

FILED

SEP 03 2014

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

**In the Matter of
2013-2014 Sierra County Grand Jury**

**Amended
MINUTE ORDER**

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Probation response to Grand Jury Reports of 2013-2014**, received on September 2, 2014.

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 3rd day of September, 2014

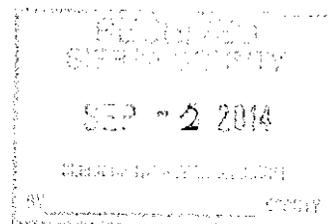
ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 3rd day of September, 2014

SIERRA SUPERIOR COURT

BY *[Signature]* Clerk

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

RESPONSE TO GRAND JURY REPORT FORM



Report Title: Probation Department

Report Date: August 20, 2014

Response by: Jeff Bosworth Title: Chief Probation Officer

FINDINGS

- I (we) agree with the findings numbered: F1 & F2
- I (we) disagree wholly or partially with the findings numbered: _____
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/02/14 Signed: Jeff A. Bosworth

Number of pages attached 3

RESPONSE TO GRAND JURY REPORT FORM

I appreciate the positive review that the probation department received from the Grand Jury. I am quite pleased with this department and am very proud of the direction we are heading and the hard work put forth by all my staff. As mentioned, I was able to hire a new probation officer with the realignment funds (SB678). We were very fortunate and were able to hire a very experienced officer (approximately 12 years of probation experience).

I. Clarification of Realignment Supervision

I would like to clarify one minor point about realignment (page 1, lines 18-22). The first sentence is quite correct about the previous relationship between probation and parole. However, I would like to clarify the second sentence a little bit. The realignment laws actually created four categories of offenders after completing their prison terms (probation before prison terms did not change). They are categorized as follows based on the type of supervision after release. In all four instances described below, the individual in question is considered to have served a prison term.

- **Parole:** Offenders who serve time in state prison and are supervised by state parole agents upon release. Typically, these are individuals whose commitment offense is on the list of violent or serious felonies.
- **PRCS (Post Release Community Supervision):** Offenders who serve time in state prison, but are supervised by county probation upon release. Typically, these are individuals who have prior violent or serious convictions, but their commitment offense is not, or their commitment offense is one on a long list of exceptions.
- **1170(h)(5)(A) PC or straight sentence:** Offenders who serve their prison term in county jail. They are not subject to supervision upon release.
- **1170(h)(5)(B) PC or Mandatory Supervision (MS):** Offenders who serve part of their prison term in the county jail and have the remainder stayed. During the “stayed” portion they are supervised by county probation.

RESPONSE TO GRAND JURY REPORT FORM

II. Electronic Monitoring

As mentioned in your report, there are different types of electronic monitoring programs described in the Penal Code. I would like to clarify the different types of programs, as not all of them are currently available in this county. They are as follows:

| | |
|---------------------|--|
| • 1203.016 PC: | Home detention in lieu of jail sentence after conviction |
| • 1203.017 PC: | Releasing of sentenced misdemeanor inmates early because of jail overcrowding |
| • 1203.018 PC: | Pretrial release for those who cannot afford bail. |
| • 1210.7 PC: | As a probation supervision tool to aide in supervision or as an intermediate sanction for a probation violation. |
| • 3450(b)(8)(C) PC: | PRCS are subject to electronic monitoring supervision. |

The first three types require approval and an annual review from the board of supervisors. The chief probation officer has the statutory authority to implement the last two types without specific board approval. The Sierra County Probation Department utilizes three of these programs: the pretrial release program (1203.018) and the two supervision programs. So far as I know, Sierra County still does not have an approved 1203.016 or 1203.017 program.

