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## PLUMAS COUNTY JAIL

### **Reason For Investigation**

The Plumas County Grand Jury is required to annually inspect any jail within the county in accordance with the California Penal Code.

### **Procedure**

The Plumas County Grand Jury conducted an inspection of the Plumas County Jail. This included interviews with jail medical staff, Correctional Officers and supervisors.

### **Background**

When fully staffed, sixteen correctional officers provide 24 hours a day, 7-days a week coverage. The officers are competent, well trained and dedicated to serving the citizens of Plumas County. The Plumas County Jail is over 35 years old. It is designed to house a maximum of 67 men and women inmates in minimum, medium, maximum and segregated facilities. It also includes a medical room, kitchen, laundry, recreational rooms and yard, control center, as well as office space and storage.

1. The Board of Supervisors controls the majority of the funding for positions within the jail through the Sheriff's Office budget. This affects the number of Correctional Officers available to secure the inmates in the jail and operate the facility as well as equipment, maintenance and training.
2. Unfilled positions and inadequate staffing levels place jail staff in constant jeopardy from violent inmates. Night shifts are limited to only two Correctional Officers on duty in the facility, there is little backup response available in case of an emergency. Day shifts may have as few as three Correctional Officers on duty.
3. The Board of Supervisors controls the hiring of Correctional Officers and other support personnel even when these positions are funded within the Sheriff's Office budget.
4. On October 3, 2007 the California Department of Corrections, Facility Standards and Operations Division, inspected the Plumas County Jail. The inspection determined that the County of Plumas is out of compliance with California State Law regarding the number of Correctional Officers required to be on duty at any one time to operate the facility. The County had 90 days from the receipt of their report, November 27, 2007, to submit a corrective action plan to the California Department of Corrections.

## **Findings and Recommendations**

### **Finding#1-Facility/Equipment**

The building is over 35 years old with outdated plumbing, wiring and utilities requiring constant and costly maintenance. The structure was built many years prior to the use of computers and video surveillance systems and installation of this equipment requires wall-mounted conduits, cables and wiring. The internal layout of the facility does not allow staff to be able to easily observe inmates in different parts of the jail as to respond to emergencies. It is often over capacity and often requires correctional officers to constantly move inmates from area to area for segregation and safety. Some of the observed problems: the kitchen is inadequate the laundry does not have enough capacity, there is a lack of storage and office space and the control center is not secure. The medical room lacks secure storage for medications and medical records.

### **Recommendation#1-Facility and Equipment**

The Board Of Supervisors, Chief Administrative Officer and the county Risk Manager should conduct a comprehensive inspection of the jail facilities to see for themselves the condition of the facilities and the working conditions that jail staff is subjected to.

- The Board of Supervisors should direct the Planning Department to begin the process of designing a replacement jail constructed to modern standards and funding sources be explored.
- The Sheriff should immediately direct a comprehensive review of all kitchen, laundry, booking communications, security and other equipment with the goal of replacing worn out and inadequate items.

### **Finding#2-Staffing**

The California Department of Corrections inspection of October 3, 2007 determined that the Plumas County Jail was out of compliance with state law regarding the number of Correctional Officers required to safely operate the jail. In accordance with minimum staffing levels determined by the jail commander, an additional 5 positions are required.

- The Board of Supervisors has delayed the hiring of critically needed Correctional Officers, often for several weeks, even though funding for those positions is available in the Sheriff's Office budget.
- Jail security requires one Correctional Officer to monitor the control room while the other Correctional Officer is out in the facility. If attacked by inmates the officer being attacked may be out of sight and hearing of the officer in the control room. If the officer in the control room responds the control room must be secured and left un-staffed while that officer responds. This means no one is observing inmates in the rest of the jail.
- The Jail Commander has requested on several occasions, that civilian staff be hired to handle routine administrative duties and control room monitoring so that Correctional Officers can more effectively operate and provide security to the facility.
- On any given day there are not enough Correctional Officers available to provide security for the medical personnel during morning sick call, supervise the kitchen during inmate meal preparation, supervise inmate laundry workers, supervise inmates cleaning cells and facilities, process inmates being booked into the facility, transport inmates to court, medical appointments or transfer inmates to out of county facilities, supervise the exercise yards, process inmates out of the facility and many other required duties. There are often shifts in which there is no supervisor on duty.
- In Plumas County, pay differentials are not provided to Correctional Officers who receive specialized training and continue to maintain certification for specialized duties such as emergency response teams, transportation and training officers. This practice tends to have a negative impact on correctional officer retention.
- The first level supervision of the Sheriff's Office for Deputies is that of Sergeant. The first level of supervision in the jail is Corporal. Given the level of responsibilities required of supervisors in the jail, the inconsistency between the supervisory titles of Sergeant and Corporal tends to have a negative impact on correctional officer retention.

