

Sierra County
Grand Jury
Final Report
2012-2013

Presiding Judge
Hon. John P. Kennelly

Assist. Presiding Judge
Hon. Charles H. Ervin

SIERRA COUNTY GRAND JURY, 2012-2013

The 2012-2013 Sierra County grand jury began with the naming of the members and the alternates in Downieville a little later in the summer than most of us would recommend for the future. Our experience is that there is not enough time in a year to achieve what a grand jury needs to do if the beginning is later in the year. As a result of the late start the grand jury training was also later in the period than we would recommend.

One of the first things that became noticeable is that persons should not volunteer for this work if they are not willing to commit to the service and willing to put some effort into the jury endeavor. It is also important that those choosing to serve not be seeking to grind axes. If a citizen wishes to gain some understanding about how the county, city, special districts and school district operate, then there is probably no better place to gain this understanding than serving on a grand jury.

This grand jury received a number of complaints from a mixture of citizens about a number of apparent issues. In the end, the jury chose to work on four areas of local government—the operation of the school district; the operation of the Health and Human Resources Department; perceived problems in the operation of the building department and the enforcement of the law regarding building codes and building permits; and finally, the law requires that each grand jury review the operation of the county jail.

One of the complaints involved the operation and implementation of the Sierra County Solid Waste Fee. Upon review, it was the conclusion of the grand jury that the complaint was unfounded and that the fee system was operating correctly under the law and the implementing county ordinance.

Two areas that we did not have time to investigate and that many felt needed this review, were, first, the operation of the City of Loyalton and second, the transparency in the operation of the Sierra County Waterworks District No. 1. We would recommend that the 2013-2014 grand jury look most seriously into the operation of the City and check to make sure the special district is complying with the Brown Act.

This jury interviewed all the county department managers and all the members of the Board of Supervisors. We also interviewed the Superintendent of Schools, the Finance Director of the school district and one of the members of the school board. An attempt was made to interview Brooks Mitchell, the Mayor of Loyalton, but he was not willing to come from Loyalton to Sierraville for this interview and required that the eleven members of the grand jury go from Sierraville to Loyalton to meet with him. It was decided that we had neither the time nor the desire to spend the taxpayers' money moving the meeting to Loyalton and chose not to interview this mayor. We, as noted above, believe that the city needs to be investigated by the next grand jury.

Once these interviews were completed, four committees were appointed and assigned the job of investigating the different areas assigned to them. The jail committee decided to actually look at all the law enforcement facilities and we report on these. The committee looking at the school district was looking at the financial operation and at the public perception that the elected board of education was operating in secret and that decisions were being made outside of the public meetings. The committee looking at the Health and Human Resources Department focused on the concerns among county employees that there is no place to take work place problems since the department manager is married to the County Auditor who is the final arbiter of such issues below a public hearing at the Board of Supervisors. There was concern with privacy issues and confidentiality. In the case of the Building Department, the issue was that the operations here could lead to citizens having contempt for the law. There appeared to be a situation where some complied with the law and some ignored it and even flaunted their determination not to comply. We offer some solutions here even as the perceived problem continues. Recently, one of the members of the Board of Supervisors mentioned that they were taking care of problems in one case. Nothing could be worse than to have the board members

SIERRA COUNTY GRAND JURY, 2012-2013

interfering with the operation of the law in these cases. It is recommended that individual members stay out of these apparent violations of the law.

Each of the jury members wishes to thank Judge John Kennelly and the Superior Court staff for all their efforts to help us as we stumbled along. The Judge and the staff made all our lives easier and we appreciate it.

As foreperson of this Grand Jury, I can only say thank you to all the members. These people were self starters and completely understood their obligations and the restrictions on their behavior, particularly the secrecy of the deliberations.

The Members of the 2012-2013 Sierra County Grand Jury

Bill Adasiewicz	Pike City
Jim Loverin	Long Valley (Purdy)
Anne Eldred	Sierraville
Juliana Walsh	Sierraville
Sandy Kendall	Sattley
Dale Verner	Sierra Brooks
Martin Rosen	Sierra Brooks
Delores Church	Sattley
Bill Copren	Sattley

Respectively submitted,

William G. Copren, Foreperson

SIERRA COUNTY GRAND JURY, 2012-2013

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6 **SIERRA COUNTY GRAND JURY
ANNUAL REVIEW OF THE JAIL AND
LAW ENFORCEMENT FACILITIES**

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12 **SUMMARY**

Each year it is the obligation of the Sierra County Grand Jury to review Sierra County's jail. This requirement is in accordance with the state mandate of California Penal Code, Section 919(b). Additionally, we reviewed Sierra County's other law enforcement facilities.

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22 **BACKGROUND**

Sierra County's Sheriff's Department provides law enforcement, emergency service, public safety services and security for the citizens of Sierra County. The county jail is used for people being detained while awaiting trial, those who have been sentenced to a county jail term, and those sentenced to state prison and waiting transfer. We are now entering a new era where state prisoners may be returned to the county jail to finish incomplete state sentences.

Sierra County's jail facility was added on to the county courthouse in Downieville during the 1980s. A new sub-station was built in Loyalton in 2007.

Because of the age of the Downieville facility and the economic downturn of our county (specifically since 2008) maintenance has been deferred and now the deficiencies are an ongoing problem.

26
27 **APPROACH**

28 An inspection of the Downieville facility took place in August, 2012. Committee
29 members were accompanied on a tour of the jail facilities by Sergeant Michelle
30 Anderson.

31
32 An inspection of the Loyalton sub-station facility took place in September 2012 with
33 committee members being accompanied by Detective Mike Fisher.

34
35 Sheriff John Evans was interviewed by the entire Grand Jury on December 14, 2012
36 during their monthly meeting at Sierraville School, Sierraville.

37
38 **DISCUSSION**

39 Downieville Jail Facility
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1 Continual maintenance has been done on the Downieville jail facilities to address
2 changing county needs and to keep it in compliance with state regulations. Work
3 is being done in the least expensive manner. Many times this results in stopgap
4 measures rather than permanent solutions. Because of its age, maintenance and
5 repair is ongoing, difficult and, even with cost control in mind, very expensive.

