

2006-2007  
Lake County  
Grand Jury Final Report

Hello

I am Barbara Lee and I am Sandi Damitz

Sandi and I are here from the Lake County Grand Jury.

At the end of each 12 month jury session .... a summary of the years work is published in an annual report .... and each year the jury holds a competition for the cover design of the report

For the second year in a row Monica Arevalo's artwork has been selected. The end of this month our report will be published and this will be the beautiful cover!

So on behalf of the Lake County Grand Jury

We would like to present this plaque and a check for 100 dollars to Monica and thank her from all the members of the 2007 Lake County Grand Jury for her beautiful design.

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**County of Lake  
Grand Jury  
PO Box 1078  
Kelseyville, California 95451**



June 30, 2007

The Honorable Stephen O. Hedstrom, Presiding Judge  
Superior Court, County of Lake  
7000 A South Center Drive  
Clearlake, California

Dear Judge Hedstrom:

In compliance with California Penal Code Section 933, I am pleased to submit to you the 2006-2007 Lake County Grand Jury Final Report.

I have now been a member of the Lake County Grand Jury for two years. Initially, as a member and committee chairman, and in the past year, foreman.

I suspect that I now know more about Lake County and its governing bodies than ninety-percent of the county population. I have, in all sincerity, been very surprised by so much of what I have seen and heard.

My contact with various governing bodies within the county has been very positive. The dedication and quality demonstrated was the rule, not the exception.

In particular, the County Administrative Office, County Counsel, The District Attorney's Office, and the Building and Grounds Maintenance crew have all been very helpful and cooperative. Also, the Sheriff's Office provided much needed assistance in related matters. The office of Assistant Director of Public Works/Water Resources is deserving of special consideration. For two years now, the Assistant Director has made every effort to make the Grand Jury aware of the history and ramifications of the momentous Middle Creek Project. Whether it was in the Assistant Director's office, in the field, or at the Grand Jury room, we became a well-informed jury because of him. For this I am truly grateful.

All the help from the aforementioned county departments allowed the Grand Jury to begin serving the county immediately following their training.

I had the good fortune to serve with a remarkable cast. They met their responsibilities in a professional manner and, in spite of numerous setbacks, they are arguably the most productive Lake County Jury in recent history.

The jury's mantra was: "What can we do to assist you in making things better for Lake County residents?" and they did!

I salute the 2006-2007 Grand Jury members!

Sincerely,

Jim Neil, Foreman  
2006-2007 Lake County Grand Jury

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*In our system of government, the grand jury is the only agency free from possible political or official bias that has an opportunity to see ...the operation of government ... on any broad basis. It performs a valuable public purpose in presenting its conclusions drawn from that overview ...”*

California Supreme Court, *Monroe v. Garrett* (1971) Cal. Appl 3<sup>rd</sup> 280

**Members  
of the  
2006-2007  
Lake County  
Grand Jury**

<b>Sandi Damitz</b>	Middletown
<b>Steven Esberg</b>	Lakeport
<b>John Gaffney</b>	Clearlake
<b>Lawrence Grant</b>	Clearlake Oaks
<b>Laurel Groshong</b>	Lakeport
<b>Pauline Hauser</b>	Kelseyville
<b>James Jackson</b>	Lower Lake
<b>David Johnson</b>	Clearlake
<b>Frank “Bob” Knutson</b>	Kelseyville
<b>Barbara Lee</b>	Lakeport
<b>Brondell Locke, Jr</b>	Hidden Valley Lake
<b>James Mackey</b>	Clearlake
<b>James Neil, Foreman</b>	Kelseyville
<b>Ralph Norton</b>	Glenhaven
<b>Louise Polhemus</b>	Kelseyville
<b>Carol Ripplinger</b>	Kelseyville
<b>Martha Steward</b>	Lakeport
<b>Dennis Van Meter. Sr</b>	Nice

*The harmony that was apparent in our jury was a wondrous thing. It aided the nineteen diverse members in completing a highly productive year. It is the hope that the pursuit of harmony will have a top spot on the new jury’s agenda.*

James Mackey, Grand Jury Committee Chairman

**BUDGET AND FINANCE COMMITTEE REPORTS**

Auditor-Controller Department Oversight

Auditor-Controller Payroll Department Oversight

Sheriff's Office Audit Oversight

Tax Collector-Treasurer Oversight

## **Auditor-Controller Department Oversight**

### **Summary**

This was an annual oversight visit of the Auditor-Controller Department.

### **Procedure/Methodology**

The committee met with the Auditor-Controller in January 2007. There was a discussion of several topics including recruiting, training, staffing levels, computer software, and general practices within the department.

### **Background and Discussion**

The Auditor-Controller's office is responsible for all payroll accounting for county employees as well as all disbursement of both county and grant funding that comes through the Tax Collector-Treasurer's office. The work of the Auditor-Controller's office is similar to a general accounting office.

### **Findings**

- There are no slow periods for government accountants.
- Much of the workload of the Auditor-Controller's employees is labor intensive and also audit-driven.
- The Auditor-Controller's office has an adequate computer system that handles basic accounting needs.
- The payroll system is inadequate which causes problems monthly when time sheets are due.
- External directives result in additional unexpected workload.
- The employees in this office have specialized civil accounting skills that are not readily available in other county offices or the current labor pool.
- Classes are currently not available at Lake County high schools or local community colleges to achieve the specialized skills for advancement in this department.
- Training in-house and outside the community is necessary to maintain the current staff skill level.
- On-the-job training programs have been useful and productive in the past.

### **Recommendations**

1. Efficient processing of payroll needs to be developed to reduce the monthly stress of county employees and Auditor-Controller staff.
2. Department heads, negotiators, and the Board of Supervisors should include or consult the Auditor-Controller on projects that affect staff capability and workload.

3. Employees in the Auditor-Controller's office who have unique job qualifications should be reclassified.
4. The number of staff accounting positions should be increased to surpass maximum workload and "loaned" to assist other departments during reduced periods and back-fill training vacancies.
5. Staff training incentives should be developed to encourage and maintain qualified employees who can be promoted from within.
6. Facilitating a work program for high school students or graduates in combination with a government on-the-job training program would be beneficial.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Auditor/Controller (within 60-days)

## **Auditor-Controller Payroll Department Oversight**

### **Summary**

This is an oversight of the Auditor-Controller Payroll Department..

### **Procedure/Methodology**

Members of the committee met with the Auditor-Controller in January 2007 and reviewed the general practices of the department when dealing with the county's employee payroll.

### **Background and Discussion**

The Auditor-Controller's office is responsible for the disbursements of both county and grant funding that comes through the Tax Collector-Assessor's office, as well as auditing and processing all payroll accounting for county employees. The Auditor-Controller's office operates as a general accounting office. Much of the payroll work is audit driven and reactive.

### **Findings**

- The general practices within the department were found not to be effective, economical, or use the latest technologies.
- The Auditor-Controller's office does not have a dedicated payroll-processing department.
- The employee time reporting system is antiquated and causes problems every month when the time sheets are due.
- There are computer programs available that would provide more accurate and timely employee reporting of their work hours.

### **Recommendations**

1. A staff dedicated to payroll, of at least two persons, should be created to process payroll as the primary function. Input, audit, and maintenance of records should be secondary.
2. The monthly employee time record processing should be automated, simplified, and relevant.
3. Department heads, negotiators, and the Board of Supervisors should include or consult the Auditor-Controller about projects and negotiations that affect payroll capability and workload.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)  
Auditor-Controller (within 60-days)



## **Sheriff's Office Audit Oversight**

### **Summary**

This was an oversight audit of specific Sheriff's Department trust accounts. Concerns regarding trust accounts within the Sheriff's budget came to the Grand Jury's attention during the annual county audit.

### **Procedure/Methodology**

The Grand Jury's Financial Services Committee met with the Sheriff, County Administrator and the Sheriff's chief accountant.

### **Background and Discussion**

In previous years, under-staffing and lack of a viable computer program caused discrepancies in year-end audits.

### **Findings**

- The Homeland Security Grant was reduced significantly from \$500,000 to \$175,000 in 2007.
- For the current fiscal year, the accounts are reconciled and both the sheriff and his accounting staff are confident that a solution is in place to correct past discrepancies in these accounts.
- The independent auditor will review these accounts in summer 2007. If necessary, they will be reviewed again in fall 2007.

### **Recommendations**

- The Grand Jury of 2007-2008 should follow-up on the status of these accounts.

### **Agency/Department Required to Respond**

None



## **Tax Collector-Treasurer Oversight**

### **Summary**

This was an annual oversight meeting with the current Tax Collector-Treasurer and the newly elected director of the department.

### **Procedure/Methodology**

The committee was briefed on operations and finished with questions and answers.

### **Background and Discussion**

The directors were open and receptive to questions and they provided background information regarding the management of tax funds received.

### **Findings**

- Deposits are invested with short and mid-range financial goals.
- Interest received on the county deposits is distributed to county departments.
- Banking costs are minimized.
- This department has a very low employee turnover rate.
- Supplemental Tax Notices are issued sporadically creating confusion for the taxpayers and causes an excessive burden on the department's employees.

### **Recommendations**

1. This committee recommends the department institute controls to issue Supplemental Tax Notices on a weekly or biweekly basis.
2. The Department should include detailed explanations for the basis of a Supplemental Tax Notice.
3. The public should be provided with information regarding a broad-based Supplemental Tax Notice release.

### **Agency/Department Required to Respond**

Lake County Tax Collector-Treasurer (within 60-days)



## **GOVERNMENT SERVICES COMMITTEE REPORTS**

Board of Supervisors Oversight  
Building and Grounds Department Oversight  
Clearlake City Council Meeting Visit  
Elder Abuse Complaint  
Information Technology Department Oversight  
Lakeport City Council Meeting Visit  
Marketing and Economic Development Department Oversight Visit  
Personnel Department Oversight  
People Services Incorporated Guest Speaker  
Public Defenders Contract Services Oversight  
Purchasing Agent Oversight  
Registrar of Voters Oversight  
Victim Witness Department Oversight

## **Board of Supervisors Oversight**

### **Subject**

The committee met with the Board of Supervisors in a closed-door session in September 2006 to discuss positive changes to benefit the employees of Lake County.

### **Summary**

This was an annual oversight meeting with specific recommendations for the board that was based on research done by the committee.

### **Procedure/Methodology**

The committee presented the board members with specific areas of concern regarding the current problems with recruitment and retention as well as specific recommendations for solutions.

### **Background and Discussion**

The Board of Supervisors and the County Administrative Officer acknowledged the persistent problems with retention of current employees. The reality of the county's inability to compete in the open market for quality personnel is clearly evident. This creates an untenable position for most departments.

The Board of Supervisors has responsibility over all county operations and intends to improve employee benefits this fiscal year.

### **Findings**

- The county has the most expensive health insurance monthly share-cost for employees of all government employers in the county. The rates are elevated by the high fee schedule at the local hospital.
- Recent improvements in retirement benefits for government employees have not been adopted in Lake County.
- County employees promoted to supervisory positions within their departments do not receive training in management and motivation skills.
- The most recent salary survey, contracted by the county, has not resulted in equivalent wages for county employees.
- If enjoying the rural lifestyle remains the only incentive to attract qualified individuals, our public services will continue to deteriorate.

**Recommendations**

1. The Board of Supervisors and Administrative Officer should implement a plan starting in the second half of the 2007-2008 fiscal year for all departments in the following order:
  - Reduce the hardship of health insurance to an acceptable level. Less than \$100 per month for family coverage would be acceptable, and this would be comparable to the county's school district employees.
  - Implement the preeminent standards for retirement benefits for all employee classifications.
  - Put into practice the use of a professional training program for all first level supervisors and secondary supervisors, with the full support of the department heads and elected officials.
  - Publish a three-year plan to be executed in January 2008 incrementally increasing wages first for professional and accredited positions, then non certified positions, to within 15% of the top of the average salaries in their classification based on the current wage survey adjusted for inflation.
  - Create an incentive program to induce prospective quality applicants to come to Lake County using hiring bonuses, relocation expenses, or low-interest loans for down payments on homes.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Administrative Officer (within 60-days)

## **Buildings and Grounds Department Oversight**

### **Subject**

This was an annual oversight meeting with the Buildings and Grounds Superintendent for the County of Lake.

### **Summary**

The Superintendent met with the committee to discuss issues related to maintenance of county facilities and department staffing requirements.

### **Procedure/Methodology**

This was a factual discussion regarding the number of buildings, translated into the number of square feet the department is required to maintain, and the staffing levels allowed by the county.

### **Background and Discussion**

The Buildings and Grounds Department is responsible for the maintenance of 285,474 square feet of public buildings. The average age of these buildings is in excess of 20 years with the oldest building in service being built in 1877. The department is currently operating out of an office in the courthouse, with storage and shop space on loan from the Sheriff's Department in the lower level of the old downtown jail.

### **Findings**

- The Buildings and Grounds Department has one supervisor (Superintendent), four full-time technicians, and one part-time office person. However, according to The "*Operations and Maintenance Benchmarks Research Report*" for 2005 cited the ratio for maintenance personnel is 1:30,000 square feet.
- There is no after-hours call-out availability of Buildings and Grounds personnel.
- The Buildings and Grounds operation has outgrown its current location.
- The Buildings and Grounds Superintendent spends most of his time working as a technician.
- A qualified technician with Lake County must be adequately trained in plumbing, carpentry, electrical, and heating & air conditioning, pneumatics, and computer technologies to fulfill the job requirements.
- Due to staffing levels, a qualified technician with Lake County must be able to work independently with minimal guidance.

- Construction projects under \$10,000 are usually handled by Buildings and Grounds because contractors customarily do not bid on projects of this size. Some routine maintenance is done by outside contractors for time efficiency.
- Optional construction projects with available monies are sometimes left undone due to unavailability of staff.

### **Recommendations**

1. The County of Lake should be supported by after hour's call-out staff for Buildings and Grounds.
2. The Buildings and Grounds department needs to be relocated to a facility that is sufficient in size to put all operations under one roof with room for expansion.
3. The Buildings and Grounds Department needs to be centrally located in the greater Lakeport area.
4. Pursuant to the "*Operations and Maintenance Benchmarks Research Report*" for 2005, the staff level needs to be substantially increased. Guideline levels indicate at least eight technicians for maintenance are needed.
5. A separate staff should be maintained and designated for construction projects.
6. If the staffing cannot be increased for maintenance, then the budget should be increased for maintenance contracts.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Public Services Department (within 60-days)

### **Bibliography**

*"Operations and Maintenance Benchmarks Research Report" (2005)*

## **Clearlake City Council Meeting Visit**

### **Summary**

The Clearlake City Council meets in the evening, twice a month on the first and third Thursdays.

### **Procedure/Methodology**

The Government Services Committee attended a meeting of the Clearlake City Council, in April 2007.

### **Background and Discussion**

None

### **Findings**

- Clearlake City Council and the City's Redevelopment Agency were having a joint meeting the evening the committee attended.
- The prepared agenda was followed in an organized manner.
- The public was treated with respect and was allowed ample time to ask questions and state opinions regarding items voted on by the council.
- The parking lot outside council chambers has insufficient lighting.

### **Recommendations**

1. For safety, the lighting in the parking area needs to be improved.

### **Agency/Department Required to Respond**

Clearlake City Council (within 60-days)



## **Elder Abuse Complaint**

### **Subject**

A complaint was received regarding the lack of staff, within the District Attorney's Office, to handle elder abuse cases.

### **Summary**

The District Attorney's Office, at the time of this investigation, employs one part-time investigator to handle elder abuse cases.

### **Procedure/Methodology**

The complainant declined to appear at a meeting with the committee to clarify various points in the complaint. The committee contacted the District Attorney's office and inquired about the allegations contained in the complaint.

### **Background and Discussion**

None

### **Findings**

- The newly elected District Attorney did not dispute that a need existed for an increase in staff assigned to elder abuse cases.
- The District Attorney's Office budget for 2007 includes requests for one full-time Deputy District Attorney, one full-time investigator who would assist the present investigator, and one victim advocate for elder abuse cases.
- The complainant is satisfied with the efforts of the District Attorney's Office to increase staffing to handle elder abuse cases. The complainant contacted the State Attorney General's Office in addition to the Lake County Grand Jury.

### **Recommendations**

1. The 2007-2008 Grand Jury needs to follow-up to determine if the new staff is in place.

### **Agency/Department Required to Respond**

None



## **Information Technology Department Oversight**

### **Subject**

This was an annual oversight meeting with the Technical Support Director for the County of Lake.

### **Summary**

This was an excellent opportunity to review technical support and the county's IBM AS/400 network.

### **Procedure/Methodology**

The committee had an open discussion with a question and answer session.

### **Background and Discussion**

The Technical Support Director was open and receptive to questions, plus provided background information on technical support. The committee was not aware of nor understood the problems with the old systems. The problems included updating the network to voice over IP (VoIP), obtaining countywide broadband, and backing up courthouse data.

### **Findings**

- The Information Technology (IT) Department needs two additional staff positions, a programmer analyst and a senior network engineer for high-level design and support.
- Several county departments have old hardware and outdated software to support the specific demands required for their work.
- High turnover and low pay for technical support staff has created a problem maintaining well qualified staff for the IT Department.
- The department has outgrown its current location.

### **Recommendations**

1. The IT Department staff should be increased to include two additional staff positions, a programmer analyst and a senior network engineer for high-level design and support.
2. All county departments should review their software and hardware and pursue upgrades to the most current version.
3. Incentive pay should be added to base classifications for education of staff members in software and network technology.
4. The additional workspace needed should be provided to the IT Department.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Technical Support Director (within 60-days)



## **Lakeport City Council Meeting Visit**

### **Summary**

The Lakeport City Council meets in the evening, twice a month, on the first and third Tuesdays.

### **Procedure/Methodology**

The Government Services Committee attended a meeting of the Lakeport City Council, in April 2007.

### **Background and Discussion**

None

### **Findings**

- The city council discussed a variety of items listed on the agenda.
- An addition to the agenda was discussed, voted on and approved.
- The agenda was followed meticulously with the only exception being the public was allowed to speak for more than three minutes regarding an agenda item.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Marketing and Economic Development Oversight Visit**

### **Subject**

An oversight of the Marketing and Economic Development and Information Center for Lake County was conducted by the Government Services Committee.