## **Recommendations#2-Staffing**

In order to comply with state law, provide for the personal safety of jail employees, and the security of the facility the Board of Supervisors should immediately authorize the hiring of 5 additional Correctional Officer positions in the jail.

- The Board of Supervisors should immediately authorize the addition and the hiring of civilian positions in the jail to perform routine administrative duties so that Correctional Officers are better able to provide supervision and security to the facility.
- The Board of Supervisors should transfer authority to hire Correctional Officers to the Sheriff when those positions are funded within the Sheriff's Office budget.
- In order for Correctional Officers to maintain training and certification for special duties, the Board of Supervisors should immediately authorize pay differentials for those officers who receive training and maintain certification.
- The Sheriff should immediately conduct a review of supervisory staffing levels in the jail to ensure full time supervision. Should the review indicate the need for additional funding in order to properly staff and supervise the jail function, the Sheriff should submit a proposal to the Board of Supervisors to provide appropriate levels of funding.

## **Conclusions**

The jail facility of Plumas County is old, outmoded and unsafe for both inmates and jail staff. The Board of Supervisors should immediately start the process of developing plans and funding sources for a new jail.

The staffing of the jail has been determined by the State of California to be inadequate to operate the facility. This places tremendous liability on Plumas County, the Sheriff and the Board of Supervisors if an incident occurs that causes the injury or death of an inmate or Correctional Officer because of inadequate staffing.

## **PLUMAS LOCAL AREA FORMATION COMMISSION (LAFCO)**

### **Reason for Investigation**

Plumas LAFCo has not been investigated previously by the Grand Jury since becoming an independent commission in 2001. Also, since the governing legislation does not require LAFCOs to file annual financial statements, or to obtain outside audits, an independent review of Plumas LAFCo records was considered appropriate. In addition, the Grand Jury was aware of some resistance to the fees being charged to special service districts and the City of Portola by Plumas LAFCo. Given these facts, the 2007-2008 Plumas County Grand Jury voted to undertake this investigation.

### **Procedure**

In conducting this investigation of Plumas LAFCo the Grand Jury employed the three key investigatory methods of observation, research, and interviews. A diligent effort was made to cross check information obtained from various sources. Grand Jury members observed Commission meetings and Special District meetings. The Grand Jury obtained and reviewed bookkeeping records maintained by the County Auditor/Controller's Office. Budget records, Commission memoranda, the Plumas LAFCo Policy & Procedures Manual, and several municipal service reviews were requested and received from the Executive Officer. The Grand Jury also obtained numerous documents from various public Internet sources including the California Government Code, other county LAFCo websites and the California LAFCo Association web-site. Interviews were scheduled and completed with the following individuals:

- Plumas LAFCo Executive Officer
- Plumas LAFCo Commissioner representing the City of Portola
- Several officers/directors of Plumas County special districts
- President of the Plumas County Special Districts Association
- City Manager of the City of Portola
- Plumas County Auditor/Controller

## Background

The California Legislature passed the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) to update previous legislation governing Local Area Formation Commissions. Among the stated purposes are the discouraging of urban sprawl, preserving open space and prime agricultural land, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

The CKH legislation established the 58 California county Local Area Formation Commissions as independent entities, and delegates to them the exclusive power to regulate the boundaries of all cities and most special services district boundaries. Specifically, LAFCOs are responsible for city and special district:

- Annexations and detachments
- Formation or dissolution
- Consolidation or reorganization
- Establishment of subsidiary district (s)
- Development of, and amendments to spheres of influence
- Extensions of service beyond an agency's boundary
- Provision of new or different services by special districts
- Municipal Service Reviews

Under the CKH Act, the appointed county commission is comprised of two county supervisors, two city council members or mayors, and one member from the public at large. In addition, a simple majority of special districts within a county may vote to join LAFCo, in which case, the districts selection committee appoints two district commissioners, bringing the total commission membership to seven. Also each category of commissioner has an appointed alternate.

At the present time, only 29 of the 58 California county LAFCOs have special district members. In Plumas County the special districts have not voted to join Plumas LAFCO.

Although the CKH Act is state mandated legislation, the state provides no funding for the operation of the county LAFCOs. Government Code Section 56381 (b) states that *In counties in which there is no independent special district representation on the commission, the county and its cities shall each provide a one-half share of the commission's operational costs.*

Therefore in Plumas County this code section requires the County (General Fund) and the City of Portola (the only incorporated city in the county) to each provide one-half of the Plumas LAFCo operational costs.