6 **FINDINGS**

7 F1. There is a continuing long-term roof water leakage problem in the county jail.

8 F2. The electrical power has been turned off in the holding area
9 because of water damage.

10 F3. As a result of long-term water damage, mold exists in the holding area.

11 F4. The elevator structure has severe damage from the effects of both the water damage
12 and winter freeze/thaw cycles. It is understood that the water leakage originates at the
13 elevator structure. Damage increases each year. Expenses for repairs appear to increase
14 exponentially.

15

16 **RECOMMENDATIONS**

17 R1-4. It is the grand jury recommendation that the board of supervisors
18 find funding for the repairs needed to construct a *permanent solution* to the
19 roof/elevator shaft leakage problem.

20

21 **FINDINGS**

22 County Facility Security

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24 F5 There are jail security system improvements that have not
25 been completed. These improvements were started with grant money but were
26 not completed because costs exceeded the grant monies received. The following
27 systems have not been completed:
28 a. Intercom system
29 b. Video monitoring system
30 c. Remote control lock system

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32 **RECOMMENDATIONS**

33 R-5

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35 It is the grand jury recommendation that the board of supervisors establish reporting
36 procedures which will ensure that future grant
37 projects are completed *with the grant funds available*.

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1 **FINDINGS**

2 F6 The following are not protected from tampering and/or contamination:

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a. Radio communication towers have no anti-climb prevention devices. (Neither the tower at the courthouse/jail in Downieville nor the Loyalton sub-station is protected)

b. The courthouse/jail air circulation system.

c. The courthouse/jail facility in Downieville, and the Loyalton sub-station external electrical service panels and emergency generators.

d. Fuel oil is not security fenced.

e. The Loyalton sub-station propane tanks are not security fence protected and the control covers are not locked.

f. The Loyalton sub-station has confidential records, specialized equipment, weapons and munitions stored on site. The building is not protected to a level sufficient for this type of storage.

g. Sheriff vehicles storage security is lax. In both Downieville and Loyalton vehicles are parked in an area open to the public.

Recommendation

R-6 The Board of Supervisors must:

Establish a standing committee consisting of a County Supervisor, the County Sheriff, and a member of the Roads and Transportation Department to:

1. Prioritize completion of security structures.

2. Identify potential grant funding.

3. Supervise and direct grant-funding implementation.

The overriding goal of this working group should be to protect the public from harm and protect the county assets at all of these facilities.

1 **FINDINGS:**

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3 F7 Sally port/exercise area at county jail in Downieville.

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5 California Title 24, Section 1231.2.10 mandates that prisoners have an outdoor exercise
6 area. The regulations dictate square footage, fence height, lock system, top of fence
7 containment and minimum hours per week for outside exercise.

8

9 The outdoor area at Downville Jail fails to meet any of these requirements. Also this
10 facility is located close to a Downieville residential area. During our inspection we could
11 hear children playing in the nearby neighborhood. The deficiencies with the sally
12 port/exercise area place the general public and the county administrative personnel at
13 unacceptable risk.

14

15 Deficiencies noted:

16

17 a. The sally port fence height is 12 feet. The state
18 requirement is 15 feet.

19

20 b. There is no automatic lock system.

21

22 c. There is no top fence containment.

23

24 d. Prisoners have access to the courthouse's main electrical service boxes.

25

26 e. The County's administrative office windows are open to
27 the prisoners exercise area with no security screening.

28

29 f. The building roofline has no fencing.

30

31

32 **Recommendation**

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34 R-7 These are long standing deficiencies that have been reported to the Board of
35 Supervisors by prior Grand Juries. This is a public safety issue that must be rectified for
36 the protection of county residents.

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39 **FINDINGS:**

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41 F8 The jail system is administrated under the authority of the sheriff's office.

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F9 The jail is funded by the state, some state grants, and the Sierra County general fund as budgeted by the Sierra County Board of Supervisors.

F10 California mandates the systems, facility, required training and manpower levels. However this is an unfunded mandate. Ongoing operations are the responsibility of the county.

F11 The sally port does not meet California state minimum requirements. The estimated cost to bring the sally port into compliance is \$70,000/\$90,000 dollars.

F12 California mandates two corrections officers on duty twenty four hours a day, seven days a week. Sierra County provides the funds for this operation.

F13 Corrections officers are used in the administration of the department and for radio dispatch.

F14 When corrections officers are not available to meet the two person, twenty four hour, seven day per week state mandate, deputy sheriffs are used as corrections officers. When law enforcement officers are used in this manner, the patrol, investigative and protection functions of the Sheriff's Department are negatively impacted.

F15 The use of deputy sheriff officers as correction officers during the past three years is as follows:

- 2010 ----- 78 shifts of 8 to 12 hours
 - 2011 ----- 182 shifts of 8 to 12 hours
 - 2012 ----- 46 shifts of 8 to 12 hours (Only partial year results)
- (See attachment #1)

F16 Sierra County currently outsources some prisoners to Nevada County. Sierra County pays an agreed upon cost per day for this service.

F17 California has four levels of county jail classifications and three short term holding designations:

- Type I: Holds inmates up to 96 hours
- Type II: Holds inmates pending arraignment, during trial, and upon sentencing.
- Type III: Holds only convicted, sentenced inmates.
- Type IV: A work furlough facility.
- Temporary holding facility: Holds inmates up to 24 hours.
- Lockup: Locked room or secure enclosure under the control of a peace officer or custodial officer—this is primarily for the temporary confinement of those recently arrested.
- Court holding facility: This facility is located in a court house and used to hold inmates for a court appearance and not for more than twelve hours.

1 Court holding facilities are a state responsibility, not subject to county funding.

2

3 F18 The Sierra County Jail was constructed as a Type I facility. However, inmates can sign a
4 96 hour waiver and be held in this facility for longer periods. The State of California, thus treats
5 the Sierra County Jail as a Type II facility.

6

7 F 19 The Hon. Van Maddox, Sierra County Auditor, has done a preliminary cost analysis of
8 closing the jail and contracting for jailing prisoners. He has projected an annual savings to the
9 county in excess of \$250,000 dollars annually.

10 (See attachment #2)

11 F 20 As of June 4, 2013 it was reported to us that the State of California has now agreed to allow
12 the Sierra County Jail to have only one corrections officer on duty during the night hours. This
13 will reduce the jail costs significantly and should be taken into consideration in any decision.