### **Summary**

The committee reviewed the marketing and development plans designed to maintain and stimulate business and promote tourism for Lake County.

### **Procedure/Methodology**

A PowerPoint presentation was given by the Economic Development Director of Lake County, followed by a question and answer session.

### **Background and Discussion**

A new business and marketing summary plan was implemented with a newly designed brochure and flyers that cater to specific interests.

### **Findings**

- The brochures are professionally published. They cover a wide range of interest that provide an opportunity for visitors to find and locate activities while exploring many of Lake County's hidden treasures.
- The Government Services committee is concerned that the potential sale or closure of Konocti Harbor Resort and Spa, a featured destination for tourism, could create a loss of revenue and marketing potential for the county.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Personnel Department Oversight**

### **Subject**

The committee reviewed the function of the Personnel Department and its relationship with the other county departments.

### **Summary**

This was an annual oversight meeting to gather information.

### **Procedure/Methodology**

Members of the committee met with the Director of Personnel at his office in August 2006. There was an open discussion regarding the underlying causes of resignations of county employees and recruiting problems faced by all county agencies. The director explained the duties of his staff. The Personnel Department processes all termination paperwork and related employee files.

### **Background and Discussion**

The Personnel Department administers the personnel policies of the county. The number of staff is limited and it does not contain a Human Resources division. It is involved in several aspects of county employment including health benefits, retirement benefits, training programs, and overseeing the county's personnel rules. The Personnel Department has identified four primary causes for employees to leave voluntarily; the high cost of health insurance, poor supervision and motivation, low salary, and deficient retirement compensation. The county doubled the Personnel Department's training budget this year, but that only affects the employees that work in the Personnel Office.

### **Findings**

- The employees in the Personnel Department are dedicated and caring people who want to provide the best opportunities for the employees of Lake County.
- Knowing the major causes for losing employees and not being able to affect change in those areas is frustrating to the Personnel Department.
- The training of first line supervisors throughout the county is inconsistent.
- Other government agencies in the county, such as the school districts, pay much less for health insurance.
- County employee retirement benefits are historically low and outdated.

**Recommendations**

1. Work with the Board of Supervisors and the Administrative Officer to develop a plan to improve the ability of all departments to maintain current employees and recruit quality employees for the county.
2. Mandate professional training programs for all first level supervisors. The full support of the department heads and elected officials is needed.
3. All Department training should be consolidated and handled through the Personnel Department.
4. Research health insurance possibilities to attain an acceptable employee share cost. A possibility would be a program similar to the county's school district employees.
5. Review retirement benefits for all employee classifications.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)  
Personnel Director (within 60-days)

## **Public Defender Contract Services Oversight**

### **Subject**

This was an oversight of the annual contract for Public Defender Services with Lake Legal Defense Services (LLDS).

### **Summary**

It was an excellent opportunity to review court procedures and how LLDS handles the public defender caseload with the contracted attorneys and the service contract between Lake County and LLDS.

### **Procedure/Methodology**

The committee held a question and answer session.

### **Background and Discussion**

The administrator of LLDS was open and receptive to questions and provided background information.

### **Findings**

- LLDS is continuously seeking new attorneys.
- To the detriment of LLDS inexperienced attorneys occasionally use LLDS for training and experience before moving to private or deputy DA practice.
- LLDS uses the slower pace of Lake County to solicit experienced attorneys who wish to enjoy a more relaxed environment. This approach seems to be working.
- There is no private consultation room for LLDS at the Lakeport courthouse.
- The current system for checking financial eligibility for public defender services is being improved.
- There is a pre-entry access security screening measures at the Lake County courthouse in Clearlake, but not in Lakeport .

### **Recommendations**

1. A consulting room should be provided at the Lakeport courthouse.
2. Improvements should continue to be made to the process of credit and financial eligibility checks for clients seeking free public defender service. This would prevent abuse of the county funds that provide these services for free.
3. The courthouses needs to be secured.

4. Implement a single source system reporting on all assigned cases to verify contractual obligations to the client and to LLDS for quality assurance.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Lake Legal Defense Service (within 60-days)

## **Purchasing Agent Oversight**

### **Subject**

This was an annual oversight visit with the Purchasing Agent for Lake County

### **Summary**

This was an excellent opportunity to review the purchasing procedures for all county departments. Support and training is provided for the staff, including forms and legal language necessary to request material and office equipment.

### **Procedure/Methodology**

There was a discussion of department policies with the Lake County Purchasing Agent.

### **Background and Discussion**

The Purchasing Agent was knowledgeable in his position responsibilities, open and receptive to questions, and provided background information we requested.

### **Findings**

- Currently, county purchasing operations are handled by each individual department.
- Some departments do not have their staff trained in purchasing procedures.
- Personnel changes sometimes leave departments without staff trained in purchasing.
- Staff unfamiliar with purchasing could result in the loss of savings by failing to: buy in bulk, negotiate service contracts, and identify surpluses. In addition, they could have difficulty managing the budget.
- The Purchasing Agent is seeking to reorganize the processes and bring control over the spending by centralizing the purchasing and service contracts for equipment and supplies.

### **Recommendations**

1. The county should facilitate training workshops for the staff. This would provide a thorough understanding of the legal terms and county requirements for completing the request forms and dealing with business agents.
2. Centralizing purchasing procedures would insure price and availability of supplies, product and service quality, and provide better budget control.

3. A consolidated purchasing department could better control shortages and surpluses.
4. Two new positions should be added to support purchasing and auditing functions and cross-train replacement personnel for key positions.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Purchasing Agent (within 60-days)

## **Registrar of Voters Oversight**

### **Subject**

This was an annual oversight meeting with the Registrar of Voters.

### **Summary**

The committee met with the staff of the Registrar of Voters in January 2007 at their offices in the Lakeport courthouse.

### **Procedure/Methodology**

The Registrar of Voters discussed the duties of the office, compliance with state and federal laws, new voting machines, permanent staff and temporary election staff.

### **Background and Discussion**

The Registrar of Voters is responsible for supplying a fully trained staff and functional Americans with Disabilities Act (ADA) approved voting site in every district involved in each election. The Office of the Registrar of Voters has the responsibility to facilitate a minimum of one election somewhere in Lake County every year, with the most being four elections in one year since 2000. To comply with the new laws passed, the county purchased an electronic voting machine for each district.

### **Findings**

- The Office of the Registrar of Voters has a dedicated year-round staff of two full-time people and a recent addition of one permanent part-time person.
- Prior to each election, there is a paid training class for persons staffing the polling places.
- With the advent of electronic voting machines, additional training and incentive pay were implemented.
- Persons staffing the polling places are paid.
- The campaign to register people to vote is ongoing. High schools in Lake County have elected not to participate.
- Although there were 46,859 people eligible to vote in Lake County prior to the 2006 election, only 31,564 were registered to vote.
- During the November 2006 election, polling place ballots received were 9,445 (14.9% of those registered).
- During the November 2006 election, absentee ballots received were 10,316 (16.2% of those registered absentee).

- The following statistics represent the vote in Lake County in November 2006:

Total County Est. pop.	Total Eligible Adults	Total Precinct Ballots Cast	Total Absentee Ballots Cast	Total Votes Cast
63,500	46,859	9,445	10,316	19,761
100 %	73.8%	14.9%	16.2%	31.1%

*Percentages are based on total county population*

- Every vote counts. Based on these results to make a majority, for each 10 people in the county, it only takes 2 votes to determine the outcome of the local election.
- The county paid approximately \$600,000 out of contingency funds for the electronic voting machines mandated by law.
- Five voters used electronic machines in Lake County in November 2006.
- The State of California and the federal government are to reimburse the county for the purchase of the voting machines. This has not occurred to date.
- The electronic voting machines purchased by the Registrar of Voters meets all ADA accessibility standards and were an exceptional decision in saving the county money, otherwise two machines per polling place would have been required.
- The Registrar of Voters shares office space in the Lakeport courthouse with the Auditor-Controller. The office space is grossly inadequate for the daily staff and storage, and has no room for expansion during elections.
- Absentee ballots are counted at the time they are received and are reported in the initial election returns.

### **Recommendations**

1. The permanent year-round staff should be increased to three full time positions.
2. The office of the Registrar of Voters should be doubled in size and a separate attached storage and election-handling space needs to be allocated.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)  
Registrar of Voters (within 60-days)

### **Bibliography**

*American Forces Press Service*

## **Victim Witness Department Oversight**

### **Subject**

This was a review of the function of the Victim Witness department of the Lake County District Attorney's Office.

### **Summary**

This is an annual oversight informational gathering meeting.

### **Procedure/Methodology**

The committee met at the Victim Witness offices during Domestic Violence Awareness month in October 2006, met the staff on duty, held an open discussion with the Victim Witness Director, and reviewed the facility and budgetary constraints.

### **Background and Discussion**

Victim Witness is a department within the District Attorney's Office that directly benefits crime victims in Lake County. The base funding is received from state and federal grants with very little monetary support from the county.

### **Findings**

- The department is currently housed in a 1950's era former residence with few upgrades.
- The Victim Witness Director is diligent in locating available grant money to support operations.
- Some grant money is shared with other law enforcement agencies.
- The staff has created a supportive environment for the comfort, consolation, and education of crime victims using their services.
- The caseload has risen considerably in the last few years; however, their ability to staff the office and to obtain grant money has not kept pace with the demand.

### **Recommendations**

1. The office should stay at the current location. For the comfort of the staff and the clients, the central cooling and heating system should be upgraded.
2. The county needs to underwrite the Victim Witness division budget to maintain and meet the needs of its clients.

### **Agency/Department Required to Respond**

Lake County District Attorney (within 60-days)

Lake County Administrative Officer (within 60-days)



## **Agritourism Oversight**

### **Subject**

This was an oversight visit to a Lake County business that is an example of agritourism.

### **Background and Discussion**

The Planning and Public Works committee visited a retail agriculture business located in Scotts Valley that is an example of agritourism. A University of California Extension agent for Lake County accompanied the committee on this visit.

### **Findings**

- Lake County Board of Supervisors has not completed the long-overdue General Plan Update.
- Lake County is trying to stimulate economic development by encouraging agritourism.
- The owner of the business that the committee visited described a number of frustrations while establishing his business. These issues were generally related to the retail permit process and to the fact that the business is located in close proximity to an area consisting of intensively farmed commercial orchards and vineyards.

### **Recommendations**

1. The county needs to complete the General Plan Update (GPU).
2. Planning Department staff has a well-defined set of guidelines with which to evaluate projects in the agritourism sector.
3. Critical among the issues that the GPU should address is the need for physical buffers between commercial agricultural uses and non-agricultural uses such as, residential areas, retail businesses (including agritourism businesses), casinos, and other enterprises which cater to the general public.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)



## **Air Quality Management District Oversight**

### **Subject**

This was an oversight of the Lake County Air Quality Management District (LCAQMD).

### **Background and Discussion**

The Director of LCAQMD made an annual presentation to the Lake County Grand Jury, Planning and Public Works Committee.

### **Findings**

- The Director of LCAQMD maintains the clean air in the Lake County Air Basin, which is within the boundaries of Lake County.
- Funding of \$350,000 a year comes from local fines, and federal and state money. No county general funds are used.
- Lake County continues to enjoy the cleanest air in California. LCAQMD monitors carbon, lead and nitrogen oxides produced from automobile exhaust, agriculture burning and wood fireplaces. Hydrogen sulfide is monitored at the Geysers.
- The LCAQMD produces an assortment of brochures for the public's education.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Cache Creek Dam and Indian Valley Dam and Reservoir Visit**

### **Subject**

The Grand Jury did an oversight visit of the Cache Creek Dam and Indian Valley Dam and Reservoir relative to the relationship that exists between the Lake County Department of Public Works (County) and the Yolo County Flood Control & Water Conservation District (District).

### **Summary**

As a Grand Jury, our duty to the County is not only to do oversight of the County government but also to inform our Citizens about issues in the County. This report has that very purpose in mind. There are misconceptions about Yolo County, Cache Creek Dam, Clear Lake, water rights and the effects on flooding in our County that need to be corrected.

### **Procedure/Methodology**

In November 2006, the Grand Jury met the District personnel along with the County personnel to tour Cache Creek Dam and Indian Valley Dam and Reservoir. The District encouraged our questions, observations and wanted us to understand the program developed and agreed to by both counties so any misunderstandings might be corrected or dispelled. Several of the Grand Jury members were privileged to observe a beautiful bald eagle sitting in a tree near the Dam, otters playing in the pool below the dam and other wildlife.

### **Background and Discussion**

Clear Lake belongs to the State of California not to Lake County, and the State gives Lake County the right to manage and maintain the lake. Contrary to popular belief, Lake County has never owned the water of Clear Lake. Persons owning land adjacent to the lake or lake water sources have riparian rights to take water from these sources. Riparian rights are a hold over from English Law.

The history for the first to claim water from Cache Creek goes back to 1854 when the Moore Ditch Company in Yolo County began preparations to take water from Cache Creek for irrigation purposes. In 1871, the Cachville Ditch Company disputing Moore's water claim filed a suit against Moore. A court decision against Moore was appealed and reversed to establish his claim. The appropriation law, where Yolo County secured their claim to Clear Lake water, was enacted in 1873 establishing the right of the first to file for water. About 1908, a Lake County resident, Mr. Highland spent \$10,000

on a plan to dam Kelsey Creek to supply water to farmers of that area but there was no interest so the idea was dropped. Later, when Yolo County was preparing to construct the Cache Creek dam, they approached the Lake County Board of Supervisors, asking if Lake County was interested in the lake water.

Based on Mr. Highland's experience, the answer was no, so the Moore interests, which had been in the Moore family for nearly fifty years, during which time they had acquired several ditch companies that passed into the hands of the Yolo Water and Power Company. This latter company made application for water from Cache Creek, naming Clear Lake and all the streams flowing into the lake. The application was recorded in the Lake County Recorder's office on May 28, 1912. Through some oversight, Lake County never applied for water so the rights to the water passed to Yolo County. In summary, an Appropriative Water Right is based on the "first in time – first in right" doctrine, diligent pursuit and beneficial use.

Clear Lake has over 100 miles of shoreline and a surface area of just more than 68 square miles. The majority of the lake bottom's depth ranges from 20 to 50 feet, with an average depth of only 26 feet and a maximum depth of 45 feet.

Having the water rights to Clear Lake did not provide enough water for farmers during dry years, hence the construction of Indian Valley Dam and Reservoir in 1974-75. The 3,800-acre lake (six miles long and one mile wide) is located in the chaparral-covered hills on the eastern edge of Lake County off Highway 20 via a 9.4 mile graded gravel road that provides long-term irrigation storage as well as reductions of flash flooding in Cache Creek. The dam also includes a hydroelectric power plant and on occasions this power generating facility is able to sell excess power to PG&E.

Indian Valley Dam and Reservoir is strictly for fishing with a 10-mph speed limit on the entire lake. There are two boat ramps, one at the dam (south end) and another at the north end. There is a privately owned small store and campground at the south end near the dam with toilets, showers and electricity.

### **Findings**

- Approximately 1.5 miles from Clear Lake, a rock ledge called Grigsby Riffle crosses Cache Creek. This Riffle is located at the confluence of Cache and Seigler Creeks near Lower Lake and is at a narrow point in the creek. The Grigsby Riffle is a natural limitation of water flow that controls the outflow from Clear Lake. In 1872, Captain Rumsey established the low point of the ledge as "Zero Rumsey" and all subsequent lake measurements are

based on this elevation – Zero Rumsey is equivalent to 1318.256 feet.

- There are two decrees, or laws, governing how the level of Clear Lake will be handled.
  - The Gopcevic Decree regulates winter water levels by setting a lake stage below which water may not be released and above which water must be released to reduce flooding. As actual lake level approaches the level indicated in the schedule for that date, conditions are taken into account so that the dam operation will minimize flooding, while allowing the lake to fill to 7.56 Rumsey. There are two exceptions: When the lake is filling rapidly, water may be released from the dam when the actual lake level is within one-half foot below the level indicated in the schedule. When the lake is falling and no rain is anticipated, the dam may be closed when the actual lake level is within one-half foot above the level indicated in the schedule.
  - The Solano Decree regulates summer water levels by establishing the allowable release based on the spring water level, however, if the lake does not reach a level above 3.22 feet Rumsey on May 1, then no water can be released.
- The Yolo Water District was created in 1951 to serve the needs of the local community by managing water resources for farming while stabilizing groundwater for other uses, and this results in pro-active water planning to everyone's benefit.
- In 1967, Yolo's District purchased the privately owned Clear Lake Water Company and the Cache Creek Dam giving them rights to store water in Clear Lake.
- Costs incurred for maintenance and improvements to the Cache Creek Dam and Indian Valley Dam and Reservoir are the responsibility of the District.
- Flow tests have been conducted to determine what would happen if there was not a dam on Cache Creek and to determine the optimum lake levels and flows at given times of the year so the best use of water is maintained. These testing results clearly demonstrate that the Dam does not cause flooding of Clear Lake. Another set of flow tests were done to determine the optimal level for the lake to maximize the release of water through the dam and to minimize plugging of the floodgates by floating debris.
- Indian Valley Dam and Reservoir not only manages the floodwaters, which reduces some of the flood risk in Lake County and improves Yolo County's ground water, but also stores and releases water for recreational and environmental uses in Lake and Yolo Counties.

The District manages the water in the reservoir by releasing as

- The District manages the water in the reservoir by releasing—as needed—through the dam.
- The County is notified whenever there are adjustments to the existing arrangement, for instance, whenever the Cache Creek Dam is opened or closed during rains or to maintain the level of Clear Lake for summer recreation.

**Recommendations**

1. The committee recommends maintaining the excellent relationship that has developed between the two governmental entities so everyone continues to benefit.

**Agency/Department Required to Respond**

None

**References**

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## **Central Garage Oversight**

### **Subject**

The committee made a site visit to the Lake County Central Garage.

### **Summary**

Central Garage personnel facilitate the cost-effective maintenance of county vehicles. In addition, they are involved in cost management in regards to the purchase of new equipment and vehicles.

