

# Lake County Civil Grand Jury 2012-2013

Final Report  
June 30, 2013



# Table of Contents

## Introduction

Lake County Civil Grand Jury	iii
Grand Jury Letter to the Citizens of Lake County	vi
Grand Jury Action	viii
Grand Jury Roster	ix
Agency Response Matrix (This page will be Matrix w/ blank second side)	x

## Committee Reports

### Ad-Hoc Committee

• Oversights	
Konocti Conservation Camp #27	1
Joint Powers Authority	5

### Budget and Finance Committee

• Complaints	
C-22 Clearlake Oaks County Water District	14
H-2 Hidden Valley Lake Community Service District	19
• Oversights	
Special Districts – Water Water Everywhere	22

### Government Services Committee

• Oversights	
District Attorney	34
Victim Witness	38

### Health and Human Services Committee

• Complaints	
H5 Lake County Jail Medical Complaint	43
• Oversights	
Department of Health Services	46
Lake County Jail Medical	51
Lake County Senior Outreach Services	54

### Planning and Public Works Committee

• Oversights	
Code Enforcement	59
Lake LAFCo	64
Middle Creek Project	70

## Public Safety Committee

- Complaints
  - C28 Barking Dog 82
  - C1 Unsanitary Conditions at Lake County Jail 86
  - H4 Excessive Force Used By Correctional Staff 89
  
- Oversight
  - Clearlake Police Department 92
  - County of Lake Courthouse Holding Facility 103
  - Lake County Juvenile Hall 107
  - Hill Road Correctional Facility 130
  - Lakeport Police Department 135

## Public Services Committee

- Oversight
  - Financial and Educational Benefits To Be Derived From the Unification of Lake County School Districts 140
  - Oversight of Educational Transportation in Lake County 170

# LAKE COUNTY CIVIL GRAND JURY

## HISTORY

The institution of the Grand Jury is of ancient origin. Its use as an instrument of government predates its introduction into our county during colonial times. It has been continued and used throughout American history.

As constituted today, the Grand Jury is a part of the judicial branch of government – “an arm of the court.” It does not have the functions of either the legislative or executive branches, and it is not a police agency. Additionally, it does not mandate policy changes. It is an examining and investigative body that makes recommendations to improve systems, procedures, and methods of operations in designated local government.

In Lake County, the Grand Jury generally performs only civil functions.

## ORGANIZATION

The Grand Jury is composed of 19 men and women of various backgrounds chosen from throughout Lake County.

The Presiding Superior Court Judge appoints a foreperson who presides at all full jury proceedings and is responsible for directing the business of the Grand Jury.

Most Grand Jury work is done by committees. The areas of focus of these committees usually include Environment, Juvenile Justice, Social Services, Health, Administration, Criminal Justice, Public Works, Special Districts and Public Schools.

The Grand Jury and its committees meet several times a month. They meet with county and city officials, visit county facilities and conduct independent research on matters of interest or concern. The committees report to the full Grand Jury and conclusions are reached after discussion and study of issues. The Grand Jury may seek advice or request the services of the County Counsel, District Attorney, Presiding Judge of the Superior Court, or State Attorney General.

## FUNCTIONS

Watchdog Responsibilities:

The major function of the Lake County Grand Jury is to examine county and city government and special districts to ensure that their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods and systems utilized by these entities to determine whether more efficient and economical programs may be employed. The Grand Jury is also authorized to:

1. Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent.
2. Inspect books and records of special districts in Lake County.
3. Examine the books and records of any nonprofit organization receiving county or city funds.
4. Inquire into the conditions of jails and detention facilities.
5. Inquire into any changes of willful misconduct in an office by public officials or employees.

#### Response to Citizens Complaints:

The Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or governmental inefficiencies. Anyone may ask the Grand Jury to conduct an investigation. All complaints are confidential. The jury generally limits investigations to the operations of governmental agencies, changes of wrongdoing within public agencies or the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties.

### FINAL REPORT

At the end of its term the Grand Jury issues a final report, including reports released during the year, documenting its investigations and recommendations. Copies of the final report are distributed to public officials, libraries, the news media, any interested parties and any entity that is subject of one of the reports. According to law, the 3 elected County officers must respond within 60 days following the release of the final report. The Board of Supervisors and other public agency governing boards must respond within 90 days.

The Grand Jury's final report summarizes the year's activities and contains its findings and recommendations for action and study. The new Grand Jury reviews the responses of the affected public agencies and the process of protecting the public interest begins anew.

### SUBMISSION OF COMPLAINTS

Although it is not required, complaints should first be addressed to those responsible for resolution unless it will be detrimental to the complainant.

The Lake County Grand Jury will respond to all citizens submitting complaints. The citizen may have no further acknowledgement other than that their complaint was received.

Complaint forms may be requested from:

The Lake County Grand Jury  
PO Box 1078  
Kelseyville, CA 95451  
(707) 279-8619

or on the web at [http://www.co.lake.ca.us/Government/Boards/Grand\\_Jury/](http://www.co.lake.ca.us/Government/Boards/Grand_Jury/)

### GRAND JURY SELECTION PROCESS

The court solicits applications for the Grand Jury by advertising in the local papers. Applications may be obtained by mailing a letter with a self-addressed, stamped envelope to the Grand Jury Coordinator, 255 North Forbes Street, 4<sup>th</sup> Floor, Lakeport, CA 95453. Applications are also available at each Superior Court clerk's office located at 255 North Forbes Street, 4<sup>th</sup> Floor, Lakeport, or at 7000 A South Center Drive, Clearlake.

Once applicants have been screened and approved, they are randomly selected to be members of the Grand Jury.

## QUALIFICATIONS

Prospective Grand Jurors must possess the following qualifications (Penal Code 893):

1. Be a citizen of the United States, of the age of 18 years or older who shall have been a resident of the state and county for one year immediately prior to being selected.
2. Be in possession of his or her natural faculties, of ordinary intelligence, sound judgment, and fair character.
3. Possess sufficient knowledge of the English language.

A person is not legally qualified to serve if any of the following apply:

1. The person is serving as a trial juror in any court of this State.
2. The person has been discharged as a Grand Juror in any court of this State within one year.
3. The person has been convicted of malfeasance in office or any felony or other high crime.
4. The person is serving as an elected public officer.

Desirable qualifications for a Grand Juror include the following:

1. Have the time to make the necessary commitment. It is not uncommon to serve 10 to 15 hours a week or more.
2. Be open-minded with concern for the positions and views of others.
3. Have the ability to work with others.
4. Have an interest in community affairs.
5. Possess investigative skills and an ability to write reports.
6. Have a general knowledge of the functions, authorities, and responsibilities of county and city government and other civil entities.



## COUNTY OF LAKE

### GRAND JURY

PO Box 1078

Kelseyville, CA 95451

Telephone (707) 279-8619

Fax (707) 279-1983

#### Letter to Citizens

The 2012-2013 Civil Grand Jury, impaneled in July 2012 started in a determined manner and philosophy to the legal requirements mandated for Civil Grand Juries.

When this Grand Jury began its task it quickly adhered to all rules and principles, formed its committees and focused itself on all tasks. The members of this jury worked very hard on the many varied tasks presented to it. It not only focused on Mandatory oversights, Ad Hoc oversights were conducted and all complaints received were heard by the whole grand jury.

The citizens of Lake County will find these reports to be very interesting and informative. Some reports will be contentious and a couple will show considerable cost savings to the county. All the reports were extensively researched and prepared with the best interests of Lake County and the citizens of Lake County. In mind.

City and County Government have profound impact on its citizen's lives. We do not always agree with what our local government does or regulate but that is why we have the Civil Grand Jury. The Civil Grand Jury acts as a "watchdog" to ensure that all aspects of these local governments are working properly as prescribed by law and the people.

The members of the Grand Jury found many pleasant surprises when they conducted their tours and interviews of both city and county offices. The Grand Jury found hard working and dedicated employees at all levels of city and county government. The citizens of Lake County Lake County and the citizens of the cities of Clearlake and Lakeport should be very proud of the people that it employs.

The Grand Jury members were made up of individuals from all walks of life, different life skills, education and work experiences. These individuals showed their dedication to their community through their diligence and worked long hours investigating and researching all matters. The citizens of Lake County should be very proud to have fellow citizens of this caliber looking out for them.

I have been very privileged to be the foreperson of this years Lake County Civil Grand Jury. I wish to thank all the members of this years Grand Jury. They worked very hard and showed the true spirit of teamwork. I wish to thank all of you for a job well done and they should be very proud of their accomplishments.

Sincerely,

L.M. "Sonny" Sweigert

2012/2013 Lake County Grand Jury Foreperson.



**COUNTY OF LAKE**

**GRAND JURY**

PO Box 1078

Kelseyville, CA 95451

Telephone (707) 279-8619

Fax (707) 279-1983

2012-2013 Lake County Grand Jury Foreperson's Letter

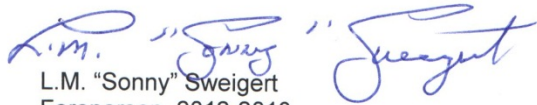
June 30, 2013

The Honorable Stephen O. Hedstrom  
Superior Court of California  
County Of Lake  
255 Forbes Street  
Lakeport, CA 95422

Dear Judge Hedstrom,

Pursuant to California Penal Code 933 (a), the 2012-2013 Lake  
County Civil Grand Jury submits to you their Final Report.

Sincerely,

  
L.M. "Sonny" Sweigert  
Foreperson, 2012-2013



STEPHEN O. HEDSTROM  
SUPERIOR COURT JUDGE

## Superior Court of California

COUNTY OF LAKE  
255 NORTH FORBES STREET  
LAKEPORT, CALIFORNIA 95453

(707) 263-2231  
FAX (707) 262-1327

June 16, 2013

Dear Members of the 2012-2013 Lake County Civil Grand Jury:

The submission of your final report is the result of your hard work. I have reviewed that report, and I find that it complies with Title 4 of Part 2 of the California Penal Code (§§888 et seq.). I direct the clerk of the court to accept and file one copy the final report pursuant to Penal Code §933, subd. (b).

Although there may be disagreement with some of your findings and recommendations, you have acted in the best interests of your community. While you have no power to enforce your recommendations, the law requires governing bodies, elected officials, and agency heads to provide meaningful responses to your findings and recommendations. Respect for your hard work and the importance of your final report should also motivate meaningful responses. Your findings and recommendations, together with official responses and publicity should lead to honest debate and ultimately improve the fairness, quality, and efficiency of local government.

You volunteered thousands of hours as grand jurors at a great personal sacrifice. You brought the independence, experience, knowledge, and wisdom of the community to bear upon your final report. You served with dedication and diligence to make Lake County a better place.

I express my appreciation and that of the entire court for your very valuable public service.

Sincerely,

A handwritten signature in blue ink that reads "Stephen O. Hedstrom".

Stephen O. Hedstrom  
Presiding Judge of the Superior Court

2012-2013 GRAND JURY ROSTER

Cline, Ginny		Lakeport
Dontje, Rosemary		Kelseyville
Dyne, Donald		Kelseyville
Eichten, David		Kelseyville
Fox, Warren		Cobb
Hart, John		Cobb
Johnson, Dave		Lakeport
Jordan, Sorhna Li		Hidden Valley Lake
Maloney, Peggy	Foreperson Pro-empore	Kelseyville
Mattern, Al		Kelseyville
Miller, Karen		Kelseyville
Morgan, Cliff		Spring Valley
PanKratz, Jan		Lakeport
Peralta-Conway, Linda		Clearlake
Schreiber, Linda		Lakeport
Sweigert, Sonny	Foreperson	Clearlake
Swihart, Thomas		Hidden Valley Lake

Lake County/City – Agencies/Departments Required to Respond  
to All Findings and Recommendations

<b>Agency/Department</b>	<b>Page Number</b>
Animal Care & Control	82
Board of Supervisors	5, 22, 34, 38, 46, 51, 54, 59, 70, 82, 86, 103, 107, 130, 140
CAL-FIRE	1
City of Clearlake	92
Clearlake Poilce Department	92
CLO Co. Water District	14
Community Development	59
County Commission for School District Organization	140
County Counsel	5
Department of Health Services	46
Department of Social Services	54
District Attorney	34, 38, 59
Kelseyville Unified School District	170
Konocti Conservation Camp	1
Konocti Unified School District	170
LAFCO	22, 64
Lake County Office of Education (LCOE)	140, 170
Lakeport City Council	135
Lakeport Police Department	135
Lakeport Unified School District	170
LCOE Board of Trustees (All districts)	140
LCOE Superintendent of Schools	140
Lucerne Unified School District	170
Middletown Unified School District	170
Probation	107
Sheriff Office	51, 86, 103, 130
Upper Lake High School	170
Upper Lake Union Elementary	170

## Ad-Hoc Committee

- Oversights  
    Konocti Conservation Camp #27  
    Joint Powers Authority

# Konocti Conservation Camp #27 Oversight

## Summary:

Based on inquiries of individuals within Lake County as to the description of Konocti Conservation Camp #27 (CC#27) located in Kelseyville, there are misconceptions relative to the profile and functions of this detention facility. The myriad of activities engaged in by the inmates lack clarity as to their community service/fire protection contributions to society and are therefore subject to the general negative view of prisons as a whole.

## Background:

Konocti Conservation Camp #27 opened in April of 1961. The minimum security state facility, jointly operated by the California Department of Corrections and Rehabilitation (CDCR) and California Department of Forestry and Fire Protection (CALFIRE), is focused on state-wide fire protection and prevention via its inmate fire crew and their CDCR staff. It is only 1 of 43 such camps in the State of California and serves Lake, Napa, Sonoma, Yolo, Colusa and Mendocino counties in its community service conservation programs with firefighting being its primary objective. In the 2012 calendar year, the Camp has provided over one half of its service to community based projects and the remainder to fire and flood responses.

## Procedure:

Mandatory oversight of CC#27 by the Lake County Civil Grand Jury is prescribed by law, and the AD HOC Committee of same visited the prison camp as required.

## Discussion and Facts:

1. The inmates at CC#27 are supervised 24/7 in the field and at the facility.
2. The camp is a privilege for non-violent offenders to serve out their sentences of 3-5 years.
3. Inmate crews number 16 per group with one correctional officer/supervisor per crew. Within the camp, two officers are on duty to guard the prisoners.
4. The camp capacity is 120 male prisoners all of whom are selected relative to their non-violent history, good health, training, and varied skills.
5. The camp is self-sufficient as to the following:

- Provisions grown by inmate gardeners for CC#27 are shared with like facilities within California.
  - The waste water treatment plant provides camp water and training for inmates in the field of waste treatment and related plant operations.
  - It has a large capacity garage for the maintenance and repair of emergency vehicles, a large saw mill, adequate crafts and recreational activities area, an on-site well and a generator for electricity.
6. Basic medical first-aid is provided to the prisoners on site and the camp utilizes Sutter Hospital in Lakeport for non-basic medical care.
  7. The Campus Mobile Kitchen Unit (MKU) serves fire-fighting personnel in the case of major fires as experienced by Lake and surrounding counties during the 2012 calendar year.
  8. According to the camp staff hosting the AD HOC Committee, on-site certification for various vocational trades including, but not limited to, construction, water and sewage treatment and landscaping are available to inmates, however computers and computer science equipment for same was not noted during the visit.
  9. Incident/Fire Response during 2012 included the Wye Fire in Lake County, the Walker Fire in Lake and Colusa Counties, Sites Complex Fire, and Sixteen Complex Fires in Colusa County, the Scotts Fire in Lake County, Mill Fire near the Mill Creek Campground in Mendocino National Forest and numerous lesser incident responses.
  10. Community and Conservation Projects numbered 16,414 hours and included grading of road and fire prevention efforts benefiting taxpayers in excess of approximately \$687,000.00

### Findings:

- F 1. Konocti Conservation Camp #27 is a good alternative to standard prison settings.
- F 2. Inmates are provided with sparse but warm and comfortable dormitories for rest and sleep.
- F 3. There is adequate food nourishment both in the camp and in the field.
- F 4. Konocti Conservation Camp #27 is in a rural setting and maintains an atmosphere conducive to good behavior and thus according to the Camp staff has minimal to zero behavioral problems.

### Recommendations:

- R 1. Increase public knowledge of the Camp and its positive impact on the community and the State of California as a whole. (F1, F4)

### Request for Responses:

- Konocti Conservation Camp #27 (60 days)
- CAL-FIRE (90 days)

**BLANK PAGE**

# Joint Powers Authority

## Summary:

Public agencies have been working together via the signing of agreements for the last 92 years. Such agreements may function under 35 different titles including but not limited to: alliance, consortium, council, district, organization, source, system, trust and zone. Regardless of title, all such agencies operate under the legal authority granted from state law, the Joint Exercise of Powers Act, formally named as such in the year 2000 (AB 1350, Local Government Committee) which allows this pooling of resources in an effort to deliver services, build facilities and establish programs, thus addressing the needs of a community – especially where the community crosses boundaries.

However, not all of these agreements create Joint Powers Authorities even though they all use the acronym of JPA. Joint Powers Authorities are legally independent entities from their separate government organizations where as a joint powers agreement describes the collaborative relationship of the agencies that are parties to it.

Research indicates that JPAs function with little public knowledge of their existence or knowledge coupled with lack of interest by the taxpayer. Therefore, and for the purpose of this report, only Joint Power Authorities are discussed as only these are the separate legal entities in need of individual oversight and all references below to JPA refer only to Joint Power Authorities and NOT to the those situations to which only an “agreement” exists.

## Background:

The implied obscurity of JPAs (whether authorities or agreements) has prevented former Lake County Civil Grand Jury committees from providing identification and explanation of their existence and function. This report provides an accounting and explanation of those JPAs discovered and identified as “authorities” and does not suggest the list of same is complete or exhaustive.

No official categories for types of JPAs exist, however, their services are divided into five broad groups: public services, insurance pooling, planning services, regulatory enforcement, purchasing discounts and financial services. The common goal of a JPA is to deliver increased cost-effective service, consolidate services into a single agency and attempt to eliminate duplicative efforts.

Once formed and functioning, a JPA is required by law to give notice to the Secretary of State via a brief form and the State Controller is to receive the

full text of the agreement when annual audits are required. The California Debt and Investment Advisory Commission (CDIAC) tracks JPAs that issue revenue bonds for a variety of uses.

### Procedure:

There were multiple contacts with as many agencies as possible with any knowledge of JPAs generally and/or specifically. Information gathered focused on identification and purpose of JPAs and excluded financial review of same due to time constraints.

### Discussion and Facts:

Below is a summary of the Joint Exercise of Powers Act and associated research:

Civil Grand Juries are the taxpayers guardians relative to public agency stewardship including the public funds they expend.

Federal and state agencies, counties, cities, special districts and redevelopment agencies can be members of one or more JPAs. Combination of several JPAs creates a Super-JPA. Indian tribal governments can join a JPA via legislative consent.

State law does not require a certain number of people be empanelled for a JPA board of directors, however most are comprised of five or six members.

California Government Code section 6500-6536 provides the codification of JPAs and the subsequent amendments. It reads, in part,

“[Any] joint powers agency that is required and fails to file notice pursuant to this section [6503.7] within 90 days after the effective date of this section [2007] shall not, thereafter, and until such filings are completed, issue any bonds, incur any debts, liabilities or obligations of any kind, or in any other way exercise any of its powers.

For purposes of recovering the costs incurred in filing and processing the notices required to be filed pursuant to this section and Section 6503.5, the Secretary of State may establish a schedule of fees. Such fees shall be collected by the office of the Secretary of State at the time the notices are filed and shall not exceed the reasonably anticipated cost to the Secretary of State of performing the work to which the fees relate.”

Each and every JPA is unique and their function is established by their bylaws. Beyond basic responsibilities for any public agency among which include conducting meetings open to the public and adhering to public interest laws that ensure political transparency, they are legally, completely independent from their member agencies.

State law allows JPAs to issue revenue bonds without voter approval (Mark-Roos Act). Special legislation even allows some nongovernmental groups to participate in JPAs without their being public agencies (i.e. non-profit health care service providers such as hospitals). Further, said bonds can be issued both in a public or private sale. Finally, the bonds can be sold as one large bond with the proceeds loaned to the JPAs member agencies. In the 1990s this resulted in “roving JPAs” issuing bonds to pay for developments outside their member agencies jurisdiction. A few small cities used the Mark-Roos Act to issue bonds that exceeded their capital needs. The situation allowed for the potential misuse of the Joint Exercise of Powers Act and as a result, the Legislature terminated such activity (roving JPAs) via SB 147, KOPP, enacted in 1998.

At present, the Secretary of State has a grand total of 2,334 agencies within the State of California listed as JPAs. Of these, 40 new Notice of Agreements and amendments were reported in 2012. Said “notices” consist of a form to be filed with the Secretary of State’s Special Filing Unit in Sacramento. The full JPA text is filed only with the State Controller’s office when an annual audit is required.

Although forfeiture of fees is a threat, nothing in the law (Government Code Section 6503.7) explains how fees or other monies will be retrieved. According to State Controller staff, said code offers no real enforcement authority. The Secretary of State’s office representatives also state that it is not an enforcement agency. In addition, the CDIAC which tracks the issuance of revenue bonds and JPAs compliance with same, “...must resort to scanning the Wall Street Journal and Bond Buyers publications to attempt to identify non-compliance” (according to CDIAC staff re: JPAs failing to file with the commission as required when they sell bonds.) Even if a JPA is recognized and contacted, the CDIAC can do nothing to enforce compliance. None of the three bodies of governments has a mechanism for forfeiture of any kind and the code section itself does not expound on the issue of non-compliance procedures.

Determined inquiry into the matter by the committee resulted in the identification and brief purpose statements of the following JPAs functioning in a joint effort with entities in or outside of Lake County:

- Area Agency on Aging Planning/Service Area 26
  - Purpose: Leadership, advocacy, care services, prevention of elder abuse and/or functionally impaired persons.
- California Automated Welfare Systems Consortium IV
  - Purpose: Design, develop, operate and maintain new automated systems to support public assistance programs.
- California State Association of Counties – Excess Insurance Authority (CSAC-EIA)
  - Purpose: Per their website, “The CSAC Excess Insurance Authority (EIA) is a risk sharing pool of California public agencies, dedicated to controlling losses and providing effective risk management solutions.”
- California Statewide Communities Development Authority (CSCDA)
  - Purpose: To promote economic development through issuance of bonds, notes, or other indebtedness.
- Clearlake Public Financing Authority
  - Purpose: To provide budget information.  
*(Registered with State Controller; No record found by Secretary of State Office.)*
- Lake County/City Area Planning Council
  - Purpose: Provides regional transportation planning as an area planning commission. Administers all funds for same for Lake County per the Transportation Redevelopment Act (TDA).  
*(Registered with Secretary of State Office.)*
- Lake County Public Financing Authority
  - Purpose: Report of financial transactions to the State Controller office for Lake County and all Special Districts.
- Lake County Vehicle Abatement Service Authority
  - Purpose: Develop, approve and implement a program to abate abandoned vehicles.
- Mental Health Service Authority (CalMHSA)

- Purpose: Stigma/discrimination reduction and suicide prevention with programs for children, teenagers, adults and seniors.
- Lake Transit Authority
  - Purpose: County-wide bus system.
- Napa-Lake Workforce Investment Board
  - Purpose: Responds to labor and training needs of employers and job seekers, designs outcome based workforce delivery systems, leverages community resources, explores new training alternatives and influences education and workforce policy.
- Northern Alliance School Insurance Group (SIGNAL)
  - Purpose: Provide workers compensation benefits, property and general liability coverage and loss prevention services.
- North Coast Emergency Medical Services
  - Purpose: Trauma, multi-casualty plan development, personnel certification, computerized data collection and evaluation, on-going emergency services system development.
- Public Agency Risk Sharing Authority
  - Purpose: Insurance pooling.
- Program Beta Risk Management Authority
  - Purpose: Self-Insurance and/or insurance for professional liability/other coverage for hospital districts, counties and other governmental entities which own and operate hospitals, clinics and other health related facilities.
- Redwood Empire Municipal Insurance Fund
  - Purpose: Insurance.
- Regional Council of Rural Counties Act
  - Purpose: Lobbyists which also assist with housing loans for homebuyers.

## Findings:

- F 1. The lack of enforcement power in the law for failure to follow proper state notification guidelines makes it difficult, if not impossible, to properly identify and collate all JPAs within Lake County as there are no repercussions to the JPA for failure to file or report.
- F 2. The variety of titles a JPA can use also makes it difficult to identify them.
- F 3. Since JPAs use public monies, an accounting of their existence is vital to maintain the integrity of the public funds being utilized.

## Recommendations:

- R 1. The Board of Supervisors consider adding a position or add the responsibilities to a position of monitoring JPAs which use, in some form or fashion, county funds. (F1-F3)
- R 2. Further Lake County Grand Juries investigate the financial aspects of the aforementioned JPAs. (F3)

## Request for Responses:

- County Counsel (90 days)
- Board of Supervisors (90 days)

## Resources

Name	Information time period encompassed:
Area Agency on Aging	2012
California Association of Joint Powers Authorities (CAPJA)	2010
California Debt & Investment Advisory Commission (CDIAC)	2012
California Secretary of State, Program Analyst	2012-2013
California State Controller	2012-2013
California State Legislature Senate to Local Government Committee Report	2007
California Statewide Communities Development Authority (CSCDA)	2012
Clearlake Advisory Committee	2012
Count of Lake website	2012
Lake County Clerk's Office	1972-2010
Lake County/City Area Planning Council	2013
Lake County Civil Grand Jury Report	2011-2012
Lake County Superior Court JPA Listing	2012
North Central Counties Consortium website	2012
Public Agency Risk Sharing Authority of California (PARSAC)	2010
State of California/Secretary of State website	2012
The Essential Public Information Center	2012
Workforce Investment Area NAPA-LAKE	2012

**BLANK PAGE**

## Budget and Finance Committee

- Complaints
  - C-22 Clearlake Oaks County Water District
  - H-2 Hidden Valley Lake Community Service District
- Oversights
  - Special Districts – Water Water Everywhere

# Clearlake Oaks County Water District Complaint C-22

## Summary:

The 2012-2013 Lake County Civil Grand Jury (LCGJ) received a complaint concerning the policies and procedures of the Clearlake Oaks County Water District (District) relative to billing and water shut-off practices. After acceptance of the complaint, it was assigned to the Budget and Finance Committee (BFC) for investigation and resolution. It was determined the complaint was unwarranted because proper procedures were followed by the District regarding the resolution of a leak on a residential property.

## Background:

The complainant alleged that the District left a notice at an unspecified date in July of 2012 alerting him that a water leak of .5cfm (cubic feet per minute) had been detected. A second notice was left regarding the leak informing him that the water had been turned off and stated that only the District had authority to turn the water back on. The complainant stated that he and a friend repaired the leak and turned the water back on themselves. He stated his reason for doing the repair himself on a Sunday was because his disabled step-daughter needed access to the water service.

The complainant later received a notice that his bill would be larger due to the leak. He stated he was required to sign a Payment Agreement for the following months or his meter would be removed and the bill turned over to the District Attorney's office.

The homeowner maintained that his water usage during the term of the leak was miscalculated by the District resulting in an exorbitant bill.

## Procedure:

After review by the BFC of the complaint and attached documentation thereto, it was determined that a site visit to the offices of the District was appropriate. The committee met with two members of the District Board of Directors and the Administrative Assistant on November 2, 2012 at 2pm in the District board room.

## Discussion and Facts:

Timeline of the actions surrounding the complaint:

1. 7/23/12: As a result of the meter reading showing excessive consumption of water, the District tried to contact someone at the residence. The crew received no answer to their knocks and since it appeared that no one was at home they left a notice stating that there appeared to be a leak on the premises and to call if there were any questions. The notice stated the leak was flowing at a rate of .5cfm. There was no date on the notice explaining when the crew was at the property.

No Specific Date noted: At some point between 7/23/12 and 7/30/12, the customer went into the District offices to question his bill. In order to facilitate payment of the back charges, the District Administrative Assistant told the complainant that he needed to sign a Payment Agreement.

7/30/12: A District Payment Agreement was drawn up and signed by the customer. District personnel suggested the homeowner hire a plumber to fix the leak. The customer stated he could not afford a plumber.

8/8/12: The leak appeared to go unrepaired, so a District crew returned to the property. No one answered the door, so a second notice was left notifying the homeowner that they were shutting off the water because of continuing excessive amount of water being consumed.

8/10/12: A District crew returned to the property. They were unable to contact anyone at the home. There was no current phone number in the District files so they were unable to confirm that anyone was in residence and were unable to contact the homeowner. However, they did find that the shut-off tags had been tampered with and the water service turned back on.

8/20/12: A letter was sent to the customer regarding the failure to fix the leak and the water valve having been turned on by an unauthorized party.

8/28/12: A second Payment Agreement was drawn up to modify the Payment Agreement of 7/30/12 based on the additional water consumption and the fact that the homeowner said he could not pay the full amount of the bill. The second agreement established a payment schedule the homeowner felt he could afford.

11/02/12: According to District records, the customer is up to date on his agreed upon payments.

2. The District has no written policies or procedures that determine under what circumstances the water service will be turned off. According to the Board, the decision to shut off water service is determined on a case by case basis.
3. During the period of July 12, 2012 through August 10, 2012 the District observed that the excessive use of water continued. The District attributed this to the homeowner not having the leak repaired.
4. The District was unable to contact the homeowner in order to determine whether there was anyone living at the location as there was no current phone number on file.
5. At no time was the District able to confirm that there was anyone in residence since no one was answering the door. If it is determined that the residence is occupied, the District must notify the Building Department before the water service is shut off. If the property is unoccupied, the District is authorized to discontinue service.
6. The homeowner wrote in his complaint, "I was told to sign a new payment agreement for the \$950 or the meter would be removed and the bill would be turned over to the District Attorney's office for collection since it exceeds \$400." However, when questioned, the District stated meter removal is a last resort. If they are unable to resolve payment issues the account is turned over to a collection agency. The District does not refer any accounts to the District Attorney's office.
7. The District has no written policy regarding disabled residents. However, they do have a list of agencies that may be of assistance in situations of this nature. This list is made available to their customers.

#### Findings:

- F 1. The failure of the Board of Directors to have written Policies & Procedures for shutting off water, risks inconsistent actions by the District which are not explained to the customer.
- F 2. Although door tags were utilized, the lack of a date on the tags could result in confusion on the part of the customer.
- F 3. Failure to have adequate contact information of the customer risks communication failure and an inability for the District to address issues and problems in a timely manner.
- F 4. The failure of the Board to have a written policy for addressing disabled clients risks a decline in said client's health and safety.

F 5. In reviewing the water usage and billing documentation by the BFC, it was determined that the District calculations were correct.

Recommendations:

- R 1. The District Board of Directors establish written policies and procedures for situations such as discontinuation of water service; i.e. when, how, etc. (F1)
- R 2. The District Board of Directors establish written policies and procedures dealing with disabled residents in situations such as inability to pay bills and/or repair leaks. (F4)
- R 3. The date as well as the time be included on the Notice left at the residence. (F2)
- R 4. The District Board of Directors establish a policy requiring that a contact phone number be obtained for each account. The application would state that the customer is responsible for updating this information as necessary. (F3)

Request for Responses:

- Clearlake Oaks County Water District (60 days)

**BLANK PAGE**

# HIDDEN VALLEY LAKE COMMUNITY SERVICE DISTRICT Complaint #H-2

## Summary:

The Budget and Finance Committee investigated a complaint which claimed that Hidden Valley Lake Community Service District (District) falsified wording for a bond issue passed in 1995. The District administration does not agree with the claim. The bond in question has been paid off. The committee found that the complainant was unavailable to substantiate the claim and therefore the complaint appears to be without merit.

## Background:

The 2011-2012 Lake County Grand Jury received a complaint on 5/3/12 and it was held over for the 2012-2013 Grand Jury due to the lateness of receipt. The complaint was assigned to the Budget and Finance Committee. The complainant stated that when the District proposed financing for upgrading the sewer and water services in 1995, the individual property owners were told that as new properties were developed their rates would be reduced. Rates in 1995 were \$380.00 per developed parcel per year. The complainant stated that the assessment rate has never decreased even though the number of developed properties has tripled.

## Procedure:

Members of the committee read the complaint and found no paperwork to substantiate the claim as indicated in the letter attached to the complaint. Members of the committee tried to contact the complainant, but his phone had been disconnected. Due to the missing documentation the committee contacted the District to review the information on the bond passed in 1995.

## Discussion and Facts:

1. The District contact stated that during the term of the bond, as each new parcel was developed, the assessment went to paying down the bond balance.
2. The District contact stated they did not inform homeowners that their assessments would be reduced when new properties were developed.
3. The bond in question has been paid off by the District.

2012-13 Lake County Civil Grand Jury

Findings:

- F 1. The complaint appears to be incomplete as the documentation referenced as attached was not received by the Grand Jury. The phone number provided to the committee by the complainant was disconnected so no further information was obtainable.
- F 2. Based on the information provided or obtained by the committee, is unsubstantiated and thus appears to be without merit.

Recommendations:

None

Request for Responses:

None

**BLANK PAGE**

# WATER WATER EVERYWHERE

## Summary:

As part of the 2012-2013 Lake County Grand Jury, the Budget and Finance Committee (committee) has authority to perform an oversight of the Special Districts within the County. Because of the large number of Special Districts in Lake County, the committee elected to focus only on those Districts dealing with the distribution of water to customers. The review consisted of requesting documentation from each of the Districts pertaining to the financial, operational and management aspects of their systems. The committee also visited two District offices.

## Background:

The committee elected to focus on the special districts which provide water services in order to limit the scope of its oversight. It would not be realistic to attempt a review of all the special districts in Lake County in the time allotted. The water districts were chosen due to the topical nature of their service and the high level of interest generated in the county by local efforts to address concerns related to lake water quality and the growing costs of providing drinking water to county residents.

In Lake County there are ten independent (each managed by an elected board) water districts and ten dependent districts (managed by the county). According to information supplied by dependent and independent water districts approximately 25% of the districts draw water from the lake with the remainder using wells, springs or creeks as their source. It is nearly impossible to determine how many of the "water systems" listed with the state draw from the lake or from private wells. When there are approximately 27 large entities and uncountable smaller users affecting the same natural resource then add to this, outside considerations such as the Lake and Yolo County water agreement, Federal and State requirements, the Clearlake Hitch and attempts to control the summer algal blooms there is great potential for disagreements, personal agendas, indecisiveness and unintended consequences. This is a complex situation that will require agreement among all stakeholders in order to meet the needs of the citizens of Lake County.

For an explanation of what constitutes a "Special District" a synopsis of a pamphlet: "What's so special about Special Districts?" prepared by the Senate Local Government Committee in October 2010 is attached as Appendix A.

The short answer is: Special Districts are a form of government with governing boards to provide services and facilities in defined areas. They have most of the same basic powers as counties and cities, such as corporate and tax powers. Budgeted revenues in Lake County for water special districts in the 2012/2013 budget year were almost 10.2 million dollars and budgeted expenses were 10.8 million dollars. These figures do not include those for the private water companies and supply systems operating in Lake County.

