

FILED

SEP 24 2015

SIERRA SUPERIOR COURT
BY: 
CLERK

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

In the Matter of

2014-2015 Sierra County Grand Jury

MINUTE ORDER

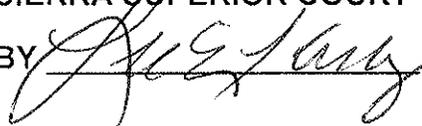
_____/ HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Board Of Supervisor's response to Grand Jury Reports of 2014-2015**, received on September 18, 2015.

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 24th day of September, 2015

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 24th day of September, 2015

SIERRA SUPERIOR COURT

BY:  Clerk

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

FILED

SEP 18 2015

SIERRA SUPERIOR COURT
BY *Cecilia Ruhn*
DEPUTY CLERK

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



15 September 2015

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

Re: Response to Grand Jury Consolidated Report of 2015

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. We also appreciate the dedication of the citizen's involved in this process and their willingness to review and make comments with respect to the public process.

We did find the organization of this report difficult to follow and will attempt to respond to those issues that are the purview of this board, although the Grand Jury did not indicate from whom they wished responses.

Section III. Culture of Sierra County

While we certainly understand the frustrations of grand jury service, it is much like other public service where actions can be unpopular and criticized. Such can at times be the plight of public service, not unlike what this board occasionally faces.

With respect to the community's respect to the grand jury process, we would submit that the Grand Jury itself has the greatest control over its own reputation. Should this Board of Supervisors not agree with certain findings that is not to mean it has disrespect for the Grand Jury or grand jury process. Honorable people can agree to disagree and many of the disagreements can be followed back to the budget process for which this Board needs to comply. This Board is mandated to operate the county within a balanced budget and as such has to prioritize many conflicting demands. The Grand Jury by comparison can make findings and recommendations without any concern for a budget process or any individual program cost. Certainly a grand jury can inspire confidence it is actions by complying with current state law. Most public process involves the concept of due process and/or due diligence. As such, state law for the past decade has required pre-notice to any reviewed entity, something all grand juries have complied with. That is until now. This is an omission that strikes at the sense of fairness and due process.

The characterization and statement of this report that this Board is ignoring the economic climate of Sierra County is made without example and is far less than an accurate statement. County government represents a consensus of the community as represented in the general plan. The County is not responsible for the direct activity of private enterprise within the County. At best, County government can provide a landscape that allows for the operation of businesses while taking in consideration the wishes of the public at large. Quality of life remains a very important concept to most County residents and any number of economic projects have been thwarted due to the wishes of the community at large as spoken through the General Plan.

Similarly, the comment in this Grand Jury Report with respect to a county administrator position appears given as an opinion with little background information. "Unconscionable" is a tough word, made without any factual information, funding recommendation, or troubling need. Sierra County remains California's second least populated and is not alone without such a position.

This Board repeats what we said last in past responses on this subject: "This Board appreciates the grand jury's review of this matter, a subject matter that is routinely pondered by many countywide. While no doubt the addition of a CAO could assist in some organizational effort, the real question is with respect to the cost/benefit ratio with such a position." Our neighboring County of Plumas, with a population ten times that of Sierra County, presently operates without a CAO. The position of county CAO is not mentioned in the state constitution and is a relatively new concept in governmental organization. We could not disagree more with the word "unconscionable" in this setting.

IV. Grand Jury Business

This Board is considering the rate of reimbursement to grand jurors. Jurors already are reimbursed for mileage at the IRS approved rate.

"Cookie cutter responses?"

This Board takes and has taken the grand jury process seriously and respects the work of all juries and jurors. The board understands the herculean and thankless tasks grand juries can face, mostly with little reward. This board does not always agree with findings and some findings carry from year to year. While grand juries are entitled to opinions, so are boards. Boards of supervisors need to prioritize issues based on both philosophical issue and realistic cost, and may see things differently.

Respectfully, no response from this Board has been cookie cutter and the suggestion is less than respectful of this Board and its responsibility.

"Where is Sierra County going?"

It is beyond the capability of any public entity to clearly answer the above question. Ask the same of Los Angeles or California as a whole. There are any number of different answers, depending on who you ask.

