

Office of the Sheriff of Sierra County



John I. Evans, Sheriff~Coroner
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Wednesday 28 August 2013

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

RE: Response to the 2012/2013 Grand Jury Report

Dear Judge Kennelly,

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

F1: There had been in fact a long-term, yet intermittent, leak in the ceiling of the jail for years, mainly affecting the property storage room, the vestibule shower area of cell #1 and of recent years in the dormitory room. The affects on the inside have presented as "bubbling" of the paint and in some areas a minor apparent deterioration of the ceiling/wall material/cement causing an aesthetic crumbling appearance to the surface. Water in the past has also leaked into a few ceiling mounted lights during severe weather conditions, usually during extreme high wind and rain. This had caused 1 light in the shower area of cell #1 to be disconnected temporarily, it now is fixed. The other 2 lights were in the dormitory room. There have been recent efforts to locate the cause of the leak and make necessary repairs by courthouse plant maintenance. At this time the repairs have been made. The entire jail and sheriff's office has recently been painted by an inmate worker and the jail is currently in the best condition

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it has been in years. The Grand Jury had inspected the jail prior to this maintenance and repairs. I personally advised a member of the law enforcement committee of these improvements and asked them to conduct a final review prior to writing their findings; however the request was not taken up to my knowledge. There is no indication that any affect from the former water damage has had an impact on the security of the jail, and instead these are nuisance and aesthetic issues. Note; the original and existing courthouse and jail was reportedly designed in 1948 and completed in 1952, a 61 year-old building. The jail was remodeled and up-graded around 1992/3. Additionally there recently have been up-grades and improvements to the elevator operation and room/area identifiers of the jail and sheriff's office in general, in addition to the painting and other signage and security improvements.

F2: The electrical power mentioned I believe was the small single ceiling light in the shower vestibule area of cell #1 which has been fixed.

F3: I am not aware of any mold in the jail, including the holding area. The entire jail has recently been painted and none is visible that I am aware.

F4: There is aesthetic damage to the exterior south/east wall of the courthouse stucco. Plant maintenance is aware. It does not effect the operations of the jail and sheriff's office.

R1-4: There have been long and on-going discussions about the State taking over the courthouse building. Those discussions as well as several grant and general fund use discussions continue in efforts to fund the high expected costs to "re-do" the roof of the courthouse, in which the sheriff's office and jail occupy the south/east corner. Until a "permanent solution" is found to fund a full remodel, plant maintenance is doing everything it can to deal with this issue and they do a very good job at it with the resources and time they have.

F5:

- a. Intercom System: Planned improvement with Homeland Security Grant.
- b. Video Monitoring System: Planned improvement with Homeland Security Grant.
- c. Remote Control Lock System: Planned improvement with Homeland Security Grant.

The sheriff's office does in fact have plans to up-grade the security and operations capacity of the jail and sheriff's office in general using grant funding. Those plans are currently in the works to add additional security/inmate cameras (note; there currently are some 9 cameras dedicated to just the jail and sheriff's office, the courthouse has their own numerous cameras as well). Currently the sheriff's office has a public address system and an intercom system; there is a separate intercom system for the jail. Each of these systems is analog and is past their serviceable use and finding parts for repairs are ever difficult or not available. This includes the jail door locks control panel. It should be up-graded to a modern touch screen operation as is becoming the common norm in the industry. The door locks for the general sheriff's office main areas are obsolete and were originally designed for use on cabinets, not office security doors. We have great difficulty finding repair parts. A modern electronic, possibly biometric/finger print recognition, system would be state of the art such as the courts have recently obtained for their offices. The goal and plan is to use available grant funds to improve the jail video camera system, including in each cell, to improve the locks system as well as the jail doors control/operations panel to a touch screen. Also recently added to the main sheriff's office are area signage and security door viewing holes as needed.

R5: The sheriff's office has been utilizing all available grant and trust funds to procure these improvements as to not impact the county's general fund. Currently the mentioned improvements to the interior of the jail and general sheriff's office are scheduled in a single year allowance of the Homeland Security grant allotment to the sheriff's office.

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F6: a. Radio Antenna Towers. Currently no plans/funds to modify, has not been a problem. Signage of "Restricted Area-No Public Access" recently erected for rear of substation.
b. Courthouse/jail Air System. Currently no plans/funds to modify, has not been a problem.
c. Courthouse/jail & Substation Electrical and Generators. Currently no plans/funds to modify, has not been a problem.
d. Courthouse Heating Oil. Currently no plans/funds to modify, has not been a problem.
e. Substation Propane Tanks. Currently no plans/funds to modify, has not been a problem. Signage of "Restricted Area-No Public Access" recently erected.
f. Substation Interior Storage/Security. A security/monitoring system has recently been installed along with area signage and security door viewing hole as needed.
g. Sheriff Vehicles Storage. Currently no plans/funds to modify, has not been a problem. Signage of "Restricted Area-No Public Access" recently erected at substation. Security monitoring systems are in place in both Downieville and Loyalton office areas.