The probation department's electronic monitoring program has been up and running for over a year. Our first use began in March 2013 and we have one individual currently on the program as of this writing. So far we have used it for a total of 13 different individuals, saving approximately 552 days in jail, and depending on how you count it, saving potentially \$40,000. Here are some stats the Grand Jury may find enlightening:

| <u>Program:</u> | <u>Number used:</u> | <u>Notes:</u> |
|-----------------------|-------------------------|--|
| Pre-Trial | 5 individuals | 252 jail days saved (and counting – one person currently on program) |
| PRCS Supervision | 1 individual | 84 days jail saved |
| Probation Supervision | 5 adults 2 juveniles | 216 days jail/juvenile hall saved |

RESPONSE TO GRAND JURY REPORT FORM

| <u>Situation</u> | <u>Number</u> | <u>Success Rate</u> |
|--|---------------|---------------------|
| • Number of new crimes committed while on EM (pretrial or supervision): | 0/13 | 100% |
| • Number of technical violations while on pretrial EM supervision: | 1/5 | 80% |
| • Number of those on supervision EM who committed new technical violation while on EM or absconded from supervision: | 1/7 | 86% |
| • Number of those on PRCS supervision EM who committed new technical violation while on EM | 1/1 | |
| COMPARISON: Probation success rate 2009-2014 | | 68% |

Only three of the thirteen can really be considered unsuccessful. One of those (PRCS) has a long history of poor performance on parole/probation and was a high risk to reoffend as it was. He ended up serving the maximum period for his PRCS violations. The other two are misdemeanor offenders. One has absconded and the other was placed in residential treatment recently. It is also worth noting that of the five individuals who served a term on EM as a probation sanction, only one of them has had a subsequent serious violation (the misdemeanor absconder mentioned above), although one other of them did eventually serve a prison term for something unrelated to EM.

The probation department believes that the electronic monitoring program has been quite successful and will continue to use it as appropriate.


Jeffrey D Bosworth
Chief Probation Officer

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

**In the Matter of
2013-2014 Sierra County Grand Jury**

**Amended
MINUTE ORDER**

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Community Corrections Partnership (CCP) Response to Grand Jury Reports of 2013-2014**, received on September 2, 2014.

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 3rd day of September, 2014

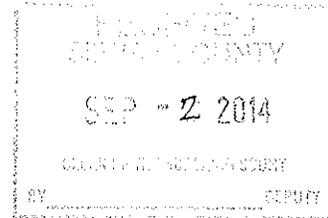
ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 3rd day of September, 2014

SIERRA SUPERIOR COURT

BY  Clerk

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

RESPONSE TO GRAND JURY REPORT FORM



Report Title: Community Corrections Partnership (CCP)

Report Date: August 20, 2014

Response by: Jeff Bosworth Title: Chief Probation Officer

FINDINGS

- I (we) agree with the findings numbered: F1
- I (we) disagree wholly or partially with the findings numbered: _____
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/02/14 Signed: Jeff D. Bosworth

Number of pages attached 2

RESPONSE TO GRAND JURY REPORT FORM

By way of background, there are two separate funding streams that fall within the umbrella of “realignment.” The laws are different for each one. They are usually referred to by the designation of the particular Bill that created them. They are SB678 and AB109.

SB678 came first. It came about as part of the initial plan to reduce state prison overcrowding. Basically, the state was offering county probation departments funding to reduce their number of commitments to the state prison. Consequently SB678 has nothing to do with jails or incarcerations. Its sole purpose is to provide for various probation programs that reduce recidivism and incarceration rates.

AB109 came second and is broader in scope. It includes funding specifically for the district attorney and the public defender, as well as a discretionary funding that can be used by either the probation department or the sheriff’s office.

At this point it should be mentioned that SB678 and AB109 have different laws and regulations governing them. AB109 requires a specific plan approved by the CCP and by the county board of supervisors (1230.1 PC). SB678 does not require approval of the CCP or the board of supervisors in that fashion (1230 PC). In the case of SB678, the CCP serves in advisory capacity only. The local board of course has budgetary oversight of all county funding sources, and as such, the SB678 funding is subject to general board approval like any other funding source.

