Sierra County Board of Supervisors' Agenda Transmittal & Record of Proceedings

MEETING DATE: August 16, 2016	**TYPE OF AGENDA ITEM:** ☒Regular ☐Timed ☐Consent

DEPARTMENT: Board of Supervisors
APPROVING PARTY: Lee Adams, Chairman, District 1
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Continued discussion/direction regarding response to the 2015/2016 Sierra County Grand Jury Report.

SUPPORTIVE DOCUMENTS ATTACHED: ☐Memo ☐Resolution ☐Agreement ☒Other
2015/2016 Grand Jury Report

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: $ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?	**IS THIS ITEM ALLOCATED IN THE BUDGET?** ☐Yes ☒No
☐Yes, -- -- ☒No	**IS A BUDGET TRANSFER REQUIRED?** ☐Yes ☒No

SPACE BELOW FOR CLERK'S USE

BOARD ACTION:		
☐Approved ☐Approved as amended ☐Adopted ☐Adopted as amended ☐Denied ☐Other ☐No Action Taken	☐Set public hearing For: _____ ☐Direction to: _____ ☐Referred to: _____ ☐Continued to: _____ ☐Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: ☐By Consensus

COMMENTS:

_____ _____
CLERK TO THE BOARD DATE

FILED
SIERRA COUNTY CLERK
JUL 06 2016
HEATHER FOSTER
BY: _____ DEPUTY

FILED
JUL 05 2016
SIERRA SUPERIOR COURT
BY _____ CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SIERRA

In the Matter of

2015-2016 Sierra County Grand Jury **MINUTE ORDER**

_____/

HONORABLE CHARLES H. ERVIN, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Sierra County Grand Jury 2015-2016 Final Report**, attached hereto.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 5th day of July, 2016.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 5th day if July, 2016

SIERRA SUPERIOR COURT
BY _____ **Clerk**

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

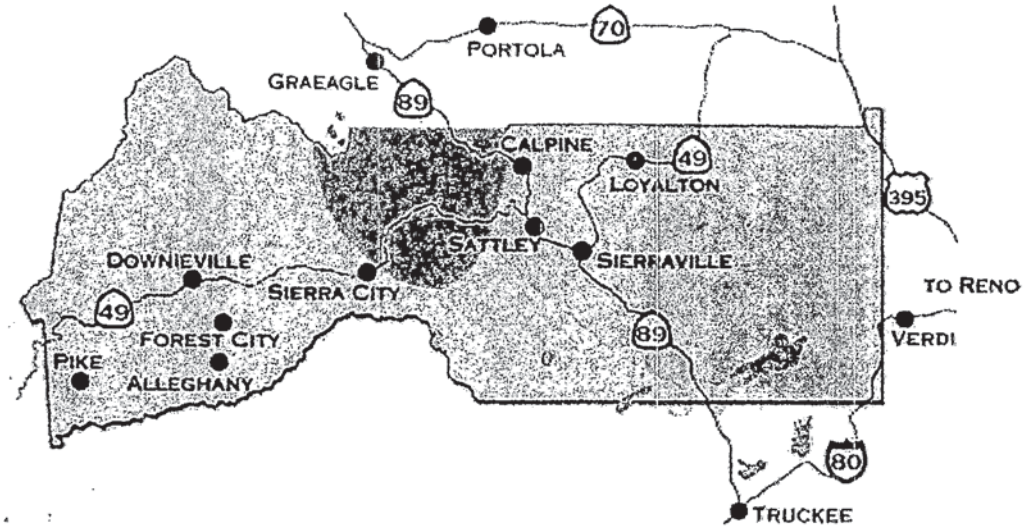
F:\grandjury\15-16\Final Report\minute order to file final report.wpd

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST: July 5, 2016

CLERK OF SUPERIOR COURT IN AND FOR SIERRA COUNTY, CALIF.
BY _____

SIERRA COUNTY GRAND JURY 2015-16 FINAL REPORT



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Members of the Grand Jury

Full Term

Leroy Alexander	Loyalton
William Busha	Verdi
Gideon Caplovitz	Verdi
Joseph Dines Jr	Loyalton
Shannon Hoyt, Foreman	Calpine
Hillary Lozano	Downieville
Sig Ostrom	Sierra City
Mary Wright	Sierra City
Don Yegge	Loyalton

Impanelled Jurors, Partial Term

Carl Butz	Downieville
Barbara Douville	Downieville
Jesse Whitley	Loyalton
Jeff Wicoff	Loyalton

Introduction

To the citizens of Sierra County and the Honorable Judge Charles H. Ervin:

On behalf of the 2015-2016 Sierra County Grand Jury and in accordance with California Penal Code section 933, it is my privilege to present our Final Report. Jury members spent countless hours conducting investigations and analyzing gathered information during our one-year term.

We envision our investigations and reports will result in providing clarity and promoting action to concerns residents brought before this Grand Jury.

We would like to express our appreciation to the County agencies that support the efforts of the Grand Jury and thank all the citizens and government employees who gave freely and with sincerity, their testimony during investigations. Their time and energy spent with the Grand Jury helped to ensure relevant, thorough, and accurate reports.

I offer my thanks to Marsha Caranci for the support and education the **California Grand Juror's Association (CGJA**) gave us throughout our term. CGJA's sponsorship in Training our Sierra County Grand Jury in Downieville was very generous and very helpful.

It has been an honor to serve as Foreman of this dedicated Jury. We are a volunteer group of Sierra County residents with varied backgrounds, levels of education, and expertise. This Jury sought to raise awareness of and provide transparency in Sierra County Waste Management, A review of the Jail facilities, Sierra Brooks water conservation enforcement, and Fire Protection Districts.

