

MODOC COUNTY GRAND JURY

FRANCIS W. BARCLAY
Presiding Judge Superior Court

RONDA GYSIN
Court Executive Officer

DAVID A. MASON
Superior Court Judge

RON HASSLER
Foreperson

July 25, 2019

Modoc County Board of Supervisors
204 S. Court Street
Alturas, CA 96101



Re: 2018/2019 Grand Jury Report

Dear Modoc County Board of Supervisors:

Enclosed herewith are copies of the 2018/2019 Grand Jury Report. Comments regarding matters reported therein should be submitted to Judge Mason in accordance with the provisions of Sections 933(c) of the Penal Code.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kunkel".

Kevin Kunkel, Pro-tem
2018/2019 Grand Jury

KK/bi
Enclosures (1)

Modoc County Grand Jury Report



2018-2019



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Modoc County Grand Jury Roster 2018 –2019

Ron Hassler, (Foreperson), Canby

Kevin Kunkel, (Pro-tem), Alturas

Amanda Hoy, Alturas

Jim Cavasso, Alturas

Ed Stevenson, Lake City

Roberta Hohman, Alturas

Alice Lybarger, Alturas

Scott Otis, Adin

Lacey Conger, Alturas

Onalee Sweeney, Alturas

Letter from the Pro-Tem

I would like to thank this year's Grand Jury for proving that it is possible for a diverse group of citizens to work in unity toward a common goal. Each year a new group of individuals or returning jurors volunteer to participate in the process of investigating County, State mandated and Special entities. Although the members of the panel change each year, the task remains the same.

The purpose of a Grand Jury is to hold county departments and agencies accountable to the tax payers of the county. In this case, Modoc County Grand Jury investigates county departments based on which departments have not been investigated recently, which may have complaints that may need to be addressed, or which investigations may be required. A Grand Jury investigation and/or report does not necessarily mean that a particular department had any complaints against it, or that any particular disciplinary actions were the reasons for an investigation. Not all investigations result in negative findings, and that is not the purpose of an investigation. Whenever possible, the Grand Jury includes positive findings, along with other information. The end result of a report, it is expected, that the tax paying public is assured of governmental accountability.

I want to encourage you as a citizen of Modoc County to become involved in this democratic process. It is a rewarding experience, which leads to personal growth and better knowledge of how our County functions within the entities that provide expected services to the citizens of this county on a daily basis with the funding they are provided.

Sincerely,
Kevin Kunkel
Pro-tem

Acknowledgements

The 2018-2019 Grand Jury would like to thank the following:

Honorable Judge David A. Mason
Bekki Ingraham, Legal Process Clerk II
Ronda Gysin, Court Executive Officer
California Grand Jury Association

Superior Court of California

County of Modoc

ROBERT A. BARCLAY JUSTICE CENTER

205 South East Street, Alturas, CA 96101

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(530) 233-6516 ext. 1207

FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

July 25, 2019

To: Grand Jury Members

Dear Ladies and Gentlemen:

I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2018-2019 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

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

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

Thanks once again for a job well done.

Sincerely,



David A. Mason
Assistant Presiding Judge

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

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

Date: July 25, 2019



Devil's Garden Conservation Camp

July 5, 2019

Summary:

Among the findings and recommendations listed, additional housing is needed as well as updating already established housing. Additionally, it was found that paving Airport Road from County Road 73 into the Conservation Camp is a need for better year round access. The Modoc County Grand Jury found that the Devil's Garden Conservation Camp is operating at a high level of professionalism and in collaboration with partner agencies and stakeholders.

Background:

The purpose of a Grand Jury is to hold county departments and agencies accountable to the tax payers of the county. In this case, Modoc County Grand Jury investigates county and state departments that have not been recently investigated, which may have complaints that may need to be addressed or which investigations may be required. A Grand Jury investigation and/or report do not necessarily mean that a particular department had any complaints against it, or that any particular disciplinary actions were the reasons for an investigation. Investigations are required, periodically, by law, without there necessarily being any reason for initiating an investigation. Should the Grand Jury find issues, it is their duty to create a report of findings, recommendations, and possible referrals to other agencies for further actions, if needed. Not all investigations result in negative findings, and that is not the purpose of an investigation. Whenever possible, the Grand Jury includes positive findings, along with other information. The end result of a report, it is expected, that the tax paying public is assured of governmental accountability.