At present, there is no state authority that is auditing the spending of either AB109 or SB678. Probation is required to submit some information on SB678 to the Administrative Office of the Courts (AOC) on an annual basis, but that report is fairly generic. It only requires that probation department estimate what percentage of the total SB678 allotment is spent in each of eight different categories. Specificity is not required.

As a practical matter, the revenue flow is controlled in the same way as any other county funding source. A budget is prepared and submitted to the board of supervisors, either as part of the board approved plan in the case of AB109, or as part of the probation budget in the case of SB678. In either case, the Probation Department Specialist is responsible for keeping the record of expenditures through the normal county process. Finally, probation has been keeping meticulous records of spending and these can be examined at any time.

RESPONSE TO GRAND JURY REPORT FORM

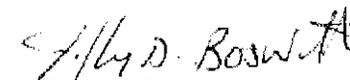
The Chief Probation Officers of California maintain a data base on realignment statistics. Sierra County submits reports to them at the end of each quarter. I believe the AOC then uses the CPOC data base. We submit the following stats each quarter:

- Number of new PRCS offenders (including transfer ins)
- Number of PRCS who failed to report from prison
- Number of PRCS cases closed early
- Number of PRCS closed because maximum period expired
- Number of PRCS closed after more than 18 months of supervision
- Number of PRCS convicted of new felony
- Number of Active PRCS cases
- Number of PRCS cases with active warrants for absconding
- Number of split sentences on Mandatory Supervision
- Number of above with new felony conviction
- Number of Mandatory Supervision cases that expired
- Number of Mandatory Supervision cases that expired unsuccessfully
- Number of new grants of felony probation

This is actually a fairly exhaustive set of statistics. Additionally, I keep a variety of my own statistics on probationers (both adult and juvenile). Some of these are:

- Total number of probationers
- Misdemeanor or felony
- Sierra County case or transfer in
- Categorized by age and type of offense
- Whether they complete probation or are sentenced to prison
- Percentage of felony cases who are placed on probation
- Completion percentage of Drug Court compared to standard probation

In summary, the probation department keeps a wide variety of outcome measures that can be reviewed at any time.


Jeffrey D Bosworth
Chief Probation Officer

Individual Response

I thank the Grand Jury for their time and considerable effort in addressing and evaluating the City and its council.

I have chosen to respond as an individual council member rather than sign off on the council's response keeping my integrity intact for the following reasons. The decision made on the handling and disposal of the debris from the hotel fire were not council decisions as an emergency meeting was not called, nor was any meeting called to deal with the problem at hand. Therefore lacking first hand facts and receiving only second hand information along with rumors and innuendoes I don't know the facts of what transpired. It would be at best speculation on my part and would not serve the citizens well.

Response & Findings

Finding One- Unrestricted funds may be transferred, however there is within the budget a procedure for doing so.

Finding Two- I agree in part, some areas may have been managed extensively possibly over compensating for lack of oversight on some previous council. However the scheduling and managing of tasks and oversight is directed by the public works committee which consists of Craig McHenry-Chairman and Betty Ferguson.

Finding Three- I agree

Finding Four- I don't agree in part as there were many other steps taken to assure the city's solvency. However I do agree that the settlement put the City back on its feet and was a large part of the pathway to solvency.

Finding Five- I agree minus the word luck. USDA was the financier for the prior council loan and USDA signed off on the design and finished project. When the many flaws and problems came to light USDA stepped up to the plate and worked with the council, the council had meetings with USDA, and addressed these extremely serious hazardous flaws. We are working together and hope to resolve these issues.

Finding Six- I disagree with the Grand Jury on the City's financial budget. I don't know where those numbers came from but they are inaccurate. We wish we had a 2.3 million dollar budget. However at this time I believe we are in a better position and more stable financially than we have been for years.

