

# The Sierra County



**G**rand

**J**ury

## **2011-2012 FINAL REPORT**

**[www.sierracounty.ws](http://www.sierracounty.ws)**

Presiding Judge  
Hon. John P. Kennelly

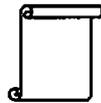
Assist. Presiding Judge  
Hon. Charles H. Ervin

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“ALL THAT’S NECESSARY  
FOR THE FORCES OF EVIL TO WIN  
IN THE WORLD IS  
FOR ENOUGH GOOD MEN  
TO DO NOTHING.”

*Edmund Burke*

BRITISH STATESMAN AND PHILOSOPHER (1729-1797)



### *Mission Statement*

The Sierra County Grand jury serves as the ombudsman for citizens of Sierra County. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government assuring honest, efficient government in the best interest of the people.

Their responsibilities include receiving and investigating complaints regarding government and issuing reports. A Grand Jury Final Report is issued in June of each year. Grand jurors usually serve for one year although the law provides for holdovers for a second year to assure smooth transition.

SIERRA COUNTY  
GRAND JURORS  
2011-2012

Christopher Alexander	Loyalton
Allison Baca	Downieville
Diane Barham	Downieville
Barbara Bigham	Calpine
Dawn Brown	Sierra City
Michael Carnahan	Downieville
Mary Ervin	Sierra City
Ernest Finney	Alleghany
Michael Galan	Downieville
David Robinson	Downieville
William Teller	Verdi

SIERRA COUNTY GRAND JURY 2011-2012 FINAL REPORT

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SIERRA COUNTY GRAND JURY 2011-2012 FINAL REPORT

SIERRA COUNTY GRAND JURY 2011-2012  
P. O. Box 476  
Downieville, CA 95936

June 30, 2012

The Honorable John P. Kennelly  
Presiding Judge, Sierra County Superior Court  
100 Courthouse square  
Downieville, Ca 95936

**Re: Sierra County Grand Jury 2011-2012 Final Report**

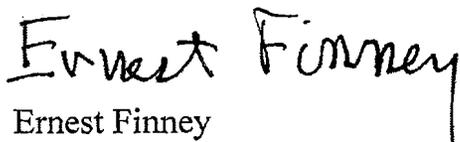
Dear Judge Kennelly:

The 2011-2012 Sierra County Grand Jury respectfully releases the Final Report to be published in July, 2012. All eleven Grand Jurors actively participated in the Grand Jury process. The Final Report has been approved by a quorum of the Grand Jury.

This report is being published primarily in electronic form and will be available on the Sierra County website at [www.sierracounty.ws](http://www.sierracounty.ws). Hard copies will be available in county post offices and libraries, and distributed on request to individuals who contact the Sierra County Grand Jury, P. O. Box 476, Downieville, CA 95936.

Thank you for your steadfast support and encouragement as we pursued our inquiries.

Very truly yours,



Ernest Finney  
Foreman  
2011-2012 Sierra County Grand Jury

## SIERRA COUNTY GRAND JURY 2011-1012 FINAL REPORT

### 2011-2012 GRAND JURY SUMMARY OF ACTIVITIES

We began our year of service as Sierra County Grand Jurors in Summer 2011 by attending a public meeting devoted to official responses to issues raised by the 2010-2011 Grand Jury 's final report. In August 2011 we made a thorough inspection of the main jail facility in Downieville and took a general look at the external deterioration of the courthouse. Our inquiries next took us to Loyalton for an inspection of the Sub Station and an interview with the Sheriff in order to complete our state-mandated Jail Report. The jury used the very efficient Sierra Golden Rays Public Transit system to travel to the east side. We went over Yuba Pass again during the mild winter to hold interviews in the new Sierra Plumas County Court House in Portola, and of course we held bimonthly meetings at the courthouse in Downieville, conducting further interviews and writing our first report.

During this time we also read and responded to letters we'd received from members of the public who'd used the new Suggestion and Complaint forms made available in the county's local post offices. Committees of the Grand Jury attended various county meetings, including a Sierra County School District Parents' Advisory meeting, several Board of Supervisors meetings, and a Monday Morning Department Manager meeting.

In the spring we met in Calpine at the home of a generous juror to hold interviews and to conclude our report "A Chief Administrative Officer for Sierra County?" with the recommendation that Sierra County hire a much-needed CAO to facilitate an easier entry into the 21<sup>st</sup> Century. See CAO REPORT.

Additionally, in Spring 2012 the Grand Jury was asked by the Sierra County Board of Supervisors to investigate allegations of sexual harassment on the part of an elected official. This involved a complicated procedure in which a state Deputy Attorney General was involved. The Grand Jury accepted this responsibility, going to great lengths to be fair and impartial. See RESPONSE TO THE BOARD OF SUPERVISORS. Finally, toward the end of our year of service, jurors were on hand at the courthouse on Tuesday, the 5<sup>th</sup> of June, to witness election night returns.

All of us found our inquiries into the workings of Sierra County interesting, and thought provoking. We leave it up to the 2012 -2013 Grand Jury to carry on where we left off as the various individuals and county entities present their responses to our 2011-12 reports.

# SIERRA COUNTY GRAND JURY NEEDS YOUR INPUT!

*We welcome your suggestions or  
complaints.*

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

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

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE

Your name (you may remain anonymous if you choose)

Home address \_\_\_\_\_

Work address \_\_\_\_\_

Phone (home) \_\_\_\_\_ (work) \_\_\_\_\_

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

Address \_\_\_\_\_

Phone \_\_\_\_\_ Director, if applicable \_\_\_\_\_

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

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

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\_\_\_\_\_

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

Mail to:

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

**Sierra County Grand Jury 2011-2012  
Report of Annual Inspection of Sierra County Jail in Downieville  
Report of Annual Inspection of Sierra County Sub-Station in Loyalton**

**Background:**

**California Penal Code, Section 919(b) provides as follows:**

**The Grand Jury shall inquire into the condition and management of the public prisons within the county.**

**In compliance with the above mandate, the Sierra County Grand Jury 2011-2012 conducted an inspection of the holding facilities and jails in the County, to wit, the Sierra County jail in Downieville and the Sheriff's Sub-Station in Loyalton.**

**INVESTIGATIVE METHODS:**

**The 2011-2012 Grand Jury members appreciate the cooperation of all those we interviewed and the timely manner in which all requested reports, correspondence, etc. were provided to us. We also appreciate the dedication and hard work of the law enforcement community.**

