



SIERRA COUNTY CIVIL GRAND JURY

PO Box 476
Downieville, CA 95936

The 2013-2014 Grand Jury began the year with some house keeping tasks that required action.

The first was the drafting of a Conflict of Interest Code for the Grand Jury that then had to be approved by the Board of Supervisors and enacted. This code establishes the standards for Grand Jurors when it comes to conflicts of interest between personal interests and the public interests of the Grand Jury.

The next issue that needed to be addressed was the funding needed by the Grand Jury to carry on the business of the Grand Jury for a complete year as the Grand Jury, historically, had insufficient funds to pay the small costs incurred for meetings and mileage to those meetings. Each member is entitled to \$15.00 for each Meeting of the complete Grand Jury and mileage costs of \$0.55 per mile.

After these two issues were addressed then the Grand Jury was able to start the work that it is impaneled to accomplish. The review of the operations of the County of Sierra and report the findings to the citizens of Sierra County. Additionally, it is tasked with making recommendations for improvements and corrections to the operation of the County.

This review was started by interviewing Department Officials, Members of the Board of Supervisors, Sheriff and the other elected officials. This provides the Grand Jury members with the education of the operation of the County and in some cases bring issues to the attention of the Grand Jury for further review.

The Grand Jury has only one area of the County that must be reviewed each year and that is the jail. Any other departments, agencies and the City of Loyalton can be reviewed as needed. Additionally, citizens brought concerns, issues and complaints to the Grand Jury by written letters, and personal appearances before the Grand Jury.

The 2013-2014 Grand Jury decided on investigating 7 areas or issues of the County.

Each member of the Grand Jury expended at least 200 hours of their time developing the information needed for the final report that is being submitted to the citizens of Sierra County for their review.

We, as the Grand Jury, wish to thank the Judge Kennelly and all of the personnel in the Court office for their outstanding and pleasant assistance. It made our work easier and that was greatly appreciated.

As the foreperson, I want to personally thank each of the members of the Grand Jury for their dedication and work needed to prepare this report for you.

The members of the 2013-2014 Sierra County Grand Jury

- | | |
|-------------------------------|--------------------|
| 1. Adasiewicz, William | Pike |
| 2. Bostrom, Docia | Sierra City |
| 3. Camara, Sue | Loyalton |
| 4. Diedrich, Sandra | Sierra City |
| 5. Holley, Ed | Loyalton |
| 6. Kinkead, Becky | Loyalton |
| 7. Mitchell, Beverly | Calpine |
| 8. Potter, Mary K. | Downieville |
| 9. Sharp, Joan | Pike |
| 10. Verner, Dale | Loyalton |
| 11. Walsh, Juliana | Sierraville |

Respectfully submitted,

William Adasiewicz,
Foreperson of the 2013-2014 Sierra County Grand Jury

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SIERRA COUNTY GRAND JURY REPORT ON THE LAW ENFORCEMENT COMMITTEE

SUMMARY

Each year it is the obligation of the Sierra County Grand Jury to inquire into jails within the county pursuant to the authority granted by Section 919(a) and 919(b) of the Penal Code.

BACKGROUND

Sierra County Sheriff's Office provides law enforcement, patrol emergency services, and public safety services for the residents of Sierra County.

The county jail is used for the detention of persons under the following circumstances:

- a. awaiting arraignment
 - b. awaiting trial or other disposition of their case
 - c. persons sentenced to a county jail term or to a state prison term that are eligible to be served in a county jail pursuant to AB 109 realignment guidelines
- persons sentenced to mandatory state prison term awaiting transport to state prison facility

Sierra County's jail facility became an addition to the courthouse in the 1980's and underwent remodel up-grade in 1992-1993. A new substation was constructed on the eastern side of Sierra County in Loyalton in 2007.

In prior Grand Jury Reports, the jail's deferred maintenance resulting in on-going structural deficiencies has been cited as a continuing problem.

APPROACH

An inspection of the jail facility took place in September, 2013 and again in October, 2013. The second inspection was conducted by grand jury members that were not able to attend the initial inspection.

The Loyalton sub-station was inspected in October, 2012. Sheriff Evans was interviewed by the committee in September, 2013 at the jail in Downieville and by the entire grand jury in December, 2013 at Sierraville School, Sierraville.

DISCUSSION

Jail facility – Continual maintenance has been done of the jail facility to resolve as many of the structural deficiencies as possible and as budget restraints allowed.

At this time all repairs that could be made have been made.

The entire jail and sheriff's office have been painted. Aesthetically, the jail is currently in the best condition it has been in years. Additional up-grades and improvements have been made to the elevator as well as room/area identifiers in the jail and sheriff's office in general. Painting and other signage improvements have also been made.