Sierra County is 70% national forest system lands, a legacy locked in 1905 with the creation of that federal forest system, and much of our economy is based on current federal forest policy. A county of 3000 people can have little impact on that federal policy, but we try both individually as a county and through membership in county organizations described later in this response.

The remaining 30% of the County is largely made up of valuable farm lands of the Sierra Valley. The approved County General Plan protects much of that land as agriculture and open space. Sierra County has survived 113 years, through a number of national economic crises and world wars. Created by the influence of the California gold rush, the economy has morphed from mining to logging and now to tourism and agriculture. While tourism is competitive and difficult, our physical geography and demographics are what they are. Folks are here for a number of reasons, including serenity and quietness.

"Conflicts of interest?"

This Board does not understand the comment and would seek further information as to the "conflict" that is suggested. If it involves the use of personal time of anyone, then it seems very inappropriate and out of the jurisdiction of a grand jury, unless there exists a direct and measurable conflict that places a person in violation of the law.

VII. Law enforcement

This Board has responded to the jail staffing issue by supporting and funding the jail assessment report. This Board has further supported the recommendation of the existing jail as a type one facility until use demographics suggest otherwise. Such limited use appears to solve all the suggested shortcomings of heat, nutrition, exercise, and staffing. To spend public monies on the facility until a more consistent use appears seems irresponsible.

Sheriff's Staffing

Law enforcement staffing is both a difficult and expensive issue. The finding of 'grossly understaffed' is made without any basis of fact or statistical information. The current sheriff's operation has a staff of 11 sworn, higher than past periods and in a time when county population is decreasing. While certainly any public safety agency needs a base minimum to operate, the sworn staff of 11 in a county of 3000 certainly outpaces the national average of one peace officer for every 2,000 persons in population in the United States

Probation

This Board has supported the expanded use of electronic monitoring.

Marijuana

This Board adopted Ordinance number 1055 a year ago in response to community concerns and following a number of public meetings on the subject. Restrictions were placed to attempt to not make Sierra County a magnet for grows but allow residents safe access as provided by Proposition 215 passed over a decade ago. Since the adoption of Ordinance 1055, two of our neighboring counties have further restricted marijuana grows and appears to have put a greater impact on Sierra County. This Board agreed on record at the time of adoption to revisit the subject of Ordinance 1055 at the end of the 2015 growing season (and prior to the 2016 statewide initiative process). Most recently this Board received a petition from community members and has directed the issue back to an ad hoc committee to vet the issue through a very public process. That process will be undertaken over the next few months and a recommendation made back to the full board. All aspects of this process will be completely public and publicly noticed for the participation of all and the Board remains proactive in evaluating the issue.

Allied agencies

Sierra County is a member of many outside entities, the following just to name a few:

- CSAC Excess Insurance Authority
- Sierra Nevada Conservancy
- Northern Rural Training and Employment Consortium
- SEDCorp (Economic Development Organization)
- Northern Sierra Air Quality Management District
- Area 4 Agency on Aging
- Trindel Insurance Group
- Northern California Emergency Medical Services Agency
- California State Association of Counties
- Rural County Representatives of California

Membership in the above reach back decades. Involvement with CSAC-EIA includes the Sierra County delegate serving as President, and the Sierra County RCRC delegate is currently the chair of the 34 county group. Additionally the current CSAC delegate is currently a co-chair of that statewide organization's poverty working group. We fail to understand the recommendation of the Grand Jury. Sierra County also has agreements with both Nevada County and Plumas County for jail services, a pathology agreement with Placer County, and a law enforcement memorandum of understanding with Washoe County, NV.

RCRC was specifically held out for the County to "enhance and actively participate". While Sierra County has been an active RCRC County for over thirty years, the last three years has seen the Sierra County delegate in organization leadership chairs and this very year is the organization's board chair. RCRC's county of the chair meeting was held this June in Sierra County. Additionally, our RCRC delegate has represented Sierra County and RCRC in Washington, DC, before the National Association of Counties, and repeatedly before the State Legislature on issues of interest to Sierra and other rural counties. This Board would be curious to know how this County possibly more "actively participate" in RCRC. Interestingly enough, there was no Grand Jury contact with the RCRC delegate before making this recommendation.