### **Procedure/Methodology**

The committee met with the Director of Public Works and the Fleet Maintenance Supervisor in October 2006. A presentation was provided to the committee followed by a question/answer session and a tour of the facilities.

### **Background and Discussion**

None

### **Findings**

- Central Garage is funded via the billing of various county departments for rental and maintenance on vehicles and equipment.
- Inspections are done on a rotating basis every 90-days so that all vehicles and equipment meet Department of Transportation (D.O.T.) requirements.
- The Fleet Maintenance Supervisor has devised a “cost per hour” system for equipment and a “cost per mile” system for vehicles. This system is highly efficient in determining when a vehicle needs to be rotated out and replaced.
- The Lake County Board of Supervisors currently suggests replacement mileage for vehicles is 130,000. However, the Fleet Maintenance Supervisor can replace a vehicle at lower mileage, if it is determined to be cost-effective.
- Currently there are 123 road maintenance vehicles and 350 vehicles in the county fleet.
- Although most vehicles are maintained at Central Garage, those that are not cause difficulty in adhering to D.O.T. inspection schedules.
- The current South Main Street location for Central Garage is an area that has seen tremendous growth over the years. The traffic in front of its current location is continually increasing. This not only presents a potential hazard to the community, it also makes maneuvering equipment to and from the garage difficult.

**Recommendations**

1. The suggested mileage for vehicle rotation should be reduced from 130,000 miles to 90,000 miles.
2. All county vehicles should be maintained at Central Garage making it easier to adhere to D.O.T. inspection schedules and allowing for more efficient and accurate record keeping.
3. A new location for Central Garage would be beneficial to the community and to the county.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Central Garage (within 60-days)

## **Clearlake Code Enforcement Complaint**

### **Subject**

The Grand Jury received a complaint alleging lot line infringement and inadequate code enforcement.

### **Summary**

The property in question is divided property with a shared driveway. The complaint alleged that a “cabaña” constructed by one party on their own property encroached within the legal distance or “set-back” required from the lot line boundary. The complaint was filed by a neighbor and not from either party sharing the driveway in question.

### **Procedure/Methodology**

The code enforcement officer in question come to the jury room and discussed with the committee the allegations contained in the complaint.

### **Background and Discussion**

The property was classified as legal non-conforming when the City of Clearlake incorporated in 1980.

### **Findings**

- The party constructing the “cabaña” on his property obtained all permits necessary for legal construction.
- The lot line in question is not a property boundary but rather a public access road. Therefore, the lot line boundary code does not apply.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **County Sealer of Weights and Measures Presentation**

### **Subject**

The Agriculture Commissioner-County Sealer of Weights and Measures made a presentation in September 2006 to the Lake County Grand Jury.

### **Summary**

This is an annual oversight of county department.

### **Procedure/Methodology**

The commissioner provided informative literature related to his presentation followed by a question and answer period.

### **Background and Discussion**

Approximately 17% of the Lake County Agriculture Department's work time is spent overseeing, testing, and certifying the various scales and measurement devices in Lake County. Consumers are encouraged to report any inaccuracies in devices to the Sealer of Weights and Measures.

### **Findings**

- Four inspectors, two seasonal workers, and one clerical person oversee the county's 726 fuel pumps (used for motor vehicles, boats, and aircraft), as well as scales at grocery stores, packing sheds, wineries, and vendors of manufactured homes.
- The majority of errors encountered on weighing/measuring devices that are certified by the Sealer arise out of honest operator mistakes.
- Occasionally devices can malfunction due to mechanical problems that arise from wear and tear from normal use. These are infrequent and are usually caught by the Sealer during normal certification appointments.
- All weighing/measuring devices are required to be inspected annually, at a minimum.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Lake County Lakebed Management Presentation**

### **Subject**

A representative from Lake County Lakebed Management gave a presentation to the Planning and Public Works Committee regarding lakebed management.

### **Background and Discussion**

Lakebed Management regulates all structures (docks, walls, etc.) that are on Clear Lake. They also maintain boating and swimming areas, control aquatic weeds, and monitor water quality.

### **Findings**

- As the nutrient levels in Clear Lake have reduced over the past decade, the algae have also diminished. This process has encouraged the growth of aquatic weeds.
- Lakebed Management maintains an ongoing program to control aquatic weeds. These weeds choke-off boating and swimming access to the lake.
- The California Department of Pesticide Regulation regulates all herbicides used in this program.
- Permits for private use of pesticides may be obtained from the Lake County Agriculture Commissioner.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Middle Creek Flood Damage Reduction and Ecosystem Restoration Project Oversight**

### **Subject**

This is an oversight of the progress of the Middle Creek Project.

### **Summary**

The purpose of the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project is to restore the Middle Creek flood plain to its natural wetland ecosystem and provide flood damage reduction for certain areas in the flood plain. In doing so, the major nutrient flow from Middle Creek and Scotts Creek will be deposited in the newly restored basin, thus providing much cleaner water to the main body of the lake.

### **Procedure/Methodology**

A question and answer session was held with the Assistant Lake County Director of Public Works/Water Resources. In addition, correspondence with various government agencies and consultants was reviewed.

### **Background and Discussion**

The project will cause the urgently needed removal of an aging and failure-prone levee system, built in the early 1900's, that poses significant risk of harm to life and property. The project will require an exchange of like-title for replacement lands for property owners within the project area. Furthermore, the project has two primary benefits that are significant from both a public safety and an environmental perspective.

It will eliminate the current flood risk by removing substandard levees. These levees were never constructed to proper standards and have deteriorated over time, making them most prone to failure during a major flood event. Evacuation of the area was required in 1983, 1986, and 1988 with evacuation imminent in 1995. It is in the best interest of the county and those living behind the levees to have the project move forward without delay.

It will allow the project area to be reclaimed as a functional wetland, thereby improving the watershed health and the water quality of Clear Lake. The restored wetland will also increase habitat for fish and wildlife, greatly improving the bird nesting habitat and increasing the available spawning habitat for fish. The downstream benefits of the cleaner water flowing into and through Clear Lake will be felt as far away as the Sacramento Delta and San Francisco Bay. These

benefits cannot be measured at this time, but they must be recognized.

### **Findings**

- The project has secured authorization in both the House-Committee passed Water Resource and Development Act (WRDA) H.R. 2864 and the Senate- committee passed WRDA legislation, S.B. 728. Missing from these authorizations is a crucial mitigation factor.
- Several parcels in the project area are held by the United States in trust status for the Robinson Rancheria band of Pomo Indians. A county led effort has identified a plan to allow the trust title to be transferred to another similarly sized parcel owned by the tribe. This is a mutually agreeable plan for all parties and the county most strongly seeks language in the WRDA to allow for this exchange. Without congressional approval for equivalent replacement lands, the project simply cannot move forward as planned. If allowances are not made for the Indian Land Trust in the final WRDA, the project can continue, but at a much greater cost to Lake County. As of this writing, the sitting House & Senate have sent legislation to a congressional conference committee. Prospect for passage appears positive, but three issues remain to be resolved. They are:
  - the previously discussed Indian Trust Land Exchange
  - responsibility for the costs of Highway 20 relocation within the project area
  - responsibility for the costs of the power-poles relocation within the project area

### **Recommendations**

1. The 2006-2007 Lake County Civil Grand Jury recommends, in the strongest possible terms, maintaining the language authorizing the equivalent replacement lands. This is an essential element to a project that will benefit the entire population of Lake County and downstream areas for generations to come.

### **Agency/Department Required to Respond**

Department of Public Works (within 60-days)

## **Middletown Area Town Hall Advisory Committee Meetings**

### **Subject**

The Planning and Public Works Committee attended several Middletown Area Town Hall (MATH) meetings.

### **Summary**

The Grand Jury saw the newly organized and approved MATH Advisory Group concept as a possible resolution for the bigger problem areas around Lake County. The Grand Jury decided to look at the MATH Advisory Group to see if the same idea could work in other unincorporated Lake County communities.

The first official meeting of the group now known as MATH occurred in April 2006 with about 70 people attending. Over the next few months, the MATH name was selected from several suggestions. A purpose statement was also adopted based on the state code. It reads:

“The MATH shall advise the Board of Supervisors on such matters relating to the Middletown area concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works and planning as authorized by Government Code section 31010.”

### **Procedure/Methodology**

Beginning with the January 2007 meeting, the Grand Jury’s Planning and Public Works Committee attended several monthly meetings of MATH.

### **Background and Discussion**

The idea for the formation of some type of local advisory group began when several Middletown residents and business owners discussed problems facing the town, such as blighted properties and rapid development. A resident remembered a 2002 article in the Press Democrat about a non-profit group called the Forestville Planning Association that was formed to address issues in that unincorporated community.

In October 2005, one of the organizers of the Forestville group spoke at the Middletown Luncheon Club describing the group’s beginnings. Members of the Luncheon Club expressed interest in discussing this further and a return visit was set for an evening meeting.

In 1971, the state legislature enacted legislation authorizing municipal advisory councils, citing several reasons for such councils in unincorporated areas:

- The need for community influence over land use decisions in the area
- Inadequate resources to support incorporation
- Distance from the county seat that inhibits citizens from taking part in decisions affecting the community
- Need to unify a group of neighboring small communities with common problems

The Board of Supervisors unanimously approved the resolution on December 12, 2006. MATH meets the second Thursday of each month at 7 pm in the multi-use room of the Middletown school. All residents of the South Lake County Fire Protection district are members and may vote at any meeting. The mailing address is: PO Box 185, Middletown, CA 95461. The email address is: [mathtown-hall@gmail.com](mailto:mathtown-hall@gmail.com) to request agenda items or express concerns. A website is in the works.

### Findings

- There are needs in this county that are more complex than small communities can resolve. Solutions could come from larger group participation of several entities working together.
- The MATH governing board itself makes no decisions. All decisions and recommendations are made by a vote of the entire group attending the meetings. Board members run the meetings, keep the records, obtain information required for agenda items, and handle other administrative issues.
- The precise boundaries of MATH are set within the South Lake County Fire Protection District, and the number of Board members are as follows:
  - “Middletown Proper” is described as that area located south of Grange Road, north of Rancheria Road, west of Loconomi Road, and east of Anderson Springs Road – 3 members
  - South (Twin Pines Casino) is south of Rancheria Road to the county line – 1 member
  - West (Cobb Region) is west of Anderson Springs Road – 1 member
  - East (Butts Canyon) is east of Loconomi Road to the county line – 1 member
  - North (Coyote Valley) is north of Grange Road – 1 member
- The District 1 Supervisor has supported the formation of such a body from the beginning.
- Distance from the county seat and the daytime meetings of the

- Distance from the county seat and the daytime meetings of the Board of Supervisors and the Planning Commission inhibit citizen participation in county decisions that affect Middletown.
- The Middletown area's recent growth is creating unique concerns that are not within county jurisdiction, such as a heavily traveled state highway through the downtown area.
- The MATH meeting format is very loose and open. The beginning of each meeting has public input.
- MATH is currently focusing on:
  - Traffic
  - Youth activity
  - Design and placement of new street lighting
  - Downtown parking
  - A museum
  - Visitor center
  - Downtown park
  - Economic development
  - Affordable housing
  - Growth impact
- Unincorporated communities are encouraged to visit MATH to determine if this concept might be useful in other areas of Lake County.

**Recommendations**

1. The 2006-2007 Grand Jury recommends that the 2007-2008 Grand Jury follow-up on the progress of MATH.

**Agency/Department Required to Respond**

None



## **Spring Valley Water Facility Oversight**

### **Summary**

County Service Area No.2 (CSA No.2), Spring Valley Lakes water system currently services 412 active users as of September 2006. The Spring Valley water system is comprised of a treatment plant, two pump stations, approximately 66,600 feet of distribution pipe, and one 241,000-gallon water storage tank. On September 5, 2006, the Board of Supervisors passed an emergency ordinance limiting the amount of water used per single-family dwelling. In addition, the filling of swimming pools or hot tubs with system water is forbidden and no new service connections are allowed while the ordinance is in place. This ordinance is also a building moratorium.

### **Procedure/Methodology**

The committee met with two Special Districts Representatives, including the Special Districts Administrator and the Facility Maintenance Supervisor in November 2006. The Maintenance Supervisor provided an in-depth and informative tour of the facility. Following the tour, the committee was presented with a report detailing proposed upgrades. The Special Districts Administrator briefly explained what was in the report and answered questions asked by the committee.

### **Background and Discussion**

CSA No.2 is currently operating under a permit issued by the Lake County Environmental Health Department on June 16, 1982. In 1984, regulatory jurisdiction was transferred to the State Department of Health Services. At that time the system was nearing 200 connections.

### **Findings**

- The ordinance placed into effect in September was amended to remain in effect for a year. At the end of 2006, the Board of Supervisors could continue it for another year.
- After two years, the moratorium could be extended indefinitely by the California Department of Health Services, Drinking Water Branch. Two previous moratoriums in the mid-1980's and 1990's were imposed by the state and removed when necessary repairs were made.
- The current moratorium is based primarily on the many questions related to the systems delivery system. The Yolo County Flood Control District is the agency contractually responsible for delivery of the North Fork of Cache Creek water. The Special

District's Administration stated that the delivery system is antiquated and leaking badly. The Lake County Special Districts Department, the agency representing the Spring Valley Water Board, commissioned a water engineer to determine what the problems were and possible resolutions. This was completed in September 2006. His report indicated that water loss did exist, but that the existing antiquated meters were providing erroneous information. Until agreement and resolution are forthcoming the moratorium will in all likelihood remain.

- Approximately 400 building sites remain and once the moratorium is removed, house construction may continue. Because the rate of growth in Spring Valley is substantially greater than most county areas, another problem arises. At the current rate of growth and allowing for the moratorium, the current water allotment from the Yolo County Flood Control District will be exceeded by demand between 2018 and 2020. At that point the Board of Supervisors, sitting as the Board of Directors of CSA No.2, will have to seek an additional water allotment from the above named Yolo County agency. The added cost will be solely the responsibility of the Spring Valley water users.
- The current filtration system is aged and simple, but effective with minimal maintenance costs.
- The current system has reached its capacity in both on-demand water availability and filtration.
- Upgrades to the facility are necessary to allow any new service connections.
- Two plans are proposed for upgrading the facility:
  - The first plan includes additional sand-filtration units and a continual upgrade of the current system. This plan is scheduled to be done in three phases with completion being 2026 at an estimated total cost of \$2,958,000. The first phase would be completed in 2008 at an initial cost of just over \$1,500,000.
  - The second plan is for expansion using a more advanced micro-filtration technology. This plan would also be completed in three phases. The cost projections are estimated to total \$4,700,000 with completion of phase three in 2026. The initial phase cost would be just over \$2,700,000 and would be scheduled for completion in 2008.
- The more advanced micro-filtration plan's initial cost is more expensive; however, the continuing maintenance costs are subsequently lower.
- Financing for the upgrades is currently the major issue. The Special Districts Administrator has made proposals to the property owners in the area.

- When the water facility responsibility in Spring Valley was assigned to Special Districts, the maintenance for the roads and bridges was also included.
- Given the potential for further growth in this area of the county, upgrades to the CSA No.2 water facility will be fiscally beneficial in the long term for both the area and the county.

**Recommendations**

1. Questions concerning the distribution system in Spring Valley must be resolved and remediation undertaken as a first step.
2. Upgrading the CSA No.2 water facility needs to begin as soon as possible.
3. Responsibility for road and bridge maintenance in Spring Valley should be transferred to Public Works.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)  
Public Works (within 60-days)  
Special Districts (within 60-days)



## **Spring Valley Water Meter Complaint**

### **Summary**

This was an investigation into a complaint regarding the billing practices of Spring Valley Water District.

### **Procedure/Methodology**

In March 2007, the Planning and Public Works Committee received a complaint alleging fraudulent billing practices of the Spring Valley Water District, County Service Area No. 2. (CSA No.2).

Upon receiving the complaint the committee contacted the Special Districts Administrator (SDA) and arranged a meeting to discuss the issues listed in the complaint. In the meeting the SDA discussed various aspects of CSA No.2 and the ongoing improvement efforts of that district. A list of accounts was given to the SDA who investigated the alleged inaccurate meter readings and then sent a report to the committee with his findings.

### **Background and Discussion**

CSA NO.2 is in the initial stages of a vast upgrade to their water system. The Planning and Public Works Committee performed a site visit earlier in the year and the details of the upgrade are listed in the previous report titled, *Spring Valley Water Facility Oversight*.

### **Findings**

- In addition to upgrades to the water system mentioned in the committee's site visit report, new meters are being installed at every unit in Spring Valley. The District's consulting engineer, The California Rural Water Association and the Rural Community Assistance Corporation, recommended the meters. The new meters will be read by the use of an electronic "wand" that will transfer the information into a portable computer box. At the end of the day the information from the portable computer is transferred to the Special District's computer for billing. The upgrade process is over 60% complete.
- The meters listed in the complaint have not yet been upgraded and are manual-read meters. The meter reader erroneously typed meter readings into the "handheld" unit. This resulted in inaccurate bills. Immediately after being made aware of the errors by the customers, the Administrative Manager of Special Districts extended apologies to the customers involved. New readings were taken and the bills were corrected. The customers involved in this complaint are satisfied with the corrective actions of the Special Districts office. After installation of the new meters, human error will be minimized.

**Recommendations**

None

**Agency/Department Required to Respond**

None

## **Taylor Observatory Oversight Visit**

### **Summary**

Taylor Observatory, 5725 Oak Hill Lane, is located directly behind the high school in Kelseyville. They have been in operation since 1980. The planetarium opened in 1985. Major renovations took place in 2004 courtesy of the Kelseyville Rotary. The observatory website is [www.taylorobservatory.org](http://www.taylorobservatory.org).

### **Procedure/Methodology**

The Grand Jury visited the observatory and was given a PowerPoint presentation followed by a question and answer session. After the initial information was presented, the Grand Jury watched a show in the planetarium and looked at several objects in the night sky through the telescopes.