FINDINGS

- F1. The Radio Antenna Towers, (although there is "Restricted Area – No Public Access" signage), do not appear to be secure from public access, posing possible liability issues should someone attempt to climb the towers and injure themselves.
 - F2. Existing sally-port recreation area continues to not meet the standards set by the state per Title 24 for jail building standards for that purpose.
 - F3. Jail facility was built as a Type I* facility but has always operated as a Type II** facility.
 - a. *Type I facility holds inmate up to 96 hours.
 - b. **Type II facility holds inmates pending arraignment, during trial, and upon sentencing.
 - F4. An up-grade to the sally-port/recreation area would bring the jail into full compliance with Title 24 for jail building standards. While non-compliance is not illegal, it exposes the county to civil liability should a negative event occur.
 - F5. Funding to rectify existing non-compliance with Title 24 due to the sally-port/recreation area structural deficiencies is being sought via AB 109 realignment funds.
 - F6. There is a possibility that the jail will be deemed a financial burden to the county that can no longer be sustained, thereby generating continued discussion on whether the jail should be maintained or closed meaning inmates would be permanently housed out of county.
 - F7. Disbursement of AB 109 realignment funds to bring the existing sally-port/recreation area is pending completion of the SB 678/AB 109 Integrated Implementation Plan prepared by Fred Campbell, Criminal Justice Research Foundation, and the Board of supervisors' decision regarding the viability of keeping the jail open. As of the time of this report, the finalized report was still pending completion.
 - F8. There appeared to be a lack of effective communication from administration as to what training was available for Correctional Officers versus what training the Correctional Officers were actually being offered or sent to by superiors. That issue has been resolved.
- Sheriff Evans, the deputies, and the correctional officers/dispatchers are commended for their hard work at resolving those matters that were within their power to resolve. Sheriff Evans and his staff's cooperation with this grand jury has been exemplary.

RECOMMENDATIONS

- R1. Upon completion and presentation of Fred Campbell's in-depth analysis of the jail, the Sierra County Board of Supervisors must make a decision of the financial viability of keeping the jail open.
- R2. The Sierra County Board of Supervisors must hold public hearings throughout the county in order to gain the public's input regarding the prospect of closing the jail.
- R3. The Sierra County Board of Supervisors must act as expeditiously as possible on the information presented for the benefit of Sierra County.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- John Evans
- Sierra County Sheriff-Coroner

From the following governing bodies:

- Sierra County Sheriff-Coroner

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

SIERRA COUNTY GRAND JURY REPORT ON THE COMMUNITY CORRECTIONS PARTNERSHIP

SUMMARY

The 2013 – 2014 Sierra County Grand Jury decided to form a committee to get an understanding of the mandated programs of the Community Corrections Partnership.

GLOSSARY

CCP - Community Corrections Partnership
BOS - Board of Supervisors
FY - Fiscal Year

BACKGROUND

The Community Corrections Partnership (CCP) was formed due to the realignment law (AB109). Realignment was mandated by the state to keep the prison population down by reassigning inmates to county jails. The Chief Probation Officer is the chair of the Community Corrections Partnership. The Executive Committee consists of: a representative of the Sierra County Sheriff's Department, a representative from Sierra County Probation Department, representation from Health and Human Services, the Public Defender, the District Attorney, and a retired judge appointed by the Superior Court Judge. Regular committee members include a representative of the Board of Supervisors (BOS), the superintendent of schools, and a victim /witness advocate.

APPROACH

A meeting of the Community Corrections Partnership was attended by the committee. Copies of the in-progress funding chart from AB 109 and SB 678 were obtained. A copy of the implementation plan, titled FY2011, was obtained. This included the proposed jail improvement plan. The chair of the CCP, who is the Chief Probation Officer, was interviewed by the grand jury.

DISCUSSION

The CCP has been preparing a Draft SB 678 & AB 109 Integrated Implementation Plan with the assistance of the Criminal Justice Research Foundation. The plan includes programs and

services provided, targeted offender groups, and funding sources. The plan includes a proposed Sierra County Jail improvement. It also includes a feasibility study on whether to continue to have a jail.

n Past Grand Jury report noted the need for jail construction and upgrades to the facility's outdoor recreation yard.

n The current CCP study of jail feasibility needs to be completed and presented to the Board of Supervisors who would make the final determination on the jail.

The implementation strategies adopted by the Community Corrections Partnership are for FY 2011 -2014. Integrated Implementation Plan involves “core” programs /facilities that include: (1) alternatives to incarceration; (2) custody housing; (3) alternative custody diversion programs; (4) community supervision; (5) evidence-based assessments and treatment programs; and, (6) continuum of intermediate sanctions for program violations.

The Integrated Implementation Plan continues the basic organizational structure that integrates jail inmate custody housing capacity and programming across the three components of County's adult criminal justice system including (a) jail housing (Sheriff's Department), (b)community supervision (Probation Department), and (c) Court processing and treatment / programming (Drug and Realignment Court).

Treatment and programming includes increased services directed to offenders participating in expanded alternatives to incarceration. Non-custody diversion programs include home detention and electronic monitoring and community supervision (Day Reporting Center).