We might also add that outside county involvement is a tricky balancing act for any elected official. Some criticize the need for out-of-county work and too much outside travel can be misinterpreted as a failure to work on "more local demands." Such activities and involvement become a balancing act for every member of this Board.

CCIC

To our knowledge, this board has not been asked to "join" nor does a review of their website show any county north of Sacramento as a partner in this organization. We would be interested to seek comment from the Sheriff on this matter.

Closing comments

While this Board appreciates the work of all grand juries, the best work from grand juries appear to occur when subjects are fully vetted and explored. Due process and due diligence would suggest that numerous sources be contacted, including those most involved. While this Grand Jury made recommendations for this Board, no contact is reported with any member of this Board. More importantly, nor were members of the Board given advance notice of the report, as is required by section 933.05(e)(f) of the California Penal Code. This requirement is not optional, but a requirement of California law that all grand juries must comply with.

It is said that "words have meaning", and Grand Jury reports have lives well beyond their year of issue. This Grand Jury alone quoted the works of earlier Grand Juries. It can be alleged that this Grand Jury report makes findings without foundational findings, and that coupled with the failure to make proper prior notice, is unfortunate as both can undermine the pure ideals behind the grand jury process. Such ex-parte reports have statewide significance and are often referred to as 'hit pieces' and was a major reason why the noticing requirement was added to California law some years ago. While we cannot know the mindset and intent of all members of this Grand Jury, full compliance with all the provisions of section 933 of the Penal Code would have prevented this concern.

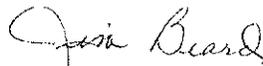
How to fix this violation of the law? While one can never un-ring a bell, perhaps the court should consider recalling this report until compliance with the Penal Code occurs, or the incoming grand jury can review the processes used by this grand jury so that this error is not repeated. Should this report stand, we believe it would not be unfair that it contain a caveat that it was issued without the mandatory notifications. Members of this Board would have responded prior to publication to provide the jury with much of what is now mentioned in this response.

While we appreciate the overall review of specific County operations by the Grand Jury, this Board has no such luxury: We have a mandate to see that all required County operations function at a level either required by law or desired by the public and must do so with a limited budget. We try to make such decisions in a both a thoughtful and public manner, balancing the needs and desires of all countywide.

Once again, this Board appreciates the work and effort of all involved as members of the 2014-2015 Sierra County Grand Jury.

Sincerely,

SIERRA COUNTY BOARD OF SUPERVISORS



JAMES BEARD
Chairman

Lee Adams
District No. 1
P.O. Box 1
Downieville, CA 95936

Peter W. Huebner
District No. 2
P.O. Box 349
Sierra City, CA 96125

Paul Roen
District No. 3
P.O. Box 43
Calpine, CA 96124

Jim Beard
District No. 4
P.O. Box 1040
Loyalton, CA 96118

Scott A. Schlefstein
District No. 5
P.O. Box 192
Loyalton, CA 96118

Required responses, by finding and recommendation numbers. See Board letter of response for additional comments.

F1: Agreed and completed.

F2: Partially agree and completed.

F3: Partially agree, solved by Type 1 op.

F4: Unknown, solved by Type 1 op.

F5: Agree, solved by Type 1 op.

F6: Unknown.

F7: Unknown.

F8: Disagree. Opinion.

F9: Agree.

F10: Unknown.

F11: Unknown.

F12: Disagree. County does.

F13: Disagree. County does.

R2: Agreed and completed.

R2: NA

R3: Partially agree, solved by Type 1 op.

R4: Unknown, solved by Type 1 op.

R5: Disagree while operated as Type 1.

R6: Agree if true.

R7: Agree if true.

R8: Disagree. Budget a Board responsibility only.

R9: Not used.

R10: Unknown. Ordinance review in process.

R 11: Unknown. Ordinance review in process.

R 12: Disagree. County does.

R13: Disagree, County does.