14

15

16 **RECOMMENDATIONS:**

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18 R7-19 The Sierra County Board of Supervisors must:

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20 1. Direct staff to prepare an in-depth cost analysis comparing the cost of closing the jail vs.
21 maintaining the status quo.

22

23 2. Hold public hearings within the county to obtain public input into the concept of closing the
24 jail.

25

26 3. Act on the information gained as a result of these activities to do what is best for Sierra County.

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31 **REQUEST FOR RESPONSES**

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

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35 From the following individuals:

36

37 Auditor, The Hon. Van Maddox

38 Sheriff, The Hon. John Evans

39 Mr. Tim Beals

40

41 From the following governing bodies:

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43 Sierra County Board of Supervisors

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1 The governing bodies indicated above should be aware that the comment or response of
2 the governing body must be conducted subject to the notice, agenda and open meeting
3 requirements of the Brown Act.
4

5 Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal
6 Code Section 929 requires that reports of the Grand Jury not contain the name of any
7 person or facts leading to the identity of any person who provides information to the
8 Civil Grand Jury.

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ATTACHMENT#1

Year	January	February	March	April	May	June	July	August	September	October	November	December	Totals
2010	All 65	All 58	All 81	All 76	All 66	All 71	All 65	All 67	All 65	All 72	All 75	All 73	All 834
	Deputy 1	Deputy 15	Deputy 18	Deputy 9	Deputy 4	Deputy 1	Deputy 1	Deputy 7	Deputy 0	Deputy 6	Deputy 4	Deputy 12	Deputy 78
	C/O 64	C/O 43	C/O 63	C/O 67	C/O 62	C/O 70	C/O 64	C/O 60	C/O 65	C/O 66	C/O 71	C/O 61	C/O 756
	All 74	All 75	All 63	All 62	All 92	All 94	All 87	All 67	All 64	All 77	All 84	All 83	All 922
2011	Deputy 14	Deputy 12	Deputy 5	Deputy 14	Deputy 15	Deputy 30	Deputy 19	Deputy 1	Deputy 0	Deputy 44	Deputy 13	Deputy 15	Deputy 182
	C/O 60	C/O 63	C/O 58	C/O 48	C/O 77	C/O 64	C/O 68	C/O 66	C/O 64	C/O 33	C/O 71	C/O 68	C/O 740
	All 85	All 77	All 80	All 111	All 108	All 95	All 96	All 93	All 66	All 85	All 86	All 88	All 1068
	Deputy 0	Deputy 0	Deputy 10	Deputy 7	Deputy 12	Deputy 17	Deputy 46						
2012	C/O 85	C/O 77	C/O 80	C/O 111	C/O 108	C/O 95	C/O 96	C/O 93	C/O 56	C/O 78	C/O 74	C/O 69	C/O 1114

Information compiled on Wed, 27 Feb. 2013 by Sheriff John Evans per 2012-2013 Grand Jury request by reviewing past schedules. List shows shifts of dispatch/ail coverage done by deputy sheriffs (reserves and regulars), as well as corrections-communications officers (full-time and part-time), per month for years 2010, 2011 & 2012 years. Note; the corrections-communications duty shifts are generally 12 hours long, however there also are 8 hours long shifts usually 12 to 15 times per month. There has been a general rise in C/O shift over the 3 years de to efforts to have 2 C/Os on-duty at all times. The shifts listed include double coverage due to OJ. TIF. T.O. training of new hires.

ATTACHMENT #2

Cost of outsourcing Jail and Dispatch services

Inmates 10
 days / yr. 365
 total yrs. 3650
 Daily rate 79

288,350 Incarcerations
 125,000 Dispatch Contract
 78,000 Transportation
 81,959 1 FTEs Secretary

Total Cost 573,309

Cost of operating our Jail & Dispatch

35,000 Extra Help
 453,026 7FTE
 114,295 S&S
 20,000 Cost in Sheriff's Budget

Total Cost 622,321 Diff 49,011 Savings

Inmates 3
 days / yr. 365
 total yrs. 1095
 Daily rate 79

86,505 Incarcerations
 125,000 Dispatch Contract
 78,000 Transportation
 81,959 1 FTEs Secretary

Total Cost 371,464

35,000 Extra Help
 453,026 7FTE
 114,295 S&S
 20,000 Cost in Sheriff's Budget

Total Cost 622,321 Diff 250,856 Savings

Sheriff told me that in 2011/12 averaged two inmates per day. Calender year 2012 the Sheriff's Department shows 5 average inmates, this includes those in Nevada County jail. They estimated 3 of those where in Sierra County's jail. Sheriff also said dispatch handles 2200 max. calls annually

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

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3

4 **SUMMARY**

5 There has developed in Sierra County an unhealthy disrespect for the law surrounding
6 enforcement of the Building Codes. This unfortunately results from the lack of
7 enforcement of the building code violations. Budget cuts have contributed to this lack of
8 enforcement but are not the only reasons for this breakdown in the rule of law. Failure to
9 have a well defined policy and procedure and adherence to the Building Codes have
10 contributed to this problem as well.

11 **BACKGROUND**

12 Sierra County has made some decisions in the past that have resulted in two levels of law
13 enforcement as regards the Building Code adopted by the County. The law abiding
14 citizens are trying to comply with the Building Codes of Sierra County. At the same time
15 they see others that are ignoring and even flaunting the Building Codes and getting away
16 with the violations and no sanctions for violating the law. This breeds contempt of the
17 law which is not good! There are complete houses that have been erected and the people
18 who built them living in those houses without suffering any penalties for this flagrant
19 violation of the Building Code.

20 **APPROACH**

21 We received many complaints regarding the lack of the County exercising its power to
22 stop and sanction people for flagrantly violating the County Building Codes.

23 **DISCUSSION**

24 In an effort to make it possible for people to build homes in Sierra County time has been
25 allowed so persons can build as they are able to do so. Some people live in other areas
26 and are trying to build vacation or retirement homes. Others need time to accumulate
27 resources to build their home. Taking into consideration the weather constraints and the
28 remoteness of Sierra County, the County has relaxed the time tables that are prescribed in
29 the Uniform Building Code. This has allowed people to spend years constructing homes
30 or even doing remodeling and/or additions to existing homes. This relaxation is the result
31 of decisions by the Sierra County Board of Supervisors to allow it.