#### Procedure:

The committee gathered information and documentation on the independent districts through a formal letter requesting budgets, audits, etc.; site visits; and phone conferences. The information and documentation for the dependent districts was obtained from the Lake County Special Districts office. The committee interviewed the Lake County Auditor regarding financial accounting, reports and auditing for all special districts. The committee also interviewed the director of the Lake County Local Agency Formation Commission and visited the offices of the Upper Lake and Clearlake Oaks Special Districts.

#### Discussion and Facts:

There are a total of 91 separate water systems in the County of Lake. Some serve a few as five people. This report covers the ten independent districts and the ten dependent districts. [Appendix B]

1. The Lake County Auditor/Controller handles the financial functions as well as auditing for the dependent districts as part of the Lake County annual budget.
2. The Lake County Auditor/Controller reviews the financial audits of the independent districts and makes suggestions if there is a problem or discrepancy noted.
3. If requested, the Auditor/Controller may provide oversight and accounting services to the independent districts without charging a fee.
4. Rates for a new hookup to the water services and base usage vary substantially among districts. [see Appendix C]

5. While each independent water district has their own administrative department, this nevertheless results in duplication of administrative, accounting and technical services among the districts and the county.
6. The Lake County Department of Special Districts has consolidated several separate dependent districts into three Utility Areas which share administration and technical personnel [see Appendix B].
7. The Lake County Board of Supervisors is currently assessing the feasibility of acquiring a private water company according to published information.
8. The California Fish and Wildlife Commission has initiated a year long study on the Clearlake Hitch pursuant to a petition on adding the hitch to the Endangered Species List. This may impact how lake water is utilized by the special districts.

#### Findings:

- F1. The Lake County Auditor has no enforcement power to compel the independent districts to submit their reports and/or to comply with any suggestions made concerning those reports.
- F2. Administrative costs are duplicated in the various independent water districts for budgets, payroll and technical support. The smaller districts have limited personnel and budgets so there are instances where there are no checks and balances for financial and administrative functions as documented in several outside audits.
- F3. The consolidation of various districts into 3 CSA's in the Lake County Special Districts Department demonstrates that there is an infrastructure in place for consolidation of water districts through incorporation within the three utility areas.
- F4. The State of California and the federal government are reviewing initiating new testing and reporting of conditions for water used in households and agriculture. This may necessitate additional reporting and expenditures in the future.
- F5. Based on the petition to list the Clearlake Hitch on the Endangered Species List and the Fish and Wildlife Commission's acceptance, additional laws and regulation governing the use of lake water will be in effect according to state officials.

- F6. The committee calculates that with the consolidation of the ten independent districts under the county Special Districts Administration, there could be a savings of approximately \$1.5 million annually. This estimate is based on budgets received from the districts, is only as valid as the information received and does not reflect any savings resulting from reduction of capital equipment and/or assignment of technical personnel.
- Approximately 1% of the total annual budget of each independent district is for office service and supplies. Using that percentage, by consolidation, the savings from all districts could be \$65,000 annually.
  - The elimination of the ten boards of directors could save \$29,000 annually in salaries and expenses.
  - The elimination of administrative personnel in each district could save approximately \$1,429,000 annually (this figure does not include the extra expenditures for employer federal and state payroll taxes and the employee benefits such as health insurance and retirement which typically amount to an additional 30% of the payroll).

#### Recommendations:

- R 1. Prior to consideration of a consolidation of the water districts, it is recommended that the Lake County Local Agency Formation Commission prepare and adopt a special study: Municipal Service Review (MSR), concluding that annexation of the districts is feasible. (F1, F2, F4, F6)
- R 2. Board of Supervisors research the feasibility of acquiring private water systems located in Lake County. (F1-F6)

#### Request for Responses:

- LAFCO (90 days)
- Board of Supervisors (90 days)

## APPENDIX A

### Synopsis of “What is so special about Special Districts”

For the complete Senate Local Government Committee report go to  
[www.sen.ca.gov/locgov](http://www.sen.ca.gov/locgov)

What is a Special District? State law defines a special district as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries.” In plain language, a special district is a separate local government that delivers a limited number of public services to a geographically limited area.

Special districts have four characteristics:

1. They are a form of government.
2. They have governing boards.
3. They provide services and facilities.
4. They have defined boundaries.

So what’s so special about special districts? The answer is focused service. Special districts provide service in specifically defined areas, where cities or counties provide services throughout their boundaries. Special districts usually provide a single service, such as water delivery. Special districts only provide the public services that the citizens of specific areas want whereas cities and counties provide multiple services and programs for all citizens.

Special districts can provide such services as water, electricity, mosquito abatement and fire protection. Most special districts serve just a single purpose, such as water or sewage treatment. Others, such as Community Services Districts and Community Service Areas can deliver multiple services. Special districts can range from a single neighborhood to vast areas such as cities, counties or larger.

Special districts have most of the same basic powers as counties and cities. They have corporate powers and tax powers but rarely police power. Corporate power is the “ability to do things”. Tax power is the authority to raise money to pay for the projects and services. Special districts can sign contracts, employ workers and acquire real property through purchase or eminent domain. Under certain limits they can issue bonds, impose special taxes, levy benefits assessments and charge service fees.

The first special district was formed in 1887 to provide irrigation water to farmers in Stanislaus County. During the 1990's special districts were primarily created for delivering water to urban and suburban communities. During the 20<sup>th</sup> Century, special districts increased dramatically in both number and scope. As the population grew, special districts became a popular way to meet the need for public services of all kinds. Special districts provided the flexibility, unlike complex governments, to provide the desired services quickly and efficiently. Special districts were established to provide specific services in designated areas based on the areas wants and willingness to pay. The State Legislature established mosquito abatement districts in 1915, fire protection districts in 1923 and hospital districts in 1945, among others. Although originally created to address individual services, special districts later encompassed multiple needs. The State Legislature provided for multi-purpose County Service Areas in 1953 and Community Service Districts in 1961.

One way of understanding districts is to look at their various contrasting features:

1. Single function versus multi-function: Single function districts provide a single service such as water. Multi-function districts provide two or more services such as water and sewer. Community Service Districts can provide up to 32 services and County Services Areas can provide any service which a county can provide.

2. Enterprise versus non-enterprise: Enterprise districts charge for their customers' service, such as water districts which charge for water to their customers and not all residents of the district. Non-enterprise districts such as fire districts and recreation districts, do not work under a direct cost/benefit relationship but rather rely overwhelmingly on property tax revenues and parcel taxes to pay operational expenses.

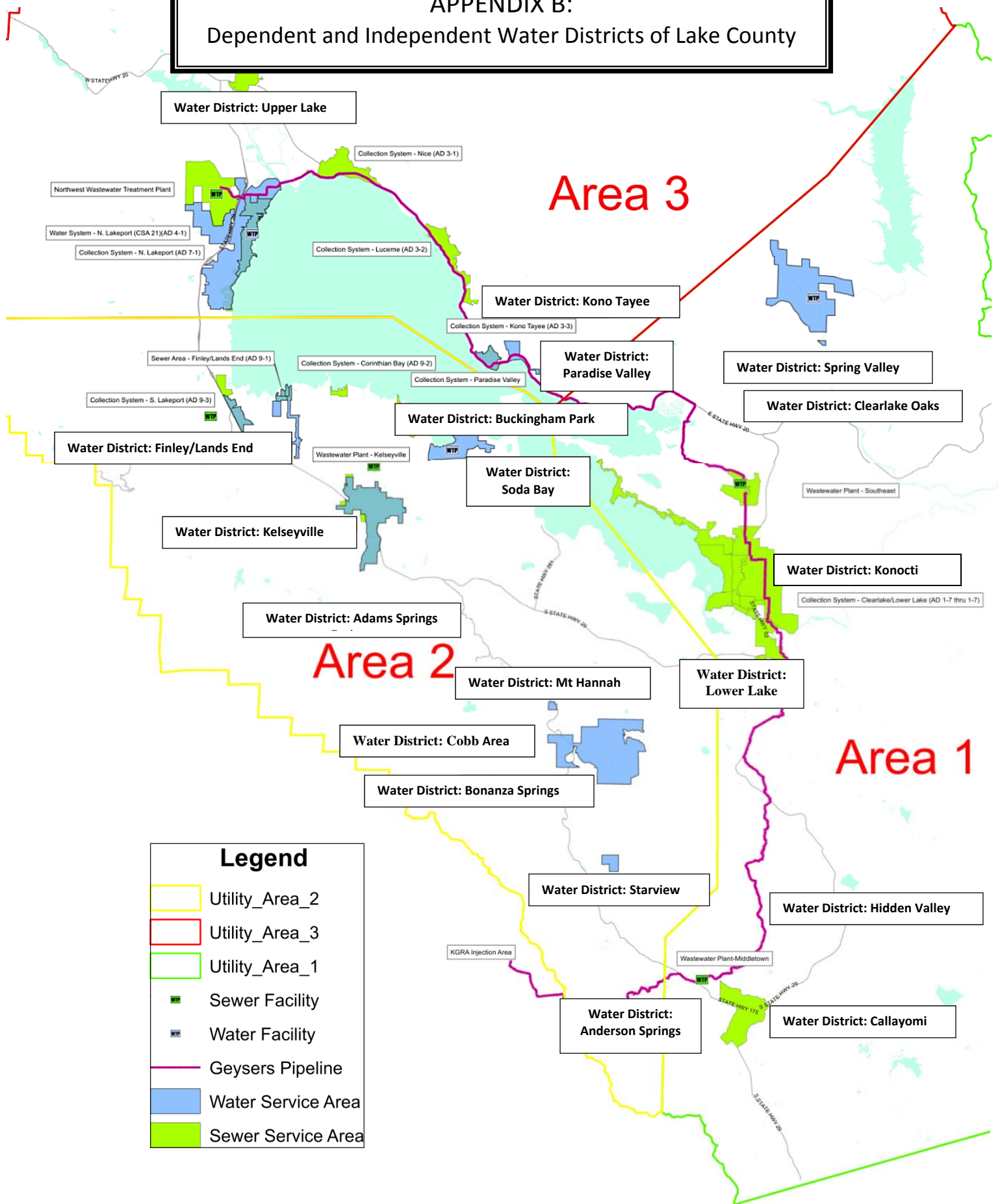
3. Independent versus dependent: Independent districts have their own separate governing boards elected by the districts' own voters or appointed by the county supervisors to fixed four-year terms. Dependent districts are governed by existing legislative bodies (i.e. city councils or county board of supervisors).

These three distinctions are not mutually exclusive. Operational needs and unique characteristics of a district could result in a independent, single function, non-enterprise district or many other combinations.

Special districts generate revenue for their regular operations from three basic sources: Taxes, benefit assessments and service charges. For capital projects districts create debt (i.e. general obligation bonds). As an example, in 2007-2008 statewide, the 3000 plus enterprise special districts' revenues exceeded \$25.1 billion dollars. During that same period the long-term debts were approximately \$72.4 billion dollars.

The committee elected to focus on the special districts which provide water services in order to limit the scope of our oversight. The water districts were chosen due to the topical nature of this service and the high level of current interest generated in the county by local efforts to address concerns related to lake water quality and the growing costs of providing water to county residents.

# APPENDIX B: Dependent and Independent Water Districts of Lake County



Legend	
<span style="border: 1px solid yellow; display: inline-block; width: 15px; height: 10px;"></span>	Utility_Area_2
<span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px;"></span>	Utility_Area_3
<span style="border: 1px solid green; display: inline-block; width: 15px; height: 10px;"></span>	Utility_Area_1
<span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black;"></span>	Sewer Facility
<span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black;"></span>	Water Facility
<span style="border-bottom: 2px solid pink; display: inline-block; width: 20px;"></span>	Geysers Pipeline
<span style="display: inline-block; width: 20px; height: 10px; background-color: lightblue;"></span>	Water Service Area
<span style="display: inline-block; width: 20px; height: 10px; background-color: lightgreen;"></span>	Sewer Service Area

**APPENDIX C  
Water District Statistics**

WATER SUPPLIER NAME	2012-2013 Revenue Budget	2012-2013 Expense Budget	2012-2013 Payroll Budget	Board of Directors Comp/Year	Total Personnel	Certificates: Distribution	Certificates: Treatment
<b>INDEPENDENT DISTRICTS</b>							
HIDDEN VALLEY	\$1,267,700	\$1,267,700	\$674,100	\$2400*	12	4	3
LOWER LAKE	\$872,268	\$1,213,579	\$411,378	\$600	8	4	4
ANDERSON SPRINGS	\$81,287	\$81,287	\$22,000	\$1,500	4	3	3
ADAMS SPRINGS	\$41,400	\$45,161	Subcontract w/Cobb Area	\$0	8	2	3
BUCKINGHAM PARK	\$410,700	\$372,300	\$83,653	\$0	4	3	3
CLEARLAKE OAKS	\$1,288,870	\$1,188,951	\$449,440	\$3,000	14	11	7
COBB AREA	\$464,682	\$528,680	\$232,500	\$6,000	7	2	3
KONOCTI	\$1,128,800	\$1,207,497	\$477,445	\$8,209	7	5	5
CALLAYOMI	\$408,000	\$472,471	\$300,000	\$3,340	3	2	2
UPPER LAKE	\$154,439	\$158,980	\$80,814	\$2,970	2	1	1
* Three directors voluntarily choose not to receive compensation.							
<b>DEPENDENT DISTRICTS</b>							
County combined operating budget	\$4,096,168	\$4,337,339	\$3,185,037	\$0 (BOS)	42		
SPRING VALLEY						11	5
BONANZA SPRINGS						8	2
FINLEY/LAND'S END	These districts share 8 certified distribution and 2 treatment personnel						
KELSEYVILLE							
MOUNT HANNAH							
STARVIEW							
SODA BAY	These districts share 6 certified distribution and 5 treatment personnel					6	5
KONO TAYEE							
NORTH LAKEPORT							
PARADISE VALLEY							

**APPENDIX C  
Water District Statistics**

WATER SUPPLIER NAME	NUMBER OF HOOKUPS	BASE RATE \$/MONTH	GALLONS AT BASE RATE	\$ FIRST 1000 GALLONS/MONTH	HOOKUP \$	SOURCE: WELL, LAKE, CREEK, SPRINGS
<b>INDEPENDENT DISTRICTS</b>						
HIDDEN VALLEY	2,345	\$37.13	22,500	\$37.13	\$3,600.00	W
LOWER LAKE	992	\$57.65	2,992	\$57.65	\$2,800.00	W
ANDERSON SPRINGS	194	\$36.00	20,000	\$36.00	\$7,500.00	W
ADAMS SPRINGS	74	\$35.00	10,000	\$35.00	\$5,000.00	W
BUCKINGHAM PARK	448	\$50.68	0	\$53.64	\$9,000.00	L
CLEARLAKE OAKS	1,996	\$32.00	1,496	\$32.00	\$5,500.00	L
COBB AREA	1,000	\$31.80	2,000	\$31.80	\$5,000.00	S,W
KONOCTI	1,758	\$28.00	0	\$53.00	\$4,150.00	L
CALLAYOMI	336	\$36.00	6,000	\$36.00	\$4,900.00	W
UPPER LAKE	405	\$20.00	0	\$21.00	\$10,200.00	W
<b>DEPENDENT DISTRICTS</b>						
SPRING VALLEY	493	\$25.00	600	\$27.75	\$19,218.00	C
BONANZA SPRINGS	179	\$18.12	750	\$20.70	\$1,500.00	W
FINLEY/LAND'S END	237	\$12.44	1,500	\$12.44	\$2,500.00	W
KELSEYVILLE	1,269	\$27.41	750	\$28.21	\$2,500.00	W
MOUNT HANNAH	36	\$28.05	750	\$32.82	\$7,360.00	W
STARVIEW	146	\$20.00	750	\$21.00	\$2,000.00	W
SODA BAY	733	\$28.00	750	\$30.75	\$4,776.00	L
KONO TAYEE	139	\$24.49	700	\$28.16	\$12,229.00	W
NORTH LAKEPORT	1,628	\$21.50	750	\$22.61	\$4,776.00	L
PARADISE VALLEY	72	\$51.60	500	\$57.79	\$14,083.00	W

NOTE: \$/FIRST 1000 GALLONS/MONTH price based on: a.) If base rate provides 1000 gallons or more this figure is the base rate or b.) If base rate provides zero gallons, this figure is the base rate plus price of 1000 gallons. All data based on 5/8 inch meter hookup. \* California PUC does not allow hookup fees for this type of water company (investor owned).

BLANK PAGE

## Government Services Committee

- Oversights
  - District Attorney
  - Victim Witness

# District Attorney Oversight

## Summary:

The Government Services Committee of the Lake County Civil Grand Jury conducted an oversight of the Lake County District Attorney (DA).

## Background:

The current DA was elected in 2010 and took office in January 2011. During his tenure to date, he has restructured the office staff, revised the Brady Policy for the county, revised the Officer Involved Fatal Protocol and instituted the Alternative to Community Service Program (ACSP) while conducting the day-to-day business of the DA's office. He is currently in the process of compiling a new Policy and Procedures Manual and instituting a new misdemeanor diversion option.

## Procedure:

The committee received requested documents relative to the DA's office including the Brady Policies and the misdemeanor diversion program and met at the DA's office on November 9, 2012 for the purpose of interview, discussion and tour of said facilities. Subsequently, we requested additional information and documentation.

## Discussion and Facts:

Through a personal interview, document review, and multiple emails the following information was received from the DA's office:

1. There is a total of 40 budgeted positions with the DA's office of which 35 were filled as of December 2012.
2. The DA has reassigned secretarial staff from task specific to attorney specific.
3. The DA continues to utilize sentence bargaining where appropriate. Sentence bargaining permits the DA to address the amount of jail time a defendant receives in addition to the charge pled to.
4. The philosophy of the department has changed from "jail all" to "justice".

5. The policies and procedures manual for the assistant district attorneys is still being revised and completed, however, the Investigation Division is done.
6. The ACSP program continues to exist and is designed to provide a benefit to Lake County for those misdemeanor offenders who live out of the area and would receive community service as part of their sentence. This program allows defendants to provide a voluntary contribution to a nonprofit agency within Lake County in lieu of the hours. The amount of the contribution and the recipient is currently determined by the DA although the monies go directly to the agency designated. As of November 2011, approximately \$70,000 has been given to local charities through this program.
7. As of November 2011, AB109 has yet to be a major impact on the DA's office. However, an increase in revocation hearings and recidivist cases is expected.
8. There is one Deputy DA assigned to handle white-collar and elder abuse crimes with one investigator assigned almost exclusively to this Deputy DA. However, the few minor grants which help support these positions are not substantial enough to cover them in their entirety.
9. The DA's office is in the process of contracting with Pacific Education Services, Inc. for a new adult diversion program for low-grade first-offense misdemeanors within the County of Lake which will consist of a six-hour class held on a Saturday. The goal of this program is to reduce recidivism by providing life skills.

#### Findings:

- F 1. The Alternative to Community Service Program is beneficial to Lake County.
- F 2. While it is recognized that the DA's office does not process the monies for the Alternative to Community Service Program, the committee is concerned that the arbitrariness and lack of transparency of not only who receives the monies, but how much each defendant pays, puts the county and the DA's office at risk for an illusion of impropriety.

F 3. For the purpose of uniformity and clarity, a policies and procedures manual needs to be completed for the assistant district attorneys.

**Recommendations:**

R 1. The risk to the county would be reduced if the Alternative to Community Service Program received outside oversight/guidance. Specific recommendations include:

1. a citizen group be established to provide checks & balances including reviewing assessment, collection and distribution;

-or-

2. a three-to-five independent member panel be formed to determine organizational eligibility and selection of the intended recipient(s). (F1, F2)

R 2. Finalize the attorneys' policy and procedure manual. (F3)

**Request for Responses:**

- District Attorney (60 days)
- Board of Supervisors (90 days)

BLANK PAGE

# Victim Witness Oversight

## Summary:

The Government Services Committee of the Lake County Civil Grand Jury conducted an oversight of the Lake County Victim-Witness Program at 420 2<sup>nd</sup> Street, Lakeport, CA.

## Background:

California established the funding of local comprehensive centers for victim and witness assistance in 1979. The Lake County Victim-Witness Division, a program within the Office of the District Attorney, was created during the 1980's. Its main purpose is to provide comprehensive services to victims and witnesses of all types of crimes as outlined in Section 13835.5 of the California Penal Code. They currently receive funding from several sources, the largest being from the California Emergency Management Agency (CalEMA) for the Victim-Witness Assistance Grant. This year is the 27<sup>th</sup> year that this grant has been awarded to the Victim-Witness Division. Additional funding is from the Office of Violence Against Women grant, California Witness Relocation & Assistance Program (CAL WRAP) and Indian Gaming Special Distribution Fund. Because Victim-Witness has been successful at obtaining this funding they have specialized advocates for domestic violence, elder/dependent adult abuse and child abuse.

## Procedure:

The committee received requested documents relative to their Program and met at the Victim-Witness offices on September 21, 2012 for the purpose of interview, discussion and tour of said facilities.

## Discussion and Facts:

The facility consists of a house that serves as the office and an interview facility built from donations and volunteer help. Between these two buildings is a patio and garden area that serves the clients therapeutic and emotional needs.

1. A function of their operation is interviewing victims and witnesses consisting of young children, teenagers and adults.

2. Audio-video equipment is used in the interview process. While interviews are generally conducted one-on-one, various staff and officials simultaneously view the interviews from an adjacent area.
3. At the time of the Grand Jury visit, the interview facility's main electronic equipment for monitoring interviews was no longer functional; therefore they were forced to use their back-up equipment.
4. Staff indicated that visual acuity is equally important as audible acuity because body language and facial expressions relay vital information.
5. The committee made several requests for additional information regarding the number of people assisted and, as of the time of writing this report, had yet to receive it.
6. The Program Administrator explained that due to the length of criminal proceedings a majority of cases require several years to close.
7. During the on-sight visit the committee observed the overgrown condition of the garden and staff indicated a concern regarding same.

#### Findings:

- F 1. Functional up-to-date equipment is necessary for the effectiveness of the program.
- F 2. Due to the imperativeness of timely and immediate interviews the program requires back-up equipment.
- F 3. The ability to provide data regarding the number of individuals/families serviced by Victim-Witness is a key component to the justification of this program and it appears, by the inability to obtain this information, appropriate tracking mechanisms are lacking.
- F 4. The garden area is in need of immediate care and maintenance.

#### Recommendations:

- R 1. Acquire, either through purchase or donation, updated equipment to continue to provide effective case management and client interviews. (F1, F2)

- R 2. Develop or employ a comprehensive database that can easily track the number of people assisted over any given time period. (F3)
- R 3. County landscaper review the garden area between the office and the interview building and provide recommendations to improve the safety and aesthetics including removing, replacing and/or trimming existing foliage. (F4)

**Request for Responses:**

- District Attorney (60 days)
- Board of Supervisors (90 days)

**BLANK PAGE**

## Health and Human Services Committee

- Complaints
  - H5 Lake County Jail Medical Complaint
- Oversights
  - Department of Health Services
  - Lake County Jail Medical
  - Lake County Senior Outreach Services

# Complaint #H5

## Summary:

The California Forensic Medical Group (CFMG) is contracted by Lake County to provide medical care at the Lake County Correctional Facility. The Lake county Civil Grand Jury (LCGJ) received several complaints from inmates alleging inadequate medical care.

## Background:

The LCGJ is charged with reviewing any complaint it receives alleging inadequate care of anyone in custody. One of these complaints alleged that an inmate had a hernia which he believed required immediate surgical intervention. He also stated he was prescribed a hernia belt while in custody but did not receive it in a timely manner.

## Procedure:

The Health and Human Services Committee (HHSC) interviewed CFMG medical staff at the jail regarding this complaint. The inmate's documented grievance form and medical staff's responses were also reviewed.

## Discussion and Facts:

1. The inmate was examined by medical staff at the jail which confirmed the inmate had a hernia. He saw medical staff on 5/25/2012 and was prescribed a hernia belt on the same day of his appointment.
2. The allegations of the inmate were unfounded.
3. Only in emergencies are inmates transferred from the jail to an appropriate medical facility.
4. In the medical staff's opinion, there existed no immediate need for emergency surgical intervention for this inmate's condition.
5. The inmate received the belt a 9 a.m. on 6/2/2012 from medical staff.

**Findings:**

- F 1. CFMG followed appropriate policies and procedures relative to the medical care of this inmate.

**Recommendations:**

- R 1. None

BLANK PAGE

# Department of Health Services

## Division of Public Health Oversight

### Summary:

The Health and Human Services Committee (HHSC) of the Lake County Civil Grand Jury conducted an oversight of the Department of Health Services Division of Public Health (DPH). The purpose was to gain knowledge of how DPH works within the County.

### Background:

DPH, located at 922 Bevins Court in the City of Lakeport, covers a wide variety of programs for the citizens of Lake County including:

1. Children's services for those children with special needs.
2. County Dental Disease Prevention that encourages good oral health.
3. Communicable Disease Prevention Program which strives to improve the quality of life in the county by monitoring and eliminating certain diseases.
4. Emergency Preparedness Program which assists the county and its residents in responding to any type of public health threats.
5. Immunizations Assistance Program which provides access to immunizations to help individuals avoid certain diseases. It is committed to preventing the spread of HIV and providing for the needs of infected patients.
6. Overseeing the health care provided inmates in the Lake County jail.

### Procedure:

The HHSC visited DPH on September 24, 2012 and interviewed the Health Services Director and the Health Officer. Most of the questions were answered by the Health Officer who stated the department was working very closely with the state and county to ensure that any and all areas of health for the citizens of Lake County are covered. Further, visits to the Lake County Jail are conducted several times a year for review of inmate health files. The Health Officer works very closely with California Forensic Medical Group (CFMG) and stated that CFMG does a very good job at the jail facility and Juvenile Hall. The inmates are allowed to send their complaints to DPH.

HHSC received data from a nation-wide study titled *The 2013 County Health Rankings*. This report has Lake County health rated among the worst in California.

Data obtained from the Area Agency on Aging (AAA), shows that 24% of Lake County's population is 60 years of age or older, the highest percentage of seniors in any county in California.

### Discussion and Facts:

The Health Officer provided the committee the following facts:

1. Lake County jail inmates, friends or family may file complaints with the Health Department. However, the Health Officer has seen few complaints from inmates.
2. West Nile Virus was detected in a few dead birds, a few mosquitoes and one human in Lake County in 2012. The Lake County Vector Control District (LCVCD), manages the mosquito problems in the county. Neglected (green) pools of water can produce unnoticed mosquitoes. To report a green pool or get help with a mosquito problem, call the LCVCD at 707 263-4770.
3. Funding for free HIV tests for AIDs has been discontinued by the state.
4. The algae in Clear Lake have the potential for toxins. Clear Lake is fairly pristine compared to other lakes in the country; however, a lot of research has been conducted by various entities to assess the lake algae to make sure that there are no health concerns. The DPH looks for patterns in human and animal cases of various illnesses to detect any possible algae illnesses as does the State Department of Fish and Wildlife. There is no measurable toxicity at this time. The type of toxicity that the DPH is monitoring would, in any case, not be airborne.
5. Methicillin-resistant *Staphylococcus aureus* (MRSA), a 'super bug' is becoming more antibiotic resistant. There are several cases in the county of MRSA of which some antibiotics are no longer effective. Methicillin may not work anymore but Bactrum is a new antibiotic that is being used.
6. One of the largest health issues is the rising number of cases of sexually transmitted diseases (STDs). STDs such as Gonorrhea and Chlamydia are on the rise in Lake County. STD education in the schools is largely provided through Lake Family Resource Center.

7. In a recently released report, per capita data from the *2013 County Health Rankings* is as follows:

The recent *County Health Status Report 2013*, from the State of California Department of Public Health, ranks Lake County health near the bottom: #57 overall in the state of 58 counties. In comparison to the rest of the state, Lake County has the highest mortality rate from all causes, #58. The county also ranks #58 from drug-induced deaths. The county ranks #57 from strokes, accidents, suicide rates, chronic liver disease and cirrhosis; #56 from chronic lower respiratory disease, prostate cancer deaths, motor vehicle crashes; #55 from coronary heart disease and deaths due to pneumonia and influenza; #54 from firearms related deaths.

Infant mortality for Asian/Pacific Islanders ranks #58; for Hispanic infants, #56; for overall infant mortality and prenatal care begun during the first trimester of pregnancy, #54 and #32 for low birth weight infants.

Death rates from Chlamydia infections rank #24 out of 58 counties in California. Access to the number of physicians and dentists in Lake County is very low compared to the rest of the state and the nation. Healthier counties are 1.4 times more likely to have access to a doctor and dentist.

8. Many causes of death in Lake County are from drug abuse, #58, automobile accidents, #56, and firearms, #54. These may or may not be related to health issues, but can originate from poor health behaviors and socioeconomic factors. (Lakeconews.com April 4, 2013)
9. In an article posted at [www.lakeconews.com](http://www.lakeconews.com) dated March 28, 2013, the DPH officer is reported as saying that many of the health concerns arise from life-style choices and behavior of the residents such a drinking and smoking.
10. Smoking rates continue to be high compared to other counties and almost certainly factor strongly into cancer, cardio vascular and respiratory disease rates.
11. DPH is actively pursuing solutions to public health issues in Lake County to address these conditions.

### Findings:

- F 1. Lake County has an extremely high rate of serious health issues but ranks almost at the bottom of all counties in California in addressing them.
- F 2. The higher number of seniors in the county combined with lower access to doctors and dentists are contributing factors to the low rankings in the report.

### Recommendations:

- R 1. The Department of Health Services Division of Public Health continue aggressively addressing health issues and be commended for actively pursuing solutions to public health issues in Lake County. (F1, F2)

### Request for Responses:

- Lake County Department of Health Services through the BOS (90 days)

**BLANK PAGE**

# Lake County Jail Medical Oversight

## Summary:

Under California State Law, any facility which incarcerates individuals within its county borders must receive an annual review by the Civil Grand Jury. The Lake County Civil Grand Jury received several complaints pertaining to health issues which were investigated by the Health and Human Services Committee (HHSC) of the Grand Jury.

## Background:

The Lake County Jail located at 4913 Helbush Drive in Lakeport California was designed to hold a maximum capacity of 286 inmates. There are required processes for determining inmate classification. This precludes certain types of inmates from being housed together, e.g., violent felons, men/women, gang-affiliates, etc., which complicates housing. In addition, there are other health and safety standards which must be met while legally housing inmates. The county provides contracted medical services to inmates via the California Forensic Medical Group (CFMG).

## Procedure:

The HHSC committee toured the facility, spoke with current inmates, interviewed the Lake County Undersheriff (who serves as the Jail Commander), reviewed grievances and grievance logs, interviewed the contracted medical provider charge nurse and the contracted mental health nurse.

The HHSC committee was also provided with a Cal/OSHA report issued on 5/17/2012.

The HHSC committee requested the Jail Commander and other command staff demonstrate use of the newly installed portable defibrillator (AED).

## Discussion and Facts:

1. At the time of the initial visit the HHSC committee found the inmate population to be more than the mandated capacity of 286. The census increased during the next two months reaching over 300. The overpopulation causes a problem for the medical staff to provide proper medical attention due to the number of patients to be seen each day.

2. Inmates beds were placed in open common areas in an attempt to alleviate overcrowding.
3. Based on reports from CFMG and command staff there is no easily transmitted “serious communicable diseases” currently evident at the correctional facility.
4. Inmate access to toilet paper is controlled by the correctional staff. When an inmate is in need of toilet paper the inmate must show the empty roll to an officer before receiving another roll.
5. Inmates were observed working with hazardous materials while putting down tile in the shower areas and not using any of the recommended safety equipment.
6. All deputies and correctional staff are required by County policy and procedures manual, to be CPR certified and must be proficient in the use of the AED,
7. The inmates reported to the HHSC committee an incident of over-chlorination of the water at the jail. The water chlorination problem was addressed and bottled water was issued to inmates and staff at the time of the incident

#### Findings:

- F 1. Overcrowding at the jail jeopardizes medical staff ability to address mental and medical health issues.
- F 2. According to CFMG, command staff and the County Health Department infectious diseases are currently not a problem at the correctional facility.
- F 3. CFMG appears to be following guidelines set up by the county and state according to their contract.

#### Recommendations:

- R 1. The Board of Supervisors address the overcrowded conditions at the jail. (F1)

#### Request for Responses:

- Board of Supervisors (90 days)
- Sheriffs Department (60 days)

BLANK PAGE

# Lake County Senior Outreach Services

## Summary:

The Lake County Civil Grand Jury's Health and Human Services Committee's (HHS) purview is oversight of health and human services within the county. During a review of the multitude of community services available to seniors in Lake County, a question arose concerning outreach for those seniors who are in need of vital services, i.e. food, health care, shelter and other social services.

## Background:

Lake County's population is composed of 24% senior citizens 60 years or older. This number is rising due to the aging boomer population. Fifty-one percent of these seniors are below the poverty level and some are unable to meet all their basic needs.

A vast amount of services are offered to seniors in this county. It appears, however, there are few outreach programs addressing those seniors who are unaware of services available to them.

## Procedure:

The HHS committee interviewed the outreach coordinator of the Lakeport Senior Center and also met with the Director of Lake County Department of Social Services, the manager for In-Home Support Services, a representative from Adult Protective Services and the Program Coordinator of the Area Agency on Aging of Lake & Mendocino Counties (AAA). The committee obtained the booklet, *Senior Resource Directory for Lake and Mendocino*. Additional information was obtained from the Clearlake Police Department.

## Discussion and Facts:

1. The AAA Program Coordinator told the committee that Lake County has the highest proportion per capita of seniors in the State (24%), which is increasing annually as the 'boomer' population ages.
2. The **YOU ARE NOT ALONE PROGRAM** offered by the Clearlake Police Department provides daily telephone welfare checks, with follow-up contact visits when necessary.

3. Upon request to any Lake County Senior Center any home-bound person in Lake County can have a meal delivered once-a-day by Meals-on-Wheels.
4. Once meal assistance is requested by an individual, a care-taker, family member, health institution or Social Services, a Senior Center representative will make an initial contact; this includes a needs assessment at the individual's residence and distribution of information regarding additional services. A follow-up evaluation is done every ninety days.
5. Any person can refuse any service. The committee was informed during interviews of management personnel that, in some instances, individuals eligible for services refuse them for fear of loss of dignity or independence, mistrust of the government, the perception of 'asking for charity' or discomfort with having strangers in their homes.
6. Various avenues of informing the public of available services include radio, television, newspapers, brochures and directories. The committee was informed that the most effective outreach comes through 'word of mouth'.
7. Hospitals, doctors and the Lake County Department of Social Services make referrals frequently from their client base to the Meals on Wheels Program.
8. The committee was unable to identify a specific outreach program that actively seeks out seniors in need.
9. AAA is an umbrella organization that provides a comprehensive listing (on-line or hard-copy) of all services available to seniors in Lake and Mendocino Counties. By contacting them, one can be directed to their local senior services.
10. The AAA 2012/13 budget shows funding from County, State and Federal sources.
11. There are several telephone numbers available for seniors to obtain information and assistance for available services. From area code 707, AAA has a toll-free telephone number 1-800-510-2020. The Lake County number is 707 262-4517 and for Lake and Mendocino Counties the number is 707 468-5132.

