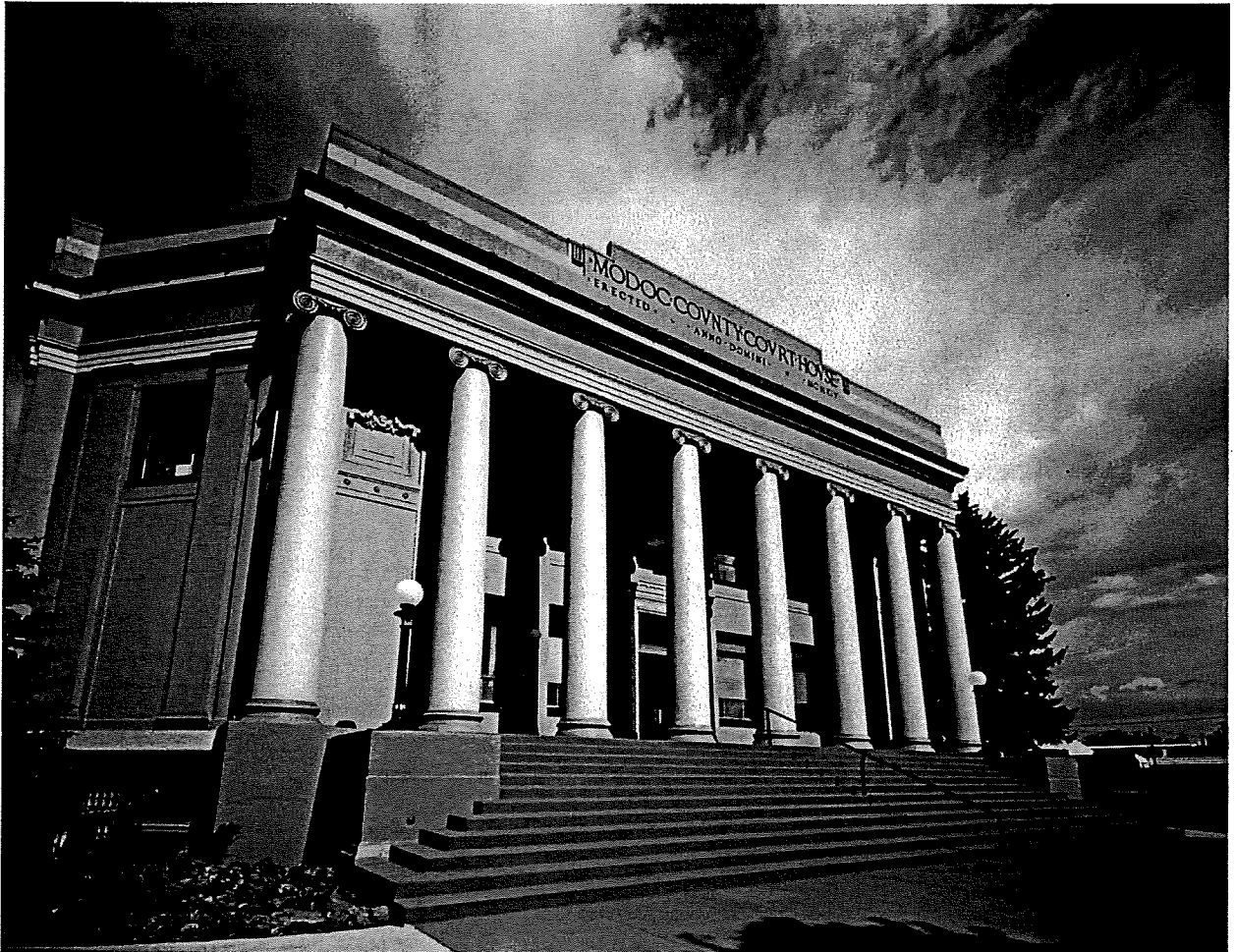


Modoc County Grand Jury Report



2015-2016

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BOARD OF SUPERVISORS

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Letter from the Foreperson

It was a great honor to serve on the 2015-2016 Modoc County Grand Jury. On behalf of the Grand Jury and myself, I would like to extend a very warm thank you to Chester Robertson and Stephanie Wellemeyer. These two went to extra lengths to explain the many facets of county government and how it functions. I am very pleased with the progress being accomplished in many areas of Modoc County. We can continue to enjoy the many pleasures of living in rural Modoc but it will require many hours of collaborative efforts of all the citizens. The economy is a challenge; however, success will come through good leadership and cooperation among all the departments of government.

Clinton Davis, Foreperson

Acknowledgements

The 2015-2016 Grand Jury would like to thank the following:

Honorable Judge David Mason and his Court Executive Officer, Ronda Gysin, for their help and guidance.

Sheriff Mike Poindexter and his staff for use of their conference room.

The California Grand Jury Association for the outstanding training sessions.

All those who provided testimony during the Grand Jury's investigations.

Superior Court of California

County of Modoc

ROBERT A. BARCLAY JUSTICE CENTER

205 South East Street, Alturas, CA 96101

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FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

July 1, 2016

To: Grand Jury Members

Dear Ladies and Gentlemen:

I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2015-2016 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

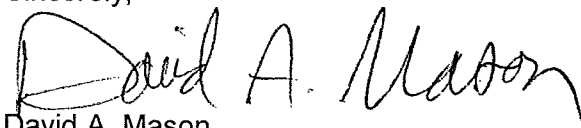
I want to specifically recognize and extend an individual thank you to Clinton Davis for his outstanding leadership as this year's Foreperson. In particular, I would like to commend those members who went above and beyond the call of duty by serving an additional term. You provided valuable guidance and continuity to the process.