Methodology:

The Grand Jury met on numerous occasions as an entire group to discuss many items pertaining to the duties of the Grand Jury and governmental departments and agencies under its jurisdiction. Among these departments and agencies is the Devil's Garden Conservation Camp. Interview questions were created by the Grand Jury and were edited down to the most pertinent. The Grand Jury, upon completion of interviews and other research, presented the information to the Grand Jury as a whole, from which procedural issues were addressed and a report request was sent to the report writing subcommittee, which then created the initial report. Once the initial report was completed, it was presented to the Grand Jury for review and comment. Upon completion of the review, a final report was created and presented to the agencies and the general public, pursuant to applicable laws.

Findings:

F1. The Devil's Garden Conservation Camp is one of 39 conservation camps in California.

- F2. The Devil's Garden Conservation Camp is operated collaboratively between Cal Fire and the California Department of Corrections.
- F3. The Devil's Garden Conservation Camp has been in operation since 1989.
- F4. The Devil's Garden Conservation Camp houses 120 level-one inmates.
- F5. The Devil's Garden Conservation Camp provides four 17-man fire crews.
- F6. The Devil's Garden Conservation Camp is local community resource that provides sign services.
- F7. The primary mission of the Devil's Garden Conservation Camp is to provide inmate fire crews for fire suppression, work force for floods and conservation work force within the surrounding area.
- F8. Paved roads to the Devil's Garden Conservation Camp is needed.
- F9. Increased onsite housing is needed.
- F10. Updated onsite housing is needed.

Recommendations:

- R1. We recommend that Modoc County consider paving Airport Road off of County Road 73 to the Devil's Garden Conservation Camp. F8
- R2. We recommend a committee of local stakeholders be established to explore the possibility of securing grants to update and build new housing at the camp. F9, F10.

Invited/Required Responses:

The Modoc County Grand Jury requests that Cal Fire and the California Department of Corrections outline a plan for additional funding to support the infrastructure needs at the Devil's Garden Conservation Camp. This report shall be supplied to the Grand Jury no later than ninety (90) days after official publication of this Grand Jury report to the general public.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Modoc Joint Unified School District Geothermal Project Report

July 5, 2019

Summary:

Among the many findings and recommendations listed, local labor and expertise has been the largest opportunity with the Modoc Joint Unified School District (MJUSD) Geothermal Project. The Project Manager of the MJUSD Geothermal Project is also the Superintendent of Modoc Joint Unified School District and took this project on as collateral duty within that role. As such, there was an initial learning curve. The Project Manager has successfully implemented the project and collaborated with other stakeholders and entities to plan for expansion. The MJUSD Geothermal Project is fully operational and is saving MJUSD up to \$7000 per month in diesel fuel costs associated with heating.

Background:

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Methodology:

The Grand Jury met on numerous occasions as an entire group to discuss many items pertaining to the duties of the Grand Jury and governmental departments and agencies under its jurisdiction. Among these departments and agencies is the Modoc Joint Unified School District (MJUSD) Geothermal Project. The Grand Jury met and created a subcommittee to investigate the MJUSD Geothermal Project. This subcommittee was responsible for research, interviews, and other areas pertaining to the project. Interview questions were created by the Grand Jury, as well as the subcommittee, which were then edited and decided on by the subcommittee for presentation to the interviewees that the subcommittee would then interview. The subcommittee, upon completion of interviews and other research, presented the information to the Grand Jury as a whole, from which procedural issues were addressed

and a report request was sent to the report writing subcommittee, which then created the initial report. Once the initial report was completed, it was presented to the Grand Jury for review and comment. Upon completion of the review, a final report was created and presented to the agencies and the general public, pursuant to applicable laws.

Findings:

- F1. The MJUSD Geothermal Project has been a formal project since the early 1990's with discussions and planning going back to the 1980's.
- F2. The Project Manger of the MJUSD Geothermal Project is also the Superintendent of Modoc Joint Unified School District.
- F3. There are four wells in the system (AL1-AL4) including one reinjection pump (AL4).
- F4. The first well in the system is located at the High School, which replaced an old wood boiler for heat.
- F5. AL1 was found to be draining heavy metals into the Pit River through discharging into the City of Alturas sewer system.
- F6. MJUSD Geothermal Project held accountable to the California Water Resources Board.
- F7. Project fined \$21,000 (three fines a \$7000 per incident).
- F8. Of the \$21,000 in fines, \$18,000 came back to the project to help fund improvements to the project.
- F9. Additional grant opportunities have been sourced to help fund improvements to the project.
- F10. Project Manager, upon inspection, found that the old closed loop system was not completed (lines were not capped off).
- F11. Original contractors had since gone out of business.
- F12. Project Manager did all sourcing and vetting of work.
- F13. MJUSD saves \$7,000 a month in diesel by utilizing geothermal heat.
- F14. Savings as a result of geothermal heat go back into the MJUSD general fund.
- F15. Savings has helped to fund two new positions in the district; Mental Health Specialist and Family Engagement Specialist.
- F16. MJUSD Geothermal Project is 80% grant funded and 20% school funded.