12. A group of local organizations called The Continuum of Care conducted a Lake County homeless count, Point in Time (PIT), in January 2013. The total number of homeless persons that were found by the surveyors was 179. Of that number 26 of these were age 60 and over.
13. The Grand Jury was unable to find an actual or specific outreach program that addresses the problem of seniors unaware of or unable to access services.

#### Findings:

- F 1. Brochures and posters are not easily found with the above referenced phone numbers. (See fact 10 above). Lakeport Senior Center has a brochure, but it is not posted.

#### Recommendations:

- R 1. The County continue providing seniors the high level of current services and make additional efforts to locate seniors in need. (F1)
- R 2. The AAA provide brochures and or posters with information assistance and phone numbers to be posted in sight in senior centers and other places where seniors are likely to frequent. (F1)

#### Request for Responses:

- Department of Social Services Director, County of Lake through the Board of Supervisors (90 days)

BLANK PAGE

## Planning and Public Works Committee

- Oversights
  - Code Enforcement
  - Lake LAFCo
  - Middle Creek Project

# Code Enforcement

## Community Development Department

### Summary:

The Planning and Public Works Committee of the Lake County Civil Grand Jury performed an oversight of the Code Enforcement Division of the Community Development Department of Lake County. Code Enforcement is responsible for enforcing the most current version of the Uniform Building Code.

### Background:

The Community Development Director supervises two building inspectors, a plans examiner and is responsible for personnel files for inspector certifications.

### Procedure:

On October 1, 2012, the committee met with the Director of the Community Development Department at the Lake County Courthouse. The duties and responsibilities of the director were discussed in regard to code enforcement and inspection certifications.

### Discussion and Facts:

During the October 2012 meeting with the director the following was addressed.

#### 1. Personnel:

- One building inspector is in charge of blatant grading problems and storm water drainage.
- Both building inspectors are responsible for code enforcement of illegally graded roads, septic systems, illegal dumping and the cleanup resulting from illegal marijuana growing.

- #### 2. Property owners are to be charged and/or their assets are to be levied when they are not in compliance with codes. The process of enforcing the compliance violations can take up to one year to be addressed. This delay is due to the District Attorney's criminal workload he is unable to prosecute violators in a timely manner.

Subsequently it takes the Board of Supervisors time in their busy calendar to approve the fines.

3. Building fees are set by the State of California. Currently Lake County charges only 85% of the State Fee Schedules.
4. Code Enforcement presently uses Lake County's Building Code which was last revised in 1986. A revision to this code is being considered to consolidate the present codes to bring them in compliance with the current International Conference of Building Officials (ICBO) Uniform Building Code (2012). There will be an effort made to make the new codes computer friendly. According to the director, the estimate to complete the revisions would be approximately \$100,000.00 including computer software updates.
5. Illegal marijuana cultivation on public and abandoned land is taking increasing amounts of time from Code Enforcement. Code Enforcement is responsible for assessment, oversight and compliance with the clean-up of infractions that are found by the Marijuana Task Force such as illegal grading by the growers which cause chemicals to enter the ecosystem and contribute to the pollution of the lake. [The Marijuana Task Force is under the auspices of the California Department of Fish and Wildlife and the Lake County Sheriff's Department.]
6. The department currently responds only to complaints from citizens. Due to a reduction in personnel, inspectors presently can only be reactive to code violation problems. They do not have the personnel or time to be proactive in discovering code violations.
7. Sewage and nuisance abatement programs need to be made compliant with current zoning ordinances.
8. Illegal dumping in the county is a problem that causes polluted storm runoff water to enter the ecosystem. There are 370 active cases of dumping violations.
9. Due to the lack of personnel and resources, prosecution for environmental code violations are not considered a priority by the District Attorney's office.
10. At the time of the Grand Jury oversight meeting, the issues addressed in the nuisance abatement memo dated December 29, 2009, continue to be of concern:
  - o Nuisance abatement, i.e. illegal dumping, and marijuana cleanup, be streamlined.

- Zoning be updated; the county is using 1986 codes.
- Storm water be monitored to prevent pollutants from entering the lake.
- Grading be monitored to cover the above items.

The District Attorney presented a proposal to the Board of Supervisors (BOS), at their April 2, 2013 meeting (Agenda Item #A-8), requesting that the BOS consider the establishment of a Marijuana/Environmental Law Prosecution and Recovery of Eradication Costs unit.

The BOS, via motion, “directed staff from the Administrative Office, Community Development, County Counsel and District Attorney’s office to work together to develop a plan for civil prosecution of environmental crimes which would (a) identify the environmental prosecutor and investigator positions; (b) identify the best sources of initial seed funding, the budget and time of the cash flow; (c) identify the organizational structure; (d) identify ways to evaluate the effectiveness of program; and (e) identify options for environmental damage repair.” [Source BOS meeting minutes of April 2, 2013]

#### Findings:

- F 1. According to the Director of the Community Development Department, the proposed program to consolidate the present codes to the current ICBO Uniform Building Code is “years out” from being started and implemented.
- F 2. Grading violations need to be addressed to ecologically improve Clear Lake. Grading in this instance is not road or highway grading; it basically means unauthorized and unapproved off-road grading (i.e. creek beds and hillsides).
- F 3. Marijuana abatement and cleanup is an important environmental issue which should continue to be addressed and the Marijuana Task Force used more effectively to enforce cleanup. Additional inspectors are necessary to properly monitor the codes and violations so that the department can begin to be proactive instead of reactive to code violations.
- F 4. Additional funding and staff are needed in the District Attorney’s office to prosecute environmental crimes.

### Recommendations:

- R 1. The County expedite the updating of ICBO Uniform Building Codes of 2012 and the Lake County Building Code. (F1)
- R 2. The status of the Building Code revision project be clarified, funded and implemented. (F1)
- R 3. Increased funding be researched and allocated, if possible, to increase the number of inspectors in Code Enforcement. (F4)
- R 4. Conclude the development of the plan for the creation of a Marijuana/Environmental Law Prosecution and Recovery of Eradication Costs unit and begin implementation as soon as possible. (F5)

### Request for Responses:

- Director of Community Development Department (90 days)
- District Attorney (60 days)
- Board of Supervisors (90 days)

**BLANK PAGE**

# Lake LAFCo Oversight

## Summary:

Planning the growth of a community is necessary to ensure municipal services are adequate. These decisions are guided by the Lake County General Plan and other state and local agencies. This report is an overview of Lake County Local Agency Formation Commission (Lake LAFCo), one of the agencies mandated by the State of California to ensure orderly development.

## Background:

Many factors must be taken into account when considering government reorganization and municipal needs. There are a variety of state and local laws which govern the process. According to the California State Legislature, the logical formation and determination of local agency boundaries is critical. A balancing act between development and competing state interests must be considered including determining the most efficient manner feasible to provide necessary government services while ensuring housing for persons and families of all income levels. The extension of government services must discourage urban sprawl while preserving open space and prime agricultural land. In order to adhere to the laws that apply to boundary changes, an oversight organization was created called California Local Agency Formation Commission (CALAFCo). Lake County created a Local Agency Formation Commission called Lake LAFCo.

Lake LAFCo is comprised of an Executive Officer (EO) and up to 11 Commissioners including two individuals from the Lake County Board of Supervisors and one citizen representative. The remaining Commissioners are from Lakeport and Clearlake City Councils and the Special Districts.

Lake LAFCo is tasked with researching and preparation of reports necessary to assist and recommend appropriate changes that will conform to the intricacies of reorganization and environmental laws. These reports are titled: Sphere of Influence (SOI) and Municipal Service Review (MSR).

## Procedure:

During the fiscal year of 2012-2013 the Lake LAFCo EO met with the Planning and Public Works Committee in the Grand Jury meeting room. Two new combined SOI and MRS reports were received from the EO: Redbud Healthcare District MSR and SOI and the City of Lakeport MSR. The

committee conducted a review of a past budget report and interviewed a citizen representative. Some questions were answered by the EO via email.

### Discussion and Facts:

1. Since 2002, Lake LAFCo has considered preparing MSR and SOI reports for a total of 101 entities; cities, county and special districts. The list includes the cities of Clearlake and Lakeport which have SOIs pending revisions. There are no other cities in Lake County. Clearlake Oaks County Water District is also pending revision. [Appendix A]
2. There have only been 70 reports completed since 2002 addressing county districts/cities. No report has been received for County of Lake.
3. The number of reports issued by Lake LAFCo, by year, is as follows:
  - 2002 – 2 reports
  - 2003 – 0 reports
  - 2004 – 1 report
  - 2005 – 3 reports
  - 2006 – 2 reports
  - 2007 – 18 reports
  - 2008 – 9 reports
  - 2009 – 25 reports
  - 2010 – 7 reports
  - 2011 – 2 reports
  - 2012 – 3 reports
  - 2013 – 1 report
4. Government Code Section 56425 (g) states “On or before January 1, 2008, and every five years thereafter, [Lake LAFCo] shall, as necessary, review and update each Sphere of Influence.”
5. The Lake LAFCo EO is tasked with issuing ten reports per year, five MSRs and five SOIs. The commission approves the work plan for the selected updates of SOIs needed for that year and approves the MSRs and SOIs. Each report can take over a year to complete.
6. Lake LAFCo’s role is limited to acting upon changes of organization of the agencies subject to its jurisdiction, and preparing SOI and MSR reports. By statute, Lake LAFCo makes determinations with respect to the factors in an MSR. There is no requirement to write a comprehensive analysis of each special district.

7. Lake LAFCo submits its final budget to the Lake County Auditor and all parties specified in Government Code Section 56381.
8. In the event of non-payment of Lake LAFCo funds by any entity subject to Lake LAFCo's apportionment, the commission requests and authorizes the Auditor to collect the funds from property tax revenues or any other revenue source and deposit the funds into the Lake LAFCo account.
9. Monies are expended for the EO, the commissioners, the required reports, meetings and conferences and legal and office assistants.
10. LAFCo's are required to prepare and update SOI's as necessary every five years. An MSR is required to update an SOI. Once updated some SOIs will not need to be revised for a period longer than five years depending on several factors: the economy and lack of change in a district are examples: i.e. a cemetery district does not change. It is customary to update both an MSR and an SOI at the same time to save money.
11. The MSR's and SOI's are posted on the Lake LAFCo website. Reports are distributed to the District, Lake LAFCo and are provided to anyone who asks for a copy. The website for Lake LAFCo is [www.lakeLAFCo.org](http://www.lakeLAFCo.org).
12. Lake LAFCo has no local office. The EO oversees six other county LAFCos and is available by email and telephone. The EO attends a variety of county public meetings when appropriate.
13. Reports are prioritized based on need, public safety and growth inducement with MSR's for fire, water and sewer being considered first. Any reports generated are based on need and fiscal constraints.
14. In the unincorporated areas of Lake County, districts are defined as either being independent or dependent. In Lake County there are 30 independent districts (each managed by an elected board) and 15 dependent districts (managed by the county).
15. The EO also facilitates certain agreements, most of which are between cities and counties.
16. According to the EO some agencies are not cooperative so it takes an extended period to obtain information upon which to base reports and agreements.

17. The EO stated he relies on colleagues to prepare MSRs and SOIs. There is not enough activity with LAFCo in Lake County to justify the expenditures of hiring an assistant EO.
18. Three reports are pending revisions: Clearlake Oaks County Water District, City of Lakeport and City of Clearlake.
19. Lake LAFCo has an annual budget that services a large and complex area surrounding the lake.
20. The EO acknowledges that it is not uncommon to find counties and cities at odds with each other and unable to arrive at agreements for action.

### Findings:

- F 1. Since 2002 a total of 73 MSRs and SOIs have been completed, an average of six per year. Twelve are pending or not completed for various reasons. If those twelve reports are received in 2013, Lake LAFCo's average rises to seven reports per year. [See Appendix A]
- F 2. Based on an analysis of Appendix A, three reports are pending revisions: Clearlake Oaks County Water District, City of Lakeport and City of Clearlake.
- F 3. A total of nine county entities, although listed, show no completions of MSR and SOI reports, some of which are pending resources and revisions. Those include: Adams Springs Water District, West Lake Resource Conservation District (RCD), Hidden Valley Lake CSD, Lake County Vector Control, East Lake RCD, Reclamation District #2070, Reclamation District #695, Villa Blue Estates Water District, and Lake County Water ShedProtection District. This results in 18 incomplete reports. Of those, six are pending for resources. [See Appendix A]
- F 4. While helping to integrate services to benefit the community, the EO's role is crucial in determining priorities and facilitating agreements that will benefit the common good.
- F 5. The current City of Lakeport MSR is contentious and is an example of the need for facilitation between the City of Lakeport and the County of Lake.

### Recommendations:

- R 1. The EO endeavor to gather the information from the Lake County districts needed to complete the outstanding reports (F1, F3)
- R 2. Due to the apparent shortage of reports from Lake LAFCo, the commission reconsiders the budget, wages and/or work load. (F1)

### Request for Responses:

- LAFCo (90 days)

### Bibliography:

1. Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Government Code Section 56381
3. LAFCo website of past MSR and SOI reports  
<http://www.lakeLAFCo.org/adopted-service-reviews-and-spheres-of-influence.html>

**BLANK PAGE**

# Middle Creek Project

## Summary:

The Lake County Civil Grand Jury report of 2011-2012 recommended that further study of the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project be performed by the 2012-2013 Lake County Civil Grand Jury. This report will address what has been accomplished since then on the Middle Creek Project.

The Planning and Public Works committee interviewed various Lake County officials and citizen groups involved with the project and received updated data showing progress achieved since the prior fiscal year.

## Background:

“The aquatic ecosystem of Clear Lake and its supporting basin and watershed are extremely productive and complex....While considerable research has been conducted on the Clear Lake aquatic ecosystem, there exists a large degree of uncertainty about our knowledge of the impacts from...multiple [natural and anthropogenic] stress[ors].

In 1928, a 2000 acre wetland reclamation project was constructed [eliminating] most of a large wetland. This project created Rodman Slough, a narrowly confined waterway/wetland complex that conveys flood flows into the lake, removing a major filter for nutrients and sediment.”

[Source: Suchanek et al.] See Figure 1 and Figure 2.

Information from the Lake County Watershed Protection District Overview Report dated October 3, 2012 showed the project timeline and changes since last year. The report highlights the following issues:

- The loss of natural wetlands and the inflow of nutrient loaded sediment are causing major problems relating to the health of the lake.
- Proposed wetlands and tule restoration will filter the water and help restore the lake’s natural ecology.
- “It is estimated that 7 to 10 million dollars of tourist revenue is lost annually due to the influence of poor water quality associated with cyanobacterial blooms alone.” [Source: Goldstein and Tolsdorf, 1994]

#### Timeline of Middle Creek Project in 2010:

1994: The Plan was proposed.

1999: The US Army Corps of engineers conducted a Feasibility Study for full restoration and was charged with 65% of construction costs.

2000: The Final Feasibility Study and Environmental Impact Statement (EIS) and Environmental Impact Reports (EIR) were completed.

2004: Corps of Engineers Quality Assurance (CEQA) and Notice of Preparation Environmental Assessment (NEPA) were completed and the Project was approved by the Corps.

2007: The Project was authorized by the Water Resources Development Act (WRDA).

2008: The Corps of Engineers requested \$85,833 in local match funds for a Cultural Resource study. Evaluation of potential methyl mercury impacts was requested by US Fish and Wildlife Service.

2009: Lake County Water Resources requested an accounting of the previous local match funds deposit. In 2010 the Corps of Engineers requested an additional local match fund deposit.

2013: Many project delays have changed the time line and costs. According to Marshall Marik, PMP, US Army Corps of Engineers, on January 11, 2013 the Corps have not started the design phase yet. "Once [they] receive Federal Funding, it will take 1-2 years to complete the design."

#### Background Summary:

T.H. Suchanek from the Department of Wildlife, Fish & Conservation Biology at University of California, Davis, CA, states [Suchanek et. al.]:

"Lake County has been engaged in several remediation strategies to reduce nutrient inputs into Clear Lake....Tradeoffs will always exist, but it is the responsibility of science to provide informed decision-making options...before exploring multiple-use resources found within Clear Lake and its watershed....However, a healthy and meaningful program requires more state and local investment than has been forthcoming thus far. A strong commitment from federal, state and local funding agencies will be needed to provide a reliable technical basis for science-based decision-making and management."

## Procedure:

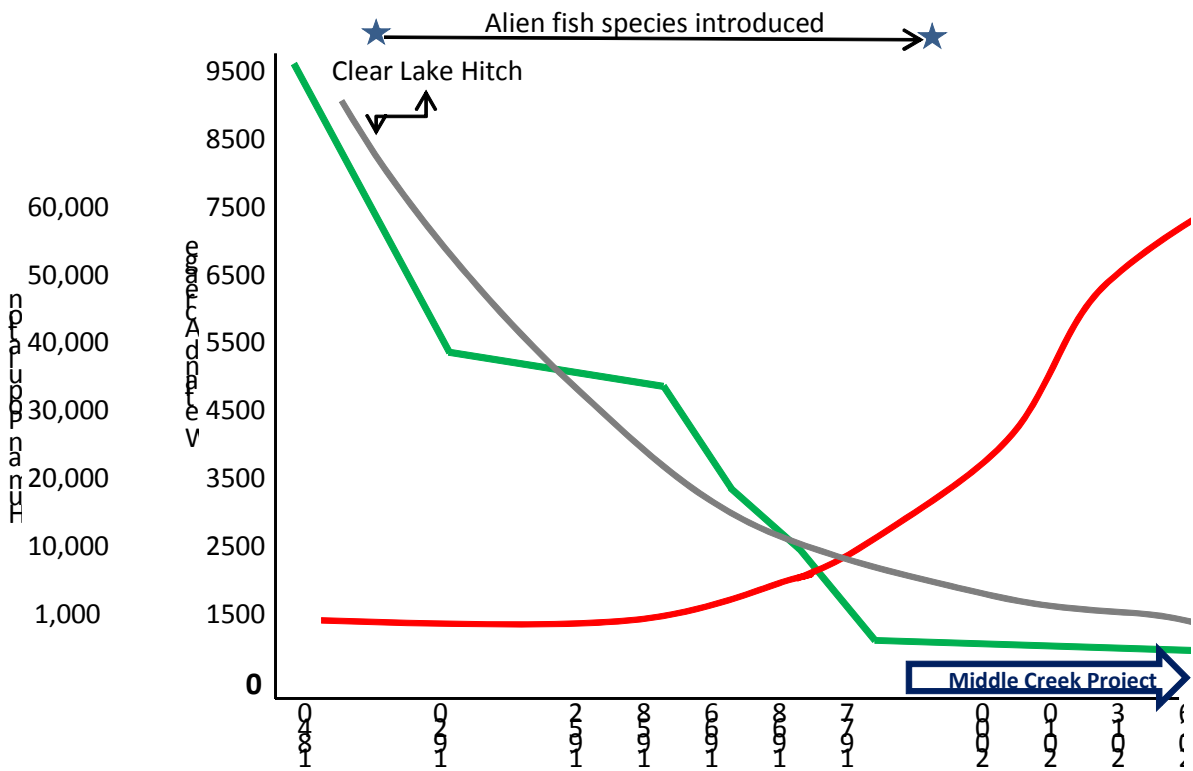
The 2012/2013 Grand Jury Planning and Public Works Committee began its fact-finding assignment by first meeting with the Public Works/Water Resources Director, Water Resources Engineer, and Water Resources Program Coordinator (see project map on page 7). The committee used questions from F1–F8 of the 2010-2011 Grand Jury Report as a guide to investigate major issues. The committee also attended a Clear Lake Advisory Committee (CLAC) Meeting, a long-standing citizen advisory group appointed by the Board of Supervisors (BOS). The committee interviewed separately the chairperson and the secretary of CLAC. The committee gathered data on the Chi Council for the Clear Lake Hitch (*Iavina exilicauda chi*) petition, filed September 25, 2012, to list the Clear Lake Hitch as Endangered or Threatened under the Endangered Species Act. The committee interviewed the LAFCO director for Lake County. The committee also interviewed the University of California Cooperative Extension/ Farm Advisor with specific knowledge of the lake ecosystem. Refer to his full report at [www.celake.ucanr.edu/files/64876.pdf](http://www.celake.ucanr.edu/files/64876.pdf): “Human Influences to Clear Lake California, A 20<sup>th</sup> Century History”.

## Discussion and Facts:

The updated 2011-2012 report given to the committee by the Water Resources and Public Works Department showed that the project costs are still the same. The federal funds that were frozen by the state have since been released and are being used to purchase property from willing sellers. Design and construction dates have been extended by two years to complete the Final Feasibility study/EIS/EIR.

1. According to the report, the total cost of the project is \$48,000,000.
2. Another parcel was acquired after the State of California released frozen Department of Water Resources (DWR) funds.
3. In April 2011, a Grant Amendment of \$7,000,000 was approved. Four more parcels were acquired but more money is needed from any available grant sources.
4. “[The project currently has acquired] 12 parcels (165 acres) – all flood prone residences. We are in process [of acquiring] an additional five residential parcels (49 acres), four of which are flood prone. There are two unwilling flood prone residences that have not been acquired.” [see Figure 4] [Source: 2013. Program Coordinator of the Lake County Water Resources Department]

5. No agricultural land has been acquired to date.
6. Levees that used to be maintained by government agencies are gradually breaking down, flooding the wetlands areas. Landowners in these areas who are refusing to sell may experience flooding.
7. Additional issues have not been resolved concerning the Nice Cutoff Road, Pacific Gas and Electric transmission line towers and a levee ring around the Robinson Rancheria Casino property. These cannot be further addressed until the Corps of Engineers are able to complete the design phase of the Middle Creek Project.
8. The Clear Lake Hitch, an indicator fish, is a native species whose population is rapidly declining. Lowered water table, agricultural irrigation, loss of habitat such as gravel beds and tules, plus bridge barriers stopping upstream migration all inhibit spawning and survival of the young fish. These fish are found nowhere else in the world. Their loss could affect the entire food chain in the lake. Refer to chart on page 4 and see Figure 3:



2012-13 Lake County Civil Grand Jury

Red = Human population  
Green = Wetland Acreage  
Grey = Hitch Population  
Blue = Middle Creek Timeline

## Findings:

- F1. Additional funds are needed from all sources including grants to complete the Middle Creek Project. The Project Sponsor, Lake County Watershed Protection District, is responsible for 35% of the costs for future phases of the project the scope of which will not be determined until the design phase of the project is completed. The Lake County Water Resources Department estimates this could be between five and ten million dollars.
- F2. The Chi (Hitch) is being considered to be added to the Endangered Species Act in Lake County. The U.S. Fish and Wildlife Service (USFWS) Endangered Species Program stated in their June 2011 publication: "Once we add an animal or plant to the list, protective measures apply. Those measures include...authority to purchase important habitat; and Federal aid" This could be a source of additional monies for the Middle Creek Project.
- F3. The Lake County Board of Supervisors voted, in the meeting of March 5, 2013, to send a letter to the USFWS urging it to defer consideration of the petition for at least one year to rectify inconsistencies with dates used and assumptions made by the Center for Biological Diversity in their request for the Hitch to be considered as an endangered species. However, USFWS has already rejected the LCBOS request for a delay in the process.
- F4. The Middle Creek Project is under the purview of the County of Lake and the US Army Corps of Engineers. The scope of the project is under consideration by various other agencies, departments, committees and tribes. The citizen groups and other agencies have reported that these entities have not communicated well and/or coordinated with each other.
- F5. The committee concludes that delays in the Middle Creek Project have seen algae and weed problems increase and the native fish, i.e. Hitch, numbers rapidly decline. More energy and money will need to be focused on the causes and results of these

delays including algae, weed mitigation and native species losses.

- F6. There have been repeated feasibility studies, reports, impact statements, etc. completed on the lake's environment; with considerable monies spent to date.

### Recommendations:

- R 1. All responsible agencies should raise funds for the specific needs of the Middle Creek Project. This can be facilitated through the Endangered Species Act, local taxes and grants. (F1, F2, F3)
- R 2. Submission of grant applications need to be facilitated, with closer attention to the grant processes and procedures for reporting results. If all reporting processes are followed as outlined in each grant, it can ensure that more grant money is obtained. (F1)
- R 3. Seek federal funding to restore the natural habitat of the Clear Lake watershed if the Hitch is declared an endangered species. (F2)

### Request for Responses:

- Board of Supervisors (90 days)

### Glossary

Cyanobacteria: (also known as blue-green algae) are [bacteria](#) that obtain their energy through [photosynthesis](#). Aquatic cyanobacteria are known for their extensive and highly visible blooms that can form in both [freshwater](#) and marine environments. The blooms can have the appearance of blue-green paint or scum. These blooms can be [toxic](#). The toxic versions of cyanobacterial blooms may be causing an upsurge in ALS and possibly other neurological disorders like Alzheimer's disease and Parkinson's disease.

Reclaim: recover or assert right to something. [As in the reclamation (draining) of the wetlands for agricultural/other use.]

Restore: bring back to former state

Remediation: serving to cure or correct

## Bibliography

Giusti, Gregory. March 2009. Human Influences to Clear Lake, California: A 20<sup>th</sup> Century History. *University of California Cooperative Extension*

Goldstein JJ and TN Tolsdoff. 1994. An Economic analysis of potential water quality improvement in Clear Lake: benefits and costs of sediment control, including a geological assessment of potential sediment control levels. USDA Soil Conservation Service, Davis and Lakeport Offices, 42pp

Lake County Civil Grand Jury Final Report June 30, 2012. Lakebed Management Complaint #14, Pages 39 – 44.

Lake LAFCO – City of Lakeport Municipal Service Review. July 18, 2012. Determination 4.2.2 D.

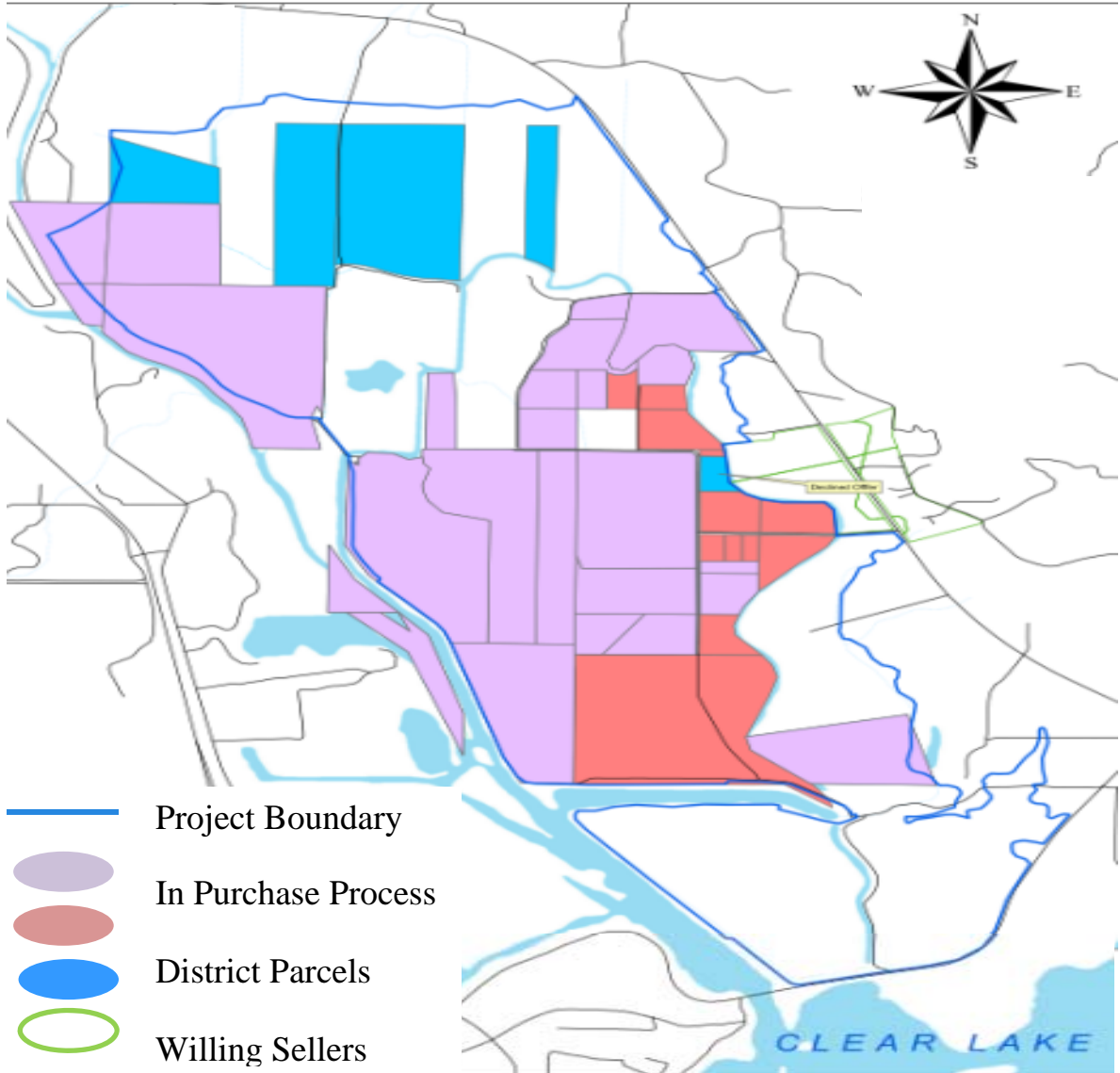
Petition to List the Clear Lake Hitch (*Lavinia exilicauda* chi) As Endangered or Threatened Under the Endangered Species Act. 2012. *Submitted by the Center for Biological Diversity.*

Steele, Jim. 2012. Why all the water weeds?. *Observer American*

Suchanek, T.H., P.J. Richardson, D.C. Nelson, C.A. Eagles-Smith, D.W. Anderson, J.J. Cech, Jr., R. Zierenberg, G. Schadlow, J.F. Mount, S.C. McHatton, D.G. Slotten, L.B. Webber, B.J. Swisher, A.L. Bern, and M.Sexton. Released 2003. Evaluating And Managing A Multiply-Stressed Ecosystem At Clear Lake California: A Holistic Ecosystem Approach. *University of California, Davis*

US Fish and Wildlife Service. June 2012. Listing a Species as Threatened or Endangered. Section 4 of the Endangered Species Act.

MIDDLE CREEK FLOOD DAMAGE REDUCTION  
AND ECOSYSTEM RESTORATION PROJECT  
Courtesy of Lake County Water Resources Department, February 2013



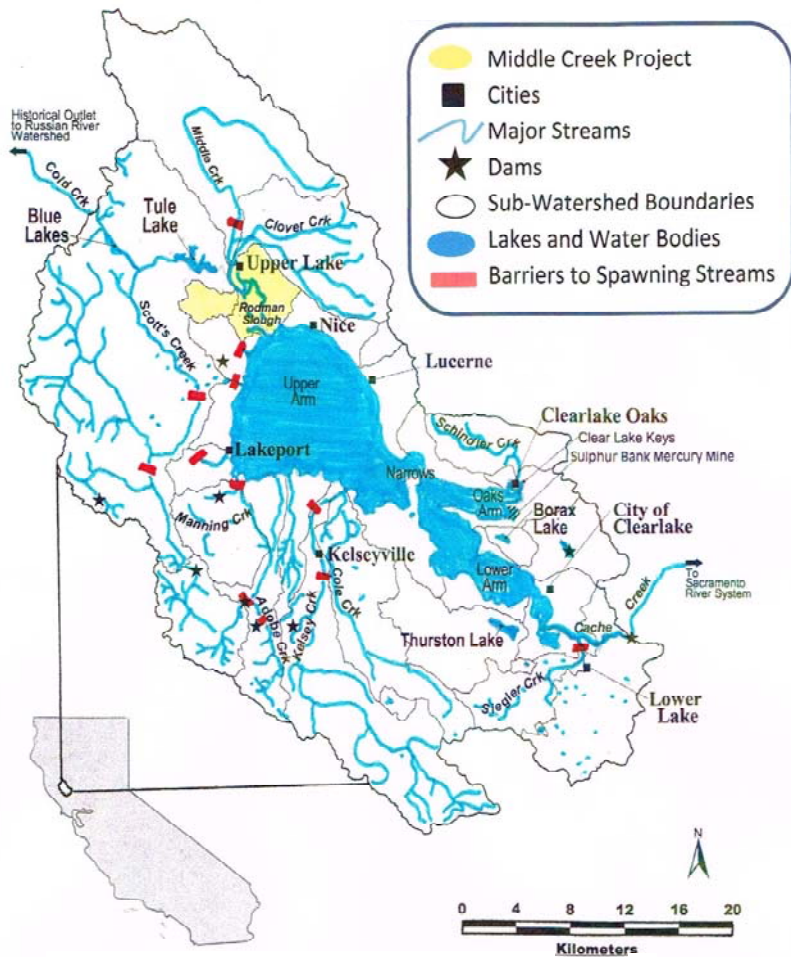


Figure 1: Map of Clear Lake and surrounding watershed.