Finally, I offer my fellow Grand Juror's my sincere gratitude for their contributions to this time honored civic duty and making it a pleasure to serve on this year's Grand Jury.

Shannon Hoyt

Foreman 2015-2016

Grand Jury Overview

The Grand Jury is a judicial body composed of a set number of citizens, 11 in Sierra County, based on county population. It is impaneled by the state constitution and various laws to act as an "arm of the court," to be a voice of the people and conscience of the community.

The Grand Jury represents one example of our democracy whereby citizens volunteer for civic duty on behalf of their community. These citizens organize and share responsibilities to monitor local government and oversee their appointed and elected officials.

Grand Jury Functions

By law, a Grand Jury has three distinct functions: 1. Indictment is the act of bringing criminal charges against a person. 2. Accusation is the act of bringing charges against an official of government or of a public agency, which may result in removal from office. 3. Civil investigation and reporting, known as the "watchdog" function, is the most frequently exercised function and examines all aspects of local government.

The primary duty of a regular Grand Jury is to investigate, within the county, the functions of city and county governments, tax supported agencies and districts, and any agencies or districts created by State law. State law mandates certain functions of the Grand Jury. The Jury itself selects additional areas that it wishes to study. At the end of the year, the Grand Jury publishes its recommendations in a report, which is then distributed to public officials, libraries, media, and the public. Regular Grand Juries may be tasked to investigate criminal matters and issue indictments when appropriate.

While it is part of the judicial system, a Grand Jury is an entirely independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as its advisers but cannot attend Jury deliberations nor control the actions of the Grand Jury.

2015/2016 Sierra County Grand Jury

Sierra County Waste Management Analysis

Final Report

Summary

Sierra County's annual residential solid waste fees have increased $114.57 in the last four years from $231.03 in 2012/2013 to $345.60 in 2015/2016. Those fees are projected to continue to increase in the years ahead. Sierra County Code Chapters 8.04 (*Solid Waste Fee Services*) and 8.05 (*Solid Waste System Fees and Charges*) describe the manners in which solid waste fees are established and the processes by which the solid waste system is managed. Sierra County has established fee rates for two categories of solid waste system users. One rate is for owners of residential properties, the other is for owners of commercial properties. Residential fees are based upon the volume of waste generated in one year by a sample of households which use a curbside service, whereas the commercial fees are calculated for individual properties using data collected by the company responsible for hauling the materials from those properties. There are no separate categories for part-time residents or service organizations and churches which produce very small amounts of waste annually.

Fees collected are maintained in a "Solid Waste Enterprise Fund". Any revenue for solid waste goes into this fund. It is used only for the acquisition, operation, and maintenance of waste disposal sites and disposal services. Salaries of Sierra County employees who man transfer stations, and the partial salary of one administrative assistant (who collects and helps to interpret waste data from the waste hauler's record sheets) are generated from this enterprise fund. Revenue generated for this fund is not used to support the County's general fund which, in turn, is in no financial position to contribute or lend revenue to the Solid Waste Enterprise Fund.

The methods by which Sierra County disposes of its waste are similar to the methods used in other California counties with similar characteristics (rural, with smaller, sparse populations). In general, the per capita cost of solid waste management decreases within a county as its total population and population density increases. Therefore, managers of smaller, less densely populated counties have a greater burden and fewer options in waste management. That being said, in a 2010 technical memorandum prepared for Mono County, the budgeted cost per ton of waste in Sierra County's solid waste system far exceeded the cost per ton figures budgeted from eight other small, rural counties*. Currently, most Sierra County household waste is separated and deposited by citizens in bins at nearby transfer stations. It is later recycled or hauled by a private hauler to the Sierra County Landfill in Loyalton where it is buried.

It has been determined that the landfill in Loyalton, which opened in 1977, is about to reach its usable capacity and is due for closure in October of 2017. Monitoring of the closed landfill will be necessary for the next 30 years. Sierra County has contracted with Avalex Inc.**, a civil engineering and environmental services firm, for advisory assistance in this process. The processes of closing and post closure maintenance of the landfill are anticipated to be very

expensive and therefore increase the financial burdens of Sierra County's waste management processes on the owners of both commercial and residential properties. Sierra County managers are keenly aware of the Loyalton Landfill closure and post-closure financial ramifications on property owners and are vigorously reaching out for solutions to offset the effects of these very real events. Sierra County managers must also find a solution to replace funds that had been generated from transient occupancy taxes collected from the concessionaire who managed many of the campgrounds in Sierra County. The U.S. Forest service has since assumed management of those campgrounds and has expressed little interest in replacing the funds previously generated by those taxes. Meanwhile, visitors using federal lands will continue to fill bins, other than those provided to campgrounds, intended for businesses and residents at the expense of Sierra County property owners.

The Grand Jury recommends that Sierra County managers continue to negotiate with the U.S. Forest service in order to mitigate the effects of federal lands visitors and events held on federal lands to the solid waste system. The grand Jury recommends that Sierra County managers partner with those of nearby counties in an effort to increase diversion from generated waste and minimize the cost of waste disposal. The Grand Jury recommends that Sierra County investigate the impact of adding a third category to its fee schedule to include service organizations, community groups and facilities, places of worship, etc. that generate minimal amounts of waste per year. The Grand Jury also recommends that Sierra County managers take steps necessary (including recruitment of members) to reconvene The Citizens Solid Waste Committee in an effort improve communication with citizens of Sierra County with respect to solid waste issues.

*Technical Memorandum "Comparison to Other Systems" prepared by HDR Engineering, Folsom CA, under an agreement between HDR and Mono County for solid waste consulting services. May 7, 2010.