**The 2011-2012 Grand Jury interviewed Sheriff Evans and several department staff and toured both facilities. The Grand Jury also interviewed the Director of Public Works regarding facilities maintenance. Jurors reviewed Corrections Standards Authority reports from 2006-2008, 2008-2010, and 2010-2012. Members attended a Sierra County Board of Supervisors Law Enforcement Committee meeting on September 2, 2011 and heard from consultant Fred Campbell of the Criminal Justice Research Foundation in Sacramento. Jurors also reviewed all materials supplied to them by Sheriff Evans and other county department supervisors. (A complete list of documents reviewed is attached in Appendix A).**

**Summary:**

**It is the understanding of this Grand Jury that the Sheriff, with the support of the Supervisors, Planning Department, County Law Enforcement Committee, other related county and state agencies, and Auditor, has been working diligently to improve communications systems and the jail plant itself, and, very importantly, to bring the Sally-Port in line with state mandated minimum requirements to make it useable as an inmate recreation area.**

**This Grand Jury further understands that Sheriff Evans is concerned with the age and efficiency of Sierra County Sheriffs' patrol vehicles and lack of funding to replace those high-mileage vehicles, and that he has expressed those concerns to the Sierra County Board of Supervisors.**

**This Grand Jury ultimately concludes, however, that the most pressing issue facing the Sheriff's Department and the Sierra County Jail is the continued minimum staffing during non-business**

hours at the Sierra County Jail. Deficiencies in staffing have been noted on the last three consecutive biennial CSA Reports. Sheriff Evans has repeatedly requested additional staffing in his annual reports to the Sierra County Board of Supervisors. The 2010-2011 Grand Jury Report found an inadequately staffed jail. An independent review of the Sierra County Jail by the Criminal Justice Research Foundation (conducted on September 2, 2011) noted the same inadequacies. Therefore, the focus of the 2011-2012 Sierra County Grand Jury Report will concentrate on continuing staffing issues. It is the understanding of the 2011-2012 Grand Jury that the Sheriff's Office is currently in the final stages of hiring two additional full-time corrections/communications officers.

## **FINDINGS:**

### **Title 15, Section 1027 - Number of Personnel**

1. This guideline recommends that sufficient personnel will be on duty at all times to ensure the implementation and operation of all programs and activities outlined in Title 15. This guideline also recommends that there be one employee on duty at all times with the ability to respond to any inmate in the event of an emergency. **(Corrections Standards Authority 2008-2010 Biennial Inspection Report dated March 29, 2010)**

In Sierra County, the positions of dispatcher and jail deputy are combined. During non-business hours, the building is commonly staffed with a single employee; the dispatcher-jail deputy. Corrections Standards Authority policy and training mandate that a single employee may not have face-to-face contact with an inmate, including removing inmates from cells. Thus, if an inmate-occupied cell must be entered, the single officer must wait for assistance, usually an on-duty patrol officer or an off-duty deputy summoned from home. Staff estimates response times between 10 and 30 minutes. **(Corrections Standards Authority 2008-2010 Biennial Inspection Report dated March 29, 2010)**

This inability to have direct contact with inmates prevents the single employee on duty from providing rapid response to emergencies. Additionally, a single officer may not remove inmates from cells - for instance, removal of inmates from the sobering cell when it is appropriate - until a second officer is available. **(Corrections Standards Authority 2008-2010 Biennial Inspection Report dated March 29, 2010)**

For full CSA Report, See Appendix A.

2. The 2011-2012 Grand Jury found, through interviews and inquiries, the following additional information:

- a. Between the hours of 12:00 Midnight and 8:00 a.m., a single staff member is responsible for both dispatch and monitoring jail inmates.
- b. The officer on duty is prohibited by policy from entering the "inmate area" alone.

- c. In case of illness, injury, or other emergency on the part of the officer on duty or any inmate, a second officer must be summoned from the field, or from off duty personnel.
- d. In reality, response time to such events range from 10 to 60 minutes.
- e. Sierra County Corrections Officers are unable to complete direct contact inmate checks because there is only 1 person on duty.

3. All employees are entitled to a safe working environment and regular breaks. All employees are also entitled to an expectation of adequate emergency response.

4. A single person is currently responsible for the multiple tasks of jail monitoring and dispatching between the hours of 12:00 Midnight to 8:00 a.m. As stated in the 2010-2011 Grand Jury Report, "It is virtually impossible for one Corrections Officer on duty to respond to 911 calls, Sheriff's dispatch and inmate needs simultaneously." Sierra County staffing levels have been noted as non-compliant with state guidelines since 2006. Further, staffing levels have been deemed a serious issue in both the 2010-2011 and 2011-2012 Grand Jury Reports.

#### **RECOMMENDATIONS:**

To honor our obligation to provide an honest review of the County Jail, the 2011-2012 Grand Jury recommends the Sierra County Sheriff's Office work towards hiring as many Corrections Officers as fiscally consistent with the following:

- . to provide a safe working environment for Sierra County Corrections Officers;
- . to provide for the health and safety of jail inmates;
- . to protect the financial/fiscal health/liability of the citizenry of Sierra County.

#### **CONCLUSION:**

1. Continued non-compliance with state corrections minimum staffing guidelines leaves Sierra County with a serious legal risk. The danger of legal liability to the county, should there be a catastrophic emergency in the Sierra County Jail, cannot be dismissed. Sierra County is ultimately legally responsible for the health and safety of the Corrections Officer working alone in the jail and for the inmates under his/her supervision.

2. The 2011-2012 Grand Jury suggests that the Sheriff's Office and the Office of the Auditor, along with the Board of Supervisors, conduct an in-depth analysis comparing the costs involved in transporting and incarcerating Sierra County inmates in neighboring counties with the cost of hiring additional Core-Trained Correctional Officers to allow for jail staffing by 2 officers to handle jail monitoring/dispatching between the hours of 12 Midnight to 8:00 a.m.