Finally, I want to recognize and thank the Modoc Sheriff's Department for once again providing our Grand Jury with excellent meeting room facilities that greatly assist the jurors in performing their duties.

Serving as a Grand Juror is not an easy task and I commend each and every one of you for your sincere effort and commitment to addressing the complex, varied and sensitive issues presented to you.

Thanks once again for a job well done.

Sincerely,

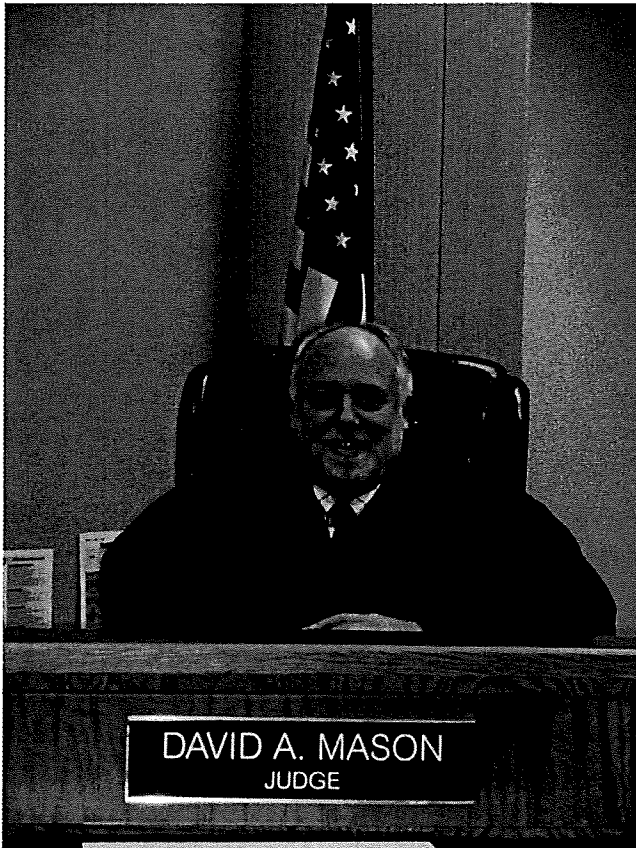


David A. Mason
Assistant Presiding Judge

I certify that the Modoc County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the Court Executive Officer to accept and file the final report as a public document.

David A. Mason
David A. Mason, Assistant Presiding Judge

Date: July 1, 2016



Law Enforcement Committee – Devil’s Garden Conservation Camp

June 6, 2016

SUMMARY

According to the California Penal Code 919(a)(b), the Grand Jury is mandated to annually tour and inspect this State operated correctional facility located in Modoc County. The buildings, grounds, projects and programs reviewed comply with the State-mandated policies and procedures. The Grand Jury commends the Camp for its outstanding programs and services that benefit both the inmates and Modoc County.

BACKGROUND AND DISCUSSION

The California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CAL FIRE) jointly operate the Devil’s Garden Conservation Camp. Opened in 1989, the facility is located 7 miles west of Alturas, California and can house 120 inmates. Currently there are 95 inmates, assigned to five work crews that carry out work projects. The projects include emergency response to wildfire, conservation projects such as fire hazard abatement and watershed enhancement, maintenance of state vehicles, construction of signage, and assistance with community projects such as cemetery, school and fire district grounds maintenance. One crew of inmates is responsible for the in-house projects such as cooking, facility and vehicle maintenance.

METHODOLOGY

The Grand Jury toured the facility and was introduced to the Camp’s staff and others from the Department of Corrections and Rehabilitation who provided detailed discussion of the Camp’s current issues and programs. All the staff assembled to assist with the Grand Jury visit was informative and cooperated with the Grand Jury inquiries regarding the Camp’s policies and procedures.

FINDINGS

- F1. The facility is maintained at a very high standard and provides inmates opportunities to participate in a variety of rehabilitation programs and job training.
- F2. With the implementation of AB 109, fewer inmates choose to participate in the Camp programs.
- F3. The CDRC has recently initiated additional educational programs to help Camp inmates increase their successful reentry to civilian life.

F4. The Camp and the Modoc District Fair are exploring the possibility of using inmate crews to maintain the Cedarville Fairgrounds.

RECOMMENDATIONS

None.

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.

Law Enforcement Committee – Modoc County Jail

June 6, 2016

SUMMARY

The 2015-16 Grand Jury inspected the County jail facility and interviewed the Sheriff, County employees and others who are responsible for safety and services provided to the jail inmates. The Grand Jury recommends that the Sheriff continue to allocate funds to maintain and repair the existing jail facility, update the jail's policies and procedures with immediate attention to health policies, work collaboratively with other County Departments and agencies to provide inmates with programs and services, and insure safety to both the inmates and jail staff.

GLOSSARY

AB 109: *Realignment of State Prison Inmates to County Facilities* (Adopted 2011); in order to reduce the number of State prison inmates, newly convicted low level offenders without current or previous serious or violent offenses stay in county jail to serve their sentences. AB 109 provides dedicated and permanent revenue through Vehicle License Fees and a portion of the State tax (as outlined in AB 118 and SB 89). These funds provide counties the resources to house inmates and provide local public safety programs.