**"Final Closure and Post Closure Maintenance Plan" prepared by Avalex Inc. , South Lake Tahoe, CA, for Sierra County Public Works

Background

In July of 2015, a request to the 2015/2016 Grand Jury was made by a group of citizens to investigate Sierra County's Solid Waste Services and Solid Waste Fees and the management of the County's solid waste system and contract with Intermountain Disposal. Of particular concern was the increase of $114.57 in solid waste fees over 4 years. Concern was also expressed about the future of the Loyalton Landfill, possible pollution resulting from the landfill, funding of the waste management administration, and the fairness of the system by which fees are determined. The need for planning a cost-effective, environmentally-conscious waste management system was also emphasized in the request for this investigation. The Grand Jury interviewed the complainants, reviewed data with respect to waste management fee increases, determined that there was much confusion amongst citizens about how the waste management system operated, and confirmed that there was a need for Sierra County citizens to be informed about the future of waste management practices and costs.

Methodology

Documents

The Grand Jury reviewed the following documents:

--County Code Chapter 8.04—*Solid Waste Services*

--County Code Chapter 8.05—*Solid Waste System Fees and Charges*

--HDR Engineering--*Technical Memorandum, Mono County Solid Waste Program Evaluation*—Comparison to Other Systems, July 28, 2010

--Avalex Engineering—*Final Closure and Post Closure Plan,* 2/5/2016

--Avalex Engineering—*Solid Waste Disposal Study, Addendum Draft*, 3/15

--2015-2016 Yolo County Grand Jury Final Report

--2008-2009 Sierra County Grand Jury Report, *Solid Waste Fee Structure*

--Letter from Michelle Burr, Deputy Sierra County Clerk-Recorder to members of Sierra County Citizens Committee for Solid Waste/Local Task force, March 17, 2015

Interviews

During this investigation the Grand Jury interviewed 12 individuals including the complainants, Sierra County administrators, and public works administrators from other counties; and participated in one Sierra County Board of Supervisors Public Works, Roads Solid Waste Standing Committee Meeting on solid waste disposal.

Discussion

The Movement of Solid Waste from Household to Final Destination

Homeowners separate waste at the home (recycle/non recycle). Then the waste is hauled to the local transfer station. Recyclables are placed in appropriate recycle bins. Cans, plastic and glass can generate $30,000-$40,000 back into the system if the price is up. Co-mingled recyclables are taken by the hauler (Intermountain Disposal) and sorted out in Portola. Electronic e-waste is taken to Loyalton, wrapped in plastic, separated and stored until enough is accumulated, then it is taken by an electronics recycling firm at no cost. Hazardous waste is collected by Intermountain Disposal. The County is charged an annual fee of about $15,000 for hazardous waste disposal. Metal is hauled to the Loyalton Landfill and stored until the price rises. The price of metal has stayed very low for quite some time and hasn't been marketable, so the metal pile is very large at this time. Revenue generated from recycling is about the same as the cost for getting rid of it. Everything that is not recycled gets buried in the Loyalton Landfill. There are also "burn bowls" at each landfill.

The Licensee/Hauler (Intermountain Disposal)

Over time the number of companies interested in hauling Sierra County's solid waste has reduced itself from about three to one. In recent years the contract for hauling has changed hands twice, with Intermountain Disposal being the only company to apply for the contract to provide this service currently. Intermountain is performing under a contract with a "rolling" 6-month extension in which the hauler has little assurance of a long term relationship with the County. The hauler provides monthly data in the form of route sheets which go to the County Solid Waste Fee Administrator where those data are to use tabulate for future solid waste fee adjustments. As provided for in County Code 8.04.220 the auditor, after giving ten days' notice, may audit the records of the hauler. Also, 8.04.230 stipulates that the County can take steps to regulate collection rates if there is a lack of competition. Neither of these strategies has been exercised as the general feeling is that we are lucky to have someone providing the hauling services. Intermountain Disposal might potentially play an important role in some of the solid waste solutions proposed in post landfill closure scenarios which are discussed later in this document.

Comparing Sierra County's Waste Management System with Those of Similar Counties

The Grand Jury felt that it might be useful to compare Sierra County's waste management strategies and selected data with those of similar California counties. The process of gaining this information included phone interviews with administrators from Local Enforcement Agencies (LEA) of the five least populous California including Sierra. We also reviewed and used published information from a 2010 technical memorandum which provided a comparison of nine similar counties (including Sierra County) in its short list of rural counties. This technical memorandum was prepared for Mono County by HDR Engineering, Folsom, California, and was

provided to the Grand Jury by Mono County Environmental Health. The table below shows a comparison of the 5 least populous counties; number of transfer stations; and whether the county has a special facility for recycling, composting, gasification or process other than direct transfer to a landfill. The data is current and was gathered from interviews during our 2015/2016 investigations.

County	Population	Persons/sq mi	# of Transfer Stations	Special Facilities*	Final Waste Destination
Alpine	1116	1.53	2	0	Lockwood/San Andreas
Sierra	**3003**	**3.13**	**4**	**0**	**Loyalton**
Modoc	9,023	2.07	11	0	Lockwood
Trinity	13,170	4.09	10	0	Anderson (Shasta Co.)
Mono	13,997	4.47	7+2 L.F.	0	Benton Crossing L.F.

*Special facilities would include any designed to process waste by means other than burial or transfer to another location (recycling, composting, power generation, etc.)

