

**FILED**  
SIERRA COUNTY CLERK

SEP 23 2013

HEATHER FOSTER  
BY:  DEPUTY

**FILED**

SEP 23 2013

SIERRA COUNTY SUPERIOR COURT -  
BY:  DEPUTY CLERK

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SIERRA**

**In the Matter of**

**2012-2013 Sierra County Grand Jury**

**MINUTE ORDER**


HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Board of Supervisors' Response to Grand Jury Reports of 2012-2013**, received on September 20, 2013

**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 23<sup>rd</sup> day of September, 2013

**ATTEST** my hand and seal of the Superior Court of the State of California, County of Sierra, this 23<sup>rd</sup> day of September, 2013

**SIERRA SUPERIOR COURT**

BY:  Clerk

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

# SIERRA COUNTY

Board of Supervisors  
P.O. Drawer D  
Downieville, California 95936  
Telephone (530) 289-3295  
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17 September 2013

Honorable John P. Kennelly  
Presiding Judge of the Superior Court  
County of Sierra  
PO Box 476  
Downieville, CA 95936

Re: Response to Grand Jury Final Report 2013

Dear Judge Kennelly:

The Sierra County Board of Supervisors has received the "Sierra County Grand Jury Report 2012-2013" and pursuant to California Penal Code, Section 933.05, the following comments are provided regarding the above entitled report.

## **ANNUAL REVIEW OF THE JAIL AND LAW ENFORCEMENT FACILITIES**

- 1) Finding 1. The Board of Supervisors agrees that a water leak issue exists on the roof of the courthouse. Both County staff and the staff of the Administrative Office of the Courts (AOC) have expended considerable time and resources evaluating and modifying the existing roof system. Just last year (October) a contract was approved deploying professional roofers to remove and repair the roof areas around the elevator tower. The leaks have improved but not stopped completely at this point.
- 2) Finding 2. Unknown to this board. The sheriff reports there was an issue with the ceiling light in the shower vestibule that has since been repaired.
- 3) Finding 3. Unknown to this board. The sheriff reports no knowledge of mold in the jail.
- 4) Finding 4. The Board of Supervisors agrees that damage has been reported to the elevator tower and this, in part, was resolved during the October 2012 repair conducted by the County and AOC contractors. Plaster is not a good choice for damp environments and particularly where there is a freeze-thaw condition as we have on this exposure of the rear of the courthouse building. No damage was observed to the interior of the tower nor to the actual elevator as we have unconditional permits to operate from the State of California.
- 5) Recommendation 1-4. The Board of Supervisors and the AOC have a master agreement for the use and cost sharing for the operation, maintenance, and repair of those portions of the County Courthouse that are housing Court staff. Recent estimates for the roof alone would require a substantial capital investment by the County general fund to cover the share of the costs attributable to the County. The Board of Supervisors considers the operation of a County jail facility to be a

fundamental, priority service provided to the citizens of the County and to the visiting public. This facility not only ensures the safety of society but is a key indicator regarding the general health and vitality of a community along with schools, health care, and transportation systems. Historically, no less than \$2 million in funding has been spent on this facility in the past 25 years in an effort to comply with minimum State standards. This facility was not added to the courthouse in the 1980s as reported by the Grand Jury, but the jail has been a part of the courthouse facility since it was built in 1948. The jail did go through a substantial two phase remodel in the early 1990s. A water leak in the roof has plagued the facility since that remodel and many efforts have been undertaken to solve the issue. Short of removing the roof and replacing it, it is a inconvenience that we continue to struggle to fix without facing a huge cost. Recently the sheriff attempted to gain State bond act monies to make some additional changes to the jail, but those funds are not available for facilities of this nature. Any repairs to the jail will have to be supported by the County general fund or possibly grants that may be available from time to time. Direct use of the County general fund for needed repairs or improvements to the jail would negatively impact staffing of County government and delivery of services to the citizens of the County, perhaps including the sheriff's office. We do not to see this as a priority at this time.