SB 678: *Formation of Community Correction Partnerships* (Adopted: 2011); authorizes the formation of a multidisciplinary team of agencies and private providers to engage in providing rehabilitation programs to persons convicted of a felony offense under probation supervision with conditions imposed by a court for a specific period.

BACKGROUND

The State of California mandates that the Modoc County Civil Grand Jury conduct an annual inspection and review of the Modoc County jail. The Modoc County jail is a Type II facility and responsible for inmates pending arraignment, during their trial and sentencing. Additionally, with the realignment of inmates from the State Prison System (AB 109) to the County jail, the Sheriff's Office and the jail facility are expected to house inmates for extended periods of time and provide services to reduce recidivism (SB 678).

During the past two years, without success, the Sheriff's Office has submitted grant requests to the State of California to construct a new jail. The current jail facility, constructed in the 1960s, is no longer in compliance with the California Department of Corrections guidelines for housing inmates. It is clearly acknowledged by all concerned that the Modoc County jail is antiquated, in need of many repairs, and lacks the space

to house high risk inmates. Also noted is the lack of updated policies and procedures that guide how the jail is managed and what programs are conducted.

METHODOLOGY

All Grand Jury members were provided with a tour of the County jail, which took place on two occasions, in August 2015 and February 2016. The Grand Jury interviewed the multiple law enforcement staff, several Modoc County employees, and staff from the Modoc Medical Center. Jail inspection documents were reviewed. These included the 2015 and 2016 Fire/Life Safety report filed by the City of Alturas Fire Department and the 2015 Medical/Mental Health Evaluation and Environmental Health filed by the Department of Public Health. Members of the Grand Jury Law Enforcement Committee also attended several meetings of the Community Corrections Partnership to learn more about how the County Departments are collaborating on the development and implementation of the Local Realignment Plan for inmates in the County's Criminal Justice System.

DISCUSSION

After the jail tours and review of the jail inspection documents, interviews conducted with the Sheriff's Office, County Public Health and Behavioral Health Department personnel, Medical Health staff and Community Correction Partnership members, it became apparent that the jail struggles to maintain the existing facility and offer programs and services to inmates that meet their needs as required by law. The Grand Jury acknowledges that Modoc County has limited fiscal resources to support all the County's operations and that the jail suffers from longstanding lack of repairs and upkeep needed to bring it into compliance with the State's current standards. Although the Sheriff's Office has made two attempts to procure funding for a new jail facility, and is currently waiting for guidelines for a new round of funding supported from the State's General Fund, there is the critical need for the facility to be repaired and maintained in order to safeguard the inmates and staff who occupy the site.

In review of the various State of California, Board of State and Community Corrections inspection documents, the Grand Jury also noted that policies and procedures regarding medical and mental health care and services provided by the jail staff to the inmates have not been revised since 2008 and as a result reflect incorrect practices.

Although understaffing at the jail has been reported by previous Grand Juries, currently there are the required numbers of female and male officers on duty at the jail albeit the number of staff available is at a minimum level.

FINDINGS

- F1. The jail facility requires repairs and remodeling in order meet the health and safety needs of both the inmates and jail staff.
- F2. Some policies concerning medical and mental health care for jail inmates were found to be inadequate or outdated.

- F3. There are very limited on-site medical and mental health services available to inmates.
- F4. In order to receive funding to comply with the State of California's AB 109 and SB 678 mandates, the Community Correction Partnership is currently forming a comprehensive plan to provide contracted services that will offer inmates both pre and post release programs.
- F5. The Sheriff's Office lacks adequately trained staff in order to assess and manage inmate medical and mental health needs.
- F6. The Sheriff's Office continues to seek funding for a new jail facility and is currently waiting for new funding source guidelines to be released.

RECOMMENDATIONS

- R1. The Sheriff's Office request the Modoc County Supervisors increase the County budget directed to the repairs and incremental upgrade to the County Jail.
- R2. The Sheriff's Office provides their staff adequate time to review and update the jail's policies and procedures with a focus on the medical and mental health services offered to inmates.
- R3. The Sheriff 's Office staff investigate possible collaboration with the County Department of Public Health and Behavioral Health to provide increased levels of medical and mental health services.
- R4. The Sheriff's Office and the Community Corrections Partnership team work collaboratively to implement a plan that coordinates programs and services for inmates with the goal of reducing recidivism.
- R5. To insure the safety of inmates and Jail staff, the Sheriff's Office work collaboratively with the Department of Public Health and Behavioral Health to coordinate both medical and mental health training for all Sheriff's Office staff and increase the involvement of the Department of Public Health staff interaction with jail inmates.
- R6. The Sheriff's Office continues to apply for funding to construct a new jail facility or for the remodel and upgrade the current facility.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Modoc County Sheriff: Respond in writing to (F1, R1), (F2, R2), (F3, R3), (F4, R4), (F5, R5), (F6, R6).

- Community Corrections Partnership: Respond in writing to (F4, R4).
- Department of Public Health and Behavioral Health: Respond to (F5, R5).

From the following governing bodies:

- County Board of Supervisors: Respond in writing to (F1, R1).

APPENDIX

For more information concerning AB 109 and SB 678, refer to www.leginfo.legislature.ca.gov

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.