As a part of this investigation, an attempt was made to find data that might be useful in comparing per capita cost in similar counties. These data were neither available in a search of the CalRecycle website nor were they available in a broader web search, however data was available in the 2010 technical memorandum by HDR Engineering for Mono County. The table below contains information from the HDR Technical Memorandum that reflects data on per capita costs by county gathered from **2008-2010.** The HDR Technical Memorandum states: **"It should be noted that comparing budgets over varying county systems, is not an exact procedure and there are many factors that influence the Actual per capita costs and therefor should be viewed as a trend exercise only."**

County	Budget Annual (2008-2009)	2008 Disposal (tons)	Per Capita Disposal (lbs./person/day)	Per Capita Cost ($/person)
Alpine*		2,365	12.14	
Sierra	**$700,000**	**3,265**	**5.42**	**$211.93**
Modoc	$1,053,000	7,084	3.97	$107.70
Lassen	$1,500,000	22,597	3.45	$41.80
Inyo	$2,082,438	16,793	5.08	$114.99
Mono	$2,613,000	29,515	11.88	$191.89
Plumas	$252,200	20,542	5.51	$12.35

*The HDR document describes Alpine County as having a "significant private sector role"

The Loyalton Landfill

The Loyalton Landfill has been (since 1977) and currently is the final destination for solid waste (that has not been recycled or burned) generated in Sierra County. The landfill is nearing its usable capacity and is scheduled to close in October of 2017. The landfill is part of an original piece of property consisting of 72 acres that was split into a northern parcel of 28 acres and a southern parcel of 49 acres. The permitted area of the landfill consists of 21 acres in the north parcel. The current physical footprint of the landfill used to date is 11 of those 21 acres (see map figure 3 prepared by Avalex Engineering, Inc.). Gas test wells indicated (and still do indicate in monthly tests) that there were concentrations of methane gas migrating beyond the northern boundary of the landfill property. Also, trace amounts (beneath drinking water threshold standards) of Freon have been discovered down-gradient from the landfill. As a result, Sierra County purchased 49 acres of additional property to the north and east of the landfill footprint from the city of Santa Clara to mitigate the effects of methane migration and to provide a buffer beyond the original landfill boundary. This property was purchased for roughly $40,000 and is also shown on the figure 7 map.

The County's closure plan includes borrowing material from the southern parcel of the landfill property in order to construct an engineered cover that would allow for the escape of gases upward. This strategy would minimize the trapping of gases which might promote this lateral migration from the landfill. Sierra County maintains an Enterprise Fund to cover costs and a Pledge of Revenue Agreement with the State to cover post maintenance costs. The sum total of funds required to close the landfill is estimated by Avalex to be $1,930,000. The Enterprise Fund currently has $1,527,575 (June, 2015), leaving a balance owed of $402,424.71. The average annual cost of post closure maintenance as determined by Avalex's Final Closure and Post Closure Plan is estimated to be $94,700. This is a process that is supposed to take 30 years. The real cost of closure and post closure of the landfill has not yet been determined. Final plans must be approved by the State. It is feared that the State's primary waste management agency, CalRecycle, might require more infrastructure than what is needed, thus increasing costs. The relationship between Sierra County administrators and CalRecycle staff is not warm, making compromise difficult.

Post Closure Options

Several options for a plan to process Sierra County's waste in the future have been considered including (Avalex estimates):

1. Adding a new liner to the current landfill site in Loyalton. This the least cost-effective option which is no longer being considered.

2. Exportation of solid waste to Delleker Transfer Station. Costs estimate: $303,000 annually
3. Exportation of solid waste to *proposed* Intermountain Disposal Inc. Material Recovery Facility (MRF). Cost estimate: $359,000
4. Exportation to the Eastern Regional MRF in Truckee. $378,000*
5. Export to Lockwood Landfill. $278,000*
6. Exportation to Russell Pass Landfill, Fallon. $290,000*
7. Exporting waste from Western Sierra County Transfer Stations (Alleghany, Pike, Ramshorn, Sierra City) to Ostrom Road (Wheatland) Landfill. $170,000* + the cost of hauling from Eastern County transfer stations.

*CalRecycle has established a Statewide goal of a 50% diversion of materials rate (recycle, etc.) for California Counties. Sierra County is recovering materials at about a 25% rate. It is more difficult for smaller, less densely populated counties to meet the 50% diversion goal. Hauling all solid waste to a landfill in Nevada might be less expensive, but does not address the process of materials recovery. The only options which provide for the potential to achieve the 50% diversion goal would be the MRFs referenced in options 3 and 4. Also, figures with an * assume the construction of a primary transfer station on the Loyalton Landfill property. This would allow for the smaller loads from individual transfer stations to be combined into one larger load for transport to a landfill at less total expense.

Discussions at the April 14, 2016 Sierra County Board of Supervisors Public Works, Roads and Solid Waste Standing Committee Meeting Indicated substantial interest in the Sierra Disposal MRF option. Sierra Disposal representatives in attendance suggested that the establishment of their proposed MRF in Delleker is "not a matter of if, but when". They propose to start small to keep costs down. There will be the potential to extend the length of their building and pick line, then bring other counties on board. Initial set up costs are high as equipment would be purchased new. Plans for co-generation and use of food waste to feed hogs are also being considered for the facility. In order to most efficiently interface with the proposed Delleker MRF, Sierra County discussions centered on the construction of a main transfer station at the Loyalton Landfill site. The landfill site would include a compactor to reduce the volume of the waste before the waste is sent to the MRF. Compaction is considered to be very efficient, minimizes litter, has no effect on ability of MRF to do its work, and reduces the number of loads which justifies the cost of the compactor. The fact that solid waste isn't generated in large enough amounts at the individual transfer stations, and that the waste must be compacted and thus moved in short intervals, limits the potential for compactors at individual, smaller transfer stations.