Suchanek et al. – Clear Lake: A Multiply –Stressed Ecosystem

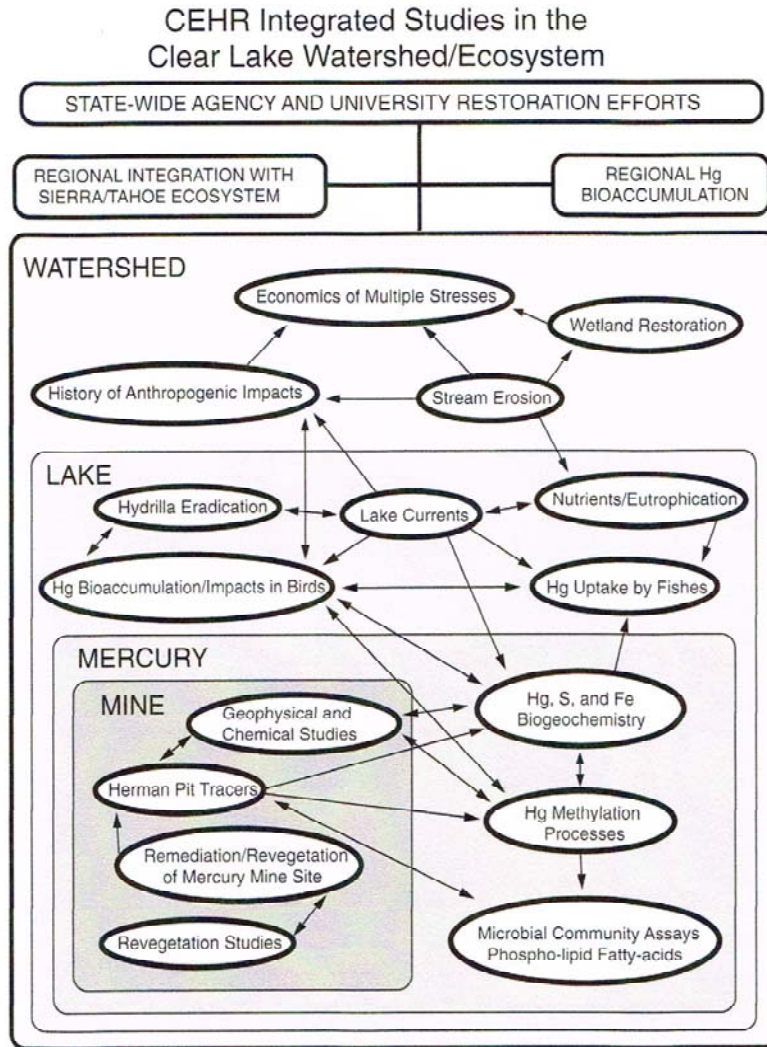
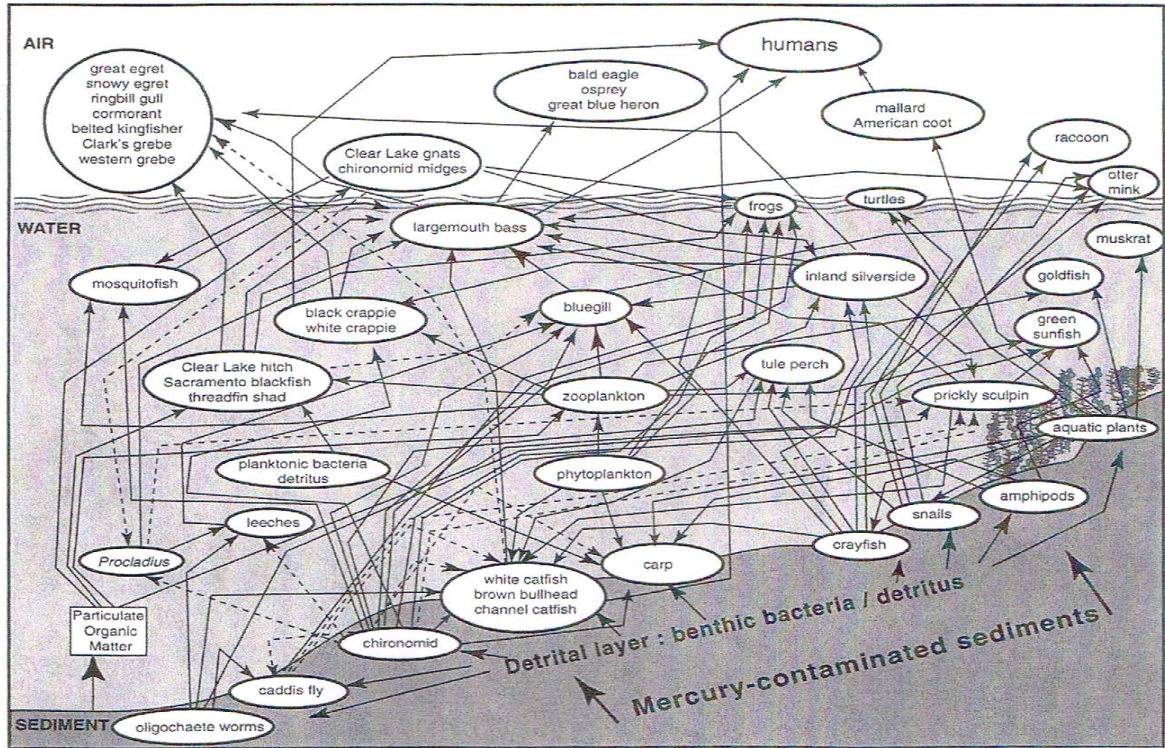


Figure 2: Relationship between Clear Lake research projects within the EPA-funded Center for Ecological Health Research.



## SIMPLIFIED FOOD WEB FOR CLEAR LAKE

Figure 3: Simplified Food Web for Clear Lake  
Suchanek et al. – Clear Lake: A Multiply –Stressed Ecosystem

## Public Safety Committee

- Complaints
  - C28 Barking Dog
  - C1 Unsanitary Conditions at Lake County Jail
  - H4 Excessive Force Used By Correctional Staff
- Oversight
  - Clearlake Police Department
  - County of Lake Courthouse Holding Facility
  - Lake County Juvenile Hall
  - Hill Road Correctional Facility
  - Lakeport Police Department

# Barking Dog Complaint #28

## Summary:

The Lake County Civil Grand Jury received a complaint regarding a barking dog nuisance. The complainant requested an oversight of Animal Care and Control concerning procedures for barking dogs.

## Background:

Animal Care and Control responds, investigates and attempts to solve the issue of barking dogs without the matter going to court. When Animal Care and Control receives a complaint about a barking dog, an Animal Control officer responds to the residence and makes contact with the owner of the dog. If the owner is not home, a door hanger (Appendix A) is left with a summary of the complaint written on the back. If the nuisance continues, a Complaint Form can be sent to the complaining individual requesting three neighbors sign the form. (Appendix B). If the area is rural and there are not three neighbors, Animal Care and Control can cite the owner of the dog under 4-18.1 of the County Code. If the situation continues, the owner can be cited to appear in court under 4-5.3 of the County Code (Appendix C).

Animal Care and Control does not respond to barking dogs within the city limits of Lakeport as per a contract with the city. The Lakeport Police Department responds to those complaints.

The Lake County Sheriff's Office does not respond to barking dog complaints. All those calls are referred to Animal Care and Control. Animal Care and Control also does not respond to complaints within the city limits of Clearlake as those calls are handled by Clearlake's own Animal Control Department.

## Procedure:

The Public Safety Committee of the Civil Grand Jury read Complaint #28 and met with the Director of Animal Care and Control located at 4949 Helbush Drive, Lakeport, CA 95453 on March 6, 2013. The committee received copies of various forms and Animal Care and Control's Annual Report, which keeps track of how many barking dog complaints are received each month. The Director was prepared for the interview and answered all of the committee's questions promptly and in depth.

## Discussion and Facts:

Animal Care and Control is a department of the County of Lake, responsible for the humane treatment of all domestic animals within the unincorporated areas in the county which includes responding to, and investigating barking dog nuisances. The office, in an adjacent building to the Hill Road Correctional Facility, is open Monday through Friday 8:00 a.m. to 5:00 p.m. and from 1:00 p.m. to 3:00 p.m. on Saturdays. Animal Control officers are on call after hours for emergencies.

1. Animal Care and Control is working short-staffed. Two officers are off due to on-the-job injuries, causing a shortage in the field. As a result of the personnel shortage the Director has put himself in the rotation for "on-call" staffing. There are two full-time officers working in the field during office hours.
2. After receiving a barking dog complaint, an officer responds during business hours, or the next day if a call comes in during the night. A barking dog does not constitute an emergency.
3. Animal Care and Control procedure is to send an officer to speak to the owner of the dog and try to resolve the issue. If the owner is not home, a tag is left on the door which outlines possible solutions to keep the dog quiet.
4. The original complainant is not always automatically re-contacted by Animal Care and Control as to the outcome of the complaint.
5. If the matter of the barking dog continues, a formal complaint form can be sent to the complainant to be completed. An officer will then respond and may cite the owner of the dog for being a nuisance. The fine is approximately \$50.00.
6. If necessary the complainant can initiate a Small Claims Civil Court action as a final attempt to remedy the situation.
7. There are more barking dog complaints during spring, summer and early fall.

## Findings:

- F 1. The director appears a very knowledgeable and experienced employee of the department. He has shown a willingness to work in the field during the current personnel staffing shortage.
- F 2. Animal Care and Control, at present, does not routinely notify the complainant of the response to their complaint.
- F 3. Animal Care and Control responds to the first barking dog complaint received and takes appropriate action.
- F 4. Animal Care and Control officers do not respond to barking dog complaints after office hours as it is not deemed an emergency.
- F 5. Animal Care and Control have a clear written procedure they enforce regarding barking dogs.

## Recommendations:

- R 1. Animal Care and Control, as part of their procedure, contact the complainant as to their investigation and explain the procedure followed and the results therein. (F2)

## Request for Responses:

- Animal Care and Control Director through the Board of Supervisors (90 days)

Appendix A: County of Lake, Department Care and Control Door Hanger.

Appendix B: Nuisance Ordinance and Complaint Form.

Appendix C: Definition of County Codes Pertaining to Barking Dogs.

BLANK PAGE

# Complaint # C1

## Summary:

The Public Safety Committee of the Lake County Civil Grand Jury received a complaint from an inmate in the Lake County Jail concerning the unsanitary conditions of the showers, a broken shower, water overflowing buckets into cells and being deprived of privileges over the most trivial matters.

## Background:

The inmate contends that there is black mold and slime on the walls and floor, the paint is peeling, the shower mats are filthy and of the two showers in the area only one works. The complaint also states that there is a plumbing chase (closet) on the first tier of the pod that leaks water. According to the inmate, the jail maintenance staff has placed five-gallon buckets to catch the water. The buckets overflow onto the floor which in turn runs into the adjacent cells. The inmate also complained that inmates as a unit are having their privileges arbitrarily reduced over the most trivial matters.

## Procedure:

The Public Safety Committee toured the jail on August 20, 2012. On September 10 and September 17, members of the committee again visited the jail to specifically view A-Pod.

## Discussion and Facts:

1. On August 20, 2012 there was water in the plumbing chase caused by a leak dripping into a five gallon bucket and subsequently overflowing into an adjacent cell and the day room area.
2. The command staff did not have a key to the plumbing chase; however, after a brief period correctional staff did produce a key.
3. On all three committee visits to the jail the correctional facility maintenance technicians were in Middletown.
4. Only one of the two showers was working at the time of the three Grand Jury visits.
5. The population of A-Pod was 33 inmates at the time of the Grand Jury visit.

6. Inmates in A-Pod are normally allowed out of their cells four hours a day – two in the morning and two in the evening.
7. No other jail inmate as of the date of this report has complained of arbitrary reductions of privileges.

#### Findings:

- F 1. Due to the over capacity of A Pod, a single shower does not provide adequate resources to ensure proper hygiene.
- F 2. The shower area had what appeared to be black mold on walls, peeling paint and filthy shower mats.
- F 3. On the second visit by the Grand Jury the water leak in the plumbing chase was repaired.
- F 4. Command staff states that showers are scheduled to be repaired.
- F 5. At the time of the Public Safety Committees visits, A-Pod was under disciplinary action. Consequently their time out of their cells had been reduced by half.
- F 6. The complaint of privileges being reduced for no apparent reason has not been substantiated.

#### Recommendations:

- R 1. The non-functional shower in A-Pod be repaired with priority. (F1, F2 &F4)
- R 2. The showers in A-Pod should be cleaned and sanitized on a daily basis. (F2)

#### Request for Responses:

- Sheriff (60 days)
- Board of Supervisors (90 days)

BLANK PAGE

# Complaint # H4

## Summary:

The Public Safety Committee of the Lake County Civil Grand Jury received a complaint from a citizen in custody at the Hill Road Correctional Facility of “unnecessary roughness” by a law enforcement officer. The inmate alleged excessive force.

## Background:

During the alleged incident the complainant stated that he offered no resistance and yet was slammed face-first into a wall and choked by a law enforcement officer.

## Procedure:

Members of the committee reviewed the complaint and discussed the allegations; it was decided by the entire Grand Jury that further investigation was warranted. The committee reviewed personnel records and documents pertaining to the internal investigation conducted in this case. Grievance logs were reviewed to see if prior accusations of this type of behavior existed.

## Discussion and Facts:

1. There was an accusation from a Lake County citizen of unnecessary roughness by a law enforcement officer.
2. The agency involved interviewed witnesses and the complainant during an internal investigation.
3. The agency involved made the determination whether to take disciplinary action against said officer.
4. The Grand Jury had access to personnel records and internal affairs investigation documents. A thorough review of the documents indicated appropriate force was used.
5. The District Attorney reviewed the case and determined that it did not merit prosecution.
6. Due to the Police Officers’ Bill of Rights and the confidentiality of any individual’s personnel records, the Grand Jury is prohibited from being more specific in its published report.

Findings:

- F 1. Based on the documentation provided to the Public Safety Committee, due diligence was done by the internal investigation of the agency involved.

Recommendations:

None

Request for Responses:

None

**BLANK PAGE**

# Clearlake Police Department Oversight

## Summary:

The Public Safety Committee of the Lake County Civil Grand Jury conducted a mandatory oversight of the Clearlake Police Department whose boundaries of responsibility are the city limits, which is 10.5 square miles. The oversight included the holding facility. The Clearlake Police Department shares the building on Olympic Drive with Clearlake City Hall.

## Background:

The police force is comprised of a Chief of Police, a Police Lieutenant, four Police Sergeants, eleven Patrol Officers and two Detectives. The department also has a Police Reserve Officer and a part-time Detective. The Police Department has its own Dispatch Center which also includes their Records Department. Two officers are assigned to K-9 duty, one is trained in apprehension and drugs and one is trained in apprehension only. There is a holding facility with five cells within the building. One is compliant with the Americans with Disabilities Act (ADA), two are sobering cells and two are general cells. This is a temporary holding facility not meant to house anyone more than twenty-four hours. Everything is video-taped and recorded, with a loop camera system. All of the cells had security glazing which is a glass/polycarbonate composite. The cells were clean and unoccupied. The Police Department also performs animal control duties. The Department, though condensed, was clean and organized. Each division has its own area of work space, including a report-writing room, two interview rooms, dispatch, animal control, Police Chaplain, break-room area and detectives and administration offices.

## Procedure:

On December 11, 2012 the committee met with the Chief of Police and the Lieutenant of the Clearlake Police Department. There was no web page available at this time, however it was in the process of being updated. They provided their current budget prior to the oversight meeting. (Appendix A)

## Discussion and Facts:

At the time of the interview the chief stated that Proposition "P" funding, having been voted in by the residents of Clearlake, is used to fund patrol officers positions. The potential for city growth of Clearlake is substantial over the next five years, with the possibility of annexation of two large parcels of land for development. The chief stated that, given the limited financial resources, they are doing the best they can. He would like to hire more officers to provide better service to the community. At the time of this writing, the Police Department was in the process of hiring two additional police officers.

The chief stated the following:

1. Officer retention within the department is a concern due to higher wages and benefits in cities within surrounding counties. The committee conducted a survey of Police Officer salaries with cities with comparable population in surrounding counties. The results indicated the following:
  - Clearlake Police Department
    - Police Officer Entry Level - \$3,035 - \$3,346
    - Police Officer Lateral - \$3,513 - \$4,217
  - Ukiah Police Department
    - Police Officer Entry Level - \$4,396 - \$5,610
    - Police Officer Lateral - \$4,615 - \$5,891
  - Fort Bragg Police Department
    - Police Officer Entry Level - \$4,097 - \$4,980
    - Police Officer Lateral - \$4,303 - \$5,230
  - Healdsburg Police Department
    - Police Officer Entry Level - \$5,084 - \$5,616
    - Police Officer Lateral - \$5,903 - \$6,520
2. Clearlake Police Department has a total full-time complement of 19 positions including the Chief of Police and his administrative staff.
3. The department has hired 21 police officers in the past five years. During this time 16 officers quit and five retired. There were no terminations.

4. The Clearlake Police Department fleet consists of twenty-three vehicles. The department has a new K-9 unit and has replaced a unit totaled in an accident.
5. The population of the City of Clearlake increases during the summer with the influx of tourists, which increases calls for service. Most incidents are alcohol related misconduct. The chief was unable to quantify the rate of increase of the population during the summer months.
6. At the time of the oversight the department had issued 3700 case numbers and was anticipating 3800 by the end of 2012. A total of 1845 arrests had been made year to date. The chief indicated 8,548 case numbers were assigned for the summer months, beginning May 1st and ending September 30<sup>th</sup>. A total of 797 arrests were made and 1,625 reports were written during this period.
7. In general, most of the violent crimes are solved. Mail-out reports, most often used for insurance purposes, are issued to victims of non-evidentiary crimes such as vandalism or burglaries.
8. There has been an increase of crime since the state passed AB109 Realignment. The chief viewed the law as “catastrophic” to law enforcement with little or no consequences to offenders for crimes against persons and/or property. The law has decriminalized most crimes related to personal property.
9. There are five patrol areas in the City of Clearlake. Each area has assigned officers which allows them to get acquainted with the local residents and encourages the residents to bring concerns directly to them.
10. One Clearlake Police Department officer is assigned to Konocti Unified School District with the primary area of responsibility being Lower Lake High School. The position is funded by the school district.
11. The Clearlake Police Department has implemented “The You Are Not Alone” (YANA) Program, which is administered by volunteers, for senior citizens and/or those in need of assistance. The program consists of a daily telephone call to such individuals at a scheduled time thus building a rapport within the community. If the person being called does not respond, an officer is dispatched to the residence for a welfare check.

12. All of the employees within the Police Department are compliant with Peace Officer Standards and Training (P.O.S.T.).

#### Findings:

- F 1. Officer retention is difficult due to lower pay and benefits compared to cities within surrounding counties.
- F 2. In general, the crime rate and population increase during the summer months due to tourism.
- F 3. The Police Department responds to a large number of calls for service each year.
- F 4. Clearlake Police Department officers have been assigned to a certain beat area to promote community oriented policing.

#### Recommendations:

- R 3. Apply for any and all grants to assist in financing additional police officers and/or equipment. (F1)
- R 4. The City of Clearlake authorize additional police officer positions due to the increase of population and crime rate within the city. (F2, F3)
- R 5. Inform the community as to who their representative patrol officers are. (F4)

#### Request for Responses:

- Clearlake Police Department (90 days)
- City of Clearlake (90 days)

City of Clearlake 2012-13 Operating Budget		FUND ... 100 GENERAL FUND DEPT 500100 POLICE				
APPROPRIATIONS	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Adopted	FY 2011-12 Projected	FY 2012-13 Adopted	
<b>500 PERSONNEL</b>						
XX Salary & Benefits	note 1 1,942,019	1,569,260	1,863,002	1,771,952	1,981,000	
3 Holiday Pay	40,143	35,145	35,000	35,846	34,195	
4 Shift Differential	25,973	18,978	20,000	21,209	20,952	
5 Special Duty Pay	7,905	4,427	5,000	8,451	9,360	
6 Overtime Pay	92,600	116,212	90,000	99,200	123,390	
8 Deferred Comp	2,831	2,979	3,000	3,039	3,009	
12 Vacation Reserve	30,536	48,466	30,000	38,526	37,286	
14 Uniform Allowance	8,150	6,245	7,000	7,170	7,558	
<b>SUBTOTAL</b>	<b>2,150,157</b>	<b>1,801,711</b>	<b>2,053,002</b>	<b>1,985,393</b>	<b>2,216,811</b>	
<b>600 SUPPLIES AND MATERIALS</b>						
30 Equipment Maintenance	305	1,535	392	3,166	400	
31 Vehicle Maintenance	15,238	19,676	19,600	39,841	25,300	
32 Maintenance Contracts	49,560	34,152	32,144	65,310	38,750	
33 Advertising			78	61	75	
34 Printing	2,975	1,773	2,459	1,041	2,000	
35 Supplies	13,695	7,301	22,344	21,209	22,000	
36 Postage	3,105	2,761	2,352	1,379	1,600	
37 Uniforms	6,951	9,955	13,000	14,150	12,000	
38 Special Supplies	2,540	5,455	2,744	2,532	2,750	
39 Crime Prevention			1,960	331	1,600	
40 Vehicle Fuel	51,541	47,036	52,000	84,714	66,800	
<b>SUBTOTAL</b>	<b>145,910</b>	<b>129,643</b>	<b>149,073</b>	<b>233,735</b>	<b>173,275</b>	
<b>650 SERVICES &amp; UTILITIES</b>						
40 Janitorial Service	7,440	7,170	8,340	8,340	8,340	
45 Telephone	15,151	13,284	15,300	15,300	15,300	
<b>SUBTOTAL</b>	<b>22,591</b>	<b>20,454</b>	<b>23,640</b>	<b>23,640</b>	<b>23,640</b>	
<b>700 TRAINING AND TRAVEL</b>						
50 Books	85	332	1,000	1,000	1,000	
51 Memberships	1,783	1,950	2,500	2,500	2,500	
53 Non POST Travel	3,864	3,950	4,000	4,000	7,000	
55 Recruitment Expenses	6,244	10,794	12,000	7,000	8,000	
56 POST Training	7,430	7,629	30,000	30,000	30,000	
57 Tuition Reimb	1,249	813				
<b>SUBTOTAL</b>	<b>20,655</b>	<b>25,468</b>	<b>49,500</b>	<b>44,500</b>	<b>48,500</b>	
<b>750 CONTRACT SERVICES</b>						
60 Consultant Services	1,340	1,393	6,000	6,000	-	
61 Contract Service-Evidence Destr	86	(1,000)			4,000	
63 Task Force Personnel & Operations		(1,000)				
65 Extradition Expenses	1,315		4,000	4,000	4,000	
66 Prisoner Medical Expense	2,003	3,607	3,500	3,500	3,500	
68 State Lab Fees	3,985	3,662	4,000	4,000	4,000	
<b>SUBTOTAL</b>	<b>8,729</b>	<b>6,662</b>	<b>17,500</b>	<b>17,500</b>	<b>15,500</b>	

<b>City of Clearlake</b> 2012-13 Operating Budget	<b>FUND 100 GENERAL FUND</b>				
	<b>DEPT 500100 POLICE</b>				
<b>APPROPRIATIONS</b>	<b>FY 2009-10</b> Actual	<b>FY 2010-11</b> Actual	<b>FY 2011-12</b> Adopted	<b>FY 2011-12</b> Projected	<b>FY 2012-13</b> Adopted

<b>800 CAPITAL EQUIPMENT</b>					
80 Vehicle Purchase					
81 Equipment & Software					
82 Furniture & Fixtures			5,000	-	-
88 Vehicle Leases int	6,768	2,562			
84 Vehicle Leases (existing)	85,302	65,052	86,000	64,722	-
<b>SUBTOTAL</b>	<b>92,070</b>	<b>67,614</b>	<b>91,000</b>	<b>64,722</b>	<b>-</b>

**TOTAL DEPARTMENT APPROPRIATIONS 2,440,112 2,051,552 2,383,715 2,369,489 2,477,726**

<b>MAINTENANCE OF EFFORT UNDER PROPOSITION P</b>					
Section 10 of the Proposition P ordinance imposes a "maintenance-of-effort" on the General Fund stating: <i>"The City shall continue to spend the same percentage of the general fund directed toward police protection purposes as exists on the effective date of this ordinance until such time as the City reaches and maintains a ratio of one police officer for each 500 of population. Upon obtaining that ratio, the City may thereafter direct any general funds (but not the special funds received as tax by this ordinance) not required to maintain that ratio to other City services or functions."</i>					
			Population at 1/1/12		14,912
			Sworn officers per 500		29.8
<b>Calculation of Maintenance of Effort (MOE)</b>					
	<b>Actual</b>	<b>Actual</b>	<b>Adopted</b>	<b>Projected</b>	<b>Adopted</b>
<b>Actual for June 30 per audit</b>	<b>2,009</b>	<b>2,010</b>	<b>2,011</b>	<b>2,011</b>	<b>2,012</b>
Property Taxes	648,359	567,340	567,340	647,643	620,000
Sales Tax	1,305,858	1,288,667	1,274,352	1,292,418	1,332,381
Transient Occupancy Taxes	186,083	175,159	175,159	160,000	170,000
Homeowner Property Tax Relief	13,678	8,841	8,841	12,530	12,530
Document Transfer Tax	17,406	13,811	13,811	9,917	9,917
Business Licenses	57,176	38,999	38,999	49,000	50,000
Franchise Fees	289,351	306,228	306,228	314,558	330,625
Motor Vehicle Fees	1,233,947	1,257,887	1,208,160	1,125,482	1,125,482
Sale of Documents	750	1,189	1,189	227	200
Miscellaneous Income	5,099	15,909	16,405	(2,086)	2,000
<b>Total MOE Designated Revenues</b>	<b>3,757,708</b>	<b>3,674,030</b>	<b>3,610,484</b>	<b>3,609,689</b>	<b>3,653,135</b>
	63.5%	63.5%	63.5%	63.5%	63.5%
<b>Required Maintenance of Effort</b>	<b>2,386,144</b>	<b>2,333,009</b>	<b>2,292,657</b>	<b>2,292,153</b>	<b>2,319,741</b>
+ Fees from Police Services & GF Grants	112,918	83,012	57,803	105,170	157,985
<b>Total Contribution to Police Services</b>	<b>2,499,063</b>	<b>2,416,021</b>	<b>2,350,460</b>	<b>2,397,323</b>	<b>2,477,726</b>
<b>Exp in excess of MOE &amp; Police Rev</b>	<b>(58,951)</b>	<b>(364,469)</b>	<b>33,255</b>	<b>(27,833)</b>	<b>0</b>

			<b>Beg Bal</b>	<b>End Bal</b>	
Sworn Personnel	21.8	20.4	20.4	22.7	22.5
Dispatchers	5.0	5.0	5.0	5.0	5.0
Support Staff	2.1	2.0	2.0	2.0	2.0
<b>SUBTOTAL</b>	<b>28.9</b>	<b>27.4</b>	<b>27.4</b>	<b>29.7</b>	<b>29.5</b>
<b>Total Full Time Equivalent Employees</b>					
General Fund - Safety	14.9	21.9	13.9	13.4	15.0
General Fund - Non-Safety	7.0		7.0	7.0	7.0
Police Grants	0.7	0.7	1.0	1.0	0.0
Prop P Fund	6.3	5.5	5.5	8.3	7.5
<b>SUBTOTAL</b>	<b>28.9</b>	<b>28.1</b>	<b>27.4</b>	<b>29.7</b>	<b>29.5</b>

**NOTES:** note 1 There will be no equipment purchases for vehicles, etc this year from the General Fund and the funding for the two vacant officer positions will be frozen due to lower revenues and higher expenses. Needed equipment purchases will be made from Police grant funds.

<b>City of Clearlake</b> 2012-13 Operating Budget	<b>FUND 100 GENERAL FUND</b>				
	<b>DEPT 500300 ANIMAL CONTROL</b>				
<b>APPROPRIATIONS</b>	<b>FY 2009-10</b> Actual	<b>FY 2010-11</b> Actual	<b>FY 2011-12</b> Adopted	<b>FY 2011-12</b> Projected	<b>FY 2012-13</b> Adopted

<b>500 PERSONNEL</b>					
XX Salary & Benefits	54,722	72,449	67,963	74,027	97,720
<b>SUBTOTAL</b>	<b>54,722</b>	<b>72,449</b>	<b>67,963</b>	<b>74,027</b>	<b>97,720</b>

<b>600 SUPPLIES &amp; MATERIALS</b>					
30-31 Vehicle/Equip Maintenance					600
34 Printing		172	400	400	600
35 Supplies	5,465	3,164	2,000	2,000	3,500
37 Uniform			300	300	300
40 Vehicle Fuel		2,027	2,500	2,500	2,500
41 Building Maint	3,791		5,000	2,000	8,000
<b>SUBTOTAL</b>	<b>9,256</b>	<b>5,363</b>	<b>10,200</b>	<b>7,200</b>	<b>15,500</b>

note 1

<b>700 TRAINING AND TRAVEL</b>					
53 Travel & Conferences	744	397	400	400	400
<b>SUBTOTAL</b>	<b>744</b>	<b>397</b>	<b>400</b>	<b>400</b>	<b>400</b>

<b>750 CONTRACT SERVICES</b>					
62 License Processing	150	470	350	350	400
68 Other Services	144	193			
66 License Reimburse	2,669				
67 Contract Services	90,172	16,405	10,000	10,000	12,000
70 Vet Services		3,630	12,000	12,000	12,000
71 Animal Coalition			6,200	6,200	5,000
<b>SUBTOTAL</b>	<b>93,135</b>	<b>20,698</b>	<b>28,550</b>	<b>28,550</b>	<b>29,400</b>

note 2

<b>800 CAPITAL EQUIPMENT</b>					
80 Vehicle Purchase	1,000		23,000	23,000	5,900
<b>SUBTOTAL</b>	<b>1,000</b>	<b>-</b>	<b>23,000</b>	<b>23,000</b>	<b>5,900</b>

<b>TOTAL DEPARTMENT APPROPRIATIONS</b>	<b>158,857</b>	<b>98,906</b>	<b>130,113</b>	<b>133,177</b>	<b>148,920</b>
--	----------------	---------------	----------------	----------------	----------------

<b>Allocation of Salaries:</b>					
Support Service Tech	100.0%	100.0%	100.0%	100.0%	100.0%

<b>Total Full Time Equivalent Employees</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
---	-------------	-------------	-------------	-------------	-------------

NOTES: note 1 \$3,000 in Building Maintenance appropriations are being moved from FY 2011-12 budget to the FY 2012-13 budget in order to fund improvements to the Animal Care facilities located at the Corporation Yard.

note 2 The Contract with the County of Lake was transferred in-house during FY 2009-10.

<b>City of Clearlake</b> 2012-13 Operating Budget	<b>FUND 100 GENERAL FUND</b>				
	<b>DEPT 300100 CODE ENFORCEMENT</b>				
<b>APPROPRIATIONS</b>	<b>FY 2009-10</b> Actual	<b>FY 2010-11</b> Actual	<b>FY 2011-12</b> Adopted	<b>FY 2011-12</b> Projected	<b>FY 2012-13</b> Adopted

<b>500 PERSONNEL</b>					
XX Salary & Benefits	71,749		28,670	29,070	29,052
14 Uniform Allowance		-		-	-
<b>SUBTOTAL</b>	<b>71,749</b>	<b>-</b>	<b>28,670</b>	<b>29,070</b>	<b>29,052</b>

<b>600 SUPPLIES AND MATERIALS</b>					
30 Equipment Maintenance					
31 Vehicle Maintenance					
40 Vehicle Fuel	20				
32 Maintenance Contracts					
33 Advertising	3,202	125			
34 Printing	2				
35 Supplies		22			
36 Postage	2,773	(330)			
<b>SUBTOTAL</b>	<b>5,997</b>	<b>(183)</b>	<b>-</b>	<b>-</b>	<b>-</b>

<b>700 TRAINING AND TRAVEL</b>					
50 Books					100
51 Memberships					
53 Travel & Conferences	7	101		1,043	1,000
55 Recruitment					
<b>SUBTOTAL</b>	<b>7</b>	<b>101</b>	<b>-</b>	<b>1,043</b>	<b>1,100</b>

<b>750 CONTRACT SERVICES</b>					
61 Contract Serv - Misc.	1,063				
62 County Admin Fees					
68 Towing Contract	6,931		10,000		8,900
69 Abate Dangerous Bldgs					
<b>SUBTOTAL</b>	<b>7,994</b>	<b>-</b>	<b>10,000</b>	<b>-</b>	<b>8,900</b>

<b>800 CAPITAL EQUIPMENT</b>					
80 Vehicle					
81 Equipment					
<b>SUBTOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

<b>TOTAL DEPARTMENT APPROPRIATIONS</b>	<b>85,747</b>	<b>(82)</b>	<b>38,670</b>	<b>30,113</b>	<b>39,052</b>
--	---------------	-------------	---------------	---------------	---------------

<b>Allocation of Salaries:</b>					
Code Enforcement Officer	100.0%				
Code Enforcement Officer	16.7%				
Secretary/Permit Tech		50.0%	50.0%	50.0%	50.0%

<b>Total Full Time Equivalent Employees</b>	<b>1.17</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>	<b>0.50</b>
---	-------------	-------------	-------------	-------------	-------------

<b>NOTES:</b>					

**City of Clearlake**  
2012-13 Operating Budget

FUND 130 MEASURE "P" SALES TAX  
DEPT 500200 POLICE

APPROPRIATIONS	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Adopted	FY 2011-12 Projected	FY 2012-13 Adopted
----------------	----------------------	----------------------	-----------------------	-------------------------	-----------------------

Passed by 2/3 of the Clearlake voters in 1995, Measure P imposes a 1/2 percent sales tax on all retailers from the sale of all tangible personal property sold within the city limits for the purpose of "obtaining, providing, operating, and maintaining police protection services provided by the City at a service level existing as of the effective date of this section. Police protection services is "salaries & benefits paid to police protection and payment for equipment and apparatus necessary to equip such personnel." The measure specifies the city shall continue to spend the same percentage of the general fund toward police protection services as exists as of the effective date of the ordinance. *Clearlake Municipal Code 3.6*

**500 PERSONNEL**

XX Salary & Benefits	601,922	573,937	582,910	480,385	585,134
03 Holiday Pay	11,226	9,317	10,000	10,690	12,102
04 Shift Differential				7,253	7,400
05 Special Duty Pay	809	6,693	7,000	5,096	3,313
06 Overtime Pay	33,020	52,071	40,000	52,558	43,669
12 Vacation buyback		9,254		15,601	15,600
14 Uniform Allowance	2,920	2,820	3,000	2,940	2,675
<b>SUBTOTAL</b>	<b>649,897</b>	<b>654,093</b>	<b>642,910</b>	<b>574,521</b>	<b>669,893</b>

**600 SUPPLIES AND MATERIALS**

30 Equipment Maintenance		108	100	100	100
31 Vehicle Repair & Maintenance		5,400	5,400	5,400	6,700
32 Maintenance Contracts		8,856	8,850	8,850	10,250
33 Advertising		22	25	25	25
34 Printing		677	675	675	600
35 Supplies		6,156	6,156	6,156	5,200
36 Postage		648	650	650	500
37 Uniforms		3,456	3,450	3,450	3,000
38 Special Supplies		756	750	750	750
39 Crime Prevention		540	550	550	400
40 Vehicle Fuel & Oil		13,824	13,800	13,800	17,800
<b>SUBTOTAL</b>		<b>40,443</b>	<b>40,406</b>	<b>40,406</b>	<b>45,325</b>

**650 SERVICES & UTILITIES**

40 Janitorial					
45 Telephone					
<b>SUBTOTAL</b>					

**700 TRAINING AND TRAVEL**

50 Books					
51 Memberships					
53 Training & Travel					
55 Recruitment					
<b>SUBTOTAL</b>					

<b>City of Clearlake</b> 2012-13 Operating Budget	<b>FUND 130 MEASURE "P" SALES TAX</b>				
	<b>DEPT 500200 POLICE</b>				
<b>APPROPRIATIONS</b>	<b>FY 2009-10 Actual</b>	<b>FY 2010-11 Actual</b>	<b>FY 2011-12 Adopted</b>	<b>FY 2011-12 Projected</b>	<b>FY 2012-13 Adopted</b>

**750 CONTRACT SERVICES**

61 Contract Service-Misc		1,000			
62 Booking Fees					
63 Auditing Services		1,000	1,000	1,000	
66 Prisoner Medical Exp					
68 State Lab Fees		1,000	1,000	1,000	1,000
<b>SUBTOTAL</b>	-	<b>3,000</b>	<b>2,000</b>	<b>2,000</b>	<b>1,000</b>

**800 CAPITAL EQUIPMENT**

80 Vehicle Purchase					
81 Equipment & Software					
<b>SUBTOTAL</b>	-	-	-	-	-

**970 INDIRECT COSTS**

95 Insurance & Bonds		20,000	20,000	20,000	20,000
<b>SUBTOTAL</b>	-	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>

<b>TOTAL DEPARTMENT APPROPRIATIONS</b>	<b>649,897</b>	<b>717,536</b>	<b>705,316</b>	<b>636,927</b>	<b>736,218</b>
--	----------------	----------------	----------------	----------------	----------------

**Allocation of Salaries:**

Police Lieutenants	1.00				
Police Sergeants	1.17	1.50	1.50		
Police Officers	4.00	4.00	4.00	8.25	7.50
Police Secretary	0.08				
Support Service Tech					
<b>Total Full Time Equivalent Employees</b>	<b>6.3</b>	<b>5.5</b>		<b>8.3</b>	<b>7.5</b>

<b>NOTES:</b>

**BLANK PAGE**

# County of Lake Courthouse Holding Facility Oversight

## Summary:

The Public Safety Committee of the Lake County Civil Grand Jury performed a mandatory oversight of the courthouse holding facility at 255 North Forbes Street in Lakeport, California.

