

2011-2012 Lake County Civil Grand Jury

Final Report

June 30, 2012



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LAKE COUNTY CIVIL GRAND JURY

HISTORY

The institution of the Grand Jury is of ancient origin. Its use as an instrument of government predates its introduction into our country during colonial times. It has been continued and used throughout American history.

As constituted today, the Grand Jury is a part of the judicial branch of government – “an arm of the court.” It does not have the functions of either the legislative or executive branches, and it is not a police agency. Additionally, it does not mandate policy changes. It is an examining and investigative body that makes recommendations to improve systems, procedures, and methods of operations in designated local government.

In Lake County, the Grand Jury generally performs only civil functions.

ORGANIZATION

The Grand Jury is composed of 19 men and women of various backgrounds chosen from throughout Lake County.

The Presiding Superior Court Judge appoints a foreperson who presides at all full jury proceedings and is responsible for directing the business of the Grand Jury.

Most Grand Jury work is done by committees. The areas of focus of these committees usually include Environment, Juvenile Justice, Social Services, Health, Administration, Criminal Justice, Public Works, Special Districts and Public Schools.

The Grand Jury and its committees meet several times a month. They meet with county and city officials, visit county facilities and conduct independent research on matters of interest or concern. The committees report to the full Grand Jury and conclusions are reached after discussion and study of the issues. The Grand Jury may seek advice or request the services of the County Counsel, District Attorney, Presiding Judge of the Superior Court, or State Attorney General.

FUNCTIONS

Watchdog Responsibilities:

The major function of the Lake County Grand Jury is to examine county and city government and special districts to ensure that their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods and systems utilized by these entities to determine whether more efficient and economical programs may be employed. The Grand Jury also is authorized to:

1. Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent.
2. Inspect books and records of special districts in Lake County.
3. Examine the books and records of any nonprofit organization receiving county or city funds.
4. Inquire into the conditions of jails and detention facilities.
5. Inquire into any charges of willful misconduct in an office by public officials or employees.

Response to Citizens' Complaints:

The Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or governmental inefficiencies. Anyone may ask the Grand Jury to conduct an investigation. All complaints are confidential. The jury generally limits investigations to the operations of governmental agencies, charges of wrongdoing within public agencies or the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties.

FINAL REPORT

At the end of its term the Grand Jury issues a final report, including reports released during the year, documenting its investigations and recommendations. Copies of the final report are distributed to public officials, libraries, the news media, any interested parties and any entity that is subject of one of the reports. According to law, the Selected County officers must respond within 60 days following the release of the final report. The Board of Supervisors and other public agency governing boards must respond within 90 days.

The Grand Jury's final report summarizes the year's activities and contains its findings and recommendations for action and study. The new Grand Jury reviews the responses of the affected public agencies and the process of protection the public interest begins anew.

SUBMISSION OF COMPLAINTS

Although it is not required, complaints should first be addressed to those responsible for resolution unless it will be detrimental to the complainant.

The Lake County Grand Jury will respond to all citizens submitting complaints. The citizen may have not further acknowledgement other than that their complaint was received.

Complaint forms may be requested from:

**The Lake County Grand Jury
PO Box 1078
Kelseyville, CA 95451
(707) 279-8619**

or on the web at <http://www.co.lake.ca.us/Government/Boards/Grand Jury/>

GRAND JURY SELECTION PROCESS

The court solicits applicants for the Grand Jury by advertising in the local papers. Applications may be obtained by mailing a letter with a self-addressed, stamped envelope to the Grand Jury Coordinator, 255 North Forbes, 4th Floor, Lakeport, CA 95453. Applications are also available at each Superior Court clerk's Office, located at 255 North Forbes, 4th Floor, Lakeport, or at 7000 A South Center Drive, Clearlake.

Once applicants have been screened and approved, they are randomly selected to be members of the Grand Jury.

QUALIFICATIONS

Prospective Grand Jurors must possess the following qualifications (Penal Code 893):

1. Be a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county for one year immediately before being selected.
2. Be in possession of his or her natural faculties, of ordinary intelligence, sound judgment, and fair character.
3. Possess sufficient knowledge of the English language.

A person is not legally qualified to serve if any of the following apply:

1. The person is serving as a trial juror in any court of this State.
2. The person has been discharged as a Grand Juror in any court of this State within one year.
3. The person has been convicted of malfeasance in office or any felony or other high crime.
4. The person is serving as an elected public officer.

Desirable qualifications for a Grand Juror include the following:

1. Have the time to make the necessary commitment. It is not uncommon to serve 10 to 15 hours a week or more.
2. Be open-minded with concern for the positions and views of others.
3. Have the ability to work with others.
4. Have an interest in community affairs.
5. Possess investigative skills and an ability to write reports.
6. Have a general knowledge of the functions, authorities, and responsibilities of county and city government and other civil entities.



COUNTY OF LAKE

GRAND JURY

PO Box 1078

Kelseyville, CA 95451

Telephone (707) 279-8619

Fax (707) 279-1983

Letter to Citizens

The 2011-2012 Civil Grand Jury, impaneled in July 2011, quickly determined the philosophy and manner of approach to the legal requirements mandated for Civil Grand Juries.

- All complaints received by the Grand Jury would be heard.
- Mandatory oversights would be conducted.
- Ad Hoc oversights would be conducted.
- A report would be produced at the end of the term.

The Grand Jury Committees collected data, conducted interviews and took sworn testimony. After hours of deliberation and crafting reports, each committee's reports were presented to the entire Grand Jury Panel for comments. Reports were revised and presented again for approval.

Some reports this year took an extended period of time to produce due to an abundance of information and the complex nature of the subject matter.

The Jury was also struck with physical obstacles beyond their control including health, inclement weather and life changes.

Grand Jury Members were diligent in the conduct of their duties. The Citizens of the County of Lake can receive the following report with confidence from the 2011- 2012 Civil Grand Jury of their peers.

Sincerely yours,

Fred Christensen, Foreperson
2011 - 2012 Lake County Civil Grand Jury



COUNTY OF LAKE

GRAND JURY

PO Box 1078

Kelseyville, CA 95451

Telephone (707) 279-8619

Fax (707) 279-1983

**2011 -2012 Lake County Grand Jury
Foreperson's Letter**

June 30, 2012

The Honorable David Herrick
Superior Court of California
County of Lake
255 North Forbes Street
Lakeport, CA 95453

Dear Judge Herrick:

Pursuant to California Penal Code § 933 (a), the 2011 – 2012 Lake
County Civil Grand Jury submits to you their Final Report.

Sincerely yours,

Fred Christensen
Foreperson, 2011-2012



DAVID W. HERRICK
SUPERIOR COURT JUDGE

Superior Court of California

COUNTY OF LAKE
255 NORTH FORBES STREET
LAKEPORT, CALIFORNIA 95453

(707) 263-2231
FAX (707) 262-1327

June **26**, 2012

Dear Members of the 2011-1012 Lake County Grand Jury

Thank you for your service on the 2011-2012 Grand Jury. You have devoted extensive time and resources for the betterment of Lake County. Your service is highly valued, and I express my appreciation and that of the entire court for your efforts.

I hereby certify that the 2011-2012 Lake County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Sincerely,

A handwritten signature in blue ink that reads "David W. Herrick". The signature is written in a cursive style and is positioned above a horizontal line.

DAVID W. HERRICK
Presiding Judge of the Superior Court

DWH/lbh

2011-2012 Grand Jury Roster

Bisaccio, Kathleen		Lakeport
Christensen, Fred	Foreperson	Lakeport
Eichten, David		Kelseyville
Gehrke, Jay		Clearlake
Hanzel, Vale		Cobb
Maloney, Peggy		Kelseyville
Miller, Karen		Kelseyville
Morehouse, Gerald	Foreperson Pro-Tempore	Lucerne
O'Briant, Bob		Lucerne
PanKratz, Jan		Upper Lake
Patane, Beverly		Kelseyville
Rivera, Rick	Sergeant at Arms	Kelseyville
Scialabba, Jack		Clearlake
Sweigert, Sonny		Clearlake

Lake County/City - Agencies/Departments Required to Respond to All Findings and Recommendations

Agency/Department	Page Number
Assessor-Recorder *	5
Board of Supervisors *	1, 5, 9, 13, 17, 21, 25, 29, 31, 39, 45, 49, 81, 95, 107, 111, 115
Chief Probation Officer *	95
Clearlake City Council *	49, 105
County Superintendent of Schools *	111
Department of Social Services *	1, 31
District Attorney *	17
First 5 Commission *	9
Human Resources *	21
Information Technology *	25
Lakeport City Council *	49
Public Services Department *	95, 107, 115
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Treasurer-Tax Collector *	13

Budget and Finance Committee

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- Oversight

In-Home Support Services Advisory Committee
Lake County Assessor-Recorder
Lake County's First 5 Program
Treasurer-Tax Collector Office

An Oversight of the Lake County In-Home Support Services Advisory Committee



Summary:

In any organizational beginning, an advisory function is a necessary tool to establish normal and adjustable procedures of operations consistent with the organizational mission. The Advisory Committee to the Lake County In-Home Support Services (IHSS) was mandated by the state of California in 1998 and by the Lake County Board of Supervisors (BOS) by county ordinance thereafter.

Background:

This County ordinance set a specific number of members, and from what area of the population they should come, to be representative of the clients of IHSS. The members of the IHSS Advisory Committee would be appointed by the BOS and could be reappointed to a subsequent term at the pleasure of the committee members and the approval of the BOS.

The duties of the IHSS Advisory Committee include providing ongoing advice and recommendations regarding the IHSS program to the BOS and any administrative entity in the county that is related to the delivery and administration of IHSS.

Procedure:

The Lake County Grand Jury Budget and Finance Committee were requested by the Health and Human Services Committee to review the finances of the IHSS Advisory Committee and eventually conduct the initial oversight. The committee reviewed financial and administrative documents, conducting interviews with the following:

- Public Authority members
- Advisory Committee members
- Department of Social Services administration
- A private senior law expert

Discussion and Facts:

1. The County ordinance states that the IHSS Advisory Committee must consist of four senior citizen consumer representatives, two disabled consumer representatives, two senior community representatives, one disabled consumer representative, and two IHSS Public Authority representatives.
2. The Grand Jury found no obvious irregularities in the Advisory Committee's finances.
3. The Advisory Committee funding was reduced from \$50,000 to \$3,000 in 2012. Financial documents showed that the Advisory Committee availed itself of only a small fraction of the funds available in the past.
4. During the initial oversight, the Grand Jury noted that several positions on the Advisory Committee had remained vacant for months. The committee spent the majority of its time discussing, with little success, recruitment.
5. The Advisory Committee meets monthly with the Public Authority and an invited BOS designee. However, based on the minutes, as of December 2011, a BOS representative has not attended an Advisory Committee meeting in two years.
6. The Budget and Finance Committee noted that at least one of the Advisory Committee meetings, some ideas that may have been construed as recommendations were discussed but never materialized as written recommendations.
7. In a memo to the BOS in September of 2011 from the Department of Social Services, the actual usefulness of the Advisory Committee was brought into question. Total lack of written recommendations and chronic absenteeism topped the list of deficiencies along with the excess usage of Public Authority personnel time.
8. The Public Authority records the minutes and conducts the financial duties for the Advisory Committee. The members-at-large conduct the meeting.
9. While attending meetings the Budget and Finance Committee noted that the Advisory Committee was fairly disorganized and focused mainly on recruitment for vacancies in the committee.

10. Although the IHSS Advisory Committee meetings are open to the public, the attendance is minimal.

Findings:

- F 1. The Budget and Finance Committee was unable to find any factual evidence of the Advisory Committee meeting its goals of advising the Public Authority to insure a smooth operation in delivering services to its clients.
- F 2. No financial irregularities were found in the Advisory Committee's documents.
- F 3. The Budget and Finance Committee believes that the IHSS Advisory Committee has, in effect, outlived its original task and needs a new focus. The IHSS Public Authority, over the years, has stabilized its procedures and method of operation and is flexible and dependable in delivering services as needed.
- F 4. Minutes do not demonstrate that the IHSS Advisory Committee is meeting its goals.

Recommendations:

- R 1. Future recommendations by the committee be put in writing and retained as permanent records. (F1)
- R 2. IHSS Advisory Committee develop recognizable and attainable goals. (F4)

Request for Responses:

- Lake County Board of Supervisors (90 days)
- Lake County IHSS Public Authority (90 days)

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Lake County Assessor-Recorder Oversight

Overwhelmed



Summary:

Understaffed? Underfunded? The Assessor-Recorder has seven fewer working staff members than it did a decade ago (down nearly 40 %) and at the same time statistics show the County tax roll has almost doubled. The department's budget was again reduced in 2010-11.

Background:

The Assessor-Recorder's Office has the responsibility to discover and inventory all tangible property within Lake County. It determines the value and taxability of all tangible property within the County.

Recently, California Proposition 8 allows a temporary reduction in assessed value when real property suffers a decline in value. A decline in value occurs when the current market value of real property is less than the current assessed factored base year value, as of the January 1st lien date. The Lien Date for Unsecured Property in the State of California is the annual date on which the County Assessor's Office must establish the Owner of Record and Assessed Value of the property to be taxed.

Procedure:

The Budget and Finance Committee of the Lake County Civil Grand Jury conducted an elective oversight of the Assessor-Recorder's Office. In December 2011, the committee interviewed the County Assessor-Recorder on two separate occasions.

Graphs and charts pertinent to this oversight, statistics from the Assessor's Office, backlog and appeals data were reviewed by the committee.

The committee also studied neighboring counties, comparing their tax rolls, number of parcels and working assessors. Usability of the Lake County Assessors internet page was also evaluated.

Discussion and Facts:

1. When a property owner requests an assessment of his property various methods are used to determine the property's current value. Depending on property, reassessment can be a relatively easy process; it can also be complex and time consuming. Site visits, property deeds or submitted appraisals may be required to facilitate the reassessment. The Assessor can also utilize computer programs, e.g., Megabyte Property System Information or Recorded Document Search System. (Appendix A)
2. If the property owner is not satisfied with his reassessment, he has the option to file an appeal with the Clerk of the Board of Supervisors. This appeal must be answered by the Assessor within two years of the date of filing.
3. Lake County has had an increase of approximately 81% of the Property Tax Roll since 2001. (Appendix B)
4. Lake County assessment roll has experienced an increase of approximately 96% over the last 10 year period, 2001 – 2011. (Appendix C)
5. In 2007/08 there were 1,973 assessment parcels, 2011/12 there were 10,690. (Appendix D)
6. For fiscal year 2010/11, the Assessor's Office originally had 15 full time employees and one part-time staff member which included the Chief Deputy Assessor-Recorder of Valuation, one Supervisor Appraiser, five Real Property Appraisers and two Audit Appraisers.
7. For fiscal year 2011/12, the assessor's office budget was reduced by \$75,000. However, staffing levels were not reduced prior to the beginning of the fiscal year because of the planned retirements of the Supervisor Appraiser and the Chief Deputy Assessor-Recorder of Valuation. Two more appraiser positions will be vacant by May 2012 due to additional announced retirements; this will reduce the department's staffing to 11 full time employees. A decade ago, the Lake County Assessors had a staff of 17.6 employees. (Appendix E)
8. The committee was informed that the Assessor's Office has a large backlog of work. In January 2012, approximately six hundred thirty Proposition 8 reassessment requests and four hundred fifty appeals were yet to be completed. In addition, there remained ninety nine open appeals carried over from the previous year. (Appendix F)

9. The committee found that Mendocino County has a parcel count of 56,638 compared to 63,093 for Lake County. However, Mendocino County has seven full time appraisers and currently has a much lower backlog compared to Lake County's five appraisers.
10. The management staff stated it is concerned that as the market stabilizes and property values cease their decline, the resultant up-swing in reassessment needs will further stress the already short-staffed office.
11. The committee was told before an appraiser can record a value for property tax assessment; he or she is required to be certified with the State Board of Equalization. Outside contract appraisers could not be used effectively to reduce current backlogs without additional training. The committee was told this would be cost prohibitive for the County.

Findings

- F 1. The Lake County Assessor-Recorder's Office is understaffed; it does not have enough working assessors to do the job effectively. The Assessor does not have sufficient funds to staff its office adequately.
- F 2. Compared with neighboring counties' data, Lake County shows fewer assessors but greater workloads.
- F 3. Use of contract assessors will not solve the County's immediate and pressing problems.

Recommendations:

- R 1. The Board of Supervisors increase the Assessor-Recorder's working funds. (F1, F2, F3)

Request for Responses:

- Assessor-Recorder Office via Board of Supervisors (90 days)

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Lake County's First 5 Program Oversight

Change the First Five Years and You Change Everything



Summary:

It is generally accepted that during the first two years of life a child learns more socialization and survival skills than at any other time. The State of California takes a proactive stand on childhood healthcare and educational programs, providing support to families with children from prenatal to five years of age. In Lake County, the First 5 program has developed a comprehensive, family-centered system of early childhood development services.

Background:

Proposition 10, the California and Families First Act, became law in 1999 after being passed by general election. It was a tax on tobacco products. Two years later, the Board of Supervisors created a First 5 Commission. A program director oversees distribution and accounting of moneys offered by the Commission to community-based agencies which provide services to young children and their families.

First 5's mission is to support program services and projects relating to early childhood development within the county and integrate them into a consumer-oriented and easily accessible system. First 5 presently is increasing access in Lake County to quality child care and early, developmentally-appropriate education. Its funds are used to improve access to parent support services, develop transportation to behavioral health and

dental services for children, and aid assessment, nutritional, and intervention services. Parent education and support are some of the major goals of First 5.

Procedure:

The Budget and Finance Committee interviewed the First 5 Director in November 2011, to obtain information regarding the program. The committee reviewed the requested financial and operational data, audits, and the state-mandated strategic plan. Internet research provided yet more information about the California Children and Families First Act and its operations. Committee members also attended an end-of-fiscal-year meeting of the First 5 Commission in March 2012, which highlighted major accomplishments of the program.

Discussion and Facts:

1. Lake County is a qualified recipient of Proposition 10 funds for prenatal and early childhood development. The amount of funding is dependent on the tobacco tax collected and the county's birth rate.
2. Prop 10 specifies that there be nine voting members in the First 5 Commission to include the following:
 - (a) A member of the Board of Supervisors.
 - (b) The Director of the Health Services Department or designee.
 - (c) The Director of the Social Services Department or designee.
 - (d) The Superintendent of Schools or designee.
 - (e) The remaining First 5 "at large" members are considered by application and appointed by the Board of Supervisors from representatives of child/prenatal health and care providers, specialized educators, members of early crisis intervention agencies and recipients of strategic plan services.
3. Three of the larger more visible organizations supported by First 5 grants are Easter Seals, AmeriCorps and Health and Wellness programs. These organizations provide access to dental, pre-dental and general healthcare.
4. In 2011-12, First 5 Lake County had revenues of \$623,500, over a hundred thousand dollars less than the previous year. Future funds are expected to decrease due to the decline in tobacco sales.