### **Background and Discussion**

None

### **Findings**

- The Taylor Observatory is unfortunately a well-kept secret that provides valuable service and information to the county.
- The goal of the observatory is to encourage and promote awareness and interest in astronomy.
- The observatory has a 16-inch computerized telescope housed under a dome capable of viewing 140,000 celestial objects. In addition they have an 8-inch portable computerized telescope, an 8-inch portable solar telescope, and a 2-inch portable solar telescope.
- Science and math scores among high school students in the United States are lower than several other countries. The observatory provides an excellent opportunity to interest children in science through astronomy.
- In 2005, the observatory was awarded a grant to develop curriculum for high school level classrooms. The grant has been renewed for next year.
- Starting in the 2007/2008 school year, astronomy classes will be offered at local high schools courtesy of the observatory. The classes will be presented throughout the county's high schools using videoconferencing.
- Currently, the observatory information is available at the Visitor's Center but not included in the press package sent out by the marketing department of Lake County.

- 
- Public events are held one Saturday a month including a classroom presentation, planetarium show and telescope viewing. Private events are held by appointment.
  - The number of events has more than doubled in the last two years along with the number of people served. As the number of patrons continues to grow, more equipment will be needed.
  - Recruitment of people to work at the observatory is an ongoing process.
  - The Friends of the Observatory was created to work primarily in fundraising efforts.

### **Recommendations**

1. The Committee recommends that the Marketing and Economic Development Department include the Observatory information in marketing materials sent out by the county.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Community Economic Development (within 60-days)

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE REPORTS**

Child Protective Services Complaint

Grievance Review Complaint

Indian Child Welfare Act Compliance

Jail Medical Service Oversight

Redbud Health Care District Oversight

## Child Protective Services Complaint

### Summary

During the tenure of both the 2005-2006 and the 2006-2007 Grand Jury, the Public Health and Social Services Committee has received, and attempted to investigate, numerous complaints of child abuse and neglect and the alleged unsatisfactory performance of Lake County CPS, a division of Lake County DSS.

Acronyms	
Committee	- Public Health and Social Services Committee
CPS	- Child Protective Services
DSS	- Department of Social Services
CASA	- Court Appointed Special Advocates

*While this report originated with investigations of specific child abuse and neglect and the performance of CPS, it has grown into a question of oversight of one of the largest and most important departments in Lake County. Many significant findings and recommendations are contained in this report; however, it should be read as a work in progress. This year's jury session came to an end June 30, 2007. At that time, this Committee was in the long-drawn-out process of re-petitioning the courts for the CPS records that are necessary to complete a thorough and fair investigation. This committee will hand over the investigation to next year's Grand Jury with the hopes that they will be granted permission by the court to access the needed records and continue to investigate the complex issues involving CPS.*

### Procedure/Methodology

In the course of this investigation, the Committee interviewed licensed day-care workers, health-care professionals, concerned members of the community, and organizations involved with the welfare of children -- all who have routine contact with Lake County CPS. California DSS staff and Lake County CPS staff, including the Director, Deputy Director of Adult and Children's Services, and Program Manager of Children's Services, a former social worker newly promoted to supervisor, and a social worker responsible for "Emergency Response" were also interviewed. The Committee consulted with County Counsel and the District Attorney to obtain legal advice. The Committee interviewed the Chairman and members of the 2005-2006 Grand Jury Public Health and Social Services Committee. The Committee met frequently with complainants and witnesses. In addition, court petitions were prepared and filed with the Juvenile Court to obtain access to the needed Lake County CPS

records. The results of the petitions was a hearing in April 2007 before the Juvenile Court Judge. At this hearing, access was not granted. Amended petitions are being filed.

### **Background and Discussion**

The history of this investigation began with last year's Grand Jury and will continue with next year's Grand Jury. Following the much-publicized abuse of two young Lake County children in November 2005, last year's Grand Jury received a complaint charging Lake County CPS with neglect and was contacted by a state assembly member regarding the pending investigation of that abuse. For most of last year's session of the Grand Jury, that Committee attempted unsuccessfully to access the records of Lake County CPS. While Lake County CPS cooperated within the bounds of the child confidentiality laws that govern them, that Committee was unable to access all the records needed to corroborate or deny the validity of the complaints. Last year's Grand Jury decided further investigation was needed and voted not to publish their report, but rather to "roll-over" the complaint to this year's Grand Jury.

The Committee learned that Lake County CPS was investigated by the State beginning in late 2005. The Committee contacted the California DSS in mid-September 2006 to inquire about the state's investigation. Three months later the Committee received information, which included correspondence between the federal, state, and Lake County DSS agencies and the actions that resulted. The Federal agency had tracked the much-publicized events between November and December 2005 regarding the abuse of two young brothers in Lake County. Facts from this horrific case, as well as an erroneous statement made by the Deputy Director of Lake County CPS regarding local CPS protocol, prompted the Federal agency to raise questions about Lake County CPS and request the investigation. The Federal request was to:

*"investigate the processes used to investigate the referrals of abuse and neglect in this case, determine whether Lake County's CPS responded in accord with State policies and procedures and provide a report to the Administration for Children and Families (ACF) Regional Office within 30 days from the date of this letter."*

The California DSS conducted both an on-site and online review of the Lake County Child Welfare Services program in January 2006. As a result, the California Children's Services Operations Bureau and Lake County CPS jointly developed a "Corrective Action Plan" to strengthen the deficiencies found during the State's investigation.

This plan focused on training and assessment procedures and provided written clarification on the statutory authority of the local agency to remove children. As a result, an official Memorandum of Understanding was recorded between Lake County CPS and all Lake County law enforcement.

The committee was surprised to find that at the conclusion of the State's onsite visit, a letter from the Lake County DSS Director to the State dismissed the gravity of the visit and refers to it as an ordinary "technical assistance review" that other counties would also routinely receive rather than the urgent request from the Federal Department of Health and Human Services.

This Committee maintains that the only way to complete a balanced investigation and answer the allegations posed by the complainants is to access the CPS records in question. At the advice and assistance of County Counsel and the District Attorney, the Committee initiated the necessary steps in October 2006 to prepare the petitions. However, between the District Attorney's schedule and the Committee's ongoing investigation with another Lake County CPS related complaint, the Committee was not able to complete the petitions until March 2007 (See the Committee's report, *Indian Child Welfare Act Compliance*, p.83). The Committee then met with the District Attorney who agreed to file the petitions and represent the Grand Jury before the Juvenile Court.

A hearing date was scheduled in April 2007 and at this hearing, the Juvenile Justice Judge determined that the Jury's request for records was too broad, lacking specificity. Counsel who represented Lake County DSS at the hearing argued that the California DSS was responsible for monitoring Lake County DSS' performance and the Grand Jury need not be involved. However, this Committee continues to receive additional complaints into May 2007, even with the California DSS oversight of Lake County DSS.

In May 2007, the Committee spoke with the California DSS Children's Services Operations Bureau Chief who was one of three policy people responsible for reviewing all county Self Improvement Plans and following up on matters requiring additional action. The California DSS was specifically looking at the "assessment of the referral" (the emergency response action) and the "recurrence rate" (was this an additional or first-time referral?). The most recent follow-up by California DSS was in December 2006, which resulted in no

additional written report, only a final review. Their summation was that things seemed satisfactory, there was “no radar alert” and nothing negative had been recently “heard” about Lake County. The Committee also spoke with the Chief of the Children’s Services Operations & Evaluation Branch of California DSS for an update on Lake County who confirmed the Bureau Chief’s information above.

Revised petitions have been prepared following the Judge’s suggestions made at the April hearing and are in the process of being filed. This Grand Jury session will end on June 30, 2007, which leaves insufficient time to include the outcome of the pending hearing on the revised petition in this report. Since this Committee has not been allowed access to the confidential records, it cannot determine if Lake County DSS operations are in fact satisfactory and in accordance with Federal and State policies and procedures, or unsatisfactory, as the numerous complaints received by the Grand Jury allege.

### Findings

- Grand Juries in other counties have been given access to CPS files while investigating complaints or performing oversight. The Solano County Grand Jury filed a petition and gained access to all files for a 6-month period just 2 years ago. There are similar situations throughout California in the past several years relative to Grand Jury access.
- California DSS investigated Lake County CPS at the request of the Federal Department of Health and Human Services. The following are some of the operational procedures jointly developed by the California DSS and Lake County DSS:
  - Implement plan for better documentation to support decision-making process.
  - Establish a uniform process for ongoing provider feedback.
  - Work with Regional Training Academy to identify staff training needs for Emergency Response and Family Maintenance, develop a training plan, and provide training.
  - Plan and implement Structured Decision Making software. (This creates a link for decision-making based on a standardized safety assessment model).
  - Provide administrative oversight to assure uniform standard of practice in Emergency Response.
  - Reinforce the policy and procedures for Child Welfare Services authority to place children into protective custody for physical and sexual abuse.
  - Clarify, with staff, agency role in responding to physical and sexual abuse referrals.
- Since this Committee is still unable to access confidential files, the committee only has the “word” of the California DSS that these operational procedures have been corrected.

- Even after Lake County CPS/DSS received a review and completed a Corrective Action Plan from California DSS, this Grand Jury continues to receive complaints about Lake County CPS into May 2007.
- Lake County CPS appears to be self-governing with minimal oversight from the State but ultimately, the Director of DSS answers to the Board of Supervisors.
- Staffing is an ongoing problem. Management and supervisory positions consume much of the manpower and budget leaving critical staff vacancies chronically empty. As of the writing of this report, the Children's Services Program was budgeted for 21 social workers, but there were currently 8 vacancies. However, there was a Director, a Deputy Director of Adult and Children's Services, a Program Manager of Children's Services, and two supervisors in this division. The department staffing appears disproportionate.
- The Chief of the California Children's Services Operations and Evaluation Branch thought there was a huge pay gap between Lake County social workers and its administration. In fact, the Chief stated Lake County is "at the top of the worst" for social workers as far as compensation is concerned. A Social Worker I requires a bachelor's degree and receives compensation from \$2,192.00 to \$2,664.00 per month. A Social Worker IV requires a master's degree and receives compensation from \$2,937.60 to \$3,571.20. The Director of DSS, on the other hand, receives compensation from \$7,120.31 to \$8,654.78 per month (figures from the 2006-2007 Lake County Final Budget).
- Lake County CPS recently implemented "Structured Decision Making," software designed to improve risk assessment.
- Earlier this year, it was proposed to the Board of Supervisors that Lake County work to re-establish the CASA (Court Appointed Special Advocates) Program. Approval was granted to proceed with the first phase of the process, applying for a Planning and Development grant for \$10,000. At the writing of this report, the application was on track to be filed by the July 6, 2007 deadline (Additional information about CASA is available at [www.nationalcasa.org](http://www.nationalcasa.org)).
- Revised petitions have been submitted to the District Attorney for refiling using the suggestions of the Juvenile Judge.
- Many California counties employ a paid ombudsman for DSS. The ombudsman can be contacted by individuals or agencies who are having difficulty reaching CPS or require assistance with understanding CPS policies and procedures. Many complainants / witnesses this committee met with may have initially had their complaint resolved had there been such a mediator.

- This committee was constantly advised by individuals and agencies that calls to CPS were not returned in a timely manner.

### **Recommendations**

1. This Committee recommends that the 2007-2008 Grand Jury continue this investigation.
2. This Committee recommends creating a paid ombudsman position for Lake County CPS. This person should be objective, unbiased and not an employee of the Lake County DSS. The ombudsman's contact information should be on all documents and notices to families, or other involved agencies.
3. This Committee recommends creating an independent Advisory Board to oversee Lake County CPS. This Advisory Board can determine if Lake County's CPS is providing for the children in the system, receive complaints and provide a place for fair hearings. This Advisory Board should include a County Supervisor, the county ombudsman, representation from the Children's Council, licensed day care providers, child care associations (Easter Seals, etc.), and other consumers of the agency.
4. This Committee recommends that the Board of Supervisors face head-on the staffing and management problems at Lake County CPS. It is ultimately the Board of Supervisors' responsibility to ensure that the Lake County CPS is performing efficiently, and that children at risk in this county are receiving the help they deserve. This Committee encourages the Board of Supervisors to take this responsibility seriously and not assume that everything is being done from within the department or that the state is effectively overseeing Lake County CPS.
5. This Committee recommends that Lake County CPS management monitor and assure that implementation of Structured Decision Making software is successful without resulting in the loss of the human element, which is critical when helping at risk children.
6. This Committee fully supports the development of a CASA Program in Lake County. It is a community based volunteer organization that will provide a voice for the best interest of the children in our court system.
7. Lake County must fill the vacant social worker positions. A realistic pay scale is required to attract qualified individuals.
8. Lake County DSS needs to engage in "active recruitment" for vacant positions. Some suggestions are:
  - Lake County DSS could contact local high schools and community colleges encouraging students to consider social work.
  - Lake County DSS could pursue cooperative relationships with the community colleges and the Lake County Office of Education to ensure the appropriate college classes are offered locally. These classes could assist current Lake County DSS employees in career advancement.

- Assist current employees with tuition and/or time off to take the appropriate classes for social worker eligibility.
  - Provide a “signing bonus” for hard to fill positions.
  - Be open to creative hiring practices, such as part-time or job sharing as approved by the State.
9. This Committee recommends social workers personally answer their telephones. If an answering machine is used, the worker should have time set aside each day for a callback period.
10. Lake County CPS has an after hours “hotline” for emergencies. The call is not answered by an individual but uses the “answering tree” system. The answering machine advises the caller to select from a number of choices. The Committee believes that most people who call that number in an emergency would hang up given the current message. The message should be rearranged to inform of the emergency access immediately instead of taking several minutes to get to that part of the message.

#### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Lake County Department of Social Services (within 60-days)

#### **References**

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- *California Manual of Policies and Procedures, Child Welfare Services Program*, (2005, February 16).
- *Disclosure of Confidential Child Abuse and Neglect Records: Summary of State Laws, National Clearinghouse on Child Abuse Information*, (2006, October 06), [www.nccanch.acf.hhs.gov](http://www.nccanch.acf.hhs.gov).
- *History of the CASA Movement*, (2007, May 30), [www.nationalcasa.org](http://www.nationalcasa.org).
- *Lake County Record Bee* articles:
  - *\$100,000 bail for suspect in 4-year-old’s vicious beating*, (2005, November 22),
  - *Suspect in boy’s beating faces 12 years in prison*, (2005, November 26),
  - *Tragic story of abused boys*, (2005, December 1)
  - *Abuse case raises questions*, (2005, December 17)
  - *Child abuse case resumes Jan. 30*, (2005, November 26)
  - *Man accused of child abuse pleads guilty*, (2006, February 22)
- *Structured Decision Making – An Overview*, (2007, April 4), [www.neglected-delinquent.org](http://www.neglected-delinquent.org).
- *Structured Decision Making: Background*, (2007, April 10), *Juvenile Justice Bulletin*, [www.ncjrs.gov](http://www.ncjrs.gov).
- *Structured Decision Making*, (2007, April 10), *Children and Family Services Division*, [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov).



## **Grievance Review Complaint**

### **Subject**

In August 2006, this committee received a complaint regarding the decision of a Lake County Department of Social Services review.

### **Summary**

The complainant, an approved day care and foster care provider, had been advised in the fall of 2005 by Social Services personnel that she was a candidate for adoption of a child in the Child Protective Services (CPS) system. The complainant was later advised in December 2005 that the adoption proceedings had been terminated because the complainant and the complainant's mother had participated in negative publicity regarding the operations of the Department of Social Services. The above communications were verbal, and not written. The complainant believes this action by CPS was unjust retaliation because of participation in the negative publicity. The complainant was unable to locate the Department of Social Services' written decision in this matter.

### **Procedure/Methodology**

The committee interviewed the complainant to obtain information regarding the issue. In September 2006, the committee contacted the Director of the Department of Social Services to attempt to obtain information and/or a copy of the Department's decision, which is a matter of public record. In October 2006, the committee also requested a copy of the Department's decision from both the District Attorney's office and the County Counsel's office. In March 2007, the committee again contacted the County Counsel's office for assistance in this matter. In that same month, the committee finally received a copy of the decision that the complainant received in January 2006.

### **Findings**

- The Department of Social Services' decision in this grievance was mailed to the complainant on January 30, 2006.
- The "Reasons for Decision" of the Department were accurately made in accordance with the Welfare and Institutions code 306.5.
- There is no reason to indicate why this decision, a matter of public record, could not have been made available by the Department of Social Services to the Grand Jury in a more timely manner.

**Recommendation**

1. Responses to Grand Jury requests for public record information must be provided in a timely fashion to avoid unnecessary delays in time and resources.

**Agency/Department Required Respond**

Lake County Department of Social Services (within 60-days)

## Indian Child Welfare Act Compliance by the Lake County Department of Social Services and Child Protective Services

### Summary

While investigating a complaint regarding a Lake County CPS case, the Committee discovered the case met with ICWA criteria. This federal act was created to stem the disproportionate number of Indian children placed and adopted out of their Indian communities, without input from their tribe. In 1978, the U.S. Congress passed the Indian Child Welfare Act (PL 95-608) for the purpose of protecting the best interests of American Indian children.

It was designed to promote the stability and security of Indian tribes and families, and provide assistance to tribes in the operation of children and family services programs (see Appendix A). The passage of ICWA is the result of over a decade of national effort. This effort was by those concerned with the large number of Indian children that were removed by county welfare officials from their family homes and placed into non-Indian settings. This was done without consultation with either tribal officials or the Indian community resulting in emotional injury and cultural loss to the child, and damage to the integrity of tribal survival.

CPS and court compliance with ICWA is mandatory. In 2006, California passed and signed into law SB678, a bill that further strengthens the language of the federal law and acts to codify ICWA. This was necessitated by the fact that the federal law in many cases was being ignored. A report issued from the United States GAO affirms that states, including California, struggle with complying with ICWA.