## **APPENDIX A**

Documents that were reviewed by the Grand Jury for this report include:

State of California, Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) 2006-2008 Biennial Inspection Report dated September 9, 2008

State of California, Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) 2008-2010 Biennial Inspection Report dated March 24, 2010

State of California, Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) 2010-2012 Biennial Inspection Report dated November 18, 2011

Board of Supervisors Committee on Law Enforcement Minutes of Meeting dated September 2, 2011 regarding AB 109 and CCR

Email from Department of Public Works to Sheriff John Evans dated September 23, 2011 re: AB 109 Follow Up From September 2, 2011 Meeting

2010-2011 Grand Jury Report dated June 30, 2011

Title 15, Section 1027

Sheriff John Evans' Response to the 2010-2011 Grand Jury Report dated July 25, 2011

Sierra County Auditor's Response to the 2010-2011 Grand Jury Report undated

Sheriff John Evans' Response dated November 26, 2010 to Corrections Standards Authority (CSA) to the 2008-2010 Biennial Inspection Report

Sheriff John Evans' Response dated March 8, 2012 to Corrections Standards Authority (CSA) of Corrections Actions Plan Regarding 2010-2011 Biennial Inspection

Jail Budgets for 2008-2009 2010-2012

**Sierra County Sheriff's Office Custody Manual C1010 Inmate Exercise and Recreation**

**Sierra County Sheriff's Office Custody Manual C532 Reporting Inmate Deaths**

**Sierra County Sheriff's Office Custody Manual C508 Inmate Safety Checks**

**Memo to Sheriffs, Directors, Local Departments of Corrections, Chiefs of Police - Type II Facilities Only - Type II and III Jail Managers from State of California Department of Corrections and Rehabilitation Corrections Standard Authority (CSA) Regarding Average Daily Cost To House Inmates In Type II and III Local Detention Facilities dated December 16, 2010**

**Memo From Sheriff John Evans to Board of Supervisors Law Enforcement Committee Regarding Requested/Projected Sheriff's Office Personnel Staffing Desired dated May 8, 2008**

# **A CHIEF ADMINISTRATIVE OFFICER FOR SIERRA COUNTY?**

**A REPORT FROM THE SIERRA COUNTY GRAND JURY, 2011-2012**

## **SUMMARY**

First, two definitions essential to this report:

“A chief administrative officer is appointed by the board of supervisors in most of the counties in the state. This officer is responsible for implementing board decisions, preparing the county budget, carrying out studies to provide the supervisors with information needed in making decisions and generally coordinating county administration. Although the county officer is often called "county manager" or "county executive," there is a legal distinction. Only charter counties may establish the position of county manager or executive, and in these cases the officer has more authority than a chief administrative officer who is essentially the agent of the board of supervisors.”  
([www.guidetogov.org/ca/state/overview/county.html](http://www.guidetogov.org/ca/state/overview/county.html))

“The California Constitution recognizes two types of counties: general law counties and charter counties. There are 14 charter counties in California: Alameda, Butte, El Dorado, Fresno, Los Angeles, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara and Tehama. The rest are general law counties.”  
([www.counties.org/](http://www.counties.org/) California State Association of Counties)

Through several months of research, the 2011-2012 Grand Jury has examined the proposal that Sierra County, a general law county, would benefit by adding the position of Chief Administrative Officer (CAO) to our current county governance structure. In this report, we will present the background leading to our inquiry, our methods of investigation, our findings, our conclusions, and our recommendations.

## **BACKGROUND**

During the term of the prior Grand Jury, 2010-2011, the Jury solicited citizens' concerns regarding Sierra County, which were then categorized, and answered with acknowledgment letters. Following the close of the 2010-2011 term, the newly seated 2011-2012 Grand Jury used these citizen input letters to formulate and embark upon a wide scope of inquiry into the functions of the various non-judicial departments of the Sierra County government.

While our inquiry addressed specific citizens' concerns, it also brought to light additional issues of serious concern to the Grand Jury. These issues can be grouped into the following areas:

### **A. Personnel Matters**

Sierra County employees number around 100, but the County has no Human Resources

Director. Instead, personnel duties are shared among county Department Managers. The majority of the Human Resource Director duties have been assigned—in addition to their own full-time duties—to the following Department Managers: Larry Allen, District Attorney, who deals with grievances and disciplinary actions, and Van Maddox, Auditor/Risk Manager, who handles insurance and payroll and is responsible for preparing the current employee handbook. All personnel trainings regarding harassment and other matters are handled by Trendal Insurance Company. Given this parceling out of responsibilities, keeping on top of ever-changing codes/laws with respect to personnel issues has been difficult. Perhaps because of this uncoordinated and haphazard approach, there has been, as one knowledgeable source put it, a revolving door of harassment claims by county employees, with the resulting pay-offs at great cost to the county.

### **B. Department Structure**

Only two department heads report directly to the Board of Supervisors. Other department heads are elected, and their departments often seem to operate as islands unto themselves. There is no independent system to audit efficiency and staffing levels of these separate departments. There is no system for analyzing and evaluating annual budget requests of all county departments. There is no system providing for regular performance evaluation of elected and non-elected department managers.

### **C. Vision and Long Term Planning**

The supervisors seem to be stalled in coming up with a unified vision for Sierra County and with long term planning for the future, especially in light of current economic realities. The General Plan, adopted in 1996, needs review and update. According to California Code, “the general plan is meant to change with evolving community realities” and “should be thoroughly reviewed at least every five years.” Ours, prepared in 1996 and projecting a potential Sierra County population of 4,110 for 2012, is out of touch with our reality.

Given these issues, the 2011-2012 Grand Jury initiated an inquiry as to whether adding and staffing a new position—Chief Administrative Officer—to our current county governance structure might address and remedy these issues. We began to research the pros and cons of a CAO for Sierra County.

In researching the functions/operations of the Board of Supervisors and various departments as compared to the governing documents of the Sierra County Code (SCC), we found that the position of County Administrative Officer has already been provided for in the SCC. Thirty-five years ago the 1977 Board of Supervisors, in a four to one vote, added the position of CAO to the county governance structure, and an attorney was hired to function both as CAO and County Counsel, the two positions merged into one. This dual position, according to persons involved in county governance at the time, was not successful. After one year, the person hired as CAO left county employment. The position of CAO, still authorized by Sierra County Code, has been left vacant since then.

Noting the many changes facing Sierra County since this one experiment with a CAO in 1977, we continued our research on pros and cons.

## INVESTIGATIVE METHODS

In order to have a clear understanding of the powers and duties of a Chief Administrative Officer, we reviewed CAO job descriptions from a number of general law counties. One--because it is quite current and from a neighboring mountain/rural county with similar economic concerns--seemed particularly relevant to Sierra County. Alpine County, population 1,189, created the position of County Administrative Officer in August of 2007, following community input, comments by the Grand Jury, and extensive study of the need for the position. The CAO job description from the Alpine County Code is printed below.