5. The annual budget for First 5 is developed in the same time frame as that of the County. All funds flow through the Auditor/Controller's Office.
6. The First 5 Director oversees the accounting, tracking all payment requests and reconciling with information obtained from the Lake County Auditor/Controller.
7. Since 2002, the statewide Easter Seal program assisted by First 5 has been recognized statewide for its significant impact on the oral health of Lake County's children.
8. The Director's Annual Report is currently on-line at the First 5 website and is primarily for the assistance of the California Legislature with emphasis on continuous funding. www.ccfc.ca.gov
9. First 5 utilizes an Ages and Stages Questionnaire that is distributed to kindergarten teachers with some monetary incentive for gathering this information. The information is used by First 5 to plan for children's future developmental needs and to track earlier efforts to assist the child to cope with life needs.

Findings:

- F 1. First 5's diminishing tax revenues will negatively impact many of Lake County's children, as the Commission's effectiveness is restricted.
- F 2. The First 5 Lake County Commission states that the program has been beneficial to Lake County's children.
- F 3. First 5's tracking and follow-up is a form of self-oversight that verifies the success of their efforts. As specifically noted in the Director's Report, future increased funding will be needed to accommodate increasing needs.

Recommendations:

None

Request for Responses:

- First 5 Commission (90 days)
- Lake County Board of Supervisors (90 days)

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Treasurer – Tax Collector Office Oversight

Counting Pennies



Summary:

The Lake County Treasurer-Tax Collector's office is responsible for collecting approximately \$99 million every year in secured taxes (real estate) and unsecured taxes (personal property). The Treasurer-Tax Collector is attempting to collect \$28 million currently outstanding in court fines and fees.

Background:

The department of the Treasurer-Tax Collector consists of an elected official with two direct reporting positions: a Collections Supervisor, with staff, handles court fines and fees; the Chief Deputy Treasurer-Tax Collector, with staff, manages treasury and tax (general ledger, deposits, disbursements, wires/automatic payments, department payroll, tax payments, inquiries, payment plans, correspondence, land sales, and bankruptcies).

The department accepts payments on site at 255 North Forbes Street from Monday through Friday, 8AM to 5PM. The department also sends out property tax bills, statements, reminders, and it processes information necessary for an outside collection agency currently being utilized to collect delinquent taxes.

Procedure:

The 2011-2012 Budget and Finance Committee of the Civil Grand Jury reviewed the prior Grand Jury's findings. The committee interviewed the Treasurer-Tax Collector on September 1, 2011. Eight follow-up questions were emailed after the meeting for additional clarification. The Treasurer-Tax Collector responded with answers, along with printed charts and data.

Discussion and Facts:

1. The Treasurer-Tax Collector's office currently has ten full-time positions including the Treasurer-Tax Collector. The Treasurer-Tax Collector has requested that the Board of Supervisors consider a departmental reorganization that would add one full-time Information Technology position and one permanent part-time Account Clerk. The Treasurer-Tax Collector stated that these positions would streamline the computer interface issues and assist in the collection process respectively.
2. It is opined by the Treasurer-Tax Collector that the increase in personnel would also address the issue of continuing Family Medical Leave of Absences.
3. The Treasurer-Tax Collector's office holds a statistical 1.5 staff meetings per month to address all new and revised procedures as well as addressing other county issues. Informal meetings are held as needed.
4. Taxes levied for 2010-2011 are \$99 million
5. The Treasurer-Tax Collector's office creates and maintains a yearly Statistics Summary of paid versus unpaid secured taxes (real estate), and unsecured taxes (personal property) showing results for the current and past six years. The County Tax-Payers' ratio of paid to total property taxes billed for 2010-2011 is 81.48%.
6. The Treasurer-Tax Collector currently processes monies through a nationwide bank. The Treasurer-Tax Collector reviews services and rates on an ongoing basis.
7. The total property tax roll value, calculated by the Assessor-Recorder, has remained at approximately \$6.6 billion for the last four years.
8. The department works closely with the offices of the Assessor-Recorder and Auditor-Controller/County Clerk.
9. The department maintains a statement of activity for court fees and fines. The unpaid balance at the end of 2010-2011 was approximately \$29 million.
10. The Treasurer-Tax Collector's office has been using an electronic computer program (RevQ) to interface with the Superior Court system (Sustain) for collection of court-assessed fees and fines. The Treasurer-Tax Collector stated that the use of these programs have freed up a great amount of staff time, allowing focus on other projects such as DMV holds, returned mail, and the Public Defender Eligibility program.
11. The Treasurer-Tax Collector is NOT a collection agency. The department is currently using a private contractor to collect delinquent court fees and fines and has transferred 24,480 delinquent files to the

private contractor. The department is also evaluating the feasibility of using the same collection agency to assist in collecting past-due unsecured property taxes, currently about \$961,000.

12. Refunds are primarily for duplicate and over-payments. Taxpayers are notified in writing when this occurs. If no response, a list is published in the newspaper on an annual basis. If these remain unclaimed, they become part of the County's General Fund.

Findings:

- F 1. All facets of the department are performed as well as possible within the time restrictions and current staffing levels. Backlog issues are being addressed through third-party assistance and requests for staff increases.
- F 2. Long-term absences reduce departmental effectiveness.

Recommendations:

- R 1. Board of Supervisors considers implementing the Treasurer-Tax Collector's request for additional staff.

Request for Responses:

- Treasurer-Tax Collector (60 days)
- Board of Supervisors (90 days)

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Government Services Committee

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- Oversight

District Attorney

Human Resources

Information Technology Department

Oversight of the District Attorney

Year One



Summary:

An oversight by the Government Services Committee of the Civil Grand Jury was conducted to review the District Attorney's (DA) first year in office, the working relationships of his office, and the changes made since his election. This report was written in February 2012. The District Attorney had been in office almost a little over a year at that time.

Background:

The District Attorney was elected in November of 2010 and took office January 1, 2011. He has worked on restructuring the office and compiling a new Policy and Procedures Manual as well as conducting the day-to-day business of the District Attorney's Office.

Procedure:

On January 10, 2012, the committee met with the DA to discuss his first year in office. Changes in policies, procedures, personnel and rapport with the other agencies were discussed.

The committee interviewed the DA regarding his commitment, policies, case load, personnel reassignment, sentence bargaining, the Brady Policy, the impact of Assembly Bill 109, and the Alternative to Community Service Program., among other programs in his office.

Discussion and Facts:

1. The DA stated that he is committed to his new position.
2. The DA is in the process of writing new policies and procedures to be completed by the end of 2012. He is considering assistance of

a private company and utilizing established policies and procedures from other departments.

3. The DA has reorganized the office to distribute the workload for each Deputy District Attorney (ADA), each secretary, and each District Attorney Investigator more equitably.
4. The DA is using a process known as sentence bargaining. The ADAs and defense attorneys agree to a sentence. Utilizing this bargaining power is a means to reduce court costs and time in trials.
5. The DA reviewed Lake County's Brady Policy list and concluded that the names of several officers were not justified being on the list. This list is now being revised. The DA is currently interpreting the Brady Law Policy and Procedures with an internal and external outlook.

Case Law, 1960's: Brady vs. Maryland – Law enforcement credibility issue – The police officer can no longer testify due to previously giving false testimony.

6. AB109 is the Assembly Bill that authorizes low-level parolees to be incarcerated in the County jail if parole is violated. It also closed the revolving door of low level inmates cycling in and out of state prisons. (See Appendix A)
7. If the DA does not find he has a viable case after reviewing the police report, he may choose not to waste funds on bringing the case to trial.
8. The DA has initiated a new program titled Alternative to Community Service. If a person has been sentenced to community service hours and reside out-of-county the DA has implemented a program that allows that person to donate cash in lieu of the community service hours. The donation goes to charities within Lake County. This account is controlled by the DA's Office.
9. In 2011, the DA raised \$40,000. These monies were distributed to food banks, the Lake County Family Resource Center, and animal coalitions within the County. The DA believes Lake County as the only program of this type within the State of California.
10. If the Board of Supervisors approve, in 2012, the DA will be forming an Alternative- to-Community Service Program to implement and run this, whose membership may consist of a victim witness advocate, a private attorney, and a former Deputy Sheriff.
11. The DA lost four budgeted positions and only one of those positions is scheduled to be filled in 2012. Over fifty qualified applicants applied through the Human Resources Department for this position.

12. The DA is involved with rewriting the Officer-Involved Fatal Protocol with the Lakeport and Clearlake Chiefs of Police, the California Highway Patrol Commander, and the Sheriff.
13. The Sheriff's Civil Division is serving civil subpoenas and other court documents for a fee of \$30 each.

FINDINGS:

- F 1. The sentence-bargaining program is working to reduce court costs and time in trial.
- F 2. The District Attorney is reviewing the present Brady Law list and reevaluating personnel that are currently on it with plans to make it more applicable to standard policy. He is currently interpreting the Brady Law Policy and Procedure.
- F 3. The fact that Officer-Involved Fatal Protocol is currently being updated by the DA, with approval of local law enforcement, will make Lake County protocol reflective of current laws and department policies.
- F 4. The Alternative to Community Service program has provided much needed funds to local charities.
- F 5. With the loss of three Deputy District Attorney positions, plus the large influx of state prison transfers and parolees the DA's caseloads will be increased.

Recommendations:

- R 1. Board of Supervisors approve a protocol for the Alternative to Community Service Program Committee. (F4)
- R 2. Board of Supervisors approve a budget increase to fill the vacant Assistant District Attorney positions. (F5)

Request for Responses:

- District Attorney (60 days)
- Board of Supervisors (90 days)

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Human Resources Department Oversight *HELP WANTED*



Summary:

Would you like to work for the largest employer in Lake County? What are your chances? And how long will it take to get that job?

Background:

Lake County Human Resources (HR) has a staff of seven to serve more than eight hundred full-time and one hundred fifty part-time employees; there are also one hundred fifty volunteers under the County umbrella. HR is responsible for advertising and recruiting for most government job openings within the County. The department coordinates applicant background checks, determines the list of appropriate applicants for consideration and can assist County employees in securing lateral transfers. HR also assures that the County of Lake functions as an equal opportunity employer, maintaining oversight of county hiring, promotion, and termination practices.

Procedure:

The Government Services Committee of the Civil Grand Jury performed an elective oversight of HR. Management was interviewed with respect to its departmental operations. The Human Resources Policy and Procedure Manual, all Memoranda of Understanding (MOUs), and other relevant data were reviewed by the committee. A copy of the exit interview questionnaire was also evaluated.

Discussion and Facts:

1. County government is one of the major employers in Lake County.

2. County vacancies are listed on the County website and posted in the Courthouse. A 24-hour Job Hotline (707-263-2212) provides up-dated information to the caller. All applications must be summated online.
3. On average, there are ten to thirty applicants for each County of Lake vacancy; there have been as many as one hundred seventy applicants for a single position. Some positions are open for internal promotion only.
4. The time needed to fill a position is from twelve days to more than twenty-four months, depending on the number of applicants and qualifications.
5. As of August 2011, there had been six lay-offs across all County agencies during the previous twelve months. The governmental lay-off rate in Lake County was markedly lower than surrounding counties; however, so were the salaries.
6. At the time of this oversight, two laid off employees had been recalled and placed in different departments. Another employee received a lateral transfer to a different county agency.
7. HR maintains an At Risk Protocol that informs County employees in writing if their positions are subject to layoff in the foreseeable future.
8. The Director of HR is the Equal Opportunity Employer Compliance Officer and attends job fairs and participates in local outreach.
9. HR staff works as a team, but individuals also have focused responsibilities. Staff members have become specialists in interviewing, checking background documentation, handling complaints and grievances.
10. HR has acquired an automated recruitment and application-tracking process utilizing computer technology.
11. HR has a well-structured interview form to be used upon employee resignation or termination. These forms are distributed by department heads and only about 50% of the exit interview questionnaires are actually returned completed to HR.
12. The exit interview determines both employee satisfaction and reason for leaving a position. Information is confidential and is considered in the Board of Supervisors' evaluation of department heads.
13. The State Merit Systems is a private company, contracted by the State, for advertising vacancies and securing applicants drawn from all California counties for the Social Services and Child Support Services Departments only. Human Resources are responsible for securing employees for all other county positions.

Findings:

- F 1. The use of the At Risk Protocol allows county workers opportunity to find more secure positions within the County or to seek employment elsewhere. It is essentially an early warning system.
- F 2. Human Resource's utilization of the internet allows a sparsely populated rural county to tap into a state-wide labor pool; this is useful in a resource-limited county like Lake County. The use of modern technology can facilitate the hiring processes and reduce time required to fill positions.
- F 3. Receiving more completed exit interview forms would be useful to the Human Resources Department.

Recommendations:

- R 1. Human Resources Department continue upgrading application and hiring procedures. (F2, F3)
- R 2. Human Resources Department initiate a procedure change making the department responsible for conducting exit interviews, encouraging every person leaving County employment to complete the exit questionnaire. (F3)

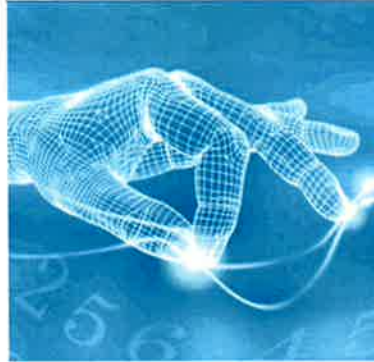
Request for Responses:

- Human Resources Department via Board of Supervisors (90 days)

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Information Technology Department Oversight

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Summary:

Information Technology (IT) presents the department's mission as being public-service oriented, facilitating the work of County government and assisting citizens "through an efficient, cost-effective application of technology". However, Information Technology needs to transition its operating system into the 21st century.

Background:

Located on the second floor of the Courthouse in Lakeport, Information Technology has been a separate department in County government since the mid-1990s. IT performs computer trouble-shooting for the County, modifying and maintaining the computer and phone connections between County workstations. The Department backs-up all County files and data.

Information Technology has thirteen full-time employees, one half time employee, and works with an allocated budget from the general fund of 1.3 million dollars per fiscal year.

Procedure:

On September 20, 2011, the Government Services Committee of the Grand Jury interviewed the management of the Information Technology Department and toured the offices and server/networking systems areas. The IT budget, internet web page and mission statement were reviewed. Additionally, information technology budgets for three neighboring counties were compared to Lake County's.

Discussion and Facts:

1. At the time of the oversight, there were no job openings in Information Technology. The committee was informed that no lay-offs were planned in the foreseeable future.

2. Although Information Technology does not have a twenty-four hour/seven days-a-week on-call position currently, a computer technician volunteers time and is available to the Sheriff's Office for IT emergencies.
3. Information Technology has a webmaster who assists in the design of County web sites and has trained individuals from several different departments.
4. The AS400 (the computer system used by the County of Lake) was developed in the 1980's for industry and small business; it serves as the back-end for the County's main financial accounting systems.
5. In 2010, IT acquired a new back-up system. The committee was told that there has been no significant down-time with this new system or unplanned outages. Information Technology's new system is effective to 99.999%.
6. As part of County disaster planning, IT has a new data recovery system in addition to the server at the Lakeport office. This system, now operational, will eventually be housed off-site.
7. IT is planning to consolidate the County phone systems - an initially costly endeavor but efficient and more economical in the long run.
8. The Geographic Information System (GIS) is an IT application that layers data showing map elevations, parcel numbers, roads, communities, and other information.
9. The committee was informed that keeping staff trained in the latest technology is difficult on the current budget as continued education is expensive.
10. As Information Technology services have expanded, its crowded office space has not. The Lakeport office space resembles a virtual computer maze.
11. Information Technology brings in approximately \$330,000 in revenue annually from fees for services provided to self-funded agencies and the public. This money is returned to the General Fund.
12. The Mental Health Department and the Sheriff's Office are the most demanding of IT time and resources: the former has a complex operating system with multiple problems and the latter runs a high-volume, twenty-four hour-a-day department.
13. Compared to information technology costs in other counties, IT's spending in Lake County is at the low end per capita.

Findings:

- F1. Information Technology is an expensive department to maintain, requiring advanced technology training with hardware and software up-grades.
- F2. The technology budget does not adequately cover the cost for advanced computer education.
- F3. The Information Technology Department requires additional equipment, staff, and space.
- F4. Information Technology could be more effective with modern computer technology to replace the aging AS400 operating system.
- F5. In the future, finding programmers able to support the older AS400 will become more and more difficult, as this is old technology.

Recommendations:

- R 1. Board of Supervisors investigate the advantage of acquiring newer operating systems for the County. (F3,F4,F5)
- R 2. Board of Supervisors consider an expanded education budget for the Information Technology Department. (F1, F2)
- R 3. Board of Supervisors allocate additional office space for Information Technology. (F3)
- R 4. Information Technology provide a stipend or develop a salaried position for emergency services. (F1,F3)

Request for Responses:

- Information Technology Department via Board of Supervisors (90 days)

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Health and Human Services Committee

Table of Contents

- Complaints

Medical Care – Adequate or Inadequate

- Oversight

Transitional Housing Programs

Complaint #21

Medical Care – Adequate or Inadequate



Summary:

The complainant, an inmate at the Lake County Correctional Facility, sustained an injury while being transported to Court. The complaint is that adequate medical care was not provided. The complainant maintains that medical care for a separate and on-going issue has also been inadequate.

Background:

The County of Lake contracts with a private medical corporation to provide medical care to those held in the Correctional Facility and at Juvenile Hall.

The inmate sustained an injury while stepping into a transport van. Jail medical provided immediate emergency and follow-up care for this injury. At the time of the complaint, the inmate was still receiving medical intervention for an on-going issue.

Procedure:

The Health and Human Services Committee of the Civil Grand Jury reviewed the following in evaluating this complaint:

- Minimum Standards for Local Detention Facilities, Title 15, established by the California Department of Corrections and Rehabilitation;
- Lake County Sheriff's Office Corrections Division Policy Manual;
- Custody Information Booklet, which is supplied to inmates upon booking;
- The private medical corporation's redacted list of nurse practitioner sick-call visits for the time in question;

- Grievance/Complaint requests at the jail for the time period in question;
- and the specifics of the inmate's complaint.

Discussion and Facts:

- Emergency medical care was provided immediately to the complainant after the injury. This was documented by the private medical corporation and stated by the complainant.
- The complainant was seen by a medical professional on four separate occasions for medical interventions and follow-up assessments of the injury. This was also documented by both the private medical corporation and stated by the inmate in the complaint.
- The complainant was still receiving basic medical care for an additional chronic issue at the time of the investigation.
- The complainant was dissatisfied with the medical care.

Findings:

- F1. The complainant received basic and emergency medical care pursuant to Minimum Standards for Local Detention Facilities, Title 15 regulations and the Lake County Sheriff's policy.
- F2. There exists no indication of deliberate indifference by jail or medical personnel to the complainant's medical conditions.

Request for Responses:

- Sheriff (60 days)
- Board of Supervisors (90 days)

Transitional Housing Programs Oversight

There's No Place Like Home



Summary:

What happens when a foster child reaches the age of 18 and ages out of the foster care system? In the past, these young adults had limited options. The Transitional Housing Plus Program (THPP), which began in 2007, is now an option for these young adults.

The California Assembly Bill 12, *California Fostering Connections to Success Act* went into effect January 1, 2012. This bill provides more options for participants, including raising the age of foster care assistance to 24 years of age.

Background:

Lake County chose to participate in THPP – not every county in California does participate. These programs are administered by the Lake County Department of Social Services (DSS) through Redwood Children's Services (RCS), a private non-profit and nonsectarian agency. These two entities work together to provide services for the THPP participants. The State and Federal Government provide the majority of the funding for the THPP.