32 By means of comparison, the Uniform Building Code has strict timelines. After issuance
33 of a building permit, the permit holder has 180 days to start work and if no inspection is
34 done within 180 days the permit is void. Also typically the project associated with the
35 permit must be completed within 360 days. If it is not completed the permit will lapse,
36 although a one-time permit extension is typically allowed if a payment of ½ of the
37 original permit fee is paid.

1 The problem arises because the county building department has not instituted policies and
2 procedures that allow for the following of permits. It is difficult for the staff to determine
3 where builders are in the process which culminates with a final inspection and the
4 issuance of a Certificate of Occupancy.

5 As a result, permits are on the books somewhere that have never been finalized. This
6 results in houses that may not comply with the Uniform Building Code and thus could be
7 unsafe putting the life and safety of the residents of those houses at risk.

8 The County issues approximately 100 permits per year and after a few years many
9 permits fall through the cracks and are never completed.

10 The next problem that arises is the construction of structures without permits or
11 violations of code that may have a STOP WORK NOTICE (Red Tagged) issued. Again
12 the County Building Department does not have a policy and procedure to address what
13 happens after these issues are noted.

14 This is really where a significant problem arises. We have citizens that are abiding with
15 the law and going through the process of paying for permits and building according to the
16 codes. Then we have scofflaws that are building in some cases complete homes without
17 obtaining the required permits and paying the fees. This is breeding contempt for the law
18 and of the County of Sierra for not imposing the law equally on all the people of Sierra
19 County. It continues to irritate the people who live by the law on a daily basis as they
20 drive by these illegal structures.

21 As to this problem the County has two options:

- 22 1. Uniformly enforce the building codes or
- 23 2. Abandon the pretense of having a building code for structures in Sierra
24 County.

25 Common sense would say that option #1 should be the course that the County should
26 pursue.

27 The County through the Board of Supervisors can make exceptions to the building code
28 for Sierra County by adopting the Uniform Building Code with certain exceptions. Many
29 Cities and Counties do this every time a new code is issued. We did not research whether
30 the County has or has not done this.

31 We were able to determine that the Building Department has started pursuing the process
32 to address the concerns of non-compliance with the Building Codes but to date have not
33 been able to complete the process.

34

35 **FINDINGS**

1 F1. The County needs to make the decision to promulgate policies and procedures to
2 maintain an efficient method to follow all building permits. This is needed to
3 assure that all building permits are finalized and Certificates of Occupancy are
4 issued. There must be a guarantee that the buildings in Sierra County comply with
5 the Building Codes at the time of completion.

6 F2. The County needs to develop policies and procedures in conjunction with the
7 District Attorney to enforce compliance with the building codes and to exercise the
8 sanctions available to the County so as to make compliance a priority. Ultimately,
9 if a landowner or leaseholder fails to comply, the county must have the structure
10 destroyed at the expense of the landowner.

11

12 **RECOMMENDATIONS**

13 R1. There are inexpensive software options to efficiently follow the permit process from
14 issuance to completion and to issue reports of outstanding permits. The use of the
15 software and development of the policies and procedures to implement a method to
16 track all permits should be a high priority. It is recommended that ZP Systems or
17 Permit-LV could help address this issue and the cost could be covered by an
18 additional fee of \$6.00 to \$10.00 per building permit application. Please see
19 APPENDIX A and B

20 R2. The faithful and equal application of the Building Codes upon all landowners and
21 leaseholders is an absolute requirement to maintain the respect of the rule of law.
22 This requires the development of the policies and procedures in conjunction with
23 the District Attorney's office to enforce the Building Code uniformly on all
24 landowners and leaseholders.

25

26 **REQUEST FOR RESPONSES**

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

28 From the following individuals:

- 29 ■ Mr. Tim Beals
- 30 ■ District Attorney Larry Allen

31 From the following governing bodies:

- 32 ■ Board of Supervisors

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

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

APPENDIX A

Thanks for your interest in ZonePro. I have attached a price list. Typical installation costs are around \$600 and typical annual maintenance is around \$500.

Person County (Sam Hobgood) and Granville County (Tracy Brown) in NC are two that spring to mind that would be references for our current software: ZonePro SQL.

You have no doubt found our web site where lots of information is available but just in case the address is: www.zoneprosoftware.com.

Please let me know if you have any questions.

Thanks,
Steve Schulz
ZP Systems, Inc.



ZONEPRO SQL SPECIAL PRICING

<u>ZonePro SQL</u>	<u>Initial Cost</u>	<u>Annual Cost</u>
Base Module	\$360	\$360
Zoning Module	\$25	\$25
Appeals Module	\$25	\$25
Misc Fee Module	\$20	\$20
Building Module	\$70	\$70
Contractor Module	\$25	\$25
Housing Module	\$50	\$50
Rental Licensing	\$20	\$20
Photo Module	\$25	\$25
Planning Module	\$10	\$10
Fire Module	\$30	\$30
Compare Module	\$300	\$30

Installation Services

Parcel data property merge: No charge for first 4,000 parcels then \$50 per 1,000 records

On-site installation & training: \$350 to \$800 depending on travel expenses

Additional Information

* Pricing includes access to free product upgrades and unlimited technical support.

* The annual costs begin in year two and are billed the same month as the installation occurred.

* The Base module is required for all configurations. Additional modules are optional depending on your needs. The optional modules can be added at any time.

* The Contact File, Security, and ZP Toolbox Modules are included in the Base Module for ZonePro SQL. The Base Module also includes the internet and SQL hosting fee.

* ZonePro is sold as a site license. There are no per user or networking fees.

1 **APPENDIX B**

2 Thank you for inquiring about Permit-LV, our permitting and inspections management
3 solution.

4

5 The base price for a single-user for your jurisdiction's annual volume is \$2899. Annual
6 unlimited technical support is \$999 per year.

7 Our mobile inspections system is \$999 per copy (will run on any ordinary laptop with
8 Windows XP or higher)

9

10 For your convenience, I am attaching our 1 page "Quick Facts" brochure and some
11 additional information on Traveling Permit-LV and our company.

12

13 When you are ready, we would like to offer you a demo via the Internet. This will give
14 you the opportunity to see all the features and benefits in action.

15

16 If you have any questions, please do not hesitate to call or email me.

17

18 Again, thank you for your inquiry. We look forward to being able to assist you.

19

Jean Vallee

20

WindoWare Inc

21

(800) 577-9374

22

jvallee@windowareinc.com

23



WindoWare Inc



Why Should I Select WindoWare As My Software Vendor?