The planning, development and implementation of the program is shaped by certain guidelines and principles. Each program is concerned with maximum community safety and treatment support for high-risk offenders.

FINDINGS

F1. The CCP is spending the funds according to the state recommendations.

RECOMMENDATIONS

R1. It is recommended that a clear method of tracking funds and reporting on outcomes be followed.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

Information on how various departments will track funds and outcomes from the Community Corrections Partnership Committee in care of Jeff Bosworth, chairman.

SIERRA COUNTY GRAND JURY REPORT ON THE PROBATION DEPARTMENT

SUMMARY

The 2013-2014 Sierra County Grand Jury, upon reviewing the history of past Sierra County Grand Jury reports, decided to form a committee to review the Probation Department because it had not been reviewed in nine years.

GLOSSARY

CCP - Community Corrections Partnership

EM – Electronic Monitoring

BACKGROUND

Probation has undergone some changes since the enactment of the California Community Corrections Incentives Act of 2009 (AB 109 and SB678) established a Community Corrections Partnership (CCP) in each county which consists of several government and community stakeholders to approve budgeting..

Due to reduced funding the staff for probation was reduced from five to three.

Probation clients used to be supervised by county probation before prison commit. Parole clients were supervised by state parole agents after prison release. Since the realignment instituted by AB109, certain felonies (non-violent, non-sexual) can be served in county jail instead of state prison, so those would be under the supervision of the Probation Department.

The Probation Department at the time of the interviews included three people: the Chief Probation Officer, the Deputy Probation Officer, and the Probation Specialist/Drug Court Coordinator.

APPROACH

The Chief Probation Officer was interviewed by a committee. Later the Chief Probation Officer was interviewed by the entire Grand Jury. At that time the Grand Jury was presented with the Chief Probation Officer's history of education and experience. A detailed chart including staffing, budget, funding sources and a chart on realignment was provided.

DISCUSSION

Electronic monitoring is used in five possible situations: 1) probation; 2) intermediate sanctions; 3) pretrial for those who can't afford bail and can't be released on their own recognizance (up to defendant and not available to dangerous criminals); 4) jail overcrowding; and 5) early release. The electronic monitoring involves an inclusion zone, where the individual is confined to one area and/ or an exclusion zone, where the individual is restricted from a specific area.

The Probation Department is county based and its main objective is to prevent incarceration and make sure the clients keep the rules ordered by the judge.

The most common crime committed in the county is residential burglary.

FINDINGS

- F1. In response to the AB109 Realignment Act and the impact the legislation could have in terms of longer county jail terms, the Probation Department has developed and has secured approval from the Sierra County Board of Supervisors to implement the Pretrial Electronic Monitoring Program (EM).
- F2. We find that the Probation Department is operating very effectively with limited staff. They have a wide range of clients and responsibilities. Their effectiveness could be better with more staff and resources. The Probation Department will be getting more staff with the realignment funds, and the staff is up to the challenge of improving the results of the programs

RECOMMENDATIONS

- R1. Continue the Electronic Monitoring Program that is in place.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- The Chief Probation Officer, an acknowledgement of the report and comments.

SIERRA COUNTY GRAND JURY REPORT ON THE CALPINE WATER DISTRICT

SUMMARY

As requested by the Grand Jury of 2012-13, we have reviewed the methods of operations of the above District. The Calpine Water District was found to be following legal procedures as well as being very cooperative with the Grand Jury. The report finds that they have a long term improvement plan in place with regard to their water system. This plan includes fire protection procedures with the local volunteer Fire Department, scheduled maintenance, and upgrades to their water system. It is recommended that they continue to move forward and consider the state licensed Water Operator's recommendations which will improve the longevity, sustainability, and productivity of the water system.

GLOSSARY (IF NEEDED)

SCADA – Supervisory Control and Data Acquisition

RCAC – Rural Community Assistance Corporation

BACKGROUND

This District has a five member Board. It provides water service and fire hydrants to a total of 200 customers in the Calpine District. It was established in 1958 and is under the jurisdiction of the State of California's Water Quality Board and Water Quality Standards established by the Safe Drinking Water Act.

APPROACH

The Grand Jury committee attended multiple District Board Meetings. We interviewed the Water Operator, who is currently contracted by the District (since 2008) and has been instrumental in operating and maintaining the water system. We also reviewed and

investigated one Grand Jury complaint to find that the appropriate county agencies are positively responding and acting accordingly to resolve apparent issues.

DISCUSSION

There are currently nineteen (19) fire hydrants within the District. It was requested at the November 20, 2013 board meeting by two volunteer fire department members, that a maintenance program for these hydrants be put into place and adopted by the District. This would ensure that the fire hydrants are in good working order in case of an emergency/fire. They have contracted with RCAC to conduct a median income survey, which is required in order to apply for grant funding. This funding would assist in the implementation of the new (telemetry) SCADA System as well as the installation of water meters at each residential service.