R6: The sheriff's office already meets with and confers regularly with the Public Works Department which is the local agency that oversees grant funding for the California Office of Emergency Services and administers the Homeland Security annual grants. The sheriff's office also meets regularly with all county department heads, including the Auditor-Controller/Treasurer-Tax Collector to discuss all available funding and each are utilized at maximum availability. There are currently some 12 non-general fund grants, trusts and cooperative agreements annually that generally make available some \$1,150,000. These include: 4 trusts for \$850,000 (Small & Rural Counties \$500,000-for front line law enforcement use, Assembly Bill 109 Realignment \$150,000-sheriff's share for inmate housing, COPS City \$100,000 & COPS County \$100,000-both front line law enforcement use), 5 cooperative agreements for the reimbursement of services for \$133,000 (Cal-Boating-Marine Patrols, \$57,000, U.S.F.S.-Campground Patrols, \$30,000, Superior Court-Bailiff Services, \$26,000, City of Loyalton-Police Services, \$15,000 and County Health & Human Services-Patient Transportations, \$5,000) and 3 grants for \$170,000 (Anti-Drug Abuse-Narcotics Enforcement, \$100,000, Homeland Security-Law Enforcement Share, \$50,000 and Drug Enforcement Administration-Illegal Marijuana Flight Time Assistance, \$20,000). Note; these amounts can vary year-to-year and are reimbursements for general fund up-front costs. Except for the 4 trusts, they do not assist with general patrol operations/personnel costs. The monies received are generally based on the sheriff's office's ability to provide "extra duties and personnel" to meet the needs of the cooperative agreements and grants. Monies that meet the criteria are obtained and utilized for personnel and equipment, which includes safety and security of personnel and work areas; including the jail.

F7: Every year the Grand Jury cites this item and is correct in doing so. Currently the jail exterior sally-port (enclosed drive through secure area for the entering and exiting of prisoners by staff) is also utilized as an inmate outdoor "recreation area". It does not meet the standards set by the State per Title 24 for jail building standards for that purpose. Inmates are offered to spend at minimum 2 hours per week in that fenced-in area, including a double secure area that allows direct fresh air and daylight at the upper doorway of the jail. Inmates are classified whether they are eligible to be in these areas under supervision of sheriff's office staff, including the by the sheriff who's individual work office over-looks the area. Inmates determined ineligible to be in either the internal double secure outside area or in the main outside area are eligible for transfer to one of two local jails with which Sierra County maintains inmate holding agreements. They are in Nevada and Plumas Counties which are full Type II county jails. The Sierra County Jail was built as a Type I facility but has always operated as a Type II with the understanding that the option exists for transfer to a Type II jail if necessary. An up-grade to the sally-port/recreation area would bring our jail into full compliance with Title 24 for jail building standards. Non compliance is not illegal, however it exposes the county to civil liability in the event of a negative event. There has not been funding available to up-grade and improve the sally-port security until recently. Currently there are plans to use the new A.B. 109 Realignment funds to bring the jail structure into full compliance with Title 24. Already architect plans have been drawn and improvements are pending

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adoption by the county of the full A.B. 109 Operational Plans which include the jail improvement costs in that budget. These improvements are pending and are essentially imminent.

- a. Sally-Port Fence 3' Short: Pending B.O.S. adoption of A.B. 109 plans and budget.
- b. Automatic Lock System: Unclear what this refers too, perhaps pending security up-grades via planned Homeland Security funds.
- c. No Top Fence: Not required, however possibly pending B.O.S. adoption of A.B. 109 plans and budget.
- d. Prisoner Access Electrical Boxes: These metal boxes are locked and secure, however while not required may be pending B.O.S. adoption of A.B. 109 plans and budget.
- e. County Administrative Windows: while not required may be pending B.O.S. adoption of A.B. 109 plans and budget.
- f. Roofline Not Fenced: pending B.O.S. adoption of A.B. 109 plans and budget.

R7: Each of these items is pending funding via A.B. 109 funds which use is pending B.O.S. approval.

F8-F18: This information is essentially correct.