The concept of independent county commissions under local control makes sense. However, the “one size fits all approach” of the state mandated program creates a significant funding challenge in rural counties, particularly those like Plumas County with only one incorporated city and a very limited revenue base.

A review of the Plumas LAFCo operating budget and actual financial results for the current and past four fiscal years demonstrates this challenge. There is clearly a conflict between the approved annual budgets and the ability of the County and the City of Portola to fund the commission’s operational costs as follows:

<b>Revenue</b>	<b>2007-2008</b>	<b>2006-2007</b>	<b>2005-2006</b>	<b>2004-2005</b>
Plumas County	\$55,000	\$45,000	\$30,000	\$30,000
City of Portola	\$55,000	\$45,000	\$30,000	\$30,000
Total Contribution	\$110,000	\$90,000	\$60,000	\$60,000
<b>Expenses</b>				
Salaries	\$100,000	\$100,000	\$87,451	\$81,211
Benefits	\$21,500	\$21,500	\$22,100	\$19,549
Payroll Tax	\$8,900	\$8,850	\$8,600	\$6,840
Total Employee Expenses	\$130,400	\$130,350	\$118,151	\$107,600
Other Expenses	\$48,520	\$43,350	\$46,800	\$47,300
Total Expenses	\$178,920	\$173,700	\$164,951	\$154,900
Gap	\$68,920	\$83,700	\$104,951	\$94,900

Although combined budget contributions from the County and the City of Portola increased to \$110,000 in fiscal 2007-8 they still cover only 62% of total budgeted expenditures.

The existing Plumas LAFCo staff consists of two employees, the Executive Director and one Clerk. 2007-8 Budgeted Salary expense of \$100,000 consists of \$81,265 for the two employees, based upon a 25 hour work week, plus \$18,735 to give the Executive Officer the opportunity to either increase current staff hours above 25 hours per week or to hire temporary clerical help, if needed. (It should be noted that if both staff members were to convert to a full-time, 40-hour work

week, the Salary expense would be \$130,024 at their current rate of pay.

Budgeted Employee Benefits expense of \$21,500 covers both the employer and employee contribution to the Public Employees Retirement System and the CalPERS Health Care costs based upon a 25-hour work week.

Budgeted Payroll Tax expense of \$8,900 consists of employer social security, workers' compensation insurance and unemployment insurance for the two employees.

2007-8 Budgeted Other Expenses are \$48,520. The largest items of Other Expense include \$9,070 for Commissioner per diem and payroll tax, \$12,000 for travel expenses, and \$6,600 for office rent.

The Plumas County Auditor/Controller Department provides bookkeeping and expenditure payment services to Plumas LAFCo at no charge. A monthly statement of actual revenues and expenditures and a comparison to budget is generated. However, beyond these bookkeeping services no verification, analysis, or auditing of revenues and expenditures is done by the Auditor/Controller Department.

As a result of the Commission's approval of an annual expenditure budget that significantly exceeds the combined funding provided by the County Board of Supervisors and the City Council of Portola, a significant gap has remained each year. A portion of the gap has been closed each year through management of the expenditures below the budgeted amount. However, the gap has been funded primarily through the imposition of fees associated with virtually all of the activities of the paid staff.

Government Code Section 56383 (a) states that "*The commission may establish a schedule of fees for the costs of proceedings taken pursuant to this division, including, but not limited to, all of the following:*

1. *Filing and processing applications filed with the commission.*
2. *Proceedings undertaken by the commission and any reorganization committee.*
3. *Amending a sphere of influence*
4. *Reconsidering a resolution making determinations."*

Plumas LAFCo has established a fee schedule based upon a cost analysis conducted by the staff and approved by the Commission. The Grand Jury did not attempt an evaluation of the assumptions underlying this cost analysis. However, as indicated by the following chart developed through a survey of other Northern California county LAFCOs, the fee schedule for Plumas LAFCo is significantly out of line.