A pilot study is being conducted on the arsenic remediation at Well #2.

The budget is a work in progress.

Every six months they have in place a review process for their long term plan, and the above items are reviewed and discussed at those times.

FINDINGS

F1. The Board meetings are held on the 3rd Wednesday of each month and are properly posted at least 72 hours in advance of the meeting, which is in compliance with the Brown Act. The postings include two public community bulletin boards.

F2. They are in compliance with the State of California water testing requirements.

F3. All invoices are presented to the Board members at the monthly board meeting for approval, prior to the disbursement of funds by Sierra County.

F4. The financial statement currently has a positive cash flow.

F5. The District has a routine maintenance schedule in place for existing facilities and a long term improvement plan for the upgrade of facilities with the following people serving as Project Chairs: James Murphy -meters; Pat Blide - arsenic levels; Russell Rosewood-telemetry; Christine Lindberg -finances.

RECOMMENDATIONS

R1. Continue to conduct monthly board meetings in accordance with the Brown Act.

R2. Continue to stay in compliance with regard to water quality testing requirements. (This includes required licensing of your water system operator.)
Make sure the budget allows for current expenditures.

R3. Continue to discuss the ability of financing for the long term plans which are currently in progress.

R4. Consider collecting facilities fees from all new development in order to plan for future

growth and upgrade of facilities as warranted.

R5. Implement a maintenance program for the fire hydrants to ensure public safety.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies: the Water District Board for Calpine.

The Grand Jury commends the district for conducting business in the proper manner.

SIERRA COUNTY GRAND JURY REPORT ON THE ELECTION PROCESS

SUMMARY

The Grand Jury sent two observers to watch the vote counting process on Election night on June 3, 2014. Sierra County vote is done entirely by mail. Ballots must be received by the County Elections Official no later than 8PM on June 3, 2014 to be counted.

BACKGROUND

THE LETTER FROM CLERK-RECORDER/ ELECTIONS DEPARTMENT

The Sierra County Elections Department would like to invite two members of the Grand Jury to serve on the Logic and Accuracy Board for the June 3, 2014 Statewide Direct Primary Election.

The purpose of this request is to provide the Grand Jury with the understanding of the procedures involved in conducting an election. We are requesting that the two members of Grand Jury serving on the Logic and Accuracy Board be present at 6:00 p.m., June 3, 2014. Please contact our office as soon as possible with the names of the two representatives who will be joining us on election night. If you are unable to assign two members of the Grand Jury please let us know so that we can make other arrangements.

In addition to serving as our Logic and Accuracy Board, the Grand Jury is also invited to observe any part of the vote-by-mail process. Please see the enclosed Notice of Central Counting Place and Commencement of Vote-By-Mail Process. Also, enclosed for your review is the "Vote-By Mail Processing Observer Guidelines". It is the goal of this office to insure the integrity and accuracy of the election process. Should you have any questions or concerns regarding this request please contact my office at (530) 289-3295.

Very Truly Yours,
Heather Foster,
County Clerk-Recorder

Enclosures

NOTICE OF CENTRAL COUNT

COMMENCEMENT OF VOTE-BY-MAIL PROCESS

NOTICE OF CENTRAL COUNT

NOTICE IS HEREBY GIVEN that the following central counting place has been legally designated by the Registrar of Voters of the County of Sierra for the Statewide Direct Primary Election to be held on June 3, 2014.

COUNTING PLACE

100 Courthouse Square Room 11
Downieville, CA 95936

The Registrar of Voters also, hereby notifies all interested organizations that the verifying of signatures on vote-by-mail ballots cast for the Statewide Direct Primary Election will commence on May 7, 2014 and will continue thereafter in the County Elections Office at 100 Courthouse Square, Room 11, Downieville, California. On May 28, 2014, or at any time thereafter, the opening and processing of vote-by-mail ballots will commence. This process will continue until all election results are tabulated and the election is certified. The process is done in a manner which insures the secrecy of all ballots.

The processing of vote-by-mail ballots is open to members of the public for observation. Observers shall not interfere with the orderly processing and counting of vote-by-mail ballots, including touching or handling of the ballots or envelopes.

Dated: May 5, 2014

HEATHER FOSTER

Sierra County Registrar of Voters

VOTE-BY-MAIL BALLOT PROCESSING OBSERVER GUIDELINES

GENERAL RULES

1. No observer shall interfere with the orderly processing of mail ballot return envelopes or ballot processing/counting. Observers shall not touch or handle the ballots (Elections Code § 151 04 (e)). Observers shall not enter inside the area where the processing of mail ballot return envelopes and the processing/counting of mail ballots takes place.
2. Observers will be permitted access to a designated observation area, sufficiently close to enable them to observe and challenge whether individuals handling vote-by-mail ballots are following established procedures (Elections Code § 151 04(d)).
3. Observers, while within the designated observation area shall not:
 - carry on conversations with each other
 - engage in loud talking or arguing or make disruptive comments or noises, including sighs or gasps.
4. Questions or challenges regarding the handling of vote-by-mail ballots shall be addressed only to Melissa Kinneer, Elections Supervisor or Heather Foster, County Clerk.