F19: The budget estimate mentioned by Auditor Van Maddox of closing the jail is just that an estimate. The auditor-controller had been credited with stating the average Sierra County jail inmate population is 2 inmates, ostensibly as having been told this by the sheriff's office. This is incorrect. The average daily jail population in my experience over the past 23 years is 5 to 6 inmates held in our jail and 2 concurrently in paid contract jail housing, such as Nevada County at any one time. I have seen the jail empty on 2 occasions for a only a matter of days and 12 inmates locally held for a few days. Only a few years ago there was a local jail population of 10 for months, on top of the usual 1 to 3 inmates housed at a contract jail on behalf of Sierra County. The local jail population can swing wildly at any time and it is foreseeable that the jail inmate population will increase, possibly substantially, in the future pending the economy up-turn as well as the housing of state prison inmates per A.B. 109 and "flash incarcerations". It has been made clear that if the current jail is ever closed, even temporarily, it would be cost prohibitive to ever re-open it due to the then required tremendous capital improvements that would be required to met the then "current" standards. Once the sally-port/recreation area enclosure is improved, our current jail will meet the Title 24 requirements; since we are currently required to adhere to the Title 24 regulations at the time of the last re-model in the early 1990's. Predicting the County population, and therefore needs of jail capacity even 20 to 50 years off is impossible. Once this jail is closed, it will be certainly forever lost. There is also no guarantee of future agreements of other county jails to accept and hold our inmates, nor at what cost will be required. There are many factors to be calculated and the sheriff's office is not aware of how the auditor came to that specific estimate. Perhaps the most basic and core function of local governance is public safety, and therefore the operations of an autonomous/sovereign local county sheriff's office, dispatch and jail. To outsource any of these operations would have enormous and wide-spread impact on the local economy, the providing of law enforcement services and quality of life. Currently there is a plan to review the total cost of jail and dispatch operations and the actual affect on the community if outsourced. That review is available from an independent source, funded via A.B. 109 funds, by this October. The final decision will be left to the Board of Supervisors.

F20: The issue of jail staffing minimum levels also is being reviewed by the independent party. All available options are under review, including using additional technology to enhance operations (such as semi-remote auxiliary options). Title 15, Section 1027 requires to the effect an officer be *immediately available* for the jail, however does not state how many officers be "on-duty".

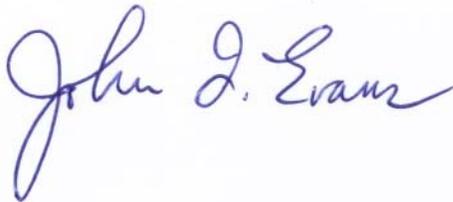
R7-19: There currently is a plan and process set to examine the costs and future of the Sierra County Jail, including dispatch operations that will be provided to the B.O.S. and funded by A.B. 109.

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Closing-

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

Respectfully,

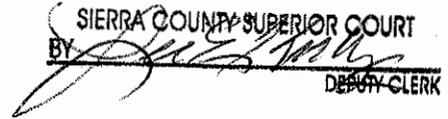
A handwritten signature in blue ink that reads "John I. Evans". The signature is written in a cursive, flowing style.

JOHN I. EVANS
Sierra County Sheriff

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

FILED

SEP 20 2013

SIERRA COUNTY SUPERIOR COURT
BY  DEPUTY CLERK

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

In the Matter of

2012-2013 Sierra County Grand Jury

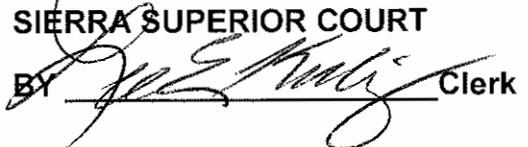
MINUTE ORDER

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Board of Education and The District Superintendent of Schools Further Response to Grand Jury Reports of 2012/2013**, received on September 13, 2013.

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 13th day of September, 2012.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 13th day of September, 2012.

SIERRA SUPERIOR COURT
BY  Clerk

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

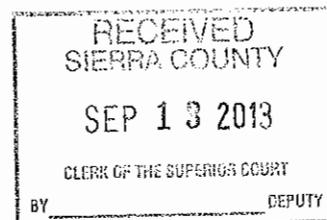
SIERRA COUNTY OFFICE OF EDUCATION
SIERRA -PLUMAS JOINT UNIFIED SCHOOL DISTRICT

P.O Box 955
109 Beckwith Road
Loyalton, California 96118

Merrill M. Grant, Ed.D.
Superintendent

Phone: (530) 993-1660
FAX: (530) 993-0828
Email: mgrant@spjUSD.org

September 11, 2013



The Honorable John P. Kennelly
Superior Court of California
Sierra County
P. O. Box 476
Downieville CA 95936

Re: Response to Grand Jury Report 2-12-13
Submission of Approved Minutes; Response to Findings for Sierra-Plumas Joint Unified
School District

Dear Judge Kennelly,

On August 15, 2013, I mailed your office the Unapproved minutes for August 13, 2013, which included the Response from the District Superintendent of Schools to the Grand Jury findings.

This mailing includes the same minutes, Approved. (Page 4, Item 1314-019)

Please let me know if I can provide any further documents.

Sincerely,

A handwritten signature in cursive script that reads "Hannah Tomatis".

