

# Modoc County Grand Jury

## FY 2001/02 Report



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Last modified 10/22/2005 11:53:06 AM gts.*

## June 28, 2002

**Modoc County Grand Jury  
205 S. East Street  
Alturas, CA 96101  
(530)233-6222**

June 28,2002

The Honorable John P. Baker  
Modoc County Superior Court  
205 S. East Street  
Alturas, CA 96101

Dear Judge Baker:

The 2001/02 Grand Jury submits its final report pursuant to California Penal Code, Section 933.

There were relatively few complaints for consideration this year, which provided an opportunity to focus on other areas within our jurisdiction.

The Grand Jury completed a review of final reports for the past ten years, and compiled them by committee (topic) to assist this and future grand juries with their responsibilities. Several committees collected historical data and developed files to be kept for future reference and use. Additionally, we began a process to revise the Modoc County Grand Jury Procedure Manual. The last revision was completed in 1996. A draft will be completed for review, approval and reference by the 2002/03 Grand Jury.

Last, members of the 2001/02 Grand Jury extend their thanks for providing the opportunity to serve Modoc County. It was both an honor and a privilege, and I believe that all jurors learned much about the functioning of local government.

Respectfully Submitted,

Lesley J. Chace, Foreperson  
2001/02 Modoc County Grand Jury

**Modoc County Grand Jury  
FY 2001/02 Members**

Lesley J. Chace - Foreperson

Kathie Widby - Secretary

Barbara Boyd

Pam Couch

Mike Comola

Sharon Crabtree

Vaudine Cullins

Nicole Dorris

Tom Gifford

John Gilstrap

Alan Hopkins

Anne Mileck

Richard Olson

Doug Thayer

Laura Van Acker

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# **Audit**

## **Area of Study**

Modoc County Office of the Auditor and Recorder

## **General Report**

Grand Jurors met with the Modoc County Auditor/Recorder to discuss office functions and issues.

The Auditor/Recorder led jurors on a tour of the department. She demonstrated the Imaging and Cashiering System for recording documents. Jurors inspected the Vital Records and Deed Books, and saw where restoration and protection of old pages was undertaken to prevent further deterioration. All records are now stored electronically.

Jurors also learned about the County Accounting System. The County of Modoc is audited annually by an independent outside auditor. After competitive bidding, a contract is awarded for two years.

## **Issues**

Jurors learned that ever-increasing responsibilities and staff turnover challenge the efficiency of the department. In addition, the independent auditor recommended that the County develop and maintain a list of all State and federal grants.

## **Findings**

1. The County complied with the independent auditor recommendation to establish a centralized list of State and federal grants.
2. Due to the increased workload, there is need for one permanent full-time employee and one halftime employee.

## **Recommendations**

The Modoc County Board of Supervisors should carefully examine staffing, responsibilities and organization of the Office of the Auditor and Recorder; then consider adding/filling at least one more position.

## **Response Required From**

Modoc County Board of Supervisors

# **General Government**

## **Education**

### **Area of Study**

Modoc County Office of Education - Community School

### **Issue**

As a review of the 2000/01 Grand Jury recommendations about the Modoc County Community School, the Grand Jury met with Carol Harbaugh, Modoc County Superintendent of Schools; Vanston Shaw, Assistant Superintendent of Schools; and Peter Curren, Special Education Director. The jurors also visited the facility and met with Julia McCoy, the current instructor for the program.

### **Findings**

1. The Community School is still housed in the T.E.A.C.H. building. There have been a number of improvements made, including padding in the large room and weight training equipment for the students. The Why looked much better, and students had more room to move around.
2. The program has stabilized with the assignment of an instructor who is experienced with such students.
3. This program continues to serve a function as a placement for students who cannot succeed in any of the MJUSD alternative programs, and need to be provided with educational placements.
4. The plans for a permanent site are being pursued with an application anticipated to the State for building funds, contingent on a state bond issue passing in November 2002.

### **Recommendations**

The Modoc County Office of Education should undertake a site search and begin planning for a new, permanent site for the Community School. Funding should be sought from a variety of sources (not just from the state bond fund), in the event that the bonds do not pass or funding runs out before the school becomes eligible to receive it. It is possible to use internal funding, such as was used for the Stronghold School facility in Canby.