Local Government – Surprise Valley Health Care District

June 6, 2016

DISCLAIMER

This report was issued by the Modoc County Grand Jury of 2015/2016 with the exception of one juror who is closely acquainted with the Board of Directors (BOD), employees and patients of the Surprise Valley Health Care District (SVHCD). This Grand Juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

SUMMARY

This investigation of the 2015/2016 Modoc County Grand Jury has been witness to a BOD and Administration working well together addressing the issues still confronting the District, chief among those being the burdensome debt. New staff has been hired. A residence adjacent to the hospital has been purchased to house out-of-town medical professionals. A physician, specializing in women's health, has been hired to work at the clinic one day a week.

BACKGROUND

The 2014/2015 Grand Jury requested that the 2015/2016 Grand Jury monitor the progress of the SVHCD in developing strategies that will lead to financial recovery as well as a viable facility that meets the needs of the populace. The 2015/2016 Grand Jury feels that it is important to report that progress is being made.

METHODOLOGY

The 2015/2016 Grand Jury interviewed members of the BOD, current Administration, former staff members and family members of residents within the Skilled Nursing Facility. Grand Jury members also attended meetings of the BOD and Finance Committee and reviewed newspaper reports during the term of the 2015/16 Grand Jury.

DISCUSSION

The current BOD, governing since January 2015, has taken the requisite training classes and together with Administration has been conducting effective, business-like Board meetings that operate within the guidelines of the Brown Act.

Since February 2015, the BOD has been receiving monthly financial information. The SVHCD Finance Committee, created on April 29, 2015, consists of the

Chairman and Treasurer of the BOD and meets on the Friday preceding the regular Wednesday meeting of the BOD.

Actions taken by Administration to hire the state required levels of staffing, provide housing for out-of-town staff, deal with the legacy of mismanagement and address the financial issues have largely assuaged the fears in the community of imminent closure of the facility.

The laboratory, with new staff and equipment, is poised to conduct the majority, if not all, of its analyses in-house, thus will enhance incoming revenue and increase efficiency. A physical therapist has been hired to serve the needs of the inpatients as well as attract outpatient use. A dedicated physical therapy facility is being developed within the hospital.

The federally required medical and financial computer program and the problems associated with it have been an ongoing agenda item at the BOD meetings. An Information Technologist has been hired whose focus will be, among other tasks, to help resolve to these problems.

The Chief Executive Officer (CEO) reported at the April 2016 Board meeting that all beds in the skilled nursing facility are full and that there is a waiting list. The Grand Jury interviewed a sampling of the relatives of patients and heard positive comments about their care.

The last audit for the year 2011 has been completed, paid for and released. Money has been allocated in this year's budget for the 2012 and 2013 audits and a cost report. The functional importance of bringing audits up-to-date is that it allows SVHCD to apply for and receive a line of credit at a local bank as well as provide increased transparency to the community.

It was noted that the SVHCD website is out-of-date and does not reflect the expansion of services and addition of personnel.

Finally, this quote is provided from the BOD's "Required Response" to last year's Grand Jury report: "Based on the current CEO's qualifications and performance, the right person was hired for the job".

FINDINGS

- F1. Several audits are not yet current. The BOD and Administration understand the importance of completed audits and the effective use of the federally required computer program to track medical information and financial reporting.
- F2. More outreach to the community is needed. The SVHCD website needs updating.

- F3. The training received by the BOD members has elevated their ability to make informed decisions.
- F4. The hiring of new staff has brought new skills, perspective and energy to the hospital and has created opportunities to increase revenues.
- F5. Efforts to fill beds in the Skilled Nursing Facility have been successful, maximizing revenue.
- F6. Regular monthly budget meetings have enabled the BOD and Administration to better map a path to solutions in dealing with the debt.
- F7. The new Information Technologist will help provide much needed assistance navigating the numerous problems associated with the medical and financial software.
- F8. Patient care in the Skilled Nursing Facility has been described as “excellent” by relatives of patients.

RECOMMENDATIONS

- R1. Getting the audits up-to-date is essential, therefore a high priority.
- R2. SVHCD needs to update its website to reflect current services and personnel available to the community as well as use other media to promote SVHCD.
- R3. Members of the BOD should continue to receive training on a regular basis.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- The CEO of SVHCD: Respond in writing to (F1, R1) and (F2, R2);

From the following governing bodies:

- The BOD of SVHCD: Respond in writing to (F3, R3).

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.
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Local Government –
Modoc County Department of Social Services

June 6, 2016

DISCLAIMER

This report was issued by the Grand Jury with the exception of a Juror who is a former employee of the Modoc County Department of Social Services. This Grand Juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

GLOSSARY

This report refers to employment positions, agency names and Grand Juries from different years. Most of these references are several words long, in some cases are similar sounding to other references and are repeated many times throughout this report. In order to improve readability by reducing lengthy word strings repeated numerous times and to prevent confusion between similar sounding names, some acronyms used in this report are herein defined and later used:

BOS – Modoc County Board of Supervisors;

CAO – Modoc County Administrative Officer;

CAP(s) – Corrective Action Plan(s) requested by the California Department of Social Services;

CDSS – California Department of Social Services;

GJ12/13 – Modoc County Grand Jury of FY 2012/2013;

GJ13/14 – Modoc County Grand Jury of FY 2013/2014;

GJ14/15 – Modoc County Grand Jury of FY 2014/2015;

GJ15/16 – Modoc County Grand Jury of FY 2015/2016; and

MDSS – Modoc County Department of Social Services.