### **Chapter 2.10 (Alpine County Code) COUNTY ADMINISTRATIVE OFFICER Sections 2.10.010 to 2.10.090:**

#### **2.10.010 Office created.**

**The office of the county administrative officer is created and established. The county administrative officer shall be appointed by the board of supervisors and shall hold the office at the pleasure of the board of supervisors as hereinafter provided. The office of the county administrative officer shall not be represented by any association or an agent for employees under his/her supervision. (Ord. 677 § 1, 2007)**

#### **2.10.020 Administrative head of county.**

**The county administrative officer shall be the administrative head of the county government under the direction and control of the board of supervisors, except as otherwise provided in this chapter. He/she shall be responsible to provide administrative direction and support to department directors. The county administrative officer shall be the county's personnel director and purchasing agent and shall also supervise, manage, control and direct the activities of information systems and risk management. (Ord. 677 § 2, 2007)**

#### **2.10.030 Powers and duties.**

**The county administrative officer shall be the administrative head of the government of the county under the direction and control of the board of supervisors. The county administrative officer shall be responsible for the effective administration of all the operations of the county. In addition to the general authorities and power as administrative head, he/she shall have the duty and powers as set forth in the following subsections:**

**A. Enforcement. It shall be the duty of the county administrative officer to work with the department directors to enforce all laws and ordinances of the county and to see that all franchises, contracts, permits and privileges granted by the board of supervisors are faithfully observed.**

**B. Authority Over Employees. It shall be the duty of the county administrative officer, and he/she shall have the authority, to carry out the policies and administrative directions established by the board of supervisors, both current and future, and all legal mandates by managing and directing the administrative functions**

of all agencies/departments of the county.

**C. General Supervision.** The county administrative officer shall be responsible for the oversight of the day-to-day operations of the county and the implementation of the policies adopted by the board of supervisors. He/she shall ensure that county policies are distributed and explained to all affected personnel.

**D. Policy Formation.** The county administrative officer shall analyze and develop policy alternatives, including the consequences of such alternatives and the cost-benefit analysis of such alternatives, to present to the board of supervisors for consideration. The county administrative officer shall advise on matters of policy and administration at board meetings.

**E. Administrative Reorganization of Offices.** It shall be the duty and responsibility of the county administrative officer to conduct studies and to recommend to the board of supervisors such administrative reorganization of offices, positions or units of the county as may be in the interest of efficient, effective, and economical conduct of the county's business.

**F. Financial Reports.** It shall be the duty of the county administrative officer to work with the county auditor-controller to keep the board of supervisors at all times fully advised as to the financial condition and needs of the county and to present a monthly report to the board of supervisors on the finances and administrative activities of the county.

**G. Budget.** It shall be the duty of the county administrative officer to work with the county auditor-controller in the preparation of the proposed annual budget, to evaluate the budget estimates and program requests of all departments, and to transmit the proposed budget to the board of supervisors for review and approval each year.

**H. Expenditure Control and Purchasing.** It shall be the duty of the county administrative officer to see that no expenditures shall be submitted or recommended to the board of supervisors except those expenditures approved by the department directors or their authorized representative which expenditures are consistent with established policies and procedures and the adopted budget of the county.

**I. Labor Negotiations.** It shall be the duty of the county administrative officer to act as the board of supervisors' liaison with the county's designated chief negotiator and to keep the board of supervisors informed as to the progress of meeting and conferring. The county administrative officer shall maintain a high level of knowledge of public sector employment law.

**J. Investigations and Complaints.** It shall be the duty of the county administrative officer to make investigations into the affairs of the county and any department and proper performance of any contract or other obligation of the county; further, it shall be the duty of the county administrative officer to investigate all

**complaints made concerning the county government and the services provided by the county.**

**K. Board of Supervisors' Agenda. It shall be the duty of the county administrative officer to assist the clerk of the board of supervisors in the preparation of the board of supervisors' agenda, to evaluate departmental and other requests, and to make recommendations on agenda items.**

**L. Emergency. It shall be the duty of the county administrative officer, in periods of extreme emergency when there is not sufficient opportunity for the board of supervisors to meet and act, to act in conjunction with the director of emergency services to take steps reasonably necessary to meet such emergencies.**

**M. Capital Improvement Planning. It shall be the duty of the county administrative officer to oversee development of ongoing recommendations for a long-term plan of capital improvements with accompanying financial plans for their accomplishment.**

**N. Additional Duties. It shall be the duty of the county administrative officer to perform such other duties and to exercise such other powers as maybe delegated to him/her from time to time by ordinance or resolution or other official action of the board of supervisors.**

**O. The board may review and change the job description contained in this chapter whenever it deems it appropriate to do so. (Ord. 677 § 3, 2007)**

**2.10.040 Attendance at meetings.**

**The county administrative officer shall attend all meetings of the board of supervisors, unless excused therefrom by the chair or the board of supervisors, except when his/her removal is under consideration by the board of supervisors.**

**A. Discussions. The county administrative officer shall present his/her views to the board of supervisors, but may not vote. He/she shall have the power to appear and address the board of supervisors or any of its boards, commissions or committees at any meeting.**

**B. Recommendations. The county administrative officer shall recommend to the board of supervisors the adoption of such measures, resolutions and ordinances as he/she deems necessary, and shall make reports or suggestions as necessary or as requested by the board of supervisors. (Ord. 677 § 4, 2007)**

**2.10.050 Responsibilities for personnel.**

**A. Appointments. The county administrative officer shall recommend to the board of supervisors steps necessary for the selection of qualified candidates to fill nonelected department director positions as vacancies occur within the county.**

**B. Department Director Meetings.** The county administrative officer shall meet on a regular basis with department directors for the purpose of communicating county policies and issues.

**C. Nonelected Department Director Performance Appraisals.** The county administrative officer shall at least annually prepare draft performance appraisals of nonelected department directors for review and approval by the board of supervisors.

**D. Dismissal.** The county administrative officer may recommend to the board of supervisors the dismissal or suspension of or other disciplinary action to be taken against any nonelected department director with appropriate documentation.