### **Response Required From**

Modoc County Superintendent of Schools

### **Area of Study**

Modoc Joint Unified School District (MJUSD)- Alternative Education

### **Issue**

The Grand Jury decided to examine the MJUSD alternative education programs, as they serve a

similar function as the County Community School.

Jurors met with Kathy Harrison, the principal, at the alternative education building (formerly New Directions.) Programs under her direction include the following: Warner High School, a continuation program; Independent Study for all grade levels; and two Community Day School programs, one for elementary and another for middle grade students. Ms. Harrison is also the district liaison for the Modoc Charter School.

Each alternative program serves different needs and different kinds of students. Independent Study students only meet a teacher for one hour per week. The continuation school operates four hours per day. The community day schools have a regular school day with daily mandatory attendance. Each school follows the MJUSD curriculum. The goal of alternative education is to return students to regular programs or to have them finish the approved curriculum.

Chartered by the MJUSD Board of Trustees, the Modoc Charter School is an independent school with a separate board of directors and separate budget. This K-12 program operates in Modoc, Lassen and Shasta counties, accommodating about 400 students, many outside Modoc County. A private company operates the program; As contract expires at the end of this school year. The charter school program is sanctioned under state law.

Although funding comes through the district, it is not subject to many of the limitations imposed on public school district funds.

### **Findings**

1. The MJUSD alternative education programs function in a caring and nurturing environment. The staff is very involved with each student, and programs are designed to help students succeed.
2. The Independent Study program has kept a number of students in contact with the public school system, and curtailed dropouts.
3. The Modoc Charter School has the potential to be a financial drain on the MJUSD, and the management is an issue.

### **Recommendations**

The Modoc Joint Unified School District should closely oversee the Modoc Charter School, and very carefully examine all contracts, expenditures and programs to ensure that the school is operating in the best interests of its students, parents and taxpayers of the district. Monitoring should be done quarterly, at minimum, with all financial reports provided to the board at regular intervals.

### **Response Required From**

Modoc Joint Unified School District

## **Health and Welfare**

### **Area of Study**

Modoc County Department of Social Services

### **General Report**

Grand Jurors met with the Director of Social Services to discuss services provided within Modoc County, and toured the premises.

### **Issues**

Child Protective Services (CPS)

Budget

### **Findings**

The CPS program currently serves about fifty (50) children with four staff persons. However, the number of care providers within the county is insufficient, as a result some children are placed in supervised care outside Modoc County. The annual budget for the department is about \$4.6 million with thirty-seven percent (37%) used for administration. The department serves between 800-900 families. About ten percent (10%) of revenues are derived from County funds. Funded wholly by the County of Modoc, the General Assistance program costs about \$65,000 per year. The department issues food stamps valued at \$51,000 monthly. All new applicants are photographed and fingerprinted. The Director of Social Services now handles the local Conservatorship accounts, formerly administered separately by the Office of Veteran's Affairs. The Modoc County Department of Social Services appeared to be well managed and functioning smoothly. The Director is to be commended for the knowledge and concern she brings to the job.

### **Recommendations**

None

### **Response**

None required

### **Area of Study**

Modoc County Health Services, including these four programs:

Mental Health	Public Health
Alcohol and Drug Services	Environmental Health

## **General Report**

Grand Jurors met with the Director of Health Services to discuss services provided within Modoc County. He provided a brief description of available programs, and guided a tour of the facility.

## **Issues**

Welfare and Institutions Code, Section 5150 (72-hour involuntary hold for mental evaluation) Living arrangement for recovering clients

## **Findings**

A Memorandum of Understanding (MOU) is in place between Modoc County Mental Health, Modoc Medical Center and law enforcement, defining shared responsibilities for the evaluation process under the Welfare and Institutions Code, Section 5 150 (hereafter 5150). Some criticism was received regarding the perceived reluctance on the part of Mental Health to issue holds for evaluation.

At the time of the interview, the department was working to set up a facility where recovering clients could live in a substance-free environment. Subsequently, the Modoc County Board of Supervisors rejected the proposed site.

Jurors found the Director to be well qualified and knowledgeable about the department.

## **Recommendations**

The department and local law enforcement should keep open lines of communication, and meet regularly to discuss issues and implementation of 5150 procedures.

The County should pursue establishing a Sober Living Facility.