Does your department operate exactly like your counterpart's in another jurisdiction? Probably not. If you use "one-size-fits-all" code enforcement software for your mission critical data, it might not fit you exactly either.

WindoWare has taken a different approach to providing solutions for your permitting and inspections management software needs. We recognize that each jurisdiction has operating procedures that may be slightly to moderately different from even neighboring municipalities. Code Enforcement departments like yours generally capture 90% of the same information no matter where you are. It's the other 10% of data that differentiates one jurisdiction from another. Your department responds to issues that are important to you and your managers and most importantly, the citizens of your community. Some issues are extremely important in one jurisdiction, but may not be as important somewhere else.

WindoWare specializes in making your code enforcement software system match what is important to you. You are able to continue "business as usual" without having to rewrite your basic operating procedures to match your software. That includes which kinds of permits you issue, the kinds of inspections you do, and the kind of reports you need to perform your duties effectively.

We tailor the last 10% of our software to conform to the way you do "business". It's been a part of our installation and service policy from the beginning. And there is no extra charge - it's all included as part of your installation.

And it doesn't stop with the installation. Changing needs and requirements are common occurrences. Our support policies encompass both technical operational support and program modifications when you need it.

We have worked long and hard, over 21 years, to be one of the most respected, service oriented companies in the country. And we want you to be absolutely confident in our dedication to 1) deliver software that meets your needs and 2) support you and your staff Afterwards

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- Track approvals from other departments so you know where an application stands.
- Tracks other requirements such as ADA compliance, asbestos certification, etc.
- Automatically calculates permit fees based on your locality's fee schedules.
- Prints the permit for you - as many copies as you need.
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- Prints your inspection tickets - single tickets or all tickets for a specified date.
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 - ✓ Activity for a specific month
 - ✓ Activity for a date range - 1 day, 1 week, etc.
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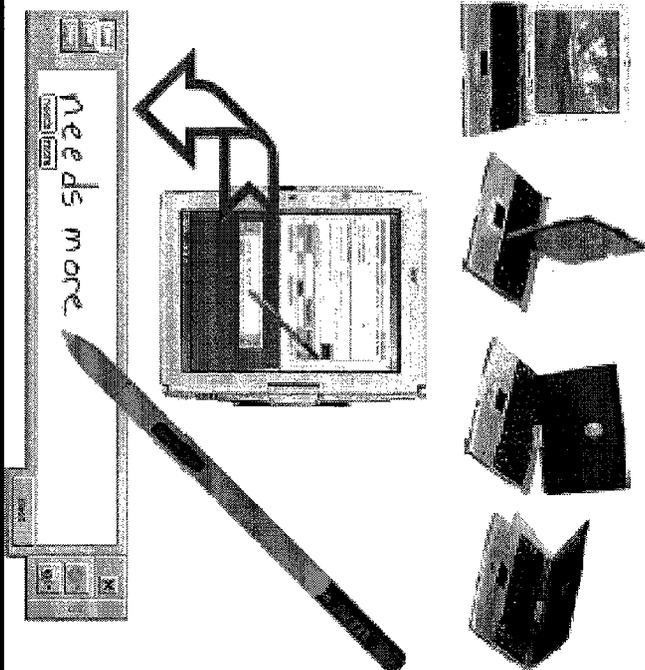
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SIERRA COUNTY NEEDS A BETTER WAY TO ADDRESS EMPLOYEE CONCERNS

4 SUMMARY

5 SIERRA COUNTY is a small county, in fact, the second smallest county by population
6 in California. Sierra County is so small and all of the administrators work so closely
7 together, that the employees are afraid to report work place issues that arise from time to
8 time. The employee's fears of reprisals, well founded or not, for reporting issues or
9 concerns has resulted in these concerns not being addressed by the County. This failure
10 can have negative effects on County operations, costs, and employee behavior. After
11 some research, we have found at least one option that may exist to resolve this concern.
12 There may be other options of which we are unaware.

13 BACKGROUND

14 Presently the Auditor is the repository for such work place issues/concerns. Many, if not
15 all, employees are aware of how closely the administrators work through the year to solve
16 the County financial and operational issues. The employees are worried that the
17 propinquity of these relationships will not allow for the maintenance of the anonymity
18 needed to prevent reprisals from bosses or other employees if the source of the issue/
19 concern becomes common knowledge. This problem has been expressed to the Grand
20 Jury by a number of individuals. This number was large enough to warrant this
21 investigation.

22 APPROACH

23 In reviewing the inquiries, issues and concerns that the Grand Jury received from
24 employees of the County it became evident that the employees came to the Grand Jury
25 because they did not feel safe following identified grievance procedures.

26 DISCUSSION

27 Upon looking closer at the inquiries, issues and concerns submitted, it became apparent
28 that employees were coming to the Grand Jury because they felt they had no place else to
29 go where they could feel safe in presenting there issues and concerns.

- 30 ■ The employees do have a place to go when they have work condition inquiries,
31 issues or concerns
 - 32 – First, they can contact the Shop Steward from the employee's union.
 - 33 – Secondly, if they are not satisfied with the Shop Steward, they can then go
34 directly to the union for help.
- 35 ■ When they have inquiries, issues and or concerns regarding non-union related
36 conditions, they feel at risk when reporting these items to the Human Resources
37 Department. The department heads work closely together in solving the many

1 financial and operational problems that Sierra County faces on a regular basis.
2 While there is no evidence to support the employee fears, it is an understandable
3 inference. This has left the employees no path to safely express their inquiries,
4 issues or concerns.

5 The employees' ability to safely express their inquiries, issues and or concerns can
6 contribute to the improvement of Sierra County by identifying problems that could be
7 corrected. This could contribute to the employees helping make the County a better
8 place to work and live.

9 The Grand Jury has contacted Nevada County to see if they would be open to acting
10 as an independent Ombudsman and repository for the employees of Sierra County.
11 Their response was very positive provided Sierra County developed policies and
12 procedures that were not in conflict with the policies and procedures of Nevada
13 County.

14

15 FINDINGS

16 F1. The employees of Sierra County do have a place to report issues and concerns
17 regarding working conditions that are covered by the existing union contract. They
18 have the ability to contact the Shop Steward and, if they are unable to get
19 satisfaction can go directly to the union.