SUMMARY

The GJ15/16 reviewed the MDSS. This decision was made based on a request from the GJ14/15. The GJ15/16 review included examination of written and digital documents and personal interviews with persons directly or indirectly knowledgeable of the operations of the MDSS. This review revealed that most of the Recommendations from the GJ12/13 and the GJ13/14 had been implemented and

had achieved the desired results. The MDSS appears to be well managed and operating at a high level of employee competence. The BOS is providing appropriate direction and control to the MDSS. Findings and recommendations were made for three operational areas.

BACKGROUND

The GJ12/13 and the GJ13/14 both reviewed the operations of the MDSS and issued reports that included Findings and Recommendations. Details of those reports can be viewed at [http://qsmall.us/GRAND JURY/FinalReports/](http://qsmall.us/GRAND_JURY/FinalReports/).

The GJ14/15 elected not to review the MDSS. However, in a memo to the GJ15/16, they recommended that the MDSS be reviewed for implementation of Recommendations from the two previous Grand Juries. In addition, the GJ14/15 requested that the GJ15/16 investigate the status of a proposal to integrate MDSS, the Department of Public Health, the Department of Behavioral Health and the Department of Environmental Health under one Director.

METHODOLOGY

The GJ15/16 reviewed 18 documents in this investigation, both digital and hard copy. The GJ15/16 interviewed 11 persons total, including County Supervisors, top level County officials, MDSS employees and one other non-employee with detailed knowledge of the operations of MDSS.

DISCUSSION

As described in the “**BACKGROUND**” section, the purpose of this review is to determine if and how Recommendations made by two previous Grand Juries were implemented and whether they were successful. Therefore, the discussions will focus on facts related to the Recommendations.

One Recommendation of GJ12/13 stated that all CAPs must be completed and implemented in a timely manner. This had not been completed by the time the incumbent Director of the MDSS vacated the position in November of 2013. The BOS immediately appointed an Acting Director for MDSS. In December 2013, a California CDSS review was conducted of the MDSS. The CDSS requested CAPs for two separate functional areas: fiscal, and Income and Eligibility Verification. Both CAPs were completed and submitted to the State on March 28, 2014. The MDSS immediately began implementation. On April 22, 2014, the BOS appointed the Acting Director to Interim Director. In June 2015, the CDSS conducted a fiscal monitoring review of the MDSS financial operations. In the summary letter of September 22, 2015, the CDSS said, “At the conclusion of the review, the CDSS monitoring team determined that overall, MDSS has adequate fiscal systems in place to track and control expenditures reported on the CEC and CA 800.” The CDSS requested a CAP for some needed accounting adjustments. As of November

3, 2015, the MDSS was working to complete the CAP by the due date of November 22, 2015.

A second Recommendation of GJ12/13 urged that adequate time and money be budgeted to train and support employees. All interviewees, including employees believed that adequate training was currently being provided to employees to support them to perform at acceptable levels. The MDSS currently maintains Training Binders for FY 2014-2015 and FY 2015-2016. These Training Binders document planned and completed employee training. Employee training is accomplished through an annual contract with the University of California at Davis. UC Davis is a recognized leader in the training of Social Service employees within the State of California.

Increased levels of training and support are necessary to realize increases in the levels of employee performance. On September 4, 2014, CDSS gave a RECOGNITION OF EXCELLENCE award to MDSS for meeting Application Processing Timelines for the Cal Fresh program at a 100% rate. On June 15, 2015, CDSS notified MDSS that their average Reassessment Compliance Rate for Fiscal Year 2014-2015 was above 80%. Exceeding 80% ensures that a Quality Improvement Action Plan would not need to be prepared.

That same Recommendation also urged the BOS and MDSS Director to develop non-confrontational strategies and techniques to ensure employee compliance with MDSS Policy. Interviews revealed that the Director holds regular staff meetings and makes herself available to employees for informal problem solving. Interviews also revealed a general concurrence in employee satisfaction with the Director's management style.

Another Recommendation of GJ12/13 asked that clear and concise guidelines for employee positions be developed, and new hires receive training on these guidelines prior to working on their own. It also asked that a mentor system be established. Interviews revealed that new guidelines have been developed and new hires are trained in these guidelines as part of a new hire orientation training policy. Each new hire has a lead eligibility worker assigned to them to provide mentoring.

An additional Recommendation of GJ12/13 suggested that a committee consisting of all stakeholders be formed to assess issues prior to the grievance process taking place. The formal grievance process agreed upon with the employee union, specifically describes an informal process that must be completed before an employee can file a formal grievance. The MDSS follows this process. The current MDSS Director has been in place since November 2013. No interviewees were aware of any formal grievances being filed in the MDSS from that date to present.

The last Recommendation of GJ12/13 suggested that GJ13/14 continue to investigate the MDSS. GJ13/14 did continue to investigate. Recommendations from that investigation are discussed below.

The first Recommendation of GJ13/14 states that the BOS needs to be more attentive to the performance and management style of all Department Directors, conduct top-to-bottom reviews, and listen to all employees' concerns in a timely manner, in order to prevent problems. Specific BOS members are designated as liaisons to each County Department. These BOS liaisons keep a careful eye on their designated Departments, but do not micro-manage. These liaisons make recommendations to the full BOS regarding Department Directors' performance and employee concerns.

The next Recommendation of GJ13/14 states the BOS should seek the assistance and expertise of an unbiased and balanced panel of applicant screeners including peers with whom the new MDSS Director would be working, and should include a mental health evaluation of the selected applicant. The current Director of MDSS was appointed as Acting Director in November 2013, then Interim Director in April 2014, and eventually Director in July 2015, a total period of 21 months. During these 21 months, the Acting/Interim Director established a record as a time tested, proven leader and manager, as described in several of the preceding paragraphs. The BOS did not believe a separate evaluation panel was needed. A mental health evaluation was not deemed necessary in this case. In fact, the BOS felt that such an evaluation might not even be legal.