Recognizing that 18 years of age is too young to be without services for some young adults, the California Assembly enacted the *California Fostering Connections to Success Act*, which the State Legislature deemed appropriate for young adults aging out of the traditional foster care system.

Procedure:

The Health and Human Services Committee of the Civil Grand Jury conducted interviews with DSS in its Lakeport and Lower Lake offices. An interview with RCS management was conducted in their Lakeport office.

The committee requested, read, and analyzed documents regarding programs overseen by DSS and RCS. The documents included the following:

- Memoranda of Understanding (MOUs)
- Contracts
- DSS Child Welfare Handbook
- Financial records from RCS and DSS
- “Improving Lives”, an Overview of Programs and Services of the DSS, January 2011.

Discussion and Facts:

TRANSITIONAL HOUSING PLUS PROGRAM

THPP is a voluntary program for emancipated young adults that are 16 to 24 years old, formerly in foster care or otherwise in the court system.

1. Duties and responsibilities of the participants include compliance with the Transitional Independent Living Program (TILP). The TILP is a program designed to teach basic living skills, including managing funds, obtaining a driver’s license, and writing a resume. The young adult must actively participate in the independent living skills program before entering the THPP.
2. Young adults in the program must report to a social worker monthly and to the court at least every six months.
3. THPP has ten (10) housing opportunities in an apartment setting in the City of Clearlake. These are fully occupied as of this writing.
4. Items such as bed linens and kitchen utensils are given to each participant to help start an independent life.
5. Funds are deposited in a bank account for each participant.

ASSEMBLY BILL 12 – California Fostering Connections to Success Act

Young adults who are eligible and who choose to remain in foster care after the age of 18 are considered non-minor dependents of the court and commit to one of the following expected goals to qualify for AB12 services:

- Complete high school or equivalent program
- Enroll at least half-time in college or a vocational program
- Participate in a program or activity designed to promote employment or remove barriers to employment.
- Develop community connections
- Be employed at least 80 hours a month

AB12's living arrangements are limited to the following:

- The home of an approved relative, non-related extended family member or a legal guardian, or
- A licensed foster family, Foster Family Agency home, or Transitional Housing Placement Program
- The Transitional Housing Placement Plus Foster Care (THPP +FC) is a brand new housing option available through AB12, which is similar to the current Transitional Housing Plus Program.

The Transitional Housing Programs and AB12 have been in effect for only a short amount of time. It is difficult to measure the success of these programs at this time. The programs have steadily increased in the number of participants. LCSS does not track the participants after they opt out or age out of the program. The State of California, Health and Human Services Agency, posts quarterly statistical reports on their website, <http://www.cdss.ca.gov/>. (See Appendix A)

Findings:

- F 1. The Transitional Housing Plus Program has filled all ten (10) of its openings, and can be considered a success for Lake County.
- F 2. AB12 and the Transitional Housing Plus Program in Lake County are relatively new; therefore, long term success cannot be determined at the present time.

Recommendations:

- R 1. Department of Social Services expand transitional youth programs as possible. (F1)

Request for Responses:

- Department of Social Services via Board of Supervisors (90 days)

**Exit Outcomes for Youth
Aging Out of Foster Care
Quarterly Statistical Report**

STATEWIDE ^{a/ b/}	October - December	2011	(Version 2)		
Part A. Youth Aging Out of Foster Care			County Supervised Foster Youth		Non-Dependent Non-Related Legal Guardian Youth (C)
			Child Welfare (A)	Probation (B)	
1. County supervised youth who are aging out or legally emancipating from Foster Care during the report quarter (Item 1 includes non-parental youth not included in Item 1a or 1b; AND Item 1 equals the sum of Item 2 plus Item 3)					
a. Of the youth in Item 1, youth who are custodial female parents [Item 1a1) plus 1a2) plus 1a3)]					
1) Youth female parents who have custody of one child	360	100	47		
2) Youth female parents who have custody of two children	34	6	4		
3) Youth female parents who have custody of three or more children	25	5	4		
b. Of the youth in Item 1, youth who are custodial male parents [Item 1b1) plus 1b2) plus 1b3)]					
1) Youth male parents who have custody of one child	9	0	0		
2) Youth male parents who have custody of two children	0	0	0		
3) Youth male parents who have custody of three or more children	5	1	0		
2. Youth whose whereabouts are unknown and could not be contacted during the report quarter	5	1	0		
3. Youth whose whereabouts are known during the report quarter and information to be included in Items 4 through 50 below (Item 1 minus Item 2)	0	0	0		
	45	4	6		
	315	97	41		
Part B. Education Attainment/Enrollment					
For Items 4 - 10 select all that apply for each youth.					
4. Youth who completed high school or equivalency (Item 4a plus 4b plus 4c plus 4d)	189	54	23		
a. Youth who received a high school diploma	162	36	21		
b. Youth who received a General Equivalency Degree (GED)	14	18	1		
c. Youth who received a high school proficiency certificate	1	0	1		
d. Youth who received a high school completion certificate	12	0	0		
5. Youth enrolled in an educational program in order to continue to pursue their high school education (e.g., high school diploma, GED)	82	31	12		
6. Youth who dropped out of high school	46	6	3		
7. Youth who plan to enroll in college during the next available quarter/semester	72	17	6		
8. Youth enrolled in college (Item 8a plus 8b)	88	21	9		
a. Youth in a two-year community college	70	21	4		
b. Youth in a four-year university	18	0	5		
9. Youth who plan to enroll in vocational education or on-the-job training during the next available quarter/semester	19	6	0		
10. Youth enrolled in vocational education or on-the-job training	17	4	0		
11. Youth for whom no educational information is known	13	5	3		
Part C. Means of Financial Support and/or Other Financial Resources					
For Items 12 - 29 select all that apply for each youth.					
12. Youth who obtained employment (Item 12a plus 12b)	77	17	4		
a. Youth who obtained full-time employment	17	3	1		
b. Youth who obtained part-time employment	60	14	3		
13. Youth who plan to enlist in the military, Job Corps, California Conservation Corps or AmeriCorp	12	5	2		
14. Youth enlisted in the military, Job Corps, California Conservation Corps or AmeriCorp	9	2	0		
15. Youth with an Individual Development Account (IDA) (Matched Savings Account)	3	0	0		
16. Youth with a savings account (not an IDA)	74	11	5		
17. Youth with a checking account	72	9	3		
18. Youth who are receiving or have applied for SSI	47	6	6		
19. Youth who have applied for CalWORKs	22	3	2		
20. Youth who have applied for General Assistance/General Relief	26	4	1		
21. Youth who have applied for Food Stamps	80	14	4		
22. Youth who are receiving or have applied for Chafee Educational and Training Voucher	83	11	3		
23. Youth who are receiving or have applied for Educational Scholarships/Financial Aid	116	18	7		
24. Youth who are receiving or have applied for Child Support for their minor child(ren)	2	1	1		
25. Youth who are receiving or have applied for Subsidized Child Care	2	1	0		
26. Youth who are receiving or have applied for Temporary Financial Assistance (ILP, Emancipated Youth Stipend, other)	15	5	1		
27. Youth who are receiving Tribal Financial Assistance	4	2	0		
28. Youth whose families are or will be contributing to their financial support	80	32	10		
29. Youth who are receiving financial support or assistance from another source other than those listed above	48	13	1		
30. Youth with no means of financial support	24	13	1		
31. Youth for whom no information is known about their financial situation	31	8	13		

Part D. Housing Arrangements Only one item in this section should be selected for each youth.		County Supervised Foster Youth		Non-Dependent Non-Related Legal Guardian Youth
		Child Welfare (A)	Probation (B)	(C)
32. Youth who have made arrangements to rent their own housing or to pay rent to or share rent with another person (Item 32a plus 32b plus 32c plus 32d).....	142	66	18	7
a. Youth who have made arrangements to pay rent for their own housing.....	145	9	3	0
b. Youth who have made arrangements to pay rent to or share rent with a birth parent.....	148	3	5	2
c. Youth who have made arrangements to pay rent to or share rent with a current caregiver.....	151	23	2	4
d. Youth who have made arrangements to pay rent to or share rent with someone other than above.....	154	31	8	1
33. Youth who have made arrangements to live free of rent with another individual (Item 33a plus 33b plus 33c).....	157	142	40	22
a. Youth who have made arrangements to live free of rent with a birth parent.....	160	27	31	4
b. Youth who have made arrangements to live free of rent with a current caregiver.....	163	53	4	11
c. Youth who have made arrangements to live free of rent with someone other than above.....	166	62	5	7
34. Youth who have made arrangements to live in supportive transitional housing (Item 34a plus 34b plus 34c plus 34d).....	169	44	25	1
a. Youth who have made arrangements to live in certified THP-Plus Program Housing.....	172	33	14	0
b. Youth who have made arrangements to live in Mental Health Program Housing.....	175	1	1	0
c. Youth who have made arrangements to live in County Operated Program Housing.....	178	1	1	0
d. Youth who have made arrangements to live in housing program other than those listed above.....	181	9	9	1
35. Youth who have made arrangements to receive subsidized housing (Item 35a plus 35b plus 35c).....	184	9	0	0
a. Youth who have made arrangements to receive Section 8.....	187	1	0	0
b. Youth who have made arrangements to receive Board and Care.....	190	6	0	0
c. Youth who have made arrangements to receive subsidized housing other than those listed above.....	193	2	0	0
36. Youth who have made arrangements to reside in an emergency shelter.....	196	0	0	0
37. Youth who have made arrangements to live in a college dorm the next available quarter/semester.....	199	20	1	3
38. Youth who are incarcerated/institutionalized.....	202	4	6	0
39. Youth who have made housing arrangements other than those listed above (e.g., military, Job Corps, California Conservation Corps or AmeriCorp).....	205	4	3	0
40. Youth who have no housing arrangements.....	208	3	1	2
41. Youth for whom no information is known about their housing arrangements.....	211	23	3	6
Part E. Health Care Insurance For Items 42 - 44 select all that apply for each youth.				
42. Youth who have Medi-Cal.....	214	244	74	30
43. Youth who have applied for EXTENDED Medi-Cal.....	217	116	46	5
44. Youth who have other medical insurance (other than Medi-Cal).....	220	13	2	1
45. Youth who do not have medical insurance (Medi-Cal or other).....	223	8	1	0
46. Youth for whom no information is known about their health care insurance coverage.....	226	23	16	7
Part F. Independent Living Program Services				
47. Youth who received Independent Living Services prior to aging out or legally emancipating from Foster Care.....	229	259	74	16
Part G. Permanency Connection Only one item in this section may be selected for each youth. The sum of Items 48, 49 and 50 must equal Item 3.				
48. Youth who reported that they have a permanency connection to at least one adult that they can go to for support, advice and guidance.....	232	290	84	36
49. Youth who reported that they have no permanency connection.....	235	1	2	0
50. Youth for whom no information is known about their permanency connection.....	238	24	11	5
COMMENTS a/ Counties not reporting: Colusa, Fresno and Sutter. b/ Counties now reporting: Imperial, San Francisco, Sonoma and Tehama.				

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Joint Powers Act Committee

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- Special Report

Joint Powers Act

Joint Powers Act (SB 1350)

Clouded Clarity (JPAs)

A Continued Oversight



Summary:

The 2010/2011 Civil Grand Jury recommended that a subsequent Grand Jury continue the oversight of Joint Powers Authorities operating in Lake County. The 2011/2012 Grand Jury continued the oversight.

A Joint Powers Authority is the only type of government entity created simply by an agreement. They are not approved by a vote of the electorate.

The acronym "JPA" can mean the Joint Powers Act, a Joint Powers Agreement, or a Joint Powers Authority. Thus, confusion can be created when these terms are not used carefully.

The Joint Powers Act (SB 1350) allows government agencies to enter into written agreements known as Joint Powers Agreements, to work together to implement programs, build facilities, or deliver services. These agreements do nothing more than establish the protocol under which the agencies agree to work cooperatively to achieve their common goal.

Alternatively, the agreement may create a new legal entity, often referred to as a Joint Powers Authority or Joint Powers Agency.

As an independent legal entity, a Joint Powers Authority must file a Notice of Joint Powers Agreement with the Secretary of State. To ensure fiscal accountability, each Joint Powers Authority must appoint a treasurer and an auditor, ensuring that an annual audit be performed and the completed audit filed with the county auditor.

The 2011/2012 Grand Jury committee reviewed a publication prepared by the California Senate Local Government Committee of the State Legislature, "Governments Working Together, A Citizen's Guide to Joint Powers Agreements". It was learned that, when an independent Joint

Powers Agency is created, this new entity is not required to identify itself as a Joint Powers Authority in its name. A Joint Powers Authority may identify itself using numerous different terms including, but not limited to, the following: agency, alliance, association, authority, board, bureau, center, coalition, commission, consortium, council, district, facility, fund, group, institute, JPA, league, service, source, system, trust, or zone.

How many Joint Powers Authorities are there in which a Lake County governmental agency participates as a member? Is each of these Joint Powers Authorities in compliance with the fiscal accountability requirements imposed on them by the Joint Powers Act? These may not be easy questions to answer. In addition to the confusion which can be created by not requiring a Joint Powers Authority to clearly identify itself as such in its title and the careless use of terminology; it is presently unclear whether all Joint Powers Authorities within Lake County which are required to notify the Secretary of State of their existence actually do so.

Recommendations

- R 1 A subsequent Grand Jury Committee review the Joint Powers Act (SB 1350) and analyze the effects of the Act as it pertains to Lake County.

Request for response:

- None

Planning and Public Works Committee

Table of Contents

- Complaints

Lakebed Management

- Oversight

Corporation Yard

There is a Plan to Repair the Roads

Lakebed Management Complaint #15

Is Nothing Being Done?



Summary:

The Lake County Civil Grand Jury received and accepted a complaint regarding algae in the lake. The complainant stated in summary that “The algae is killing the fish, crawdads and birds in the canal” and that “Nothing has been done”.

Background:

This complaint was received in August of 2011. The complaint was forwarded to the Planning and Public Works Committee of the Lake County Civil Grand Jury for review.

Procedure:

The Planning and Public Works committee has met with managers from the Lake County Public Works Department, as well as Water Resources Specialists, a Special Districts manager, a Water Resources Engineer and an Invasive Species Program Coordinator that monitor the lake and the conditions of the water on a regular basis.

The Planning and Public Works Committee of the Lake County Civil Grand Jury took the following steps to evaluate the validity of this complaint:

- The committee met with Special Districts management to discuss spills, and other possible contaminants that could cause odors, and algae in the lake.
- The committee met with Planning and Public Works management to discuss what is done to mitigate the accumulation of algae and the odor emanating from the lake water.

- The committee met with an Invasive Species Program Coordinator and a Water Resources engineer for background information on causes of algae, types of algae and ways to mitigate the overabundance of algae within the lake.

Discussion and Facts:

The committee was informed by agencies mentioned above that:

1. Algae within the lake is a natural occurrence. There is a three year cycle of algae in the lake that is occurring at this time.
2. There are good and bad algae in the lake and some of that algae is necessary for aquatic life to sustain itself within the lake. These areas are known as riparian habitat zones and are very sensitive to disturbances from surrounding land-use patterns.
3. The Lake County Board of Supervisors (BOS) implemented plans for algaecide treatment services on May 24th, 2011 and has authorized three separate contractors for aquatic weed abatement services.
4. On December 6, 2011, there was a BOS consensus to direct Lake County Planning and Public Works staff to distribute a request for proposals to collect, de-water and dispose of algae mats from the waters of Clearlake.
5. The Planning and Public Works Department has aerators available for affected areas that are heavily infested with algae where the lake water does not circulate.
6. The committee has been informed that a major cause for the increase in the algae in the lake is due to the reduction in the amount of the tules which act as a natural filter for the lake water.

Findings:

- F1. In addition to Lake County employees, The Planning and Public Works Committee found that there are a large number of citizen action groups that monitor the conditions of the lake, the algae from the lake and the environment.
- F2. This committee was informed by the Lake County Public Works Department that a Homeowners Association owns a weed harvesting machine that has been used over the past few years, in an attempt to pick up the algae and dispose of it.
- F3. The Planning and Public Works Committee found that Lake County Public Works is involved with the monitoring and the maintenance of the

lake. Lake County Public Works continues to do everything that they possibly can to control the algae in the lake and the odor emanating from the water in the lake.

- F4. The committee found from the Lake County Board of Supervisors minutes that measures which would allow the abatement of the aquatic weeds from the lake have been approved.
- F5. The committee found from the Lake County Board of Supervisors minutes that the committee has been informed by the Lake County Public Works Department that the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, when implemented would increase the restoration of the tules to the northern part of the lake and would help to filter the water and reduce the amount of algae in the lake. (See attachment map "A" depicting the projected Middle Creek Project area)
- F6. The water and the sediment within the lake circulates around the lake from the northwest part of the lake and moves in a clockwise manner, which helps to keep the buildup of algae down. There are portions of the lake where the water is unable to circulate, and the algae will build up in those areas. (See attachment maps "B" & "C" depicting phosphorus circulating after heavy rains in 2010)
- F7. The committee found that there are various creeks, estuaries, and canals around the lake that have little or no circulation which creates a stagnant situation where algae blooms and then dies off. When this happens, the oxygen in the water is used and results in fish die-offs. Some of these areas are privately owned and Lake County has no jurisdiction in those areas.
- F8. The Planning and Public Works Committee of the Lake County Civil Grand Jury has found that much is being done regarding the algae in the lake.
- F9. The Planning and Public Works Committee of the Lake County Civil Grand Jury determined the complaint regarding algae in the lake to be unfounded.

Recommendations:

- R 1. The committee has determined that a further study of the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, be done by the upcoming 2012-2013 Lake County Civil Grand Jury so that a full report can be dedicated to this project.(F2, 3, 5, 6 & 8)

Request for Responses:

Board of Supervisors (90 days)

MAP A





MAP B



MAP C

Lake County Public Works Department

Corporation Yard Oversight



Summary:

The Planning and Public Works Committee (PPWC) of the Lake County Civil Grand Jury conducted oversights of the main and satellite Corporation Yards of Lake County. The oversight purpose was to gain knowledge of the day-to-day operations of the County corporation yards. The committee also wanted to observe training and safety procedures and hazardous material storage.

Background:

The Public Works Department is managed by a Public Works Director. The Director oversees four onsite managers who are in charge of the four Corporation Yards. The Lakeport main yard manager is the Heavy Equipment Fleet manager and is responsible for servicing and repairing vehicles for County departments, as well as, maintaining the heavy equipment used for the County (including the Road Division). Corporation yards are located at various locations around the County. (See Attached Map depicting areas covered by the three Road Maintenance Yards)

The main Corporation Yard is located on Campbell Lane in Lakeport. Upper Lake Corporation Yard is located at 1275 West Highway 20 in Upper Lake (Satellite yard area of responsibility shaded in yellow on map). Kelseyville Corporation Yard is located at 4460 Finley East Road in Kelseyville (Satellite yard area of responsibility shaded in red on map). Lower Lake Corporation Yard is located at 15970 Kugelman Road in Lower Lake (Satellite yard area of responsibility shaded in green on map).

The three satellite Corporation yards, also known as Road Maintenance yards, are responsible for road equipment and material storage for road maintenance and minor tool maintenance. These three satellite yards are also responsible for sanding the county roads during inclement weather. The majority of vehicle and heavy equipment maintenance is performed at the Campbell Lane facility in Lakeport.