20 F2. The employees do not have any safe place to report work place, non-union
21 conditions, issues and concerns without the fear that by reporting these concerns
22 they could be placing their employment at risk and exposing themselves to other
23 reprisals. An example of these types of issues would be the reporting of perceived
24 or real misconduct by fellow employees or supervisors.

25 F3. This part of the Grand Jury Report was submitted to the County Auditor and to the
26 Director of Health and Human Services. The Director pointed out two factual
27 errors in this section of the report. We have attached this notification of error to our
28 document. Since receiving this notification, I have spoken to both the District
29 Attorney and the Director of Health and Human Services. It does appear that the
30 District Attorney is Sierra County's Personnel Director unless there is some
31 conflict, at which time the work moves to the County Auditor. However, the Grand
32 Jury received a number of employee complaints from employees who believed
33 incorrectly that the Auditor was the personnel director. Obviously, despite the best
34 efforts of the county to properly inform their employees of the District Attorney's
35 appointed position, few employees understand the bureaucracy. I did speak to the
36 District Attorney about this issue. The District Attorney has no personnel files
37 which reside in the employee's department and, to some extent, with the County
38 Auditor. The existing system does not appear capable of protecting employee's
39 confidentiality.

40 The system in place in Sierra County to address employee work place concerns
41 appears to be a Potemkin Village type of human resources system. We believe that

1 this system was established with the best of intentions but fails in execution. While
2 we appreciate the notification of factual errors, further review leads us to believe
3 that there is no need to change the following recommendation. Sometimes
4 perception is more important actual fact.

5
6 **RECOMMENDATIONS**

7 The retention of a neutral ombudsman with the power and responsibility to address
8 the inquiries, issues and concerns of the employees of Sierra County. The
9 ombudsman would be working directly for the Board of Supervisors and would be
10 required to report to the Board of Supervisors on a regular basis. The ombudsman
11 would be charged with maintaining the privacy of those employees who reported
12 the apparent problem and addressing the employee's concerns.

13
14 **REQUEST FOR RESPONSES**

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

16 From the following governing bodies:

- 17 ■ Sierra County Auditor
- 18 ■ Director of Health and Human Services
- 19 ■ Sierra County Board of Supervisors

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

23

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that 24 reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who 25 provides information to the Civil Grand Jury.
--

SIERRA COUNTY Human Services



Janice Maddox
Director

- Social Services**
P.O. Box 1019
Loyalton, CA 96118
202 Front Street
530-993-6720
Fax 530-993-6767
- Mental Health/Drug/Alcohol**
P.O. Box 265
704 Mill Street
Loyalton, CA 96118
530-993-6746
Fax 530-993-6759
- Health Dept.**
P.O. Box 7
202 Front Street
Loyalton, CA 96118
530-993-6700
Fax 530-993-6790
- Downieville, CA 95936
P.O. Box 38
22 Maiden Lane
530-289-3711
CPS 530-289-3720
Fax 530-289-3716

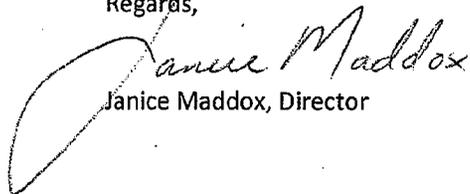
June 17, 2013

Sierra County Grand Jury
P.O. Box 476
Downieville, CA 95936

Dear Sierra County Grand Jury:

Thank you for taking the time to meet with me and give me the opportunity to address concerns. Please find enclosed two corrections of factual errors provided in response to the initial Sierra County Grand Jury report dated June 17, 2013.

Regards,


Janice Maddox, Director

Enclosure

CORRECTION OF FACTUAL ERRORS
SIERRA COUNTY GRAND JURY REPORT
6-17-2013

CORRECTION 1

Page 19 states “Presently the Auditor is the repository for such work place issues/concerns.” Actually, that is not correct on multiple levels. Some time ago the personnel functions for the county were divided between the District Attorney and the Auditor. The Auditor’s main functions related to personnel are processing payroll, and routine functions while the District Attorney’s office handles grievances, disciplinary actions, etc. Where there is a conflict, such in a criminal case where the DA is the prosecuting attorney and so can’t handle an employee issue, the issue goes to County Counsel or outside counsel.

The current Sierra County Personnel Code does not list the Auditor as in the chain of command for grievances, but refers employees to department heads and states if they don’t get redress there they may file their complaint with the Clerk-Recorder to put the issue before the Board of Supervisors (p. 117, Section 3.11.020).

It is standard practice for agencies to provide multiple options for employees who want to express concerns to avoid allegations that employees had no viable option for registering a complaint. For example, if there is only one person identified as a go-to person for a complaint an employee can state they were denied their ability to address an issue where the identified person may be the person they want to complain against. Employers have to show they provided adequate options and did not limit the ability to complain to one person within a given command structure. This is particularly true as pertains to sensitive issues such as allegations of sexual harassment.

The current official county harassment policy that is part of the Employee Handbook explicitly states employees can contact their Department Manager, District Attorney, County Counsel, the Auditor, the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission (EEOC) (p. 41 et Seq.).

Additionally, regulations state employers must post various notices in employee common areas. At HHS there is a notice delineating employee protections for “whistleblowing” which refers employees to contact the California State Attorney General’s Whistleblower Hotline. There is a notice titled “Employee Rights Under the National Labor Relations Act” which directs employees to toll-free numbers to contact in the event they feel their rights or the rights of others have been violated in addition to other notices and contact information related to various categories of employee protection.

In addition, as you state, the employees have a shop steward and union representation. There is nowhere I am aware of where employees are directed to contact the Auditor as their sole option for expressing a concern.

CORRECTION 2

Page 20 - Should be noted that retaliation in response to an employee grievance is not allowed. The county has non-retaliation policies and non-discrimination policies throughout the employee handbook. The Equal Employment Opportunity Commission (EEOC) website states the following:

All of the laws we enforce make it illegal to fire, demote, harass, or otherwise "retaliate" against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit)... The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Having non-retaliation policies in place is a condition generally tied to receipt of state and federal funding. Employers are required to show they have given employees multiple avenues for registering complaints or concerns, that they have informed them of their right to contact such entities as the EEOC and that retaliation is illegal.