## Background:

All Civil Grand Juries of California are mandated to inquire into the conditions of all of the detention/holding facilities within the boundaries of the county annually.

## Procedure:

On November 13, 2012 the committee conducted an oversight of the County of Lake Courthouse Holding Facility. Jail command staff, two County of Lake Information Technology (IT) staff and two transport correctional officers were interviewed at length. An inspection of the facility followed.

## Discussion and Facts:

On August 6, 2012 Superior Court Department IV of the County of Lake was relocated from South Lake Court in Clearlake to the main courthouse in Lakeport. The two IT staff were in the process of installing nine cameras in the holding facility. Audio has been installed in one area and staff are hoping to expand into all areas where the cameras are installed. IT has been working for the past two weeks and the project is nearing completion. The cameras will enable the officer's in charge of the inmates awaiting trial to better observe their behavior and attitude.

1. Due to the amount of inmates that appear each day at the Courthouse it is necessary for the jail to retain the inmates who have afternoon court appearances at Hill Road Correctional Facility until after lunch.
2. Each courtroom holds up to eleven inmates with one correctional officer.

3. Each inmate transported wears ankle chains and waist chains with handcuffs during transport.
4. According to a transport officer there have been no escape attempts from the Holding Facility or during transport in the past twelve years.
5. The Sheriff's Department has purchased four new prisoner transportation vans. The new vans are longer and hold more inmates than the old vans. They are also safer as they are partitioned to segregate high-risk inmates from the general population. During loading and unloading of prisoners in the sally port the length of the new vans prohibit the ability to lower the security gate.
6. Transportation officers must have jail experience to promote to the Transportation Division. Six weeks on-the-job training with two different transportation officers and the transportation sergeant is also required.
7. A transport officer who is assigned to the holding cell must lock and unlock a cell door fifty to one hundred times per day. The large, heavy cell door key is turned one hundred eighty degrees each time it is used. This causes serious injuries to the wrists of the officers each year. At the time of the Grand Jury visit, two correctional officers were on medical leave due to wrist injuries as a result of repetitive use of the large keys to open and close the cell doors.

## Findings:

- F 1. Moving Department IV to Lakeport has saved a significant amount of money in overtime, gas, wear and tear on vehicles and shuttling inmates four times a day from Hill Road Facility to South Lake Court.
- F 2. There is an issue of overcrowding at the Lakeport Holding Facility due to Department IV's relocation from Clearlake. The facility has had to accommodate additional inmates without additional expansion.
- F 3. There should be one armed officer per six inmates at all times and, due to frequent medical leave affecting staffing, this is not always possible.

- F 4. Due to the weight of the cell door keys and the amount of repetitions, there is an increased risk of repetitive wrist injuries to the officers.
- F 5. The inability to lower the security gate is a potential safety risk.
- F 6. Updating of audio and video was being finished in the holding area during the Grand Jury visit. This updating will enhance prisoner and staff safety and security.

#### Recommendations:

- R 1. Look into the installation of a keyless security system for cell doors. (F4)
- R 2. Have Building and Grounds research the possibility of lengthening the sally port to accommodate closure of the security gate. (F6)

#### Request for Responses:

- Sheriff (60 days)
- Board of Supervisors (90 days)

**BLANK PAGE**

# Juvenile Hall Oversight

## Summary:

The Public Services Committee of the Lake County Civil Grand Jury conducted the annual mandatory oversight of Lake County Juvenile Hall located at 1111 Whalen Way, Lakeport, CA. Juvenile Hall is a detention center for minors in violation of the law who have had a criminal report issued. The detention could be temporary or long term but not longer than a continuous year.

## Background:

The Juvenile Hall facility was built in 1984 and has yearly inspections by various agencies. These include but are not limited to:

- A) Fire/Life Safety Inspection by the Lakeport Fire Department. Fire drills are conducted quarterly.
- B) County of Lake Community Development Department Building and Safety Division
- C) Health inspection by Lake County Health Services Department. (Appendix A)
- D) Lake County Office of Education
- E) California State Corrections Standards Authority
- F) Lake County Superior Court of the State of California

The facility has a capacity of forty. At the time of the oversight there were twenty-two wards of the court, three females and nineteen males. There are twenty-eight usable beds in wings A & C. Wing B is used for interviews with law enforcement, mental health staff, clergy and medical staff. There are two modular classrooms, with a secured walkway, adjacent to the facility with a regular classroom and a computer lab. The outside recreational area consists of a basketball court with hoops, a baseball diamond not in use due to security issues, and a net for volleyball.

## Procedure:

The committee met with and interviewed the superintendent and juvenile counselor at Juvenile Hall on January 22, 2013. At that time the committee also spoke with correctional staff and teachers and conducted a tour of the facility. The committee obtained a copy of the Detainee Contract which must

be signed by the juvenile at intake and received a copy of the monthly menus, food temperature log at delivery of meals and various inspection reports.

### Discussion and Facts:

1. When a juvenile comes into contact with law enforcement and a criminal report is generated as a result, that report is referred to the Lake County Probation Department. A juvenile who is the subject of a criminal report can be cited to appear, arrested and taken to Juvenile Hall, or released at the scene or to the juvenile's parents or guardian.
2. The Probation Department will review the crime report involving the juvenile and decide whether or not to refer the case to the District Attorney's Office. Some cases that are minor in nature can be handled by the Probation Department informally without the individuals being referred to the Juvenile Justice System. Certain criminal charges, including certain offenses listed in California State Welfare and Institutions Code Section 707(b), must be referred to the District Attorney's Office for review.
3. Whether a child will be prosecuted in Juvenile Court or Criminal Court is decided by the District Attorney with the assistance of the Probation Department. Any person who was alleged, when he or she was 14 years of age or older, to have committed murder or felony sexual offenses shall be prosecuted under the general law in a court or criminal jurisdiction. Any other proceedings are held in Juvenile Court and are confidential.
4. A juvenile with known violent history or gang affiliations will be classified during the Evaluation Assessment Intake Interview. All precautions are taken to minimize interaction with other juveniles so as not to "corrupt" them.
5. Those juveniles with mental health issues are seen by California Forensic Medical Group (CFMG), the medical company contracted by the County of Lake for the county correctional system. A judge may order a psychological examination of the juvenile on his own accord or at the request of either counsel or the parents/guardian. The facility has the capability to tele-skype (television interview) with a psychologist. This is provided in the medical room of wing B.
6. Last year's Grand Jury recommended the Probation Department develop a Juvenile Hall Handbook with rules, consequences and day-to-day routines to be issued at Intake

Orientation. At present, the Juvenile reads and signs a Detainee Contract and the rules are posted on the Day Room wall.

7. Wards of the court are expected to attend the court school at juvenile hall. If a ward is eighteen, he or she does not have to attend. School is conducted year-round with the same holiday schedule as other schools in the county.
8. The Office of Education employs the teachers at the facility. There is one teacher, one special education teacher and one teacher's aide. The Regional Occupational Program (ROP) is no longer offered due to budget cuts.
9. Indoor recreational activities include exercising to videos, video games, board games, foosball, television and books to read from the library cart.
10. Each cell has its own toilet and sink with its own shut-off valve. There is a community shower with three stalls in each wing.
11. At intake, a juvenile takes their first shower and changes into institutional clothing. Shoes are provided by the parents and/or guardians. Sandals are worn in the showers.
12. Mattress sets are presently approximately four years old and have a built-in pillow. A fitted sheet, top sheet and up to three blankets are provided to each individual.
13. A juvenile is allowed to have a limited amount of written secular material and one other book inside their cell.
14. In 2012 one male detainee escaped Juvenile Hall and was caught by law enforcement.
15. Juveniles assigned by the court to home detention on GPS (Global Positioning System) ankle bracelets are monitored by the Probation Department. Home inspections are conducted by the Probation Department prior to being placed on home detention.
16. Any maintenance issues and/or repairs are made by the Buildings and Grounds Department of the county. Bids are submitted by contractors for any work or repairs that are not within Buildings and Grounds capability.
17. Juveniles that are wards of the court who attend the educational program have the opportunity to obtain a high school diploma or General Education Degree (GED).

## Findings:

- F 1. Juvenile Hall is clean and not over-crowded.
- F 2. Juvenile Hall is subject to numerous annual inspections by various agencies.
- F 3. Juvenile Hall's educational program and facilities, including a separate computer lab, is modern and well-staffed.
- F 4. Juvenile Hall staff has not presently developed a Rules and Regulations Handbook for the juveniles to keep in their cell as reference material which could also be used as an informational booklet for parents and/or guardians.
- F 5. The Juvenile Hall Superintendent & staff appear to be committed to give the best possible care and direction to their wards, given their budget and personnel resources.

## Recommendations:

- R 1. Develop a Rules and Regulations Handbook to be given to a juvenile at intake and available for issuance to the parents and/or guardian. (F4)

## Request for Responses:

- Chief of Probation (90 days)
- Board of Supervisors (90 days)

## Appendix A: County of Lake Annual Medical/Health Inspection of Juvenile Hall

APPENDIX A



**COUNTY OF LAKE**  
Health Services Department  
922 Bevins Court  
LAKEPORT, CALIFORNIA 95453-9739  
Telephone 707/263-1090  
Fax 707/263-4395

**Jim Brown**  
Health Services Director

**Karen M. Tait, MD**  
Health Officer

*Promoting an Optimal State of Wellness in Lake County*

June 4, 2012

Corrections Standards Authority  
FSO Division  
600 Bercut Drive  
Sacramento, CA 95811

RE: County of Lake Annual Medical/Health Inspection of Juvenile Hall

To Whom It May Concern:

Please find enclosed the aforementioned report completed by Karen Tait, M.D., Health Officer.

If you should have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jessie Wisner".

Jessie Wisner, Secretary III  
Health Services Administration

Cc: Dean Thornquist, Chief Deputy Probation Officer  
Alisha Stottsberry, MPH, BSN, RN, California Forensic Medical Group  
File

Enclosure(s)

: /jw

2012-13 Lake County Civil Grand Jury

**JUVENILE FACILITY HEALTH INSPECTION REPORT**  
**Juvenile Halls, Special Purpose Juvenile Halls and Camps**  
**Health and Safety Code Section 101045**

CSA #: \_\_\_\_\_

FACILITY NAME: <b>Lake County Probation Department Juvenile Home</b>		COUNTY: <b>Lake</b>	
FACILITY ADDRESS (STREET, CITY, ZIP CODE, TELEPHONE): <b>1111 Whalen Way Lakeport, CA 95453 707-263-3025</b>			
CHECK THE FACILITY TYPE AS DEFINED IN TITLE 15, SECTION 1302:	JUVENILE HALL: <input checked="" type="checkbox"/>	SPECIAL PURPOSE JUVENILE HALL:	CAMP:
ENVIRONMENTAL HEALTH EVALUATION		DATE INSPECTED:	
ENVIRONMENTAL HEALTH EVALUATORS (NAME, TITLE, TELEPHONE):			
FACILITY STAFF INTERVIEWED (NAME, TITLE, TELEPHONE):			
NUTRITIONAL EVALUATION		DATE INSPECTED:	
NUTRITIONAL EVALUATORS (NAME, TITLE, TELEPHONE):			
FACILITY STAFF INTERVIEWED (NAME, TITLE, TELEPHONE):			
MEDICAL/MENTAL HEALTH EVALUATION		DATE INSPECTED: <b>4/20/2012</b>	
MEDICAL/MENTAL HEALTH EVALUATORS (NAME, TITLE, TELEPHONE): <b>Karen Tait, M.D., Health Officer 707-263-1090</b>			
FACILITY STAFF INTERVIEWED (NAME, TITLE, TELEPHONE): <b>Dean Thornquist, Chief Deputy Probation Officer, 707-263-3025 Juliana Bisaccio, Senior Correctional Officer, 707-263-3025</b>			

This checklist is to be completed pursuant to the attached instructions.

JUV HEALTH COVER, 4/23/12

COVER 1

CSA FORM 458 (Rev.10/08)

April 20, 2012 – Lake County Probation Department Juvenile Home  
**III. MEDICAL/MENTAL HEALTH EVALUATION**  
**Juvenile Halls, Special Purpose Juvenile Halls and Camps**

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
<b>Article 8. Health Services</b>				
<b>1400 Responsibility For Health Care Services</b>				
Health care services are provided to all minors.	X			
There is a designated health administrator who, in cooperation with the mental health director and the facility administrator, has responsibility for administrative health care policies.	X			Through contract with Lake County Health Services Department, California Forensic Medical Group (CFMG) provides on-site medical and outpatient mental health services in coordination with the facility manager and the Lake County Mental Health Department.
A responsible physician is designated to develop policy in health care matters involving clinical judgments.	X			The majority of care is rendered by the Nurse Practitioner working under the general supervision of the responsible physician, Dr. Kirk Andrus.
<b>1401 Patient Treatment Decisions</b>				
Clinical decisions about the treatment of individual minors are the sole province of licensed health care professionals operating within the scope of their license and within facility policy.	X			
Security policies and procedures apply to both child supervision and health care personnel.	X			
<b>1402 Scope of Health Care</b>				Policy and procedure manual updated June 2011.
Policy and procedures define which health care services are provided in the facility and which services are provided through community providers.	X			
There is at least one physician available to provide treatment.	X			
Health care services meet the minimum requirements of these regulations and are provided at a level to address acute symptoms and/or conditions and avoid preventable deterioration of the minor's health while in confinement.	X			
Staff, space, equipment, supplies, materials and resource manuals are adequate for the level of health care provided in the facility.	X			The examination room is very small and crowded, but meets the needs of the facility.
There is provision for parents, guardians, or other legal custodians to arrange for health care that is permitted by law, at their expense.	X			
<b>1403 Health Care Monitoring and Audits</b> <i>(Applicable to facilities with on-site health care staff)</i>				
There are policies and procedures to collect statistical data and submit at least annual summaries of health care services to the facility administrator.	X			Statistics are compiled quarterly and reviewed in quarterly quality assurance meetings. A 2011 annual report has not been completed, but the information is readily available through the quarterly reports.
There are policies and procedures requiring that the quality and adequacy of health care services are assessed at least annually.	X			A formal quality assurance meeting takes place quarterly.

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
There is a process for correcting identified deficiencies in the medical, dental, mental health and pharmaceutical services delivered.				Various levels of quality review occur regularly, including internal chart reviews, reviews by a contracted consultant (Cotton Group), and periodic reviews by the Health Officer.
The health administrator provides the facility administrator with an annual written report on medical, dental, mental health and pharmaceutical services. <i>(Inspectors are requested to verify existence of these reports.)</i>	X			A 2011 annual report was not completed, but the required information is available through quarterly statistical summaries that are discussed in a documented quarterly quality assurance meeting attended by the facility administrator.
At least quarterly, there are documented administrative meetings between health and facility administrators to review medical, mental health and medical services.	X			See above.
<b>1404 Health Care Staff Qualifications</b> <i>(Applicable to facilities with on-site health care staff)</i>	X			
Recruitment education and experience requirements are consistent with those in the community.				
There are policies and procedures to assure that state license, certification, or registration requirements and restrictions that apply in the community, also apply to health care personnel in the facility	X			
Health care staff credentials are on file at the facility or another central location where they are available for review. Policies and procedures require that these credentials are periodically reviewed and remain current.	X			
Position descriptions and actual practice reflect that health care staff receive the supervision required by their license and operate within the scope of their practice.	X			
<b>1405 Health Care Procedures</b> <i>(Applicable to facilities with on-site health care staff)</i>				
When the responsible physician determines that a clinical function can be delegated to health care staff other than a physician, that function is performed by staff operating within their scope of practice, pursuant to written protocol standardized procedures or direct medical order.	X			
<b>1406 Health Care Records</b> <i>(Applicable to facilities with on-site health care staff)</i>	X			Chart review showed high level of consistency in completeness of medical records, including consent forms and immunization records.
Complete, individual and dated health records are maintained and include, but are not limited to:				
Intake health screening form <i>(Note: The intake screening form may also be included in the probation file as a non-confidential document. See guidelines for discussion.)</i>	X			
Health appraisals/medical examinations;	X			
Health service reports (e.g., emergency department, dental, psychiatric and other consultations);	X			
Complaints of illness or injury;	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Names of personnel who treat prescribe, and/or administer/deliver prescription medication;	X			
Location where treatment is provided;	X			Generally specified only if treatment rendered in a location other than the medical examination room.
Medication records in conformance with Title 15 § 1438;	X			
Progress notes;	X			
Consent forms;	X			
Authorization for release of information;	X			
Copies of previous health records;	X			
Immunization records; and,	X			
Laboratory reports.	X			
Policies/procedures and practice require that health records are in a locked area separate from the confinement record.	X			
The health administrator controls access to health records and confidentiality laws related to provider-patient privilege apply. Minors are not used to translate confidential medical information for non-English speaking minors.	X			
Health records are retained in accordance with community standards.	X			
<b>1407 Confidentiality</b>				
Policy and procedures for multi-disciplinary sharing of health information, address providing information to the court, child supervision staff and to probation. Information from minors' (probation) case files is shared with health care staff when relevant.	X			
The nature and extent of information shared is appropriate to: treatment planning; program needs; protecting the minor or others; facility management; security or preservation of safety; and order.	X			
Information can be communicated confidentially at the time of health encounters.	X			
<b>1408 Transfer of Health Care Summary Records</b>				
Policy and procedures assure that:				
A summary of the health record, in an established format, or documentation that no health record exists in the facility, is transferred to another jurisdiction prior to or at the time of transfer;	X			
Relevant health records are forwarded to the health care staff of the receiving facility;	X			
Advance notification is provided to the local health officer in the sending jurisdiction and the responsible physician of the receiving facility prior to the release or transfer of minors with known or suspected active tuberculosis disease;	X			
Written authorization from the parent and/or legal guardian is obtained prior to transferring copies of actual health records, unless otherwise provided by court order, statute or regulation having the force and effect of law; and,	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Confidentiality of health records is maintained during transfer.	X			
After minors are released to the community, health record information is transmitted to community physicians or health care facilities upon the request and with written authorization of the minor and/or parent or guardian.	X			
In facilities without on-site health care staff, policies and procedures assure that child supervision staff forward non-confidential information on medications and other treatment orders, prior to or at the time of transfer.			X	Healthcare staff available to prepare paperwork.
<b>1409 Health Care Procedures Manual</b> ( <i>Applicable to facilities with on-site health care staff</i> )  There is a facility-specific health services manual for written policies and procedures that, at a minimum, address all health care related standards that are applicable to the facility. ( <i>Note: "Facility specific" means that policies and procedures for that facility are included. In multi-facility systems policies and procedures for more than one facility in that system may be included in the same manual.</i> )	X			Procedures are addressed in a single policy and procedure manual that address both the jail and juvenile hall. Most recent update 6/2011
The manual is available to all health care staff, the facility administrator, the facility manager, and other individuals as appropriate to ensure effective service delivery.	X			Copy of the most recent update available to staff at the Hill Road Correctional Facility, but older version on-site at Juvenile Hall at the time of the inspection.
There is a documented annual review of the health care procedures manual, with revisions as necessary.	X			The revision process is continuous.
The facility administrator, the facility manager, the health administrator and the responsible physician have approved and signed the manual.	X			
<b>1410 Management of Communicable Diseases</b>  Policy and procedures have been developed in cooperation with the local health officer to address the identification, treatment, control and follow-up management of communicable diseases. Policy and procedures include:	X			Very good working relationship with Public Health on communicable disease control issues.
Intake health screening procedures;	X			
Identification of relevant symptoms;	X			
Referral for medical evaluation;	X			
Treatment responsibilities during detention;	X			
Coordination with public and private community-based resources for follow-up treatment;	X			
Applicable reporting requirements, and,	X			
Strategies for handling disease outbreaks.	X			
Policies and procedures are updated as necessary to reflect local disease priorities.	X			
<b>1411 Access to Treatment</b>  Policy and procedures provide unimpeded access to health care.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
<b>1412 First Aid and Emergency Response</b>	X			
Policy and procedures assure access to first aid and emergency services.	X			
First aid kits are available in designated areas of each juvenile facility.	X			Well organized first aid kit with monthly inventory check form enclosed.
The responsible physician approved the contents, number, location and procedure for periodic inspection of the first aid kits.	X			
Child supervision and health care staff is trained and there are policies and procedures to respond to emergencies requiring first aid.	X			
<b>1413 Individualized Treatment Plans (Excluding Special Purpose Juvenile Halls)</b>	X			
Policy and procedures direct that health care treatment plans are developed for minors who receive services for significant health care concerns.	X			
Health care treatment plans are considered in facility program planning.	X			
Health care restrictions do not limit participation in school, work, exercise and other programs beyond what is necessary to protect the health of the minor or others.	X			
Medical and mental health information is shared with supervision staff in accordance with §1407 for purposes of programming, treatment planning and implementation.	X			
Program planning includes pre-release arrangements for continuing health care, together with participation in relevant programs upon release.	X			
Minors who are suspected or confirmed to be developmentally disabled are referred to the local Regional Center for the Developmentally Disabled within 24 hours of identification, excluding holidays and weekends. (See also Title 15 § 1355, Assessment and Plan)	X			
<b>1414 Health Clearance for in-Custody Work and Program Assignments</b>	X			Minors are cleared when assigned to food service.
There are health screening and monitoring procedures for work and program assignments that have health care implications, including, but not limited to food handlers. (See also Title 15 § 1465.)	X			
<b>1415 Health Education (Excluding Special Purpose Juvenile Halls)</b>	X			Current health education materials are generally downloaded from authoritative web resources when needed.
Policy and procedures assure that age- and sex-appropriate health education and disease prevention programs are offered to minors.	X			
The health education programs are updated as necessary to reflect current health priorities and meet the needs of the offender population.	X			Generally provided in response to a specific expression of interest.

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
<b>1416 Reproductive Services</b>				
Policy and procedures assure that reproductive health services are available to both male and female minors.	X			
Reproductive services include but are not limited to those prescribed in WIC § 220, 221 and 222, and HSC § 123450.	X			
<b>Section 1417. Pregnant Minors.</b>				
<b>Policies and procedures pertaining address a diet, vitamins, education and limitations on the use of restraints.</b>	X			
<b>1430 Intake Health Screening</b>				Staff appears to have a very clear understanding of the importance of medical clearances under various circumstances.
Policies and procedures define when a health evaluation and/or treatment must be obtained prior to acceptance for booking, and establish a documented intake screening procedure to be conducted immediately upon entry into the facility.	X			
Consistent with facility resources to safely hold a minor, the responsible physician has identified health conditions that would preclude a minor's acceptance into a facility without a documented medical clearance. At a minimum, intake criteria provide that:	X			
Unconscious minors are not accepted;	X			
Minors who are known to have ingested or who appear to be under the influence of intoxicating substances are cleared in accordance with Title 15 § 1431, ( <i>Intoxicated and Substance Abusing Minors</i> )	X			
Circumstances and reasons for requiring a medical clearance are documented whenever a minor is not accepted for booking; and,	X			
Written medical clearance is received prior to accepting any minor who was referred for pre-booking treatment and clearance.	X			
An intake screening, consisting of a defined, systematic inquiry and observation of every minor booked into the facility is conducted by health care or trained child supervision staff at the time of entry into the facility.	X			
Screening procedures address medical, dental and mental health concerns that may pose a hazard to the minor or others in the facility, as well as health conditions that require treatment while the minor is in the facility.	X			
Minors suspected of having a communicable disease are separated from the general population pending the outcome of an evaluation by medical staff.	X			
There is provision for a timely referral for health care commensurate with the nature of any problems or compliant identified during the screening process.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
<b>1431 Intoxicated and Substance Abusing Minors</b>				
There are policy and procedures for the identification and management of alcohol and other drug intoxication that address:	X			
Designated housing, including protective environments for placement of intoxicated minors;	X			Once medically cleared, youth are placed in their rooms where they are routinely checked 5 times per hour.
Symptoms or known history of ingestion that should prompt immediate referral for medical evaluation and treatment;	X			
Determining when the minor is no longer considered intoxicated and documenting when the monitoring requirements of this regulation are discontinued;			X	Routine monitoring (5 checks/hour) of all minors meets requirements. They do not accept minors who are too intoxicated to be placed in a room.
Medical responses to minors experiencing intoxication or withdrawal reactions;	X			
Management of pregnant minors who use alcohol or other drugs;	X			
Initiation of substance abuse counseling during confinement and referral procedures for continuation upon release to the community, consistent with Title 15 § 1413 and Title 15 § 1355; and,	X			Although the county's AODS program does not provide services to youth at juvenile hall, CFMG's mental health nurse does provide substance abuse counseling as part of her contract.
Coordination of mental health services in cases of substance abusing minors with known or suspected mental illness.	X			
A medical clearance is obtained prior to booking any minor who displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency.	X			
Supervision of intoxicated minors who are cleared to be booked into a facility includes monitoring no less often than every 15 minutes until resolution of the intoxicated state.	X			5 checks per hour are routine for youth confined to their rooms.
The monitoring observations are documented, with actual time of occurrence recorded.	X			
Medical, or child supervision staff operating pursuant to medical protocols, conduct a medical evaluation for all minors whose intoxicated behavior persists beyond six hours from the time of admission.			X	The facility will not accept youth who require special supervision for intoxicated states.
<b>1432 Health Appraisals/Medical Examinations</b>				
Policy and procedures require a health appraisal/medical examination of minors.	X			
The health appraisal/medical examination is completed within 96 hours of admission, in a location that protects the minor's privacy and by a physician or other licensed or certified health professional working under direction of a physician.	X			
This health evaluation includes a health history, medical examination, laboratory and diagnostic testing and necessary immunizations.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
The health history includes: Review of the intake health screening, history of illnesses, operations, injuries, medications, allergies, immunizations, systems review, exposure to communicable diseases, family health history, habits (e.g., tobacco, alcohol and other drugs), developmental history (e.g., school, home, and peer relations), sexual activity, contraceptive methods, reproductive history, physical and sexual abuse, neglect, history of mental illness, self-injury, and suicidal ideation.	X			
The examination includes: Temperature, height, weight, pulse, blood pressure, appearance, gait, head and neck, a preliminary dental and visual acuity screening, gross hearing test, lymph nodes, chest and cardiovascular, breasts, abdomen, genital (pelvic and rectal examination, with consent, if clinically indicated), musculoskeletal neurological.	X			
Laboratory and diagnostic testing includes: Tuberculosis testing, pap smears and testing for sexually transmitted diseases for sexually active minors. Additional testing is available as clinically indicated, including pregnancy testing, urinalysis, hemoglobin or hematocrit.	X			
Immunizations are verified and, within two weeks of the Health Appraisal/ Medical Examination, a program is started to bring the minor's immunizations up-to-date in accordance with current public health guidelines.	X			
The responsible physician may modify the health examination for minors admitted with an adequate examination done within the previous 12 months, provided there is reason to believe that no substantial change would have occurred since the full evaluation. When this is done, health care staff review the intake health screening form and conduct a face-to-face interview with the minor.	X			
There are policy and procedures for a medical evaluation and clearance for adjudicated minors who are confined in any juvenile facility for successive stays, each of which totals less than 96 hours.  When this evaluation and clearance cannot be completed at the facility during the initial stay, it is completed prior to acceptance at the facility and includes screening for tuberculosis.			X	
For minors who are transferred to jails and juvenile facilities outside their detention system, policy and procedures assure that the health appraisal/medical examination:	X			
Is received from the sending facility;	X			
Is reviewed by designated health care staff at the receiving facility; and,				

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Absent a previous appraisal/examination or receipt of the record, a health appraisal/medical examination, as outlined in this regulation, is completed on the minor within 96 hours of admission.	X			
Policy and procedures require that minors who are transferred among juvenile facilities within the same detention system, receive a written health care clearance. The health appraisal/medical examination is reviewed and updated prior to transfer and forwarded to facilities that have licensed on-site health care staff.			X	
<b>1433 Requests for Health Care Services</b>				
Policy and procedures establish a daily routine for minors to convey requests for emergency and non-emergency health care requests and include the following:	X			
There is opportunity for both written and verbal requests, with provision for minors having language or literacy barriers.	X			Sick call slips can be put in a locked drop box, and staff also facilitates referrals for care.
Supervision staff relays requests from the minor, initiate referrals when the need for health care services is observed, and advocate for the minor when the need for services appears urgent.	X			Staff readily emphasize their procedures to contact the nurse to address questions or concerns.
Designated staff inquires and make observations regarding the health of each minor on a daily basis and in the event of possible injury.	X			
There is 24-hour opportunity for minors and staff to communicate the need for emergency health care services.	X			
There is provision for any minor requesting health care, or observed to need such care, to be given that attention by licensed or certified health care staff.	X			
All health care requests are documented and maintained.	X			
<b>1434 Consent for Health Care</b>				
Policy and procedures require informed consent for health care examinations.	X			
Examinations, treatments, and procedures requiring verbal or written consent in the community also require that consent for confined minors.	X			
There is provision for obtaining parental consent and obtaining authorization for health care services from the court when there is no parent-guardian or other person standing in loco parentis.	X			
Policy and procedures are consistent with applicable statute in those instances where the minor's consent for testing or treatment is sufficient or specifically required.	X			
Conservators provide consent only within limits of their court authorization.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Minors may refuse non-emergency medical and mental health care, verbally or in writing.	X			
<b>1435 Dental Care</b>				Care is generally provided through the contract dentist, who offers a clinic every other Friday at the Hill Road Correctional Facility.
Policy and procedures require that dental treatment is provided to minors as necessary to respond to acute conditions and to avert adverse effects on the minor's health. Treatment is not limited to extractions.	X			
<b>1436 Prostheses and Orthopedic Devices</b>				
Policy and procedures address the provision, retention and removal of medical and dental prostheses, including eyeglasses and hearing aids.	X			
Prostheses are provided when the responsible physician determines that the health of the minor would be adversely affected without them.	X			
Procedures for the retention and removal of prostheses comply with the requirements of Penal Code § 2656. (See guidelines discussion.)	X			
<b>1437 Mental Health Services and Transfer to a Treatment Facility</b>				
Policy and procedures require providing mental health services that include but not limited to:	X			
Screening for mental health problems at intake;	X			
Crisis intervention and the management of acute psychiatric episodes;	X			
Stabilization of the mentally ill and prevention of psychiatric deterioration in the facility setting;	X			
Elective therapy services and preventive treatment, where resources permit;	X			
Medication support services; and,	X			
Provision for referral and admission to licensed mental health facilities for minors whose psychiatric needs exceed the treatment capability of the facility.	X			It is very difficult to accomplish timely transfer to a mental health inpatient facility because of the limited availability of beds.
<u>The minor may be evaluated by licensed health personnel to determine if treatment can be initiated at the juvenile facility.</u>	X			Evaluations by licensed personnel are done. However, if transfer to an inpatient facility is recommended but not feasible on a timely basis, the facility must cope with the youth's needs to the best of its ability until eventual transfer or release.
Any minor who displays significant symptoms of severe depression, suicidal ideation, irrational, violent or self destructive behaviors, or who is receiving psychotropic medication, is provided a mental status assessment by a licensed mental health clinician, psychologist or psychiatrist.	X			Most initial services are provided by CFMG's psychiatric nurse. If the need for inpatient treatment is identified, then Lake County Mental Health licensed personnel conduct an evaluation.