The last Recommendation of GJ13/14 was that GJ14/15 continues to investigate MDSS. GJ14/15 elected not to investigate MDSS, in order to give MDSS more time to implement Recommendations prior to scheduling a review. However, GJ14/15, in a memo to GJ15/16, did ask that the MDSS again be investigated for compliance with Recommendations of the previous Grand Juries. The above "**DISCUSSION**" is the result of that investigation. In the same memo, GJ14/15 asked GJ15/16 to investigate the status of a proposal to integrate MDSS, the Department of Public Health, the Department of Behavioral Health and the Department of Environmental Health under one Director.

GJ15/16 did investigate the status of the Departmental Integration Plan. On July 28, 2015, the CAO recommended to the BOS to place the Integration Plan on hold while all of the Departments involved continue to refine core service delivery. It was felt that core service delivery might be degraded by such a major change at this time. The BOS concurred. In that same meeting, the BOS then appointed the current Director of MDSS. At the time the current Director of MDSS was appointed as Acting Director in November 2013, she was then the Deputy Director of Public Health. The BOS retained her in both positions concurrently, in anticipation of possibly implementing the Integration Plan. She filled both positions until being appointed Director of MDSS on July 28, 2015. After suspending the Integration Plan and appointing her as Director of MDSS, the BOS relieved her of duties as Deputy Director of Public Health and immediately began the process of filling the position of Deputy Director of Public Health. One of the employees interviewed remarked that the Director of MDSS was able to focus solely on management of MDSS after being relieved of duties as Deputy Director of Public Health.

The MDSS review did reveal three issues not previously identified. One was telephone communications with the public. Second is the area of salary scales, particularly for entry level employees. Third is Foster Care in Modoc County.

Interviewees and other anecdotal reports indicate that the public has the perception that MDSS employees are sometimes difficult to contact by telephone. For some people, telephone communications are the method of choice. Some people have reported waiting from several days up to ten days for call back. It is understood that MDSS employees are very busy with high caseloads, client conferences, staff conferences, training, vacation, and sick leave and cannot always be at their desks to answer incoming phone calls. In those cases, callers leave voice mails anticipating call back, or they call back repeatedly. Some callers are also busy people whose calls also go to voicemail, and do not want to get into a situation of phone tag. It is considered reasonable that a person may expect a call back or be able to contact an employee normally within 1 to 2 days. If employees expect to be away from their phones for longer than 2 days, perhaps voicemail messages could indicate when a call back might be expected or when the employee will once again be available for phone calls.

The second newly identified area of concern is one of MDSS employee salaries. The MDSS has recently completed two salary surveys comparing MDSS employees to Social Services employees in comparable counties. The salary disparity is most important for entry level employees of MDSS. The salaries of some entry level employees at MDSS actually make them eligible for the same public assistance benefits they are trying to secure for their clients. The MDSS has adequate budget to support increased salary levels because 98-99% of their budget is funded by CDSS through cost reimbursement. Increasing salaries at MDSS would have little impact on the Modoc County General Fund.

BOS members interviewed are aware of the salary disparity at MDSS. They say that MDSS is not an unusual case. All Modoc County Departments are facing the same situation, and to solve the condition in only one Department would not be fair to all other County employees. The BOS are currently planning to conduct a County-wide salary reclassification survey. However, employees feel it is not happening as fast as is possible.

There is not a certified Foster Care Agency in Modoc County. There are a few licensed Foster Care homes in Modoc County however, there are not enough to accommodate all the Foster Care needs arising in Modoc County. The result is that some local children needing Foster Care must be placed in Foster Care in adjoining counties. This results in severe separation trauma for the children, and makes family visitation much more difficult. At least one non-profit, non-governmental entity in Modoc County is interested in becoming a certified Foster Care Agency. The MDSS is responsible for Child Protective Services, which decides when to place children into Foster Care.

FINDINGS

- F1. It does not appear that MDSS is using their telephone system as effectively as possible to inform telephone callers regarding when they may expect a callback or when the employees will most likely be available for telephone contact.
- F2. Some Modoc County employees in all Departments are receiving salaries lower than they would if they were working in some other comparable sized counties.
- F3. A certified Foster Care Agency and additional licensed Foster Care homes are desperately needed in Modoc County.
- F4. Since November 2013 when the current MDSS Director was appointed Acting Director, MDSS has completed, submitted and implemented requested CAPs diligently and in a timely manner.
- F5. Since November 2013 to present, the MDSS budgeted sufficient time and money to adequately train and support employees.
- F6. The BOS and MDSS Director have developed non-confrontational strategies and techniques that ensure employee compliance with MDSS policy.
- F7. Clear and concise guidelines have been developed for employee positions. New hires are trained in these guidelines prior to working on their own. A mentoring system has been established and is implemented.
- F8. The MDSS follows the grievance process agreed upon County-wide with the employee Union, which includes an informal process.
- F9. The BOS designates members to serve as liaisons to all County Departments. The BOS did not convene an outside selection panel prior to appointing the MDSS Director on July 28, 2015. The BOS did not believe a mental health evaluation was necessary.
- F10. The BOS, the Director of MDSS and the loyal, dedicated employees have worked together to take the MDSS from a dysfunctional condition, to a fully functional condition.