BALLOT HANDLING CHALLENGES

1. Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other

party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote-by-mail ballots are handled, from the processing of the mail ballot return envelopes through the counting and disposition of the ballots (Elections Code § 151 04(b)).

2. Observers may not challenge signatures on mail ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.

3. Observers may challenge whether the individuals handling mail ballots are following established procedures. Established procedures of the Sierra County Clerk-Recorder include the following:

a. Verifying signatures by comparing them to voter registration information

ESTABLISHED PROCEDURE:

The signature comparison is done at the time a return batch is processed and the return status is entered into the vote-by-mail list.

b. Duplicating accurately any damaged or defective ballots

ESTABLISHED PROCEDURE:

Two Election Officials must work together on this process:

- One worker reads from the ballot, as the second worker marks the exact votes from the original to the duplicate ballot.
- The workers write the date, duplication cross-reference sequence number and both workers' initials on the original/old ballot as well as on the duplicated/new ballot.
- The original/old ballot is placed in a "Duplicated Ballots" manila envelope and the duplicate/new ballot is placed in a "Duplicate" ballot container sealed and with the "temporary storage seal" signed by both workers. The sealed container shall be taken to the central counting place to be counted and/or placed in the Clerk-Recorder's safe to be counted at a later time.

c. Securing vote-by-mail ballots to prevent tampering before counting.

ESTABLISHED PROCEDURE:

Returned vote-by-mail ballots are kept in the safe located in the Clerk-Recorder's Office when not being worked on by the elections office staff. Persons other than elections office personnel are not allowed access to the secure storage area unless escorted by Elections Office personnel. The safe is locked at all times when staff is not present and the building is secured with an alarm when the county offices are closed. No containers with ballots shall be left unattended unless they are locked in the office safe.

VOTER CHALLENGES

1. Prior to processing and opening vote-by-mail ballot return/identification envelopes, the election official shall make available a list of vote-by-mail voters for public inspection, from which challenges may be presented. All challenges shall be made prior to the opening of the identification envelope of the challenged vote-by-mail voter (Elections Code § 151 05).

2. Challenges may be made for the same reasons as those made against a voter at a polling place (Elections Code § 14240(a); 15105):

- a. That the voter is not the person whose name appears on the index.
- b. That the voter is not a resident of the precinct.
- c. That the voter is not a citizen of the United States.
- d. That the voter has already voted in this election.
- e. That the voter is presently on parole for conviction of a felony.

3. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by the California Elections Code or that a person is imprisoned

for conviction of a felony (Elections Code § 151 05).

4. If the elections official receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request or demand that the person or persons be challenged, the election official shall first determine whether the document or list accompanied by evidence constituting probable cause to justify or substantiate a challenge (Elections Code § 14240(c)).

5. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made (Elections Code § 151 06).

DISCUSSION

As observed the Clerk/Recorder maintains checks and balances, confidentiality and assures that the vote counting machine and program are working properly. Additionally, the Clerk/Recorder followed the procedures as outlined above.

FINDINGS

F1. The Clerk/Recorder diligently oversaw the entire process.

F2. People were encouraged to observe the entire process of verifying signatures on the vote by mail ballot return envelopes.

F3. People were encouraged to observe the process of counting of the ballots.

F4. The Staff was extremely professional and thorough in strictly following the protocol for counting and verifying the vote count.

F5. Test ballots were scanned, fed thru the counting machine and verified by Grand Jury Members to assure the counting machine was functioning properly. The actual voted ballots were only handled by designated Elections Officials who then fed through the counting machine.

RECOMMENDATIONS

R1. The citizens of Sierra County should thank the Clerk/Recorder and her staff for their professionalism and the excellent care in making the voting process honest and transparent. The process is open for all citizen observers.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Heather Foster, Sierra County Clerk-Recorder.

SIERRA COUNTY GRAND JURY REPORT ON THE TURNER DESK

SUMMARY

This matter was brought before the Grand Jury addressing one piece of historical furniture belonging to the County of Sierra that is no longer under the control of the County or a Historical / Museum entity designated to preserve the piece. But there is a much bigger issue also that needs to be addressed which how the County of Sierra catalogs, preserves and controls the many historical objects that it is has acquired over time or acquires in the future.

BACKGROUND

In 1943, the Turner family of Sattley donated a table to the Sierra County Board of Supervisors. The table was made by F.H. Turner in 1907 at the Turner Saw Mill in Sattley. A carving on the table reads: "Presented to the Board of Supervisors of Sierra County by F. H. Turner, March 1, 1943."

Up until December of 2006, the table was located in the Sierra County Courthouse, for many years in the County Assessor's Office.