**E. Oversight of County Employees.** The county administrative officer shall oversee department director procedures for the hiring, assignment, management, supervision and disciplining of all county employees and shall see that all county staff are appraised at least annually. The county administrative officer shall audit and assure that all performance appraisals are consistent with the respective job descriptions, as well as with all county policies and procedures. (Ord. 677 § 5, 2007)

**2.10.060 Powers and duties—Limitations.**

It is not intended by the provisions of this chapter to grant any authority to, or impose any duty upon, the county administrative officer which is vested in or imposed by any general law or county ordinance in any other county board, officer or employee and, in particular, elected county officers. The county administrative officer's functions shall be administrative and not policy-making or legislative. (Ord. 677 § 6, 2007)

**2.10.070 Compensation.**

The county administrative officer shall serve in an "at will" capacity. The county administrative officer shall receive such compensation as the board of supervisors shall from time to time determine. The county administrative officer shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of his/her official duties, including those incurred when traveling on business pertaining to the county. The board of supervisors may require preauthorization of expenses. (Ord. 677 § 7, 2007)

**2.10.080 Performance review.**

The board of supervisors on at least an annual basis shall prepare a written report of the county administrative officer's performance. (Ord. 677 § 8, 2007)

**2.10.090 Removal.**

The county administrative officer may be dismissed by a majority vote of the board of supervisors for any reason, with or without cause, upon 120 days' written notice to him/her of dismissal, except that the county administrative officer shall not be removed with less than a four-fifths vote during the first 120 days following any change in the membership of the board of supervisors. (Ord. 677 § 9, 2007)

In addition to researching a number of CAO job descriptions, the Grand Jury interviewed a nearby County Administrative Officer, discussing at length the advantages and disadvantages of a CAO position for Sierra County. For an additional view of the pros and cons regarding a CAO position from a person reporting directly to one, we also interviewed a former City Manager.

Finally, for viewpoints closer to home, we interviewed all five Sierra County Supervisors and two County Department heads. Their points of view, positive and negative, will be included below in Findings.

### **FINDINGS : re/HUMAN RESOURCES/PERSONNEL**

**Finding 1:** Sierra County presently has a fragmented approach to hiring and evaluating employees and dealing with personnel issues and complaints, and has no succession planning process for replacing retiring managers. This fragmented approach has proved to be ineffective and costly to the county.

**Finding 2:** Sierra County has spent \$3,404,518 over the past 13 years on adjudicating and settling employee law suits against the County. Included in this amount, are annual liability insurance premiums that have escalated in the last 4-5 years. This figure also includes attorney's fees as well as wages and benefits paid to employees on administrative leave from 2004-2010 in the amount of \$262,816.00. \* (see footnote below)

**Finding 3:** There is no system in place for evaluating elected and non-elected department heads. Though elected department heads are—in theory—only responsible to the voters, there is no evaluation of their performance relative to the county budget.

**Finding 4:** Presently, department heads gain insight into the operations of the combined departments through attending informal meetings. Not all department heads attend these informal meetings. The insights gained may be at variance with those of other departments and of the Board of Supervisors.

*\*These figures do not include the recent \$280,000 settlement of a claim against the county.*

### **CONCLUSIONS: re/HUMAN RESOURCES/PERSONNEL**

The Grand Jury concludes that putting one person, a CAO, in charge of the hiring process, and of tracking the changing codes/laws regarding personnel issues and then training county personnel regarding these issues may alleviate these kinds of expenses to Sierra County.

Further, a CAO working under the Alpine County CAO duties listed below in B, C, D and E could discover and correct department failings before they get out of hand.

(Alpine County, duties of CAO, (Ord. 677 § 5, 2007)

**B. Department Director Meetings.** The county administrative officer shall meet on a regular basis with department directors for the purpose of communicating county policies and issues.

**C. Nonelected Department Director Performance Appraisals.** The county administrative officer shall at least annually prepare draft performance appraisals of nonelected department directors for review and approval by the board of supervisors.

**D. Dismissal.** The county administrative officer may recommend to the board of supervisors the dismissal or suspension of or other disciplinary action to be taken against any nonelected department director with appropriate documentation.

**E. Oversight of County Employees.** The county administrative officer shall oversee department director procedures for the hiring, assignment, management, supervision and disciplining of all county employees and shall see that all county staff are appraised at least annually. The county administrative officer shall audit and assure that all performance appraisals are consistent with the respective job descriptions, as well as with all county policies and procedures. (Ord. 677 § 5, 2007)

#### **FINDINGS: re/VISION AND LONG TERM PLANNING**

**Finding 5:** Issues of concern to business owners in Sierra County include the lack of a dependable work force, closed businesses, vacant homes, lack of affordable housing in some areas of the county, diminished county revenue from taxation, and dearth of attractive employment opportunities. Economic development seems to these business owners to be an essential ingredient to the solution of these problems.

**Finding 6:** Economically, Sierra County is in a process of transition from our former reliance on jobs related to logging, timber production and mining, to a new scenario in which property values are neither holding nor increasing, rural schools and roads funding is disappearing, employment opportunities are down, and tourist revenue is down. There is inadequate emphasis on this within the current governance structure. No one is responsible for planning, coordinating and facilitating Sierra County's efforts during this economic downturn to attract, retain and grow businesses and jobs.

**Finding 7.** The Sierra County General Plan, adopted in 1996, needs review and update in order to address evolving community realities.

#### **CONCLUSIONS: re/VISION AND LONG TERM PLANNING**

Sierra County needs a CAO who will take on the important and necessary work of planning, coordinating and facilitating the County's efforts to grow businesses and jobs during this period of economic transition. For instance, Glenn County's CAO serves as the

county's Economic Development Coordinator, dealing with business development, job creation, finding appropriate revenue sources for implementation and program administration, and grant administration. Similarly, in Butte, Nevada and Placer Counties, economic development falls within the purview of the CAO.

**FINDINGS: re/INTERVIEWS WITH SIERRA COUNTY SUPERVISORS AND DEPARTMENT DIRECTORS**

**Finding 8:** The department directors, each interviewed singly, held these opinions in common: there is a significant need for a Human Resources Department and a strong personnel director; a common vision among supervisors is missing; no long-range plans for the county have been implemented; no vision exists for even a one, five, or ten year plan; and the county needs a greater focus on economic development.

Other comments from directors were that the Board of Supervisors needs someone to help write policy, research grants, and represent the County to state and federal agencies, and that a CAO could do this and could provide a greater focus on Human Resources and personnel issues. A CAO could bridge the opinions of five supervisors and could navigate the independent turfs of elected department heads. A CAO could reduce the need for supervisors to travel out of the county to attend meetings.