Hannah Tomatis
Administrative Assistant

MINUTES FOR THE REGULAR MEETING OF THE GOVERNING BOARD OF
THE SIERRA-PLUMAS JOINT UNIFIED SCHOOL DISTRICT

AUGUST 13, 2013

Downieville School, Downieville, California

This meeting was videoconferenced to

Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118

A. CALL TO ORDER

President Mike Moore called the meeting to order at 6:30 pm.

B. ROLL CALL

PRESENT: Mr. Mike Moore, President
Mr. Tim Driscoll, Vice President
Ms. Sharon Dryden, Clerk
Ms. Patty Hall, Member
Mr. Allen Wright, Member

ABSENT: None

VACANT: None

STAFF: Dr. Merrill M. Grant, Superintendent
Ms. Rose Asquith, Business Manager
Ms. Hannah Tomatis, Administrative Assistant
Ms. Marla Stock, Site Administrator – via videoconference
Mr. Derek Cooper, Site Administrator
Ms. Marlene Mongolo, SELPA Director – via videoconference

C. APPROVAL OF THE AGENDA

WRIGHT motioned to approve the agenda with Item 1314-037 tabled until September.

MSCU/WRIGHT/HALL

D. INFORMATION / DISCUSSION ITEMS

1. SUPERINTENDENT'S REPORT

- a. Dr. Grant stated that he met with staff, worked with the Leadership Team and toured the district sites and boundaries. He invited the board to the August 22 Back to School Inservice day in Loyalton.
- b. Downieville school leadership coverage will include Mr. Cooper on site on Tuesdays and Thursdays. Dr. Grant will be there Wednesdays and Marlene Mongolo on Fridays. A lead teacher will also be assigned. Dr. Grant will be available to the Loyalton Elementary school on the days Mr. Cooper is in Downieville.
- c. At the September Board meeting Dr. Grant will present his observations including common core, technology and professional development.
- d. A Weekly Update will be emailed to the Board.
- e. Facilities
 - i. Pliocene Ridge Property – Escrow closed July 19, 2013.

- ii. Old Loyalton Middle School Restroom Project. The project is near completion; the railings are left to be installed.
- iii. Loyalton High School Roof Project – on schedule to finish before school begins on August 26.
- f. Local Control Funding Formula handout was reviewed
- g. 2011-12 No Child Left Behind Requirements met

2. BUSINESS REPORT

There were no comments on the Board Report-Expenditures by Object 07/01/12 to 7/13/13.

3. STAFF REPORTS

Derek Cooper, Site Administrator for Loyalton Elementary and Downieville School, stated that so far seven new students enrolled in LES and 2 new students enrolled in DVL. Interviews are complete and a secretary will be selected for Downieville School. Interviews for the math and science teacher will be conducted on Thursday, August 15.

Marla Stock, Site Administrator for Loyalton Jr/Sr High School reported that an orientation for the 7th and 8th grade students' parents was held.

4. SPTA REPORTS

There were no reports.

5. BOARD MEMBERS' REPORTS

Allen thanked Bernadette Manning for her work in preparing Downieville School for the students. He thanked the Superintendent Search Committee, Sue Roberts and Mike Filippini for their work in securing a superintendent.

PUBLIC COMMENT

6. The Public Hearing to receive comment on the Loyalton Jr/Sr High School's block schedule per Education Codes §46160-46162 was opened at 6:52 pm.

Marla Stock explained that the reason for the public hearing was to inform and listen to parents, staff and the public regarding the middle school/high school combination as it introduces the 7th and 8th grade students to a block schedule.

DRISCOLL commented that the schedule would benefit students in sports. Camille Alfred, 7th and 8th grade teacher, stated that the students will adapt to the block schedule quickly. She believes that the students will benefit by receiving more elective opportunities.

Rose Asquith thanked Marla Stock for her numerous hours of work creating a functioning schedule.

The public hearing closed at 6:55 pm.

President Moore opened the meeting for public comment at 6:55 pm.

Bernadette Manning, Downieville School custodian, implored the board to hire an evening custodian.

Mary Davey, parent, stated that she agreed with Mrs. Manning and added that security is another benefit of having an evening custodian, in addition to keeping the school sanitized. She expressed concern about the buses running in winter weather. She asked the Board to promote the Downieville community to the public in order for families to move and stay here.

Amber Baca-Sainsbury also supported Bernadette Manning and agreed with her statements.

Ms. Baca-Sainsbury introduced herself as a member of the Sierra Arts Council and stated that they are working on the arts in schools trying to remedy the program's lost funding.

Marla Stock clarified that the "Arts in the Schools" grant was not funded. She informed the public that the Sierra Schools Foundation is committed to support art in the Downieville and the Loyalton schools. A proposed music period at Loyalton High was forfeited for so the money could go toward maintaining the same programs provided by the arts council last year. Seven thousand dollars in matching funding is needed.