Procedure:

On November 16, 2011, the committee met with management of the Public Works Department of Lake County to conduct an oversight of the Lake County Corporation main yard. The committee met again on January 20, 2012 to conduct visits of the three satellite County Corporation Yards.

Discussion and Facts:

1. A very high operational tempo was viewed by the committee.
2. The committee was informed by staff that current staffing levels at satellite yards is insufficient. Each satellite yard is responsible for maintaining 212 miles of roads for each of the satellite yards area of responsibility.
3. Management informed the committee that some departments within the County are not using the Central Garage for regular repairs and maintenance. If other Departments had their vehicles as part of the pool that is maintained by Central Garage, the overall cost to maintain those vehicles would go down because there would be more vehicles to spread the general overhead. Some departments are currently using facilities outside of the corporation yard for routine maintenance due to the current costs for repairs at the Central Garage.
4. The committee was informed that the Public Works Department is subject to stringent Occupational Safety and Health Administration (OSHA) regulations.
5. During the tour of the Corporation Yards, the committee was shown areas designated for storage of specific types of materials and chemicals, and the wash-rack in the Lakeport yard. The committee was informed by staff that chemical storage and the wash-rack complied with OSHA standards.
6. The committee was informed by staff that the Public Works Department's employees are aware of the condition of roads within Lake County.
7. The committee was informed that the Road Maintenance Yards are in need of more covered storage area for sand, road-base and equipment, especially during the winter months.
8. Public Works Department utilizes county inmates and Konocti Conservation Camp inmates to assist in supervised yard maintenance and weed control projects.

FINDINGS:

- F 1. The active operation of the Corporation Yard appeared to the committee to be largely due to the guidance of the management.
- F 2. If more of the departments within the county use the corporation yard for routine maintenance, the costs for those repairs could decrease for all departments, as more vehicles are serviced by the corporation yard, general overhead for all departments would be reduced.
- F 3. The Public Works Department continues to correct and repair roads within the county, as time and resources allow.
- F 4. By utilizing county inmates and Konocti Conservation Camp inmates the County saves money on maintenance.
- F 5. The satellite yards are currently operating at minimum staffing for each satellite yard.
- F 6. The Road Maintenance Yards need more covered storage to ensure that equipment and materials remain protected from the elements.

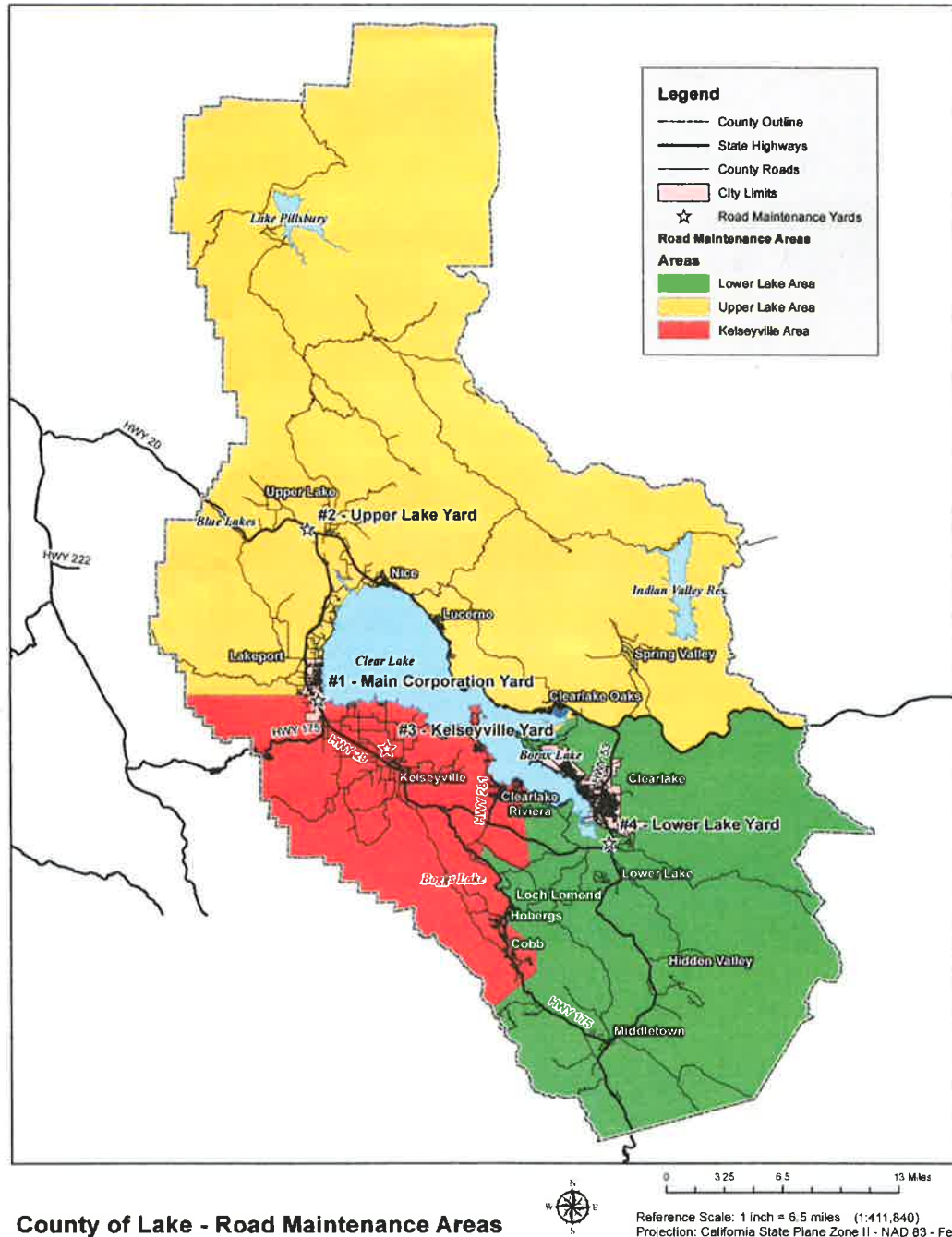
Recommendations:

- R1. The Board of Supervisors consider an evaluation of the impact for maintaining all of county's fleet of vehicles at the Lakeport Corporation Yard. (F 2)
- R2. Corporation Yard funding be increased to add staffing levels for the three satellite yards to cover the 212 miles that those yards cover throughout the county. (F 5)
- R3. Board of Supervisors consider more covered storage area for all Corporation Yards. (F 6)

Request for Responses:

- Lake County Public Works Department via Lake County Board of Supervisors (90 days)
- Board of Supervisors (90 days)

APPENDIX A



PUBLIC WORKS DEPARTMENT

There is a Plan to Repair the Roads



Summary:

When are the roads going to be fixed in Lake County? The Public Works Department of Lake County presented to the Board of Supervisors an evaluation of road conditions with suggestions for repair and maintenance. The Planning and Public Works Committee of the Lake County Civil Grand Jury set out to try to determine the status of local road rehabilitation.

Background:

The citizens of Lake County, through the Board of Supervisors, are ultimately responsible for the County roads. The Public Works Department maintains and repairs these roadways. The Lake County Area Planning Council (APC) functions as the local transportation authority. A local tax authority created by the APC, the Sales Tax Authority for Roadway Repair (STARR), is the avenue for pursuing future transportation taxes.

Procedure:

The Committee studied pertinent STARR documents, including its latest report and a five year expenditure program based on possible sales tax revenues; this report is almost a decade old and is presently being updated.

The committee also reviewed Pavement Management Program Update (PMP), a draft prepared by an independent engineering firm in

December 2011 for the APC. In January 2012, the committee met with representatives of the Public Works Department and an outside financial consultant. Discussion at this meeting focused on the following subjects:

- a) Evaluation of current pavement conditions.
- b) Potential funding alternatives, including a local transportation sales tax.
- c) Administration of a maintenance and upgrade program.

Discussion and Facts:

- 1. There are six hundred fifteen miles of county roads under the auspices of the Public Works Department in Lake County; this does not include the one hundred ten bridges or the thousands of drainage culverts and fords.
- 2. One hundred twenty-three miles of County roads are unpaved.
- 3. The majority of County roads were originally constructed to the standards and needs of the 1930-1940's.
- 4. In 2001, approximately 64% of county roads were in poor-to-failed condition; less than 18% are currently in good-to-excellent condition. (See Appendix A)
- 5. Lake County's investment in the existing road system is more than one billion dollars; maintenance funding is less than \$5,000 per mile per year.
- 6. The majority of funds available for county road maintenance may be used for the county public road system only; any changes to the road system requires the Board of Supervisors' formal approval.
- 7. It costs the County \$60,000 to adequately gravel one mile of unpaved road, \$100,000 for asphalt overlay of one mile of existing road, and \$20,000 to slurry-seal one road. (See Appendix A)
- 8. The incorporated areas of the cities of Clearlake and Lakeport are not a county responsibility. PMP does not include unpaved roads in either the cities or the County.
- 9. The Pavement Management Program report consists of three elements.

Element 1: PMP Update Draft report which includes multi year rehabilitation and maintenance programs given various budget scenarios.

Element 2: Local Transportation Funding Alternatives Memo, which includes three potential funding sources including a local transportation sales tax.

Element 3: The State Tax Authority for Roadway Repair and (STARR) Needs, Concepts, Principles and Procedures which includes an outline of the administration for the repairs.

Findings:

- F1 A complete list regarding the status of county roads is contained in the Lake County Pavement Management Program Update Draft Report but not included in this Grand Jury Report. More information can be obtained from the Publics Works Department.
- F2. Existing road maintenance funding is unable to meet current needs of traffic demands.
- F3. Improvements and maintenance of the county road system exceed available funds.
- F4. The majority of county roads are in need of maintenance or paving.
- F5. In the view of the committee, the fiscal separation of municipal and county road systems could lead to added expense for both county and cities.

Recommendations:

- R 1. The Board of Supervisors provide assurances that road funds be used solely for road repair and maintenance. (F2,F3, F5)
- R 2. The Lake County Board of Supervisors consider adopting an updated PMP report and proceed with its recommendations. (F2, F3, F4)
- R 3. The County place a non-binding advisory vote on the ballot proposing to proceed with a sales tax which would be used exclusively to pave unpaved roads, repair and upgrade the existing roads in Lake County, including the cities of Clearlake and Lakeport. (F2, F3, F4, F5)

Request for Responses:

- Lake County Public Works Department via Lake County Board of Supervisors (90 days)
- Board of Supervisors (90 days)
- City of Clearlake (90 days)
- City of Lakeport (90 days)



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Lake County

Pavement Management Program Update Draft Report



Submitted to:

**Lake County
Public Works Department
255 N. Forbes Street
Lakeport, CA 95453**

December 2011

546.02.20

Lake County

Pavement Management Program Update Draft Report

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December 2011

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Background

Nichols Consulting Engineers, Chtd. (NCE) was selected by the Lake County City Area Planning Council in 2011 to update the pavement management program. The network is comprised of approximately 510.1 centerline miles, of which 13.1 are arterials, 180.5 are collectors, 314.8 are residential/local streets, and 1.7 miles are other streets.

The unit costs of the pavement maintenance strategies were also updated based on recent bid tabs from 2010/2011. Then, a budget needs analysis was performed. In addition, three budgetary scenarios were analyzed. This report presents an executive summary of our analyses.

Purpose

The purpose of this report is to assist decision makers in utilizing the results of the Metropolitan Transportation Commission (MTC) StreetSaver Program. Specifically, this report links the recommended repair program costs to Lake County's current and projected budget alternatives to improve overall maintenance and rehabilitation strategies. This report assesses the adequacy of ideal and projected revenues to meet the maintenance needs recommended by the PMP program. It also maximizes the return from expenditures by:

- (1) implementing a multi-year road rehabilitation and maintenance program;
- (2) developing a preventative maintenance program; and
- (3) selecting the most cost effective repairs.

This report assists Lake County with identifying maintenance priorities specific to its needs. This study examines the overall condition of the road network and highlights options for improving the current network-level pavement condition index (PCI). These options are developed by conducting "what-if" analyses using Lake County's pavement management system database. By varying the budget amounts available for pavement maintenance and repair, one can show how different funding strategies can impact the County's roads over the next five years.

Network Description

Lake County is responsible for the management, repair and maintenance of approximately 510 centerline miles, or 1,228 sections. The table below summarizes the lengths of the roads in the network by functional class.

TABLE 1. Network Summary Statistics for Lake County.

Functional Class	Sections	Centerline Miles	Lane Miles
Arterial	10	13.1	26.3
Collector	207	180.5	361.0
Residential/Local	1,005	314.8	626.4
Other	6	1.7	1.8
Total	1,228	510.1	1,015.4

The network replacement cost is defined as the reconstruction of all the pavement sections in the County. **The network replacement cost of the County's pavements is estimated at \$402.8 million.** This is approximately \$65.5 million less than replacement cost estimated in 2008 due to lower unit prices in 2011 when compared to 2008. Details of the network inventory can be found in Section 1 of this report.

Pavement Current Condition

The pavement condition index, or PCI, is a measurement of pavement grade or condition and ranges from 0 to 100. A newly constructed road would have a PCI of 100, while a failed road would have a PCI of 10 or less. The average 2011 PCI of the street network of the County is 41, which is in "poor" condition. There has been some improvement in network PCI between 2008 and 2011 surveys. The average PCI improved from 32 to 41, essentially due to the maintenance and rehabilitation (approximately 29 miles) performed by the County in the past three years. Figure 1 illustrates the definitions of the pavement condition categories.

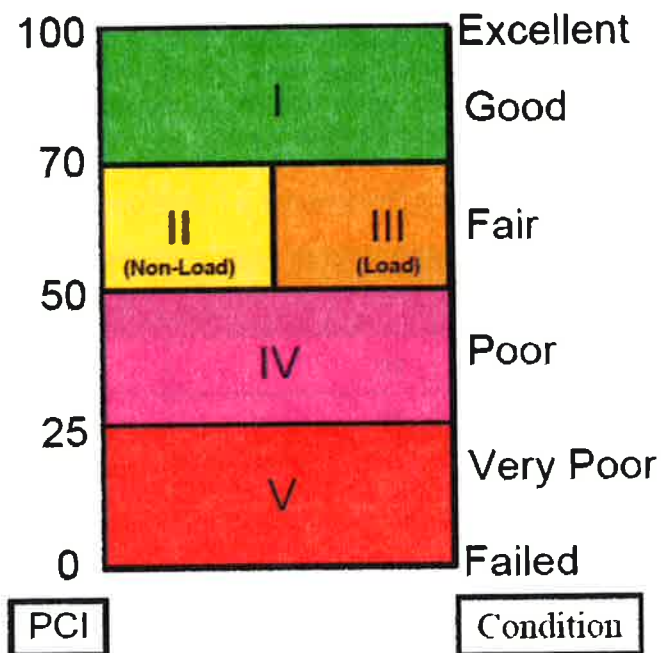


FIGURE 1. Pavement Condition Categories by PCI

The County has been utilizing surface treatments like scrub seals, single or double chip seals as means of preventive maintenance on pavements that are in "fair" condition or above. When the pavement condition deteriorates, overlays, cold-in-place recycling and full depth reclamation have been performed. Deep patching is commonly used as preparation prior to overlays. These treatments are formalized in the maintenance and rehabilitation decision tree as shown in Section 2.

Table 2 below, summarizes the average condition of the road network by functional class. There is some improvement from 2008, which is due to significant maintenance and rehabilitation work that has occurred in the County in the past three years. The historical records show that approximately 29 miles of roads have been sealed, rehabilitated or reconstructed. Detailed section condition can be found in Section 2 of this report.

TABLE 2. Pavement Condition Summary by Functional Classification (2011)

Functional Class	2008 Average PCI (weighted by area)	2011 Average PCI (weighted by area)
Arterial	30	52
Collector	36	47
Residential/Local	29	37
Other	65	63
All	32	41

Approximately 17.7% of the County's pavement area is in the "good" or "excellent" condition category and 18.1% in "fair" condition. The remaining 64.2%, which is slightly below two third of the pavement area, falls in "poor" condition or below (Figure 2 summarizes the percent of pavement area by condition category). This is a significant improvement in network PCI condition from 2008 when approximately 77% of network was in "poor" condition or below.

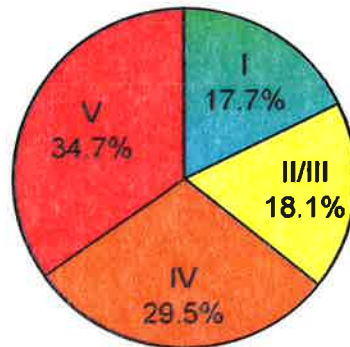


FIGURE 2. Pavement Condition Summary by Condition Category (2011)

Budget Needs

Based on the principle that it costs less to maintain roads in good condition than those in bad conditions, StreetSaver strives to develop a maintenance strategy that will improve the overall condition of the network to an optimal PCI and then sustain it at that level. The **average 2011 PCI of the network is 41**, which corresponds to the "poor" condition category, which indicates that a significant portion of the network suffers from load-related distresses. If these are not addressed, the quality of the road network will continue to decline. In order to correct these deficiencies, a cost-effective funding and maintenance and rehabilitation strategy must be implemented.

The first step in developing a cost-effective maintenance and rehabilitation strategy is to determine the maintenance "needs" of the roadway network. Using the StreetSaver budget needs module, maintenance needs over the next five years were estimated at approximately \$112.8 million for the County. If the County follows the strategy recommended by the program, the average network PCI will increase to 86. The results of the budget needs analysis are summarized in the table below. These results were calculated based on updated unit costs provided by the County.

TABLE 3. Summary of Results from Needs Analysis

Year	2012	2013	2014	2015	2016	Total
PCI Treated	79	76	78	80	86	NA
PCI Untreated	41	37	33	30	27	NA
Preventive Maint. (\$M)	0.50	0.16	0.06	0.05	0.07	0.84
Rehab. (\$M)	69.8	12.4	8.7	10.9	10.1	111.9
Total Needs (\$M)	70.3	12.6	8.8	11.0	10.1	112.8

Table 3 illustrates the level of expenditures required to raise the pavement condition to a network PCI goal of 86 and eliminate the current maintenance backlog. The results of the budget needs analysis represent the ideal funding strategy recommended by the StreetSaver program. Of the \$112.8 million in maintenance needs shown, approximately \$0.84 million (0.75 percent) is earmarked for preventive maintenance or life extending treatments, while all the rest (99.25 percent) is allocated for the more costly rehabilitation and reconstruction treatments. When compared to 2008 PMS analysis (for five year period from 2008 to 2012), the total maintenance needs for 2011 has reduced from \$264 million to \$112.8 million. This is primarily due to the more cost effective rehabilitation options, full depth reclamation and cold-in-place recycling, that the County has adopted for the current analysis period against conventional and more costly reconstruction options used in 2008. Furthermore, a decrease in construction prices over the last 3 years has also contributed to the decrease in maintenance and rehabilitation needs.