RECOMMENDATIONS

- R1. It is recommended that the MDSS review their telephone voicemail voice policies to see if voicemail messages could contain sufficient information to inform callers as to when they may receive a callback or when the employee is likely to be available for phone contact.
- R2. The BOS should act as quickly as possible to complete the salary reclassification project.
- R3. The MDSS should move swiftly to assist non-profit organizations to become a certified Foster Care Agency, and to recruit more licensed Foster Care Homes.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Director of MDSS (R1 and R3)

From the following governing bodies:

- Modoc County Board of Supervisors (R2).

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Local Government – Modoc County Land Use Committee

June 6, 2016

SUMMARY

The Modoc County Natural Resources Land Use Advisory Committee (LUC) was formed in the early 1980s to provide technical advice to the Board of Supervisors (BOS). Recently, the LUC was disbanded when the Advisor's terms expired and the LUC was subsequently removed from the County Land Use ordinance. The Grand Jury recommends that the BOS reinstate the LUC and develop a new structure and guidelines to insure that Modoc County citizens have a forum to discuss and advise on the County's natural resources land use issues.

BACKGROUND

The Modoc County 2014/2015 Grand Jury requested that the 2015/2016 Grand Jury to follow up on the status of the Modoc County LUC. The Modoc County General Plan, adopted in 1988, outlines the multi-faceted aspects of land use in the county under Title 19. The LUC, composed of Modoc County citizens appointed by the Board of Supervisors, was organized to represent the multi-faceted interests in the county's public and private natural resource-based land use, which is farming, grazing, timber production, mining, recreation, environmental concerns, commercial, light and heavy industry. The purpose of the LUC was to provide technical advice to the Board of Supervisors regarding land use issues. The Committee was helpful in reviewing plans presented by the Federal Agencies, who are mandated by the Federal Lands Policy Act, to coordinate in advance with State and Local officials all land use proposals. The LUC served exclusively in an advisory capacity to the BOS.

In the early part of this decade, the LUC, appointed by members of the former BOS, attempted to assume a larger role in the land use decision making process and met with opposition by the incumbent BOS (as of May 2016). The BOS disbanded the committee when the terms of the LUC officers ran out. In 2015, the BOS voted to remove the description of the LUC in the County Ordinance, thereby removing the possibility of citizen participation in advising on Modoc County land use decisions. There is still a process for the citizens to be heard. Citizens may have anything put on the agenda opening the possibility of discussion and involvement.

METHODOLOGY

The Grand Jury interviewed a member of the BOS, a County administrative staff member, and a retired employee of a Federal Agency who was closely involved with the Land Use Committee during the 1980-2000s. The interviews helped ascertain the purpose and history of the LUC during these decades.

DISCUSSION

The Grand Jury agrees that citizen advisory committees are an important aspect of a democratic society. Individuals with expertise provide valuable advice based on their knowledge and experience and can help elected officials scope out appropriate responses to local issues such as those involving land use and natural resources.

Responding to another environmental and land use issue focused on the State of California's "Sustainable Groundwater Management Plan (2014)", the County has organized and assembled an Advisory Committee with the purpose of advising the County on the development of a groundwater management plan for the Modoc region.

In discussions with the member of the BOS, it was stated that the Board is considering reinstatement of the LUC using the Groundwater Management Advisory Committee as a model. The membership formation and adopted bylaws for managing this advisory committee's work are seen as a successful example and have been helpful providing advice to the BOS.

FINDINGS

- F1. The Modoc County LUC is disbanded and its description has been removed from the County Ordinance.
- F2. The BOS relies on two of its members and County staff to review and provide advice on current land use issues. They also consult with individuals, who have professional experience to prepare statements regarding a land use issue.

RECOMMENDATIONS

- R1. The BOS reinstate a Land Use Advisory Committee.
- R2. The BOS and County staff study the structure of the Groundwater Management Committee and adopt applicable aspects of this Committee's structure and formalities.