FILED

SEP 24 2015

SIERRA SUPERIOR COURT
BY  CLERK

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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 IN AND FOR THE COUNTY OF SIERRA
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11 2014-2015 Sierra County Grand Jury

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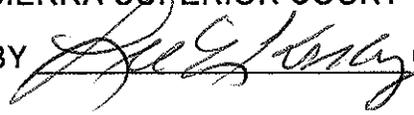
12 _____ /
13 HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

14 The County Clerk is hereby directed to file the **Sheriff's Office response to Grand**
15 **Jury Reports of 2014-2015**, received on September 22, 2015.
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18 I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order
19 entered on the minutes of said Superior Court of the State of California, County of Sierra,
this 24th day of September, 2015

20 ATTEST my hand and seal of the Superior Court of the State of California, County
21 of Sierra, this 24th day of September, 2015

22 SIERRA SUPERIOR COURT

23 BY  Clerk

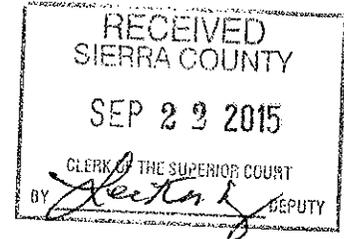
24 cc: Heather Foster
25 Sierra County Clerk
26 Courthouse
27 Downieville, CA 95936



Tim Standley

Sheriff-Coroner
County of Sierra
State of California

100 Courthouse Square/PO Box 66
Downieville CA 95936
(530)289-3700 Fax (530) 289-3318



September 18, 2015

Honorable John P. Kennelly
Presiding Judge of the Sierra Superior Court
100 Courthouse Square, 2nd Floor
P.O. Box 476
Downieville, CA 95936-0476

RE: Response to the 2014/2015 Grand Jury Report

Dear Judge Kennelly,

Pursuant to Section 933.05 of the California Penal Code, please see the below responses to the 2014/2015 Grand Jury Report as it relates to the sheriff's office and their annual inspection of the jail. I would like to extend my appreciation to this year's Grand Jury for their diligence and professionalism throughout this process. While the duties of the Grand Jurors may seem thankless, they are a necessary tool to provide an evaluation of current systems in the hopes of pinpointing areas for improvement that might otherwise be overlooked. My responses to this year's findings are listed below:

F1: The Jail as a Type II Facility: In light of the recommendations in the jail Survey completed by Fred Campbell, continued deficiencies noted in the Annual BSCC Inspections and inability to fill corrections-communications positions to an acceptable level of security for inmates and officers alike. I notified the Board of Supervisors that effective March 17, 2015 the Sierra County Jail would function as a Temporary Holding Facility.

F2: Jail Staffing: We have held several recruitments for the position of Corrections-Communications Officer in recent years. We have been unable to fill the positions for reasons that include a lack of competitive salary resulting in fewer applicants and applicants being unable to pass the background process. We are continuously accepting applications and anticipate holding interviews when a reasonable amount of applications are received to fill the remaining open positions. We are currently in the final stages of hiring an additional Corrections-Communications Officer with another position budgeted.

F3: Jail Heating System: The use of space heaters had been discontinued per a directive to staff on November 22, 2014 due to safety concerns. It was determined the lack of heat to the jail was due to the courthouse heat being turned off on Friday for the weekend and an unawareness by Plant Maintenance that it was affecting the jail facility. This was easily remedied once the cause was determined by not shutting off the heat prior to making the jail a Temporary Holding Facility.

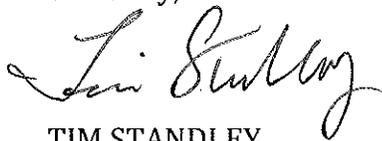
F4: Inmate Nutrition: Upon receiving the recommendation by the County Health Department during the annual inspection, we contracted a Certified Nutritionist, Danielle Yantis. We collaborated with her creating a permanent monthly jail menu which met the requirements per Title 15 which contained lower sodium and higher protein. This menu was implemented December 8, 2014.

F5: Inmate Recreation Yard: Funding for fortification improvements to the outside Sally Port fence was previously requested from the CCP but has since been redirected towards staffing and inmate transport units. The Sally Port is no longer being utilized as an inmate recreation yard as the jail is no longer classified as a Type II Facility.

F6: Sierra Valley Substation Security Cameras: The security cameras at the substation have been replaced with new cameras. The cameras are functioning properly.

F7: Sierra Valley Substation Rear Door: The weather-stripping on the rear door has been adjusted to close the air-gap between the door-frame and the door.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Standley". The signature is written in a cursive, flowing style.

TIM STANDLEY
Sheriff-Coroner

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