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
A mentally disordered minor who appears to be a danger to himself or others or to be gravely disabled, is evaluated pursuant to Penal Code § 4011.6 or Welfare and Institutions Code § 6551. Absent an emergency, unless the facility has been designated as a Lanterman-Petris-Short (LPS) facility, and minors meet the criteria for involuntary commitment under the LPS Act in Welfare and Institutions Code § 5000 et seq., all services are provided on a voluntary basis. Voluntary mental health admissions may be sought pursuant to Penal Code § 4011.8 or Welfare and Institutions Code § 6552;	X			
<b>1438 Pharmaceutical Management</b>				
Pharmaceutical policies, procedures, space and accessories include but not be limited to:	X			The Hill Road Correctional Facility is the location where most pharmaceuticals are stored and managed. Those needed for youth at Juvenile Hall are kept in a locked cabinet.
Securely lockable cabinets, closets and refrigeration units;	X			
A means for the positive identification of the recipient of the prescribed medication;	X			
Administration/delivery of medicines to minors as prescribed;	X			
Confirmation that the recipient has ingested the medication;	X			
Documenting that prescribed medications have or have not been administered by whom, and if not, for what reason;	X			
Prohibition of the delivery of drugs from one minor to another;	X			
Limitation to the length of time medication may be administered without further medical evaluation;	X			30 days
The length of time allowable for a physician's signature on verbal orders;	X			Since the physician is only rarely needed on-site, CFMG is developing a procedure allowing for faxed signatures on verbal orders.
Training for non-licensed personnel includes, but is not limited to: delivery procedures and documentation; recognizing common symptoms and side-effects that should result in contacting health care staff for evaluation; procedures for confirming ingestion of medication; and, consultation with health care staff for monitoring the minor's response to medication; and,	X			Annual training scheduled for May 2012
At least annually, a pharmacist prepares a written report on the status of pharmacy services in the facility. The report is provided to the health authority and the facility administrator. (See also Title 15 § 1403.)	X			This review focuses on the pharmaceutical services at the Hill Road Correctional Facility, which is where the pharmaceuticals are primarily managed. They are secondarily sent to locked cabinets at Juvenile Hall.
Written protocols are consistent with pharmacy laws and regulations and limit the following functions to being performed by the identified personnel:	X			
Procurement is done only by a physician, dentist, pharmacist, or other person authorized by law.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Medication storage assures that stock supplies of legend medications are accessed only by licensed health care personnel. Supplies of legend medications that have been properly dispensed and supplies of over-the-counter medications may be accessed by both licensed and trained non-licensed staff.	X			Over-the-counter medications that can be obtained through correctional staff are limited to unit dose acetaminophen and Tums and documented on a log. If requested more than 2 days, the youth is referred to the nurse for evaluation.
Repackaging is done only by a physician, dentist, pharmacist, or other persons authorized by law.	X			
Labels are prepared by a physician, dentist, pharmacist or other personnel, either licensed or trained non-licensed, provided the label is checked and affixed to the medication container by the physician, dentist, or pharmacist before administration or delivery to the minor. Labels are prepared in accordance with Business and Professions Code § 4047.5.	X			
Dispensing is only done by a physician, dentist, pharmacist, or other person authorized by law.	X			
Administration of medication is only done by licensed health care personnel who are authorized to administer medication and acting on the order of a prescriber.	X			Exception is the limited provision of over-the-counter medications as noted above.
Licensed and trained non-licensed personnel may deliver medication acting on the order of a prescriber.	X			
Disposal of legend medication is done accordance with pharmacy laws and regulations and requires any combination of two of the following classifications: physician, dentist, pharmacist, or reregistered nurse. Controlled substances are disposed of in accordance with Drug Enforcement Administration disposal procedures.	X			Medication disposal is arranged through the contract pharmacy.
There are written procedures for managing and providing over-the-counter medications to minors.	X			
<b>1439 Psychotropic Medications</b>				
Policies and procedures govern the use of voluntary and involuntary medications. These policies and procedures include, but are not limited to:	X			Although policies and procedures provide for involuntary medications, this is not done in practice. The prescribing physician would need to be present on-site.
Protocols for physicians' written and verbal orders for psychotropic medications in dosages appropriate for the minor's need;	X			The facility has provisions for telepsychiatry.
Requirements that verbal orders be entered in the minor's health record and signed by a physician within 72 hours;	X			
The length of time voluntary and involuntary medications may be ordered and administered before re-evaluation by a physician;	X			
Provision that minors who are on psychotropic medications prescribed in the community are continued on their medications pending re-evaluation and further determination by a physician;	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Provision that the necessity for continuation on psychotropic medication is addressed in pre-release planning and prior to transfer to another facility or program; and,	X			
Provision for regular clinical-administrative review for utilization patterns for all psychotropic medications, including every emergency situation.	X			
Psychotropic medications are not administered to a minor absent an emergency unless informed consent has been given by the legally authorized person or entity.	X			
Minors are informed of the expected benefits, potential side effects and alternatives to psychotropic medications.	X			
Absent an emergency, minors may refuse treatment.	X			
Minors found by a physician to be a danger to themselves or others by reason of a mental disorder, may be involuntarily given psychotropic medication that is immediately necessary for the preservation of life or the prevention of serious bodily harm. This can only be done when there is insufficient time to obtain consent from the parent, guardian or court before the threatened harm would occur. It is not necessary for harm to take place or become unavoidable prior to initiating treatment.	X			See above.
Assessment and diagnosis supports the administration of psychotropic medications and administration of psychotropic medication is not allowed for coercion, discipline, convenience or retaliation.	X			
<b>1450 Suicide Prevention Program</b>				
There is a written suicide prevention plan, with policies and procedures to prevent and respond to crisis. Staff training shall include, but not be limited to, identification of t minors who present a suicide risk, appropriate monitoring of their condition and provide for the necessary treatment ,follow-up and emergency response protocols for self-injurious behaviors.	X			
<b>1452 Collection of Forensic Evidence</b>				
Policy and procedures assure that forensic medical services, including drawing of blood alcohol samples, body cavity searches, and other functions for the purpose of prosecution are collected by appropriately trained medical personnel who are not responsible for providing ongoing health care to the minor.	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
<b>1453 Sexual Assaults</b>				
There is policy and procedures for treating victims of sexual assaults and for reporting such incidents, when they occur in the facility, to local law enforcement.	X			
The evidentiary examination and initial treatment of victims of sexual assault is conducted at a health facility that is separate from the custodial facility and is properly equipped and staffed with personnel trained and experienced in such procedures.	X			
<b>1454 Participation in Research</b>				
Policy and procedures govern biomedical or behavioral research involving minors and require assurances for informed consent and the safety of the minor. Such research occurs only when ethical, medical and legal standards for human research are met.			X	
Participation in research is not a condition for obtaining privileges or other rewards and the court, health administrator, and facility administrator are informed of all proposed actions.			X	Research is not done.
<b>1358 Use of Physical Restraints</b>				
Policies and procedures govern the use of restraint devices. The policies address: known medical conditions that would contraindicate certain restraint devices and/or techniques; acceptable restraint devices; signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment; protective housing of restrained minors; provision for hydration and sanitation needs; exercising of extremities.	X			
Physical restraints are utilized only when it appears less restrictive alternatives would be ineffective in controlling the disordered behavior.	X			
Restraints are used only for those minors who present an immediate danger to themselves or others, who exhibit behavior that results in the destruction of property, or reveals the intent to cause self-inflicted physical harm.	X			
Minors are placed in restraints only with the approval of the facility manager or the shift supervisor. The facility manager may delegate authority to place a minor in restraints to a physician.	X			
Continued retention in restraints is reviewed a minimum of every hour.	X			The need for restraint rarely exceeds 15 minutes in practice. If a situation is not resolved by one hour, the facility staff takes measures for further evaluation.

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
A medical opinion on the safety of placement and retention is secured as soon as possible, but no later than two hours from the time of placement. The minor is medically cleared for continued retention at least every three hours after the initial medical opinion.	X			The nurse is called immediately if restraints must be used.
A mental health consultation to assess the need for mental health treatment is secured as soon as possible, but in no case longer than four hours from the time of placement.	X			
Continuous direct visual supervision is conducted and documented to ensure that the restraints are properly employed and to ensure the well-being of the minor.	X			
All minors in restraint devices are housed alone or in a specified housing area for restrained minors with provisions to protect the minor from abuse.	X			
Restraints are not used as punishment, discipline, or as a substitution for treatment.	X			
The affixing of hands and feet together behind the back (hog-tying) is prohibited.	X			
<b>1359 Safety Room Procedures</b>				
Policies and procedures govern the use of safety rooms, as described in Title 24, Part 2, Section 460A.1.13.	X			
The safety room is used to hold only those minors who present an immediate danger to themselves or others who exhibit behavior that results in the destruction of property, or reveals the intent to cause self-inflicted physical harm.	X			
The safety room is not to be used for punishment, discipline, or as a substitute for treatment. Policies and procedures:	X			
Include provisions for administration of necessary nutrition and fluids, access to a toilet, and suitable clothing to provide for privacy;	X			
Provide for approval of the facility administrator, or designed shift supervisor, before a minor is placed into a safety room;	X			
Provide for continuous direct visual observation;	X			
Provide that the minor is evaluated by the facility administrator, or designee, every four hours;	X			
Provide for immediate medical assessment, where appropriate, or an assessment at the next daily sick call;	X			
Provide that a minor is medically cleared for continued retention every 24 hours;	X			
Provide that a mental health opinion is secured within 24 hours; and,	X			

April 20, 2012 – Lake County Probation Department Juvenile Home

ARTICLE/SECTION	YES	NO	N/A	COMMENTS
Provide a process for documenting the reason for placement, including attempts to use less restrictive means of control, observations of the minor during confinement, and decisions to continue and end placement.	X			

Summary of medical/mental health evaluation:

The number of youth detained in Juvenile Hall has been reduced to very low numbers so that the rated capacity has actually been officially reduced to 28 (2 wings open). On the date of the inspection, 19 youth were in custody. With changes at the state level, it is unclear whether the census will remain low indefinitely, or if increased demands will be placed on the local jurisdiction.

The available refrigerator is adequate for medications, but is not optimal for vaccine storage. It is recommended that either (a) a more suitable refrigerator be purchased to allow for vaccine storage or, if that is not feasible (e.g., due to space limitations), then (b) the current practice of daily temperature checks be continued and that vaccine storage be limited to only very short-term, small quantity storage.

There are significant limitations on the availability of inpatient mental health beds for youth. It is recommended that Lake County Mental Health Department be asked to pursue its avenues to advocate for a regional solution to make this level of treatment more readily available.

**BLANK PAGE**

# Hill Road Correctional Facility Oversight

## Summary:

The Public Safety Committee of the Civil Grand Jury conducted a mandatory oversight of the Lake County Jail located at the Hill Road Correctional Facility (HRCF).

## Background:

The HRCF is a type II facility—meaning a local detention facility for the housing of inmates pending arraignment, during the trial process, incarceration after sentencing and pending transportation to a state facility.

## Procedure:

The committee toured the jail on August 20, 2012, September 11, 2012, and September 17, 2012. The committee interviewed command staff, looked at grievance logs and maintenance records and obtained a copy of a recent CalOSHA Citation and Notification of Penalty, job descriptions for maintenance workers, the jail budget and the shift schedule. The committee also obtained a County of Lake Health Services complaint regarding shower conditions.

## Discussion and Facts:

After AB109 was implemented the jail received a one-time payment of 1.6 million dollars toward its budget from the state. Command staff stated \$150,000 is allotted for updating central control. Central control currently consists of two towers with two personnel overlooking and monitoring the correctional facility. Command staff is recommending combining the two central control towers into one updated central location. The usage of the remaining 1.45 million dollars has not yet been determined.

1. Extensive overcrowding is ongoing—command staff anticipates increasing inmate population over the next few years with no relief in sight.
2. Capacity of the facility is 286. At the time of the committee's last visit, population was 302. At the time of this report's initial writing, the population was 322.

3. Command staff stated exceeding capacity threatens officer's safety, inmate safety and causes unsafe working conditions.
4. The jail facility is undergoing continual remodeling and repair. The committee observed some of this labor being performed by inmate workers who appeared to be unsupervised.
5. At the time of each visit by the committee no maintenance personnel were on-site at the facility. On each visit the committee was advised all maintenance personnel were at the Middletown substation.
6. The committee visited the laundry room where three female inmates were working an eight hour shift from 7 am to 3 pm. There was a newly constructed metal cage behind two large industrial washing machines. This locked caged area contains large buckets of liquid laundry soap with a flow regulator for soap dispensing to minimize waste. Command staff stated they have saved thousands of dollars on soap after installing the soap dispenser. There were three large industrial dryers, one of which was broken. The laundry room appeared clean and well organized.
7. Most inmates are issued two pairs of underwear with one set of outer clothing per week.
8. There are nine PODs (cell blocks) A to I. These PODs house inmates with different classifications. There are two correctional officers assigned to each classification which are as follows: POD A – Protective Custody, POD B – Maximum Male Housing, POD C – Recidivists/institutionalized/in and out of the prison system several times, POD D – Have previously been in prison and have a rap sheet, POD E – Non-violent, least criminally minded, have never been to prison, POD F – Maximum General Population, POD G – Maximum Female/Mental Health, POD H – Women's Dorm and POD I – Men's Dorm. The committee toured PODs A and B only.
9. At the time of all three visits the air conditioner in the chow hall was non-operational. The climate in the room was very uncomfortable. After reviewing the Maintenance Repair Log it reflected several HVAC (heating, ventilation and air conditioning) units in the male dorm, female dorm and chow hall were non-operational. The repairs had not been made even though the parts had been ordered.

10. Command staff commented there had not been adequate preventable maintenance at the facility for years. Painting and the installation of new flooring, tile and shower curtains are in the process of being completed; however, the lack of proper drainage under the facility remains an issue with the floor.
11. The committee was introduced to the K-9 and his handler. Command staff stated the new K-9 program will be an asset to the jail in drug detection.
12. By a return to twelve hour shifts, as initiated by the Correctional Officers Union, the jail overtime budget has been reduced by \$100,000 according to jail command staff.
13. Fifteen inmates are on Home Detention. They are monitored by AWP (Alternate Work Program) staff with a company, known as Sentinel, having the Ankle Bracelet contract. Clients participating are charged a minimum of \$10/day with a maximum of \$20/day based on income. A judge can make a recommendation for AWP, however, cannot order it. If a judge was adamant about a client not being put on an electronic monitor, AWP would comply with the request; however, it is the jail staff's responsibility to determine who is placed on the program and their decision is reviewable and/or appealable by the jail commander. Criteria has been established at AWP which specifies who is not allowed to participate in the program. This includes sex registrants, arson registrants, anyone with pending cases, numerous FTA's (failure to appear), parole violations of violent crimes, prisoners who have escaped any place of detention, selling drugs to minors, major drug dealing and/or mental instability.
14. Twenty inmates, male and female, are attending parenting classes with eighteen attending personal improvement.
15. At the time of this initial writing, a General Education Diploma (GED) Program was in the process of being developed with twenty inmates having shown interest in participating. The program has subsequently started in February 2013.
16. The cost to house an inmate is \$82.00 per day. However the state reimburses the county \$77.17 per inmate per day. With AB109 and the hiring of six additional correctional officers, staff anticipates the Daily Jail Rate will be impacted. This is based on figures from California Department of Corrections and Rehabilitation, Office of Audits and Court Compliance. The last audit was produced in Fiscal Year 2008-09 and a current audit is anticipated in July of 2013.

## Findings:

- F 1. The overcrowding at the jail, due to AB109, has caused significant classification and housing issues. The mandatory annual state inspection performed by Standards Training and Corrections (STC) will most likely have a negative review.
- F 2. With budget and funding constraints in mind, it is vital that the county effectively and efficiently use the remaining 1.45 million dollars received as a result of AB109.
- F 3. With the absence of maintenance personnel at the jail some daily maintenance has been deferred and other repairs have not been attended to in a timely manner.
- F 4. Command staff has reduced costs to the jail by reassigning officers to twelve hour shifts.
- F 5. The laundry room has reduced their costs as a result of installing a new, more efficient soap dispenser.
- F 6. With the implementation of the electronic monitoring ankle bracelet program, overcrowding at the jail may be decreased.

## Recommendations:

- R 1. The county should explore how best to use the remaining AB109 monies, as well as identify other potential funding sources and alternatives, to address overcrowding at the jail. (F1, F2)
- R 2. Maintenance at the jail should be a higher priority than outside projects and scheduling of personnel should reflect that. (F3)

## Request for Responses:

- Sheriff (60 days)
- Board of Supervisors (90 days)

**BLANK PAGE**

# Lakeport Police Department Oversight

## Summary:

The Public Safety Committee of the Lake County Civil Grand Jury conducted an elective oversight of Lakeport Police Department whose boundaries of responsibility are the city limits.

## Background:

The Lakeport Police Chief has 23 years in law enforcement and has held his current position since May 18, 2011. Prior to becoming chief, he held the position of interim police chief for six months. The police lieutenant has a total of 18 years experience of which 15 have been with the Lakeport Police Department. He was recently promoted from sergeant on December 1, 2012. A town marshal served the Lakeport City from 1886 to 1927 at which time the Lakeport Police Department was incorporated.

## Procedure:

On December 4, 2012 the committee met with the Chief of Police and Police Lieutenant. The committee received a copy of the department's budget and personnel roster prior to the visit. (Appendix A) Copies of the Police Department's budget, personnel roster, city web page and Mission Statement were reviewed during a committee meeting.

## Discussion and Facts:

The chief stated the department is dedicated to providing a safe environment by working with city government and the community.

The income for the City of Lakeport has not kept pace with the rate of inflation over the past four years. The budget for Lakeport Police Department has decreased several hundred thousand dollars during this time period. This has adversely impacted the department, especially since incidents of crime in the community have been steadily increasing.

As a result of the Police Officer's Association recently re-negotiating a two-year contract with the city, morale within the department has improved, according to the chief.

There exists a positive working/mutual-aid agreement with the Lake County Sheriff's Office, the California Highway Patrol and the Clearlake Police Department. The chief dispatches officers to a mutual-aid operation in

Clearlake when needed. Lastly, the department has a strong volunteer program of nine individuals.

1. The department has eight full-time and two part-time sworn officers plus a paid Reserve Police Officer. At the time of the oversight one of the full-time officers had given notice, having taken employment elsewhere.
2. The department purchased new vehicles three years ago with a life expectancy of seven years. Their fleet consists of ten marked units with two or three older marked vehicles used by the volunteers. There are four unmarked vehicles which are used by police detectives and for out-of-county training. All but one of the marked vehicles have the Mobile Audio Visual (MAV) units used to document incidents as they occur.
3. The morale has improved with the adoption of the Police Officer's Association contract with the city negotiating a 3% retirement per year worked at age 55.
4. The department received a \$4,000 grant from the Department of Justice (DOJ) to be used toward the \$9,000 purchase of police bullet proof-vests. Each vest has a life expectancy of five years, at which time the department is planning to reapply for the DOJ grant.
5. The department lost their School Resource Officer (SRO) grant which funded the \$25,000 part-time position. The schools no longer have their assigned officer which has resulted in a decrease in student security and fewer law enforcement educational programs.
6. Due to budgetary cuts the department's canine program has also been discontinued. Police canines are commonly trained in protection, prevention and drug enforcement.
7. Crimes within Lakeport city limits have steadily increased over a ten-year period. The chief stated there were 8,000 incidents in which 4,000 were reported by the community and 4,000 were initially observed by on-duty officers. This resulted in approximately 1,200 written reports and 500 arrests. These statistics are from the first eleven months of 2012.
8. The chief is currently considering establishing the "You Are Not Alone" (YANA) program, to be administered by volunteers, for senior citizens and/or those in need of assistance. The program consists of a daily phone call to such individuals at a scheduled time thus building a rapport within the community. If the person

being called does not respond, an officer is dispatched to the residence for a welfare check.

#### Findings:

- F 1. The decrease in the budget has reduced the effectiveness of the police force, particularly in light of the increase of the crime rate.
- F 2. The loss of the School Resource Officer has negatively impacted the security on school campuses.
- F 3. The department's loss of the K-9 Unit has reduced its effectiveness in eradicating drugs in the community and the schools.
- F 4. Lakeport Police Department does not currently participate in the YANA program for seniors and shut-ins which would benefit the citizens of Lakeport.
- F 5. The police department is under-staffed, with one position unfilled. At the time of this oversight, the chief stated he was going to the City Council with a request to fill the vacant position.

#### Recommendations:

- R 1. Apply for any and all grants to assist in financing additional police officers and/or equipment. (F1)
- R 2. If no funding is available for an SRO contact Lakeport Unified School District for possible funding or rotate an officer daily to Lakeport Unified Schools for security. (F2)
- R 3. Find community-based funding for a K-9, preferably cross-trained for protection and narcotic detention. (F3)
- R 4. Initiate the YANA program. (F4)

#### Request for Responses:

- Lakeport Police Department (90 days)
- Lakeport City Council (90 days)

BLANK PAGE

## Public Services Committee

- Oversights

Financial and Educational Benefits To Be Derived From the Unification of Lake County School Districts.

Oversight of Educational Transportation in Lake County

# Financial and Educational Benefits To Be Derived From the Unification of Lake County School Districts

## Summary:

The Public Services Committee of the Lake County Civil Grand Jury (PSC) reviewed the cost of Lake County having seven separate school districts operating under seven seemingly identical administrations and revisited the benefit of consolidation.

With this report, the PSC established a cost estimate of the potential savings through consolidation/unification of these seven school districts into a single centrally administered school district.

An estimated \$40 million+/- of Lake County school expenditures between 2011 and 2015 has been and will be (under present circumstances) spent on redundant administration costs within the seven Lake County school districts.

The PSC reached its cost estimate using audited Lake County Office of Education (LCOE) data as reported to the California Department of Education.

## Background:

In 2009, the Lake County Board of Supervisors (BOS) adopted resolution #2009-15 requesting the Lake County Board of Education (LCBOE) form a committee for a preliminary exploratory study on school district reorganization for Lake County. A task force was formed and on December 8, 2009, it presented the "Lake County School District Reorganization Feasibility Report" to the BOS meeting. Per Lake County Resolution 75-309 (1975) the BOS transferred any duties and functions relative to the organization or reorganization of school districts to the LCBOE. There appears to have been no further action taken.

In the 2011-12 Lake County Civil Grand Jury Report the question of consolidation/unification of the Lake County school districts was again raised before the 2012 Lake County Board of Supervisors. Their response was:

“any action recommended by the Office of Education, which requires Board of Supervisors action, will be brought forward at the appropriate time.”

and that:

“the Board of Supervisors do (sic) not support the expenditure of funds to place a non-binding advisory vote on the ballot.”

It appears no further action was taken.

The PSC considered the following in its review:

- Using the data released by the California Department of Education there appears to be academic underperformance in Lake County schools.
- Financial restrictions in the various districts has resulted in deletion of many programs and services.
- Other school districts in the state have unified for financial benefit.
- Lake County School District Superintendents, in 2012, averaged over \$100,000 in base pay (not including benefits packages and incentives) as opposed to the average base pay (not including benefits packages and incentives) of teachers which is about half of that wage. The Civil Grand Jury in Santa Clara County’s 2009-2010 report [see Informational Websites on pg 7] on the effect of consolidation savings regarding teachers was summarized as:  
“The average total compensation (salary plus benefits) for an administrator in one of the existing unified districts is \$200,000. The average total compensation for a teacher in that same district is approximately \$80,000. At this rate, for every \$1 million in savings, 12.5 teachers could be retained or hired.”  
[Websites pg 7]

Procedure:

The PSC approached the Lake County school districts as a system.

The reason for approaching it as a system is to employ a comprehensive understanding of the processes for providing education to Lake County students.

The system can be functionally divided into three levels:

1. Executive Administration: LCOE is the authority the seven school districts report to and which prioritizes and assures that the costs of providing educational opportunities to the students is allocated according to governmental requirements.
2. District Administration: Consists of district superintendents, assistant superintendents, the district's school board, directors/department heads of district departments, administrative secretarial staff and other administration support staff.
3. Teaching: Defined as direct educational operations pertaining to education of students within Lake County schools. The Teaching function encompasses Certified Teaching staff supported by necessary teaching assistants and classified maintenance support staff.

For the purpose of this report, the PSC accepts that the Teaching staff serves to the best of their ability and within the resources provided by the school districts in which they are employed.

The seven individual LCOE school districts were contacted and data on their individual district administrations (financial information including but not limited to salaries, job descriptions, budgets and benefits packages) were obtained. The PSC reviewed this documentation but found data variances district-to-district made data interpretation problems difficult. By utilizing "object codes", which define expenditures, the PSC was able to track all spending on education within Lake County schools. These records are online for public reference; [www.cde.ca.gov](http://www.cde.ca.gov) [see Appendix A]

On 5/16/13, the PSC contacted the LCBOE to discuss the County Committee on School District Organization and obtained copies of the minutes of the last twelve meetings.

## Discussion and Facts:

1. The seven Lake County school districts are: Kelseyville, Konocti, Middletown, Lakeport, Upper Lake Elementary, Upper Lake High School and Lucerne Elementary. The first school district in Lake County was established in 1884 (Upper Lake Union Elementary District). The other six school districts were formed prior to 1925.
2. Lake County has seven school District Administrations some of which serve as few as 200 students. Most district administrations are comprised of district superintendents, assistant superintendents, members of the school board for each district, directors/department heads of district departments, administrative secretarial staff and other administration support staff. There are costs associated with Lake County District Administrations that include wages and salaries plus medical plans, retirement benefits and other incidental expenditures and benefits.
3. Most, if not all, of the Lake County schools are educationally underperforming academically, when compared to other school districts of similar demographics [source: California Department of Education [www.cde.ca.gov](http://www.cde.ca.gov)].
4. Several other California counties have unified/consolidated school districts and eliminated their administrations, with positive financial returns applied to the servicing of teaching. [For reports on this please see Bibliography and Websites pg 7].
5. Lake County has a total population of approximately 64,000, with 9,242 reported K-12 students in seven school districts with an ADA (average daily attendance) of approximately 8,400.
6. The seven school districts are all within an hour drive from LCOE which is located in Lakeport.
7. There are seven separate school boards each with stipends, allowances and benefits as reported by the LCOE for the approximately 28 board members. [Appendix A]
8. Other California counties have utilized the state laws to consolidate their school districts. [See Websites pg 7]
9. The legal statutory procedures required to consolidate Lake County school districts are lengthy. Estimates are that the process, once started in 2013, would not conclude for at least two years.
10. LCOE currently has in place an administrative structure which permits them to take responsibility for all of the administrative and

organizational tasks of a single unified and consolidated LCOE school district.

11. LCOE would require an updated and expanded Management Information System coupled with an Information Technology upgrade, using California Department of Education approved software. Additional costs will be incurred.
12. Further savings in school district expenditures could be realized from elimination or liquidation of collateral overheads (real estate, buildings and equipment) required to maintain existing school district administrations.
13. LCOE already acts as a reviewer for the seven school district's cost reports and is responsible for transmitting the reviewed data to the California Department of Education.
14. LCOE has reported that many educational and vocational training programs (e.g. most fine arts, career technical programs, computer training, music education, etc.) have been lost due to cost-cutting within the seven school districts in Lake County.
15. Although school safety and security is paramount in the county, it is not addressed in this report. LCOE, with the cooperation of District Administrations and law enforcement, are in the process of establishing a Resource Officer Program county-wide.
16. PSC recognizes each of the seven Lake County school districts has their own unique identity and characteristics (e.g. sports and other competitive programs).
17. PSC sought clarification of expenditure and budgetary data for LCOE school districts from them to validate data and findings. It was discovered that the Sacramento County Twin Cities School Consolidation report and the Santa Clara County Civil Grand Jury Report concerning consolidation of Santa Clara school districts indicated that significant cost savings had the potential to be realized through school district consolidation. [See Bibliography and Websites pg 7]
18. California Education Code Section 4000 states: "There is in each county . . . a county committee on school district organization." Section 4020 further clarifies that: "Upon the petition of the county committee on school district organization of a county . . . the State Board of Education may order the county board of education to act as the county committee on school district organization for that county." Lake County is one of the counties that the LCBOE acts

as the County School Committee on School District Organization (County Committee).

19. The California State Legislature has enacted into law a statutory scheme regarding the reorganization of school districts. It can be found in The California Education Code Sections 35510 – 35787 (for specifics please refer to Appendix B).

PSC has found relevant sections of the code regarding the issues contained in this report are as follows:

Section 35512 defines the “County Committee” which is referred to in some of the following Code Sections is defined as the “County Board of Education”.

Reorganization/unification/consolidation of all of the Lake County School Districts can be initiated by any of the following:

Section 35700(a) provides that an action to reorganize one or more school districts can be initiated by at least 25% of the registered voters residing in the territory proposed to be reorganized.

Section 35700(d) provides that an action to reorganize one or more school districts can be initiated by a majority of each of the members of the governing boards, i.e. district school boards, that would be affected by the proposed reorganization.

Section 35721(a) States: “On receipt of a petition signed by at least [ten] percent of the qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the petition at a regular or special meeting.”

Section 35721(c) provides that a majority of the Lake County Board of Supervisors can adopt a resolution and if so adopted, the “County Committee”, i.e. the Board of Education, shall hold a public hearing on the proposal at a regular or special hearing. Actions which are to be taken or have to be taken after the hearing are in the codes.

Section 35721 (d) provides that “following the hearing, the county committee shall grant or deny the petition. If the county committee grants the petition, it shall adopt a tentative

recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization.”

It is important to note that there are numerous directives and/or alternatives available which are written into the statutory scheme including appellate review by the California Department of Education. The intent of the PSC by providing the above brief description regarding initiating the process of unification/consolidation is meant to provide a focus only. Anyone wishing to further examine the process or needs further clarification, should consult the statutes cited herein, refer to Appendix B, or consult with an attorney. Nothing contained in this report is to be construed as the final word on the legal directives contained in the law.

### Findings:

- F 1. Based on the totality of the facts above, consolidation/unification of the seven Lake County school districts into one would be beneficial both financially and educationally to Lake County Schools.
- F 2. The PSC, guided by LCOE expenditure analysts, calculates that non-educational direct administration costs for the combined seven school districts amount to approximately \$10 million or approximately 15% of 2011-2012 Lake County total audited school expenditure of \$64,110,445. The potential savings may differ when the collateral costs of real estate, buildings and equipment are factored into the cost data. [See Appendix A]
- F 3. With the internet, instant communication links and two-way electronic access to each individual school in Lake County, LCOE administrative staff stated they can adequately and cost effectively manage all of the Lake County's seven school district administrations.
- F 4. There will be additional costs involved with the unification/consolidation process and the revising/upgrading of various systems upon completion of consolidation. These costs are unknown at this time but they should not curtail the effort of consolidation/unification. The potential savings realized could be funneled back to improve the education of Lake County students.
- F 5. Each of the seven Lake County school districts has their own unique identity and characteristics (sports and other competitive programs) which should remain unaffected by

unification/consolidation. Students should not be required to relocate to different schools.

- F 6. After review of the LCBOE regular meeting minutes for the last twelve months, it appears that no business for the County Committee has been conducted and no petitions for reorganization have been received.

### Recommendations:

- R 1. Residents of Lake County review the Lake County Civil Grand Jury's report in its entirety. (F1 – F6)
- R 2. The Boards of Trustees for all school districts in Lake County consult with the all school districts to identify opportunities for consolidation with a view to petitioning the County Superintendent of Schools pursuant to Education Code 35700. (F1 – F6)
- R 3. The Boards of Trustees for all Lake County school districts adopt and deliver to the CCSDO a resolution proposing consideration of consolidation all districts in Lake County, pursuant to Education Code Section 35721(c). F1
- R 4. The County Committee on School District Organization (CCSDO) formulate plans for the consolidation of Lake County school districts pursuant to Education Code Section 35720. F1
- R 5. The Lake County Board of Supervisors adopt and deliver to the CCSDO a resolution proposing consideration of consolidation of local school districts in Lake County, pursuant to Education Code 35721(c). F1
- R 6. The County Committee convenes one or more public hearings to gauge the electorate support for such unification/consolidation pursuant to Education Code Section 35700(a) and 35721(a). (F1)

### Request for Responses:

- County Commission for School District Organization (60 days)
- LCOE Superintendent of Schools (60 days)
- All Lake County School Districts Boards of Trustees (60 days)
- Lake County Board of Supervisors (90 days)

## Bibliography:

“Progress of the Lake County School District Reorganization Feasibility Report”, Lake County Civil Grand Jury, Final Report June 30, 2012, pp111-113

“Twin Rivers Unified School District Police Department”, Sacramento County Grand Jury, Final Report 2011-2012, pp 46-93

“Lake County School District Reorganization Feasibility Report” Lake County Board of Supervisors Resolution 2009-15, October 14, 2009

Escondido Union School District Unification Study, March 8, 2011

“Achieving School District Efficiency Through Consolidation”, 2009-2010 Santa Clara County Civil Grand Jury Report

## Informational Websites

For further information please see:

Santa Clara Report URL

[www.scscourt.org/court\\_divisions/civilian/gj/2010/SchoolDistrictConsolidation.pdf](http://www.scscourt.org/court_divisions/civilian/gj/2010/SchoolDistrictConsolidation.pdf)

Escondido report URL

[www.eusd4kids.org/10-11\\_Budget/030811EUSD\\_final\\_report-838.pdf](http://www.eusd4kids.org/10-11_Budget/030811EUSD_final_report-838.pdf)

Twin Rivers Sacramento Unification

<http://www.asbj.com/TopicsArchive/TwinRiversUnification>

# Appendix A

## Object Code Expenditure

2011-2012 Object codes	Expenditure by Object Code	Total reported expenditure	
Kelseyville			
	2200	\$ 115,085.00	
	2700	\$ 1,053,621.00	
3600 Admin + Benefits		\$ 245,207.00	
	7100	\$ 299,532.00	
3700 Admin +benefits		\$ 96,343.00	
	7200	\$ 299,374.00	
8100+benefits		\$ 120,652.00	
		\$ 2,229,814.00	\$ 12,168,784.00 18%
Konocti			
	2420	\$ 324,366.00	
	2490	\$ 109,924.00	
	2700	\$ 1,604,680.00	
3600 Admin +Benefits		\$ 48,851.00	
	7100	\$ 236,019.00	
	7110	\$ 92,500.00	
	7200	\$ 460,803.00	
	7540	\$ 21,907.00	
8100+benefits		\$ 18,990.00	
3700 Admin+benefits		\$ 141,021.00	
		\$ 3,101,560.00	\$ 22,607,894.00 14%
Lakeport			
	2700	\$ 870,035.00	
3600 Admin + benefits		\$ 61,703.00	
	7100	\$ 246,412.00	
	7200	\$ 216,554.00	
8100 +benefits		\$ 62,025.00	
3700 Admin + Benefits		\$ 71,434.00	
		\$ 1,528,163.00	\$ 10,623,941.00 14%
Middletown			
	2700	\$ 1,037,304.00	
	7100	\$ 148,786.00	
	7110	\$ 72,603.00	
	7200	\$ 25,335.00	

2012-13 Lake County Civil Grand Jury

8100+benefits		\$	12,188.00			
3700 Admin +Benefits		\$	41,459.00			
		\$	1,337,675.00	\$	11,655,388.00	11%
Lucerne						
	2700	\$	134,363.00			
	7100	\$	71,809.00			
	7200	\$	70,375.00			
8100+benefits		\$	66,990.00			
		\$	343,537.00	\$	1,466,319.00	23%
Upper Lake Elementary						
	2700	\$	283,683.00			
	7110	\$	47,395.00			
	7150	\$	125,405.00			
	7200	\$	44,361.00			
8100+benefits		\$	286,940.00			
		\$	787,784.00	\$	3,653,383.00	22%
Upper Lake High						
	2200	\$	19,955.00			
	2700	\$	325,656.00			
3600 Admin +Benefits		\$	17,434.00			
	7100	\$	53,822.00			
	7110	\$	7,367.00			
	7200	\$	105,853.00			
8100 +benefits		\$	80,566.00			
3700 Admin+ benefits		\$	59,378.00			
		\$	670,031.00	\$	2,934,736.00	23%
	TOTALS	\$	9,998,564.00	\$	65,110,445.00	15%

Object code (sub codes not shown)

2200 – Classified support salaries

2700 – School Administration

3600 – Workman’s Comp

3700 – Food services administration

7100 – Board Superintendent

7110 – School Board\*

7200 – Gen Administration

8100 – Classified benefits

\*only 5 districts reported this expenditure

# Appendix B

## Unified California Code

[www.cde.ca.gov](http://www.cde.ca.gov)

### UNIFICATION BASED ON EDUCATION CODE SECTION EC 35510 -35517 EDUCATION CODE - EDC

#### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000. - 64100.]

*( Title 2 enacted by Stats. 1976, Ch. 1010. )*

#### DIVISION 3. LOCAL ADMINISTRATION [35000. - 45460.]

*( Division 3 enacted by Stats. 1976, Ch. 1010. )*

#### PART 21. LOCAL EDUCATIONAL AGENCIES [35000. - 35787.]

*( Part 21 enacted by Stats. 1976, Ch. 1010. )*

#### CHAPTER 3. Reorganization of School Districts—General Provisions [35500. - 35586.]

*(Chapter 3 repealed and added by Stats. 1980, Ch. 1192, Sec. 2.)*

#### ARTICLE 2. Definitions [35510. - 35517.]

*( Article 2 added by Stats. 1980, Ch. 1192, Sec. 2. )*

#### [35510.](#)

Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 2.)*

#### [35511.](#)

An “action to reorganize districts” means either of the following:

(a) An action to form a new school district, which is accomplished through any of, or any combination of, the following:

(1) Dissolving two or more existing school districts of the same kind and forming one or more new school districts of that same kind from the entire territory of the original districts.

(2) Forming one or more new school districts of the same kind from all or parts of one or more existing school districts of that same kind.