- F17. Eventual tie in with the hospital will allow for more cost sharing.
- F18. City of Alturas is a partner in the project and helped acquire the initial grant.
- F19. Modoc Medical Center is a partner and will share in the costs and management once tied in.
- F20. Numerous public records requests regarding the project has incurred \$11,000 in legal fees from the MJUSD general fund.
- F21. Geothermal system is inspected by the district maintenance team, daily and weekly.
- F22. System of alarms in the event of a malfunction
- F23. Reports of findings are submitted to the State of California yearly.
- F24. Emergencies related to the project fall under the district's general emergency plan and is provided for therein.
- F25. Planned expansion to City Pool.
- F26. City of Alturas has not committed to City Pool expansion or location.
- F27. Expansion is possible into business and residential properties, but at a considerable expense.

Recommendations:

- R1. The Project Manager of the MJUSD Geothermal Project is spread too thin. With planned expansion of the geothermal system, we recommend a stand alone project manager who's sole function is overseeing, maintaining, and coordinating future expansion of the system. Additionally, this role would identify and apply for additional funding to support labor and operating costs associated with the geothermal project. F2
- R2. We recommend a committee of local stakeholders be established to explore the possibility of expanding the system to heat business and residential locations in Alturas. F27
- R3. City of Alturas should commit to the expansion of the geothermal project to either the existing city pool, or to the proposed city pool location as this has a direct benefit to those who reside in Alturas. F26

Invited/Required Responses:

The Modoc County Grand Jury requests that the City of Alturas provide the Grand Jury with an outline for a plan to fund an additional city employee who's sole purpose is to increase grant funding and facilitate the expansion of the geothermal project to Modoc Medical Center, the

City Pool and to other business and residential properties through out the City of Alturas. This report shall be supplied to the Grand Jury no later than ninety (90) days after official publication of this Grand Jury report to the general public.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Modoc County Road Department (MCRD) Report

July 5, 2019

Summary:

Among the findings and recommendations listed, funding, training, job vacancies are the three largest categories. The Modoc County Road Department (MCRD) is funded by propositions and gas taxes. Job vacancies and scheduling issues are a large part of the issues the MCRD is facing and lends to difficulties in effectiveness. Employee morale seems to be another issue proving to be an issue and possibly part of the cause of job vacancies. Filling vacancies would likely show the largest increase in effectiveness, along with trainings and proper scheduling of road repairs.

Background:

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Methodology:

The Grand Jury met on numerous occasions as an entire group to discuss many items pertaining to the duties of the Grand Jury and governmental departments and agencies under its jurisdiction. Among these departments and agencies is the Modoc County Road Department (MCRD). The Grand Jury met and created a subcommittee to investigate the MCRD. This subcommittee was responsible for research, interviews, and other areas pertaining to the MCRD. Interview questions were created by the Grand Jury, as well as the subcommittee, which were then edited and decided on by the subcommittee for presentation to the interviewees that the subcommittee would then interview. The subcommittee, upon completion of interviews and other research, presented the information to the Grand Jury as a whole, from which procedural issues were addressed and a report request was sent to the report writing subcommittee, which then created the initial report. Once the initial report was completed, it was presented to the Grand Jury for review and comment. Upon completion of the review, a

final report was created and presented to the agencies and the general public, pursuant to applicable laws.

Findings:

- F1. The MCRD is funded by propositions, gas tax, and school funds.
- F2. MCRD provides weekly safety trainings.
- F3. MCRD completed 30 miles of fog seal in 2018.
- F4. There are job vacancies.
- F5. There is a schedule for equipment maintenance.
- F6. One gravel pit has closed (Lake City) and one remains open.
- F7. Some funds have been diverted to other things in the past.
- F8. MCRD is responsible for 982 total miles of road.