APPROACH

A citizen was interviewed by the Grand Jury. Materials were provided including the following: copy of an article from the Mountain Messenger dated March 3, 1943; copy of a page from James Sinott's book, History of the Sierra Valley; various email correspondence regarding the table; and, Board of Supervisor ROP regarding approval of declaring the table surplus.

DISCUSSION

The Grand Jury examined documented evidence that led to several findings.

On December 12, 2006, an email was sent from a county employee to the Public Works Department asking how to give Bill Copren, retiring county assessor, the table/desk located in his office. The email did not mention that the table had been given as a gift to Sierra County. An Agenda Transmittal and Record of Proceedings form, dated December 12, 2006, was submitted from the Department of Public Works and Transportation, requesting "Approval of declarations of surplus for table in County Assessor's Office and authorization for Director of Transportation for disposition" as a routine operation. The table was not clearly identified and again the historical significance of the table was not mentioned.

The Board of Supervisors ROP, dated December 19, 2006, stated that the Board approved the

declaration of surplus for a table in the County Assessor's Office and authorization for Director of Transportation for disposition.

FINDINGS

F1. Pertinent information was omitted in the agenda item (i.e. indicating the table was a surplus item rather than disclosing its historical significance).

F2. Bill Copren is in possession of a cultural artifact donated to Sierra County.

RECOMMENDATIONS

R1 The Sierra Board of Supervisors should reexamine its policy of disposing of surplus items to avoid a recurrence of inadvertently getting rid of valuable or historical items. They should be wary of being fooled through less than honest means to declare something surplus.

R2 Resolution 2006-193 was approved incorrectly due to misrepresentation, and the Grand Jury recommends that the Sierra County Superior Court order the Turner table be returned to the county forthwith.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:
The Sierra County Board of Supervisors

BIBLIOGRAPHY

Sinott, James, History of the Sierra Valley, page 290

SIERRA COUNTY GRAND JURY REPORT ON THE CITY OF LOYALTON

SUMMARY

Originally known as Smith's Neck, Loyalton's sentiment of loyalty to the Union Cause during the American Civil War led its name change in 1863. In 1901, Loyalton was incorporated as a dry town; its size was set at 50.6 square miles. It was California's second largest city after Los Angeles. Today, Loyalton is the only incorporated city in Sierra County. There are only nine incorporated cities in California with smaller populations than Loyalton, whose population is 769.

Loyalton is located at 39°40'36"N 120°14'35"W (39.676558, -120.243157). Elevation above mean sea level for the area is listed as roughly 4,930 feet (1,500m).

According to the United States Census Bureau, the city has a total area of .4 square miles (1.0 km²), all of it land.

Demographics

2010

The 2010 United States Census reported that Loyalton had a population of 769. The population density was 21 people per square mile (835.2/km²). The racial makeup of Loyalton was 701 (91.2%) White; 2 (.3%) African American; 21 (2.7%) Native American; 0 (0%) Asian; 0 (0%) Pacific Islander; 20 (2.6%) from other races; and 25 (3.3%) from two or more races. Hispanic / Latino of any race were 108 persons (14.0%).

The Census reported that 738 people (96.0% of the population) lived in households, 0 (0%) lived in non-institutionalized group quarters, and 31 (4.0%) were institutionalized.

There were 308 households, out of which 86 (27.9%) had children under the age of 18 living in them; 163 (52.9%) were opposite-sex married couples living together, 28 (9.1%) had a female householder with no husband present, 19 (6.2%) had a male householder with no wife present. There were 25 (8.1%) unmarried opposite-sex partnerships, and 0 (0%) same-sex married couples or partnerships. Eighty-one households (26.3%) were made up of individuals, and 35 had someone living alone who was 65 years of age or older. The average household

size was 2.40. There were 210 families (68.2% of all households), and the average family size was 2.84.

The population was spread out with 156 people (20.3%) under the age of 18, 55 people (7.2%) aged 18 to 24, 164 people (21.3%) aged 25 to 44, 243 people (31.6%) aged 45 to 64, and 151 people (19.6%) who were 65 years of age or older. The median age was 46.2 years. For every 100 females there were 101.3 males. For every 100 females aged 18 and over, there were 98.4 males.

There were 371 housing units at an average density of 1,043.6 per square mile (402.9/km²), of which 225 (73.1%) were owner-occupied, and 83 (26.9%) were occupied by renters. The homeowner vacancy was 3.4%; the rental vacancy rate was 8.8%. 526 people (68.4% of the population) lived in owner-occupied housing units, and 212 people (27.6%) lived in rental housing units.

2000

As of the census of 2000, there were 862 people, 323 households, and 235 families residing in the city. The population density was 2,516.4 people per square mile (978.9/km²). There were 347 housing units at an average density of 1,013.0 per square mile (394.1/km²). The racial makeup of the city was 94.90% White, 0.23% African American, 2.67% Native American, 0.12% Asian, 0.58% from other races, and 1.51% from two or more races. Hispanic or Latino of any race was 7.19% of the population.