Finding Seven- I agree that the Policy and Procedures could be a little clearer in some areas, the manuals had not been updated for years. I believe since the 70's or 80's, they may need more work and some amendments it's a work in progress. I was Chairman of the committee when the manuals were updated we will take another look and try to clarify some issues such as the drug policy.

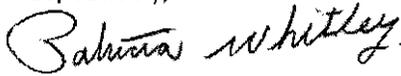
Finding Eight- The City of Loyaltan has never had Department Managers. We are too small and only have a few departments. The City Council's have always budgeted and managed the City. Our largest

department is water and sewer; we do have a certified water and sewer operator with all needed credentials. We have a City attorney for legal resources, such as a personnel and risk, and city manuals and State law as other resources to name just a few. The Loyalton City Council like the Board of Supervisors has over sight and budget control. The entire council should be apprised of problems, so decision can be made with all voices heard. No council member should be making high risk decisions or any decisions for that matter that are not of everyday routine matters. I agree we could do a better job by making use of our resources and depending on the whole council.

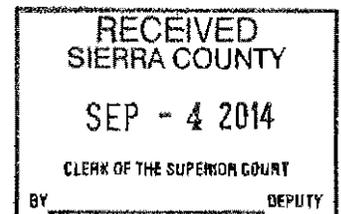
Finding Nine- I completely agree with the Grand Jury

Thank you for your time and consideration

Respectively,



Patricia Whitley, City Council Member



FILED

SEP 23 2014

SIERRA SUPERIOR COURT
BY 
DEPUTY CLERK

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

In the Matter of
2013-2014 Sierra County Grand Jury

Amended
MINUTE ORDER

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file **City of Loyalton's Response to Grand Jury Reports of 2013-2014**, received on September 19, 2014.

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 23rd day of September, 2014

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 23rd day of September, 2014

SIERRA SUPERIOR COURT

BY  Clerk

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

City Initial Response to Grand Jury Report

The City thanks the Grand Jury members for their report but takes issue with many of their findings and recommendations. The Grand Jury members refer to the current City Council members as amateurs inept at running a city and attempt to explain their numerous accomplishments as luck. The Grand Jury members assume that only full-time professionals can manage local government.

The Grand Jury members claim the current City Council was “lucky” to recoup misappropriation of City funds that were dispensed as inflated wages to employees by the lax oversight of previous councils. The current City Council devoted extensive resources but at a reasonable cost to prepare the insurance claim. Patsy Jardin, the former City Clerk, was retained to do a forensic examination of all the City financial records from the date of her retirement in December of 2004 to December of 2010. This task took months to complete and was the key to recovering the monies.

The Grand Jury members also claim the City was “lucky” to receive the \$1.4 million dollar grant from USDA for engineering costs, attorney fees, and repair costs for the Waste Water Treatment Plant evaporation ponds. This was accomplished by professional skill not luck. City council members spent considerable time documenting problems with the WWTP evaporation ponds and submitting the required information to USDA.

The Grand Jury members claim the City has failed to retain independent professionals for the WWTP litigation. This is incorrect. The City has hired an attorney who specializes in government construction contracts and several highly qualified and respected engineers using the USDA grant funds. The legal case is set for trial, May 5, 2015, and mediation is scheduled for October 2, 2014. These results come from years of hard work by current City Council members—not luck.

The Grand Jury questions the integrity of the Mayor and Director of Public Works, because apparently the members do not understand the difference between management

and supervision. The City Public Works Director manages public works projects by determining city priorities. He does not directly supervise work performed by the maintenance crew. The City recently purchased a CAT mini-excavator with grant funds from USDA. The City received multiple bids and selected the low bid.

The Grand Jury members also question the City's use of volunteers. The strength of the community comes from its volunteers. The City has eighteen volunteer firemen. They are indispensable to the City. Others in the community volunteer to help in the park and do special projects. All volunteers are covered by the City's worker compensation and liability insurance.