- 6) Finding 5. The Board of Supervisors disagrees with this finding. With the exception of structural improvements to the sallyport, all other requests for funding have been accommodated through funds provided through the AOC or by use of annual Homeland Security grant funds. Examples of these expenditures include a command vehicle, security cameras, computer aided dispatch software, additional hardware components, recorder replacement in the 911 system, radios, repeater systems to improve communications, and so forth. This Board is not aware of any "improvements started but were not completed because costs exceeded the grant monies received" and the improvements identified in the Grand Jury Report (intercom, video monitoring, remote lock system) are priorities that have been assigned to the Homeland Security grant programs for 2012 and 2013 performance period.

While technology changes almost daily, the Board has no information that any of the changes described are either mandatory or a priority.

- 7) Recommendation 5. Reporting procedures are already in place for most of the grants. The Grand Jury Report is not specific enough nor does it cite examples of instances where grant projects were not completed.
- 8) Finding 6. The Board of Supervisors disagrees with this finding. The County Sheriff has not requested funding for these improvements which is further evidence that there are other priorities to implement that would make best use of limited available discretionary funding.
- 9) Recommendation 6. The Board of Supervisors disagrees with this recommendation as the Board has standing committees that would adequately serve these concerns. No new committee is necessary. The goal of protecting the public from harm and protecting County assets is a universal goal of this Board which transcends all of the work that the Board conducts. Suggesting a special committee to perform this goal would be duplicative and unnecessary.
- 10) Finding 7. The Board of Supervisors agrees with the first portion of this finding regarding Title 24 requirements. The second and longer portion of this finding has already been identified and is currently under review by the Corrections Standards Authority in its annual inspection of the jail as well as a professional services

agreement that this Board of Supervisors recently approved to engage the services of Criminal Justice Research Foundation. This professional firm specializes in detention facility planning and a component of the product under contract will be to address each of the identified issues. The report is expected later this year.

- 11) Recommendation 7. Please refer to the response to finding 7 above. There have been no injuries or threats of injury to the public as a result of the operation of the County Jail facility and any inmate who is impacted by the lack of recreational space can always request to be transferred to an adjacent County jail to accommodate these needs. We have found that this request for transfer for this stated purpose does not occur. The only injury noted in recent history resulting from the operation of the sallyport was an unfortunate individual who we were told was partying and under the influence and when he climbed up on the roof of the Courthouse, he slipped and fell into the sallyport. We believe he was detained but this can be confirmed by the County Sheriff.
- 12) Finding 8. The Board of Supervisors agrees with this finding.
- 13) Finding 9. The Board of Supervisors agrees with this finding.
- 14) Finding 10. The Board of Supervisors agrees with this finding and acknowledges that State funding is currently being used for the costs of providing correctional officers in the Sheriff Department.
- 15) Finding 11. The Board of Supervisors has approved a professional services agreement (see #10 herein) with Criminal Justice Research Foundation and this question will be addressed within the report produced by this firm.. The Correction Standards Authority provides annual inspections of the County jail and addresses any deficiencies. The Community Corrections Partnership Committee (AB 678 and AB 109) allocated \$10,000 to pay for initial architectural services and cost estimates for providing minimal sallyport improvements to more fully meet the intent of the State standards. The estimate of \$70,000 to \$100,000 is a reasonable estimate based on the architect's cost estimate.
- 16) Finding 12. The Board of Supervisors disagrees as the State standards only require a level of staffing to reasonably respond to County jail issues.
- 17) Finding 13. The Board of Supervisors agrees with this finding.
- 18) Finding 14. The Board of Supervisors disagrees with this finding. There is no State mandate for a two-person shift. Deployment of staff is the prerogative of the elected County Sheriff.
- 19) Finding 15. The Board of Supervisors does not possess an analysis that would confirm or reject this finding.
- 20) Finding 16. The Board of Supervisors agrees with this finding.
- 21) Finding 17. The Board of Supervisors agrees with this finding.
- 22) Finding 18. The Board of Supervisors agrees with this finding.
- 23) Finding 19. The Board of Supervisors acknowledges that the County Auditor created some preliminary numbers for discussion purposes but these numbers do not portray the true financial picture for the operation and maintenance of a County jail. The County has retained a professional firm to analyze this issue (see # 10 herein) and provide very reliable and accurate figures to represent the complete financial impact resulting from the operation of the jail. Any assumptions or statements of fact should properly await for the release of this document.
- 24) Finding 20. The Board of Supervisors agrees with this finding and requests that this finding contrast with the finding 12 and 14 reported in the Grand Jury Report.