## **Response Required From**

Health Services Department  
Modoc County Sheriff  
Alturas City Police

# Hospital

## Area of Study

Modoc Medical Center (MMC) and Modoc Medical Skilled Nursing Facility (SNF)

## General Report

Grand Jurors interviewed the MMC Administrator during three separate meetings and toured the facility. In addition, Grand Jurors monitored or attended MMC Board of Trustees meetings from September 2001 through June 2002.

## Issues

1. Complaint concerning treatment of patient in Skilled Nursing Facility (SNF)
2. Funding
3. Physician Recruitment

## Findings

1. The Grand Jury received a complaint in November 2001 regarding injuries sustained when an elderly patient fell. Upon investigation, jurors learned that the complainant filed several months earlier with the California Dept. of Health Services. Its Licensing & Certification Program (L&C) made an unannounced visit to the facility in September 2001 to investigate circumstances surrounding the complaint, but could not substantiate it. L&C found that MMC did not violate any State or federal laws and regulations, although some record keeping deficiencies were noted. Subsequently, MMC filed and implemented a plan of correction that included staff in-service to review its Body Assessment Protocol (to monitor resident's skin status on-going) and enhanced monitoring of completed Fall Risk Assessment and Body Assessment forms.
2. The sufficiency of funding and revenue for rural hospitals and nursing facilities is a common problem. For MMC, relatively high levels of debt exacerbate the problem. In 1990, the MMC bought the SNF for \$2.8 million. The current outstanding loan balance is about \$1.5 million with annual payments of \$336,000, principal and interest. In April 2002, the County Board of Supervisors approved a plan to request an advance on future county shares of Tobacco Coalition Funds in order to retire this debt. The creative financing solution will allow more revenues to be focused on operations and other necessary improvements.
3. Similar to many rural hospitals, physician recruitment continues to be a difficult task for MMC. However, jurors found that MMC recruitment efforts are extensive and continuous.

## Recommendations

None

## Response

Updates about the three issues will be appreciated, but are not required from MMC Administration.

# Hospital

## Area of Study

Surprise Valley Health Care District (SVHCD)

## General Report

Grand Jurors met informally with the Administrator and key employees at the facility. Jurors also attended Board of Directors meetings from September 2001 through May 2002.

## Issues

1. Funding
2. Physician Recruitment
3. Federal Certification

## Findings

1. Funding is a serious problem for SVHCD. In March 2002, Surprise Valley residents voted (87 % majority) to continue an annual assessment on homes occupied more than 90 days per year. Assessments produce \$96,000 income annually. The District also receives grants from the State and private foundations. However, funding and revenues do not meet the financial needs of the facility. SVHCD expressed serious concerns that the County Board of Supervisors voted to allocate all (100%) of current and future Tobacco Coalition Funds to the Modoc Medical Center in Alturas ,rather than share them with community-based health care facilities throughout Modoc County.
2. The Administrator listed the physician position on the California Rural Policy Job Opportunity website, and successfully recruited Dr. Mark Goodman, who moved to Cedarville.
3. The hospital successfully completed the State application process to become a Certified Rural General Acute Care facility with federal Critical Access designation.

## Recommendations

None

## Response

None required

## **Law Enforcement**

### **Area of Study**

Office of the Modoc County District Attorney  
City of Alturas - Animal Control  
Modoc County Sheriffs Office - County Jail  
Devil's Garden Conservation Camp - Correctional Facility

### **General Report**

The Grand Jury investigated two complaints this year, and toured both correctional facilities within Modoc County.

### **Office of the Modoc County District Attorney**

#### **Issue**

A former Assistant District Attorney filed a complaint alleging that the District Attorney had used office staff, County employees' time, County computers and supplies (paper) to assist in preparation of a personal lawsuit that he was pursuing.

#### **Findings**

The Grand Jury interviewed the complainant, the current District Attorney and staff members of the District Attorney's office. No merit was found for the allegations. Although the County staff typed pleadings on County computers, they did so on their free time or else made up the time. The paper was furnished personally by the District Attorney and not by the County of Modoc. The only thing that the County was not reimbursed for was the use of the County computer. The District Attorney informed the Grand Jury members that there was not a policy in effect, at the time, about personal use of the County computers. There now is, purportedly, a written county policy prohibiting this.

#### **Recommendation**

None

#### **Response**

None required

### **City of Alturas - Animal Control**

#### **Issue**

A complaint was received, stating that there were several incidents of a vicious dog being allowed to roam free within the city limits, and being encouraged to act aggressively towards the complainant.