Recommendations:

- R1. Continue current funding options, with recurring accounting oversight to ensure funds are directed appropriately and, if redirected elsewhere, that those funds get returned. F1, F7
- R2. Outsource safety trainings to companies with expertise in these areas as a means of moving these duties away from supervisors, thus freeing their time to focus on job duties. F2
- R3. Create job postings online, utilizing companies offering these services, as a means to find qualified employees to fill vacant positions. As positions become filled, assign scheduling of repairs and other items to these new employees as fit. F3, F4, F5, F8
- R4. Determine where resource pits can be obtained or contracted as a means to create a stable, cost-effective resource supply. F6
- R5. Investigate options with employee morale companies that can provide trainings, activities, and ideas that can improve employee morale and employee retention. F4

Invited/Required Responses:

The Modoc County Grand Jury requests that the MCRD administrator provide the Grand Jury with an outline for a plan to fill job vacancies, increase employee morale, determine resource pit availability, and determine what trainings are needed for all staff with a plan to implement these trainings. As part of these plans, the administrator needs to provide an updated

equipment list of actively usable items and their condition as well as a list of equipment and items needed for the department. This report shall be supplied to the Grand Jury no later than ninety (90) days after official publication of this Grand Jury report to the general public.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Office of Emergency Services (OES) Report

July 5, 2019

Summary:

Among the many findings and recommendations listed, funding, agency collaboration/training, and community outreach are the three largest categories. The Modoc County Office of Emergency Services (OES) is entirely funded by grants and is operated, largely, out of the Sheriff's department. Collaboration and training with other agencies and departments is a large part of the duties of the OES and lends to its effectiveness. Community outreach and notifications of events and alerts are a constant strain on resources and time. Fully funding the agency would likely show a greater increase in effectiveness, whether it be through more grants, fund raising activities, or other methods. Frequent public meetings would help better prepare the public for large emergency situations, as well as raise community awareness and fund-raising opportunities.

Background:

The purpose of a Grand Jury is to hold county departments and agencies accountable to the tax payers of the county. In this case, Modoc County Grand Jury investigates county departments based on which departments have not been investigated recently, which may have complaints that may need to be addressed, or which investigations may be required. A Grand Jury investigation and/or report do not necessarily mean that a particular department had any complaints against it, or that any particular disciplinary actions were the reasons for an investigation. Investigations are required, periodically, by law, without there necessarily being any reason for initiating an investigation. Should the Grand Jury find issues, it is their duty to create a report of findings, recommendations, and possible referrals to other agencies for further actions, if needed. Not all investigations result in negative findings, and that is not the purpose of an investigation. Whenever possible, the Grand Jury includes positive findings, along with other information. The end result of a report, it is expected, that the tax paying public is assured of governmental accountability.

Methodology:

The Grand Jury met on numerous occasions as an entire group to discuss many items pertaining to the duties of the Grand Jury and governmental departments and agencies under its jurisdiction. Among these departments and agencies is the Office of Emergency Services (OES). The Grand Jury met and created a subcommittee to investigate the OES. This subcommittee was responsible for research, interviews, and other areas pertaining to the OES. Interview questions were created by the Grand Jury, as well as the subcommittee, which were then edited and decided on by the subcommittee for presentation to the interviewees that the subcommittee would then interview. The subcommittee, upon completion of interviews and other research, presented the information to the Grand Jury as a whole, from which procedural issues were addressed and a report request was sent to the report writing subcommittee, which then created the initial report. Once the initial report was completed, it was presented to

the Grand Jury for review and comment. Upon completion of the review, a final report was created and presented to the agencies and the general public, pursuant to applicable laws.

Findings:

- F1. The OES Administrator is new to the position.
- F2. The OES Administrator runs the financial department for OES and the Sheriff's department.
- F3. The OES Administrator helps get grants for both the OES and the Sheriff's Department.
- F4. The OES is entirely grant funded, by Department of Homeland Security (DHS), and is overseen by the state of CA.
- F5. Modoc County OES is the second lowest funded OES in the state.
- F6. Fire is the largest OES expense.
- F7. The OES utilizes social media and local radio stations to keep the public up-to-date on emergency situations.
- F8. Emergency situations of a large scale are handed over to Cal OES to lead.
- F9. The county has an H1 list for registered people determined to be "high-risk" when in need of emergency housing during an emergency situation.
- F10. Modoc County owns twenty portable generators.
- F11. Modoc County does not have its own HAZMAT or SCHMRT departments or crews.
- F12. HAZMAT and SCHMRT crews are brought in from other counties, when Modoc County OES determines they are needed.
- F13. HAZMAT and SCHMRT expenses are charged to land owners.
- F14. The Sheriff's department, along with other necessary county, state, and federal agencies collaborates as part of the Incident Command System.
- F15. Disaster council meets at least once a year.
- F16. Other organizations, such as the Red Cross, Humane Society, and others collaborate with Modoc County OES in times of emergency situations.
- F17. The OES utilizes "Code Red" and "IPAWS" systems for text alerts.