#### Acronyms

AODS	- Alcohol and Other Drugs Services
CDSS	- California Dept of Social Services
CILS	- California Indian Legal Services
CPS	- Child Protective Services
CWDA	- California Welfare Director Association
GAO	- Government Accountability Office
ICWA	- Indian Child Welfare Act
LCDS	- Lake County Department of Social Services
LCJC	- Lake County Juvenile Court
LCOE	- Lake County Office of Education
Peer TA	- Peer Technical Assistance (Casey Family Programs)

### **Procedure/Methodology**

This Committee conducted extensive research (see references) and interviewed numerous individuals during the course of this investigation. Interviews were conducted with Lake County CPS, a division of Lake County DSS, ICWA Representatives from Lake County Indian tribes, CILS, and the California DSS ICWA Administration Specialists. The Committee also attended monthly ICWA Round Table meetings in Lake County and a quarterly California DSS ICWA work group meeting in Sacramento.

### **Background and Discussion**

According to Lake County DSS, the following are some significant Lake County statistics regarding the local Native American population:

- The American Indian and Alaskan Native population is 1,772 of 58,309, or 3% of the county's population (per Census 2000).
- The Lake County CPS caseload that meets ICWA criteria or pending tribal verification is 9.3% (as of 12/06).
- ICWA children in foster care are 9.8% (as of 12/06).

ICWA provides minimum federal standards for state child custody court proceedings, which include voluntary and involuntary foster care placements, termination of parental rights, and pre-adoptive and adoptive placements involving Indian children. Key elements of these standards include, but are not limited to:

- Before removing Indian children from their homes, attempts must first be made to prevent the breakup of Indian families through active efforts to provide rehabilitation and remedial services.
- The Indian child's parent(s), Indian custodian, and the child's tribe must be properly notified of pending custody proceedings. Child custody cases cannot proceed to a hearing until at least ten court days after receipt of the notice. Notice to a child's tribe must be sent to the tribe's chairperson or its designated agent for service of process.
- Proper notice must be written in clear and understandable language.
- Clear and convincing evidence, including testimony from a qualified expert witness as defined by ICWA, is required for removal of an Indian child from his or her parent(s) or Indian custodian.

## Findings

This Committee learned of multiple resources available to assist Lake County CPS social workers in performing their job duties. They include:

- ICWA Monthly Round Tables - monthly meetings that are hosted on a rotating basis by the seven Lake County tribes at the various tribal headquarters around the county. In addition to tribal representation, other social and legal service agencies (AODS, LCOE, Easter Seals, CILS, LCJC attorneys etc.) also attend. Ideas are shared and issues are addressed in a non-confrontational manner. Although it appears Lake County CPS attended in the past, there was a period when Lake County CPS was not represented, or that information disseminated at these meetings was not shared with all the social workers. This Committee is gratified to see that Lake County CPS Administrative Staff is now attending these Round Table meetings and bilateral conversations are occurring. However, it would be beneficial if the employees/supervisors who are responsible for the implementation of these mandated duties also be allowed to attend the Round Tables.
- The California DSS has established two ICWA specialist positions. These positions are the point of contact for ICWA issues. As a major resource for county child welfare, Indian tribes and tribal organizations, they provide technical assistance and clarification regarding the importance of compliance with ICWA. They also facilitate the ICWA Quarterly Work Groups.
- ICWA Quarterly Work Groups - meetings facilitated by the California DSS ICWA Administration and held at the California DSS headquarters in Sacramento. Counties and tribes throughout the state are invited to attend. ICWA issues are discussed and information is shared regarding new procedures and upcoming training. This Committee was advised that Lake County DSS does not attend.
- State ICWA Training – formal, comprehensive training is available to social workers at the UC Davis Regional Training Academy. Ongoing formal training can be developed to meet individual county needs. Technical assistance is always available, but must be requested. The California DSS training unit will come to counties to provide training at no cost to the county, if requested. Formal or individualized training is provided. A Handbook on ICWA, which includes sources of information and support to aid in the implementation of ICWA, was developed as a resource guide that is provided to all training participants.

- Casey Family Programs Peer TA - a technical assistance approach that rapidly disseminates information about successful practices, policies, and tools related to a defined issue, concern, or challenge. Peer TA is solution-focused and occurs through a process of joint problem-solving between a team of individuals who is requesting assistance and a team of peer consultants who has first-hand experience related to the targeted issue. Peer TA teams are brought to the program requesting assistance at no cost (see Appendix B). Lake County tribes have indicated to this Committee that they are enthusiastic about participating in this program with the county.
- Directors' Meetings - information regarding these and other available resources is distributed at monthly CWDA meetings. County Welfare Directors and other administrative personnel are encouraged to attend these meetings. The California DSS ICWA Administrator, who spoke with the Grand Jury Committee, does not recall Lake County DSS attending these meetings on a regular basis. By not taking advantage of these meetings, the state administrator felt that it leaves Lake County social workers at a disadvantage and results in Lake County's isolation and uninformed disinterest in the ICWA mandate.
- Currently, Lake County DSS has a working procedural document when handling ICWA cases. We found this document to be inadequate, and it does not provide the necessary services to comply with ICWA.
- Although ICWA is the federal and state law and must be complied with, the Committee learned this is not the case in numerous Indian child custody cases in Lake County and in California.
- According to the interviews with the Tribal ICWA Representatives, the required 10-day notice for Indian child custody proceedings is routinely ignored by Lake County DSS. Tribal ICWA workers generally receive last minute telephone notification, not the ten-day written notice as stipulated in the law, and in the Lake County DSS Operations Manual.
- This Committee has been attending the monthly ICWA Round Tables for the past six months. The same issues, particularly where "notice" is concerned, are brought to the attention of all parties. The tribal ICWA Representatives repeatedly have advised the Lake County CPS administrators that the law is not being followed.
- CPS was attending the Round Tables at the beginning of this year after a lengthy absence; however, they have missed the last several meetings.

- Attending each Round Table has been the Deputy Director for Adult and Children’s Services and the Program Manager for Children’s Services. At each meeting both indicate they will return to their agency and “kick-around” these issues. At the February 2007 Round Table, these individuals indicated they were unsure of the notice process themselves, but thought the Lake County CPS supervisors who manage the employees who perform this function, were aware of it. These procedures are definitively outlined in the California DSS CWS Manual/ICWA Special Requirements.
- According to both ICWA Representatives and the legal counsel from CILS, the use of “expert witnesses” does not appear to be taken seriously by the Lake County DSS. In some cases, a Lake County DSS social worker acted as the expert witness, rather than the Indian agent for the tribe, as the law requires.
- It was discovered that most Lake County DSS social workers were not familiar with ICWA requirements. When questioned, the Lake County DSS Deputy Director and Program Manager were not aware if ICWA training was included in the core training that all social workers attend.
- While interviewing both ICWA Representatives and the clients involved, this Committee learned that social workers did not always follow a particular case to the end; instead, there could be a number of Lake County DSS social workers assigned to the same ICWA case—some understood, but some did not, the nature of the law. This not only created inconsistencies, but also resulted in workers having to “catch up” or learn about the ICWA law, so they could proceed with the case.

### **Recommendations**

1. To reach ICWA compliance, Lake County DSS should update their working protocol. Since CILS is in the process of updating their working protocol, we strongly recommend that Lake County DSS work closely with them as a valuable resource in this process.
2. This Committee recommends full compliance with ICWA policies and procedures by Lake County DSS, as mandated by state and federal law, and stipulated in the California Child Welfare Services Program Manual, ICWA provisions.

3. This Committee recommends that all Lake County social workers be given appropriate ICWA training.
4. This Committee recommends that the following ICWA resources be taken advantage of:
  - ICWA Round Table Monthly Meetings should be attended by social workers and supervisors as well as administrative staff. Information from these meetings should be shared with all Lake County DSS staff.
  - California DSS Work Group Quarterly Meetings in Sacramento should be attended and information from the meetings should be distributed to all Lake County DSS staff.
  - Ongoing training for all pertinent staff.
  - Consider Peer TA provided by the Casey Family Programs.
  - Lake County DSS Management should attend and share information distributed at the CWDA meetings.
5. This Committee firmly recommends that one or two specific social workers be assigned to follow ICWA cases—as ICWA specialists. We are gratified that this appears to be the direction taken by current Lake County CPS Administration. We also commend Lake County CPS for initiating a local work group that will work with representatives from the Lake County tribes to assist in the resolution of ICWA issues. However, this Committee recently learned from the ICWA Representatives that this “local work group” has lost its credibility; in fact, attendance has fallen off drastically because meeting times are moved around haphazardly and the group’s direction no longer follows the original intent.
6. This Committee recommends that future Grand Juries continue to monitor compliance with ICWA.
7. All efforts should be taken and all resources used to keep the county’s Indian children out of the Lake County CPS system.
8. This Committee strongly recommends that a consolidated effort be taken by all seven of the Lake County Tribal Councils to insist that ICWA be complied with by Lake County DSS, as mandated by federal and state law. It is also the responsibility of tribal administration to insure that Lake County DSS has current tribal and ICWA contact information. This will facilitate official notification and communication between the county and the tribes. We recommend that the newly organized Intertribal Leadership Council make ICWA compliance a top priority.

**Agency/Department Required to Respond**

Board of Supervisors (within 90 days)

Lake County Department of Social Services (within 60 days)

*Appendix A*

**What is the “ICWA?”**

Congress’ authority to enact laws singling Indians out for unique treatment – like the ICWA – has been consistently upheld by the United States Supreme Court. Recognizing that Indian tribes have a unique legal status under federal law and that the Constitution gives Congress plenary power to treat Indians as a separate people, the Court has characterized such distinctions as being of a political rather than racial nature when they target Indians as members of “quasi-sovereign tribal entities” rather than Indians as a racial group.

Additionally, the Federal Government has a unique trust or fiduciary responsibility toward the American Indian tribes and, their interests and assets, as a result of treaties that stressed services such as education, health, etc. in exchange for land.

In the mid-1970s, a Congressional investigation revealed that approximately 25% - 35% of all Indian children were removed from their families by state child welfare agencies and state courts and placed in foster or adoptive homes and institutions, and that the majority of these placements were in off-reservation, non-Indian homes. In California, Indian children were eight times more likely to be removed from their families than non-Indian children and more than 90% were placed in non-Indian homes. Congress determined that Indian children who had been placed for adoption into non-Indian homes frequently suffered serious adjustment problems during adolescence.

The federal ICWA was enacted in 1978 to remedy this situation and to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.” In doing so, Congress expressly recognized that the states “often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families” and that the removal of Indian children was “often unwarranted.”

These rules are designed to keep Indian children connected to their families and tribes. Maintaining this connection serves the best interests of Indian children and also promotes the stability and security of Indian tribes and families. Social Service agencies are required to make special efforts to keep Indian families together. These agencies must provide services that reflect the current social and cultural standards of the family’s Indian community.

Following are some problems ICWA addresses:

- Large numbers of Indian children were being removed from their families by state courts and county social service agencies; most of these children ended up in non-Indian homes and institutions.
- Indian children who were cut off from their tribal communities and cultures often later had behavioral and emotional problems.
- State and county officials often did not understand, ignored, or rejected the cultural or social customs of the child's tribal community.

Membership in an Indian tribe is dependent upon the tribe's membership laws; enrollment may or may not be necessary for the child to be considered a member. As defined by ICWA, an Indian child is:

- Unmarried and under the age of 18.
- A member of a federally recognized Indian tribe or eligible for membership in a federally recognized Indian tribe.
- The biological child of a member of a federally recognized Indian tribe.

Under ICWA, parents or Indian custodians have rights that focus on maintaining the culture and beliefs of that tribe. In fact, the major difference between usage of the CPS procedures for Indian children and non-Indian children is a strong undercurrent to favor and look for the Indian culture and social customs in every step of the CPS process.

A higher standard of proof beyond a reasonable doubt, along with testimony of an expert witness (usually a Tribal Representative), is required before parental rights are terminated. Adoption is against tribal beliefs. Tribal family structure is such that a sister, aunt, grandmother, etc. is viewed no differently than the biological mother.

The Indian tribe has rights under ICWA as well. In fact, these rights are almost equal to those of the parents or Indian custodian. For example, the Tribe:

- Has the right to participate in custody cases of its Indian children.
- Has the right to "exercise" "tribal jurisdiction" which refers to which court – tribal or state – will hear a case.
- Has the right to see records kept by the State on placement of tribal children and look at documents about the case that the court has on file.
- Has the right to apply certain tribal laws or customs to the custody case and these include, but are not limited to, laws defining "Indian custodian" or "extended family" for example.

The CILS provides a complete spectrum of ICWA-related services for Indians and tribes, including the following:

- The education of juvenile courts, juvenile dependency attorneys, and state social workers about ICWA, the policies behind its enactment, and ensuring ICWA compliance in their daily caseloads.
- Challenging guardianships illegally obtained in violation of ICWA on behalf of Indian parents and Indian custodians.
- Explaining the role of expert witnesses in ICWA cases to courts, social workers, and other attorneys, and helping these players obtain proper expert witnesses.

SB 678, the new state bill, took effect January 1, 2007 with the goal of strengthening Federal ICWA.

*Appendix B*

## Casey Family Programs

Established by United Parcel Service founder Jim Casey, the Casey Foundation is a philanthropic Seattle-based national operating foundation that has served children, youth and families in the child welfare system since 1966.

**Casey Family Programs' mission is to provide and improve—and ultimately to prevent the need for—foster care.**

Casey operates in two ways; to provide direct services, and to promote advances in child-welfare practice and policy.

We collaborate with foster, kinship and adoptive parents to provide safe, loving homes for youth in our direct care. We also collaborate with counties, states and American Indian and Alaska Native tribes to improve services and outcomes for the more than 500,000 young people in out-of-home care across the U.S.

Drawing on four decades of front-line work with families and alumni of foster care, we develop tools, practices and policies to nurture all youth in care and to help parents strengthen families at risk of needing foster care.

### Casey Foundation Goals

**Permanence:** We create security for children and youth by finding them safe, loving homes and by encouraging lasting connections to their family, friends and community.

**Transition:** We prepare youth to successfully make the transition from foster care to independent living.

**Prevention:** We work with parents to strengthen families and prevent the need for foster care.

**Disproportionality:** We promote parity in opportunities and outcomes for children of color, who enter the child welfare system in disproportionately high numbers, receive fewer services and leave less prepared for adulthood.

**Indian child welfare:** We support American Indian and Alaska Native tribes working to develop and improve their own sustainable child-welfare systems.

## Casey Foundation Values

**Diversity and anti-racism:** We honor differences and courageously confront racism and discrimination.

**Innovation:** We value agility and embrace thoughtful change. We continuously learn from experience, each other and the community.

**Relationships:** We strive to be good partners to develop, support and preserve permanent family and community relationships for children and youth.

**Stewardship:** We create an environment of trust and accountability. We make strategic and fiscally responsible decisions for sustainable and lasting contributions.

How can we do a better job of ensuring those necessities?

At Casey we answer that question by listening to alumni of foster care and their families, by collaborating across all public and private systems that affect families and by measuring results to evaluate innovations. This is work no one can do alone.

The number of children and youth in the child welfare system has nearly doubled from 302,000 to 542,000 in the last twenty years. To reverse that trend, we must address the crises that pull families apart.

We know that poverty is the primary cause of family instability. And we believe that family support is a powerful and cost-effective way to keep families together.

Training parents - Through our community partner organizations, Powerful Families peer-to-peer workshops, we help low-income parents strengthen their skills as financial managers, as consumers of public services, and as leaders and advocates for their families.

Powerful Families programs are currently in place in Los Angeles, CA; Seattle, WA; Tucson, AZ.; and New York, NY.

Supporting families by strengthening communities - Healthy, vigilant, stable communities give children and families a better chance of success. Casey's work has begun in two southern California neighborhoods where gang activity, poverty, homelessness, and inadequate access to human services impede community development.

In partnership with organizations already at work in these neighborhoods in school-based collaborations, Casey will join with others to create stable communities that help families thrive.

Working together - We can't do this work alone. We collaborate with community-based organizations, faith-based organizations, families, educators, state agencies, and other foundations.

Casey draws on expert research and analysis, and 40 years of experience in child welfare. We use this knowledge to help our partners discover best practices-proven strategies that strengthen families and communities.

### **Peer Technical Assistance**

Peer TA is a technical assistance approach that rapidly disseminates information about successful practices, policies and tools related to a defined issue, concern or challenge. Peer TA is solution-focused and occurs through a process of joint problem solving between a team of individuals who is requesting assistance and a team of peer consultants who has first-hand experience related to the targeted issue.

The Peer TA framework used by Casey was initiated by the Center for the Study of Social Policy in 1995. Casey is using Peer TA to broaden the impact of successful practices across the areas of permanence, transition and systems improvement that are in alignment to Casey's vision, mission and goals. At this time, there is no cost to the requesting site team to bring 3-5 peer consultants to their site. It is expected that the requesting site will make meeting rooms and administrative support available.

### **References**

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## **Jail Medical Services Oversight**

### **Summary**

California Code of Regulations, Title 15, mandates that medical services must be provided to jail inmates. The County of Lake contracts with California Forensic Medical Group (CFMG), a Monterey-based private company for these services. The Grand Jury has oversight of Lake County's Jail Medical Services.

### **Procedure/Methodology**

The Lake County Medical Program Manager of CFMG and the Chief Custody Officer of the jail made a presentation before the entire Grand Jury in August 2006. They later met with the Public Health and Social Services Committee in April 2007. Mandatory policies and procedures were reviewed and discussed. Activity records of medical services provided to inmates during the calendar year of 2006 were presented to the committee.

### **Background/Discussion**

CFMG has provided medical, mental, dental, and vision services to both Lake County Jail and Juvenile Hall inmates since 1996. The contract has recently been renewed for an additional three years. Lake County's fixed price contract with CFMG for jail medical services is \$1.7 million budget and is approved by the county's Public Health Department, not the Sheriff's Office. The contract allows for CFMG to retain profits, or absorb overages. Each year, an annual inspection of both facilities and records is conducted by a physician from the Department of Public Health. California Medical Association (CMA) has accredited both facilities since 1996.

### **Findings**

- At the time of intake, inmates receive a handbook that explains medical services available to them and how to obtain them.
- Seven nurses provide 24-hrs/day, 7-days/week coverage on a rotating basis. Although CFMG provides a licensed vocational nurse based program, three of the nurses are registered nurses.
- A physician is available 3 times a week for routine non-emergency visits.
- A nurse practitioner is available Monday through Friday during normal business hours. The examining room has three examining tables—one in need of repair.
- There is no "sick bay-infirmiry." Inmates are transferred to Sutter Lakeside Hospital if hospitalization is required.