**Finding 9:** The five supervisors, also interviewed singly, held varying opinions regarding positive aspects of reinstating a CAO for Sierra County. Among these:

- 1) A CAO could smooth out disparities among supervisors; could help separate fact from opinion for supervisors in dealing with different departments or diverging opinions. Could be a unifying presence.
- 2) A CAO could establish regular performance evaluations of department heads.
- 3) A CAO could establish a long-term planning process; could help in consolidating the vision of 5 independent minds and creating consensus; could create consistency between terms of supervisors and other elected officials.

**Finding 10:** Regarding negative aspects of a CAO for Sierra County, the supervisors held these opinions:

- 1) An extra layer of government is not needed in Sierra County; would not want to see too much authority given to one person in such a small county.
- 2) A CAO might take on tasks that are supervisors' responsibilities. Examples: budget, personnel, water issues.
- 3) A CAO could be a bottleneck between elected officials, department heads, and the public. Would not want CAO to obstruct the wishes of the Board.
- 4) Having a CAO might make the supervisors lazy.
- 5) In a small county like ours, any person should be able to approach the Board directly with whatever concerns they may have.

## **CONCLUSION: re/INTERVIEWS**

Reviewing these interviews regarding negative aspects to employing a CAO for Sierra County, the Grand Jury concluded that many of the supervisors' concerns stem from their unfamiliarity with the way a carefully constructed description of CAO duties and responsibilities entered into our county code would alleviate those concerns. In the Alpine County Code model cited earlier, items **2.10.060 - Powers and Duties—Limitations;** **2.10.090 - Performance Review;** and **2.10.090 - Removal** would resolve concerns about a CAO usurping authority or obstructing the wishes of the Board.

The Grand Jury further noted there is no statement in the Alpine County Code model (nor would there be one in a thoughtfully constructed CAO job description for Sierra County) preventing any person from directly approaching Board members with concerns.

## **FINDINGS: re/FUNDING A CAO FOR SIERRA COUNTY**

**Finding 11:** The Grand Jury recognizes that during this recession, funding a new administrative position may be difficult. However, if a CAO knowledgeable about codes/laws regarding personnel were placed in charge of overseeing departmental procedures regarding hiring, assignment, supervision, evaluation and disciplining of county employees, there could be a significant savings for Sierra County. Specifically, the cost of liability insurance and payouts could be reduced, and, very importantly, the County Counsel budget could be reduced because the need for day-to-day services would be reduced.

**Finding 12:** The current County Counsel budget totals \$437,000. Of this total, \$267,000 is budgeted for the County Counsel's legal services, office costs, travel and medical insurance, and \$170,000 is budgeted for outside counsel fees.

If the County Counsel budget of \$437,000 can be reduced by \$200,000 when the current contract ends in two years, largely through eliminating the use of outside counsel and through reducing the need for day-to-day services, the remaining \$237,000 would provide ample funding for a CAO.

## **CONCLUSIONS: re/FUNDING A CAO FOR SIERRA COUNTY**

The Grand Jury concludes that it is reasonable to anticipate funding sufficient for hiring a CAO for Sierra County within two years.

We further conclude that if the Board of Supervisors can find funding for the CAO position sooner than two years, the savings to the county may be significant.

The sooner the Board decides to implement the hiring of a qualified CAO, the sooner the county will reduce the flow of monies to an outside counsel. The CAO position will pay

for itself almost immediately.

## **FINAL CONCLUDING STATEMENT**

The Grand Jury concludes that Sierra County's elected local government officials can better fulfill their policy-making roles by delegating the day to day management of the county to an appointed, professionally-trained administrator—that is, a County Administrative Officer—appointed by and serving at the pleasure of the Board of Supervisors.

The CAO will serve the legislative function of the Board by providing research, information, and recommendations.

The CAO will serve all of the executive functions of the Board by administering and supervising all County departments in matters that are the responsibility of the Board.

The responsibilities of the County Administrative Officer will include:

- Acting as an agent and representative of the Board
- Enforcing Board policy
- Recommending the annual budget
- Exercising continuous budgetary control
- Recommending efficient operating procedures
- Recommending effective administrative reorganizations
- Providing direction and supervision of personnel
- Providing risk management

We further conclude that a CAO will bring these benefits to Sierra County:

- A comprehensive organizational structure
- Relief for department heads and elected officials from duties not listed within their job descriptions, thus permitting them to focus on the tasks at hand
- A source of informed recommendations, analyses, and forecasts to the Board of Supervisors for their bi-monthly consideration and action
- Verifiable County goals and direction
- Representation to industry, agencies and citizens outside the county

Growth management

Liaison between administration and employed and elected officials, departments, and the community

Provision of a comprehensive public access point, reducing requests made to individual county employees and officials

Establishment of a succession process for replacing retiring county managers.

## RECOMMENDATIONS

1) The Grand Jury recommends that the Board of Supervisors research the job descriptions adopted by other rural California counties for their County Administrative Officers and those available at the International City/County Management Association website in order to develop an administrator profile. (See ICMA's *Development of an Administrator Profile* included in the appendix.)

2) We recommend that the Board of Supervisors update SCC Chapter 2.14.010 through 2.14.070 to create a careful, well-thought-out job description for the position of CAO for Sierra County, referring to the relevant Alpine County Code chapter if needed. We emphasize that this job description should be based on the actual needs of the county and on ICMA guidelines. It should NOT be written to fit the qualifications of a person already employed by the county. (ICMA's *Potential Interview Questions*, included in the appendix, may be useful in writing this description.)

3) We recommend that the Board of Supervisors prepare a budget plan and staff plan focused on the installation of a County Administrative Officer.

4) We recommend that, when funding allows, the Board of Supervisors advertise for this position at least state-wide (Bay Area, LA, & San Diego as well as Sacramento), and that they hire out of county. (See ICMA *Recruitment Guidelines for Selecting a Local Government Administrator* at this web site:

[http://icma.org/en/icma/career\\_network/career\\_resources/recruitment\\_guidelines\\_handbook](http://icma.org/en/icma/career_network/career_resources/recruitment_guidelines_handbook)

5) We recommend adding the requirement that any person hired as CAO must move to and reside in Sierra County.

## **APPENDIX**

### **1) ICMA Recruitment Guidelines for Selecting a Local Government Administrator: International City/County Management Association**

#### **Major Decision Point: Development of an Administrator Profile**

The most significant decision point for the governing body in the recruitment of a new administrator is to define what the members are looking for—that is, to create the administrator profile. The profile will encompass those qualities, characteristics, experience, and areas of expertise that would be found in an ideal candidate. Only by considering how applicants compare and measure against one another and, of course, against the established criteria, can the governing body be sure that the candidate it appoints has the appropriate combination of work experience, management experience, and leadership style to be successful in the position.