(3) Unifying school districts, including the consolidation of all or part of one or more high school districts with all or part of one or more component school districts into one or more new unified school districts.

(4) Deunifying a school district, including the conversion of all or part of a unified school district into one or more new high school districts, each with two or more new component districts.

(b) An action to transfer territory, including the transfer of all or part of an existing school district to another existing school district.

*(Amended by Stats. 2009, Ch. 314, Sec. 1. Effective January 1, 2010.)*

[35512.](#)

“County committee” means the county committee on school district organization, organized and acting as provided for in Article 1 (commencing with Section 4000) of Chapter 1 of Part 3, or the county board of education, organized and acting as provided for in Article 2 (commencing with Section 4020) of Chapter 1 of Part 3.

*(Amended by Stats. 1987, Ch. 1452, Sec. 213.)*

[35513.](#)

For the purposes of any reference in this chapter to “districts of the same kind,” all elementary school districts are districts of the same kind, all high school districts are districts of the same kind, and all unified school districts are districts of the same kind.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 2.)*

[35514.](#)

“Districts” means school districts of every kind or class.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 2.)*

[35515.](#)

“Component district” means an elementary school district which is included within a high school district.

*(Amended by Stats. 1982, Ch. 466, Sec. 25.)*

[35516.](#)

“Former district” means a district which has been wholly included in another district. The boundaries of a former district are those of the district as it existed immediately prior to being wholly included in another district.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 2.)*

[35517.](#)

“Uninhabited territory” means territory in which fewer than 12 persons are registered to vote at least 54 days before the time of filing of a petition or adoption of a resolution for a school district boundary change.

*(Added by Stats. 2005, Ch. 344, Sec. 3. Effective January 1, 2006.)*

UNIFICATION BASED ON EDUCATION CODE SECTION EC 35700 -35712  
EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000. - 64100.]

*( Title 2 enacted by Stats. 1976, Ch. 1010. )*

DIVISION 3. LOCAL ADMINISTRATION [35000. - 45460.]

*( Division 3 enacted by Stats. 1976, Ch. 1010. )*

PART 21. LOCAL EDUCATIONAL AGENCIES [35000. - 35787.]

*( Part 21 enacted by Stats. 1976, Ch. 1010. )*

CHAPTER 4. Reorganization of School Districts [35700. - 35787.]

*( Chapter 4 added by Stats. 1980, Ch. 1192, Sec. 3. )*

*ARTICLE 1. Reorganization of School Districts by the Electorate [35700. - 35712.]*

*( Article 1 added by Stats. 1980, Ch. 1192, Sec. 3. )*

[35700.](#)

An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

(a) At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in that territory in each of those districts.

(b) A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.

(c) The owner of the property, provided that territory is uninhabited and the owner thereof has filed either a tentative subdivision map with the appropriate county or city agency or an application for any project, as defined in Section 21065 of the Public Resources Code, with one or more local agencies.

(d) A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.

2012-13 Lake County Civil Grand Jury

*(Amended by Stats. 1995, Ch. 267, Sec. 2. Effective January 1, 1996.)*

35700.1.

(a) A county superintendent of schools may do any of the following, as necessary, with respect to the reorganization of school districts within the jurisdiction of a county superintendent of schools:

(1) Prior to the initiation of an action to reorganize, a county superintendent of schools may do any of the following:

(A) Provide information, coordination, and guidance to potential petitioners for reorganization and to other parties inquiring about the petition process.

(B) Provide procedural advice and counseling.

(C) Provide information and assistance for community meetings, information sessions, and briefing sessions.

(D) Provide for coordination of media and community relations.

(2) A county superintendent of schools may perform the following duties for the processing and evaluation of multiple petitions to reorganize one or more school districts:

(A) Ensure compliance with all requirements pertaining to the petitions.

(B) Ensure compliance with all required timelines or deadlines for petitions.

(C) Apply new and preexisting evaluation criteria to the petition.

(3) A county superintendent of schools may provide assistance to newly reorganized school districts during the interim period, as follows:

(A) To ensure smooth transitions with minimum disruption to pupils and staff.

(B) To provide advisory and consulting expertise on any of the following:

(i) Board and administrative policies and regulations.

(ii) Personnel policies.

(iii) Curriculum.

(iv) Instructional programs and services.

(v) Financial and budgeting functions.

(vi) Distribution of assets and liabilities.

(b) No funds allocated to the Los Angeles County Office of Education pursuant to the Budget Act shall be used to instigate, solicit, or promote the development of plans to reorganize a school district or school districts within the jurisdiction of the county office of education; provided, however, that the funds may be used to support the research necessary to review and make recommendations regarding reorganization plans that are submitted to the county office of education.

*(Added by Stats. 1996, Ch. 296, Sec. 1. Effective January 1, 1997.)*

[35700.3.](#)

A petition filed under Section 35700 shall be required to reasonably identify the territory to be reorganized, which identification may include references to streets or prominent geographic features. The inclusion of legal descriptions or plat maps, or both, however, shall not be a prerequisite for the filing of a valid petition.

*(Added by Stats. 1998, Ch. 906, Sec. 1. Effective January 1, 1999.)*

[35700.5.](#)

Before initiating proceedings to consider any reorganization plan, the county committee on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area.

*(Added by Stats. 2000, Ch. 761, Sec. 1. Effective January 1, 2001.)*

[35701.](#)

In any petition to reorganize school districts there shall be designated no more than three of the petitioners as chief petitioners for the purpose of receiving notice of any public hearings to be held on the petition.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

[35702.](#)

The persons securing the signatures to a petition of electors to reorganize school districts shall attach thereto an affidavit that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

[35703.](#)

Any petition filed under this article may include any of the appropriate provisions specified in Article 3 (commencing with Section 35730).

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

[35704.](#)

The county superintendent of schools, within 30 days after any petition for reorganization is filed, shall examine the petition and, if he or she finds it to be sufficient and signed as required by law, transmit the petition simultaneously to the county committee and to the State Board of Education.

*(Amended by Stats. 2000, Ch. 1058, Sec. 18. Effective January 1, 2001.)*

35705.

Within 60 days after receipt of the petition, the county committee shall hold one or more public hearings thereon at a regular or special meeting in each of the districts affected by the petition. Notice of the public hearing shall be given at least 10 days in advance thereof to not more than three persons designated in the petition as the chief petitioners, to the governing board of all districts affected by the proposed reorganization, and to all other persons requesting notice of the hearing.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

35705.5.

(a) The county committee may add to the petition any of the appropriate provisions specified in Article 3 (commencing with Section 35730) which were not included in the petition as filed and may amend any such provision which was so included.

(b) At least 10 days before the public hearing, or hearings, on the petition, the county committee shall make available to the public and to the governing boards affected by the petition a description of the petition, including all of the following:

- (1) The rights of the employees in the affected districts to continued employment.
- (2) The revenue limit per unit of average daily attendance for each affected district and the effect of the petition, if approved, on such revenue limit.
- (3) Whether the districts involved will be governed, in part, by provisions of a city charter and, if so, in what way.
- (4) Whether the governing boards of any proposed new district will have five or seven members.
- (5) A description of the territory or districts in which the election, if any, will be held.
- (6) Where the proposal is to create two or more districts, whether the proposal will be voted on as a single proposition.
- (7) Whether the governing board of any new district will have trustee areas and, if so, whether the trustees will be elected by only the voters of that trustee area or by the voters of the entire district.
- (8) A description of how the property, obligations, and bonded indebtedness of existing districts will be divided.
- (9) A description of when the first governing board of any new district will be elected and how the terms of office for each new trustee will be determined.

*(Added by Stats. 1980, Ch. 1192, Sec. 3.)*

[35706.](#)

(a) Within 120 days of the commencement of the first public hearing on the petition, the county committee shall recommend approval or disapproval of a petition for unification of school districts or for the division of the territory of an existing school district into two or more separate school districts, as the petition may be augmented, or shall approve or disapprove a petition for the transfer of territory, as the petition may be augmented.

(b) The 120-day period for approving or disapproving a petition pursuant to Section 35709 or 35710 shall commence after certification of an environmental impact report, approval of a negative declaration, or a determination that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

*(Amended by Stats. 2009, Ch. 314, Sec. 3. Effective January 1, 2010.)*

[35706.5.](#)

(a) No action to reorganize the boundaries of a school district shall be initiated or completed without the consent of a majority of all of the members of the governing board of the school district if both of the following conditions apply to the school district:

(1) It has obtained an emergency apportionment loan from the State of California, but the Superintendent of Public Instruction has determined that a state administrator is no longer necessary, and has restored, prior to the effective date of this section, the legal rights, duties, and powers of the governing board of the district pursuant to Section 41326.

(2) It has a student population 70 percent of which is from either a "lower income household" or "very low income household" as those terms are defined in Sections 50079.5 and 50105, respectively, of the Health and Safety Code.

(b) For purposes of this section, for any school district that meets the description specified in paragraph (1), consent to an action to reorganize the boundaries of the school district shall no longer be required when 10 years have elapsed from the date of final payment by the school district of the emergency loan to the State of California.

*(Added by Stats. 2000, Ch. 599, Sec. 1. Effective January 1, 2001.)*

[35707.](#)

(a) Except for petitions for the transfer of territory, the county committee shall expeditiously transmit the petition to the State Board of Education together with its recommendations thereon. It shall also report whether any of the following, in the opinion of the committee, would be true regarding the proposed reorganization as described in the petition:

(1) It would adversely affect the school district organization of the county.

(2) It would comply with the provisions of Section 35753.

(b) Petitions for transfers of territory shall be transmitted pursuant to Section 35704.

*(Amended by Stats. 2000, Ch. 1058, Sec. 19. Effective January 1, 2001.)*

#### 35708.

Except for a petition to form one or more school districts approved pursuant to subdivision (b) of Section 35710, a petition transmitted pursuant to Section 35707, including the plans and recommendations included therein, if any, together with the recommended approval or disapproval and the plans and recommendations, if any, of the county committee shall be heard by the state board as provided in Article 4 (commencing with Section 35750).

*(Amended by Stats. 2009, Ch. 314, Sec. 4. Effective January 1, 2010.)*

#### 35709.

If the following conditions are met, the county committee may approve the petition and order that the petition be granted, and shall so notify the county board of supervisors:

(a) The county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 are substantially met, and:

(b) Either:

(1) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing boards of all school districts involved in the transfer consent to the transfer; or

(2) The petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred, and all of the governing boards have consented to the transfer.

*(Amended by Stats. 1990, Ch. 1658, Sec. 3.)*

#### 35710.

(a) For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 substantially are met, the county committee may approve the petition and, if approved, shall notify the county superintendent of schools who shall call an election in the territory of the districts as determined by the county committee, to be conducted at the next election of any kind in accordance with either of the following:

(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.

(2) Division 4 (commencing with Section 4000) of the Elections Code.

(b) A county committee also may approve a petition to form one or more school districts if the requirements of subdivision (a), and the following conditions, are met:

(1) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012, and that county committee chooses to accept that authority.

(2) The governing board of each of the affected school districts consents to the petition.

(3) The secretary of the county committee designated as the lead agency pursuant to Section 35710.3 or subdivision (a) of Section 35520.5 enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) A petition to form one or more school districts that meets the conditions described in subdivision (b), but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. The state board, rather than the county committee, shall be the lead agency, as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision, including a petition disapproved by the county committee after determining the project is exempt from the California Environmental Quality Act pursuant to paragraph (5) of subdivision (b) of Section 21080 of the Public Resources Code.

*(Amended by Stats. 2009, Ch. 314, Sec. 5. Effective January 1, 2010.)*

#### 35710.1.

Notwithstanding any other provision of law, an election may not be called to vote on a petition to transfer territory if the election area for that petition, as determined pursuant to Section 35732, is uninhabited territory as described in Section 35517. The county committee, if it approves that petition, shall order that the petition be granted and shall notify the county board of supervisors.

*(Added by Stats. 2005, Ch. 344, Sec. 7. Effective January 1, 2006.)*

#### 35710.3.

A county committee shall be the lead agency, as defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13

(commencing with Section 21000) of the Public Resources Code) for each petition it considers pursuant to Sections 35709 and 35710, unless the state board is the lead agency pursuant to subdivision (c) of Section 35710.

*(Added by Stats. 2009, Ch. 314, Sec. 6. Effective January 1, 2010.)*

[35710.5.](#)

(a) An action by the county committee approving or disapproving a petition pursuant to Section 35709, 35710, or 35710.1 may be appealed to the State Board of Education by the chief petitioners or one or more affected school districts. The appeal shall be limited to issues of noncompliance with the provisions of Section 35705, 35706, 35709, or 35710. If an appeal is made as to the issue of whether the proposed transfer will adversely affect the racial or ethnic integration of the schools of the districts affected, it shall be made pursuant to Section 35711.

(b) Within five days after the final action of the county committee, the appellant shall file with the county committee a notice of appeal and shall provide a copy to the county superintendent of schools, except that if the appellant is one of the affected school districts it shall have 30 days to file the notice of appeal with the county committee and provide a copy to the county superintendent. Upon the filing of the notice of appeal, the action of the county committee shall be stayed, pending the outcome of the appeal. Within 15 days after the filing of the notice of appeal, the appellant shall file with the county committee a statement of reasons and factual evidence. The county committee shall then, within 15 days of receipt of the statement, send to the State Board of Education the statement and the complete administrative record of the county committee proceedings, including minutes of the oral proceedings.

(c) Upon receipt of the appeal, the State Board of Education may elect either to review the appeal, or to ratify the county committee's decision by summarily denying review of the appeal. The board may review the appeal either solely on the administrative record or in conjunction with a public hearing. Following the review, the board shall affirm or reverse the action of the county committee, and if the petition will be sent to election, shall determine the territory in which the election is to be held. The board may reverse or modify the action of the county committee in any manner consistent with law.

(d) The decision of the board shall be sent to the county committee which shall notify the county board of supervisors or the county superintendent of schools pursuant to Section 35709, 35710, or 35710.1, as appropriate.

*(Amended by Stats. 2005, Ch. 344, Sec. 8. Effective January 1, 2006.)*

[35710.51.](#)

The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next available regular election, in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the State Board of Education pursuant to Section 35710.5(c), as determined by the State Board of Education. The county superintendent shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed.

*(Added by Stats. 1990, Ch. 1658, Sec. 6.)*

[35711.](#)

(a) A person questioning the finding of the county committee pursuant to Section 35709 or 35710 that the action to transfer territory or form one or more school districts will not adversely affect the racial or ethnic integration of the schools of the districts affected, may appeal a decision based on that finding. The appeal shall be made to the state board within 30 days. The appeal shall be based upon factual and statistical evidence.

(b) If the state board denies the appeal, the decision of the county committee shall stand. If the state board approves the appeal, it shall review the findings of the county committee at a regular meeting of the state board.

(c) The state board shall notify the county committee of its decision on the appeal. If the state board approves the appeal, the county committee shall transmit a copy of the proceedings to the state board within 30 days after receipt of notice. The state board shall review the transcript, considering all factors involved. The state board may reverse, or may affirm, the decision of the county committee, or if it appears that inadequate consideration was given to the effect of the transfer on integration of the schools of the districts affected, it shall direct the county committee to reconsider its decision and for this purpose to hold another hearing.

*(Amended by Stats. 2009, Ch. 314, Sec. 7. Effective January 1, 2010.)*

[35712.](#)

The State Board of Education may adopt rules and regulations for the implementation of this article, as it deems necessary.

*(Added by Stats. 1990, Ch. 1658, Sec. 7.)*

EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000. - 64100.]

( Title 2 enacted by Stats. 1976, Ch. 1010. )

DIVISION 3. LOCAL ADMINISTRATION [35000. - 45460.]

( Division 3 enacted by Stats. 1976, Ch. 1010. )

PART 21. LOCAL EDUCATIONAL AGENCIES [35000. - 35787.]

( Part 21 enacted by Stats. 1976, Ch. 1010. )

CHAPTER 4. Reorganization of School Districts [35700. - 35787.]

( Chapter 4 added by Stats. 1980, Ch. 1192, Sec. 3. )

*ARTICLE 2. County Committee on School District Organization Plans and Recommendations for District Reorganization [35720. - 35724.]*

( Article 2 added by Stats. 1980, Ch. 1192, Sec. 3. )

[35720.](#)

Each county committee on school district organization shall, under the direction of the State Board of Education, formulate plans and recommendations for the organization of the districts in the county or any portion thereof including, if appropriate, a portion of one or more adjacent counties.

(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)

[35720.5.](#)

(a) The county committee shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization at least 30 days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education.

(b) The public hearing required by this section shall be called when both of the following conditions are met :

(1) Notice is sent to the governing board of each school district involved at least 10 days before the hearing.

(2) Notice of the hearing is either published in a newspaper of general circulation or posted in every schoolhouse and at least three public places in the affected territory, district, or districts.

(c) The notice shall contain information as to the time, place, and purpose of the hearing.

(Amended by Stats. 2000, Ch. 1058, Sec. 20. Effective January 1, 2001.)

[35721.](#)

(a) On receipt of a petition signed by at least 10 percent of the qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the petition at a regular or special meeting.

(b) On receipt of a petition signed by at least 5 percent of the qualified electors residing in a school district with over 200,000 pupils in average daily attendance in which the petition is to reorganize the district into two or more districts, the county committee shall hold a public hearing on the petition at a regular or special meeting.

(c) On receipt of a resolution approved by a majority of the members of a city council, county board of supervisors, governing body of a special district, or local agency formation commission that has jurisdiction over all or a portion of the school district for consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the proposal at a regular or special meeting.

(d) Following the hearing conducted pursuant to subdivision (a), (b), or (c), the county committee shall grant or deny the petition. If the county committee grants the petition, it shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization. The provisions of Sections 35705 and 35705.5 shall apply to any such public hearing.

*(Amended by Stats. 2000, Ch. 761, Sec. 1.5. Effective January 1, 2001.)*

#### 35721.5.

Before initiating proceedings to consider any reorganization plan, the county committee on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area.

*(Added by Stats. 2000, Ch. 761, Sec. 2. Effective January 1, 2001.)*

#### 35722.

Following the public hearing, or the last public hearing, required by Section 35720.5 or subdivision (d) of Section 35721, the county committee may adopt a final recommendation for unification or other reorganization and shall transmit that recommendation together with the petition filed under subdivision (a) or (b) of Section 35721, or with the resolution filed under subdivision (c) of Section 35721, if any, to the State Board of Education for hearing as provided in Article 4 (commencing with Section 35750); or shall transmit the petition to the State Board of Education and order the reorganization granted if the requirements of Section 35709 are satisfied; or shall transmit the petition to the State Board of Education and order that an election be held if the requirements of Section 35710 are satisfied.

*(Amended by Stats. 2005, Ch. 344, Sec. 9. Effective January 1, 2006.)*

[35723.](#)

When a county committee selects an area for study for possible recommendation for reorganization which includes territory of one or more school districts under the jurisdiction of the county superintendent of schools of another county, the county committee shall so notify the members of the county committee of such other county. Thereafter, the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

[35724.](#)

If plans and recommendations adopted by a county committee propose changes in the boundaries or status of school districts under the jurisdiction of the superintendent of any adjacent county, the county committee of each such adjacent county shall be requested in writing to concur in the plans and recommendations.

If the county committee of an adjacent county concurs in the plans and recommendations, the concurrence shall accompany the recommendations transmitted to the State Board of Education.

If the county committee of an adjacent county fails to respond to the request for concurrence within 90 days of the date of the request, such failure shall be deemed to be a concurrence in the plans and recommendations.

If a county committee of an adjacent county does not concur in the plans and recommendations, it shall so notify the other county committee in writing and accompany the notification with plans and recommendations for the reorganization of school districts of its county including territory that would be affected by the plans and recommendations of the other county committee. After 60 days from the notification of nonconcurrence, if the county committees are still unable to agree upon plans and recommendations for reorganization of the territory, the county committees, or any of them, may submit plans and recommendations to the State Board of Education, and the board may approve or reject the plans, or any of them, in the same manner as other plans and recommendations.

*(Repealed and added by Stats. 1980, Ch. 1192, Sec. 3.)*

## Overview of the Process of Unification

UNIFICATIONS INITIATED BY OWNERS OF UNINHABITED TERRITORY, A 25 PERCENT PETITION, OR A DISTRICT GOVERNING BOARD

1. Initiation of Proposals for Unification (*EC 35700*)

- a. Petition signed by the owner(s) of uninhabited territory; or,
- b. Petition signed by at least 25 percent of the registered voters in the inhabited territory proposed to be reorganized (if the territory proposed for reorganization is located within two or more school districts, the signatures of at least 25 percent of the registered voters from that territory in each school district are required); or,
- c. Petition signed by a majority of the members of the governing boards of all affected districts; or,
- d. Petition signed by a number of registered voters equaling 8 percent of the number of votes cast in the last gubernatorial election petition to reorganize a district with over 200,000 ADA into two or more districts.

2. Determination of Sufficiency and Transmittal of Petition Within 30 days of Receipt (*EC 35704*)

- a. County superintendent must determine sufficiency of petition within 30 days.
- b. A 25 percent or 8 percent petition must be verified by the county department of elections.
- c. The county Grand Jury and the State Board of Education must be apprised of a sufficient petition.

3. Public Hearings (*EC 35705, 35705.5*). A public hearing in each affected district must be held by the county Grand Jury within 60 days of receipt of the petition.

4. Notice to Local Agency Formation Commission (*EC 35700.5*). Before initiating proceedings to consider any reorganization plan, the county Grand Jury on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area.

5. County Grand Jury Study of the Unification (*EC 35753*). The county Grand Jury must determine the impact of the unification on the conditions listed in *Education Code Section 35753*.

6. Approval Process (*EC 35706, 35707, 35752 through 35755*)

- a. Within 120 days of the first public hearing, the county Grand Jury must make a recommendation to approve or disapprove the petition.
- b. The county Grand Jury may make a recommendation regarding the area of election.
- c. The county Grand Jury transmits the petition, report, and recommendations to the State Board of Education.
- d. The State Board of Education holds public hearings on CEQA and the unification proposal.
- e. The State Board of Education approves or disapproves the petition.
- f. If approval is given, the county superintendent calls an election in an area determined by the State Board of Education.

UNIFICATION INITIATED BY 10% PETITION OR LOCAL AGENCY

1. Initiation of Proposals for Unification (*EC 35720, EC 35721*)

- a. Petition signed by at least 10 percent of the registered voters of the entire district; or,
- b. Petition signed by at least 5 percent of the registered voters to reorganize a district with over 200,000 ADA into two or more districts; or,

c. Resolution approved by a majority of the members of a city council, county board of supervisors, governing body of a special district, or local agency formation commission.

2. Preliminary Hearing (*EC 35721*)

a. Following the hearing, the county Grand Jury must grant or deny the petition.

b. If the petition is granted, the county Grand Jury must adopt tentative plans and recommendations.

3. Public Hearing (*EC 35720.5, 35721*). The county Grand Jury is required to hold a public hearing in the area proposed for reorganization. The public hearing should be held no later than 60 days after adopting a tentative recommendation.

4. Notice of Hearing (*EC 5362, 5363, 35705, 35705.5, 35720.5*). The county Grand Jury shall send a notice to the governing board of each school district involved and to the chief petitioners as appropriate at least ten days prior to the hearing. The notice must contain information about the time, place, and purpose of the hearing. The notice of the public hearing must be either:

a. Posted at three public places in the school districts involved and at every school in each school district involved, or

b. Published in a newspaper of general circulation published within the school district, or, if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

A description of any additions and amendments to the petition be made available to the public and to the governing boards affected by the petition at least ten days before the public hearing.

5. Notice to Local Agency Formation Commission (*EC 35721.5*).

Before initiating proceedings to consider any reorganization plan, the county Grand Jury on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area.

6. County Grand Jury Study of the Unification (*EC 35706, 35709, 35710, 35722*).

The county Grand Jury study must determine the impact of the unification on the conditions listed in *Education Code* Section 35753.

7. Approval Process (*EC 35722, 35752 through 35755*)

a. Within 120 days of the first public hearing, the county Grand Jury shall make a final recommendation to approve or disapprove the petition.

b. The county Grand Jury may make a recommendation regarding the area of election.

c. The county Grand Jury transmits reports and recommendations to the State Board of Education.

d. The State Board of Education holds public hearings on CEQA and the unification proposal.

e. The State Board of Education approves or disapproves the petition.

f. If approval is given, the county superintendent calls an election in an area determined by the State Board of Education.

## COUNTY GRAND JURY PLANS AND RECOMMENDATIONS FOR REORGANIZATION

1. Proposal formulated under the direction of SBE (*EC 35720*)
2. Public Hearing (*EC 35720.5, 35721*). The county Grand Jury is required to hold a public hearing in the area proposed for reorganization. The public hearing should be held no later than 60 days after adopting a tentative recommendation.
3. Notice of Hearing (*EC 5362, 5363, 35705, 35705.5, 35720.5*). The county Grand Jury shall send a notice to the governing board of each school district involved and to the chief petitioners as appropriate at least ten days prior to the hearing. The notice must contain information about the time, place, and purpose of the hearing. The notice of the public hearing must be either:
  - a. Posted at three public places in the school districts involved and at every school in each school district involved, or
  - b. Published in a newspaper of general circulation published within the school district, or, if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.A description of any additions and amendments to the petition be made available to the public and to the governing boards affected by the petition at least ten days before the public hearing.
4. Notice to Local Agency Formation Commission (*EC 35721.5*). Before initiating proceedings to consider any reorganization plan, the county Grand Jury on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area.
5. County Grand Jury Study of the Unification (*EC 35706, 35709, 35710, 35722*). The county Grand Jury study must determine the impact of the reorganization on the conditions listed in *Education Code Section 35753*.
6. Approval Process (*EC 35722, 35752 through 35755*)
  - a. Within 120 days of the first public hearing, the county Grand Jury should make a final recommendation to approve or disapprove the petition.
  - b. The county Grand Jury may make a recommendation regarding the area of election, if required.
  - c. The county Grand Jury transmits reports and recommendations to the State Board of Education.
  - d. The State Board of Education holds public hearings on CEQA and the reorganization proposal.
  - e. The State Board of Education approves or disapproves the petition.
  - f. If approval is given and an election is required, the county superintendent calls an election in an area determined by the State Board of Education.

### California Educational Code Section 35753

- (a) The State Board of Education may approve proposals for the reorganization of districts, if the board has determined, with respect to the proposal and the resulting districts, that all of the following conditions are substantially met:
- (1) The reorganized districts will be adequate in terms of number of pupils enrolled.
  - (2) The districts are each organized on the basis of a substantial community identity.
  - (3) The proposal will result in an equitable division of property and facilities of the original district or districts.

- (4) The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.
- (5) Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
- (6) The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the education programs in the districts affected by the proposed reorganization.
- (7) Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
- (8) The proposed reorganization is primarily designed for purposes other than to significantly increase property values.
- (9) The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.
- (10) Any other criteria as the board may, by regulation, prescribe.
- (b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

**BLANK PAGE**

# Oversight of Educational Transportation in Lake County

## Summary:

The Public Services Committee of the Lake County Civil Grand Jury reviewed the Lake County Office of Education (LCOE) Transportation System. The Committee was guided by a study prepared by the School Services of California [LCOE Transportation Study, September 16, 2011, Appendix B].

## Background:

LCOE has seven school districts within its boundaries. The seven school districts are Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Lucerne Elementary School District, Middletown Unified School District, Upper Lake Union Elementary School District and Upper Lake Union High School District. [See Appendix A]

These separate school districts have their own transportation departments, with the exception of Upper Lake High School and Upper Lake Elementary School who operate out of one bus barn. Lucerne Elementary School also uses the Upper Lake High School resources for mechanical needs and training of personnel. Kelseyville Unified School District has the contract to service all of the special education transportation for the county.

The LCOE Transportation Study recommended three options for bussing Lake County students K-12:

Option One: Form a lead local transportation agency which would be located in the Office of Education.

Option Two: Form two separate transportation agencies: one in the north end of Lake County and the second located in the south portion of the county.

Option Three: a Joint Powers Agency (JPA) could be formed to provide all transportation. This JPA would be a separate legal authority (See Ad Hoc's JPA Report for additional clarity.)

## Procedure:

The committee reviewed the September 16, 2011 LCOE Transportation Study [Appendix B]. The committee contacted each transportation department of each school district and made appointments to visit their facilities.

January 23, 2013: the committee met with, and toured the facilities of, the Transportation Department of the Middletown Unified School District located at 17110 Butts Canyon Road. The committee conducted interviews with personnel and obtained various documents pertaining to the operation of their system.

January 29, 2013: the committee met with, and toured the facilities of, the Transportation Department of the Kelseyville Unified School District located at 5090 Park Street (the location of their bus barn). The committee conducted interviews with personnel and obtained various documents pertaining to the operation of their system.

February 5, 2013: the committee met with, and toured the facilities of, the Transportation Department of the Konocti Unified School District located at Highway 53 and Old Highway 53 in Clearlake. The committee conducted interviews with personnel and obtained various documents pertaining to the operation of their system.

February 12, 2013: the committee met with, and toured the facilities of, the Transportation Department of the Lakeport Unified School District located on 2508 Howard Avenue at the northwest portion of the campus for the school district. The committee conducted interviews with personnel and obtained various documents pertaining to the operation of their system.

February 13, 2013: the committee met with, and toured the facilities of, the Transportation Department of the Upper Lake Union High School District located at 675 Clover Valley Road. The Director stated the high school and the Upper Lake Union Elementary School District share the high school's bus barn. The elementary school owns three buses and pays the Upper Lake Union High School for maintenance and transporting their students.

February 20, 2013: the committee met with the Director of Transportation for Lucerne Elementary School District. The Director/Principal stated they own two buses, one of which is brand new. The buses are kept on site, 3351 Country Club Drive. The district pays Upper Lake Union High School District for maintenance and training.

## Discussion and Facts:

1. Lake County has a unique topography which dictates the individual school district's transportation needs and routes.
2. Discussion with lead personnel and transportation departments revealed that they would prefer the service facilities/bus barns remain where they are located. This is due to various factors including, but not limited to, fuel consumption and mileage travelled within each school district.
3. After visiting the various school districts it was found that the policies and procedures for record keeping and Information Technology (IT) were inconsistent.
4. Special education student transportation is currently handled by an agreement with Kelseyville Unified School District and operated by same. The short buses used for special education students are owned by LCOE.
5. There are two granting agencies, The California Environmental Protection Agency Air Resources Board ([www.arb.ca.gov](http://www.arb.ca.gov)) and The Small School Bus Grant (for districts with less than 1900 students) that frequently make grant monies available for the purchase of school buses in all districts.
6. All school buses must be inspected regularly by the California Highway Patrol.
7. An outside firm does random drug and alcohol testing for bus drivers in all districts.
8. None of the school districts keep a substantial inventory of replacement parts.
9. All school districts are negatively affected by budget shortfalls. This has required them to consolidate departmental duties under existing staff. There are only two full time Transportation Directors in Lake County (Kelseyville Unified School District and Lakeport Unified School District). The other districts must rely on certified staff such as the principal or teachers to manage the departments.
10. All school district administrations are aware of the Transportation Study and have been making improvements, as they are able, within their departments.
11. The Transportation Study was not well received by various districts because they felt it was flawed by numerous inaccuracies.

12. Over the last several years there have been only minor accidents involving buses. There have been no injuries.
13. The dollar amount each Transportation Director is authorized to spend without prior administrative authorization varies within each district.
14. Many of the bus drivers are assigned other duties in order to achieve full time status.
15. Most of the school districts have fuel storage tanks on their facilities for diesel and gasoline. The majority of the tanks are secured.
16. There is a consortium within six of the school districts for fuel purchases. The purchases are determined by bid. The exception is the Lucerne Elementary School District which purchases fuel through the North Shore Fire Department.
17. All districts have procedures to handle discipline problems on the buses.
18. All the new buses have seatbelts and cameras on board.
19. The committee found there is a lack of security in the Middletown bus barn. The security fence is unrepaired due to budgetary constraints. A security camera and fuel have been stolen.
20. The Lakeport bus barn is equipped with a security system that is linked to law enforcement.
21. Not all districts use common computer software inventory control programs for tracking parts, fuel and equipment.
22. The nine passenger vans are used for school functions, i.e. school competitions and sports. They are part of the "white fleet". [See Appendix B]
23. Presently, each transportation district's personnel document their own budgetary needs, fuel consumption, mileage, requisition of equipment, etc. to their individual districts.
24. The Transportation Directors indicated that several bus drivers in various districts will be retiring within the school year. They also indicated a concern that replacing these individuals will be challenging due to the complexity of the application process.
25. At present none of the school buses or white fleet are equipped with Global Positioning System (GPS) transponders which would enhance transportation operations, student safety and security.