Figure 3, below, demonstrates that pavement maintenance follows the old colloquial saying of "pay me now, or pay me more later." History has shown that it costs much less to maintain

roads in good condition than to repair roads that have failed. By allowing pavements to deteriorate, roads that once cost \$2.00 per square yard (\$/sy) to scrub seal may soon cost \$27.9/sy to recycle/overlay or \$62.0/sy for full depth reclamation. In other words, delays in repairs can result in costs increasing as much as 30-fold. Again, due to the reasons detailed in the previous paragraph, the unit costs for individual rehabilitation treatments has reduced significantly from 2008 PMS analysis (from \$52.65/sy for overlays and \$133.3/sy for reconstruction to unit costs values detailed in Figure 3). With the new rehabilitation options, the County will be able to stretch the value of the available dollars and better take care of the pavement network with the limited funds available.

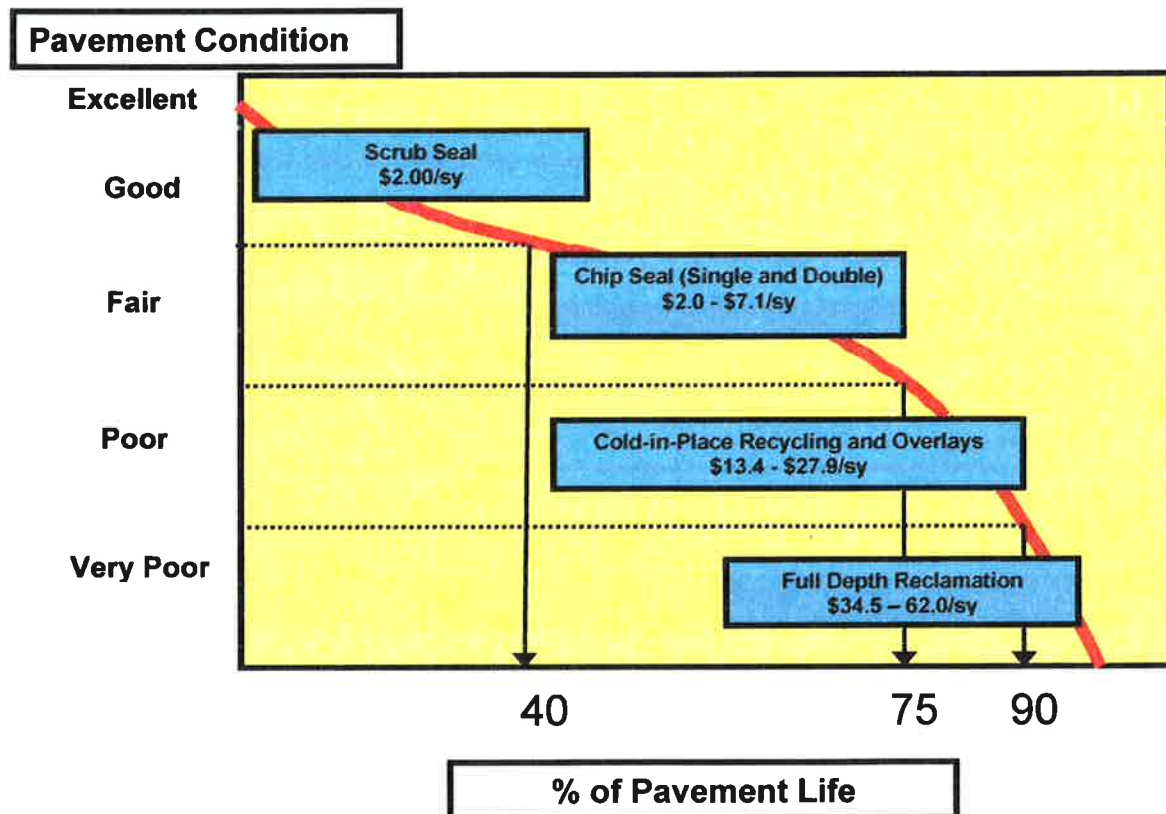


FIGURE 3. Costs of Maintaining Pavements Over Time

Budget Scenarios

Having determined the maintenance needs of the road network, the next step in developing a cost-effective maintenance and rehabilitation strategy is to conduct several "what-if" analyses. Using the StreetSaver budget scenario module, the impacts of various budget "scenarios" can be evaluated. The program projects the effects of the different scenarios on pavement condition index (PCI) and deferred maintenance (backlog). By examining the effects on these indicators, the advantages and disadvantages of different funding levels and maintenance strategies become clear. The following scenarios were performed for the purposes of this report.

Scenario 1. \$1.1 Million Per Year (County Budget) – This scenario shows how the network changes under the current funding level. The condition of the network will deteriorate to a PCI of 40 by 2016 and the deferred maintenance backlog will increase to \$94.9 million.

Scenario 2. \$2.3 Million Per Year (Improve PCI to 50) – In this scenario, the County would require an annual budget of \$ 2.3 million in order to improve the current County network PCI from 41 to 50. A deferred maintenance backlog of \$90.2 million would remain at the end of the next five years.

Scenario 3. \$6 Million Per Year (Improve PCI to 60) - In this scenario, the County would require an annual budget of \$6.0 million in order to improve the County network PCI from 41 to 60. A deferred maintenance backlog of \$80.0 million would remain at the end of the next five years.

Note: Deferred maintenance consists of pavement maintenance that is needed, but cannot be performed due to lack of funding. Shrinking budgets have forced many cities and counties to defer much-needed road maintenance. By deferring maintenance, not only does the frequency of citizens' complaints about the condition of the network increase, but the cost to repair these streets rises as well.

More detailed results of the budget needs scenarios can be found in Section 3 of this report.

Scenario 1: \$1.1 Million Per Year (County Budget)

This scenario assumes a County budget of \$1.1 million per year over the next five years. The results of this scenario indicate that the network PCI will decrease to 40 and 43.3% of the network will fall in the very poor or failed condition category by 2016. The backlog of work will increase to about \$94.9 million by 2016.

TABLE 4. Summary of Results for Scenario 1

Year	2012	2013	2014	2015	2016	Total
Budget (\$-Millions)	1.1	1.1	1.1	1.1	1.1	5.5
Rehabilitation (\$-Millions)	1.1	1.1	1.1	1.1	1.1	5.5
Preventive Maint. (\$-Millions)	0.00	0.00	0.00	0.00	0.00	0.00
Deferred Maint. (\$-Millions)	69.2	79.1	82.8	89.7	94.9	--
PCI	44	42	41	40	40	--

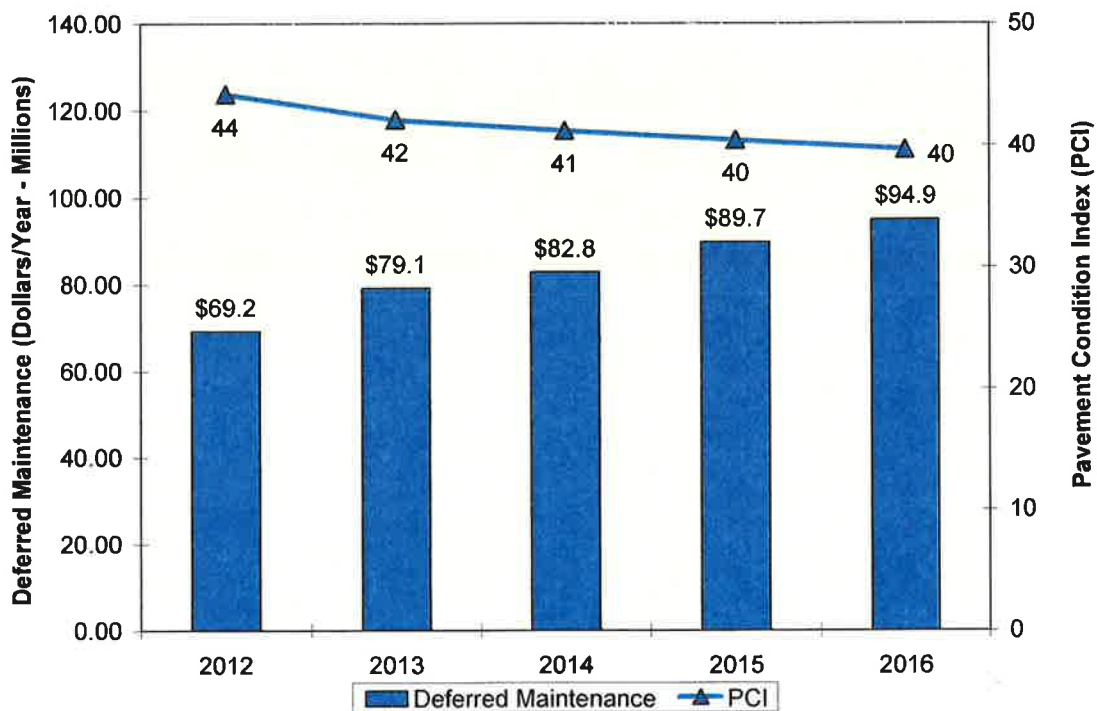


FIGURE 4. PCI vs. Deferred Maintenance for \$1,100,000 Per Year

Scenario 2: \$2.3 Million Per Year (Increase PCI to 50)

For this scenario, with an annual budget of \$2.3 million, the current PCI will increase from 41 to 50 in five years. The backlog of work will increase from \$67.9 to \$90.2 million by the year 2016. By 2016, 32.2% of the network will fall in the very poor or failed condition category.

TABLE 5. Summary of Results for Scenario 2

Year	2012	2013	2014	2015	2016	Total
Budget (\$-Millions)	2.3	2.3	2.3	2.3	2.3	11.5
Rehabilitation (\$-Millions)	2.28	2.28	2.28	2.28	2.28	11.4
Preventive Maint. (\$-Millions)	0.02	0.02	0.02	0.02	0.02	0.12
Deferred Maint. (\$-Millions)	67.9	76.7	79.2	84.9	90.2	--
PCI	47	48	50	49	50	--

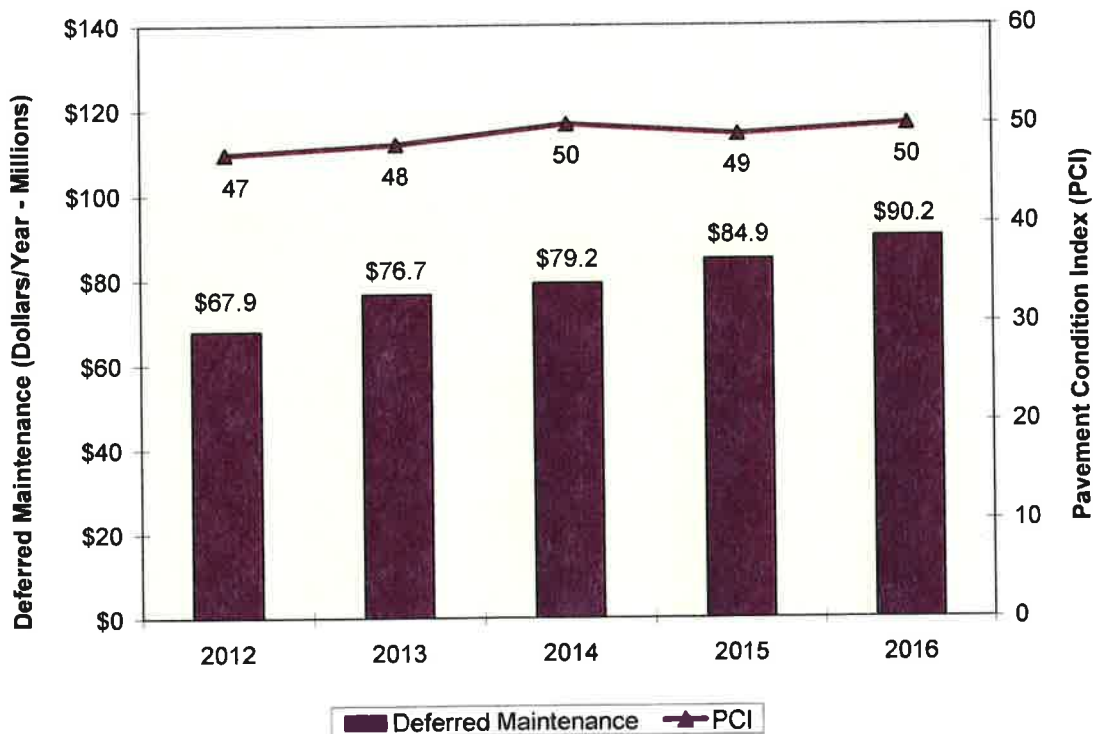


FIGURE 5. PCI vs. Deferred Maintenance for \$2.3 Million Per Year

Scenario 3: \$6 Million Per Year (Increase PCI to 60)

For this scenario, the County's PCI will be improved to the value of 60 for the next five years. This requires an annual budget of \$6 million. However, the backlog of work would still increase from \$64.3 million to \$80.0 million by the year 2016. By 2016, 61.0% of the network will fall into the good or excellent condition category, but 29.9% will still fall in the very poor or failed condition category.

TABLE 6. Summary of Results for Scenario 3

Year	2012	2013	2014	2015	2016	Total
Budget (\$-Millions)	6.0	6.0	6.0	6.0	6.0	30.0
Rehabilitation (\$-Millions)	5.94	5.94	5.94	5.94	5.94	29.7
Preventive Maint. (\$-Millions)	0.06	0.06	0.06	0.06	0.06	0.30
Deferred Maint. (\$-Millions)	64.3	69.8	71.3	76.4	80.0	--
PCI	56	54	55	55	60	--

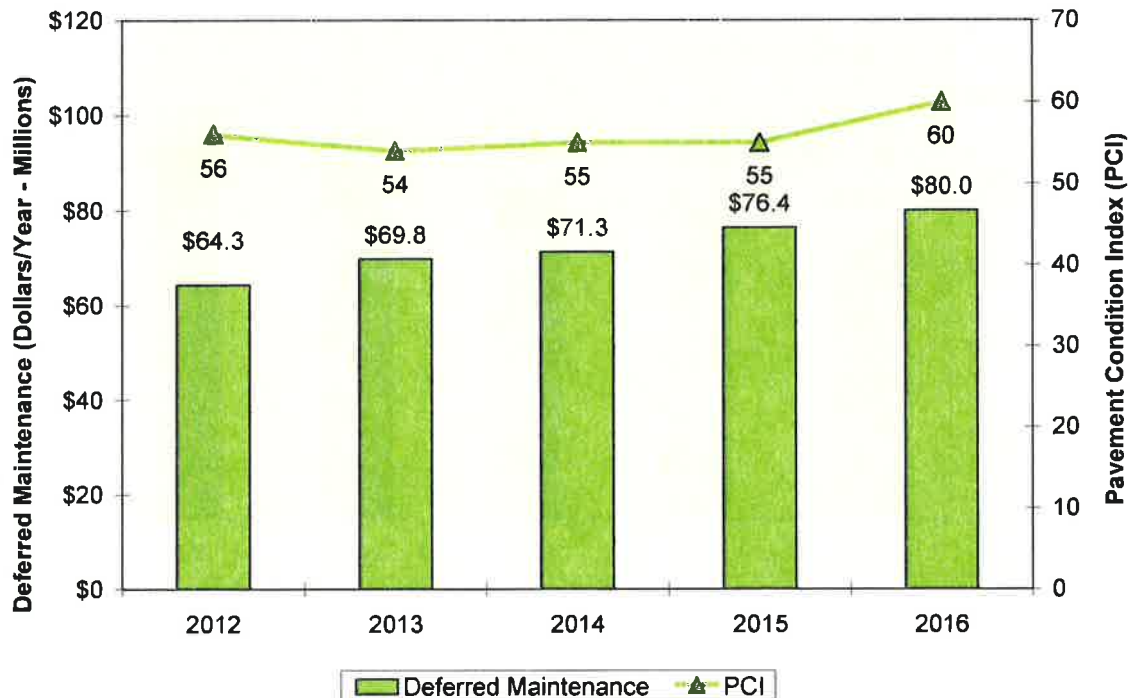


FIGURE 6 PCI vs. Deferred Maintenance for \$6.0 Million Per Year

The following two figures graphically illustrate the annual changes in PCI and deferred maintenance as outlined in each scenario.

Figure 7 (below) illustrates the change in PCI over time for the different budget scenarios. Scenario 1 (Current Budget) lowers the current network PCI of 41 to 40 in five years, Scenario 2 (\$ 2.3 Million Per Year) will improve the current network PCI of 41 to 50 by 2016, and Scenario 3 (\$6.0 Million Per Year) will improve the network PCI from 41 to 60 in five years.

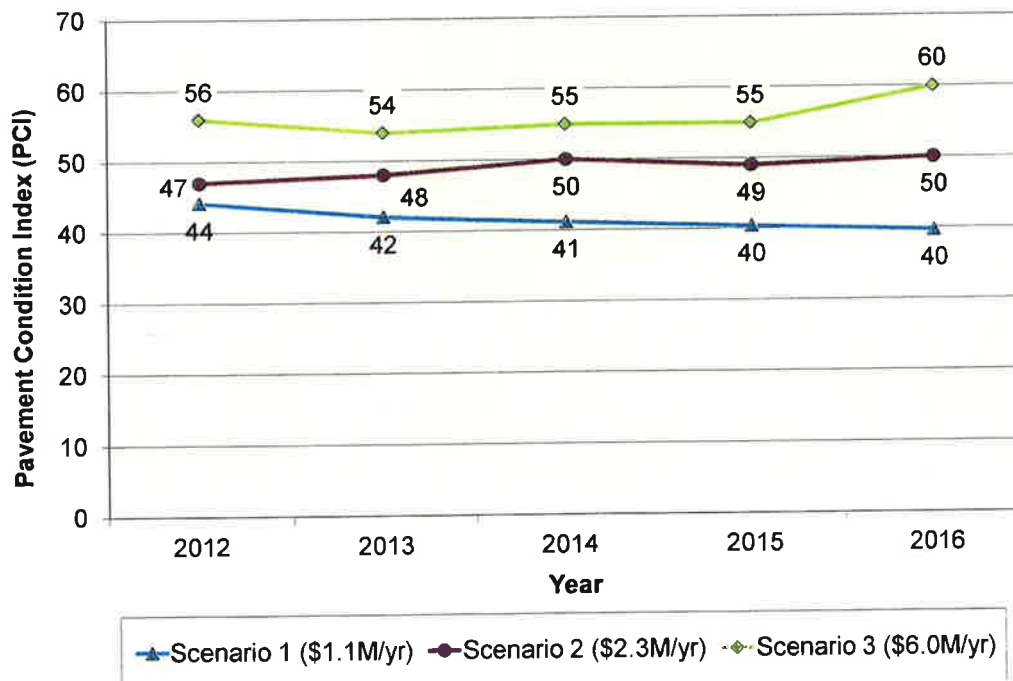


FIGURE 7. Pavement Condition Index by Scenario by Year

Figure 8 illustrates the change in deferred maintenance over time for the different budget scenarios. Note that in all cases the amount of deferred maintenance continues to increase significantly over time.