The Grand Jury members allege inaccurate facts regarding the hotel fire, in claiming mismanagement by City officials. In their investigation, the Grand Jury members forgot to interview the key witnesses—the Loyalton volunteer fire fighters.

FOUR THINGS YOU SHOULD KNOW ABOUT THE HOTEL FIRE

1. The **3-day fire** was fought in 2 phases. The first phase, the initial attack, was fire suppression and protection of nearby structures. The second phase, the fire overhaul, was putting out the still-burning debris buried under the knocked down concrete walls. The first fire crews were onsite by 2:30 am Saturday, December 14th and the last crew left early Monday afternoon, December 16th. Under firefighting protocol, the Loyalton Fire Chief had sole authority over the fire site for the 3-day duration of the fire.
2. The **Fire Chief's overhaul plan** was to disperse and soak the burning debris with fire hoses on-site using the two adjoining lots east and west of the hotel. The plan was to disperse the burning material using heavy equipment because the fire site itself was too dangerous for the fire fighters to enter. Midday Saturday while the fire fighters were completing preparations for their fire overhaul plan, Intermountain Trucks backed into the two adjoining lots without permission from the fire chief and waited to be loaded.

3. **County personnel had prepared their own much better overhaul plan** without any request from the fire chief or any city official. The county's overhaul plan was to haul the concrete walls and burning debris to an isolated location at the landfill, where it could burn without being a continuing danger in the center of the community. All the arrangements at the landfill, the determination of how the burning material would be separated prior to hauling, and the decision regarding what trucks would haul the material were made by county personnel. No City official called Intermountain or ordered the burning debris sent to the landfill. The Intermountain Disposal Trucks parked on the adjacent side lots blocked the Loyaltan Fire Department from implementing its overhaul plan. The fire fighters quickly saw the advantage of handling the burning material once instead of multiple times. Fire fighters implemented the County overhaul plan by soaking the burning material twice--once as the excavators shoveled it and again after it was loaded. The fire overhaul was completed in 18 working hours of winter daylight from Saturday afternoon to Monday afternoon.
4. The **Solid Waste Joint Powers Agreement** between and City and the County has three major provisions. The agreement gives the County sole management authority over solid waste including the landfill. The agreement requires City residents to pay the exact same solid waste fees as County residents and entitles City residents to the exact same services as County residents. The City believes it is being unfairly targeted by the County. If the hotel fire had occurred in the center of Downieville or Calpine instead of Loyaltan would those communities receive the same treatment from the County for the removal of burning debris to the landfill or a transfer site to insure the safety of their communities?

The City expresses its gratitude to the Loyaltan Fire Department, all the volunteer fire fighters who came from outside the community, and the Sierra County personnel who protected Main Street during the fire. They were all heroes. They should be honored not investigated.

SPECIAL MEETING

August 26, 2014

A special meeting of the Loyalton City Council was called to order by Mayor Mitchell on August 26, 2014 at 1:09pm at the Loyalton Social Hall. The meeting was originally scheduled for 1:00pm at the Loyalton City Hall but the location was too small to accommodate all attendees.

Council Members Present: B. Mitchell, B. Ferguson, E. Teague, C. McHenry, P. Whitley

Staff Members Present: Tracy Smith-City Clerk

Council Members Absent: None

Guest Present: M. Moore, T. LeBlanc, M. Welbourn, M. Marin, A. White, E. Hudson, M. Amodei

Approval of Agenda

B. Ferguson made a motion to approve the agenda, it was seconded by E. Teague. Roll Call Vote: None.

Public Comment

None

Discussion and Possible Action

1. It is the duty of the Loyalton City Council to respond to the Grand Jury Report; the council can respond as a group and individual council members can respond to the report upon their own behalf. The purpose of the meeting is to discuss the City Council's draft response to the Grand Jury Report. Let it be noted that Council Member Whitley will not be signing the City Council's response to the report; instead she will submit her own response to the report but also clarified that while she doesn't disagree with the response of the council, she just can't agree with some things because either she was not present or was not privileged to the information. The Council proceeded to review the entire draft response as it was read for the entire council and audience in attendance. After a very lengthy discussion amongst council and attending members of the community, of which the Loyalton Hotel Fire occupied the majority of the meeting and required a five minute break from 2:22pm until 2:27pm, it was decided by all council members who would be signing the response that the draft was acceptable with the exception of a few additions.