Impact on Sierra County Citizens

There are circumstances (small population, black bears, aging landfill, forest lands visitors, etc.) which make budgeting for waste management difficult in Sierra County. Two things are clear: 1. The cost of waste management to citizens of Sierra County is very high (much higher than in neighboring counties). 2. That cost is projected to increase substantially before there is a chance that it might decrease. A residential fee in the neighborhood of $600 is projected for the very near future. Sierra County citizens have few options. The County administration sends a ballot (a result of Proposition 218) each year for the purpose of determining whether the public wishes to continue the fee structure as it has been applied to property taxes recently, or some other structure like gate fees at each transfer station. A change might not be in our best interests and requires a 51% return of the ballots (last year's return was 12%). Chapter 8.04 provides for a *Citizens Solid Waste Committee*. This committee currently has a roster for thirteen members--six of which are for members of the public and business owners (five of those positions are currently vacant). The committee currently is not functioning and has not met for some time. Citizens may inquire at the Department of Public Works if interested in participating and revitalizing this committee.

Fact

The cost of waste management to Sierra County citizens has increased significantly in recent years and is projected by Sierra County Administrators to continue to increase in the foreseeable future.

Findings

F1. The condition of Sierra County's Loyalton Landfill requires that it be closed in 2017.

F2. The processes of closing the Loyalton Landfill, and post-close monitoring has resulted in costs which have been, and will continue to be for the next 30 years, very high.

F3. Small, sparsely populated entities have higher costs and fewer choices when considering waste management options. Wildlife (black bear) considerations and visitor impacts also affect the waste management system's ability to function at a lower cost.

F4. Communication between members of the County's administration; the County's administration and the County's citizens; and the County's administration and relevant members of state and federal agencies is in need of improvement.

F5. Primary driving forces behind fee increases are the costs of closing and post-closing processes related to the Loyalton landfill.

Recommendations

R1. The Sierra County managers should continue to negotiate with the U.S. Forest service for the purpose of mitigating cost effects related to waste management of federal lands visitors and events held on federal lands within the County.

R2. Sierra County managers should partner with those from nearby counties in a collaborative effort to reduce costs and increase diversion of materials with respect to waste management.

R3. Sierra County managers should continue to negotiate with CalRecycle in an effort to achieve the most practical and most cost effective strategy for closing and monitoring the Loyalton Landfill.

R4. Sierra County should take steps necessary (including recruitment of members) to reconvene The Citizens Solid Waste Committee.

R5. Sierra County should investigate the impact of adding a third category to its fee schedule to include service organizations, community groups and facilities, places of worship, etc. that generate minimal amounts of waste per year.

Request for response from the following Sierra County employees:

Sierra County Director of Planning and Transportation,

Sierra County Auditor, Treasurer & Tax Collector,

Sierra County Assessor,

Sierra County Environmental Health Officer,

Avalex Engineering: Craig Morgan

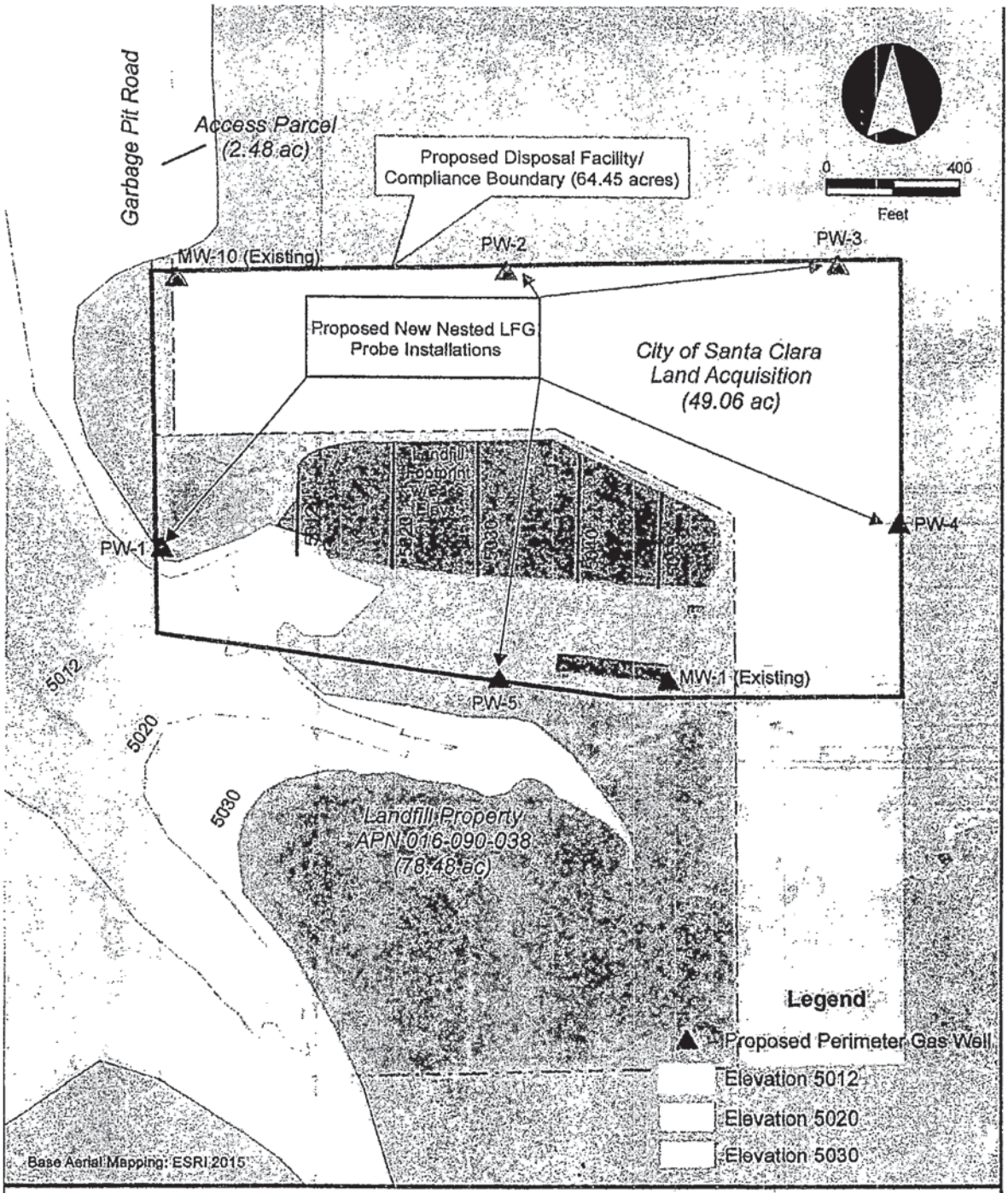

FIGURE 7 - PROPOSED LFG PERIMETER MONITORING NETWORK

AVALEX INC. Civil Engineering and Environmental Services P.O. Box 550218 South Lake Tahoe, CA 96155 Phone (530) 543-3200 www.avalex.info	LANDFILL GAS MONITORING AND CONTROL PLAN		
	LOYALTON LANDFILL, SIERRA COUNTY, CALIFORNIA		
	97-005.56	2-5-2016	ITL	Figure 7.mxd

2015/2016 Sierra County Grand Jury

Annual Review of The Jail And Law Enforcement Facilities

INTRODUCTION

Each year the Sierra County Grand Jury must review the jail and facilities in accordance with the California Penal Code, Section 919(b).

BACKGROUND

The 2015-16 members of the Grand Jury were given a tour of the jail and the facilities located in Downieville, in August. The sheriff conducted the tour and answered many questions put to him by the members of the GJ.

We would like to commend the sheriff's department for keeping the jail facility very clean and well maintained.

FACT

On March 17, 2015, the sheriff notified Sierra County Board of Supervisors that the jail would serve only as a temporary holding facility. The decision was made at that time to pay $70-$80 per inmate per day to house inmates in the Wayne Brown Correctional Facility [located in Nevada County]. At the time of our inspection there were no Sierra County inmates being housed in either place so there were no opportunities to conduct interviews.

FINDINGS

F-1 It is financially impossible to fill the mandated level of security for both inmates and officers in order for this facility to function as a jail.

F-2 Sierra County has difficulty offering a salary that is competitive enough to attract qualified law/ correctional officers who are able to pass the stringent background process.

RECOMMENDATIONS

R-1 While the fact remains that we do not have a working jail facility due to the financial situation in Sierra County, it appears that we do have a sheriff who is actively looking for ways to use the finances that are available in the most cost effective way. We would like to commend the sheriff and his staff for the hard work keeping the citizens of Sierra County protected. We would only recommend that the sheriff continue looking for cost effective ways to run the office while keeping Sierra County a safe place to live.

R-2 We recommend that the pay grade reflect the current earnings of similar departments statewide, as soon as it is fiscally sound to do so.

2015-2016 Sierra County Grand Jury

Investigation of Water Conservation Enforcement in Sierra Brooks

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Reason for the Investigation:

It was brought to the attention of the 2015-2016 Sierra County Grand Jury that there was confusion on the part of residents of the Sierra Brooks community as to how State mandated water conservation efforts were being enforced. Given the importance of water conservation in these times of severe drought, the SCGJ decided to investigate how water conservation efforts are being enforced in Sierra Brooks with a goal of providing clarity for residents.

Background:

In 2015 the state of California mandated that Sierra County reduce its water consumption by 25% relative to the rate of consumption in 2013. In response to this mandate, communities in Sierra County including Sierra Brooks took concrete actions to conserve water. In Sierra Brooks, these measures included prescribed days and hours during which outdoor water use is allowed. Shortly after the initiation of these policies, residents who had been found in violation of these water-rules received notices of violation in the mail. The Grand Jury was asked to investigate how these violations were identified, reported and which governing bodies lead the enforcement efforts.

Procedure Followed:

Members of the Grand Jury interviewed county staff, residents of Sierra Brooks and past members of the Sierra Brooks Property Owners Association (POA).

FACT:

Sierra Brooks Residents water conservation requirement is in accordance with California State Water Conservation Mandate of 2015.

Findings:

- **F1** Sierra County is in charge of monitoring and enforcing water conservation efforts in Sierra Brooks. Representatives of the county perform periodic on-site inspections and document incidents of water-use violations. The County issues citations alerting residents of their violation. Detailed information regarding water conservation policies in Sierra Brooks is readily available to residents on the Sierra County website:

  http://www.sierracounty.ca.gov/DocumentCenter/View/184

- **F2** The Sierra Brooks POA was found to have complied with the mandatory noticing requirements as specified by County regulations. In addition to posting signage, information regarding issues related to water and water conservation requirements in Sierra Brooks is readily available to residents on the POA website:

  http://www.sierrabrookspoa.com/water-conservation.html

- **F3** To date, no fines pertaining to water-use violations have been issued or collected by the county.

- **F4** In 2015 Sierra Brooks has reduced its water consumption by 15.44% compared to the 2013 baseline.

Conclusions:

In these times of drought, residents of Sierra Brooks, Sierra County and all of California have been tasked with reducing their water consumption. Coordinated efforts between County Government, the Sierra Brooks HOA and Sierra Brooks residents, while not reaching the 25% goal of water conservation mandated by the state of California, have made great strides in moving in the right direction. However, despite readily available information regarding water-conservation policies, confusion persists on the part of some residents of Sierra Brooks and this is likely to be the case in other communities within the County.

Recommendations:

- **R1** Continue water conservation efforts with the goal of meeting or exceeding a 25% savings.