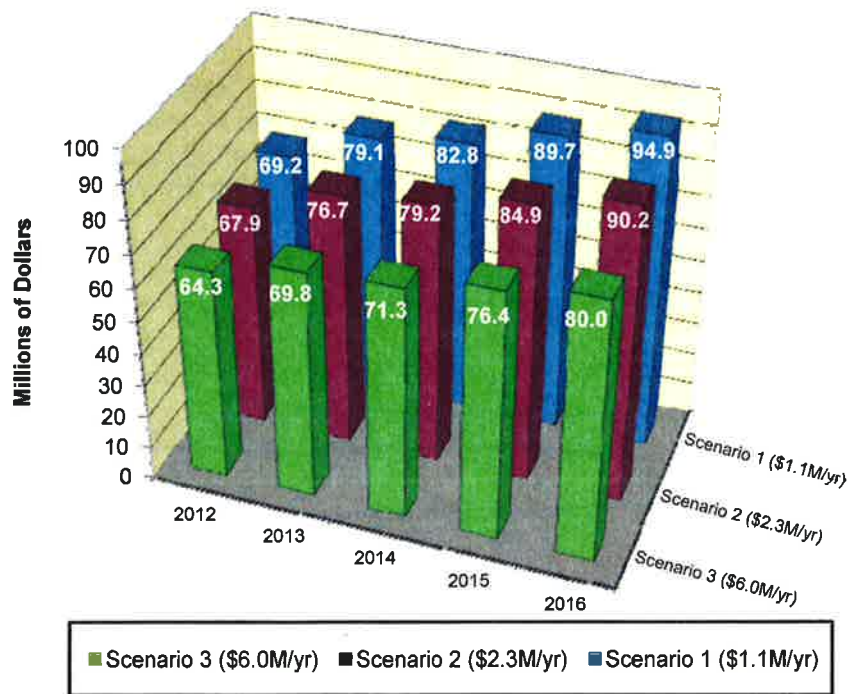


FIGURE 8. Deferred Maintenance by Scenario by Year

Summary

The average network PCI for the County has increased from 32 to 41 in the last 3 years. This can be attributed to the maintenance and rehabilitation work (approx. 29 miles) performed in the past 3 years.

Less than 18 percent of the network is currently in good condition to excellent condition and approximately 64 percent is in poor or failed condition. This is a significant improvement from 2008 when more than 75 percent of the network was in poor or failed condition.

For the existing budget of \$1.1 million per year, the network average PCI of 41 is projected to decrease to 40 in five years.

A significant amount of money is further needed to bring the network streets into the "good to excellent" condition category. For the next five years, it will require at least \$2.3 million per year to improve the average network PCI to 50, and significantly more (\$6 million per year) to improve the network condition to 60.

Recommendations

It is recommended that Lake County increase its current funding level to at least \$2.3 million per year if the County intends to improve the current network PCI to 50 in the next 5 years. The new maintenance and rehabilitation strategies adopted by the County provide significant cost savings when compared to traditional methods and can stretch the value of available dollars. However, the cost estimates and the needs analysis provided in the report does not account for inflation (2011 dollars). We encourage the County to consider fluctuations in construction costs and account for inflation prior to preparing construction cost estimates.

In order to keep the data up to date, it is also recommended that arterial and collector streets be inspected every two years and residential streets every four to five years. Since the pavement treatment costs vary and the pavement maintenance technique develops, the decision tree and the associated unit costs should be reviewed and modified (if necessary) when the database is updated.

Section 4 provides a list of sections selected for treatment for Scenario 3.

Financing Alternatives

In light of the substantial financial commitment that is required to significantly maintain or even improve county wide road conditions, and the increase in construction and raw material costs, it is relevant to discuss the various possible financing alternatives to help fund pavement rehabilitation and preventative maintenance for the County. The following alternatives are some of the possible ways that the County should consider to generate additional revenue to fund needed rehabilitation and maintenance of County roads.

- 1) Truck Route Permit Fee – Leverages a surcharge fee on trucks for use of County roads to help recoup the costs of heavy wheel loads imposed by truck traffic.
- 2) Residential Waste Collection Fee – Surcharge is leveraged on waste companies to account for damage to pavement incurred by heavy waste collection trucks.

- 3) Development Repairs – Fees assessed to new developments to account for increased traffic associated with new residential and commercial tenants.
- 4) Establish Utility Cut Impact Fee – Fee is leveraged against utility to provide compensation for reduced pavement life due to utility cuts and patches.
- 5) Pursue Local Transportation Sales Tax Measures
- 6) Devote More Local Sales Tax/Revenues to Road Maintenance
- 7) Establish Downtown and Business Improvement Districts
- 8) Establish Countywide Assessment Districts

Glossary

Deferred Maintenance	This is maintenance work that is deferred to a future budget cycle, or postponed until funds are available. The failure to perform needed repair, maintenance, and renewal by normal maintenance management creates deferred maintenance, also called "Backlog".
Functional Class	Defines the primary function of a particular pavement section. The four classes are: A (Arterial), C (Collector), R (Residential), and O (Other).
Network	All the roads in the county that includes arterial, collector, and residential roads.
PCI	Pavement Condition Index - measured on a scale of 0 (failed) to 100 (excellent), PCIs can be calculated from inspection units and applied maintenance treatments.
PMP	Pavement Management Program
PM%	Percentage of each year's budget that has been set aside for preventive maintenance activities such as slurry seals.
Preventative Maintenance	These are treatments that are applied to pavements with a PCI greater than 70. They include treatments such as crack seals or slurry seals and are intended to preserve the pavement. However, it does not extend the structural service life of the pavement.
Rehabilitation	These are treatments that are applied for pavements with a PCI less than 70. Typically, they include overlays and reconstruction and are intended to extend the structural life of the pavement.
Replacement Cost	Cost to replace the entire pavement structure e.g. asphalt concrete and aggregate base.
Treatment	Repair activities that are applied to restore either the functional or structural deficiencies of the pavement.

Public Safety Committee

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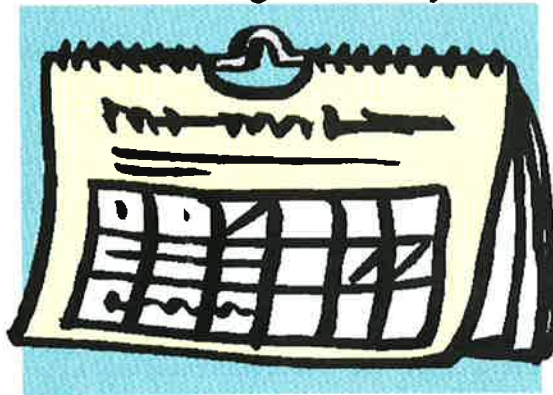
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Complaint #17

Counting the Days



Summary:

The Public Safety Committee investigated a complaint that claimed personnel at Lake County Correctional Facility were miscalculating time served and consequently inmates were spending more time in jail than the original sentence required.

The committee found that the complainant was mistaken and that the complainant was discharged from jail on the correct date.

Background:

An inmate at the Lake County jail complained that he was being forced to spend extra days in confinement due to error in time configuration. The inmate claimed that this was happening to other inmates also.

The complainant requested the Grand Jury review his Time Configuration sheet. The complaint indicated that 1/3 time meant simply to divide the time sentenced by three (3), and subtract the answer from the original sentence. Meaning: 90 days original sentence divided by 3 equals 30; 90 days minus 30 equals 60 days. Therefore, 60 days would be left to serve on the sentence. But the truth is more complicated.

Procedure:

Members of the committee read the complaint and its documentation that included the individual inmate's Time Configuration sheet, which each inmate receives documenting the official date of discharge.

The committee reviewed the calculations on the inmate's Time Configuration sheet. The committee's calculations appeared to show that the inmate should have been held one more day, not released a day earlier as the complainant asserted. The committee knew something was not adding up. Therefore, members of the committee visited the jail on September 26, 2011, and interviewed the court liaison that calculates release date.

The court liaison talked the committee members through several mathematical examples to make certain the time formulas were understood by the committee.

Committee members reviewed the last two years of Inmate Request/Grievance Files to determine how many times a release date was questioned in writing by any inmate.

Committee members revisited the jail on November 7, 2011, and had the court liaison verify the facts and figures in the example (Appendix A).

Discussion and Facts:

The court liaison at the jail adheres to the written orders or judgments from the Court. The court liaison does not and can not change Court documents. The Court sets the sentence and determines the formula to be used. However, the formula used to calculate release date can be different for different inmates. The Court determines the calculation formula.

The sentence date is converted into the Julian calendar date. The Julian date on the calendar is used in these calculations. The Julian date is the number of the day of the year. For example, New Year's Day is day number 1, and the last day of the year would be day number 365.

1. The Court is responsible for determining sentencing and sending the correct paperwork to the jail.
2. There are two different types of Court paperwork sent to the jail and used for determining release date. There is a Notice, Sentence and Commitment Form (NSC) and a Summary Probation Order.
3. On the NSC there is a Total Credits line. If that line is filled in, the total credits have already been calculated by the Court. Then the Court liaison subtracts that number from the total sentence. This is only on the NSC.
4. The complainant had a Summary Probation Order -- meaning that the court liaison needed to calculate the credits issued by the court using a formula.
5. There are formulas for the calculation of credits. There is a Time Configuration form in each inmate file documenting start date, good time, work time, and release date. (Appendix B)
6. The inmate complainant's release date was calculated at the jail using a formula set by the court. A sergeant checks all calculations done by the court liaison; therefore two different people do the math.

7. The court liaison told committee members that the requests for recalculation are few and are noted. The court liaison estimated that perhaps 5% of the inmates question their release date.
8. The committee reviewed the last two years of the Inmate Requests/Grievances File. Other than the complainant's, only one Request/Grievance questioning release time was found.
9. The court liaison told committee members that not all inmates use the written request as the avenue to question release date.

Findings:

- F 1. The formula for calculating credits is different and more complicated than the inmate complainant realized.
- F 2. The inmate's credits and therefore release date was correct according to the formula used at the jail and set by the court. (see Appendix A)
- F 3. The committee does not feel that incorrect release dates are a problem at the Lake County Correctional Facility.
- F 4. The formulas for finding the correct release date are perhaps too complicated, but that is within the Court's purview and the Grand Jury does not have jurisdiction.

Recommendations:

- None

Request for Responses:

- Sheriff (60 days)

Appendix A: Formula for calculating time released (provided by Lake County Jail):

In cases where the inmate is to receive 1/3 credits per the Courts, apply the following calculation formula:

Number of days **sentenced** _____, **credit** for time served number of days_____.

Divide credit by 4, drop the fraction and round down

Then, multiply by 2, drop the fraction and round down again

Add this total to the original number of credit for time served, giving a new total credit for time served. In 1/3 time, an inmate must have served at least 4 days to receive credit. If only 1 day is given for credit, then subtract the 1 from the sentence.

To figure **Good Time / Work Time credits** divide the remaining number of days by 6.

Example: 90 days sentenced, credit for time served 1 (these numbers are taken from the Court Summary Probation Order)

Subtract 1 (credit) from original 90 days sentence. **90 - 1 = 89**

Then figure the Good Time / Work Time credits, divide 89 by 6 = 14.8333
drop the fraction and round down = 14

14 days good time and 14 days work time = 28 days

Subtract 28 days from 89 (sentence minus 1 credit) = 61

61 days left to serve.

Add 61 to the Julian date of day sentenced to get the final Julian release date.

If beginning sentence starts July 20, 2011, the Julian date is 201

Number of days left is 61; add to Julian date of 201 = 262

Release date is Julian date 262 which is September 19, 2011

If the inmate was a commit, then the release date is the **calculated date**
minus one day for the commitment day.

September 19, 2011 – 1 day = September 18, 2011

September 18, 2011 is the actual release date.

Appendix B: Time Configuration sheet

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Complaint #5

Inmate Education



Summary:

An inmate in the Lake County Correctional Facility complained that he has been incarcerated since November 2007 and has repeatedly asked for some sort of education/schooling of which he claims there is none. He believes that the Inmate Welfare Fund should pay for inmate education.

Background:

The Lake County Sheriff's Corrections Division Manual states, "The Inmate Education Program is an integral part of the Lake County Jail and is intended to rehabilitate and correct by providing a source of continuing education. The Inmate Education Program provides the opportunity for inmates to prepare to take the General Education Diploma (G.E.D.) test for completion of their high school education. It also provides career workshops. The program also offers opportunities for personal development and self-awareness."

At present the Lake County Sheriff's Corrections Division offers, or is in the process of offering, education in Alcoholics Anonymous, Narcotics Anonymous, parenting, anger management, personal empowerment and a literacy program. Another program, offered and contracted with a private corporation by Lake County, is the Jail Employment Entry Program (JEEP) which involves teaching inmates the skills needed to reenter the workforce.

Penal Code §4025 states, "The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to

pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors."

Procedure:

On August 18, 2011, the Public Safety Committee received an email from jail administration in response to questions the committee had regarding education and the Inmate Trust Fund.

On November 16, 2011, the committee spoke with sheriff command staff at the Lake County Correctional Facility regarding a Literacy Program.

On February 22, 2012, the committee spoke to staff at the jail regarding educational books.

The committee reviewed the annual report containing the breakdown of the specific expenditures from the Inmate Welfare Trust Fund for 2009/2010.

On March 19, 2012, the committee reviewed the complainant's jail file and grievance/appeal forms with the responses from the jail staff.

Discussion and Facts:

1. The Literacy Program is part of the jail's educational program. The program is administered by an Inmate Services Officer.
2. The Literacy Program was suspended when the Inmate Services Officer was assigned to other duties. As of February 2012, that officer has been reassigned full-time to the Education Program.
3. The money from the Inmate Welfare Trust Fund is used to supplant the salary of the Inmate Services Officer and to purchase items for the inmate commissary and morale-boosting items for the inmates.
4. The Lake County Library donates books to the jail on a weekly basis.
5. No hardback books are allowed to inmates above minimum security classification.
6. An inmate may request educational materials through the program manager. The request will be submitted for review and if approved, the materials will then be purchased through the Inmate Welfare Trust Fund.

7. The response from the jail staff on the complainant's grievance/appeal form states the complainant did not submit a request slip asking for information on educational programs.
8. An inmate's behavior may preclude him from participating in educational programs.
9. The complainant's file contained documentation of frequent rule violations.

Findings:

- F1. This inmate's file showed numerous discipline violations which would preclude him from educational program privileges.

Recommendations:

None

Request for Responses:

- Sheriff (60 days)

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Complaint #29

Legal Access



Summary:

The complainant is incarcerated in the County of Lake Correctional Facility. He complains his law library “rights” are being infringed upon by the jail authorities.

Background:

All legal research for inmates in Lake County is provided by Legal Research Associates. This is an alternative to the traditional criminal and civil law libraries of bound volumes or computer terminals; it has a twenty-four hour turn-around time for answering legal questions at a cost of \$68,000 annually from the General Fund.

Procedure:

The Public Safety Committee of the Grand Jury reviewed the minimum standards for local detention facilities, specific to law library standards. Facts and findings are based on information from the following:

- 1) Title 15 – Crime Prevention and Corrections Division 1, Chapter1, sub-chapter 4, Article 6, section 1064. (Appendix A)
- 2) Lake County’s Custody Information Booklet, Services, page 16
- 3) Complaint #29
- 4) Public record of defendants represented by the Public Defender.
- 5) Legal Research Associates services.

Discussion and Facts:

1. Title 15 mandates that all inmates in county facilities in California shall have access to legal reference materials. The correctional facility administrator for each county determines legal library regulations for that county.
2. Inmates who have legal counsel are limited to one library request every 30 days by written jail policy.
3. Inmates who choose to represent themselves are allowed unlimited access by written jail policy.
4. The complainant has legal representation supplied by the Public Defender.
5. In the complaint, the inmate stated he requested access to the library more than once in a month.

Findings:

- F1. Lake County Jail staff is following standard written policies allowing inmates access to legal information: the complainant's access to legal reference material is not being denied.

Recommendations:

None

Request for Responses:

- Sheriff (60 days)
- Board of Supervisors (90 days)

Appendix A

Crime Prevention and Corrections Division 1, Chapter1, sub-chapter 4, Article 6, section 1064.

1064. Library Service.

The facility administrator shall develop written policies and procedures for library service in all Type II, III, and IV facilities. The scope of such service shall be determined by the facility administrator. The library service shall include access to legal reference materials, current information on community services and resources, and religious, educational, and recreational reading material. In Type IV facilities such a program can be either in-house or provided through access to the community.

Complaint #11

No Ordinary Meatloaf



Summary:

Inmates at the Lake County Correctional Facility (LCCF) get fed three meals a day. Inmates who have violated LCCF rules are served a disciplinary meatloaf, which is nutritionally balanced. Being fed bread and water for disciplinary infractions is an outdated concept.

Background:

An inmate in the Lake County Correctional Facility complained that his rights were being violated per Minimum Standards for Local Detention Facilities, Title 15, Corrections Standards Authority, §1083 Limitations on Disciplinary Actions, §1241 Minimum Diet, §1247 Disciplinary Isolation Diet, §1248 Medical Diet.

This inmate was being disciplined due to serious misconduct and this discipline resulted in the inmate being placed on the disciplinary isolation diet meatloaf. (See Appendix A)

Procedure:

On September 15, September 26, and October 14, 2011, members of the Public Safety Committee of the Civil Grand Jury went to the jail, reviewed the complainant's file, interviewed food services staff and reviewed food service documents. Together with kitchen staff, the committee members reviewed menu related computer programs. The committee reviewed Minimum Standards for Local Detention Facilities, Title 15.

Discussion and Facts:

The complainant claims that he is allergic to onions and fish. He was served a disciplinary meatloaf with onions in it for breakfast on May 28, 2011. After the complainant refused the disciplinary meatloaf, the complainant alleges that he was not fed a meal until 2:30 P.M. The complainant asserts that the meals were below Corrections Standards Authority regulations concerning minimum nutritional requirements.

1. When an inmate is placed on a disciplinary diet, the inmate receives two meals a day of disciplinary meatloaf along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. (Minimum Standards for Local Detention Facilities, Title 15)
2. The use of Disciplinary Isolation Diet shall constitute an exception to the three-meal-a-day standard. (Minimum Standards for Local Detention Facilities, Title 15)
3. Medical staff sends food service a MEDICAL TREATMENT ORDER FOR INMATE HOUSING form any time an inmate receives disciplinary isolation diet
4. The MEDICAL TREATMENT ORDER FOR INMATE HOUSING form is used for menu issues although the form has no line item for dietary orders. (See Appendix B)
5. Inmates must be seen, evaluated, and cleared by medical staff each time prior to the inmate receiving isolation disciplinary meatloaf.

Findings:

- F1. Kitchen staff accommodates inmate dietary needs.
- F2. A mistake was made by LCCF Staff, causing the inmate to receive disciplinary meatloaf containing onions.
- F3. The inmate was issued a regular bag lunch.
- F4. The MEDICAL TREATMENT ORDER FOR INMATE HOUSING is a general form covering all aspects of housing inmates. A kitchen-specific form delineating dietary orders is needed.

Recommendations:

- R1. Lake County Correctional Facility staff create a new form specific to the kitchen for medical treatment orders for dietary needs.