Janet McHenry stated a reminder that if any teacher wishes a grant from the Sierra Schools Foundation, they must apply.

Mary Davey asked the Board if the revenue from Pliocene School's sale could fund a custodian at Downieville.

President Moore closed the meeting for public comment at 7:05 pm.

E. CONSENT CALENDAR

The following items were included on the consent calendar:

1. Approval of the minutes of the Regular Board meeting held July 9, 2013
2. Approval of the minutes of the Special Board meeting held July 10, 2013
3. Approval of the minutes of the Special Board meeting held July 16, 2013
4. Approval of the bill warrants for the month of July 2013
5. Assignment of Judith Guidotti to 2013-2014 Junior Varsity Volleyball Coach, LHS
6. Assignment of Rhonda McBride to 2013-2014 Cheerleading Advisor, Semester 1 and Semester 2, Loyalton High School
7. Assignment of Steve Fillo to Athletic Director, Downieville School
8. Assignment of Steve Fillo as California Interscholastic Federation representative
9. Approval of Assignment to teach core subjects outside of credential area for 2013-2014 school year (Ed Code 44258.3)
 - a. Megan Meschery, Loyalton Jr/Sr High School, Grade 9-10 English, 3 sections
 - b. Joanne Nunes, Loyalton Jr/Sr High School, History Grade 7-8; World History, US History Grade 9-12, 6 sections

- c. Clara Schumacher, Sierra Pass Continuation School, English, History, Math, Science, 4 sections
 - d. Augustine Corcoran, Downieville High School, Spanish I & II, 1 section
- WRIGHT motioned that the consent calendar be approved, with the following corrections: July 9, 2013 Regular Board meeting, Public Comment/to reflect MOORE as the president. Item 1314-15 corrected to reflect HALL and MOORE on the Transportation Committee/HALL seconded to approve the Consent Calendar as corrected.

F. ACTION ITEMS

Old Business

- 1314-019 Response to Grand Jury Report
<http://www.sierracounty.ca.gov/DocumentCenter/View/431>
District Superintendent, Dr. Merrill Grant reviewed the Grand Jury Report and states that the District responds and agrees with the findings.
Dr. Grant also commented that the issues of communication are something that school districts struggle with and stated that he will work to get the public well informed and involved utilizing our technological resources.

New Business

- 1314-020 Approval of Agreement with Merrill M. Grant, Ed.D. and Sierra-Plumas Joint Unified School District, Superintendent, August 1, 2013, through December 31, 2014
WRIGHT/DRYDEN
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0
- 1314-021 Authorization for Merrill M. Grant, Ed.D., to hold authority to sign Office of Public School Construction documents
DRYDEN/HALL
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0
- 1314-022 Accept letter of resignation of Juan Lopez-Martinez, custodian, Loyalton Schools, (1.0 FTE), effective July 23, 2013
MSCU/WRIGHT/DRISCOLL

Sierra-Plumas Joint Unified School District
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- 1314-023 Authorize to fill 1.0 FTE Custodian position, Loyalton High School
HALL/DRISCOLL
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0
- 1314-024 Accept letter of resignation from Amy Holland, Instructional Aide, (.13 FTE),
effective July 25, 2013
MSCU/DRYDEN/HALL
- 1314-025 Authorize to fill Library Aide position, .33 FTE (2 hrs daily), Downieville School
HALL/WRIGHT
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0
- 1314-026 Accept letter of resignation from Jason Perry, Certificated teacher, effective June 30,
2013
HALL/WRIGHT
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0
- 1314-027 Authorize to fill 1.0 FTE Certificated teacher science and mathematics position,
Downieville Junior/Senior High School
MSCU/HALL/WRIGHT
- 1314-028 Authorize to fill .66 FTE (4 hours daily) Instructional Aide, Loyalton High School
(funded by Title 1)
MSCU/HALL/DRYDEN
- 1314-029 Authorize to fill .12 FTE (60 minutes daily) Noon Supervisor, Loyalton Jr/Sr High
School
MSCU/WRIGHT/DRYDEN
- 1314-030 Approval of 2013-2014 Certificated Substitute List
MSCU/DRISCOLL/HALL
- 1314-031 Approval to submit 2013-2014 Declaration of Need for Fully Qualified Educators
WRIGHT/HALL

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TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

- 1314-032 Authorization to submit Agriculture Career Technical Education Grant
HALL motioned to authorize submission of the Agriculture Career Technical
Education Grant when opened by the State/DRISCOLL seconded.

TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

- 1314-033 Adoption of Resolution No. 13-002, Home to School Transportation (Post
meeting note: This item was brought back to September 10, 2013,
Agenda/Consent Calendar due to remedy of clerical error.)