- **R2** Sierra County managers should be proactive informing county residents of the importance of water conservation on a periodic schedule through the county website, mailers, fliers and postings.

- **R3** Sierra County managers and The Sierra Brooks POA should work together in keeping the "residents" informed on the importance of water conservation as well as monitoring water usage and possible usage violations. Issue citations/warnings as required.

Request for response from the following Sierra County employee:

Sierra County Director of Public Works.

2015-2016 Sierra County Grand Jury

Keeping us Safe: Sierra County's Fire Protection Districts

Reason for the Investigation:

Fire Protection Special Districts play a critical role in keeping the residents of Sierra County safe. The goal of this investigation was to assess the current status of the four Fire Protection Districts within the county while identifying current issues and specific needs of each district.

Background:

Sierra County is served by Four Special Fire Protection Districts: Sierra County Fire Protection District 1, Downieville Fire Protection District, Sierra City Fire Protection District and the Pliocene Ridge Community Service District (See Figure 1). A board of commissioners that are appointed by the Board of Supervisors manages each District. Funding for the districts comes directly from property taxes and is not a part of the Sierra County budget. The districts provide wildfire and structure fire protection as well as emergency medical service. To enhance service, the districts maintain mutual aide agreements with each other and other districts outside of Sierra County. Fire protection for the City of Loyalton is provided by the City and not through a special District and is therefore not covered in this report. These services are provided by a 100% volunteer workforce that is owed a great debt of gratitude by our community. The 2015-2016 Sierra County Grand Jury would like to take the opportunity to say Thank You to all the men and women who volunteer their time, energy and expertise in helping to keep us safe.

Procedure Followed:

Members of the Grand Jury interviewed county staff and at least two members of each Fire Protection District.

Fact:

Fire protection within Sierra County is provided by a 100% volunteer workforce.

General Findings:

F.1. A comprehensive review of Wildfire Protection within the county was completed in 2014 culminating in the Updated Sierra County Community Wildfire Protection Plan (CWPP), which can be found online: http://www.sierracounty.ca.gov/documentcenter/view/1468. Information regarding coverage areas and firefighting equipment of each district can be found in the CWPP.

F.2. The vast majority of service calls within each district are medical in nature and related to traffic accidents. Fortunately, the number of service calls related to structure fires is low, seldom exceeding one-per-year.

F.3. Trucks and service vehicles are typically older model years and acquired second hand from out-of-county fire departments. In general the stations and equipment available to each district are in good working order and sufficient to provide a high level of protection.

F.4. Across the board the Fire Protection Districts are able to provide excellent training opportunities to their volunteer firefighters. Training workshops and activities held in each district are open to all volunteers across the county reflecting good inter-district communication and coordination.

F.5. While each district maintains a roster of active volunteers, only a percentage of these individuals can be counted on to be available for a given service call. Volunteers may be out of town, which can vary seasonally, or during business hours at jobs they are unable to leave on short notice. This increases the risk of inadequate response should service be requested during certain time periods.

F.6. In addition to their tax-based sources of revenue, each district actively applies for state and Federal Grants to provide funding for specific training and equipment needs. The grant writing processes is challenging and the awarding of grants is competitive. We would like to acknowledge and express our gratitude to those volunteers engaged in seeking grant-related funding. Good luck with your current and future applications!

F.7. Fire Protection Districts within Sierra County are in need of additional volunteers. Recent recruitment efforts have been hampered by demographic realities of an aging population and a lack of new younger generation County residents and are proving to be inadequate to 'fill the rolls'. While current staffing levels (documented below) and mutual aide agreements are currently able to provide a high level of protection across the county, there is a specific need to recruit and train the 'next generation' of volunteers to ensure this high level of protection persists long into the future.

Findings Specific to Each District:

Sierra County Fire Protection District #1:

F.1. The district maintains three fire stations located in Sierraville, Sattley and Calpine. There are currently ~20 volunteers on the firefighting roster of which typically ~5 can be counted on to turn out to a given service call.

F.2. The district also maintains a service agreement with the Verdi Volunteers (located on the NV side of Verdi) to provide protection to portions of the CA side of Verdi.

F.3. The remaining portion of Verdi lies outside of the Protection District and receives their protection through a contract with the Truckee Meadows Fire Department (NV) paid for by Sierra County.

F.4. Discussions are ongoing regarding the possible annexation of this section of Verdi into the Fire Protection District and as such, fire protection within Verdi is currently in flux. Because Verdi is 'detached' from the rest of the county, it is difficult for residents to attend

Fire Commission meetings and the meetings of the Board of Supervisors at it pertains to this issue. While SCFPD #1 did hold a community meeting in Verdi on this topic, specific information about current and future protection is not readily available to Verdi residents.

Sierra City Fire Protection District:

F.1. The district maintains three fire stations. There are currently ~20 volunteers on the firefighting roster of which typically half can be counted on to turn out to a given service call.

F.2. The district is in need of a high capacity water-storage facility in Sierra City that could be used in the event of a catastrophic fire.

Downieville Fire Protection District:

F.1. The district maintains one fire station. There are currently ~20 volunteers on the firefighting roster of which six are extremely active and can be counted on to turn out to a given service call.

F.2. The district is in particular need of new and younger volunteers.

F.3. The district is in particular need of EMS trained volunteers.

F.4. The District's Brush Truck is in need of repair or replacement.

Pliocene Ridge Community Service District:

F.1. The district maintains fire stations located in Alleghany and Pike. There are currently ~15-20 volunteers on the firefighting roster of which typically 6-8 can be counted on to turn out to a given service call.

F.2. The district is in particular need of new and younger volunteers.