<b>Services</b>	<b>Plumas Co.</b>	<b>Lake Co.</b>	<b>Colusa Co.</b>	<b>Amador Co.</b>	<b>Del Norte Co.</b>
Full MSR	\$7,500	\$0	\$0	\$0	\$0
Abbreviated MSR	\$3,500	\$0	\$0	\$0	\$0
Full SOI Amendment	\$5,500	\$2,000	\$2,000	\$1,000	\$1,500
5 Year SOI	\$3,500	\$0	\$0	\$0	\$0
District Consolidation	\$7,500	\$2,000	\$2,000	\$0	\$2,000
Annex 0 - 10 Acres	\$4,000	\$1,000	\$2,000	\$1,000	\$1,500
Annex 11+ Acres	\$6,500	\$1,000	\$2,000	\$1,000	\$1,500

In some cases fees are triple, or more, the amount charged by other counties for the same LAFCo services. Particularly striking is the fact that Plumas LAFCo is the only county of the five covered by the chart that posts any fee schedule for Municipal Service Reviews (MSR). While the government code does not prohibit charging for MSRs, many counties take the approach that these are inherent in the basic mandated daily activities of LAFCo and do not represent a “proceeding” that requires additional fee allocation.

The Executive Officer of Plumas LAFCo, in Grand Jury interviews, has stated that it is the only “enterprise” LAFCo in California and defines this on the basis that Fee Revenue, as a percent of Total Revenue, is higher than any other county. This contention was also documented in the Executive Officer’s memo of June 18, 2007, concerning the fiscal 2007-8 final budget adoption.

An “enterprise” approach to government operations is certainly a positive in many situations. However, to the extent that Fee Revenue generated by Plumas LAFCo is collected from special services districts and the City of Portola, this is also taxpayer money. These entities are largely funded by tax allocations and many are hard-pressed by finances to deliver the services for which they were formed. This money is then being used to balance the Plumas LAFCo budget.

## **Findings and Recommendations**

### **Finding #1 - Plumas LAFCo Cost Structure**

The current operational costs of Plumas LAFCo substantially exceed the funding provided by Plumas County and the City of Portola. The fee schedule developed to fund the resulting gap is substantially higher than that of other county LAFCOs surveyed.

Application fees for LAFCo proceedings are to some degree a function of county growth rates and real estate activity. If that source of fee revenue declines, Plumas LAFCo will increasingly rely on fees charged to special districts for Municipal Service Reviews and Sphere of Influence studies to meet its budget deficit. These fee payments come from special district general funds. This places an undue financial burden on special districts.

### **Recommendation #1 - Plumas LAFCo Cost Structure**

It is recommended that the Commission, independent of the Executive Officer, review alternative approaches to the operation of Plumas LAFCo to reduce the operating costs to a level that can be funded without significant reliance on application and other fees.

Government Code Section 56380 states that, *“the commission may choose to contract with any public agency or private party for personnel and facilities.”*

Since the problem of properly funding LAFCo is not limited to Plumas County, it is suggested that the Commission take the initiative to contact other rural counties to determine the feasibility of jointly contracting with a provider to operate several county LAFCOs in a geographically manageable area.

### **Finding #2 - Plumas LAFCo - Relationships with Constituent Agencies**

Grand Jury interviews and observations indicate that the current Executive Officer, in over six years on the job, has failed to establish a positive liaison and rapport with officials of the City of Portola and many of the special districts within Plumas County. The establishment of a positive relationship with the county, city and special district personnel is a critical part of the intent of the LAFCO legislation and is a key component of the Executive Officer’s employment contract.

## **Recommendation #2 - Plumas LAFCo - Relationships with Constituent Agencies**

The Commissioners should immediately establish a schedule to meet with officials of the City of Portola and with board members of a representative cross-section of the special services districts in Plumas County, without the presence of the Executive Officer, to listen to candid feedback regarding their relationship with Plumas LAFCo and the Executive Officer. Based upon this feedback, the Commissioners should determine whether there is a reasonable likelihood that the relationship between Plumas LAFCo and its constituents can be satisfactorily mended under the present Executive Officer. If so, a specific plan of action to resolve the matter should be undertaken and should become a key part of the Executive Officer's performance evaluation going forward. If not, the Commission should take appropriate action to resolve the issue.

## **Finding #3 - Plumas LAFCo - Financial Audit**

LAFCO legislation contains no requirement for annual financial statements of actual operating results to be submitted to State or County authorities. This lack of a mandated financial oversight potentially exposes the taxpayers, the Commission and the LAFCo staff to unnecessary concerns and risk.

## **Recommendation #3 -Plumas LAFCo Financial Audit**

It is recommended that the Commissioners publish a Request for Proposal to be sent to Certified Public Accounting firms in Northern California to initiate steps to obtain an independent financial audit.

## **Finding #4 - Special Districts and Plumas LAFCo**

Each year, the Executive Officer of Plumas LAFCo, as required by the **CKH** legislation, has provided, to each special district board in the county, a copy of the proposed preliminary and final proposed budget for Plumas LAFCo for the coming fiscal year. This provides an opportunity for the special districts to make their concerns and comments known. On May 12, 2008, the regular publicly noticed meeting of the Commission was held to consider adoption of the 2008-9 Plumas LAFCo budget. The public attendance at that meeting included just one board member from one of the approximately 55 special districts in the county.