WRIGHT/HALL
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

- 1314-034 Approval of Current Electric & Alarm Proposal in the amount of \$5,397.69
HALL/WRIGHT

TRUSTEE DRISCOLL ABSTAIN
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE

- 1314-035 Approval of Randy Hill Construction (Loyalton High School Re-roof Project)
Lease Lease-Back change orders #9, 10,11, 12, 13 and 14A (Post meeting
note: This item was brought back to the September 10, 2013, Agenda/Action
Items to secure a motion and second.)

TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

- 1314-036 Approval of Randy Hill Construction Lease Lease-Back #2, change order #1A
HALL/DRYDEN

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TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

1314-037 Authorization for Superintendent to enter into a Third Amendment to Cooperative Agreement for Improvements and Use of the Sierraville School - *Tabled Until September*

1314-038 Authorization for Superintendent to enter into an Agreement for Special Services with School Services of California, Inc.
MSCU/DRISCOLL/WRIGHT

1314-039 Adoption ~~Approval~~ of Budget Revision for Fiscal Year 2012-13 (Resolution 13-003)
WRIGHT/HALL
TRUSTEE DRISCOLL AYE
TRUSTEE DRYDEN AYE
TRUSTEE HALL AYE
TRUSTEE WRIGHT AYE
TRUSTEE MOORE AYE
5/0

1314-040 Approval of Budget Revision for Fiscal Year 2013-14
This item tabled until September, if required at that time.

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS
MOORE indicated that items 1314-041 through 1314-047, would be voted on together, with 1314-041 reflecting the choice of Option 1
MSCU/HALL/DRISCOLL

1314-041 Administrative Regulation 1312.3, Uniform Complaint Procedures, revision

1314-042 Board Policy 3460, Financial Reports and Accountability, revision

1314-043 Administrative Regulation 3460, Financial Reports and Accountability, revision

1314-044 Board Policy 3580, District Records, revision

1314-045 Administrative Regulation 3580, District Records, revision

1314-046 Exhibit E4112.9, Employee Notifications, revision

1314-047 Administrative Regulation 4117.14, Postretirement Employment, revision

G. ADVANCED PLANNING

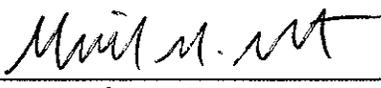
1. The next Regular Board Meeting will be held on September 10 2013, Sierra County Office of Education, 109 Beckwith Rd., Room 4, Loyalton, CA 96118, immediately following the 6:00 pm meeting of the Sierra County Board of Education.
2. Suggested Agenda items:
 - a. Budget revision, if required
 - b. Discussion/formulation of technology committee
 - c. Cooperative agreement-Sierraville school
 - d. Lead Teacher in Downieville
 - e. Superintendent's focus points
 - f. AYP/API and STAR results
 - g. Superintendent Evaluation/Goals

I. ADJOURNMENT

MSCU/WRIGHT/HALL
ADJOURNED at 7:37 pm.



Sharon Dryden, Clerk



Merrill M. Grant, Ed.D.,
Superintendent

FILED

SEP 23 2013

SIERRA COUNTY SUPERIOR COURT ~
BY  DEPUTY CLERK

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

In the Matter of

2012-2013 Sierra County Grand Jury

MINUTE ORDER

_____ /

HONORABLE JOHN P. KENNELLY, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Board of Supervisors' Response to Grand Jury Reports of 2012-2013**, received on September 20, 2013

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 23rd day of September, 2013

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 23rd day of September, 2013

SIERRA SUPERIOR COURT

BY  Clerk

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

SIERRA COUNTY

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



17 September 2013

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

Re: Response to Grand Jury Final Report 2013

Dear Judge Kennelly:

The Sierra County Board of Supervisors has received the "Sierra County Grand Jury Report 2012-2013" and pursuant to California Penal Code, Section 933.05, the following comments are provided regarding the above entitled report.

ANNUAL REVIEW OF THE JAIL AND LAW ENFORCEMENT FACILITIES

- 1) Finding 1. The Board of Supervisors agrees that a water leak issue exists on the roof of the courthouse. Both County staff and the staff of the Administrative Office of the Courts (AOC) have expended considerable time and resources evaluating and modifying the existing roof system. Just last year (October) a contract was approved deploying professional roofers to remove and repair the roof areas around the elevator tower. The leaks have improved but not stopped completely at this point.
- 2) Finding 2. Unknown to this board. The sheriff reports there was an issue with the ceiling light in the shower vestibule that has since been repaired.
- 3) Finding 3. Unknown to this board. The sheriff reports no knowledge of mold in the jail.
- 4) Finding 4. The Board of Supervisors agrees that damage has been reported to the elevator tower and this, in part, was resolved during the October 2012 repair conducted by the County and AOC contractors. Plaster is not a good choice for damp environments and particularly where there is a freeze-thaw condition as we have on this exposure of the rear of the courthouse building. No damage was observed to the interior of the tower nor to the actual elevator as we have unconditional permits to operate from the State of California.
- 5) Recommendation 1-4. The Board of Supervisors and the AOC have a master agreement for the use and cost sharing for the operation, maintenance, and repair of those portions of the County Courthouse that are housing Court staff. Recent estimates for the roof alone would require a substantial capital investment by the County general fund to cover the share of the costs attributable to the County. The Board of Supervisors considers the operation of a County jail facility to be a