- 25) Recommendation 7-19. The Board of Supervisors has contracted with a professional firm (outlined herein on numerous findings) and the analysis, the public opportunity to review the analysis, and the actions that may be taken by the Board of Supervisors accordingly must await the release of the report and analysis.

### **SIERRA COUNTY FOSTERS A DISRESPECT OF THE LAW**

- 1) Finding 1. The Board of Supervisors agrees with this finding and while enforcement is and should continue to be a necessary public service, the title bestowed this portion of the report is overstated and could have more aptly been described as “Sierra County must to revisit and affirm a consistent and effective permit enforcement policy for all land use or development-related departments”.
- 2) Finding 2. The Board of Supervisors agrees with this finding.
- 3) Recommendation 1. The Board of Supervisors agrees with this recommendation and will direct the County Planning Director and County Health Officer to jointly pursue software options for a permit tracking system that can be uniformly applied to building permits, environmental health permits, planning permits and land use enforcement, and road encroachment permits.
- 4) Recommendation 2. The Board of Supervisors partially agrees. However, equal application of the law is absolutely correct. Faithful application of the law assumes that all laws must be enforced all the time. Like it or not, the reason for local control of most police matters is so that such can be attuned to any community’s wishes, desires, customs, and traditions and Sierra County is no different. There is a huge level of discretion given to enforcement authorities and their oversight rests with either the electorate in the case of elected officials, or the board of supervisors with appointed department managers.

### **SIERRA COUNTY NEEDS A BETTER WAY TO ADDRESS EMPLOYEE CONCERNS**

F1. Agree.

F2. Disagree. Any employee can report such occurrences to their immediate supervisor, their department manager, any other department manager, county safety program manager, county counsel, or any member of this board of supervisors. In addition to their union, employees can make reports to the state Public Employment Relations Board (PERB) and to the Sierra County Grand Jury.

F3. Disagree. And this board has concern with the use of the pronoun ‘I’. Any grand jury activity should be undertaken by more than a single member of the grand jury. We further are disappointed with the use of the cute, but inaccurate term, Potemkin Village.

R1. While in a perfect world, perhaps this would be a nice addition to the present system. There is no guarantee that this would solve any more issues than the present system, those unsatisfied could label the ombudsman partisan of the board, and would add cost in a county with few employees.

As usual, this board would like to acknowledge the work of this grand jury for what at times must feel like an overwhelming and underappreciated role. Their efforts to keep county government the best it can be, free from corruption and mismanagement, are to be commended. We understand that any grand jury faces what at times can feel like a thankless task.

This board tries to do the same, but over a longer period of time and while having to do so with a limited budget and battling priorities. We likewise have to provide a service and make decisions after hearing from constituents countywide.

While grand juries work in secret and get to select issues of their liking, a board of supervisors must, under California law, do all of its business in public. Unlike a grand jury, the board must adopt a balanced budget annually. Especially in times of economic downturn that most of the world has seen in the past few years, this is far from easy. In more than one instance this report suggests what appears to be the easy budget out, 'find a grant.' Like it or not, much of Sierra County's budget is paid for by grants, not always easy to find or land, and more importantly not always available for those things we or the community wants most.

Like the members of the grand jury, we would hope most would understand that this board does the best it can, with the limited amount of resources we have, and it strives to do the best for the people of Sierra County.

Sincerely,

SIERRA COUNTY  
BOARD OF SUPERVISORS

BY: 

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Chairman of the Board

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

ATTEST: Sept 23, 2013

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

BY: 