At the time this was written, I was unable to download the Sierra County Employee Handbook but the information stated above is verifiable and the Sierra County Employee Handbook should be available through the Sierra County Clerk-Recorder's office and other entities. Employees are given a copy of the Employee Handbook at the time of hire. This information may also be in the Sierra County Personnel Code which should also be available through the Clerk-Recorder's office.

Report on Sierra-Plumas Joint Unified School District

4 SUMMARY

5 The schools in Sierra County are important to everyone who lives here and everyone is
6 concerned about both the financial needs of the school district and the education provided
7 to our children. This concern has resulted in perceptions based upon actions by the
8 school officials and the school board. The perception is that many decisions are being
9 made out of public view and that public input, although requested, is not seriously
10 considered. It is felt that meetings are held to make decisions, but in fact, the decisions
11 have already been made, possibly in secret. The grand jury seeks to determine to the best
12 of its ability if there is truth behind this perception and shed some light on any possible
13 causes. Additionally, the district faces financial problems with diminishing revenues and
14 increasing expenses.

15 BACKGROUND

16 The two issues that we addressed were brought to our attention as a result of complaints
17 about the District decision to close of the District office in Sierraville and moving it to
18 Loyalton. It was just a few years ago that the District decided that it was cost effective to
19 move the office to Sierraville. Now the District has decided that the move to Sierraville
20 is no longer cost effective. So the District spent dollars that are in short supply in Sierra
21 County to move the District offices to Sierraville and now they want to spend more
22 scarce dollars to move the District offices, this time to Loyalton. There seemed to be
23 little notice to the community before the decision was made and the community felt like
24 it was left out of the loop in the decision making process. The need to efficiently use the
25 dollars allotted to the district for the education of our children is of utmost importance.
26

27 APPROACH

28 The investigation was conducted from September 2012 thru May 2013 by attending
29 school board meetings and interviewing various members to the school staff. There was
30 research into the financial status of the District addressing the availability and sources of
31 aid for the District. During our investigation we found all members of the staff and the
32 Board of Education to be enthusiastic, dedicated, hard working, and caring.

33 DISCUSSION

34 There are a number of factors that affect the problems that the school district faces.

35 SIZE AND GEOGRAPHICAL AREA

36 The school district is one of the more unique districts in California. It is a
37 relatively small district when we are talking about enrollment with only 390 students

1 located in six schools at two locations Downieville and Loyaltan. But when we talk
2 about geographical size it is quite large in that it covers more than 1000 square miles. As
3 for enrollment it is at its lowest point in many years. These facts, while unique, are also
4 important when we look at the school district and its finances because they increase the
5 cost of running the schools disproportionately when compared to other school districts
6 with approximately the same enrollment.

7

8 FINANCES

9 WHERE DOES THE MONEY COME FROM AND WHERE DOES IT GO?

10 The majority of school's dollars come from the state budget. In 2010-11, state
11 dollars accounted for more than half (55.1 percent) of the \$56.4 billion in schools'
12 revenues for the entire state of California. The majority of these funds were for general
13 purposes, while the remainder supported specific K-12 programs, including class size
14 reduction and child nutrition. In 2010-11, local sources – primarily local property tax
15 dollars – accounted for less than one-third (29.9 percent) of schools' revenues, and
16 federal monies provided more than one out of eight school dollars (13.5 percent). Just
17 1.5 percent of schools' dollars came from state lottery revenue. California schools'
18 reliance on the state budget for the majority of their support reflects the passage of
19 Proposition 13 in 1978, which shifted most of the cost of public schools from the local
20 property tax roll to the state's General Fund. Prior to Proposition 13, local property taxes
21 provided the largest share of California schools' revenue.

22 As for our school district, the records for 2010 from California Watch show total
23 expenditures of \$5.7 million dollars. This translated into \$13,365 expenditure per
24 student. While this places the district in the top 25% of districts with the highest
25 expenditures per student, it does not allow the district to provide the services that other
26 districts of similar levels of per student expenditures are able to provide because the
27 school facilities are:

- 28 1. much larger than needed for the present day enrollment which means a higher
29 per student cost for maintenance.
- 30 2. the facilities are much older and in need of repair at a higher dollar level than
31 most districts.
- 32 3. the facilities are located approximately 48 miles apart which adds significant
33 travel time to every repair.
- 34 4. The large service area of the district results in extremely high busing costs.

35

36 From a high point in 2010, there has been a decline in funding for the district.
37 The state has cut school funding over 20% as of October 2011. Additionally, the district
38 will lose another \$500,000.00 from the Federal Government with the end of the Secure
39 Rural Schools grants.

40 This is leading to deficit spending and the depletion of reserve funds. The district
41 by the end of fiscal year 2012 has a 62% reserve. Projected reserves are estimated to
42 decline to 35% in 2013; 24% in 2014; and 4.5% in 2015.

1 The district has been applying for hardship funds for the needed repairs to the
 2 facilities but has not been very successful in getting them. There has been only one
 3 successful request and the question remains whether the district will actually receive the
 4 funds or not.

5 The district tried to get a General Obligation Bond passed in 2010 but was
 6 unsuccessful.

Bond & Parcel Tax Elections

Election results since the mid-1980's through November 2012, based on the best available information.

Sierra-Plumas Joint Unified								
Date of Election	Election Type	Purpose	Proposed Bond	Proposed Parcel Tax	Vote in Favor	Passed	Vote Required	*Students
11/2010	GO Bond	Renovate existing school buildings, update utilities, science laboratories, windows and furniture.	\$5,000,000		37.7%	no	55%	446
* Student count provided by district at the time of the elections.								
ALSO SEE ► School District Bond and Tax Elections								
Source: EdSource								

7
8

9 The fact that the district has no outstanding bonds further restricts its ability to qualify for
 10 hardship funding.

11

12 **WHAT ABOUT OUR TEACHERS**

13

14 Since the district has declining revenue, it has been unable to provide the required
 15 salaries for the teachers. The California State Education Code §41372 stipulates that
 16 teacher salaries should be equal to 55% of the school expenditures. The district has been
 17 unable to maintain this level for teacher salaries.

18 We should thank all of our teachers for their continuing dedication and sacrifice
 19 in teaching our children when they are considerably under paid when compared to the
 20 rest of the teacher throughout the state.