**Findings**

1. At the time the complaint was investigated, the dog was deceased.
2. The City of Alturas has a current and adequate animal control ordinance in effect.
3. Enforcement of the animal control ordinance is within the jurisdiction of the Alturas City Police Department. Enforcement is difficult, given staffing constraints that preclude appropriate follow up on every animal control complaint.

**Recommendations**

None

**Response**

None required

Modoc County Sheriff's Office - County Jail

**Issue**

Annual inspection of the Modoc County Jail as required by state law

**Findings**

The jail seemed to be clean and relatively safe, and inmates appeared to be adequately taken care of. A broken window was observed in the "holding cell". Grand Jury members were concerned about potential injury and liability; jail staff informed jurors that the window was scheduled for replacement.

**Recommendations**

Replacement of the broken windows should be completed as soon as possible.

**Response Required From**

Modoc County Sheriff

**Devil's Garden Conservation Camp - Correctional Facility**

**Issue**

Annual inspection of the correctional facility as required by state law

**Findings**

An excellent level of cooperation was observed between the California Departments of Corrections and Forestry. The camp appeared to be well run, clean and efficient.

**Recommendations**

None

## **Public Works**

### **Area of Study**

Department of Environmental Health  
U. S. Forest Service  
Department of Public Works and Road Department

### **General Report**

The Grand Jury investigated two complaints filed during the 2001/02 term. In addition, jurors sought to gain an understanding about project selection and priorities for project construction within Modoc County.

### **Abandoned Wells**

#### **Issue**

A complaint was filed about an abandoned well on private property within the city limits of Alturas. The property owner was not aware that the well existed, and fell through the wooden cover, dropped 10-15 feet, and remained there until rescued several hours later. The complaint identified these concerns:

1. Need to recognize lead agency and procedures to locate and identify abandoned wells.
2. The Director of Environmental Health did not give the complainant sufficient information to be able to choose a contractor to fill the well with dirt.
3. The contractor hired did not complete the job in a timely manner.

#### **Findings**

Grand Jurors met with Greg Farnam, Director of Environmental Health, who explained that contractors qualified to fill wells need a C-5 7 contractor's license. Only two contractors in Modoc County currently have such licenses. Because the Director knew that one was busy in the Tulelake area drilling wells, he completed the initial forms and advised the complainant to use the other licensed contractor.

1. Since 1990, well drillers are required to file site maps for all wells drilled within Modoc County. Wells drilled before that date may be identified by the property owner or by historical well drillers' logs.
2. The Director of Environmental Health acted in a manner that he believed would be in the best interest of the complainant. Jurors concluded that he did not intend to mislead or misguide the property owner.
3. Because contractors are private businesses, complaints regarding timeliness or quality of work should be directed to the appropriate parties and oversight organizations.

## **Recommendations**

None

## **Response Required From**

Director of Environmental Health

### **Access to Modoc National Forest Lands**

#### **Issue**

The complainant alleged that a private citizen blocked Loveness Road, and access to the Modoc National Forest.

#### **Findings**

The Grand Jury learned that Loveness Road was not blocked illegally. During a meeting with U.S. Forest Service personnel, jurors determined that a private citizen owning property in the area obtained all necessary permits to lock access gates through his property. The parties involved agreed that such action was necessary, because individuals left gates open and cattle strayed onto non-approved areas. A letter was sent to the complainant, and the complaint was closed.

#### **Response**

None

### **County Roadway and Public Works Project Selection**

#### **Issue**

The Grand Jury met with the Road Commissioner/Director of Public Works and his deputies to learn about how County Road and Public Works projects are selected, funded and constructed. The committee gained valuable information about these departments and their efforts to identify needs and select projects within Modoc County. There are about 2,000 miles of maintained public roads in the county. The County maintained system accounts for 987.4 miles, of which about half are paved. Although several functional categories classify roads statewide, the County Road Department prioritizes needs and projects according to a hierarchy of four levels of regional roadways:

Primary paved roads, including County Roads 1, 54, 55, 91, 108, 111, 114 and 120

1. Secondary paved roads, about two dozen roadways
2. Local paved roads
3. Local unpaved roads

The County Road Department is not funded through the General Fund. Annual recurring revenues total about \$4 million, as derived from gas taxes; forest reserves (backfilling historical timber receipts);

and State surface transportation, match and congestion relief funds. Additionally, specific projects are funded by State and federal grants, and regional transportation revenues allocated by the Modoc County Transportation Commission. These special revenues may be used only on specific projects; for example, special revenues funded recent improvements to Canby roadways. For FY 2001/02 about \$8 million was budgeted in special funding.