F.3. The district is currently in the process of completing an upgrade to the Alleghany fire station

Conclusions:

The Special Fire Protection Districts within Sierra County reflect the absolute best of community-based service. The men and women of the Fire Protection districts volunteer countless hours of their time to provide all of us protection in the case of an emergency. As the drought continues, increasing the volatility of the lands around us, the protection they provide is as critical as it has ever been. Driven by demographic and growth trends within the county, the Fire Protection Districts face specific challenges related to funding-levels and recruitment. It is essential for the long-term safety of our communities that the next generation of volunteers be identified, recruited and trained.

Recommendations:

R.1. Sierra County and the Fire Protection districts need to highly prioritize the recruitment of new volunteers. We recommend that invested members of the community, including County Staff and Fire Commissioners, Chiefs and current volunteers, work together to develop new recruitment efforts that specifically target younger and new residents in the county.

R.2. Successful grant writing is an essential part of generating revenue for the Districts. We recommend that the Districts coordinate with each other in the grant writing process; collectively monitoring grant opportunities, sharing expertise with particular grant mechanisms, providing pre-submission reviews of grant proposals and when possible arranging for grant application workshops sponsored by the granting agencies.

R.3. Coordination of training, grant writing, recruitment and other administrative tasks across districts is time consuming. This raises a particular challenge for volunteer members of each district who already dedicate a significant amount of time towards keeping us safe. As the successful training, recruitment, grant writing and compliance of any one district can have cascading benefits to the other districts and by extension all residents of the county, we recommend that Sierra County make an investment to provide human support for these coordination efforts. We recommend that this support come in the form of either expanded duties of existing personnel with expertise in these areas or in the formation of a new paid staff position.

R.4. Sierra County and Sierra County Fire Protection District #1 should provide written documentation to residents of Verdi documenting current protection arrangements, potential plans for the future, and how future plans may be impacted by forthcoming fire consolidation in Reno, [finding 4 on page 23].

R.5. Downieville FPD should continue to prioritize the repair or replacement of the Brush Truck. We encourage the Downieville community to continue to support the FPD in this effort.

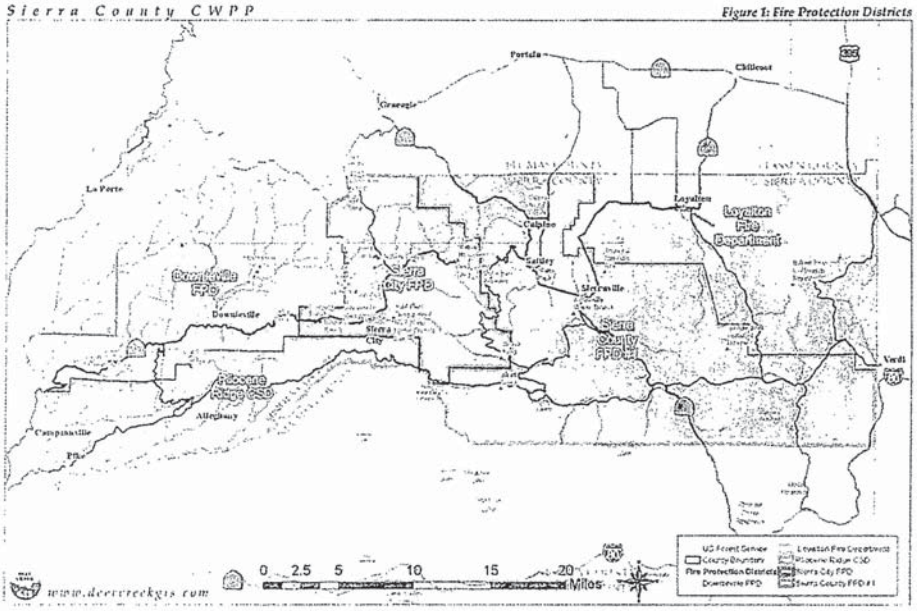
R.6. Pliocene Ridge CSD should continue to prioritize the completion of the Fire Station. We encourage the Pliocene Ridge community to continue to support this effort.

R.7. Sierra City FPD should prioritize the development of a high-capacity water storage facility in Sierra City. We encourage the residents within the Sierra City Fire Protection District to continue to support this effort.

Request for response from the following Sierra County employees:

- Chair, Fire Commission, Sierra County Fire Protection District #1
- Chair, Fire Commission, Sierra City Fire Protection District
- Chair, Fire Commission, Downieville Fire Protection District
- Chair, Fire Commission, Pliocene Ridge Community Service District
- Chief, Office of Emergency Services
- Board of Supervisors

Figure 1: Fire Protection District map



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REQUIRED RESPONSES

The California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected official shall comment on the findings and recommendations pertaining to the matters under the elected official's control *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 subdivisions (a), (b), and (c), detail, as follows, the manner in which such comment(s) are to be made.

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary for personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

SIERRA COUNTY GRAND JURY NEEDS YOUR INPUT!

We welcome your suggestions or complaints.

PLEASE TURN TO THE FORM ON THE BACK OF THIS PAGE
TO MAKE YOUR COMMENTS.

MAIL TO: SIERRA COUNTY GRAND JURY
P. O. BOX 476
DOWNIEVILLE, CA 95936

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE

Your name (you may remain anonymous if you choose)

_____

Home address_____

Work address_____

Phone (home)_____ (work)_____

To which county official, department or agency does your suggestion or complaint refer?

_____

Address_____

Phone_____ Director, if applicable_____

Please summarize your suggestion or complaint, including date of events and names, departments or agencies involved. Attach additional sheets if necessary. All complaints are kept confidential.

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What kind of action would you like to see the Grand Jury undertake?

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Please attach any correspondence or documents you may have regarding this matter.

Signature_____

Date_____

Mail to:

Sierra County Grand Jury
Post Office Box 476
Downieville, CA 95936