There were 323 households out of which 38.4% had children under the age of 18 living in them; 53.6% were married couples living together; 11.1% had a female householder with no husband present; and, 27.2% were non-families. 23.8% of all households were made up of individuals, and 10.2% had someone living alone who was 65 years of age or older. The average household size was 2.58, and the average family size was 3.00.

In the city, the population was spread out with 29.1% under the age of 18, 6.0% from 18 to 24, 24.8% from 25 to 44, 24.4% from 45 to 64, and 15.7% who were 65 years of age or older. The median age was 39 years. For every 100 females there were 94.6 males. For every 100 females aged 18 and over, there were 91.5 males.

The median income for a household in the city was \$34,063, and the median income for a family was \$39,750. Males had a median income of \$38,864 versus \$23,571 for females. The per capita income for the city was \$15,732. About 20.3% of families and 18.1% of the population were below the poverty line, including 22.0% of those under age 18 and 6.7% of those aged 65 or over.

Politics

In the state legislature, Loyalton is in the 1st Senate District, represented by Republican Ted Gaines, and in the 1st Assembly District, represented by Republican Brian Dahle. Federally, Loyalton is in California's 1st Congressional District, represented by Republican Doug LaMalfa. Because Loyalton is Sierra County's most populous municipality and its only

incorporated city, generally half of the meetings of the county's board of supervisors are held in Loyalton while the other half are held in Downieville, the county seat.

Selection for Review

The City of Loyalton had not been investigated since 2007, and, with the problems that face the city, it was decided to take a closer look at the city government. The Grand Jury received a number of requests from citizens requesting that the Grand Jury take a close look at the city and its operation.

As the tenth smallest city in California, Loyalton faces many problems that are not unique to small cities, i.e. city income to pay for adequate city services, employees and their benefits. The city presently has only one full-time employee and varying numbers of part-time employees on the payroll. Labor is also provided at times by unpaid volunteers.

The management for the city is through the City Council with the Mayor and one City Council member appointed to act as a defacto City Manager.

The City, through its City Council, has decided that amateurs know the best way to run the city, and this is causing problems that are starting to show up. This is exposing the citizens of the city to liability issues in many forms and from many sources.

The lax oversight of previous city councils resulted in the misappropriation of city funds that were then dispensed as inflated wages to employees. Luckily, the city was able to recoup some of the money through claims to their insurance carrier.

The Grand Jury unfortunately does not have the resources to perform a forensic analysis of the bookkeeping of the city, but there is some evidence that the city is playing games with accounts to accomplish projects and outcomes that do not follow the basic rules of accounting.

The City Council decided that a contract with Sierra County to provide the resources for the issuance of building permits and inspection services was not providing the flexibility and type of service desired, so they have contracted with private individuals to provide those services.

The lack of trained individuals to handle critical issues within the city further exposes the citizens to costs that cannot be determined at this time but were wholly avoidable. For example, the recent fire that consumed the Loyalton Hotel has resulted in liability to the city, and thus its citizens, for the improper conduct of attempting to dispose of the remains of the fire without proper protocols for the handling of toxic materials and then entombing potential toxic material at the fire site by covering the site with dirt.

The gifting of city property to private landowners does a disservice to the other citizens of Loyalton. For example, the City paid for the demolition and removal of the debris from the hotel fire and then supplied materials, equipment, and labor for work on private property by hauling dirt from county property to cover the site of the fire at the Loyalton Hotel.

The lack of training and knowledge of the handling, storage, and use of toxic materials has resulted in Cease and Decease Orders issued by the State of California after employees told to

apply the toxic materials were found to be untrained in the use of these toxic materials and not provided with appropriate safety clothing and protection equipment.

The failure of the City to retain independent professionals capable of reviewing, inspecting, and overseeing the construction of the sewer treatment plant has resulted in a failure of the sewer treatment facility which is now resulting in the city having to find money from outside sources to even pursue a cause of action for breach of contract against the parties involved with the construction of the sewer treatment plant. Litigation is always an unknown with unknown outcomes; even if the City is able to prevail, will there be enough money in a judgment left after costs to pay for the repairs to the sewer treatment facility?

The actions of the City Council to lower sewer and water fees to curry favor with the electorate instead of providing the leadership needed to assure the necessary funds will be available for repairs whether to the sewer system or water system in the future is short-sighted and very problematic.

The city has less than \$300,000.00 in reserves for a 2.3 million dollar budget, which indicates that the city is one month away from bankruptcy.

APPROACH

The Grand Jury interviewed previous employees, citizens, and City Council members and reviewed documents provided by City, County, and State departments and officials.

DISCUSSION

The Grand Jury received many complaints from citizens. They ranged from complaints that the City Council did not listen to or consider the input from the citizens of Loyaltown and did what they wanted to do regardless of public opinions to alleged mismanagement by the City Council, including

1. Mismanagement of City funds and
2. Of employees and
3. Improper use of credit cards and
4. Misappropriation of grant monies and the use of those monies on projects that were not allowed under the terms of the grants.