fundamental, priority service provided to the citizens of the County and to the visiting public. This facility not only ensures the safety of society but is a key indicator regarding the general health and vitality of a community along with schools, health care, and transportation systems. Historically, no less than \$2 million in funding has been spent on this facility in the past 25 years in an effort to comply with minimum State standards. This facility was not added to the courthouse in the 1980s as reported by the Grand Jury, but the jail has been a part of the courthouse facility since it was built in 1948. The jail did go through a substantial two phase remodel in the early 1990s. A water leak in the roof has plagued the facility since that remodel and many efforts have been undertaken to solve the issue. Short of removing the roof and replacing it, it is a inconvenience that we continue to struggle to fix without facing a huge cost. Recently the sheriff attempted to gain State bond act monies to make some additional changes to the jail, but those funds are not available for facilities of this nature. Any repairs to the jail will have to be supported by the County general fund or possibly grants that may be available from time to time. Direct use of the County general fund for needed repairs or improvements to the jail would negatively impact staffing of County government and delivery of services to the citizens of the County, perhaps including the sheriff's office. We do not to see this as a priority at this time.

- 6) Finding 5. The Board of Supervisors disagrees with this finding. With the exception of structural improvements to the sallyport, all other requests for funding have been accommodated through funds provided through the AOC or by use of annual Homeland Security grant funds. Examples of these expenditures include a command vehicle, security cameras, computer aided dispatch software, additional hardware components, recorder replacement in the 911 system, radios, repeater systems to improve communications, and so forth. This Board is not aware of any "improvements started but were not completed because costs exceeded the grant monies received" and the improvements identified in the Grand Jury Report (intercom, video monitoring, remote lock system) are priorities that have been assigned to the Homeland Security grant programs for 2012 and 2013 performance period.

While technology changes almost daily, the Board has no information that any of the changes described are either mandatory or a priority.

- 7) Recommendation 5. Reporting procedures are already in place for most of the grants. The Grand Jury Report is not specific enough nor does it cite examples of instances where grant projects were not completed.
- 8) Finding 6. The Board of Supervisors disagrees with this finding. The County Sheriff has not requested funding for these improvements which is further evidence that there are other priorities to implement that would make best use of limited available discretionary funding.
- 9) Recommendation 6. The Board of Supervisors disagrees with this recommendation as the Board has standing committees that would adequately serve these concerns. No new committee is necessary. The goal of protecting the public from harm and protecting County assets is a universal goal of this Board which transcends all of the work that the Board conducts. Suggesting a special committee to perform this goal would be duplicative and unnecessary.
- 10) Finding 7. The Board of Supervisors agrees with the first portion of this finding regarding Title 24 requirements. The second and longer portion of this finding has already been identified and is currently under review by the Corrections Standards Authority in its annual inspection of the jail as well as a professional services

agreement that this Board of Supervisors recently approved to engage the services of Criminal Justice Research Foundation. This professional firm specializes in detention facility planning and a component of the product under contract will be to address each of the identified issues. The report is expected later this year.