REQUEST FOR RESPONSES

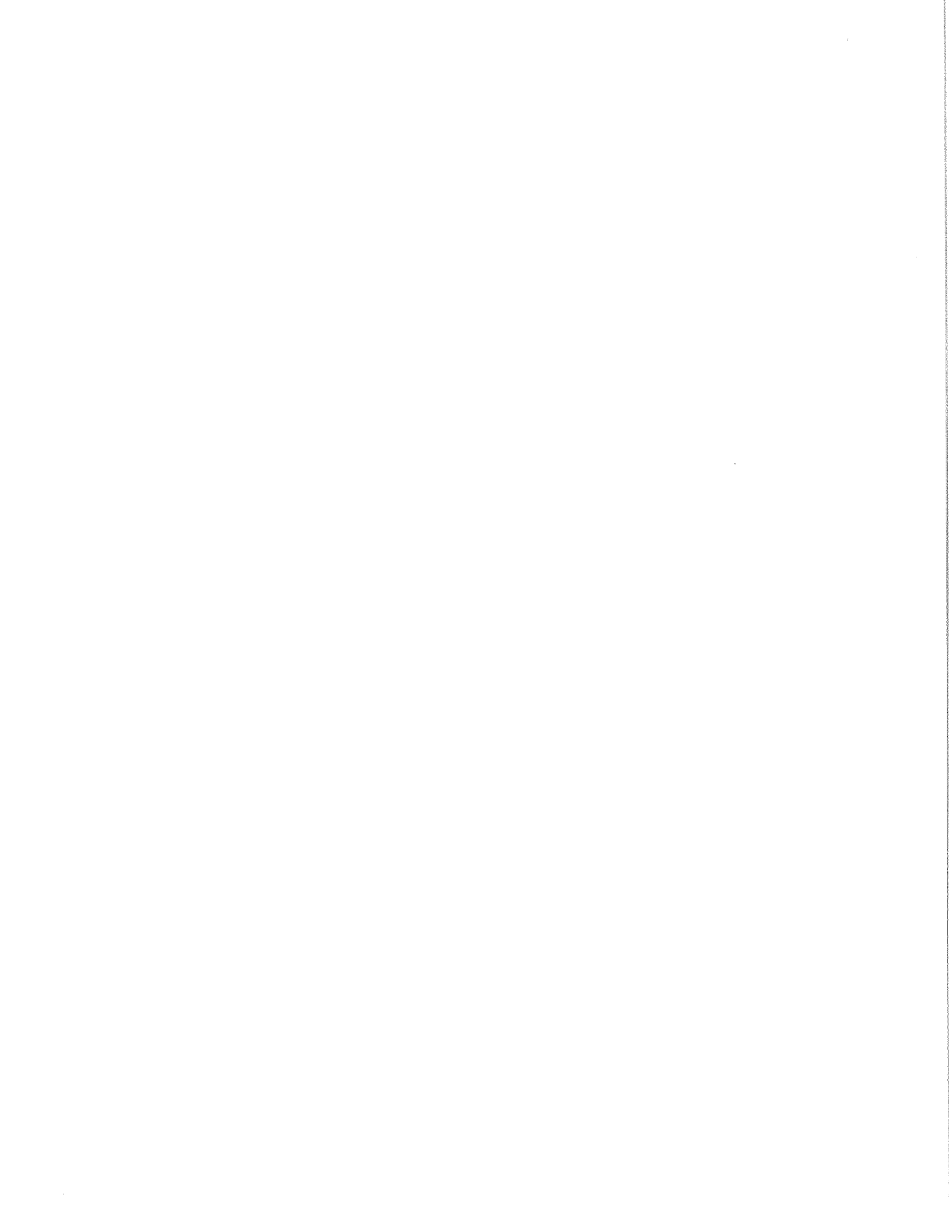
Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- The Modoc County Board of Supervisors: respond in writing to (F1, R1) and (F2, R2).

BIBLIOGRAPHY

https://www2.municode.com/library/ca/modoc_county/codes/code_of_ordinances?nodeId=TIT19COLAUSPL_CH19.02COLAUSPL_19.02.070

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.



Become a Grand Juror

The law states Grand Jury applicants must have the following qualifications:

- Citizen of the United States
- 18 years of age or older
- Resident of state and county or city and county for one year prior to being selected.
- In possession of natural faculties, ordinary intelligence, sound judgment, fair character.
- Possess sufficient knowledge of the English language.

Beyond the legal requirements, there are more specific qualifications which are desirable for a grand juror:

- A general knowledge of the functions, authorities and responsibilities of the county and city governments and other civil entities.
- Research abilities, including complex reading capabilities, background in accessing/analyzing facts and report writing.
- Substantial background in group/committee work.
- Respect and objectivity concerning the positions and views of others.

Contact the Modoc County Superior Court at 205 S. East Street, Alturas, CA 96101 or call 530-233-6516 ext. 1207 to learn more.

MODOC COUNTY GRAND JURY
205 S. East Street, Alturas, CA 96101 Phone: 233-6526
CITIZENS COMPLAINT FORM

Your name: _____ Date: _____

Home Address: _____ Zip: _____

Work Address: _____ Zip: _____

Telephone #:(Home) _____ (Work) _____

1. PERSON(S), OFFICIAL, DEPARTMENT, OR AGENCY ABOUT WHOM (WHICH) YOU ARE MAKING THE COMPLAINT:

Name: _____

Address: _____ Zip: _____

Telephone #: _____

Director of Agency, if applicable: _____

2. BRIEF SUMMARY OF PROBLEM (including dates of events and names of persons, officials, department, and agencies involved. Attach additional sheets, if necessary.)

3. PLEASE LIST THE PERSONS, OFFICIALS, DEPARTMENTS, AGENCIES, OTHER GRAND JURIES OR MEDIA WHOM YOU HAVE CONTACTED ABOUT THIS PROBLEM:

ENTITY	ADDRESS	APPROXIMATE DATE OF CONTACT
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. WHO DO YOU THINK THE GRAND JURY SHOULD CONTACT ABOUT THIS PROBLEM?

NAME	ADDRESS	TELEPHONE #:
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. REASON TO CONTACT THE ABOVE: _____

6. WHAT RESULT DO YOU WANT FROM THE GRAND JURY INVESTIGATION?

PLEASE ATTACH ANY CORRESPONDENCE OR SUPPORTING DOCUMENTATION THAT WOULD BE PERTINENT TO THIS COMPLAINT.

Among the many powers and responsibilities of the Grand Jury is the investigation of citizen complaints to assure that all branches of County government are being administered efficiently, honestly and in the best interests of its citizens.

All Complaints submitted to the Grand Jury will be treated in the strictest of confidence.

The undersigned hereby authorizes the Modoc County Grand Jury to disclose my identity to the person or office against whom or which I have made a complaint

Signature of Complainant

Date