- A dentist and dental assistant provide services on Fridays for four hours.
- Psychiatric services are available through video-conferencing with personnel located in Carmel.
- A Mental Health Worker—psychiatric nurse—is available 20-30 hours a week. Many inmates have mental health issues. Custody staff can request the Mental Health Worker to visit with inmates, especially those on suicide watch.
- An x-ray technician is available one day-a-week, who uses a portable unit. Otherwise, the inmate is transported to Sutter Lakeside Hospital.
- CFMG utilizes a pharmacy in Southern California, buying in bulk. Medications and supplies are sent overnight from Moorpark. Over-the-counter medications (such as antacids and ibuprofen) may be purchased by the inmate at the commissary.
- There is a \$3 charge/co-pay to see the nurse practitioner, however, the inmate is seen regardless of their ability to pay. The fee goes into the county general fund and not to CFMG.
- Services provided are not as comprehensive as those provided in the California State prisons.
- For routine sick calls, sick call slips are available in each inmate section, are completed by the inmate and put into a “sick call” box. This box can only be opened by the nurse. A nurse reviews the slips, pulls the inmates’ charts, and schedules them to see the nurse practitioner.
- In emergency situations, the nurse assesses the situation and contacts the physician immediately, or has the inmate immediately transported by jail van or patrol car to Sutter Lakeside Hospital, which is less than a mile away. Depending on the emergency, paramedics are sometimes called to handle the situation.
- At the inmate’s intake, a medical questionnaire is completed and a basic “triage” evaluation is conducted. If the situation warrants, the inmate is transported directly to Sutter Lakeside Hospital.
- If an inmate is dissatisfied with the medical services provided, or lack of services, he or she can complete a Grievance Form which is available in all inmate sections. The completed grievance is forwarded from the custody officer to the sergeant, who routes it to the Lake County Medical Program Manager, who has three days to respond.
- In 2006, 76 grievances were filed relating to jail medical services. The majority were related to the \$3 per visit charge. Others included requests for stronger medication, requests for sleeping medication, requests for a different diet, requests for an inhaler on the inmate’s person (not allowed unless the inmate is asthmatic), or requests to see personal physicians. Grievances are

allowed in some cases—the inmate can see his or her own physician, etc.

- CFMG’s medical staff will communicate with the inmates’ personal physicians, if necessary. CFMG will contract with specialized physicians, i.e. cardiologists, orthopedic surgeons, obstetricians and gynecologists, if necessary.
- Family members of inmates are not advised regarding routine sick calls. In emergency situations, the individual the inmate has indicated as his “contact” person will be notified.
- Family members or visitors who believe an inmate needs some medical care may contact the Chief Custody Officer. A fellow inmate may also report an illness.
- There has been a significant increase in maternity cases.
- Quarterly quality assurance meetings are conducted with all the appropriate parties—CFMG, Jail personnel, Juvenile Hall personnel, Public Health, Mental Health, Sutter emergency room physicians etc. are all invited. Sutter Lakeside Hospital personnel do not regularly attend. These meetings are not open to the public; however they take comments and suggestions.
- The relationship between the Public Health Department and the correctional facilities is satisfactory, per both parties.
- The relationship between the Mental Health Department and the correctional facilities is not satisfactory, per the Chief Custody Officer. The Chief Custody Officer has requested membership on the Mental Health Advisory Board to share concerns, but was advised there was not a position.
- The jail population averages 276 inmates per month. In 2006, 6408 inmates were seen at “sick call,” of those, 65 (1%) were seen by a physician. 1546 inmates saw the mental health worker and 143,633 medications were dispensed.
- There is not a comprehensive plan in place regarding the discharge of inmates with mental health issues, especially those on medications.

### **Recommendations**

1. The committee recommends that the torn examining table at the jail be replaced in the examining room.
2. There is a need for a Mental Health Discharge Planner. The committee understands that this position is to be included in next year’s budget.
3. The committee recommends that the Chief Custody Officer become a member of the Mental Health Advisory Committee.
4. The committee recommends that the Director of Emergency Services at Sutter Lakeside Hospital, or appropriate personnel who are directly involved with medical services to inmates, regularly attend the quarterly quality assurance meetings.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Lake County Sheriff's Department (within 60-days)

Lake County Mental Health Department (within 60-days)

## **Redbud Health Care District Oversight**

### **Summary**

At the request of County administration, the committee conducted a general oversight into the origin, function, and funding of the Redbud Health Care District (District).

### **Procedure**

The committee attended three District board meetings and met individually with one of the board members. A review was conducted of the grants that were awarded or denied by the District over the past three years. The committee analyzed the District funding and Administrative expenses. The outgoing President-CEO of Redbud Adventist Hospital, a recipient of District grants, was interviewed. In addition, past Lake County Grand Jury final reports regarding the District were reviewed.

### **Background and Discussion**

The first hospital district was formed in California in 1946. Under California state law, hospital and health care districts are a form of local government known as a “special district” that is designed to provide a particular function, in a specific geographical area, that is not being met by other governmental or private agencies. Currently, there are 85 health care districts in California that support a wide range of community-based health and wellness facilities.

In Lake County, the District was originally organized by approval of the area voters in 1964. The District serves a specific geographic area of Lake County, which includes portions of Clearlake, Lower Lake, Clearlake Oaks, Middletown, Cobb Mountain and Kelseyville.

The District was originally created as a “hospital district” for the purpose of promoting and supporting “physical, mental, and social well being of its citizens by organizing and providing high quality health care.” In 1967-68, to strengthen health care services in the District, the Redbud Hospital was built in Clearlake. It was facilitated by the District and funded through the sale of bonds. Initially, the Redbud Hospital was owned publicly, and operated by the District. In 1997 the hospital was sold to Adventist Medical Group.

The District is primarily funded through county property taxes. The amount the District receives is calculated at a rate of .01343% of the 1% Proposition 13 assessed real property tax, collected only from property within the District’s geographical boundaries, or “tax rate area.” In addition, after the hospital was sold in 1997 and the bonds were paid off, the profit from the sale was invested by the District. From this investment, the District receives investment income.

The District has a five-member Board of Directors that are elected to four-year terms. They reside within the District boundaries and each represents a specific, separate section or zone of the District. The powers and authorities of hospital districts have changed since the creation of the District. In 1994, the State of California changed “hospital districts” to “health care districts” and under the revised Health & Safety Code 32000-32003 broadened and expanded their authorities.

Previous Lake County grand juries have called for the dissolution of the District. With the approval of the voters, it would be possible to appoint a successor agency (most likely the County of Lake or the city of Clearlake) and dissolve the District. A question of the District’s necessity was raised following the sale of the Redbud Hospital. However, as the county is not prepared to continue to distribute the grant money, the result of dissolving the District would be a loss of support for all the agencies that have benefited from District grants. The health care needs of the area did not begin and end with construction of Redbud Hospital. Through District grants, recipients such as senior centers, Big Brothers & Big Sisters, and Hospice of Lake County fill gaps in local health care service and support community health related programs. These grants in many cases are start-up funds to create agencies that will carry-on with the task of building a stronger, healthier community.

As the area population grows, so will the need for health care.

### **Findings**

- A monthly District Board Meeting, held every fourth Tuesday at 9:30 a.m., is open to the public.
- An independent audit of the District is conducted each year and the outcome is available to the county.
- In the fiscal year ending June 2006, the District received \$687,363 from county property taxes and \$35,000 from investment income.
- In the fiscal year ending June 2006, the District awarded grants totaling \$585,339.
- In the fiscal year ending June 2006, the District administrative expenses were \$52,920, or approximately 8% of their budget. This includes a grand total of \$7,500 that was paid to the Directors in this fiscal year.
- Organizations must submit a Request for Assistance (RFA) before being considered for a grant. This includes proof of their non-profit status if they are other than a public agency.
- Unless otherwise approved by the District, the basic structure of the award is a one-time, non-renewable grant.

- Once a grant is awarded, the District requires follow-up reporting on the progress and financial performance of the programs funded, as well as compliance with the conditions of the grant.
- During the period studied by the committee, the grants awarded by the District Board met the criteria of the “Health Care Districts” directives.
- Property owner’s taxes would not be reduced by the dissolution of the District. Proposition 13 taxes will continue to be collected at the same rate, but would simply not be distributed to the District.

### **Recommendations**

- The committee recommends the District Board of Directors remains in close communication with their constituents and is assured they continue to fund agencies that meet the public’s health care needs. Growth will expand and change the needs of the District population.
- The committee urges the District to promote the community’s participation in their Board meetings. A meeting time outside of the “9 to 5”-weekday format would allow for more members of the working community to attend. On-going community notice of meetings and agendas would support this effort. This will provide an opportunity for a broader community forum for discussion of health care issues within the District, a provision stated in the District’s by-laws.
- Future Grand Juries should review the grant decisions of the District and evaluate that they continue to meet the health care needs of the community.
- With the current obesity crisis in this county, as well as in the nation, the District should make support for wellness and fitness programs a priority.
- If at any point the county is willing and able to take over the duties of the District, the discussion of dissolving the District could be revisited.

### **Agency/Department Required to Respond**

Redbud Health Care District (within 60-days)

Lake County Administrative Officer (with 60-days)



## **PUBLIC SAFETY COMMITTEE REPORTS**

Clearlake Police Department Oversight  
Court Holding Facilities Oversight  
Hill Road Correctional Facility Oversight  
Juvenile Hall Oversight  
Kelseyville Fire Station Visit  
Konocti Conservation Camp 27 Oversight  
Lake County Deputy Sheriff's Alleged Misconduct Complaint  
Lake County Sheriff's Department Hiring Practices Complaint  
Lake County Sheriff's Visit  
Lakeport Police Department Oversight  
Lakeport Police Officer's Alleged Misconduct Complaint  
Lucerne Senior Center Delayed Investigation Complaint  
Marijuana and Jail Rules of Conduct Complaint  
North Shore Joint Power Authority Oversight  
Probation Department Oversight  
Search and Rescue Visit  
Sheriff-Coroner's Office Oversight

## **Clearlake Police Department Oversight**

### **Summary**

This was an oversight of the Clearlake Police Department as required annually. This was an opportunity for the committee to inspect and to review the police department's facility, policies and procedures.

### **Procedure/Methodology**

The interim Chief and Sergeant guided the committee on an inspection of the building. They explained the various divisions of the department. The committee observed the offices including the dispatch room, the interrogation area, the evidence room, and the different holding cells.

### **Background and Discussion**

The interim Chief is on a six-month contract and is at a disadvantage because of retirements and unfilled positions. The Chief is currently trying to fill a captain position, two lieutenant positions plus several lesser positions. It was noted that the morale seemed high, and this committee was told there is little turnover.

The Chief has plans to revamp the Clearlake Community Patrol to include more personnel under the Volunteers In Police. It now consists of mostly retired people and the Chief wishes to enlist all ages of volunteers and make it into a more proactive auxiliary of the police force.

### **Findings**

- The Clearlake Police Department has a staff of 27 sworn officers, and one interim administrator.
- Adults arrested are pre-booked, fingerprinted, and transported during the day to the County Jail in Lakeport. Juveniles arrested are transported immediately to the Juvenile Hall.
- The Police Department currently uses hard copy fingerprinting which delays quick identification in many cases. Electronic Lifescan capability provides much faster results.
- For the year 2006 there were 3962 written reports and over 23,000 incidents.
- Delays are created by not having 911 calls coming directly to Clearlake. 911 calls are re-routed from the Sheriff's Department.
- Department procedures are currently being restructured.
- A permanent Chief of Police has been hired by the Clearlake City Council.
- All the areas of the department visited were clean and secure.

**Recommendations**

1. With the City of Clearlake having the largest population in the county, the Clearlake Police department should have its own 911-dispatch center. The recommendation is to initiate a study on how this can be accomplished. The committee is aware of the substantial cost involved.
2. Funding should be secured for a Lifescan fingerprinting system to alleviate information delays.

**Agency/Department Required to Respond**

Clearlake City Council (within 60-days)

## **Court Holding Facilities Oversight**

### **Subject**

These were oversight visits to the North and South Court holding facilities in August 2006.

### **Summary**

The visit was a required annual inspection of Lake County court holding facilities.

### **Procedure/Methodology**

The County Jail Commander and a Deputy Sheriff conducted the inspection, first at the North Court (Lakeport) and then at the South Court (Clearlake). Committee members were shown the holding cells and the system of guarding inmates, which included the guarded route from the transportation area to the courtroom.

### **Findings**

- The discussions with personnel at the sites were mainly concerning the difficulty in recruitment and retention of officers. At the holding facilities there is adequate staffing.
- There are five courtrooms in session on Mondays and Fridays when holding cells are utilized.
- The holding cells are clean and painting is done regularly to cover graffiti and other damage done by the inmates.
- The security is strict with one officer to six inmates.
- Only one out of the six surveillance cameras was working in the observation room. The committee was told that there was a current camera repair work order in progress.
- Morale was found to be high and the personnel seemed to be dedicated and enjoy their work.

### **Recommendations**

1. There should be a follow-up to make sure surveillance cameras are being repaired and in good working order.
2. The ceiling tiles in the holding cell at the North Court should be replaced.

### **Agency/Department Required to Respond**

Lake County Building and Grounds Department (within 60-days)



## **Hill Road Correctional Facility Oversight**

### **Subject**

This is a required annual oversight.

### **Summary**

The Grand Jury performs a mandatory oversight visit to the Lake County Hill Road Correctional Facility (HRCF) annually pursuant to Penal Code 919(b). The purpose of the visit is to monitor the condition of the facility and to ensure that it is operated within the guidelines set forth by the California Department of Corrections (CDC).

### **Procedure/Methodology**

The Jail Commander provided the Grand Jury with a briefing that covered the standardized questions in addition to other information. A tour of the entire facility followed the briefing.

### **Background and Discussion**

HRCF is a Type II correctional facility as rated by CDC. The facility was constructed with grant funding.

### **Findings**

- The grounds were very well maintained.
- The buildings were structurally sound, clean, and well maintained.
- The cells were clean, properly stocked with towels and bedding, and the plumbing was functional. The temperature within the cell areas was comfortable.
- The kitchen dining area was clean and all appliances appeared to be safe and in good working order.
- The pots, pans, and utensils appeared to be clean and stocked properly. The sink was clear of any dirty dishes.
- The inmates all appeared to be in good health and dressed in clean clothing.
- Inmates are classified based on criminal sophistication. They are segregated into different units based on their classification. The three classifications are minimum, medium, and maximum security. Each classification is issued a different style and color clothing so they are easily recognizable.
- Inmates are allowed an amount of time out of their cell based upon their classification. Minimum-security inmates can be out of their cells up to fourteen hours a day, medium-security inmates two hours per day, and maximum-security inmates three hours per week.

- Inmates no longer have access to weight lifting equipment. The recreation now available is handball and general exercise.
- Nine cells are maximum-security cells that house one inmate each; the remainder of the cells are double occupancy.
- Inmates can be reclassified for misconduct. Rule violations are handled internally and inmates are entitled to a hearing. An Operations Sergeant answers all grievances.
- Grievance forms are available in the main room of the cellblocks.
- The maximum capacity at the facility is 286. There were 283 inmates at the time of the Grand Jury visit.
- Inmates are furnished clothing, bedding, food, and personal hygiene items. They can purchase other items through the facility commissary if they have the funds to do so.
- State Board of Corrections, fire and health inspections are performed at the facility annually. The Correctional Medical Authority (CMA) accreditation was current.
- Suicide and escape attempts were both minimal in year-to-date counts, two and four respectively. There have been no successful suicides or escapes thus far for the calendar year 2006.
- If an inmate is convicted of an escape, they are sentenced to state prison.
- The current staff to inmate ratio is 65:1. The maximum allowed is 100:1.
- The staff diversity is 29 males and 14 females. There are eight additional aides, two males and six females. Five of the additional staff is multilingual.
- Guards are equipped with tasers, pepper spray, and radios.
- The county pays postal expenses for two letters per week for indigent inmates.
- Incoming and outgoing mail is searched for contraband. Privileged mail from courts and attorneys is opened in front of the inmate.
- Inmates are entitled to 2 thirty-minute visits each week. Visits can be scheduled to accommodate working family members when required.
- Educational programs are offered to inmates including a typing class. The County Office of Education provides instructors. Maximum-security inmates are not permitted to attend classes.
- The laundry facility is operated 24-hours a day, 7-days a week.
- Cooking is done by inmate workers and overseen by a food service coordinator.
- Currently, the facility is looking into the use of solar panels.
- Jury trial and release clothing are provided as needed to inmates via donation and thrift store shopping.

**Recommendations**

1. This committee recommends aggressively pursuing the application of solar energy at this facility.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)  
Sheriff of Lake County (within 60-days)

**Bibliography**

Rules of Conduct  
California Penal Code



## **Juvenile Hall Oversight**

### **Subject**

This was a required oversight visit to the Lake County Juvenile Hall.

### **Summary**

The committee found the facility to be well run, clean, and well equipped. The staff was professional and knowledgeable. A few of the minor problems were discussed with the Director.

### **Procedure/Methodology**

The committee accompanied the Director on a complete tour of the facility. The Director explained procedures and answered all questions as they were presented. The Director provided information about a grant recently received that will allow Juvenile Hall to upgrade their security system. Facets of the upgrade to the security system included a new-lighted intercom board and an electronic wand system. With this new system, the detainees can be observed and monitored on a regular basis. New color cameras are being installed which gives a clearer, better view of the juveniles.

### **Background and Discussion**

None

### **Findings**

- The facility holds 40 juveniles. During this visit, there were 35 in custody.
- The traditional classrooms were clean and well equipped. The lab had 18 computers and appeared to be a comfortable place in which learning is the focus. Juvenile Hall works with the Office of Education in an effort to provide the juveniles with an opportunity to become productive citizens.
- In general, all areas were clean and in good repair.
- It appeared discipline was not a problem. There seemed to be a lot of positive reinforcement to encourage good behavior.
- The committee received complaints about late food delivery, substitutions, missing food, and inappropriate temperatures. The Lake County Jail furnishes the food to Juvenile Hall. At a subsequent meeting with the Lake County Jail Commander the committee relayed the complaints and the committee was assured improvements are a definite priority and quickly forthcoming.
- The holding cell and safety cell had been vandalized. A work order is in place to make the repairs.