Teacher Salary Schedule - Annual Salary¹ Sierra-Plumas Joint Unified, 2011-12		
	District	Statewide Average for Unified School Districts
Lowest Offered	\$32,223	\$39,856
BA + 60 (Step 10) Offered²	\$49,184	\$61,849
Highest Offered	\$66,147	\$80,180
Average Paid³	\$51,837	\$68,030
<p>1 These amounts do not include salaries for extended year, bonuses for special accomplishments, or payment for extra-curricular services such as coaching, drama or music.</p> <p>2 Bachelor of Arts degree plus 60 continuing education units</p> <p>3 Two districts with identical salary schedules could have different average salaries, depending on their teachers' years of experience and education.</p>		
<p>ALSO SEE ► Pop-trends </p>		
<p>Source: School Fiscal Services Division, J-90 (fixdinfo 12/6/12, salxstep 12/6/12)</p>		

1
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9
10

As can be seen by the table above, our teachers deserve our support in every way possible to keep them here is our district.

WHAT ELSE HAS BEEN DONE OR CAN BE DONE TO HELP THE FINANCES?

- The district has done the following to cut costs:
1. Some school programs are being reduced.

- 1 2. Two school consolidation resolutions have been approved by the Board of
- 2 Education and it is hoped that this will save some funds.
- 3 a. Combining the middle school and high school.
- 4 b. Moving the district office from Sierraville to Loyalton is hoped to save
- 5 funds.
- 6 3. The current superintendent for both the Sierra County Office of Education
- 7 and the Sierra Plumas Joint Unified School District has retired effective
- 8 this year and it was decided to make that position a ½ time position.
- 9

10 What can be done lies with the citizens of the district and the importance they place
 11 upon education. There does not appear to be any source of funding that is left outside the
 12 district with the potential to solve this funding problem. Therefore, if the citizens want to
 13 continue the excellent education results that have been provided by the district
 14 historically, they will have to pay for it themselves.

15 Those education results have been a gradual increase in the Academic Performance
 16 Index to today where it resides around 818. This is above the state goal of 800. A good
 17 education is absolutely necessary for success in life and only we as parents can ultimately
 18 provide that education for our children.

22 **HOW OPEN IS THE PROCESS OF THE DECISION MAKEING IN THE** 23 **DISTRICT?**

25 **BOARD MEETING:**

27 Another problem that came to our attention was the impression held by many
 28 citizens that there was not enough transparency in the decision making process by the
 29 Board of Education and the district administration. Observers of the Board meetings felt
 30 that there was insufficient discussion over any issue before a vote was taken. This left
 31 the observers with the following concerns:

- 32 1. Are there violations of the Brown Act given there was so little discussion
- 33 before votes?
- 34 2. The observers felt that it was difficult to understand what was either being
- 35 approved or not.
- 36 3. The observers didn't understand the advantages or disadvantages of the
- 37 decisions.
- 38 4. The observers felt that they were unsure of the position of each of the
- 39 board members on any matter before the board.
- 40

41 Novice attendees at Board meetings were not able to discover what was available
 42 to help them become more knowledgeable about the process and the material to be
 43 covered in any meeting.

44 There is information on the district website but it is not easily found. The website
 45 seems to require a certain level of persistence to find anything useful. This information,

1 if reviewed prior to attending a meeting, would give the novice attendee the information
2 allowing them to better understand the process and the materials to be covered during the
3 meeting.

4 5 **ADVISORY MEETINGS**

6
7 It was determined that the district was holding advisory meetings to which only
8 selected persons were invited. The meetings were confidential in nature as they were not
9 advertised to the public at large. The district has since discontinued these types of
10 meetings and have made meetings much more open and available to the public.

11
12 The indications that that the district is far more open than perceived is supported
13 by the following actions:

- 14 1. The superintendent has held open forums in Loyalton and Downieville.
- 15 2. Advisory committees were formed and met periodically with the
16 superintendent and reminders to attend were sent out.
- 17 3. Consolidation committees were formed and met to discuss related issues.
- 18 4. Forum topics, times and locations were published in local papers.
- 19 5. Board meeting agendas were posted on school doors and on the district
20 website.

21 22 **THE BROWN ACT**

23
24 After observing and learning the process of the board meetings and where to go to
25 become informed about the matters before the board, it seems that allegations of Brown
26 Act violations are without basis if fact. The citizens have to become more
27 knowledgeable about the process. It is not an obligation of the district to do more than
28 they presently do regarding notices for meetings, agendas for meetings, developing
29 background packages for the board members. All the information is available on line at
30 the district website for anyone who wants to do the research.

31 It is unfortunate, but the citizens of Sierra County seem to let things slide until the
32 final vote is in and then they complain. District citizens need to become more involved
33 in the things that matter to them. Education of the citizen's children should be at the top
34 of the list of issues with which these citizens should become involved.

35 36 **FINDINGS**

- 37 F1. The superintendent, staff and teachers are doing an outstanding job. They are
38 motivated, hard working, enthusiastic, dedicated and caring.
- 39 F2. The district is suffering from a lack of funding.
- 40 F3. The district could make information easier to find on the website.
- 41 F4. The citizens do not get involved early anytime an issue arises and then complain
42 that they are being left out of the process.

1

2 **RECOMMENDATIONS**

3 R1. The citizens of the district need to make sure that they thank everyone involved
4 with the district for their efforts.

5 R2. Everyone needs to help try to solve the funding issue. This could be volunteering to
6 help the district in it's search for funding from private and public sources. Persons
7 could help develop ideas for cost saving approaches to education which do not harm
8 the education activity in the classroom. Others could consider advocating for a
9 bond measure so that the people who benefit from quality education, all people in
10 the district, will also help fund the district's attempts to provide quality education.

11 R3. The district should work on its website to make information regarding meetings and
12 background packages for these meetings easier to locate.

13 R4. All school board members are elected. Elected officials should have their phone
14 numbers and access information easily available to the citizenry. This is absolutely
15 necessary for the operation of a democracy. The district website should list all the
16 board members with their phone numbers and addresses.

17 R5. More effort must be made to attempt to raise the awareness level of the citizens
18 regarding issues before these become critical.

19

20 **REQUEST FOR RESPONSES**

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

22 From the following individuals:

- 23 ■ District Superintendent

24 From the following governing bodies:

- 25 ■ School Board.

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

29

30

31

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

32