Request for Responses:

- Sheriff (60 days)

Appendix A Disciplinary Meatloaf Recipe

Appendix B MEDICAL TREATMENT ORDER FOR INMATE HOUSING

Appendix A Disciplinary Meatloaf Recipe

County of Lake Disciplinary Meatloaf

Portion **9.5 ounces**

Ingredients

15	lbs	grated russet #2 potatoes
15	lbs	grated carrot
2	quarts	ketchup
15	lbs	grated green cabbage
20	lbs	textured vegetable protein
8	lbs	all-purpose shortening
4	lbs	whole wheat (bin) flour
60	ea	egg
18	lbs	kidney beans
8	lbs	chili powder spice

SHAPE MIXTURE INTO LOAVES. BAKE AT 350 DEGREES FOR 90 MINUTES. SLICE INTO 9 1/2 OZ. PORTIONS. REHEAT AND SERVE TWICE DAILY WITH TWO SLICES OF WHEAT BREAD

1247. Disciplinary Isolation Diet.

(a) A disciplinary isolation diet which is nutritionally balanced may be served to an inmate. No inmate receiving a prescribed medical diet is to be placed on a disciplinary isolation diet without review by the responsible physician or pursuant to a written plan approved by the physician. Such a diet shall be served twice in each 24 hour period and shall consist of one-half of the loaf (or a minimum of 19 oz. cooked loaf) described below or other equally nutritious diet, along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. The use of disciplinary isolation diet shall constitute an exception to the three-meal-a-day standard. *Should a facility administrator wish to provide an alternate disciplinary diet, such a diet shall be submitted to the Corrections Standards Authority for approval.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

* Authorization was granted by the Corrections Standards Authority to the Lake County Correctional Facility to remove the onions from the recipe.

Appendix B MEDICAL TREATMENT ORDER FOR INMATE HOUSING

MEDICAL TREATMENT ORDER FOR INMATE HOUSING

Location _____

Name _____ DOB _____ Booking # _____

Start date _____ End date _____

☐ Seizure cond. ☐ back problem

☐ Other: _____

☐ No weight room ☐ No roof ☐ Lower level ☐ Lower bunk

☐ Extra towel ☐ Extra mattress ☐ Ace bandage ☐ Extra blanket

☐ Extra other: _____

Tennis shoe size _____

Other: Medical clearance for disciplinary diet meatloaf

Medical Provider: _____

Nurse: _____

Complaint #12

Vision Quest



Summary:

Does an inmate have the right to a professional eye exam at his request? Inmates cannot get a professional eye exam if they cannot pay for the exam. If jail medical staff deems a prescription is medically necessary, however, the county may pay for the exam and prescription.

Background:

An inmate in the Lake County Correctional Facility (LCCF) complained that his rights are being violated per Title 15, Correction Standards Authority. The complainant also states that his reading glasses are being held in custody at the jail. Minimum Standards for Local Detention Facilities Title 15 – Crime Prevention and Corrections, refers to the provision of medical care and prostheses. Inmates are entitled to the use of prostheses which includes eyeglasses.

Procedure:

The Public Safety Committee of the Civil Grand Jury visited the LCCF on September 15, September 26 and October 14, 2011, reviewed the complainant's file and interviewed correctional staff regarding prostheses.

Discussion and Facts:

The complainant states that he needs a new pair of prescription eyeglasses and is requesting they be paid for through the Inmate Welfare Fund as he has no money with which to pay for them. He claims he did not receive his rights to a professional eye exam for a new prescription and eyeglasses.

- The complainant was fitted for reading glasses on October 30, 2009 and issued reading glasses on November 7, 2009 by the Medical Manager.

- Per medical staff no obligation exists to evaluate the complainant for, or provide, prescriptions glasses.
- Penal Code Section 4025 states, "Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a detention system such as meals, clothing, housing, or medical services and expenses".
- Eyeglasses are not held in custody at the jail unless they are broken or altered.

Findings:

- F 1. The complainant has reading glasses available to him.
- F 2. Inmates lose their right to have glasses in their possession if they are altered to be used as a weapon or device other than that for assisting eyesight.
- F 3. Inmate Welfare Funds are not available to inmates for optometric services.
- F 4. Any inmate may pay for medical treatment at their own expense if approved by a judge per Penal Code Section 4011(a).

Recommendations:

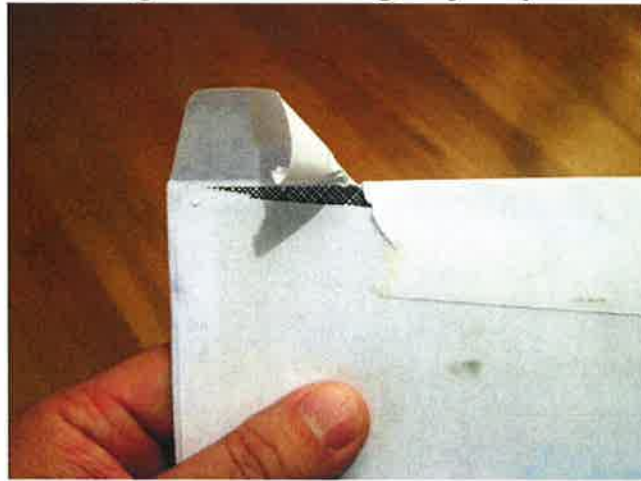
None

Request for Responses:

Sheriff (60 days)

Complaint #22

Was Legal Mail Illegally Opened?



Summary:

The Public Safety Committee of the Civil Grand Jury investigated a complaint from an inmate at Lake County Correctional Facility. The complainant stated that his legal mail had already been opened when he signed for it.

Background:

Each inmate has an "Inmate Mail Log Report" that logs legal mail both sent and received. Legal mail received by an inmate at the jail is normally presented to the inmate unopened. The Correctional Officer opens the legal mail in the presence of the inmate to insure no contraband is in the envelope. A form titled Inmate Mail Notification Memorandum is then signed and dated by the inmate and a witness.

Procedure:

The committee went to the Lake County Jail on October 14, 2011. Committee members interviewed correctional officers as to general mail procedures and viewed the complainant's jail file. Committee members also reviewed two years of Inmate Grievance/Appeal Forms.

Discussion and Facts:

This complaint stated, "...as I signed for my mail, I noticed my mail had been opened." The Inmate Mail Notification Memorandum (see Appendix A) located in the inmate's file was signed and dated by the inmate and a witness. The memorandum had two line items checked. These were:

_____ You have received legal mail. By signing below, you acknowledge that the legal mail was opened and searched for contraband in your immediate presence. It was not read or scanned by the officer.

_____ You have received legal mail. It was inadvertently opened by mistake for the following reasons: "I inadvertently opened your mail."

1. The inmate filed an INMATE GRIEVANCE/APPEAL FORM.
2. The inmate grievance was denied by the jail in a written response: The reason given was the legal mail was opened by mistake, and the inmate signed a Mail Notification Letter (sic) acknowledging that fact.
3. The committee reviewed the complaining inmate's file and found this to be an isolated incident.
4. The response to the inmate grievance located in the inmate's file indicated this to be an isolated incident also.
5. On reviewing two years of INMATE GRIEVANCE/APPEAL FORMS, the committee did not find another grievance regarding legal mail from any other inmate.

Findings:

- F 1. The INMATE GRIEVANCE/APPEAL FORM is the correct avenue to complain about opened mail to the jail authority and was followed by the inmate.
- F 2. The accidental opening of legal mail does not appear to be a common occurrence at the Lake County Correctional Facility and does not pose an ongoing problem for inmates.
- F 3. Jail staff preserves the confidentiality of legal mail by following procedure.
- F 4. Human beings make mistakes.

Recommendations:

- None

Request for Responses:

- Sheriff (60 days)

Lake County Holding Facilities

The Waiting Rooms

Summary:

The Public Safety Committee of the Grand Jury evaluated the three holding facilities in Lake County.

Background:

Holding facilities are local detention facilities with cells where detainees are held temporarily while awaiting Superior Court appearances or until transported to the County Jail. The three holding facilities in Lake County are: Clearlake Police Department Holding Facility (Clearlake), Southlake Holding Facility (Clearlake), and Main Court Holding Facility (Lakeport).

The Clearlake Police Department controls the holding facility located in its building; the Sheriff's department controls the Southlake and the Main Court holding facilities.

Local Fire Marshals and many state and federal agencies annually inspect these facilities in addition to the Civil Grand Jury.

Procedure:

The Public Safety Committee of the Civil Grand Jury conducted visits to the three facilities within the County.

An inspection of the Clearlake Police Department Holding Facility, located on Olympic Drive, was conducted on September 6, 2011. The committee was given a complete tour of the facility by the command staff. A question and answer session followed with staff. The committee reviewed a daily cleaning schedule, booking log, and mandatory cell check log.

An unannounced visit to the Southlake Holding Facility, located on South Center Drive, Clearlake, was also conducted on September 6, 2011. No inmates were present; therefore, no staff was present at the holding facility. A deputy sheriff arrived from the main jail in Lakeport and conducted the tour of the facility.

An inspection of the Main Court Holding Facility was conducted on November 4, 2011. A sheriff deputy guided the tour; the committee followed an inmate's route from the sally port (an enclosed secure parking area used for transferring a prisoner from a vehicle) to the holding cells via the secure elevator.

Discussion and Facts:

The Clearlake Police Department Holding Facility is used for temporarily holding persons who have been arrested in Clearlake jurisdiction pending release or transport to the County Jail. This holding facility has a surveillance room with interview rooms on either side. The surveillance room provides officers a view of the interview rooms and is equipped to record any interview session. There are two cells that are sobering cells. There are two more holding cells, one larger than the other and equipped with functioning toilets and sinks. The committee was informed that the largest cell is compliant with the Americans with Disabilities Act (ADA). At the time of the visit, no inmates were present.

1. There is a loop camera system complete with audio inside the holding area as well as throughout the department.
2. The interior was freshly painted and clean.
3. The facility has no bars; the cells are enclosed by security glazing, which is a glass/polycarbonate composite.
4. The larger holding cell has a wheelchair accessible shower.

The Southlake Holding Facility is used for temporarily holding inmates awaiting hearings in Superior Court, Clearlake. The inmates are transported to and from the main jail. When entering the holding area from the courtroom, there is a hallway leading to the administrative area. The first room on the left is used for attorney/client consultation. Farther down the hall and to the left of the administrative area is the actual holding area comprised of two small cells and one larger cell. One of the small cells is a padded safety cell. An inmate work crew performs the cleaning of the facility. At the time of this visit, there were no inmates present.

1. There is no surveillance system.
2. The ability to see into the cells from the administrative area is limited.
3. The lighting is dim in the entire facility.
4. There is a capped-off showerhead in one of the small holding cells.
5. Inmates are no longer kept outside in transport vehicles in the sally port, because inmate population is no longer allowed to exceed the legal capacity of the cells.
6. Clothing with different colored stripes distinguishes each inmate classification.
7. For a jury trial, the inmates change into civilian clothes at the jail.

The Main Court Holding Facility is used for temporarily holding inmates awaiting hearings in Superior Court, Lakeport. The inmates are transported to the holding facility by the Sheriff's Department from the County Jail on Helbush Road. Vehicles transporting inmates enter a sally port; the inmates are then taken up a secure elevator to the holding cells. The officers' station is a small room lined with lockers used for storing supplies and forms. The committee saw inoperable video monitors. When questioned, staff informed the committee that the audio/video surveillance system has been inoperable since 2007. There are six holding cells of various sizes that accommodate up to 40 inmates. Only one of the holding cells is visible from the officer's station. This is the closest cell to the officers' station and is usually reserved for high-risk inmates -- often meaning those inmates in protective custody. The officer/inmate ratio is one officer per six inmates. Each officer is trained in impact weapons, with some also trained in the use of Tasers. Adjacent to the officer's station is a small employee lunchroom shared with the District Attorney's Office.

1. There is no operable surveillance system.
2. Inmates are present in the facility every weekday for arraignments.
3. There may be several jail runs per day to transport inmates.
4. Staff indicated that fights often occur in the holding cells.
5. Pepper spray is not used in the Main Court Holding Facility because of the current ventilation system, which would transfer the contaminated air into the District Attorney's Office.
6. Different colored stripes on the jail-issued clothing distinguish each inmate classification.
7. For a jury trial, the inmates change into civilian clothes at the jail.
8. Inmates are escorted through the hallway and pass by the public waiting near the courtrooms.

Findings:

- F 1. Installation of a new video and audio system at Southlake and the Main Court Holding Facility would enhance safety and assist officers.
- F 2. Improved lighting could increase safety in the Southlake Holding Facility.
- F 3. The exposed water pipes in the holding cell in the Southlake Holding Facility are a potential hazard to the safety of the inmates.
- F 4. Inmates at the Main Court Holding Facility escorted through crowded hallways create a safety concern.

Recommendations:

- R1. Install a video and audio system in holding cells at Southlake Holding Facility and Main Court Holding Facility. (F1)
- R2. Pursue brighter lighting options for the holding cells at Southlake Holding Facility. (F2)
- R3. Remove exposed water pipes in the holding cells at Southlake Holding Facility. (F3)

Request for Responses:

- Sheriff (60 days)

Juvenile Hall Oversight



Summary:

Juvenile Hall is a temporary home for youthful lawbreakers who are out-of-sight but not out-of-mind. There appears to be a marked improvement to the Lake County Juvenile Hall Facility as compared to previous Grand Jury reports.

Background:

The Juvenile Hall Facility, located at 1111 Whalen Way in Lakeport, was built in 1984. It consists of a residential unit, two modular classrooms, an athletic field and an asphalt blacktop area with basketball hoops. The rated capacity for Juvenile Hall is 40 occupants. With one wing closed there are 28 usable beds.

Procedure:

On February 15, 2012, the Public Safety Committee of the Civil Grand Jury conducted a mandatory oversight of Lake County Juvenile Hall. The Committee also received various documents from staff. On March 26, 2012, the committee spoke to Juvenile Hall administrative staff on the telephone regarding additional questions arising from the visit. On April 4, 2012, the committee spoke to the Probation Department administrative staff by telephone regarding home detention. The committee received and reviewed copies of the Juvenile Hall daily schedules. (See Appendices A and B)

Discussion and Facts:

1. All Juvenile Hall heating, ventilating and air conditioning (HVAC) units were replaced in early 2011 with energy-efficient units. Sensors that track each unit and the temperature zones in the building allow units to be monitored and adjusted by internet connections. The new units also allow quick response to temperature complaints. The project was primarily funded by a grant from the California Energy Commission.

2. Building and Grounds Division applied a seal coat to the Juvenile Hall roof in September 2010 as a stop-gap measure until Juvenile Hall obtained funding for a new roof. Juvenile Hall has funding for roof replacement by a qualified contractor in FY 2011-2012. In mid-March 2012, Juvenile Hall had roof contractors inspect and submit bids to replace the roof.
3. The committee received and reviewed a copy of the County Health Services Department "Food Safety Inspection Report" dated 8/18/11. This inspection report that expires on 6/30/12 noted no violations. The staff routinely takes the temperature of the food when it arrives from the jail where it is prepared. Temperatures are written down on the daily menu.
4. The kitchen was clean and organized. It is only used for staging the meals from Lake County Jail and for preparing snacks.
5. At Intake, a juvenile is asked health questions and given a medical pre-screening. The next day, the nurse from the county jail checks the juvenile and documents any concerns. If dental care is needed, it is provided by a dentist at the jail scheduled every other week.
6. The juvenile is given a verbal orientation at Intake. There is no Orientation Booklet of Rules and Procedures issued. Rules are posted in the day room with no consequences posted. According to administrative staff, discipline is a three-step-process which is done on a "case by case" basis
7. Juvenile Hall has bookcases with books but no actual library. The juveniles are allowed two books and a bible in their possession.
8. In the event of a catastrophic emergency severely damaging the facility, according to written policy the juveniles would be housed either at the Lake County Jail or put on home detention or some other alternative-to-custody program.
9. The sprinklers in the ball field do not irrigate the entire field; in addition, the fencing on the perimeter lacks razor wire.
10. There is no longer a vegetable garden on the grounds as in previous years.
11. The school is administered through the Lake County Office of Education. There is a classroom that holds a session in the morning and a session in the afternoon. On Wednesdays, there are morning and afternoon sessions with the Regional Occupational Program (ROP) in the computer room.
12. Parents or legal guardians are allowed a one-hour visit per weekend. No siblings are allowed during visitations. Visitation is conducted on weekends only.
13. Juvenile Hall is inspected by County and State agencies.

14. There were eight juveniles on home detention with ankle monitoring systems at the time of the oversight.

Findings:

- F 1. The new HVAC units are computer monitored and this has resulted in a regulated temperature environment.
- F 2. A new roof scheduled to be completed during 2012 should eliminate the problems associated with the aging roof.
- F 3. The juveniles have adequate time and the facility has space for a garden, which would provide a therapeutic and learning environment. The fresh produce could be added to snacks and meals.
- F 4. The ball field needs improved irrigation and security fencing.
- F 5. Discipline is not consistent for all juveniles and a written reference of rules and procedures is lacking. Therefore, the juveniles have no written reference for specific consequences and consequences vary.

Recommendations:

- R 1. Plant a garden and/or fruit trees. (F4)
- R 2. Buildings and Grounds Division inspect the sprinkler system and the fencing around the ball field, repairing or replacing if necessary. (F5)
- R 3. Probation Department develop a Juvenile Hall handbook with rules, consequences, and day-to-day routines to be issued at Intake Orientation. (F6)

Request for Responses:

- Probation Department via Board of Supervisors (90 days)
- Public Services Department via Board of Supervisors (90 days)

E5: Shift Schedules

LAKE COUNTY JUVENILE HALL

WEEKDAY SCHEDULE

0600	SHIFT CHANGE
0610	WAKE UP DETAINEES
0615 - 0700	UNIT CLEAN UP / COURT SHOWERS
0700 - 0730	BREAKFAST
0730 - 0800	KP CLEAN UP
0800 - 1045	SCHOOL (OLDER BOYS)
1045 - 1200	P.E. - JOINT SESSION
1200 - 1225	LUNCH
1225 - 1245	KP CLEAN UP
1245 - 1530	SCHOOL (YOUNGER BOYS AND GIRLS)
1530 - 1630	OUTSIDE RECREATION
1700 - 1730	DINNER
1730 - 1800	KP CLEAN UP
1800	SHIFT CHANGE
1800 - 1830	SNACK
1830 - 2045	EVENING RECREATION
2045 - 2200	SHOWERS / HYGIENE
2200	LOCKDOWN DETAINEES

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Appendix B

LAKE COUNTY JUVENILE HALL

WEEKEND SCHEDULE

0600	SHIFT CHANGE
0620	WAKE UP DETAINEES
0630 - 0715	UNIT CLEAN UP
0730 - 0800	BREAKFAST
0800 - 0830	KP CLEAN UP
0900 - 1130	MORNING RECREATION
1200 - 1230	LUNCH
1230 - 1300	KP CLEAN UP
1330 - 1430	VISITING A - M
1445 - 1545	VISITING N - Z
1700 - 1730	DINNER
1730 - 1800	KP CLEAN UP
1800	SHIFT CHANGE
1800 - 1815	SNACK
1815 - 2045	EVENING RECREATION
2045 - 2200	SHOWERS / HYGIENE
2200	LOCKDOWN DETAINEES

**Holiday Schedule Afternoon Recreation 1:30 pm - 3:45 pm in lieu of visiting.

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Jail Oversight



Summary:

The Lake County Jail, Hill Road Facility is in a positive transitional period, with new administrative staff and needed repairs along with cosmetic improvements.

Background:

The Lake County Jail, Hill Road Facility, located at 4913 Helbush Drive in Lakeport, finished construction in 1991. The entire jail facility consists of a reception area, booking, minimum security dormitories, maximum security cells, observation towers, laundry, kitchen, dining/visitation room, maintenance building and yard, supply warehouse, work program facility and administrative offices.