- Staff recruiting and retention are a problem.

**Recommendations**

1. Management of the food delivery program to Juvenile Hall should be addressed and corrected.
2. Better salaries and benefit packages are needed to retain qualified personnel in key positions

**Agency/Department Required to Respond**

Lake County Jail Commander (within 60-days)

Lake County Chief of Probation (within 60-days)

## **Kelseyville Fire Station Visit**

### **Subject**

The Public Safety Committee visited the new Kelseyville facility and was given a tour by the Fire Chief and other personnel.

### **Summary**

After two tax propositions failed in 1980 and 1986, the new building was funded by an implemented "impact fee," as well as property taxes. Construction took 9-months and move-in was accomplished in August 2006. A large storage area is an added benefit in the new facility. The installation of a flag pole and an establishment plaque remains to be accomplished.

### **Procedure/Methodology**

None

### **Background and Discussion**

None

### **Findings**

- The original building loan was for two million dollars. Cost overruns amounting to \$200,000 were added to the original loan.
- There is a reserve amount in the bank that will cover two annual payments.
- There are no appreciable changes in equipment and personnel from the findings of last year's Grand Jury oversight visit. Calls, transfers, and medical requests for transportation remain relatively the same as well.
- The committee was told of problems and delays caused by the fact that 60% of the Central Dispatch personnel are in training.
- The committee was impressed with the furnishings. The department acquired all furnishings from surplus facilities and at auction sales in an effort to save money.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Konocti Conservation Camp #27 Oversight**

### **Subject**

The required annual site visit to the California Department of Forestry (CDF) Konocti Conservation Camp was made in October 2006.

### **Summary**

The committee visited the camp, which is a California Department of Corrections facility. The camp is under the direction of the CDF and consists of trained fire-fighting crews.

### **Procedure/Methodology**

An information briefing was held by the Camp Commander and the CDF Division Chief. It was followed by an extensive question and answer period. The committee was given a brochure outlining the workings of the camp and afterward was taken on a tour of the complete facility.

### **Background and Discussion**

- The Konocti Conservation Camp was opened in April 1961.
- The camp's primary mission is to provide inmate fire crews for fire suppression activities in the Sonoma, Lake, Napa, Yolo, Colusa, and Mendocino counties.
- The Department of Corrections Rehabilitation (CDCR) and the California Department of Forestry (CDF) operate the camp jointly.
- All camp inmates are screened and graded.
- Grade eligible inmates are the fire fighters. Non-grade eligible inmates with special skills are trained as cooks, mechanics, etc.
- The camp has a CDF Mobile Kitchen Unit that provides up to 1700 meals three times a day. This unit is utilized at major fires. CDCR provides inmate cooks to staff the kitchen unit.
- The Konocti Camp also repairs and maintains numerous vehicles and equipment with their Mobile Equipment Unit. Tire replacement, welding, and equipment maintenance is done by supervised inmate mechanics.
- These units are vital to the fire suppression missions.
- All inmates are under 24 hour-a-day supervision, including when assigned to projects and incidents.

### **Findings**

- Inmates seem to be in good spirits and from all appearances enjoy their work.

- The camp is designed to house 110 minimum-security males.
- The camp's budget provides three meals a day to inmates at \$2.75 per person.
- In a 10-month period the camp provided 23,896 hours of service to local communities.
- The crews have also provided 96,760 hours of work projects to state agencies.
- The inmate fire crews have provided 114,672 hours in emergency responses to fire and floods.
- According to the brochure provided by the Camp Commander, the taxpayers have saved approximately \$1,146,720 to date.
- On a scale of 1 to 10, the committee would rate the camp's operation as a full 10.

**Recommendations**

None. The committee agrees with the camp officers that the addition of one or more fire crews would be an asset to the community.

**Agency/Department Required to Respond**

None

## **Lake County Deputy Sheriff's Alleged Misconduct Complaint**

### **Subject**

A complaint was received alleging misconduct by a Lake County Deputy Sheriff and the Sheriff's involvement in the circumstances around the Deputy's termination.

### **Summary**

Involvement of the Public Safety committee was the result of a citizen complaint.

### **Procedure/Methodology**

The committee conducted a personal interview with the Sheriff and an in-depth speakerphone interview with the complainant. Six committee members were present during the questioning.

### **Background and Discussion**

The complainant alleges the Deputy had consensual sex with a female inmate in jail and the Sheriff fired and then rehired the Deputy. The released female inmate could not be reached for interview. Several messages were left unanswered.

### **Findings**

- The complainant's allegations were based on hearsay and the complainant was not able to pinpoint witnesses.
- Further pursuit was not warranted.
- The records indicate the Deputy's termination was handled properly and the Deputy was not rehired.
- After numerous unsuccessful attempts to contact all the parties involved and considerable amounts of time spent in this investigation the committee was unable to resolve the allegations.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Lake County Sheriff's Department Hiring Practices Complaint**

### **Subject**

The complainant addressed a bias on the part of the Lake County Sheriff regarding the hiring of African-Americans.

### **Summary**

The involvement of the Public Safety committee was the result of a citizen complaint.

### **Procedure/Methodology**

The committee interviewed the Lake County Sheriff. The committee members asked pertinent questions.

### **Background and Discussion**

The complainant questioned why an African-American who applied multiple times was not hired.

### **Findings**

- Per the Sheriff, current applications for the Deputy Sheriff positions are not forthcoming from the African-American population.
- The applicant cited by the complainant was not hired by the Lake County Sheriff's Office because the applicant was not qualified.
- The committee concluded there was no bias shown in this particular incident.
- According to the Sheriff, all deputies receive training at county expense.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **Lake County Sheriff's Visit**

### **Subject**

The Lake County Sheriff annually makes a presentation to the Grand Jury.

### **Summary**

The Lake County Sheriff addressed the Grand Jury and spoke on the following topics:

- Youth gang activity in Lake County
- Larceny
- Personnel status of the Sheriff Department

### **Procedure/Methodology**

The Sheriff reviewed the current status of his office relative to the above topics. The Sheriff provided statistics, graphics, charts, and handouts to emphasize his points. A lengthy question and answer period followed the presentation.

### **Background and Discussion**

The Sheriff's Office recognizes the presence of youth gang activity throughout Lake County. According to the Sheriff, this gang activity should not be confused with urban and adult connected gang action. It consists primarily of local teen "wannabes" and is not an arm of organized, urban, adult, criminal activity. However, at its current level some violence and petty crime does exist.

Of the 1768 felony charges in Lake County in 2005, 825 were larceny. The Sheriff identified the various classifications of larceny the Lake County Sheriff's Office (LCSO) confronts. Larceny is the majority felony in Lake County.

The Sheriff's office is consistently short staffed. Positions are budgeted but remain unfilled.

Priority is given to violent crime and this does, on occasion, put white-collar crime investigations in jeopardy.

### **Findings**

- The county is attempting to establish a youth crime task force. None exists as of the writing of this report.
- A youth crime task force would attempt to establish an understanding of the youth gang phenomena, mitigate youth gang criminal activity, and apprehend those who violate the law.
- The task force would include representation from the LCSO, local police, the District Attorney's Office, county schools, churches, and parents.

- Recruitment and retention of officers is a serious problem for the LCSO.
- The LCSO does not have a “white-collar” crime division.
- As of December 2006, the LCSO is short eight officers.
- The LCSO does not have an Internal Affairs Division.
- Recruitment and retention problems appear to be financial. The LCSO believes greater pay and better benefits would mitigate these problems.

**Recommendations**

1. The LCSO and the District Attorney’s Office need a standing “white-collar” crime division. The committee recommends that the Board of Supervisors give serious consideration to funding a division.
2. Priority should be given to establishing a youth gang task force. Representatives should include county government, schools, and the two incorporated cities.

**Agency/Department Required to Respond**

- Board of Supervisors (within 90-days)
- Sheriff’s Office (within 60-days)
- District Attorney’s Office (within 60-days)
- Office of Education (within 60-days)
- City of Clearlake (within 60-days)
- City of Lakeport (within 60-days)

## Lakeport Police Department Oversight

### Summary

The Grand Jury visits the Lakeport Police Department annually.

### Procedure/Methodology

An officer gave a tour of the facility to the committee. He provided us with information in an informal interview. The Committee observed the offices and interrogation room as well as the command center.

### Background and Discussion

This is a rather small department with a staff of 12 sworn officers, one administrator, and a fleet of 15 vehicles. Morale was reported to be very high and there is a low rate of turnover.

### Findings

- There is no holding cell or place for fingerprinting or booking. This is done at the Hill Road Jail by the Lake County Sheriff's Office (LCSO).
- The buildings are well kept, organized and very secure.
- The officers work four 10-hour days; they have four days on and three days off.
- The department is in the process of changing the present computer program to a more workable and user-friendly system. This program will be more comprehensive and allow the sharing of some information with the LCSO. This should be implemented by the time this report is published.
- This year 1,287 calls for service were received. Most of the calls are:
  - Alcohol related (DUI, Public Intoxication)
  - Assaults (assault, battery, spousal abuse)
  - Theft (robbery, burglary, shoplifting)
- There are documented gang members in the City of Lakeport.
- There are three criminal categories that require registration. In the City of Lakeport there are:
 

Sex Offenders	(8 Registered)
Narcotics Offenders	(9 Registered)
Arsonists	(0 Registered)

### Recommendations

None

### Agency/Department Required to Respond

None



## **Lakeport Police Officer's Alleged Misconduct Complaint**

### **Summary**

The involvement of this committee was the result of a citizen's complaint. The complainant submitted a duplicate complaint to the Lakeport Police Department.

### **Procedure/Methodology**

The committee conducted an in-depth interview with the complainant, complete with detailed allegations attached to the formal complaint form. The Lakeport Police Department furnished a summary of their investigation report.

### **Background and Discussion**

The basic investigative report found the allegations to be unfounded, or not sustained regarding the seven alleged instances in the complaint. The report exonerated the officer of all alleged misconduct.

### **Findings**

- The internal investigation was detailed, thorough and professionally conducted.
- The committee found that the complainant, although very concerned, was misled in most of the information furnished by the parties mentioned in the complaint. Most of the alleged instances were based on hearsay, misinformation and incorrect observations.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## Lucerne Senior Center Delayed Investigation Complaint

### Subject

A complaint was received regarding the slowness of the investigation into allegations of unauthorized actions at the Lucerne Alpine Senior Center (Center).

### Summary

When the center's Board of Directors asked for an audit of the center's finances, the manager abruptly left his position without furnishing answers to any of the Board's questions. In a subsequent investigation by the Lake County Sheriff's Office (LCSO), it was discovered that there were funds that were unaccounted for. The LCSO thoroughly investigated this matter, documented by over 320 pages, but the Sheriff's office lacked the financial expertise to investigate it further. Therefore, no immediate action was initiated.

### Procedure/Methodology

The committee visited the LCSO, and interviewed the investigating deputy who indicated there was wrongdoing. Later, the committee requested a copy of the investigation and the Sheriff sent it to the Grand Jury. One of the committee members with an accounting background reviewed the investigation from a Certified Public Accountant's viewpoint and detailed his findings. The Sheriff's Office stated they did not have the qualified personnel to conduct an audit and/or to find discrepancies. The committee met with the District Attorney and related the findings. The District Attorney, also with an extensive background in accounting, indicated that charges will be filed against the former manager. This will end the involvement of the Grand Jury in the matter.

### Findings

- In the two years since the matter was brought to the attention of the departments of law enforcement, no charges had been filed as of March 2007.
- The timetable of events:
  - July 2005 - the Center Director of the Board recalled in an interview with the committee, that his telephone call to the LCSO requesting an investigation was denied, citing lack of funds and qualified personnel to investigate.
  - July 2005 - request to the District Attorney's Office resulted in an independent investigation in which 9000 pages of bank records were recorded as evidence. The LCSO was alerted to pick-up the results and begin interviewing witnesses. There is no record denoting witnesses were interviewed.

November 2005 - LCSO records show that this was the first date to receive the request for an investigation.

August 2006-a citizen's complaint was received by the Grand Jury requesting an investigation of elder abuse, with only a mention tying it to the alleged unauthorized actions of the senior center.

October 2006 - a citizen's complaint was received by the Grand Jury concerning the lack of action taken by law enforcement agencies in the previous two years. The complaint stated that the approximate amount of the misappropriation of funds to be \$150,000. The first scan of the center's records by the committee found that figure to be in excess of \$168,000.

January 2007- the Grand Jury's findings were turned over to the District Attorney's Office. Subsequent papers and records received by the Grand Jury revealed other possible charges.

- The LCSO cited no funds and no qualified personnel to analyze the alleged embezzlement were available.
- It was learned by the committee that funds were available, but nothing was initiated.
- The alleged unauthorized actions involved a large amount of cash and included money funded by the county.
- Lack of attention to this matter continued for two years.
- The committee determined that inaction to this matter was pervasive and inexcusable.

### **Recommendations**

1. Since the nature of the complaint was the slowness to take action on this matter, the Grand Jury recommends the county form a white-collar crime and fraud unit. It could be based in the District Attorney's Office, and accessible to all county law enforcement.
2. It is recommended that a unit to investigate white-collar crime involving financial misdeeds needs to be funded. This unit should consist of a minimum of one qualified attorney and one qualified investigator.
3. Elder abuse cases in which financial fraud over \$1000 is concerned, should be separated from the abuse cases, and should be turned over to the white-collar crime unit. This should ease the caseload of the elder abuse investigator in the District Attorney's Office. In 2006, there were 500 cases of elder abuse registered in the county with investigation done by one part-time investigator.
4. Future Grand Juries should closely follow progress regarding implementation of a white-collar crime unit.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

## **Marijuana and Jail Rules of Conduct Complaint**

### **Subject**

A County Jail inmate wanted exemption from the printed Rules of Conduct given to him at time of his incarceration.

### **Summary**

The investigation was the result of an inmate complaint.

### **Procedure/Methodology**

The Committee reviewed County Jail records of rule violations and the results of complainant's grievance reports from the Jail Hearing Board.

### **Background and Discussion**

The principal violation was discussed with the Jail Commander. The complainant said he would bring marijuana with him upon entry to serve his sentence. The Jail Commander wrote the complainant a letter strongly advising him not to do so. Because of alleged back pain, complainant claims he should be exempt from the Rules of Conduct, and allowed to use marijuana.

### **Findings**

- The complainant defied above advice, brought marijuana into the jail and was charged and convicted of a felony. This extended his incarceration to a one year sentence rather than a thirty day incarceration for a driving infraction.
- The complainant refused to abide by the Rules of Conduct during custody. The rule violations (from Custody Information Booklet) numbering 202, 220, 233, 237, 302, 310 and 311 resulted in the Jail Hearing Board finding complainant guilty on all above rule violations. Each time, the complainant's jail time was extended by ten days.
- The complainant refused a lawful order of the Jail Staff.
- The complainant's refusal to be evaluated by the Jail Medical Staff resulted in denial of a wheel chair.
- The complainant's repeated use of at least 18 grievance reports has constituted a wasteful time of the Jail Staff since most were of similar grievances.

### **Recommendations**

None

**Agency/Department Required to Respond**

None

**Bibliography**

Rules of Conduct

California Penal Code

## **North Shore Joint Power Authority Oversight**

### **Subject**

A visit by the Public Safety committee in October 2006 was a follow-up to check on the progress made in the Joint Power Authority (JPA) encompassing the fire departments of Clearlake Oaks, Lucerne, Nice and Upper Lake.

### **Summary**

The JPA will be designated as the North Shore Fire Prevention Agency (NSFPA) when expected approval is given by Local Agency Formation Commission of Lake County (LAFCO).

### **Procedure/Methodology**

The committee interviewed the Chief Administrator of the JPA plan regarding problems, solutions and mutual understanding that faced the four fire departments. The committee asked questions that pertained to the new training policy, staffing, area of responsibility, and the serious water storage problem in Spring Valley.

### **Background/Discussion**

The JPA was three years in the planning stage for the formation of the above fire departments into one combined fire district. The plan entailed agreements by all Boards of Directors of the four areas and that of the personnel concerned. At the heart of the plan was the mutual benefits for all departments. Much interest has been generated in this adopted undertaking. The Chief Administrator was recently requested to make a presentation at the 300 member California State Special Districts' meeting. Stanislaus County has requested this presentation also be made to their county officials.

### **Findings**

- The Fire District will now cover 350 square miles.
- Staffing consists of 17 full-time and 2 part-time employees and 78 volunteers.
- Volunteers, when accepted, are given 240 hours of state required training. They are issued \$1200 worth of gear. The cost of a physical examination is paid and their Workers' Compensation Insurance of \$1060 per volunteer is paid.
- A notable improvement in operations was the result of the standardized training.

- Various required refresher courses for firefighters are given twice a week by an in-house training staff.
- Currently during low priority calls, if a patient asks to go to a hospital, paramedics must transport them. Perhaps, Lake County should consider Paramedic Initiated Refusal (PIR) as practiced in San Francisco.
- The shortage of water in Spring Valley (covered by the NSFPA) is deemed critical in light of proper fire protection. It was explained that the filtration system at Spring Valley can handle more water; however, water storage is lacking. The need for an additional 300,000 gallon water tank and more pumps is critical.
- Recently, the water level in the existing storage tank showed a very low level. This amount would have easily been exhausted had a major fire occurred. Spring Valley is the NSFPA's fastest growing region.
- The 2005/2006 Grand Jury recommended funds for a wildland engine. Funds from the Indian Gaming Compact fulfilled this recommendation. Two smaller wildland vehicles were purchased and placed into service. Two more are on order. Each truck cost \$72,000 as opposed to a larger truck costing approximately \$237,000.
- By pooling their resources, the NSFPA can afford early vehicle pay-offs, saving on the interest. This also provides the area with funds to repair and modernize antiquated equipment.