The draft response that was prepared for the City Council by Council Member McHenry addressed not all of the findings in the Grand Jury Report but the more significant ones, items addressed were:

- City Management
- Misappropriations of City Funds
- USDA Grant for fee concerning the WWTP
- WWTP Sewer Litigation
- Loyalton Hotel Fire

Items to be added to the draft response:

- Addressing page 22, paragraph ten of the Grand Jury Report regarding the use of toxic material by untrained individuals, Council's response to this is that the materials were not toxic, it was generic roundup and was cleared by the Agricultural Commissioner in Quincy.
- Addressing page 25, finding F9 of the Grand Jury Report regarding the use of volunteers throughout the City, Council has confirmed with SCORE that those volunteers, much like the Fire Department Volunteers, are covered by Worker's Compensation should something happen.

Following the reading and discussion of the draft response to the Grand Jury Report, a review and discussion of all nine of the Grand Jury's Findings and their Recommendations in the report took place. Council decided an initial (general) response would be sent to the Grand Jury which would be followed up by a more formal finalized response.

Comments and Questions from those in attendance:

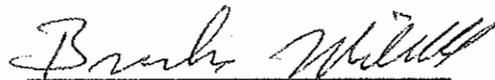
- M. Moore- Commented that he was disappointed with the inadequate response by the Council to the Grand Jury. He felt the response neglected to address most of the findings in the report, a discussion followed.
- A. White-Asked if the former employees with the City were fired? No, they quit. A Discussion regarding City Maintenance and the City Wells followed.
- M. Welbourn-Asked why there has been no proper supervision regarding maintenance and why there is no service schedule in place? Mayor Mitchell explained that the City's Issues, of which there were many when the current Council came on, needed to be prioritized and handled. This has begun with the current Council and those concerns will be addressed.
- T. LeBlanc- Asked if the City has a "Rainy Day Fund". Mayor Mitchell explained the City has nearly \$200,000.00 in a contingency fund, anything requiring more funding then that such as a catastrophic event would require the assistance of the USDA. A discussion followed.
- E. Hudson- Asked if the taxpayers of Loyalton would be responsible for the Hotel Fire financially. The Mayor said no and gave an update on the fire. Mrs. Hudson commented on the appearance of Beckwourth Street at a particular residence, the Mayor stated this is something the City Council has been working on, a discussion followed.
- E. Hudson- Asked why the Hotel Fire was cleaned up so quickly? Mayor Mitchell stated that it made the most sense since all the equipment was on site and available to go.
- A. White- Asked if the County made the decision to haul the debris from the Hotel Fire to the County Dump Site? The Mayor said yes, as far as he knew.
- A White- Asked if Folchi's was the only expense to the City in regards to the fire? Yes, except for Joy Engineering to fill the two holes at the site.
- A White- Asked how the trucks hauling the debris got involved? The Mayor answered, the County.
- A. White-Asked if the City has individuals licensed to drive the fire trucks? Yes
- E. Hudson- Asked if City Employees are fingerprinted? No, no back ground check but they are drug tested, volunteers are not drug tested.
- T. LeBlanc- Commented that it would be more productive if there were a better relationship between the City Council and the citizens of Loyalton.

Motion:

A motion was made by B. Ferguson to have the Loyalton City Council submit an initial response to the Grand Jury Report followed by a more detail and formal response to the nine findings and recommendations, it was seconded by E. Teague. Roll Call Vote: P. Whitley-Abstain, B. Ferguson-Aye, C. McHenry-Aye, E. Teague-Aye, B. Mitchell-Aye. Motion carried.