On the other hand, the Department of Public Works is Raided through the General Fund with eleven separate budgets totaling over \$3 million for FY 200 1/02. However, nearly eighty percent (80%) or \$2.4 million came from State and federal grants or enterprise funds. The latter includes essentially self-supporting functions, such as Solid Waste Management, which derives revenues from property assessments and tipping fees. Project-specific grants funded recent improvements at the Alturas airport; also, grants will fund runway reconstruction at the Newell airport, scheduled for 2004.

Jurors received a Project Status Report identifying projects-in-process, whether being planned, designed or under construction. The Commissioner updates the list monthly. Jurors found that most needs or areas of concern were listed as Road or Public Works Department projects

The Grand Jury determined that these departments were doing their best to identify and address different needs across the county. Both departments appeared to be accessible to the public responsive to inquiries, and very receptive to public comments and opinions.

### **Recommendations**

None

### **Response**

None required

## Special Districts

### Area of Study

Fire Districts                      Irrigation Districts                      Resource Conservation Districts  
Cemetery Districts              Water Districts                          Pest Abatement District

### Issue

The Grand Jury discovered that specific information about Special Districts within Modoc County is not readily available. Because no specific complaints were received, jurors decided to inventory selected Special Districts and create a file for each entity that could be used by future Grand Juries. Following previous efforts, a questionnaire was developed to gather details about each organization, issues or problems and current needs.

### Findings

Questionnaires and return stamped envelopes were mailed to 32 of the 49 identified Special Districts. About 60 percent or 19 districts responded. Current fiscal data and budgets were obtained from the Modoc County Auditor.

All issues reported by Special Districts reflect a common need for more funding and resources. Summarized below are issues/problems, needs and comments submitted by individual districts:

#### Fire Districts

##### *Alturas*

Issues/Problems:              Money to update all safety equipment.  
Needs:                              Newer fire engines as those currently used are excess from USFS and CDF  
    Estimated cost of engines (\$200,000)

##### *Davis Creek*

Issues/Problems:              Financial or other assistance to pay or defray insurance and operating expenses.  
Needs:                              10 Personnel Protection Equipment for structure fires (\$1,500 per set)  
    6 updated Self Contained Breathing Apparatus (\$2,500 each)  
    4 or more radios (\$800 each)  
    Newer, updated fire trucks; current trucks are 25+ years old.

##### *Lake City*

Issues/Problems:              "Insurance is what is killing all fire depts."  
Needs:                              Water tender- 10-wheels with 4,000-gallon capacity (\$35,000)  
Comment:                        "Putting all of Modoc County Fire Departments back under the County umbrella would be a real life saver (insurance)."

##### *Likely*

Needs:                              Pagers; hand held radios; fire suits (structural and wildland); and new hose.

## Cemetery Districts

### ***Lake City***

Needs: New mower (\$1,200) and new trimmer (\$600.) "Old ones are worn out."

### ***Likely***

Issues/Problems: Fencing around property needs considerable repairs.

Needs: Mower replacement (\$5,500)

## Resource Conservation Districts

### ***Central Modoc***

Needs: Utility or service vehicles  
Utility trailer for stream monitoring and restoration (\$6,000 - \$10,000)  
Contribution to staff salary in order to meet the local match requirements on State & federal grants

### ***Surprise Valley***

Needs: Baseline funding to ensure continuity of service.

## Water Districts

### ***Newell***

Issues/Problems: "System is 40 years old and repairs are constant."

Needs: New sewer, water lines, new hydrant and new mixers.  
"Received 2001 planning grant, but did not get grant to implement improvements."

## **Recommendations**

1. To future Grand Juries- Continue inventory, follow up especially with those Special District that did not respond, and update files annually that will be retained by the Grand Jury.
2. To Fire Districts - Cooperatively explore the potential of forming a Joint Powers Authority or to join a specialized insurance pool in order to reduce insurance costs.

## **Area of Study**

Review response by Hot Springs Valley Irrigation District to 2000/01 Grand Jury Report

## **Finding**

After reviewing the response, jurors determined that no further action was necessary at this time by the Grand Jury.