These resulted in low employee morale and discord through

1. Lack of proper and clear communication by City Council members
2. Issuance of improper directives by City Council members

3. Arrogant, dismissive, and condescending attitudes on the part of City Council members toward employees

4. Being asked by City Council members to do, act, and perform tasks that were questionably legal or proper because the city council members wanted to accomplish a goal and didn't care if it was proper or not. Examples included spraying herbicides without proper protection for the employees and placing expenditures in accounts that were not correct and could in fact have been illegal. In one particular case, an employee failed to comply with an improper directive, and the employee was terminated.

The Grand Jury found some of the City Council members to be less than honest with the Grand Jury in an effort to minimize their involvement in certain activities and an apparent attempt to shield themselves from any liability. This specifically concerns information told to the Grand Jury by Brooks Mitchell and Craig McHenry. Mr. McHenry claimed that he did not supervise work assigned to City employees and yet Mr. Mitchell said that Craig McHenry was in fact the supervisor of employees. Further we had witnesses who claimed that both Craig McHenry and Brooks Mitchell were involved and directed the efforts to have contractors demolish and haul the debris away from the hotel fire to the dump. They at the same time denied any culpability for those orders. In spite of this, they authorized an amount believed to be in excess of \$6,000.00 to be paid to one contractor for the demolition and hauling of debris from the hotel fire. It could be easily argued that the City of Loyalton exceeded its authority by doing more than putting the fire out and knocking down the walls (if they were determined to be a hazard). Someone at the city council level authorized city employees to haul dirt and cover the hotel site after the debris was hauled away which covered up toxic material possibly left behind. (Ash and debris had filled the basement areas of the hotel.) It is known that the toxic material, lead, was found to be in the debris from the fire.

There were questions raised regarding the method of awarding contracts for equipment purchased by the City. In one case it appears that Mr. Craig McHenry had the City purchase a tractor without going out for bids. This is a policy that does not respect the need for cities to spend their monies wisely by getting multiple bids for large purchases to prevent overpaying for the desired items.

The City Council has decided to use volunteers who work for free to do many city projects, but they do not determine if these volunteers are healthy enough to be doing the jobs they are assigned. In one case we found that an operator of heavy equipment has a history of strokes. This raised the question of whether this failure to determine the health status of these volunteers prior to assigning them tasks exposes the city to greater liability and whether the insurance carrier will cover this lack of due diligence by the City.

We reviewed the policy and procedure manuals and found them to be incomplete and wanting when it comes to issues like drug testing.

We strongly question the long term viability of the City of Loyalton with its declining population and lack of jobs within the community to support its citizens.

FINDINGS

- F1. In talking to the previous bookkeeper for the City, sufficient concerns were raised to warrant further investigations to determine if in fact funds are being used for improper purposes, i.e. funds from one account being used in another.
- F2. Our investigation found that the micro managing of employees resulted in scheduled tasks not being done on time resulting in additional costs to the city. Regular maintenance of the pumps at the sewer treatment plant was not done resulting in premature failure of pumps because the employees were assigned other tasks.
- F3. Because previous City Councils failed to monitor the financial status of the city and its expenditures including wages paid resulting in losses to the city, we are deeply concerned that reducing fees for water and sewer is short sighted when the costs to the city are unknown for the final repair of the sewer system.
- F4. The City has been saved from bankruptcy by the insurance settlement for employee misbehavior at the least and criminal embezzlement at the worst.
- F5. Likewise, without the luck of the USDA grant to pursue litigation against the contractors involved with the original construction of the sewer treatment system, the city would again be bankrupt as they would have no resources to pursue the litigation or to repair the sewer treatment system.
- F6. This lack of financial stability dos not bode well for the longevity of the City.
- F7. The fact that the members of the City Council cannot get their stories straight as to who directs the employees on a daily basis reinforces the allegations of a lack of clear communication to the employees as to their tasks and duties. This lack is further reinforced by policies and procedures manuals that are generally vague and unhelpful to the employees.
- F8. The fact that City Council members are acting as professional managers of the City without the knowledge commensurate with the position exposes the city to additional liability, whether it is the lack of knowledge of the safety requirements for application of herbicides or the possible toxic nature of material after a hotel or other building burns to the ground.
- F9. There appears to be no coherent policy for using volunteers, i.e. whether drug testing needs to be done (especially in the case of driving city equipment) or health checks to prevent high risk people from performing tasks dangerous to their health. The city is exposed to liability, and if the risk is not covered the city will be bankrupt shortly.

RECOMMENDATIONS

- R1 Each one of the findings are self explanatory as to what needs to be done.
- R2 The best recommendation that the Grand Jury can make is for the citizens of Loyaltan to become involved with the city and watch everything they do.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- The City of Loyalton

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.