## **Recommendation #4 Special Districts and Plumas LAFCo**

While it is recognized that the board members of the special districts are primarily volunteers and have numerous commitments for their time, it is imperative that the various districts, perhaps through the Plumas Special Districts Association, make the effort to better understand the purposes, powers, limitations and mission of Plumas LAFCo as they affect the ability of the districts to effectively and efficiently deliver services to their constituents.

The Plumas County Special Districts Association and the Boards of the individual Special Districts in Plumas County need to become much more pro-active with Plumas LAFCo, whether, or not, they decide to join and appoint 2 Commissioners.

### **Conclusion**

The current operational costs of Plumas LAFCo substantially exceed the funding provided by Plumas County and the City of Portola. Grand Jury interviews and observations indicate that the current Executive Officer, in over six years on the job, has failed to establish a positive liaison and rapport with officials of the City of Portola and many of the special districts within Plumas County. LAFCO legislation contains no requirement for annual financial statements of actual operating results to be submitted to State or County authorities. Each year, the Executive Officer of Plumas LAFCo, as required by the **CKH** legislation, has provided, to each special district board in the county, a copy of the proposed preliminary and final proposed budget for Plumas LAFCo for the coming fiscal year. This provides an opportunity for the special districts to make their concerns and comments known.

The Commissioners and Executive Officer of Plumas LAFCo, The Plumas County Board of Supervisors, the Plumas Special Districts Association, the boards of the Plumas County special services districts and the officials of the City of Portola have an obligation to the citizens of Plumas County to work together to find the most cost effective way to enable Plumas County LAFCo to deliver the services mandated by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

## **THE PLUMAS COUNTY OFFICE OF EMERGENCY SERVICES (OES)**

### **Reason for Investigation**

Since the events that occurred on September 11, 2001, the Federal Government and the State of California have enacted new laws and procedures to protect the public safety and property, to provide an organizational structure to guide emergency responders, and to provide for reimbursement to local responding agencies. The 2007-2008 Plumas County Grand Jury decided to inquire into Plumas OES as a result of these changes and in light of recent events in Plumas County that have been featured in the local news papers. We were aware of concerns with the processes and procedures being employed by the Plumas County OES. In addition, the Plumas County Grand Jury has not previously examined the Office of Emergency Services.

### **Procedure**

We used three important investigatory methods to obtain our results; observations, research, and interviews. Observations were conducted at Quincy Fire Department/HAZMAT, Peninsula Fire Department, Plumas County Sheriffs Department Communications Center, and the railroad spill site at Storrie. Documents reviewed included Plumas County Emergency Operations Plan; Plumas County Multi-Hazard Mitigation Plan; Plumas County Hazardous Materials Response Plan; and California OES website.

The Grand Jury interviewed:

- 1 Director of the Office of Emergency Services,
- 2 Assistant Director of the Office of Emergency Services,
- 3 Chief of the Quincy Fire Department
- 4 Director of Plumas County HAZMAT,
- 5 The Director of Environmental Health
- 6 Communications Specialists with the Sheriff's Department
- 7 Plumas County Risk Management Director
- 8 County Auditor
- 9 Local Citizens

## **Background**

The Governor's Office of Emergency Services (OES) serves as the lead state agency for emergency management in California. Its mission is to ensure the state is ready and able to mitigate against, prepare for, respond to, and recover from the effects of emergencies that threaten lives, property and the environment. The state OES coordinates the activities of all state agencies relating to preparation and implementation of the State Emergency Plan. OES also coordinates the response efforts of state and local agencies and the integration of federal resources into state and local response and recovery operations. The *California Emergency Services Act* (ESA) found in Government Code Chapter 7 of Division 1 of Title 2 provides the basic legal authorities for emergency management in the state.

The state's 58 counties are grouped into three OES Administrative Regions - Coastal, Inland, and Southern. The operational area of Plumas OES encompasses Plumas County and all the political subdivisions located within its boundaries. On-scene responders such as law enforcement, fire services and public works personnel conduct direct response activities. Independent agencies can augment the American Red Cross and other relief agencies.

California Government Code, Section 8607, requires the development of a Standardized Emergency Management System (SEMS), which is a uniform method for managing emergencies. Local government agencies must use SEMS to be eligible for State reimbursement of eligible response related personnel costs resulting from a disaster.