2. After a brief discussion regarding the proposed Singleton & Aluman Audit, a motion was made by C. McHenry and seconded by B. Ferguson to delay the City's response to Singleton & Aluman's Proposal and go out for Requests for Proposals from other auditing firms for a period of fourteen days, at which time the City Council will return to make a decision. Roll Call Vote: P. Whitley-No, B. Ferguson-Aye, C. McHenry-Aye, E. Teague-Aye, B. Mitchell-Aye. Motion carried.

Meeting Adjourned.



Mayor Brooks Mitchell

ATTEST:



Tracy Smith, City Clerk

FILED

SEP 23 2014

SIERRA SUPERIOR COURT
[Signature]
DEPUTY CLERK

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

In the Matter of
2013-2014 Sierra County Grand Jury

Amended
MINUTE ORDER

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Sheriff's Office response to Grand Jury Reports of 2013-2014**, received on September 22, 2014.

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 23rd day of September, 2014

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 23rd day of September, 2014

SIERRA SUPERIOR COURT

BY *[Signature]* Clerk

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

Office of the Sheriff of Sierra County



John I. Evans, Sheriff~Coroner
100 Courthouse Square ~ Post Office Box 66
Downieville, California 95936-0066
Ph. (530) 289-3700, Fax: (530) 289-3318
sheriffadmin@sierracounty.ws

Friday 19 September 2014

Honorable John P. Kennelly
Presiding Judge of the Superior Court
100 Courthouse Square, 2nd Floor
Post Office 476
Downieville, CA 95936-0476
Ph.# (530) 289-3698

RE: Response to the 2013/2014 Grand Jury Report

Dear Judge Kennelly,

Pursuant to Section 933.05 of the Penal Code, I offer the following comments with respect to the 2012/2013 Grand Jury report as it relates to the sheriff's office and their annual inspection of the County jail. I would like to express my personal thanks and admiration to all of the County citizens who took the time and made the efforts to contribute in the Grand Jury process. It should be recognized that this is a huge commitment of personal time and energy. Each member took his or her participation and requisite responsibilities seriously. I am well aware that the role of the local citizen in this process is one of the most important in local government and it is one of the highest forms of personal civic duty. My responses follow.

F1: The Radio Antenna Tower: I agree that the sheriff's office radio antenna towers should have some sort of security measures in place to dissuade access. There has not been a problem as yet and funding for such purposes is difficult. Currently the areas are under video surveillance. Perhaps in the future additional physical precautions can be made in better financial times.

F2: Jail Sally-Port Security: I agree that the county jail rear drive-through prisoner sally-port needs to have security improvements, especially to bring it in to compliance with C.C.R. Title 24. Currently plans are underway to make those improvements with funding from A.B. 109 and possible supplemental general and/or grant funds. The necessary changes are to raise the fence height by 3' and to add physical security to the top of the fence (concertina wire) or to enclose the top with fencing. I requested

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funding to build a "year-round" weather proof improvement with actual roof and new up-graded fencing, however the Community Corrections Partnership (C.C.P.), which operates under A.B. 109 Realignment funding, limited funds to the minimum level required as mentioned. In the event there are additional general or other grant funds available, other improvements will be made based on funding availability. Considered up-grades include items such as new gates, a visual barrier applied to the fencing, improved video surveillance and improved lighting.

F3 through F7: The information listed is correct.

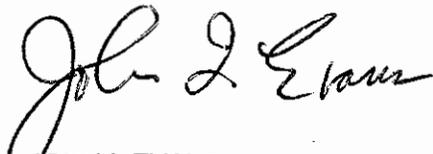
F8: Trainings of Corrections Officers: I am not aware on the input listed as to "effective communication" between officers and management. The corrections officers are in full compliance with the State Standards and Training for Corrections (S.T.C.) and officers are sent to trainings requested when available.