### **Recommendations**

1. A serious investigation into increasing water storage facilities at Spring Valley should be initiated.
2. The current percentage of funds from the Indian Gaming Compact should remain in place for future fire fighting expenditures.
3. Consider if Paramedic Initiated Refusal (PIR) would be beneficial in Lake County in less emergency type situations.

### **Agency/Department Required to Respond:**

Board of Supervisors (within 90-days)

## **Probation Department Oversight**

### **Subject**

This was an oversight meeting with the Public Safety committee and the Lake County Chief of the Probation Department. It was held in August 2006.

### **Summary**

This meeting was to provide information regarding the area of jurisdiction and duties of the Probation Department. The Probation Department also oversees the Juvenile Hall.

### **Background/Discussion**

Realistically, the Probation Department does not have the adequate number of personnel to properly oversee probationary subjects. Personnel visitation to check on and give positive assistance to subjects is virtually non-existent. This is due to turnover and under-staffing. Recruitment and retention is highly problematic to the department.

### **Findings**

- The staff consists of 23 officers, 6 clerks and 17 part-time help. Fourteen officers work at Juvenile Hall including a superintendent and an aide. Currently 6 vacancies exist.
- On the average, 26 juvenile and 90 adult reports are filed monthly.
- There is a great need for well-trained staff to supervise adults on probation.
- The recidivism rate of repeat adults on probation is 70 percent.
- The chief indicated morale was good.
- The chief indicated that the current juvenile hall is nearing capacity.

### **Recommendations**

1. This committee recommends providing at least six additional staff to properly oversee probation subjects.
2. All probation vacancies should be filled.
3. Consider planning for expansion of the existing facility or a new Juvenile Hall within the next five years.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)



## **Search and Rescue Visit**

### **Subject**

This presentation contained the purpose and procedures, as outlined to the Grand Jury, by the coordinator of the Lake County Search and Rescue Office.

### **Summary**

The Search and Rescue Office is under the direction of the Lake County Sheriff's Office. The Grand Jury invited the Coordinator to provide information regarding the operation and make-up of the Search and Rescue Team.

### **Procedure/Methodology**

An informal briefing was held at the Grand Jury meeting room with the Search and Rescue coordinator. A synopsis of responsibilities and performance of duties was outlined.

### **Background and Discussion**

The Lake County Search and Rescue Office was organized in the early 1980s. The primary mission is to search for missing children and adults. The search area is statewide, not just in Lake County. The office is operated by Sheriff Deputies and Lake County volunteers. If required, the Search and Rescue Office can call upon other counties for assistance. This assistance includes helicopters, equipment and personnel.

### **Findings**

- The Lake County Search and Rescue Office operates with 3 officers, 21 volunteers, and 25 junior officers who are county teenagers.
- As of December 2006, there have been 13 call outs. Normally there are 6 to 15 call outs annually.
- Due to lack of funding, the office is not staffed full-time.
- People who join the Search and Rescue Team must undergo many hours of intense training.
- The Office of Emergency Services has a mutual-aid program in which additional help can be obtained by the Rescue Teams.
- There is a nonprofit association that Rescue Teams can draw on for equipment and training. In addition, there is \$480,000 trust fund that the Search and Rescue Office uses to help fund the program.

- An assistant is needed to manage the trust fund at the Sheriff's Department finance office.
- The Lake County Search and Rescue Office developed the standard training guide for new teams for the State of California.
- Lake County has the largest contingent of volunteers when called out to other counties.
- Lake County has been complimented by other counties for having the best, well-trained volunteers in service.
- Volunteers applications for Search and Rescue can be obtained at the Lake County Sheriff's Office and also at the annual Lake County Fair.

**Recommendations**

1. The committee recommends a paid position be created in the finance section of the Sheriff's Offices to manage the trust fund.

**Agency/ Department Required to Response**

Board of Supervisors (within 90-days)

Sheriff's Office (within 60-days)

## **Sheriff-Coroner's Office Oversight**

### **Subject**

An oversight visit was made to inspect the Office of the Sheriff-Coroner and its procedures. The visit was in September 2006.

### **Summary**

Although vacancies exist, the personnel are handling their assignments well. The marijuana eradication program is ongoing and records indicate success in this area.

### **Procedure/Methodology**

A committee visit was made to gather information regarding procedures used in the Sheriff's Department and in the area of Coroner's responsibilities. The Sheriff held an informational briefing followed by an extensive question and answer period.

### **Background and Discussion**

None

### **Findings**

- The Sheriff's Department has 12 vacancies, including 8 Deputy Sheriffs and 4 Dispatchers.
- As of the date of the visit, records indicate results of the marijuana eradication program are: 248,437 plants destroyed, 154 pounds of processed marijuana confiscated, and 9 firearms confiscated. In addition there were 6 search warrants and 4 arrests.
- Lake County has 240 registered sex offenders who must be checked-on regularly.
- The Sheriff reports the department receives 15 to 30 monthly referrals for child molestation investigations.
- All Deputy Sheriffs are Deputy Coroners.
- Annually, there are 230 to 280 death investigations in the county.
- Death investigations average 6 hours per investigation.
- A certified pathologist is on contract and performs autopsies as necessary.
- Some deaths do not require an autopsy. An autopsy is required if the decedent had not been seen by their doctor in the preceding twenty days, or if death is due to trauma or a violent act.
- Autopsy rates vary from \$855 in Lakeport to \$930 in Lower Lake. The cost of an autopsy in a homicide case starts at \$1500.

**Recommendations**

1. Law enforcement Deputy Sheriff vacancies should be filled with quality personnel.
2. Two civilian investigators should be hired for death investigations. This would relieve deputies for enforcement duties.
3. A comprehensive program should be initiated to address recruitment and retention problems.

**Agency/Department Required to Respond**

Board of Supervisors (within 90-days)

Lake County Sheriff (within 60-days)

**PUBLIC SERVICES COMMITTEE REPORTS**

Animal Care and Control Oversight

Collaborative Effort on Gang Related Issues

East and West Lake Resource Conservation District Visit

Emergency Preparedness Point of Distribution Exercise Oversight

Library Employee Complaint

Library Oversight Visits

Lower Lake Cemetery District Oversight

Middletown Cemetery District Oversight

School Administrative Practices Complaint

## **Animal Care and Control Oversight**

### **Summary**

The Public Services Committee viewed the Lakeport Animal Control shelter and met with the director of Animal Control at the Kelseyville Grand Jury room.

### **Procedure/Methodology**

The Committee interviewed an Animal Control officer, the Assistant Director and the Director of Animal Control. The committee reviewed the policies and procedures of Animal Control and made a site visit to the Animal Shelter in January 2007.

### **Background and Discussion**

The Public Services Committee and the entire Grand Jury spent time discussing the performance and operation of Lake County Animal Control.

### **Findings**

- Only five Animal Control officers handle 300 to 400 calls per month.
- Calls are prioritized with public safety the top priority, followed by animal safety and neglect of an animal.
- All calls are either responded to, or referred to the appropriate agency.
- Animal Control receives strong cooperation from federal, state, county and city agencies.
- All Animal Control officers in Lake County attend the Humane Academy before starting their work in the field.
- Some of the training received includes
  - how to spot animal neglect
  - how to be safe when handling animals
  - how and when to enforce the laws and ordinances
- Animal Control officers attend euthanasia courses.
- Performing euthanasia is extremely emotional for the staff.
- Since July 2006 euthanasia rates have dropped from 63% to 30% and animal redemption has doubled. This improvement is in part due to outreach and online and community education by Animal Control.
- In April 2007, groundbreaking began on Phase I of a new shelter. The committee is pleased that a much needed new shelter will be replacing the current shelter, which is crowded and outdated.

**Recommendations**

None

**Agency/Department Required to Respond**

None

## **Collaborative County Effort on Gang Related Issues**

### **Summary**

When the Public Service Committee visited a Lake County High School on an unrelated matter, the committee found a need for a more collaborative approach for dealing with the potential gangs in the schools.

### **Procedure**

The committee attended a monthly Lake County Office of Education superintendents' meeting. Additionally, the committee spoke with the Lake County Sheriff, Police Chiefs, the Office of Education in Sacramento, and the Lake County Office of Education regarding gangs and gang related issues.

### **Discussion**

The full Grand Jury reviewed the committee's findings, and unanimously supported a proactive, collaborative approach by all Lake County School Districts regarding intervention and prevention of gang-related issues in the schools.

### **Findings**

- As the investigation proceeded, connections were made among school personnel, law enforcement agencies, and community members.
- As a result of these contacts the entities are now holding regular meetings to address actual and potential problems.
- School officials are developing consistent, across-the-board preventative measures, including ruling out the wearing of gang colors in schools, and elimination of other gang related symbols.
- Law enforcement is committed to aggressive pursuit of gang related crime, and the District Attorney is committed to the aggressive prosecution of it.

### **Recommendations**

- The committee recommends that the 2007-2008 Grand Jury Public Services Committee continue to monitor all school programs concerning potential gang activity.

### **Agency/Department Required to Respond**

Lake County Superintendent of Schools (within 60-days)



## **East and West Lake Resources Conservation Districts Visit**

### **Subject**

There are five watersheds in the County of Lake. There are five volunteer directors, one for each watershed. Together they comprise the Board of Directors for the county's two Resource Conservation Districts (RCDs). These are the East Lake RCD and the West Lake RCD. There is one full-time and one part-time paid employee serving these RCDs.

### **Procedure**

Members of the Public Services Committee visited the Lakeport office of the West Lake RCD, and interviewed the Watershed Coordinator, who gave a PowerPoint presentation.

### **Discussion**

The full Grand Jury discussed the functions, goals and funding of the RCDs. The RCDs were established during the "Dust Bowl" era in the Midwest to save soil for the farmers during that tragic time in farming history. California calls soil conservation districts Resource Conservation Districts, but the rest of the nation refers to them as soil conservation districts. RCDs in Lake County are truly the stewards of our watersheds. They provide expert advice to landowners, local, state and federal government, and take a leadership role in maintaining and restoring watersheds. They provide service to the county in a wide variety of projects, from assisting a landowner applying for a grant to clear a blocked creek bed, to forming community groups to address specific problems. They provide education programs for schools. At times, they may coordinate hundreds of volunteers to save a watershed.

Approximately 75% of their funding comes from Proposition 50, the California / Federal Water Shed Grant, and 25% from other grants and in-kind services. Lake County provides about \$6,000 per year, less than most other California counties provide their RCDs.

### **Recommendations**

1. The committee recommends that Lake County research the possibility of additional funding for this agency.

### **Agency/Department Required to Respond**

Board of Supervisors (within 90-days)



## **Emergency Preparedness Point of Distribution Exercise Oversight**

### **Procedure**

In July 2006, the Public Services committee made an unscheduled site visit to this training exercise. The committee also reviewed the post-exercise critique of this training. Some of the leaders of this exercise were contacted with follow-up questions. Specifically, we asked about expected response time if an actual bio-terrorism event occurred.

### **Discussion/Summary**

- The scenario for this training exercise was as follows:
- Local hospitals reported to the Lake County Public Health Department that a large number of people had a severe gastrointestinal illness.
- Within several hours of the first report to Public Health, some children and elderly persons would have died.
- Public Health receives an anonymous call stating that a local vendor's dairy products were contaminated with a salmonella species with a mutation of the Shiga Toxin.
- On the day of the exercise, the State Department of Health Services delivered enough antibiotics to treat 10,000 people.
- The exercise which followed was meant to test the working assumptions and procedures developed for the operation of a large public medication dispensing site.

### **Findings**

- The committee found that this Emergency Preparedness training exercise was very well coordinated.
- HAM operators backed up the conventional systems in case of a failure of any or part of the communications network.
- Security was strong.
- Over forty state, federal, county, and local entities worked together, and the committee was impressed with how well this effort was coordinated.
- However, the committee noted that there was clearly a need to expand the ability to treat a large number of victims in a shorter period of time, should an event of this magnitude actually occur.
- To address the above need, a new program called Medical Reserve Corps, has been approved for implementation in May 2007. The program will use volunteers, specially trained in basic inoculation techniques, to administer life-saving treatments in times-of-need.

**Recommendations**

None

**Agency/Department Required to Respond**

None

## **Library Employee Complaint**

### **Subject**

The Grand Jury received a complaint from a county library employee alleging gender discrimination.

### **Background**

The employee's complaint was based on:

- alleged gender discrimination
- receipt of an alleged biased and inaccurate performance evaluation
- ongoing lack of communication between the complainant and the supervisor

### **Procedure**

The committee interviewed the complainant, and reviewed the documentation and chronology supplied in support of the complaint. Additional committee interviews included other library staff and the Director of the Lake County Personnel Department, who was conducting a second level review of the employee's job performance, at the employee's request. A summary of that department's review was made available to the committee and it was reviewed.

### **Findings**

- The County Personnel Department thoroughly investigated this matter, including a review of the complainant's performance evaluation.
- A Lake County Personnel Department report was generated from their investigation.
- The report indicated a need for additional management and communication skills training for all parties involved.
- A mutual resolution has been reached that addresses the needs of all parties.

### **Recommendations**

1. We recommend that future Grand Juries monitor the progress of the above training.

### **Agency/Department Required to Respond**

None



## **Library Oversight Visits**

### **Summary**

The Public Service Committee of the Grand Jury selected the county public libraries as a discretionary oversight visit, because it had been over ten years since such a visit was conducted.

### **Procedure**

The committee toured each of the four Lake County library branches, located in Clearlake, Lakeport, Upper Lake and Middletown and met a librarian or manager at each location.

### **Discussion**

The topics discussed with the administration were staffing, special programs, computerized search capabilities, facility maintenance and improvements, security, staff meetings, volunteer programs and hours of operation. In addition, we observed the environmental settings of each site: from noise level, to seating, lighting, signs, special displays, and restroom condition.

### **Findings**

- Staffing adequately meets the needs of the current hours-of-operation.
- Special literacy programs are available to children and adults at all locations.
- Maintenance is needed at all four of the branches and at the time of this report some repairs are complete and others are funded.
- Security is not a major issue.
- Staff meetings are conducted at the branch level only.
- Volunteers contribute approximately 2000-hours annually.
- The current hours of operation were established based on a survey taken 10-years ago.
- In addition to the county budget, the libraries are funded through grants and private donations.

### **Recommendations**

1. A more responsive and timely schedule of building and grounds maintenance needs to be implemented. This will save the county money in costly repairs.
2. The committee recommends a new patron survey be conducted to establish whether changes to the current hours of operation would better service the public.
3. While the existing volunteer, literacy and special programs contribute greatly to the library, a plan to expand existing programs and develop new ones is recommended.

4. Create a long-term plan to accommodate the future growth of the county's and the changing needs of the patrons.

**Agency/Department Required to Respond**  
Lake County Librarian (within 60-days)

## **Lower Lake Cemetery District Oversight**

### **Subject**

A site visit was conducted to inspect the Lower Lake Cemetery and to gather information of its overall operation.

### **Summary**

The cemetery is one of the largest in the county with 25-acres of property.

### **Procedure**

Two members of the committee inspected the cemetery and attended a board meeting. After the board meeting the cemetery's Sexton and board members answered questions.

### **Findings**

- The cemetery staff consists of a full-time Sexton and two maintenance employees, one full-time and one part-time.
- Among the Sexton's duties is the operation of burial equipment.
- The cemetery grounds are very well maintained as are the headstones.
- The cemetery averages 110 interments annually.
- Although many people volunteer to assist in maintaining the grounds, very few actually show up.
- A previous Grand Jury committee recommended an employee manual. The cemetery has implemented this policy and provided a copy to the current committee.
- The finances and budget preparation for the cemetery is done with high efficiency. All checks are approved by the board and all members of the board provide input for the district's annual budget.
- An outside contractor currently performs the repair of headstones. The Sexton indicated that he is interested in attending classes for headstone repair.
- Vandalism is minimal. The cemetery staff maintains a positive relationship with students from a nearby school, allowing them to cross the property on their way to school.
- Any person residing within the Lower Lake Cemetery District at the time of death is eligible to be interred in this cemetery.

**Recommendations**

1. The Lower Lake Cemetery District should look into the availability of headstone repair classes.
2. Considering the amount of property and maintenance involved, the committee recommends moving the part-time employee to full-time status.

**Agency/Department Required to Respond**

Lower Lake Cemetery District (within 60-days)

## **Middletown Cemetery District Oversight**

### **Subject**

A site visit was conducted to inspect the Middletown Cemetery and to gather information of its overall operation.

### **Summary**

The cemetery grounds consist of 8-acres divided into 10-sections.

### **Procedure**

Two members of the committee inspected the cemetery and attended a board meeting. After the board meeting, members of the board and the administrator answered questions. In addition, the committee conducted a partial audit.

### **Findings**

- The cemetery's only staff member is the manager. He lives nearby and is on-call.
- The cemetery grounds are very well maintained; as are the headstones.
- The cemetery averages 12 to 18 interments annually.
- At the time of the committee's visit, Konocti Conservation Camp workers had just cleaned the grounds. They cleared brush, raked leaves and cleaned the headstones.
- The cemetery district's financial status is impressive. They have fixed assets including an 800-square foot conference building. In addition, \$150 per grave is placed into an Endowment Care Program for the cemetery once it is full. They are only required to be audited bi-annually, however; they have annual audits conducted.
- An outside contractor currently performs the repair of headstones.
- Vandalism is minimal.
- The cemetery faces a water crisis. The current well produces three gallons per hour and the tanks are small.
- Any person residing within the Middletown Cemetery District at the time of death is eligible to be interred in this cemetery.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None



## **School Administrative Practices Complaint**

### **Subject**

A complaint was received regarding the administrative practices and student behavior at a public school in Lake County.

### **Summary**

The committee investigated the allegations specific to the complaint.

### **Procedure**

The committee interviewed students, staff, security, and administration. Multiple site visits were also made.

### **Discussion**

Unknown to the Grand Jury, at the time the complaint was filed with the Grand Jury, the complaint had already been inappropriately released to the school administration and the media.

### **Findings**

The committee was unable to continue because our investigation was compromised.

### **Recommendations**

None

### **Agency/Department Required to Respond**

None