California State Government Code, Section 8610 states Counties and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency or state of emergency. The Multi-Agency Coordination Group is the local disaster council in Plumas County and is composed of key personnel from:

1. Environmental Health Department
2. Public Health Department
3. HAZMAT Response Team
4. Fire Department Representatives
5. Sheriff's Office
6. Highway Patrol
7. Public Works Department
8. Road Department
9. Board of Supervisors

10. CAO of Plumas County
11. Clerk to the BOS
12. County Clerk
13. Department of Social Services
14. US Forest Service
15. Cal Trans
16. Plumas Sierra Rural Electric Co-Op.
17. American Red Cross
18. Plumas District Safety Officer
19. City of Portola Administrator
20. Director of Plumas County Office of Emergency Services

California State Government Code, Section 8613 states that “Should an accredited disaster council fail to comply with the rules and regulations of the Office of Emergency Services in any material degree, the office may revoke its certification”.

The Plumas County Office of Emergency Services, working with the Plumas County Environmental Health Department is responsible for overall pre-emergency planning and coordination among the various emergency responders. This includes coordination of emergency assistance between contiguous jurisdictions.

The State and Federal Governments help local jurisdictions cover the cost of disasters. To get this help, Plumas County must declare a local emergency within 10 days of the actual occurrence of a disaster. The County must then assess damages, and apply for aid within 60 days after the Proclamation of a Local Emergency and contact the State Office of Emergency Services for assistance information. Federal aid, coordinated by the Federal Emergency Management Agency (FEMA), is given at the request of the Governor.

The Office of Emergency Services is responsible for assisting the various county departments in the preparation and tracking of such claims, and should coordinate the filing of claims.

As with all mandated government activities an adequate level of funding is critical. During the interview process it became apparent that there are many funding gaps in the Plumas Office of Emergency Services. The various agencies have been left to seek their own funding through grants, special district allocations and fund raising efforts.

During the Grand Jury interview process the interviewees were asked if the Office of Emergency Services has conducted full, "in the field" countywide preparedness drills to test the system. The general response was that "the personnel in each department are responsible to make sure that their own departments are safe, properly trained, know the OES rules, and know their responsibilities in emergency situations". Apparently there was a "table top" OES exercise conducted within the past two years when the only full field exercise was cancelled because of inclement weather.

It should be noted that on March 11, 2008 the Plumas County Board of Supervisors accepted the resignation of the Director of the Plumas OES and also his resignation as the County Fire Marshall.

## **Findings and Recommendations**

### **Finding #1**

The Plumas County Organizational Chart obtained from the Human Resources Department by the Grand Jury, dated June 12, 2007 does not include the Plumas Office of Emergency Services, which calls into question the historical chain of command and the extent of the OES assimilation into Plumas County operations.

### **Recommendation #1**

The Plumas County Organizational Chart should be amended to reflect the proper chain of command.

### **Finding #2**

While numerous individual emergency responder agencies in Plumas County possess high levels of training, skill and performance capabilities, there is a lack of inter-agency communication and coordination training. This is in direct violation of the Office of Emergency Services State mandate.

The director and the assistant director have not met on a regular basis with the effect that the assistant director is not always advised of the current situations.

## **Recommendation #2**

The Office of Emergency Services, in conjunction with the Environmental Health Department, should conduct regular disaster exercises with all response agencies and with voluntary participation of business representatives.

The Director and Assistant Director should meet as frequently as necessary to insure that the assistant director is fully advised of all situations.

## **Finding #3**

The Multi Agency Coordination Group, which is the local disaster council, does not meet on a regular basis. It is the responsibility of the Director of Emergency Services to schedule these meetings.

## **Recommendation #3**

The Multi Agency Coordination Group should meet on a regular basis. The Director of Emergency Services should schedule these meetings.

## **Finding #4**

There is a serious retention issue concerning the HAZMAT responders. After these responders are trained, they are often recruited by outside agencies that provide better compensation.

## **Recommendation #4**

HAZMAT responders who are trained through Plumas County should receive a pay differential to maintain certification. In addition, they should be required to sign a contractual agreement stating that they will serve the county for a minimal time period or reimburse the county for training expenses.

## **Finding #5**

On June 30, 2007 there was a 22-railcar derailment that released toxic chemicals and residents were ordered to evacuate. The Emergency Command Center was not activated nor was the Plumas County Emergency Operations Plan implemented. As a result, post evacuation care was not provided as required by the Plumas County Emergency Operations Plan.