- 11) Recommendation 7. Please refer to the response to finding 7 above. There have been no injuries or threats of injury to the public as a result of the operation of the County Jail facility and any inmate who is impacted by the lack of recreational space can always request to be transferred to an adjacent County jail to accommodate these needs. We have found that this request for transfer for this stated purpose does not occur. The only injury noted in recent history resulting from the operation of the sallyport was an unfortunate individual who we were told was partying and under the influence and when he climbed up on the roof of the Courthouse, he slipped and fell into the sallyport. We believe he was detained but this can be confirmed by the County Sheriff.
- 12) Finding 8. The Board of Supervisors agrees with this finding.
- 13) Finding 9. The Board of Supervisors agrees with this finding.
- 14) Finding 10. The Board of Supervisors agrees with this finding and acknowledges that State funding is currently being used for the costs of providing correctional officers in the Sheriff Department.
- 15) Finding 11. The Board of Supervisors has approved a professional services agreement (see #10 herein) with Criminal Justice Research Foundation and this question will be addressed within the report produced by this firm.. The Correction Standards Authority provides annual inspections of the County jail and addresses any deficiencies. The Community Corrections Partnership Committee (AB 678 and AB 109) allocated \$10,000 to pay for initial architectural services and cost estimates for providing minimal sallyport improvements to more fully meet the intent of the State standards. The estimate of \$70,000 to \$100,000 is a reasonable estimate based on the architect's cost estimate.
- 16) Finding 12. The Board of Supervisors disagrees as the State standards only require a level of staffing to reasonably respond to County jail issues.
- 17) Finding 13. The Board of Supervisors agrees with this finding.
- 18) Finding 14. The Board of Supervisors disagrees with this finding. There is no State mandate for a two-person shift. Deployment of staff is the prerogative of the elected County Sheriff.
- 19) Finding 15. The Board of Supervisors does not possess an analysis that would confirm or reject this finding.
- 20) Finding 16. The Board of Supervisors agrees with this finding.
- 21) Finding 17. The Board of Supervisors agrees with this finding.
- 22) Finding 18. The Board of Supervisors agrees with this finding.
- 23) Finding 19. The Board of Supervisors acknowledges that the County Auditor created some preliminary numbers for discussion purposes but these numbers do not portray the true financial picture for the operation and maintenance of a County jail. The County has retained a professional firm to analyze this issue (see # 10 herein) and provide very reliable and accurate figures to represent the complete financial impact resulting from the operation of the jail. Any assumptions or statements of fact should properly await for the release of this document.
- 24) Finding 20. The Board of Supervisors agrees with this finding and requests that this finding contrast with the finding 12 and 14 reported in the Grand Jury Report.

- 25) Recommendation 7-19. The Board of Supervisors has contracted with a professional firm (outlined herein on numerous findings) and the analysis, the public opportunity to review the analysis, and the actions that may be taken by the Board of Supervisors accordingly must await the release of the report and analysis.

SIERRA COUNTY FOSTERS A DISRESPECT OF THE LAW

- 1) Finding 1. The Board of Supervisors agrees with this finding and while enforcement is and should continue to be a necessary public service, the title bestowed this portion of the report is overstated and could have more aptly been described as “Sierra County must to revisit and affirm a consistent and effective permit enforcement policy for all land use or development-related departments”.
- 2) Finding 2. The Board of Supervisors agrees with this finding.
- 3) Recommendation 1. The Board of Supervisors agrees with this recommendation and will direct the County Planning Director and County Health Officer to jointly pursue software options for a permit tracking system that can be uniformly applied to building permits, environmental health permits, planning permits and land use enforcement, and road encroachment permits.
- 4) Recommendation 2. The Board of Supervisors partially agrees. However, equal application of the law is absolutely correct. Faithful application of the law assumes that all laws must be enforced all the time. Like it or not, the reason for local control of most police matters is so that such can be attuned to any community’s wishes, desires, customs, and traditions and Sierra County is no different. There is a huge level of discretion given to enforcement authorities and their oversight rests with either the electorate in the case of elected officials, or the board of supervisors with appointed department managers.

SIERRA COUNTY NEEDS A BETTER WAY TO ADDRESS EMPLOYEE CONCERNS

F1. Agree.

F2. Disagree. Any employee can report such occurrences to their immediate supervisor, their department manager, any other department manager, county safety program manager, county counsel, or any member of this board of supervisors. In addition to their union, employees can make reports to the state Public Employment Relations Board (PERB) and to the Sierra County Grand Jury.

F3. Disagree. And this board has concern with the use of the pronoun ‘I’. Any grand jury activity should be undertaken by more than a single member of the grand jury. We further are disappointed with the use of the cute, but inaccurate term, Potemkin Village.

R1. While in a perfect world, perhaps this would be a nice addition to the present system. There is no guarantee that this would solve any more issues than the present system, those unsatisfied could label the ombudsman partisan of the board, and would add cost in a county with few employees.

As usual, this board would like to acknowledge the work of this grand jury for what at times must feel like an overwhelming and underappreciated role. Their efforts to keep county government the best it can be, free from corruption and mismanagement, are to be commended. We understand that any grand jury faces what at times can feel like a thankless task.

This board tries to do the same, but over a longer period of time and while having to do so with a limited budget and battling priorities. We likewise have to provide a service and make decisions after hearing from constituents countywide.

While grand juries work in secret and get to select issues of their liking, a board of supervisors must, under California law, do all of its business in public. Unlike a grand jury, the board must adopt a balanced budget annually. Especially in times of economic downturn that most of the world has seen in the past few years, this is far from easy. In more than one instance this report suggests what appears to be the easy budget out, 'find a grant.' Like it or not, much of Sierra County's budget is paid for by grants, not always easy to find or land, and more importantly not always available for those things we or the community wants most.

Like the members of the grand jury, we would hope most would understand that this board does the best it can, with the limited amount of resources we have, and it strives to do the best for the people of Sierra County.

Sincerely,

SIERRA COUNTY
BOARD OF SUPERVISORS

BY: 

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Chairman of the Board

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