The governing body should begin with a survey of its needs and those of the organization. To determine the needs of the organization, the governing body should invite input from the department directors. Items to be considered include size of the local government, composition of the community, services provided, and overall objectives and priorities of the governing body. The work experience, skills, and expertise of the candidates must relate to these factors. The governing body should also consider both the “nuts-and-bolts” skills and abilities, such as budgeting, human resources, and technological know-how, and the “soft” skills, such as the ability to work with people and to lead an organization. These criteria will form the basis for reviewing résumés, selecting finalists, and making a hiring decision.

Unless the governing body can come to consensus on these criteria, it may be difficult to find the right candidate. By reaching consensus, however, the governing body will be better able to inform the applicants on what it is looking for in a chief administrator.

Developing the administrator profile helps the governing body define its needs and establishes the groundwork for generating a rich pool of applicants with the skills and abilities to address the needs of the governing body, the community, and the organization.

## APPENDIX

### 2) ICMA RECRUITMENT GUIDELINES: Potential Interview Questions

It is suggested that each member of the governing body ask the same question(s) of each candidate.

#### Candidate Traits/Experience/ Qualifications

1. Provide a brief summary of your education and work experience.
2. Please briefly describe your experience with
  - a. Land use planning
  - b. Economic development/redevelopment
  - c. Tax increment financing
  - d. Business attraction and retention programs
  - e. Beautification programs
  - f. Business assistance programs—e.g., façade improvement, code compliance
  - g. Annexation
  - h. Subdivision policies and regulations, particularly as they relate to storm-water management
  - i. Zoning
  - j. Building code administration
  - k. Municipal facilities expansion—in particular, water and wastewater utility expansions
3. How would you describe your leadership and management styles?

#### Interaction with Governing Body

1. What do you perceive to be the chief administrator's role in working with the governing body, local government attorney, and clerk?
2. What are your expectations of the governing body in relation to
  - a. Yourself
  - b. Other staff
3. How and when do you communicate with the governing body?

#### Candidate Thoughts on Role of Administrator

1. In your opinion, what role should the administrator have in the community?
2. Do you believe the administrator should be an active member of a service or fraternal organization? If yes, why?
3. How do you deal with the news media?
4. How do you deal with special-interest or single-interest groups?

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5. What is the best way for an administrator to deal with an angry constituent?

### Personnel Experience

1. How and when do you delegate responsibility and authority?
2. Have you ever been at the bargaining table and been actively engaged in negotiating an agreement?
3. Have you taken part in mediation, fact finding, or arbitration? Which ones? Please explain your experience in such process(es) including your role/ level of involvement and your thoughts regarding the outcomes of these experiences.
4. Have you ever had to discipline, demote, or fire an employee? Please elaborate.
5. How do you educate, encourage, and motivate your staff?
6. Are you familiar with state and federal laws relating to nondiscrimination, sexual harassment, employees with disabilities, and equal opportunity?
7. Have charges of violation of state or federal employment laws or a grievance ever been filed against you or your city? Please explain.
8. What experience have you had in the preparation and implementation of personnel rules, regulations, procedures, and compensation plans? Please describe.
9. What is your experience with employee benefits administration, group health insurance, and risk management?
10. What in your opinion is the most serious issue today in local government personnel management?
11. How and when should private sector resources (e.g., contractors) be used to provide village services?

### Financial Management Experience

1. Is there a difference between a financial plan and a budget? If so, please explain how they differ.
2. Are/were you the designated budget officer for your local government? Did you prepare and present the budget to the council, and upon adoption, were you responsible for implementation? Please explain the outcomes of various budget processes and any challenges you encountered from budget development through council adoption.
3. What is your experience with debt financing? Please give an example.
4. Have you secured and administered any type of loans or grants? Please give an example.
5. Describe the most successful capital improvement project you were responsible for and what

## APPENDIX

made it successful?

6. Have you reviewed our annual budget and/or annual report? If yes, what is your impression of our financial condition?
7. What is your opinion of “pay as you go” financing of maintenance and capital projects? Special assessments? Special taxing districts?
8. What type of financial reports do you provide the elected body and with what frequency?
9. Have you read our comprehensive or general plan? What are your impressions or thoughts?

## Intergovernmental Relations Experience

1. What experience have you had in dealing with
  - a. Councils of government/intergovernmental agencies?
  - b. County government?
  - c. Other local governments (schools, parks, etc.)?
  - d. State agencies?
  - e. Federal agencies?
  - f. State legislature?
  - g. Congress?
2. Do you feel comfortable “lobbying”?

## External Organizational and Professional Association Relations

1. Have you been an active participant in the activities of a statewide municipal league, statewide city or county management association, the International City/County Management Association (ICMA) or other professional organizations devoted to local government? Please give examples of your activities.
2. Are you an ICMA Credentialed Manager? If so, how do you fulfill your annual professional development requirement?

**RESPONSE TO SIERRA COUNTY BOARD OF SUPERVISOR'S  
REFERRAL TO THE 2011-2012 GRAND JURY**

On May 10, 2012, at the request of the Sierra County Board of Supervisors and Sierra County Superior Court Judge John P. Kennelly, the 2011-2012 Grand Jury was asked to consider whether or not a formal Accusation for willful or corrupt misconduct by an elected official should be lodged against Sheriff John Evans. The Grand Jury was given three options:

1. Decline to Act.
2. Request that the 2012-2013 Grand Jury take up the matter.
3. Accept the request of the Board of Supervisors.

Grand Jury members voted to honor the request of the Board of Supervisors and to proceed with an investigation and deliberation on the matter at hand. Misconduct in office includes any knowing and willful malfeasance, misfeasance, or nonfeasance.

1. Malfeasance is the knowing and willful doing of an act that is unlawful.
2. Misfeasance is the knowing and willful failure to perform a duty in the manner that the law requires.
3. Nonfeasance is the knowing and willful failure to act when the law requires an act. Mere negligence or mistake in judgment in the performance of a public officer's duty does not constitute willful misconduct in office.

A Grand Jury has the authority to file an Accusation against any locally elected or appointed public officer, charging that person with willful or corrupt misconduct in office. (Govt. Code 3060) The Accusation must state the offense charged in ordinary and concise language (Govt. Code 3061) and must charge specific instances of misconduct. The sole consequence of a determination that an Accusation is true is removal of the accused public officer from office.