### **Recommendation #5**

In the event of future occurrences, the Office of Emergency Services should activate the Emergency Command Center and implement the Plumas County Emergency Operations Plan. A reception and care site should be activated to provide evacuees with information on the incident and directions to temporary housing.

The Director of Emergency Services should contact the displaced county residents to mitigate their evacuation expenses and to keep them apprised of the current situation concerning the cleanup of the site and when it is safe to return to their residences.

### **Finding #6**

The Director of Emergency Services has not sought reimbursement from the state and federal governments for Hazardous Spills, Fire Fighting efforts by the Special District responders, or for the Claremont Dynamite incident in Quincy.

### **Recommendation #6**

The Director of Emergency Services should seek reimbursement through the State and Federal Governments and follow the procedures set forth in the document that was adopted by the Plumas County Board of Supervisors on September 13, 2005 by Resolution No. 05-7200.

### **Finding #7**

The Director of Emergency Services has left the grant seeking process to individual departments.

### **Recommendation #7**

The Director should also be responsible for the coordination of grant writing activities for the different departments to insure that all needs are being addressed.

### **Finding #8**

The new communication system at the Sheriff's Office is truly state of the art. The system is hooked up to all agencies in California so that help can be requested

quickly. The Communication Center is fully staffed with eight operators. They have two people on duty 24 hours a day, 7 days a week.

Currently they are working on:

- The reverse 911 system
- Voting receivers that will select the strongest receiver signal automatically
- Wireless broadband communications

## **Recommendations #8**

The Grand Jury commends the Sheriff's Communication Department and more specifically, Mike Grant, for the new Communication Center. It has taken a tremendous effort to bring Plumas County into the 21<sup>st</sup> century of communications. And this deserves our gratitude and special recognition. We further recommend that the Plumas County Board of Supervisors formally recognize Mr. Grant for his outstanding efforts.

## **Conclusion**

The Plumas County Organizational Chart obtained from the Human Resources Department by the Grand Jury, dated June 12, 2007 does not include the Plumas Office of Emergency Services. There is a lack of inter-agency communication and coordination training. The Multi Agency Coordination Group, which is the local disaster council, does not meet on a regular basis. There is a serious retention issue concerning the HAZMAT responders. On June 30, 2007 there was a 22-railcar derailment that resulted in the release of toxic chemicals, the Emergency Command Center was not activated nor was the Plumas County Emergency Operations Plan implemented. The Director of Emergency Services has not sought reimbursement from the state and federal governments for Hazardous Spills, Fire Fighting efforts by the Special District responders, or for the Claremont Dynamite incident in Quincy. The Director of Emergency Services has left the grant seeking process to individual departments. The responsibility for correcting these issues lies with the Plumas County Board of Supervisors and the Director of Emergency Services.

Currently the Board of Supervisors is seeking a new candidate for the position of Director of Emergency Services. It is critical that the new director has a clear understanding of the State and Federal regulations.

## COMPLAINT SUMMARIES

### Complaint No. 07/08-1

#### **Nature of Complaint**

The complaint was received from an anonymous source.

#### **Response**

It is the policy of the Plumas County Grand Jury that all complaints must be in writing, signed and dated. Therefore, this complaint was not considered by the Grand Jury.

### Complaint No. 07/08-2

#### **Nature of Complaint**

The complainant alleged criminal acts by a former county official.

#### **Response**

This Plumas County Grand Jury is civil in nature. The complaint did not fall under the jurisdiction of this Grand Jury.

### Complaint No. 07/08-3

#### **Nature of Complaint**

The complainant alleged that the “Plumas County Jail has refused to post the inmate welfare fund in the Library.” The complainant also alleged that “The dispensing of narcotics and anti-psychotic, psychotic medications by non-qualified correction personnel, ...it does not fall into correctional duties and is a violation of the law.”

#### **Response**

California Penal Code Section 4025 governs the management of the Inmate Welfare Fund. This code determines the sources for monies deposited in the fund, permitted expenditures of the fund and the requirements for accounting of the fund. There is no requirement that the Inmate Welfare Fund be posted in the jail. The law requires that, “An itemized report of these expenditures shall be submitted annually to the Board of Supervisors.”

California Code of Regulations, Title 15 Section 1216 governs the dispensing of medications within the county jail. Subsection (b)(7) states, “Delivery of medication may be done by either licensed or non-licensed personnel, e.g. custody staff, acting on order of a prescriber.”

#### **Complaint No. 07/08-4**

##### **Nature of Complaint**

Complainant alleged the Board of Supervisors was in violation of specific chapters of the Ralph M. Brown Act

1. Chapter V – The elimination of all community residents’ names and comments opposing the establishment of a drug and alcohol rehabilitation facility “was a form of viewpoint discrimination...”
2. Chapter VII – The BOS deprived “the public of information which the members knew or had reason to know the public was entitled to receive.”

##### **Response**

With regard to the complaint filed against the BOS, The Plumas County Grand Jury finds no violation of the provisions of Chapter V of the Ralph M. Brown Act as indicated in the complaint. Based on what was presented to the Grand Jury there is nothing to substantiate the necessity for recommending pursuit of criminal penalties as outlined in Chapter VII of the Ralph M. Brown Act.

#### **Complaint No. 07/08-5**

##### **Nature of Complaint**

The complainant alleged improper conduct and the unlawful seizure of property by Plumas County Animal Control Officers.

##### **Response**

The Grand Jury investigation revealed that under California Penal Code Section 597.1 (a)(b) the officers acted within the scope of their duties as defined by law.

#### **Complaint No. 07/08-6**

##### **Nature of Complaint**

The complainant alleged that the Eastern Plumas Health Care Board of Directors illegally ceded its power to one person, namely the CEO. The complainant also alleged irregularities with regard to the CEO’s disability claims. The complainant

also alleged that past Grand Juries were denied access to the CEO's personnel files.

**Response**

The Grand Jury interviewed the complainant and consulted the District Attorney. The District Attorney had also received the complaint and had forwarded the allegations within this complaint to the Office of the State Attorney General for an opinion. No response has been received as of the writing of this report.

**Complaint No. 07/08-7**

**Nature of Complaint**

The complainant alleged negligence on the part of Union Pacific Railroad with regard to a derailment in the Feather River Canyon that affected the complainant's property and business.

**Response**

The Grand Jury has no jurisdiction over private companies.

**Complaint No. 07/08-8**

**Nature of Complaint**

The complainant alleged that the Quincy Fire District has failed to keep the public informed regarding the use of funds generated by "measure A" on the July, 2006 ballot.

**Response**

The complaint was received too late for this year's Grand Jury to accomplish a proper investigation. The complainant should re-file the complaint with the 2008-2009 Grand Jury.

**Complaint No. 07/08-9**

**Nature of Complaint**

The complainant alleged a violation of his constitutional rights by Officials of Plumas County.

**Response**

This complaint does not fall under the jurisdiction of this Grand Jury.

## **Complaint No. 07/08-10**

### **Nature of Complaint**

The complainant alleged confusion involved with the relocation of a county sponsored program.

### **Response**

This complaint was received too late in the year for this Grand Jury to conduct a proper investigation. The complainant should re-file the complaint with the 2008-2009 Grand Jury.

**PLUMAS COUNTY GRAND JURY HISTORY OF INVESTIGATIONS**

<b>Department, Agency, Program</b>	<b>Earlier Years</b>	<b>2000-2001</b>	<b>2001-2002</b>	<b>2002-2003</b>	<b>2003-2004</b>	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>
Administrator/CAO	95-96		X						
Agriculture Commissioner									
Airport Operations									
Alcohol and Drug	95-96		Inc.						
Animal Services	95-96		X	X		X	F/U	X	
Assessor	95-96,98-99								
Auditor/Controller			X						
Board Of Supervisors			X				X	X	X
Building and Planning Services				X		X			
Clerk/Recorder			Inc.						
Community Services Districts								X	
County Counsel									
District Attorney	98-99							X	
Facility Services	99-00			X		X			
Fair			X						X
Farm Advisor									
Feather River College							Inc.	X	
Fire Departments			X	X		X	F/U		
Health Dept./Env. Health									
Hospital Districts			X						
Housing and Comm. Development									
Human Resources	99-00				X				
Information Technology	99-00								
Jail	98-99	X	X	X	X	X	X	X	X
Juvenile Hall				X		X			
Library	98-99								
Local Agency Formation Comm. (LAFCo)									X
Mental Health	95-96,99-00								
Museum	98-99								
Nutrition Program	95-96								
Office of Emergency Services (OES)									X
Plumas Corporation			X						

Department, Agency, Program	Earlier Years	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Flood Control and Water Conservation					X	X			
Public Health Agency					X				
Plumas Unified School District				X	X	X			
Cemetery Districts									
Probation	98-99		X		X				
Public Works	98-99		X						
Recreation Districts	95-96								
Sheriff/Coroner	98-99		X		X				X
Social Services/Public Guardian	95-96							X	
Treasurer/Tax Collector	98-99								
Veteran's Services	95-96						X		

**Key**

F/U \_\_\_\_\_ Follow up

Inc. \_\_\_\_\_ Incomplete