Recommendations:

- R1. The OES administrator lacks OES experience but comes to the position with a wealth of knowledge about the duties and responsibilities, as well as a broad base of other experience that lends well to the requirements of the job and seems to be generally well liked and respected. F1
- R2. Having the OES administrator handle the job, as well as running the financial department for both the OES and the Sheriff's department may pose a possible conflict of interest. Aside from this possible concern, having one person running three separate jobs seems inappropriate and it is suggested that these jobs be separated out so as to remove any conflicts of interest as well as freeing the administrator up to focus entirely on administrating the OES. These same concerns are raised pertaining to finding grants for the OES and the Sheriff's department. These duties should be shifted over to separate accountants already on staff in the Sheriff's department and the OES, respectively. F2, F3, F4
- R3. Possible solutions for fulfilling of the financial needs of the OES, aside from grants, might be to look into collaborating with local schools and businesses for fund raising activities, which would raise funds as well as awareness, community relationship building, as well as possibly gaining volunteers in the future. F4, F5
- R4. Fire prevention, fire awareness, and forest management can help with fires. Advertising and community organizing may be of some help. Searching for forest management grants may help as well. F4, F5, F6
- R5. Social media and radio stations are a good way of "getting the word out," but are limited to those with active social media accounts and radio listeners. Continued door-to-door efforts are effective, but time consuming. Holding open-to-the-public meetings once a quarter to inform/remind the public of emergency plans, available trainings, available classes, fund raising activities and the like may provide opportunities to increase aide in a variety of ways. F7, F9, F15, F16, F17
- R6. Cal OES shall continue to lead large scale emergency situations, with assistance from the Modoc County OES. F8
- R7. The Modoc County OES has 20 generators and outsources HAZMAT and SCHMRT, but it cannot be determined if this is sufficient at this time, as each emergency situation determines what is needed, how many, where, and to what extent. As this is the purview the OES administrator, it is recommended that resources be readily available, as needed, as determined by the situation. F10, F11, F12, F13, F14
- R8. More extensive training on various systems, such as "IPAWS" and "Code Red," as well as having the Modoc County OES lead on trainings, for consistency and completeness, is needed. There are grants that can be pursued for funding of these, as well as fund

raising from the community. Other areas of concern extend to a lack of ability to handle mental health issues and other areas where training, knowledge, or resources are lacking. It is recommended that the hospital be approached for trainings on these issues as well as other appropriate departments. F14, F15, F16, F17

Invited/Required Responses:

The Modoc County Grand Jury requests that the OES department administrator provide the Grand Jury with an outline for a plan to increase grant funding, increase public meetings, and determine what trainings are needed for all OES staff with a plan to implement these trainings. As part of these plans, the administrator needs to provide an updated equipment list of actively usable items and their condition as well as a list of equipment and items needed for emergency situation preparation with related costs. This report shall be supplied to the Grand Jury no later than ninety (90) days after official publication of this Grand Jury report to the general public.

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Become a Grand Juror

The law states grand jury applicants must have the following qualifications:

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

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

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

Contact the Modoc County Superior Court at 205 S. East Street, Alturas, CA 96101 or call 530-233-6516 ext. 1223 to learn more.

MODOC COUNTY GRAND JURY
205 S. East Street, Alturas, CA 96101 Phone: 233-6516 x 1223
CITIZENS COMPLAINT FORM

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

Name: _____

Address: _____ Zip: _____

Telephone #: _____

Director of Agency, if applicable: _____

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

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

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

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

NAME

ADDRESS

TELEPHONE #:

_____	_____	_____
_____	_____	_____
_____	_____	_____

5. REASON TO CONTACT THE ABOVE: _____

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

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

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

All Complaints submitted to the grand jury will be treated in the strictest of confidence.