R1 through R3: I am in agreement with the information listed.

Closing-

During this year the full Grand Jury met with me on one or two occasions including their annual inspection of the jail. Each occasion was a polite, sincere and professional encounter. I enjoyed the main full meeting, which as I recall was about an hour and a half in duration at Sierraville. I gave an over-view of the jail and the entire sheriff's office. I answered all questions I was asked. I was asked about budget matters, general staffing and the operations of the jail. I believe I left the meeting having answered all questions posed to me completely. I was not requested to meet with the full Grand Jury for follow-up questions. The entire sheriff's office and jail staff was made available as requested, as were the entire sheriff's office facilities and jail as well as the currently held inmates. All of the members of the Sierra County Sheriff's Office are proud to serve this county and we are each, especially I, are thankful for the overwhelming support of our community. We well recognize the huge level of responsibility that the public has placed on and entrusted in us and we very much appreciate having our publicly funded jobs. Foremost, we are thankful to the public for the opportunity to do what we all entered this profession to do; which is "to serve and to protect". I personally again would like to thank the members of the Grand Jury for their courtesy, sincerity and the compassionate efforts each member has dedicated to this civil process.

Respectfully,

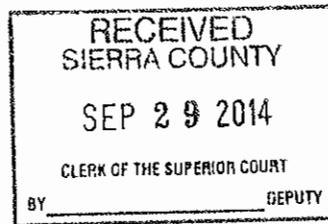


JOHN I. EVANS
Sierra County Sheriff

Cc: Sierra County Board of Supervisors
Sierra County Counsel
Sierra County Grand Jury

SIERRA COUNTY

Board of Supervisors
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16 September 2014

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

Re: Response to Grand Jury 2014 final report on the H.F. Turner Desk

Dear Judge Kennelly:

Pursuant to section 933.05 of the California Penal Code, we offer the following comments with respect to the above entitled report.

This board is disappointed to learn of this situation and the fact that some past colleagues on this board of supervisors were not fully informed of the details of this transaction so that the board could have made a fully informed decision. No doubt none of us would have approved the surplus of a historic cultural artifact, and find it hard to believe that our colleagues in 2006 would have done likewise if fully informed. We agree with the grand jury that the court should take any and all appropriate action to see that this artifact is returned to the people of Sierra County.

Sadly, no inventory system can control such disposal if those involved are not completely candid with the facts surrounding any such transaction. Short of an electronic monitoring system, most contents of public facilities are at risk for those willing to take actions counter to good public policy.

For the record, one correction to the grand jury recommendations. In 2006, it was not resolution 2006-193 that approved this transaction, but this was unfortunately approved as a part of the consent agenda process. The above resolution was on the subject of the Sierra County Child Abuse Council.

It was H.F. Turner's wish that this artifact be entrusted to the people of Sierra County and if necessary, this board will undertake legal action to see that Mr. Turner's wish is kept.

We appreciate this opportunity to comment.

Sincerely,

SIERRA COUNTY BOARD OF SUPERVISORS

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John P. Kennelly
PRESIDING JUDGE

Lee E. Kirby
COURT EXECUTIVE OFFICER

Charles H. Ervin
ASST. PRESIDING JUDGE

September 29, 2014

Mr. Paul Roen, Chairman
Sierra County Board of Supervisors
P.O. Box Drawer D
Downieville, CA 95936

RE: Response to Grand Jury 2014 Final Report on the H. F. Turner Desk

Dear Chairman Roen:

Thank you for your letter of response to the Grand Jury report in the above matter.

On September 17, 2014, the Court was notified that the H. F. Turner Desk was returned to the County. Tim Beals confirms that the desk was delivered to the Old Sierraville School, where it is currently being stored.

Sincerely,


Lee E. Kirby
Court Executive Officer

cc: William Adasiewicz, 2013/2014 Grand Jury Foreperson