The Lake County Jail is a Type II facility, meaning a local detention facility for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

Procedure:

On September 26, 2011, the Public Safety Committee went to the jail, toured the kitchen and the booking area.

On October 14, 2011, the committee met with the kitchen staff, reviewed jail mail procedure and the inmate grievance log. The committee was served lunch with food prepared by the inmates.

On December 14, 2011, the committee spoke by telephone with administrative staff regarding educational programs.

On January 11, 2012, the committee interviewed jail administrative staff.

On January 17, 2012, the committee visited the jail, reviewed medical procedures, and inspected transportation vans.

On February 15, 2012, the jail administration gave the committee a tour of the jail facilities.

On March 21, 2012, two members of the committee revisited the Lakeport Main Court Holding Facility, as it had recently been repainted.

Discussion and Facts:

According to the Corrections Standards Authority inspection report received by the Grand Jury dated January 10, 2012, several areas of non-compliance included the following:

- The overall inspection of the facility stated it is rated for 256 inmates. The facility was clean but there was evidence of deferred maintenance such as water leaks, lack of landscaping, painting and propane tank leakage.
 - The facility dormitories have a Rated Capacity (RC) based on the maximum number of beds possible. Pods D and E each have a RC of 24 and a total of 34 beds in each unit; Pod I has a rated capacity of 56 and a total of 107 beds. The total number of beds exceeding rated capacity in the dormitories is 71 beds. While a regulation requires 35 square feet of floor space per inmate, in the dayrooms there was less than 29 square feet per inmate.
 - The documentation showed a history of canceling visits, delaying medical transports, delaying medical rounds, and canceling yard time due to lack of sufficient staff. Training programs had been cancelled due to lack of staff to provide shift coverage.
 - Inmate education programs had been suspended due to lack of facility staff to ensure the safety and security of both staff and inmates.
1. For the past ten years the facility has had three women's dormitories, consisting of 51 beds, closed due to water damage resulting from a roof leak.
 2. The staff is expecting an increase in population due to new sentencing guidelines and state prison sentencing changes.
 3. In the education program there is a Job Employment Entry Program (JEEP). This is administered by an independent contractor, costing the county \$10,000 per month which pays for 50 participants. There is no job placement; the class covers skills only. Eight inmates were participating in the program at the time of the oversight.

4. The employee who had previously been assigned to the Alternate Work Program had been redirected to another position due to lack of staffing in other areas of the jail. At the time of the oversight visit the employee was back full time at the Alternate Work Program facility. Administrative staff assured the committee this employee will not be redirected again.
5. Staff receives training in Cardio-Pulmonary Resuscitation, use of defibrillator, blood-borne pathogens and chemical agents.
6. There is no usable wheel-chair accessible van. When one is needed it is borrowed from the Victim/Witness Program.
7. There is a registered nurse on staff to attend to immediate medical needs. A doctor reviews the inmate medical files once a week. There is a tele-psychologist and a psychiatric nurse available.
8. The inmate orientation booklet is being revised as suggested by the California Standards Authority during the regular biennial inspection.
9. During orientation, inmates are given a plastic bag with toiletries, a flexible writing pen and a "spork" for eating. The "spork" is kept by the inmate and used for every meal until it breaks, at which time he/she is issued a new "spork". A "spork" is a combination of a spoon and a fork.
10. The inmate laundry was clean with inmates folding freshly laundered clothes.
11. The kitchen was clean with the smell of fresh baked bread emanating from the ovens. Meals are prepared on a regularly scheduled basis. Special dietary meals are prepared when necessary.
12. The current administrative staff is increasing maintenance and repairs of the facility.
13. Some services provided for the inmates are commissary, telephones in each housing unit, dayrooms with colored television sets, recreation yards, legal research, voting rights via mail ballot and inmate worker programs.
14. Smoking and use of tobacco is prohibited within twenty feet of the building; however, during the oversight tour, the committee could smell cigarette smoke in the jail.

Findings:

- F 1. The jail is understaffed.
- F 2. Loss of space in closed dormitories causes overcrowding in other areas.
- F 3. The lack of a usable wheel-chair accessible van could cause undue hardship and court delays.

- F 4. The training and job skills inmates receive working in the kitchen could lead to future employment opportunities.
- F 5. The positive change in maintenance and repairs noted from the committee's first visit in September 2011 to the last visit in February 2012, shows that improvements are being made in the jail facility.
- F 6. Reuse of "sporks" can possibly lead to illness and/or disease.

Recommendations:

- R 1. The Sheriff's Office increase recruiting and hiring of correctional staff. (F1)
- R 2. The Sheriff's Office ensure roof repairs are completed in 2012.(F2, F5)
- R 3. The jail staff issue eating utensils at each meal with accountability. (F6)

Request for Responses:

- Lake County Sheriff (60 days)

Public Services Committee

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Konocti Conservation Camp #27

Progress of the Lake County School District

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Solid Waste Management

CITY OF CLEARLAKE

A Quick Oversight



Summary:

The population of the City of Clearlake is 15,289 per the State Department of Finance's January 1, 2011 estimate making Clearlake the largest city in Lake County. The City of Clearlake has been going through a transitional period.

Background:

The City of Clearlake is studying plans for future commercial growth. City Management is meeting with various civic groups as projects are proposed to review the proposals and determine the benefits to the community. These presentations would be to gather input and identify concerns and/or support for projects.

Procedure:

On January 24, 2012, the Public Services Committee of the Civil Grand Jury met with the Administrative staff of the City of Clearlake, at City Hall, located at 14050 Olympic Drive, Clearlake.

Discussion and Facts:

1. A City Manager was hired on an interim basis. The contract was for six months. As of April 12, 2012, the city has negotiated a permanent contract with the interim manager. The contract has been accepted.
2. The City of Clearlake has budgeted for the maintenance and repair of five streets in the Fiscal Year 2011-2012 Budget, consisting of repaving and pothole repair.
3. The current budget for the repair and maintenance of the city streets is \$642K per year which is from a variety of city funds and state grants.

4. There are 150 miles of maintained streets/roads within the City of Clearlake, with 65 miles of paved roads.
5. The City of Clearlake has cut staff positions and city services due to cutbacks in revenue.
6. Currently there is no Code Enforcement Officer employed by the City of Clearlake. The city is working on reinstating this position.
7. The City of Clearlake employs its own Animal Control Officer. City Administration maintains that the city saves more money than contracting with the County of Lake for animal control services.
8. In Fiscal Year 2011/2012 redevelopment funds were discontinued by the State of California.
9. The city has taken on the role of Successor Agency and will be making recommendations to the Oversight Board on the transfer of certain properties to the city as public use properties (i.e. city hall, corporation yard, park lands). Remaining non-housing properties will be sold as per state legislation. The increment funds that the city will receive will be placed in a specific economic development fund.

Findings:

- F1. The City of Clearlake is conducting financial restraint due to decreased revenue.
- F2. The City of Clearlake is taking a proactive approach to the dissolution of its Redevelopment Agency by placing economic development as a high priority goal for this year.

Recommendations:

- R 1. The City of Clearlake continues to explore options for additional revenue to restore positions and services that were cut due to lack of funds. (F1, F2)
- R 2. Next year's Lake County Civic Grand Jury revisit this subject for a more in-depth report.

Request for Responses:

- Clearlake City Manager via Clearlake City Council (90 days)

ELY STAGE STOP

Stepping Back into the Past



Summary:

The Ely Stage Stop and Country Museum located at 9921 Soda Bay Road, Kelseyville, offers visitors from all over the world an opportunity to learn about Lake County's historic past. The Ely Stage Stop and Country Museum opened in July 2011.

Background:

Benjamin Ely and his family purchased the S-Bar-S Ranch in 1882 and, over the years, expanded the ranch to include farming operations, commercial corrals, a two-story hotel, post office, and general store. The Ely Stage Stop became a relay station for stage coaches, offering drivers a place to change horses while passengers enjoyed a meal.

The Ely Stage Stop's original building and the five acres it presently sits on was donated to Lake County by the Beckstoffer family. It moved to its present location in 2007. The committee was informed that \$100,000.00 was donated by the Kettenhauf Fund. This money and other donations were used to renovate the building and for improvements to the grounds. The Lake County Public Services Department, along with public volunteers, performed much of the work.

The committee found the Ely Stage Stop to be very clean, informative to the public and contains a wealth of knowledge of the past.

Procedure:

The Public Services Committee conducted an oversight of the newly located Ely Stage Stop and Country Museum. A tour for the Public Services Committee was conducted by members of the Lake County Historical Society.

Discussion and Facts:

- The Stage Stop Museum is the only building on the property. The building has been renovated to reflect the historical period of its existence. The renovation of the building is complete, including a new covered porch.
- It is open to the public on weekends. It will have an event calendar and will hold fund raising and events.
- There are presently plans to add more buildings such as an outdoor kitchen, barn and a maintenance tool building.
- The committee was informed by the Lake County Historical Society that the main stage house is compliant with the American with Disabilities Act (ADA), with very large doors and a very large wrap around porch and entry area. The upper floor is not ADA compliant due to its narrow and steep stairs and is not open to the public.
- The funds to move, renovate the building and improve the grounds have come from grants, individual donations. Equipment and manpower were also utilized from the Lake County Public Services Department.
- There are ongoing discussions between the Historical Society and local Native American tribes for the construction of a display of a Native American dwelling from that era.

Findings:

- F 1. The Ely Stage Stop and Country Museum is a asset to our community, which was created by local government and generous private citizens.

Recommendations:

- None

Request for Responses:

- Public Services Department via the Board of Supervisors (90 days)

Konocti Conservation Camp #27

Annual Oversight



Summary:

According to the printed statement given to the Civil Grand Jury by the California Department of Forestry and Fire Protection (CAL FIRE) and the California Department of Corrections and Rehabilitation (CDCR), Konocti Conservation Camp #27(CC #27)'s first mission is to provide inmate fire crews for state-wide fire suppression.

In the observation of the Civil Grand Jury, Konocti Conservation Camp (CC#27) does such a good job an oversight visit every year may not be necessary. However, compliance with the Penal Code requires a Grand Jury visit to all jails within the county each year.

Background:

Konocti Conservation Camp is a state correctional facility located at 13044 State Highway 29, Lower Lake, California.

CAL FIRE and the California Department of Corrections and Rehabilitation jointly operate the camp. CDCR is the custodial agency and is responsible for the health, welfare, discipline, housing and education of the inmates. CAL FIRE is responsible for supervising the training of the inmates.

Procedure:

On November 21, 2011, members of the Public Services Committee of the Civil Grand Jury reviewed a report to the Grand Jury prepared by CAL FIRE and CDCR, inspected the facility and were served lunch prepared by inmates.

Discussion and Facts:

1. The camp houses approximately 110 minimum custody male inmates.
2. The committee was informed by camp staff that maintenance on all camp vehicles is performed by the inmates.
3. Inmates are carefully screened by CDCR before being assigned to a conservation camp; only inmates with non-violent histories will be considered.
4. In addition to fire suppression, the inmate crews provide a work force for conservation programs and community service projects.
5. CC #27 also maintains a Mobile Fire Kitchen Unit. This unit is utilized during large fire campaigns.
6. The inmates are selected and trained at The California Correctional Center near Susanville, California by CDCR in partnership with CAL FIRE. This training allows an opportunity for rehabilitation.
7. For inmates to qualify for placement in a conservation camp they cannot have any sex related offenses, escape, arson or high violence potential on their record. Most of the inmates' offenses are alcohol, drug or non-violent related crimes.

Findings:

- F1. The work that the inmates, under the supervision of CAL FIRE staff and CDCR staff, has proven to be very beneficial to the community.

Recommendations:

- None

Request for Responses:

- None

Oversight of the Progress of the Lake County School District Reorganization Feasibility Report



Summary:

A task force was formed in January 2009 to prepare a preliminary exploratory study of school district unification in Lake County outlining potential advantages and disadvantages. The report was presented to the Lake County Board of Supervisors (BOS). Per Lake County Resolution 75-309 the BOS transferred any duties and functions relative to the organization or reorganization of school districts to the Lake County Board of Education.

Background:

In 2009, the Lake County Board of Supervisors adopted resolution #2009-15 requesting the Board of Education form a committee for a preliminary exploratory study on school district reorganization for Lake County. A task force was formed and on December 8, 2009, it presented the "Lake County School District Reorganization Feasibility Report" to the BOS meeting. Several Board of Education members were present along with school districts' board members and parents of students.

The report states: "The task force is advisory only and will not make any recommendations". It was simply an exploratory effort to see if a professional study should be done.

Procedure:

The Public Services Committee of the Lake County Civil Grand Jury requested and received the "Lake County School District Reorganization Feasibility Report" along with the minutes and DVD of the December 8, 2009 BOS meeting. Multiple contacts with Lake County Office of Education, Lake County Administration, and BOS followed.

Discussion and Facts:

The School District Reorganization task force decided to limit the study to three possible unification alignments. The following options are from that report:

- Option A unification of all seven districts and the county office into one single county-wide district;
- Option B two district unification – Konocti and Middletown into one district; Kelseyville, Lakeport, Lucerne, Upper Lake High and Upper Lake Elementary into one district;
- Option C five district unification – Konocti, Middletown, Kelseyville and Lakeport remain unified districts and Upper Lake High, Upper Lake Elementary and Lucerne become one unified district.

1. Copies of the Feasibility Report were distributed to each of the Lake County School Districts' Boards for review and discussion.
2. Upper Lake High School District hosted a Tri-Lateral Board Meeting with Upper Lake Elementary School District and Lucerne Elementary School District for the purpose of initial discussions regarding unification on May 24, 2011.
3. The Feasibility Report does not include any surveys or polling of local residents as to their opinions regarding the school district unification.
4. If the Board of Education decides that a further study is necessary, the County Committee on School District Reorganization will authorize a formal study to be prepared by a paid professional consultant.
5. The report states "Unification will realize a \$107.51 additional revenue per student in Option A and \$230.51 per student in Option C".
6. The Lake County Committee on School District Reorganization has submitted its Reorganization Feasibility Report and according to the present County Superintendent, who was not in office at the time the task force was formed, it is no longer in existence.
7. The report was completed and submitted to the BOS on December 8, 2009.

Findings:

- F 1. The task force presented the "Lake County School District Feasibility Report" to the BOS and no evidence of further action was found.
- F 2. The minutes of the December 9, 2009 Board Meeting of the BOS state, "The Board of Education is invited to join the BOS again in six months to provide an update on the progress to the Supervisors and to the public".

Recommendations:

- R1. Board of Supervisors and Board of Education revisit the feasibility of Lake County School District Reorganization. (F1)
- R2. Consider a non-binding advisory vote on the ballot or a countywide survey as to whether the Lake County Board of Education should engage a professional consultant to prepare a formal study. (F3)

Request for Responses:

- County Superintendent of Schools (60 days)
- Board of Supervisors (90 days)

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SOLID WASTE MANAGEMENT

A Successful Landfill!



Summary:

East Lake Landfill in Clearlake is owned by the County of Lake and operated by the Public Services Department. Current estimate of the lifespan of the landfill provides space until approximately 2032. Public Services Department informed the Civil Grand Jury that this is a cost-effective facility due to its pricing and by law can only charge an amount that covers expenses, not make a profit.

Background:

The East Lake Landfill has functioned as a County dump site since 1972, providing services to residents of Lake County.

There are three private solid waste transport companies, several private recycling businesses, and one privately-owned “green” waste/composting operation with franchises in the County that conduct refuse collection.

Procedure:

On September 7, 2011, an elective oversight of the Solid Waste Management Division by the Public Services Committee was conducted. Committee members interviewed upper management. The committee requested and reviewed pertinent information and statistics regarding the operations of the landfill.

Discussion and Facts:

1. The committee was informed that this eco-friendly facility for recycling and handling solid waste is positively recognized statewide as cutting-edge due to two ordinances that are the first of their kind in the State of California according to Public Services Department upper management. These two ordinances are (a) a non-recycling surcharge for customers

whose loads exceed 25% recycling material and (b) a non-tarpping surcharge that applies a \$20 charge for smaller vehicles that arrive at the gate with an unsecured load and \$100 for large trucks that arrive without a tarp.

2. The committee was informed by staff that tarping has significantly reduced the amount of blown litter along the roads leading to the landfill and on the highway.
3. The several residential and commercial solid waste pick-up companies charge customers for garbage removal only; recycle and green waste pick-up is free with the garbage pick-up service. While the State target average for disposal of all waste including recyclables is about 5 to 6 pounds per person per day, the landfill's disposal rate is 3.3 pounds per person per day, reflecting the County's effective efforts to recycle. The committee was informed that this excellent rate is a result of low disposal fees and convenient low-cost or no-cost recycling programs.
4. With the exception of the City of Lakeport, garbage pick-up in Lake County is not mandatory. However, the committee was informed that approximately 85% of County citizens participate voluntarily.
5. A five-year contract with the City of Ukiah for disposal of its garbage adds more than \$250,000 to the landfill solid waste budget.
6. The landfill's budget is separate from the County's budget and receives no monies from the General Fund. Records shown to the committee demonstrate that the landfill has consistently maintained a balanced budget.
7. Large item/appliance pick-up surcharges by private companies are underwritten by the County.
8. Garbage trucks owned by private vendors are not assessed a road tax by Lake County.
9. It costs Lake County approximately \$1600 quarterly to transfer its processed drainage waste water by pipeline to the Geysers. There are additional costs associated with pumping and testing waste water. The landfill's annual budget for additional real-time monitoring and control equipment is approximately \$70,000.
10. There is a landfill plan already developed and partially funded by the County to handle waste management until 2060.

11. Royalties for the recycled water to the Geysers are \$850,000 per annum. Funds are entered directly into the County of Lake's General Fund. No General Fund monies or Geyser royalties are included in Solid Waste Management's receipts. The County cannot take any of the landfill's receipts for other County uses. The Solid Waste Management Division funds all of its expenses out of its gate fee revenues and recycling grants awarded by the State of California.
12. The Public Services Department of Lake County contracts with Mendocino County for HAZMOBILE services.
13. State law AB939 requires that 50% of trash must be recycled. Lake County exceeds this unfunded mandate.
14. A plan by Lake County Public Services Department to utilize methane from the landfill to provide natural gas to eight hundred homes is in the developmental stage. It is part of another unfunded State mandate to reduce pollution.
15. The committee reviewed the Lake County Public Services Department's webpage. It is well organized and answers most consumers' questions. The pamphlet "Reduce, Reuse and Recycle Handbook, Toxic Free Home" is available at the Public Services Office and numerous other outlets around the County. Nearly 5000 of these educational pamphlets were given out last year.

Findings:

- F1. Solid Waste Management provides ample, affordable opportunities for Lake County citizens to properly dispose of garbage and recyclables.
- F2. The reasonable surcharge for large items such as appliances is a positive way to discourage dumping along local roadsides.
- F3. Solid Waste Management handles Lake County's garbage and recycling issues in an environmentally sound manner.
- F4. Solid Waste Management has continually and readily made consumer education accessible.

Recommendations:

- None

Request for Responses:

- Public Services Department via Board of Supervisors (90 days)

Lake County Grand Jury

5250 Second Street

Kelseyville, CA 95451

Contact information:

Telephone 707-279-8619

Fax 707-279-1983

To obtain complain forms online:

<http://www.co.lake.ca.us/residents/law/complaints.htm>