In order to sustain an Accusation, there must be the ability to prove the allegation beyond a reasonable doubt. For the Grand Jury to move toward the filing of an Accusation, the Grand Jury members would have to believe enough credible evidence existed to take the matter to a jury. The Sierra County Grand Jury reviewed government codes listed above, read a confidential preliminary findings report completed by a private firm outside Sierra County, and reviewed witness statements. We were also personally advised by Deputy State Attorney General Sean McCoy and we repeatedly reviewed the written legal opinion of the DAG. We referred often to the statement: "Your focus is on whether Sheriff Evans committed misconduct on the allegations that were referred to you, namely, whether he engaged in sexual harassment of an employee that was sufficiently pervasive as to create an objectively hostile and abusive workplace."

**AFTER CLOSE REVIEW OF TESTIMONY PROVIDED, RESEARCH, REVIEW OF STATE CODES 3060 AND 3061, AND EXHAUSTIVE DELIBERATION, IT REMAINED UNCLEAR TO THE MAJORITY OF THE MEMBERS OF THE GRAND JURY THAT SHERIFF EVANS' CONDUCT CONSTITUTED WILLFUL MALFEASANCE, MISFEASANCE OR NONFEASANCE. NOR COULD THE MAJORITY OF THE GRAND**

RESPONSE:

**JURY MEMBERS CONCLUDE THAT SHERIFF EVANS' CONDUCT WAS SO CORRUPT THAT TO FILE AN ACCUSATION, FOLLOWED BY A JURY TRIAL AND POSSIBLE REMOVAL FROM OFFICE, WAS WARRANTED. THESE CONCLUSIONS ARE BASED ON THE FOLLOWING FINDINGS:**

1. There exists no written documentation of harassment, willful failure to act, willful doing of an act that is unlawful. Further, there is no written documentation of any previous allegations involving misconduct in office by Sheriff Evans from the offices of the Personnel Director or the Board of Supervisors. Without written documentation of misconduct, there is no actual knowledge of WILLFUL misconduct.
2. There is a decided lack of corroborative evidence among witnesses. (i.e., He said/She said is not enough to sustain an accusation).
3. There is evidence of systemic failures at all levels of Sierra County Government with respect to protocols for reporting patterns of harassment, abusive or hostile work environment, discriminatory behavior, and misconduct by elected and appointed public officials.
4. There appears to be a pervasive culture among many elected and appointed officials of ignoring or accepting misconduct among peers or subordinates.
5. There is evidence suggesting that witnesses may have fabricated initial testimony based on political, partisan, or personal prejudice.

**THE 2011-2012 GRAND JURY IS IN AGREEMENT THAT THERE IS ENOUGH EVIDENCE TO CONCLUDE THAT SHERIFF EVANS HAS ENGAGED IN AND ACTIVELY PARTICIPATED IN ACTIONS THAT:**

1. Constitute unacceptable and inappropriate behavior by an elected official in a supervisory position.
2. Are unbecoming of a peace officer under the color of authority.
3. Constitute negligence in the performance of his sworn duties.
4. Breach the public trust.
5. Violated portions of the Sierra County Sheriff's Department Mission Statement.

It is incumbent upon those elected to serve as the chief law enforcement officer of a county to conduct themselves in a manner that is above reproach. It is also an obligation of that elected official to be hyper-vigilant as to the conduct of the deputies and corrections officers under his supervision. To do anything less affects public safety and violates the oath of office. Sheriff Evans has violated basic codes of work place conduct and has demonstrated a lack of common sense. It is the conclusion of this Grand Jury that Sheriff John Evans must be immediately and formally censured by the Sierra County Board of Supervisors.

In addition, in the course of our research, the Grand Jury has become aware that county elected and appointed officials and employees from multiple agencies commonly turn a blind eye to similar inappropriate and potentially unlawful actions. These actions, by Sheriff Evans and other

RESPONSE:

employees, are demonstrations of Sierra County's failure to enforce staff training on personal behavior that has resulted in lawsuits, and on enforcement of personnel policies. To insure that, in the future, all county employees are aware of the consequences of inappropriate and unlawful actions perpetrated by themselves and others, Sierra County needs to apply and enforce its personnel policies through an independent County Administrative Officer (CAO), as recommended in the 2011-2012 Grand Jury Report "A Chief Administrative Officer for Sierra County," or, at a minimum, through an independent, stand-alone professional Personnel/Human Resources Director. Further, the Grand Jury recommends that the Sierra County Board of Supervisors consider the following changes/additions to employment operations/protocols currently in place:

1. Implementation of stricter reporting of harassment, misconduct, hostile work environment. All complaints, grievances, etc. must be completed **IN WRITING**. Supervisors must inform their employees of persons other than themselves that will file such reports so that there is no room for retaliation from a direct supervisor.
2. Recent events have illustrated that the positions of District Attorney and Personnel Director show a direct conflict of interest. The office of the Personnel Director must be completely independent from all other supervisory positions.
3. Lack of funds can no longer be used as an excuse not to hire a fully qualified County Administrative Officer or professional Personnel Director/Human Resources Director. If action is not taken by the Board of Supervisors to correct this problem, insurance premium costs, legal fees, and unnecessary pay-outs to employees will continue to deplete the general fund.
4. Attendance at Department Head Meetings must be made mandatory and should be directed by an independent Personnel Director or County Administrative Officer. There must be a published agenda for all Department Head meetings and written notes must be available for all supervisors and employees to read when appropriate. A member of the Board of Supervisors should attend these meetings and all supervisors must receive copies of the agenda and the minutes in a timely manner.
5. It must be reiterated to all department supervisors that it is their responsibility to follow a code of conduct that will protect themselves, and thus the county, from accusations of misconduct. Written documentation of misconduct is imperative. Transparency is essential.

### CONCLUSION

The Grand Jury concludes that there are transgressions of ethical/moral constraint among a number of Sierra County department heads and employees. Sheriff Evans's inappropriate actions merely follow other more egregious instances of misconduct. The threat of sexual harassment suits continually hovers over the county. We question why our County Supervisors, especially those who have served for some years, have not taken steps to amend this situation. Some would argue that their history of complacency and failure to act on the past record of employee payouts, and related costs to the county, makes a strong case for adopting term limits in Sierra County. Voters, the ultimate deciders, may have to assume responsibility for addressing this issue, as little will change in Sierra County until voters conclude enough is enough.

RESPONSE: