertise in raising fees and exactions to properly fund the fire protection effort within Plumas County.*

Current Status: No committee was formed. Thus, there has been no action on this recommendation.

3. *That the community service districts providing fire protection review the benefits (Resolution 01-6534) of annexations and/or reorganizations to avail themselves of a property tax exchange with the County of up to 7 percent of the tax increment. According to the Resolution, as a condition of the exchange, the district must attempt to raise additional revenue from the voters or landowners in the affected tax rate areas.*

Current Status: There has been some activity in this area, but there is no general application of this resolution.

4. *That the Board of Supervisors empower and direct the County Fire Warden to determine which areas in the county are not covered by a fire district and advise LAFCo, so that those areas can be annexed into a fire district.*

Current Status: This Grand Jury has seen no attempt by the County to identify such areas.

5. *That the County Fire Warden monitors the county fire districts for compliance with SB 1207 and CAL OSHA standards. The fire chiefs of each of the districts need to provide their full cooperation and assistance in this endeavor.*

Current Status: The Fire Warden has resigned.

2. Since there seemed to be a great deal of confusion and animosity on the part of the fire chiefs regarding the Plumas County Local Area Formation commission (LAFCo), this jury interviewed the LAFCo executive director. As a result of this interview, it was found that the commission is state-mandated, is operating according to California state law, and is a necessary partner in the County planning process. Since it is essentially a regulatory commission and has an extensive list of mandated conditions for changes in districts, the LAFCo is seen as a very expensive road block to change. Many fire departments simply cannot afford the expense of meeting the LAFCo requirements and fees. There has been at least one instance where a department aborted proposed changes due to the complexity and expense of the process. There has also been at least one instance where a proposed change has been cancelled even before applying to LAFCo due to the process' perceived complexity and expense.
3. Current methods of funding the fire departments are inequitable in that a few departments are over-funded and most departments are under-funded. When under-funded, departments must rely on the charity of other departments and agencies inside and outside Plumas County and on the charity of the people and companies within their districts in order to survive. This has resulted in the use of antiquated equipment and improvisations that endanger the lives of the departments' personnel and the lives and property of the persons they are trying to protect. These situations are direct violations of OSHA regulations. On the other hand, a few departments have more money than they can use. This could be construed as a waste of public funds.
4. The County provides very little assistance and few services to the County's fire departments. These volunteer organizations are in great need of centralized training, grant research and preparation, equipment acquisition, administrative assistance and guidance and other services that can best be provided on a central or regional basis.
5. There have been many discussions regarding the creation of regional fire districts. Based on the survey conducted by this Grand Jury, there is no general consensus among the fire chiefs.
6. Many of the fire departments are embedded in community services districts. This has the advantage of potentially increasing the availability of funding and other resources and has the disadvantage of burying the concerns and needs of the departments in organizations formed primarily to provide utility and other non-emergency services.
7. There is no standardization of communication equipment between departments. This causes problems during operations involving more than one department.
8. Provision of fire protection is not an essential element in the planning process for new real estate developments.

Recommendations

This Grand Jury recommends that:

1. The recommendations of the 2002/2003 Grand Jury be implemented except where modified by this Grand Jury's recommendations.
2. The office of Fire Warden be re-established and strengthened to provide more direct control of, and assistance to, the fire departments. This assistance would include funding, searching for grant opportunities and standardizing grant writing, providing or arranging for training, recruiting, and acquiring equipment. In addition, the Fire Warden should play a significant role in the activities of the Plumas Sierra Fire Chiefs Association.
3. An equitable method of funding be found that will provide the resources needed to perform their jobs without undue concern for costs and at the same time not produce more revenue than can be efficiently utilized by the departments.
4. No real estate project or development be approved without adequate coverage by an existing or new fire department.
5. A Plumas County map overlay be developed that clearly shows the boundaries of all fire districts and highlights those areas that are not protected by any fire department.
6. A plan to make all fire departments independent entities with their own funding and operational control be created. This should not exclude the creation of cooperative agreements with other departments or other government agencies.
7. The County consider subsidizing the training of fire fighters and emergency medical personnel and the administrative personnel or services of the fire departments.
8. The Board of Supervisors and the LAFCo undertake an educational program throughout the County to improve the understanding of its function and procedures and its place in the planning process.
9. The fire departments make an effort to understand the LAFCo's function and procedures and its place in the planning process.
10. The LAFCo be audited by a qualified auditing company or agency.
11. The Board of Supervisors and the LAFCo, in certain circumstances, consider subsidizing, reducing, or rescinding LAFCo fees for changes in fire districts.

Commendation

In spite of the problems facing the fire departments, there is a good esprit de corps among the fire fighters. They willingly assist other departments and agencies and respond to emergencies without regard to funding and the quality of their equipment.