## Findings:

- F 1. The various transportation departments are doing an excellent job considering the budgetary constraints under which they operate.
- F 2. Each district handles purchasing according to their own needs.
- F 3. The procedures are fairly uniform between districts.
- F 4. Administrative savings could be realized with centralized Information Technology for record keeping and purchasing. This could eliminate the teaching staff, principals, et al. from being responsible for transportation needs of the students (see “The Educational and Financial Benefits Derived from the Unification of all Lake County School Districts” in the 2012-2013 Civil Grand Jury Report).
- F 5. The inclusion of GPS transponders allows for real-time location reporting which enhances student safety and security.
- F 6. Middletown bus barn security is in need of repairs

## Recommendations:

- R 1. The transportation departments of all districts be commended for their performance under difficult circumstances. (F1)
- R 2. The committee recommends coordination of administration and IT into one office with one director. This can facilitate better contracts, inventory control and recordkeeping and governmental reporting. The IT system can further facilitate performance measurement of staff and facilities. This could eliminate the teaching staff, principals, et al from being responsible for transportation needs of the students. (F4)
- R 3. All buses and white fleet in the county have GPS transponders installed. (F5)
- R 4. The Middletown School District repair their security fence to control theft. (F6)

## Request for Responses:

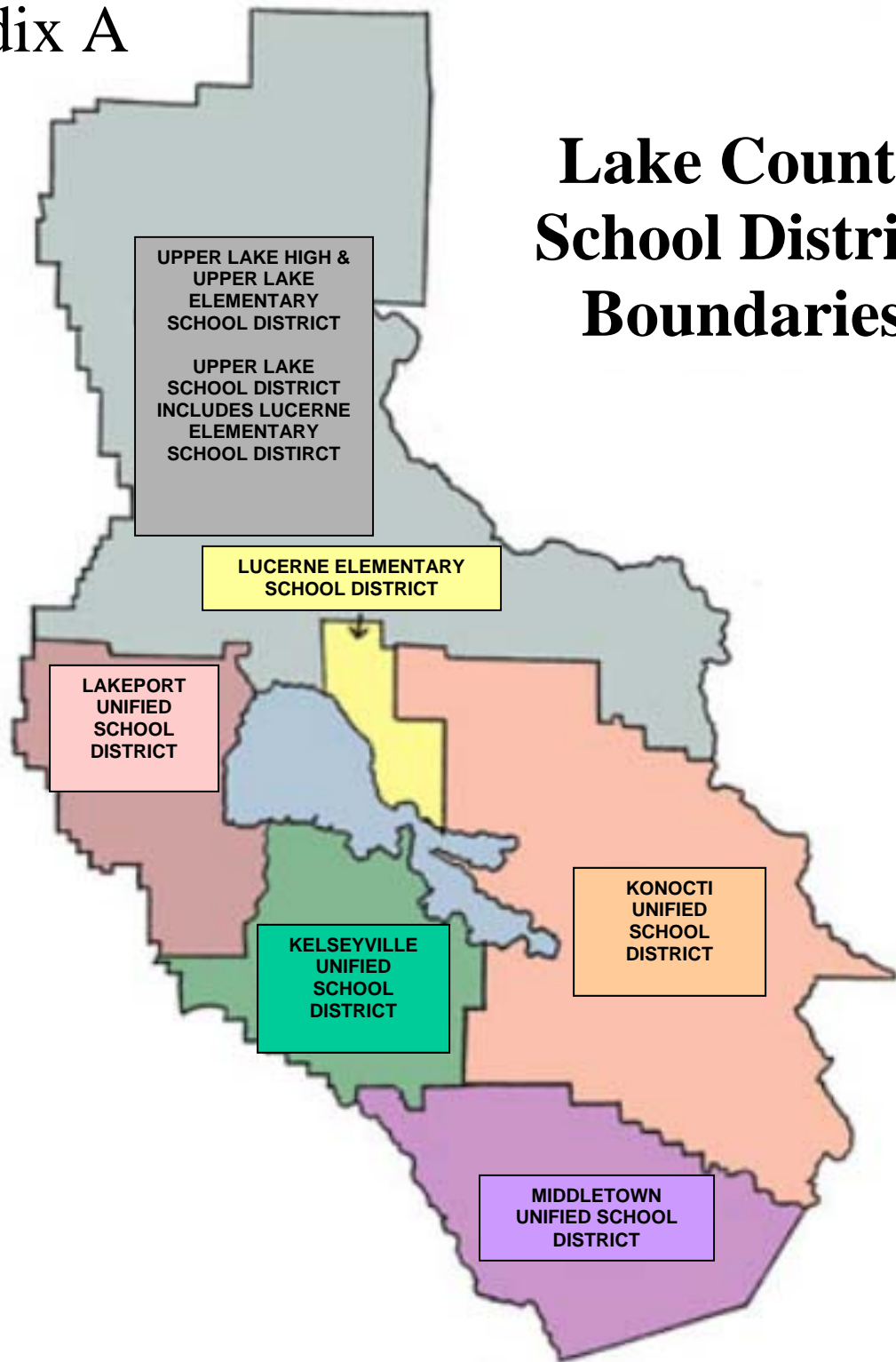
- Lake County Office of Education (60 days)
- All seven school districts (60 Days):

Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District,  
Lucerne Elementary School District, Middletown Unified School District, Upper Lake Union  
Elementary School District, Upper Lake Union High School District

2012-13 Lake County Civil Grand Jury

# Appendix A

## Lake County School District Boundaries



# Appendix B

Lake County Office of Education  
Transportation Study  
September 16, 2011

# Lake County Office of Education

## TRANSPORTATION STUDY

SEPTEMBER 16, 2011

### Prepared By:

MICHELE HUNTOON, CPA  
ASSOCIATE VICE PRESIDENT

BUD BANKSTON  
TRANSPORTATION EXPERT/CONSULTANT

TOM CARROLL  
TRANSPORTATION EXPERT/CONSULTANT

# Lake County Office of Education

## TRANSPORTATION STUDY

SEPTEMBER 16, 2011

Prepared By:

MICHELE HUNTOON, CPA  
ASSOCIATE VICE PRESIDENT

BUD BANKSTON  
TRANSPORTATION EXPERT/CONSULTANT

TOM CARROLL  
TRANSPORTATION EXPERT/CONSULTANT

Copyright © 2011 by  
School Services of California, Inc.  
1121 L Street, Suite 1080  
Sacramento, CA 95811  
(916) 446-7517  
FAX (916) 446-2011  
www.sscal.com

All rights reserved. These materials may not be duplicated in any way without the expressed written consent of School Services of California, Inc., except in the form of brief excerpts or quotations or as a teaching guide to employees of the school agency or organization that contracted for this report. Making copies of this report or any portion for any purpose other than your own or as noted above, is a violation of United States copyright law.

SCHOOL SERVICES OF CALIFORNIA, INC.

# Lake County Office of Education

## TRANSPORTATION STUDY

SEPTEMBER 16, 2011

Prepared By:

MICHELE HUNTOON, CPA  
ASSOCIATE VICE PRESIDENT

BUD BANKSTON  
TRANSPORTATION EXPERT/CONSULTANT

TOM CARROLL  
TRANSPORTATION EXPERT/CONSULTANT



September 16, 2011

1211 Street

.

State 1290

.

Sacramento

.

California 95824

.

TEL: 916.446.3517

.

FAX: 916.446.2011

Mr. Wally Holbrook  
County Superintendent of Schools  
Lake County Office of Education  
1152 South Main Street  
Lakeport, CA 95453

Dear Mr. Holbrook:

Thank you for allowing School Services of California, Inc. (SSC) to assist the Lake County Office of Education in a review of its seven school districts and the County Office of Education in Lake County to identify ways for efficiency in providing transportation services to their communities. We are pleased to provide you with the following report

The attached report contains information that will provide information to assist the District to ensure the transportation program is effectively managed. Please let us know if we can be of service in providing any additional clarification regarding our review. We thank you for the confidence you have placed in SSC.

Sincerely,

MICHELE HUNTOON, CPA  
Associate Vice President

An Employee-Owned  
Company

**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY..... 1**  
*Shared Services Options..... 1*  
*Operational Recommendations..... 7*

**PURPOSE ..... 4**

**SCOPE AND METHODOLOGY ..... 5**

**TRANSPORTATION STUDY..... 6**  
*Background..... 6*  
*Shared Services Options..... 6*

**OPERATIONAL FINDINGS AND RECOMMENDATIONS ..... 18**  
*Kenyon Unified School District..... 18*  
*Operational Recommendations..... 20*  
*Kenyon Unified School District..... 21*  
*Upper Lake Elementary School..... 23*  
*Upper Lake Union High School District and Upper Lake Urban Elementary School District..... 24*  
*Operational Recommendations..... 26*  
*Fortuna Elementary School District..... 27*  
*Operational Recommendations..... 27*  
*Kenyon Unified School District..... 29*  
*Operational Recommendations..... 31*  
*Addressing a Unified School District..... 31*  
*Operational Recommendations..... 36*

**CONCLUSION..... 37**



## Executive Summary

At the request of the County Superintendent of Schools in Lake County, School Services of California, Inc., (SSC) entered into a contract to conduct a review of the efficiencies among seven school districts and the Lake County Office of Education (COE) in the areas of home-to-school and special education transportation. It is essential for the operation of an organization to be efficient and effective in support of the delivery of educational services to the current and future students attending district schools.

Interviews were held with each of the seven schools districts – Kelseyville Unified School District (USD), Konocti USD, Lakeport USD, Lucerne Union Elementary School District (UESD), Middletown USD, Upper Lake UESD, and Upper Lake Union High School District (UHSD). We conducted interviews with personnel in the Business and Transportation Departments, including cabinet, management, and support staff members. In addition, we reviewed documents provided by all of the organizations through the Lake COE.

We are pleased to provide the following constructive information critical to an effective organization:

### SHARED SERVICES OPTIONS

We provide three separate options for review and discussion among the school agencies within Lake County to determine a consensus for one of the options. All options are viable; it will be the collaborative discussion among the group that will determine the best fit. All of the options will provide efficiency and effectiveness related to transportation services for students in support of the academic programs provided throughout the county. A collaborative discussion among the districts will determine the option that will be the best fit for the group. The options include:

**Option No. 1: Lead Local Educational Agency** – This option would include the designation of one school agency within the county to manage regular education and special education needs pupil transportation services for all of the Lake County Schools in an effort to gain efficiency and economic savings that would be beneficial to the districts.

Upon evaluation of the transportation operations of all of the Lake County school districts, it is recommended that Kelseyville USD become the lead local educational agency (LEA) under this option. This recommendation is based upon their location and their vehicle maintenance facility.

**Option No. 2: Lead Agency in North and South County** – This option would be structured as two locations functioning as the lead agencies for transportation services; one at the north end of the county and one at the south end of the county to manage regular education and special needs

pupil transportation services to gain efficiency and economic savings that would be advantageous to the districts.

#### South County

In the south end of Lake County, it is recommended that Lakeport USD, Kelseyville USD, Konocti USD, and Middletown USD join together to provide regular education and special education needs pupil transportation services under this option. It is recommended that Kelseyville USD become the lead LEA in the south county area. This recommendation is based upon their locations and vehicle maintenance facilities.

#### North County

A combined north county operation is already in place between Upper Lake UESD and Upper Lake UHSD. Upper Lake UHSD manages the transportation operations for both the high school and the elementary school districts, and it is recommended that the high school district serve as the lead for the north county area. Transportation for students with special needs is provided by Kelseyville USD for both districts. It is recommended that this service remain with Kelseyville USD.

Additionally, it is recommended that Lucerne UESD combine their pupil transportation services with the Upper Lake UESD and high school districts.

**Option No. 3: Joint Powers Agency** – This option recommends creating a joint powers agency (JPA), which is the establishment of a separate legal entity. This structure is similar to Option No. 1 with a single lead LEA countywide, but with the formalization of a separate legal entity. Therefore, it would be one agency managing the transportation services throughout the county.

The formation of a JPA would include sharing capital, overhead, and operational expenses among JPA member districts. This move can reduce overall costs and increase the quality of service and safety.

As with other forms of cooperative transportation ventures, the attraction of the JPA exists only with a need for transportation improvement. Without the “desire” catalyst, trying to sell such a venture to the neighboring school districts is a wasted effort. However, if a need in a transportation system has been identified in one or more of several areas this form of shared operation might be attractive. Most areas of deficiency can be identified as:

- ✚ Overall costs too high
- ✚ Additional replacement buses needed, but not affordable
- ✚ Inadequate vehicle maintenance



- ✦ Inadequate facilities
- ✦ Need for driver training and evaluation
- ✦ Personnel difficulties
- ✦ Inability to maintain a roster of qualified regular/substitute bus drivers
- ✦ Less than suitable management

A joint powers transportation agency operates as a cooperative venture, having its own governing board, complete in-house administrative functions, comprehensive management organization, budgetary control, and the attractive feature of control by the participating districts.

#### OPERATIONAL EFFICIENCIES

Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered, including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations
- ✦ Create staffing ratios that are commensurate with the volume of vehicle maintenance required to be performed
- ✦ Monitor fuel usage, inventory, purchases, and prepare monthly reconciliations of fuel usage
- ✦ Establish a regular physical parts inventory
  - Remove old or obsolete inventory and return unused parts to vendors for credit, and reduce the number of tires inventoried
- ✦ Replace older buses; utilizing the small school district bus replacement program (applicable to all of the districts except for the Konocti USD) and any funding available from the Lower Emission School Bus Replacement Program
- ✦ Explore options to modify bell schedules in order to provide transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services

- ↓ All buses should be used as efficiently as possible; utilizing them for multiple grade levels
- ↓ Implement a Department of Motor Vehicle (DMV) pull notice program for van drivers who are employed by the districts and require DMV H-6 reports for non-employees
- ↓ Review current inventory and utilization of white fleet vehicles to determine if all vehicles are necessary in completing tasks of the school districts

Key recommendations are included in this Executive Summary and were selected to indicate the scope of suggested changes. Each section of the report contains additional recommendations that will have an impact on the overall considerations as it relates to management decisions for the transportation services provided throughout the county.

---

## Purpose

---

The purpose of this review is to assess the transportation efficiencies within Lake County among the seven school districts and the Lake COE in the areas of home-to-school and special education.

Lake COE is interested in exploring possible opportunities to reduce costs and secure greater efficiencies in the delivery of transportation services for seven districts and the COE.

To this end, we analyzed each district's past, current, and projected expenditures for transportation, which includes regular home-to-school and special education transportation. In addition, this analysis includes an examination of the percentage of transportation costs in relation to the overall budgets of the districts, a review of the trends in revenues/expenditures for the areas, and an assessment of all of the assumptions that underlie the districts' budget projections.

The feasibility study includes a review of various workload measures, where available, for home-to-school and special education transportation, such as the number of students transported, miles covered, and routes needed to provide services. These workload measures will provide information that will be used to determine the feasibility of combining or sharing responsibility for the delivery of these services.

The feasibility study will also identify factors that could pose barriers to collaborating on the delivery of services among the districts and the COE. These factors could include logistical barriers, organizational constraints, resource limitations, or various other factors.

---

## Scope and Methodology

---

The scope of our review consisted of gathering information/data through site-level interviews and document reviews. The interviews were coordinated through the COE and included school district budget staff, program staff and managers, and district leadership.

To complete the analysis, various budget and program documents were reviewed. These documents reflected past expenditure and service levels, as well as projections of future service demands and resource requirements.

We reviewed the current methodologies used by the districts for the transportation program through an analysis of data from the districts and interviews with the business office, transportation department, and administration. To that end, we reviewed documents relating to the existing transportation methodologies used for bus routes, organizational structure, policies and procedures, and compared existing conditions with “best practices.” In addition, we have provided recommendations focused on implementation of these best practices.

We have presented pros and cons of various shared service models, including a JPA, a memorandum of understanding, an informal collaboration and other practices, and where practical, estimated potential savings from sharing services throughout the county and identified potential barriers to its implementation.

Additionally, we have included recommendations related to operational issues, which are intended to provide a basis for management decisions and actions to allow the organization to maximize talents of the leadership team members and enhance the efficiency and effectiveness of the organization.

## Transportation Study

### BACKGROUND

Lake County is situated in the northern central portion of California north of Napa and Sonoma Counties with a population of approximately 65,000. Lake County is comprised of approximately 1,329 square miles, which includes the 68 square miles of Clear Lake (the largest freshwater lake situated entirely within the boundaries of California). The majority of the population resides in cities situated around the lake. A significant portion of the northern part of the county is comprised of the Mendocino National Forest, which is uninhabited. The population density of the county is 48 persons per square mile and approximately 24% of those residents are under the age of 18.

Current data indicates that the largest employers within the county are public; followed by retail, tourism, and casinos. School districts comprise the largest, employing almost 1,500; followed by Lake County, who employs approximately 850.

The seven school districts of Lake County operate more than 21 schools, including 16 that offer education through the eighth grade and five that offer education for grades nine through 12. Additionally, there are adult, alternative, community, court, and various alternative education facilities in each of the districts.

### SHARED SERVICES OPTIONS

#### **Option No. 1: Lead Agency**

Utilizing the option of a LEA to manage regular education and special education needs pupil transportation services for all of the Lake County schools would gain efficiency and economic savings that would be beneficial to the districts.

Upon evaluation of the transportation operations of all of the Lake County school districts, it is recommended that Kelseyville USD become the lead LEA under this scenario. This recommendation is based upon their location and vehicle maintenance facility.

The number of bus routes and bus drivers needed would be dependent on how flexible the school districts are with school calendars and consistent countywide bell schedules. By utilizing countywide bell schedules, it allows for all grade levels to be transported on the same buses. It provides an opportunity for districts to combine buses and routes, which on the natural, results in fewer buses and bus drivers. With the use of countywide bell schedules among the districts, a route evaluation would determine the exact cost savings for student transportation.

A route evaluation is a function of the supervisory and driver training staff to ensure that inefficiencies do not exist and that the buses are loaded to the maximum capacity allowed. Inefficiencies would include: duplication of bus service in the same areas (neighborhoods); idle time before, between, or after routes; and loading buses to capacity takes into account the geographical area, as well as the number of students who can be placed on the bus in a reasonable timeframe.

School calendars should remain consistent countywide in order to minimize costs. The calendar and bell schedule are inseparable in avoiding inefficiencies by maximizing equipment and personnel. Deviation from either will result in increased costs.

The buses would be housed at several locations throughout the county in order to reduce deadhead time and miles. The multiple park-outs would also assist with parking issues, since the number of buses owned by the school districts in Lake County exceeds the available parking at the Kelseyville USD transportation facility.

Kelseyville USD has the largest maintenance facility among the school districts in Lake County. The existing transportation building is very old and would be costly to remodel and modernize. After some house cleaning and organization, the existing facility would be adequate until a new facility could be built or a more modern building acquired.

After the fieldwork was completed, the notion of selling the property where the bus barn is located in Kelseyville USD has been discussed. In addition, the thought of leasing back the facility will be necessary in order for Kelseyville USD to maintain transportation services to the students. There seems to be no compelling motive to sell the property only for Kelseyville USD to become a tenant. This would have the appearance of adding additional costs (for rent) where none currently exist today. Either way, Kelseyville USD will still need a bus yard. Kelseyville USD has been recommended due to location, fleet size, staffing, and current available space.

A vehicle maintenance software program would be needed to track vehicle maintenance/inspection records, parts inventory, and vehicle operating cost. In order to track fuel usage, inventory, and cost, the implementation of a fuel monitoring system is recommended.

The recommended staffing for the combined operation is:

- ✦ Director
- ✦ Supervisor
- ✦ Dispatcher/Router
- ✦ Driver Instructor

- ✦ Lead Bus Driver
- ✦ Clerical Personnel

The vehicle maintenance staff would consist of the following positions:

- ✦ Lead Mechanic
- ✦ Mechanic
- ✦ Service Mechanic

The above referenced positions will be required in order to maintain:

- ✦ 50 buses
- ✦ 72 white fleet vehicles

Currently, there are 74 school buses assigned to 42 daily routes in Lake County.

The white fleet includes maintenance/grounds vehicles, other passenger vehicles, and district vehicles, which are not school buses.

Since Kelseyville USD has the largest transportation facility among all of the school districts in Lake County, it is recommended that the aforementioned staffing positions be housed at this location. The Lead Bus Driver would be housed at the Upper Lake UHSD's bus park-out area to assist in coordinating transportation services in the vicinity.

This option of a lead LEA to manage all pupil transportation services would require a Multilateral Interagency Agreement. There are several principal attributes that must be resolved between all of the school districts prior to any formal agreement being drafted, including:

- ✦ Ownership of the school bus fleet
- ✦ Labor agreements and restrictions
- ✦ Liability
- ✦ Method of accurately calculating and dividing the total cost of pupil transportation among the districts
- ✦ Reduction of the current school bus inventory from 74 to 50 and reducing the number of spare buses from 32 to eight

This particular option may be the most significant for two reasons.

First, a majority of any school district's budget consists of employee salary and benefits. Presently, among the seven school districts in Lake County there are four classified supervisory positions overseeing pupil transportation. Additionally, there are six mechanic positions and approximately nine hours of clerical support. The potential for cost savings with this option would be significant based on the reduction of supervisory and mechanical staff. The current allocated clerical time would be sufficient for a department of this size. Other recommended departmental positions such as Dispatcher/Router and Driver Instructor would be filled at salary placements that are at a lower level than the Supervisor and Mechanic salary schedules. This option would reduce the number of supervisory personnel from four to two and the number of mechanic positions from six to three; one of which would be a service mechanic position that would be placed lower on the salary schedule.

Second, fleet reduction alone is a compelling reason to explore this option. Currently, 33% of the school bus inventory could be sold for surplus; creating a cash flow that could help provide for adequate vehicle maintenance facilities and eliminate one-third of the current vehicle maintenance expenditures, including liability insurance.

A potential savings associated with this Option related to the salaries and benefits for management, dispatcher, driver instructor, clerical, and mechanics is included in Appendix A.

#### **Option No. 2: Two Lead Agencies in the County**

Utilizing the option of having both a north and south county lead LEA to manage regular education and special needs pupil transportation services would be a gain in efficiency and economic savings that would be advantageous to the districts.

#### **South County**

Upon evaluation of the transportation operations for all of the Lake County school districts, it is recommended that Lakeport USD, Kelseyville USD, Konocti USD, and Middletown USD join together to provide home-to-school and students with special needs transportation services under this option. It is recommended that Kelseyville USD become the lead LEA in the south county area. This recommendation is based upon their locations and vehicle maintenance facilities.

The number of bus routes and bus drivers needed would be dependent on how flexible the school districts are with countywide consistent bell schedules. By utilizing countywide consistent bell schedules, it allows for all grade levels to be transported on the same buses. It provides an opportunity for districts to combine buses and routes, which on the natural, results in fewer buses and bus drivers. With consistent countywide bell schedules among the districts, a route evaluation would determine the exact cost savings for student transportation.

The buses would be housed at two locations – Kelseyville USD and Middletown USD transportation facilities. The maintenance of the buses and other district vehicles would be maintained at one centralized maintenance facility.

Kelseyville USD has the largest maintenance facility among school districts in Lake County. The existing transportation building is very old and would be costly to remodel and modernize. After some house cleaning and organization, the existing facility would be adequate until a new facility could be built or a more modern building acquired.

A vehicle maintenance software program would be required to track vehicle maintenance/inspection records, parts inventory, and vehicle operating cost.

In order to track fuel usage, inventory, and cost, the implementation of a fuel monitoring system is recommended.

A combined south county operation would be composed of the following positions:

- ↓ Director
- ↓ Dispatcher/Router
- ↓ Driver Instructor
- ↓ Clerical Personnel

The vehicle maintenance staff would consist of the following positions:

- ↓ Lead Mechanic
- ↓ Mechanic
- ↓ Service Mechanic

The above referenced positions will be required in order to maintain:

- ↓ 44 buses
- ↓ 64 white fleet vehicles

Currently, there are 64 school buses assigned to 37 daily routes in the southern portion of Lake County.

Since Kelseyville USD has the largest transportation facility among all of the school districts in Lake County, it is recommended that placement of the aforementioned staffing positions be made at this location.

This option of a lead LEA to manage all pupil transportation services in the southern part of the county would require a Multilateral Interagency Agreement. There are several principal attributes that must be resolved between all of the school districts prior to any formal agreement being drafted, including:

- ↓ Ownership of the school bus fleet
- ↓ Labor agreements and restrictions
- ↓ Liability
- ↓ Method of accurately calculating and dividing the total cost of pupil transportation amongst the districts
- ↓ Reduction of the current inventory of school buses from 64 to 44 and reducing the number of spare buses from 20 to seven in the south

#### North County

A combined north county operation is already in place between Upper Lake UESD and Upper Lake UHSD. Both districts provide buses to transport the high school and elementary students. The Director of Transportation for the high school district manages the transportation operations for both the high school and the elementary school districts. The elementary school district reimburses the high school district 60% of the transportation costs to transport their students. Transportation for students with special needs is provided by Kelseyville USD for both districts. It is recommended that this service remain with Kelseyville USD.

The high school district owns and maintains the buses in their district-owned facility. The high school district's mechanic also maintains their white fleet vehicles. The elementary school district's white fleet vehicles are maintained by their lead building maintenance employee. Lucerne UESD owns two buses and provides their own transportation services. However, they do have an agreement with Upper Lake UHSD to provide maintenance for those two buses.

It is recommended that Lucerne UESD combine their pupil transportation services with the Upper Lake UESD and high school districts. It is also recommended that Upper Lake UHSD manage the north county area for transportation.

The use of countywide bell schedules among the three school districts would increase efficiency in bus routing. Consistent bell schedules would allow them to share buses and bus routes, resulting in transportation cost savings.

It is recommended that the buses from Upper Lake UESD and Lucerne UESD continue to be maintained at the Upper Lake UHSD's maintenance facility. This facility is adequate for the amount of equipment to be maintained. A vehicle maintenance software program would be needed to track vehicle maintenance/inspection records, parts inventory, and vehicle operating cost.

In order to track fuel usage, inventory, and cost, the acquisition of a fuel monitoring system is recommended.

The transportation staff should consist of a Supervisor/Mechanic in order to be able to maintain:

- ✦ Seven buses
- ✦ Eight white fleet vehicles

There are currently ten school buses assigned to five daily routes in the northern portion of Lake County.

This option of a lead LEA to manage all pupil transportation services would require a Multilateral Interagency Agreement. There are several principal attributes that must be resolved between all of the school districts prior to any formal agreement being drafted, including:

- ✦ Ownership of the school bus fleet
- ✦ Labor agreements and restrictions
- ✦ Liability
- ✦ Method of accurately calculating and dividing the total cost of pupil transportation between the districts
- ✦ Reduction of the current inventory of school buses from ten to seven and reducing the number of spare buses from five to two in the north

Other recommended departmental positions such as Dispatcher/Router and Driver Instructor would be filled at a salary placement that is at a lower level than the Supervisor and Mechanic salary schedules. The recommended position of Supervisor/Mechanic should also be required to obtain a California School Bus Driver Instructor Certificate and be responsible for the training of all North County school bus drivers.

This option is the most manageable due to the fact that there is a cooperation of services and staff that has already been established in the upper portion of the County. This option would only require minimal changes in these three school districts and the majority of the efforts could then be directed to the remaining districts.

A majority of any school district's budget consists of employee salary and benefits. Presently, among the seven school districts in Lake County there are four classified supervisory positions overseeing pupil transportation. Additionally, there are six mechanic positions and approximately nine hours of clerical support. The potential for cost savings with this option would be significant in the reduction of supervisory and mechanical staff. The current allocated clerical time would be sufficient for the southern districts. The northern districts could utilize one or two hours per day from a part-time driver position. Other recommended departmental positions such as Dispatcher/Router and Driver Instructor would be filled at a salary placement that is at a lower level than the Supervisor and Mechanic salary schedules. This option would reduce the number of supervisory personnel from four to two and the number of mechanic positions from six to three; one of which would be a service mechanic position and placed lower on the salary schedule.

Fleet reduction alone is a compelling reason to explore this option. Approximately 31% of the current school bus inventory could be sold for surplus; creating a cash flow that could help provide for adequate vehicle maintenance facilities and eliminate almost one-third of the current vehicle maintenance expenditures, including liability insurance.

A potential savings associated with this Option (North and South) related to the salaries and benefits for management, dispatcher, driver instructor, clerical, and mechanics is included in Appendix A.

**Option No. 3: Joint Powers Agency**

This option recommends the creation of a JPA. A JPA is allowed and defined by the Joint Exercise of Powers Act, Title 1, Division 7, Chapter 5, Article 1 (Sections 6500, et al.) of California Government Code. This section allows common government agencies to form a separate public agency to provide a common service. The powers of a new agency formed are identical to the agencies that formed it, and they should be clearly defined in the JPA agreement. The JPA agreement is the document that defines the service(s) that the Agency will provide and outlines the powers and responsibilities of the newly established JPA.

Fleet reduction alone is a compelling reason to explore this option. Approximately 33% of the current school bus inventory could be sold for surplus; creating a cash flow that could help provide for adequate vehicle maintenance facilities and eliminate almost one-third of the current vehicle maintenance expenditures, including liability insurance.

Many school districts are facing tough decisions regarding student transportation and may be considering the formation of a JPA to share capital, overhead, and operational expenses with others. This move can reduce overall costs and increase the quality of service and safety.

As with other forms of cooperative transportation ventures, the attraction of the JPA exists only with a need for transportation improvement. Without the “desire” catalyst, trying to sell such a venture to the neighboring school districts is a wasted effort. However, if a need in a transportation system has been identified in one or more of several areas, this form of shared operation might be attractive. Most areas of deficiency can be identified as:

- ↓ Overall costs too high
- ↓ Additional replacement buses needed, but not affordable
- ↓ Inadequate vehicle maintenance
- ↓ Inadequate facilities
- ↓ Need for driver training and evaluation
- ↓ Personnel difficulties
- ↓ Inability to maintain a roster of qualified regular/substitute bus drivers
- ↓ Less than suitable management

A joint powers transportation agency operates as a cooperative venture, having its own governing board, complete in-house administrative functions, comprehensive management organization, budgetary control, and the attractive feature of control by the participating districts.

The prime ingredient of a successful JPA must be each participant’s individual dedication to the overall effectiveness of the venture. Compromises must be made by the individual districts to enhance the agency’s ability to provide services as needed in the most effective manner to all members. Selfish entry into such an arrangement (only to enhance a district’s own situation) may be fatal to the organization or would eventually lead to the eviction of the participant.

The strength of the agency is also very dependent upon the relationship between the board and the director. The director must oversee all functions of the agency, including, but not limited to: operations, vehicle maintenance, personnel, fiscal, policy, collective bargaining, and public relations matters. The board must allow the director to perform these tasks, meeting regularly to discuss major developments and administering much like a school board.

The selection of the director is a key aspect for success, and should be the first task completed, when organizing the JPA. This person should have administrative abilities very similar to those of a good business manager and superintendent. They will deal with complex operational and personnel issues, financial decisions, and public relations. Former experience in school transportation should not be made imperative when recruiting for this position. A good management person will be “up to speed” in school transportation matters in a short period of time and will choose a staff with the talents needed to operate the agency’s departments. In most instances, it would be preferable to convert a strong manager into a Director of Transportation; rather than attempt to place a transportation employee into a position that requires highly developed management skills.

The governing board is made up of representatives from the participant districts. Members may be selected by each participant from their trustees and/or administrators – one per district. An alternative method would reduce a large JPA’s board size by selection from representatives of a portion of the districts; alternating the representatives so that districts serve on the board an equal amount of time. All districts should be fairly represented without utilizing a cumbersome-sized board.

A JPA is entered into pursuant to the authority conferred by Education Code Section 11001 and the Joint Exercise of Powers Act (Government Code Section 6500 et seq.). The ingredient of a JPA must, at a minimum, include the following statements:

- ↓ Authority to form a JPA
- ↓ Purpose of the JPA
- ↓ Services that must be performed
- ↓ Participant district’s responsibilities
- ↓ Formulas for the participants’ reimbursement to the agency
- ↓ Ownership of buses and equipment
- ↓ Procedures for dissolution or withdrawal
- ↓ Steps to be taken for involuntary termination
- ↓ Method for modification of the agreement
- ↓ Establishment of the governing board and its bylaws
- ↓ Listing of participants and signatures entering into the agreement

The number of bus routes and bus drivers needed would be determined by the countywide bell schedules among the districts. In order to benefit from the maximum efficiency, districts would have to be open to combining pupil transportation services with other districts. This would reduce the number of buses and bus drivers needed. To assist in gaining those efficiencies on bus routes, the purchase of a bus routing software program is recommended.

The buses would be housed at several locations throughout the county to reduce deadhead time and miles. It would also assist with parking issues since the number of buses owned by Lake County school districts exceeds the amount of parking available at any one transportation facility within the county. The Kelseyville USD transportation facility is the largest in the county, but housing all buses in one location would not be cost effective or efficient.

The maintenance of buses and other district vehicles would be maintained at one centralized maintenance facility.

Kelseyville USD has the largest maintenance facility among the school districts in Lake County. The existing transportation facility building is very old and would be costly to remodel and modernize. After some house cleaning and organization, the existing facility would be adequate until a new facility could be built or a more modern building acquired.

A vehicle maintenance software program would be needed to track vehicle maintenance and inspection records, parts inventory, and vehicle operating cost. In order to track fuel usage, inventory, and cost, the implementation of a fuel monitoring system is recommended.

This cooperative transportation venture would be composed of the following positions:

- ↓ Manager
- ↓ Supervisor
- ↓ Dispatcher/Router
- ↓ Driver Instructor
- ↓ Lead Bus Driver
- ↓ Clerical Personnel

The vehicle maintenance staff would consist of the following positions:

- ↓ Lead Mechanic
- ↓ Mechanic

↓ Service Mechanic

The transportation staff should consist of a Supervisor/Mechanic in order to be able to maintain:

↓ 50 buses

↓ 72 white fleet vehicles

Currently, there are 74 school buses assigned to 42 daily routes in Lake County. A reduction of the current inventory of school buses from 74 to 50 would be seen by utilizing this option.

Since Kelseyville USD has the largest transportation facility among the school districts in Lake County, it is recommended that placement of the above-mentioned staffing positions be made at this location. The Lead Bus Driver would be placed at the Upper Lake UHSD's bus park-out area to assist in coordinating transportation services in that vicinity.

A potential savings associated with this Option related to the salaries and benefits for management, dispatcher, driver instructor, clerical, and mechanics is included in Appendix A.

#### **Bell Schedules**

Bell schedules are a key component to efficiency as it relates to transporting students to and from school. In order to avoid routing and scheduling problems, efficient routes need to be constructed. In addition, scheduling buses to these routes in a manner that matches the specified timeframe is critical. This requires the determination of the starting and ending times of the schools, building partial vehicle routes, and outlining the daily bus schedules.

A three-tiered bell schedule is based on the number of buses used by each school, which can be accomplished through a manual process or through a software application. The current and proposed policies for walking distances, pick-up and delivery methods (i.e., door-to-door), etc. should be taken into consideration and discussed thoroughly in the process.

Additionally, the three-tiered methodology involves establishing bell schedules throughout all of the schools in the county that could be identified as elementary school (ES), middle school (MS), and high school (HS). This necessitates start and end times that are staggered in a manner that would decrease the number of buses and drivers leading to a well managed and efficient operation. The following is an example of a three-tiered schedule. This, of course, is purely for presentation purposes, and not recommended timeframes for the schools in Lake County.

Tier	School	Start Times	End Times
1	ES	7:50 – 8:10	2:30 – 2:50
2	HS	8:35 – 8:55	3:25 – 3:45
3	MS	9:20 – 9:40	4:10 – 4:30

## Operational Findings and Recommendations

### LAKEPORT UNIFIED SCHOOL DISTRICT

Lakeport USD is staffed by one of the most knowledgeable transportation directors in Lake County. This position is also the managing employee for Information Technology (IT) and the Maintenance and Operations departments. The operation of the transportation program is viewed as highly efficient and productive by peers and superiors within the district. Lakeport USD was the lead agency for special needs transportation for a majority of the six other Lake County school districts until approximately 2003. After 2003, Kelseyville USD absorbed the special education function of transportation from Lakeport USD.

Previously, there was interest to “combine forces” with Middletown USD and Konocti USD. However, the opportunity was declined by Lakeport USD; the administration came to the conclusion that no clear benefit could result by this collaboration.

In March 2003, Fiscal Crisis and Management Assistance Team published a Transportation Review in Lake County at the request of the Special Education Local Plan Area (SELPA). During the time of this study, Lakeport USD was providing the majority of the special needs transportation services for the students of Lake County. It was noted that Lakeport USD was providing a quality service for a reasonable cost to local districts.

#### Driver Training:

Training services are provided by the Director of Transportation.

#### Staff:

- + Maintenance, Operations, IT, and Transportation Director
- + Mechanic
- + Clerical Personnel (time allotted as: 15% transportation/ 15% maintenance/ 70% Cal-Pads)

- ⚡ Four Bus Drivers (12-month district employees also working as custodians or instructional aides)

**Bus Routes:**

The bus routes are established manually by the transportation staff. One bus route was eliminated for the 2010-11 year with a projected savings of \$20,000. Four bus routes transport all grade levels together in the morning, but have split afternoon routes due to bell schedules.

The current Board Policy (as per June 10, 2010 letter to parents) defines walk boundaries as:

- ⚡ Grades K-6 – 2 miles
- ⚡ Grades 7-12 – 2.25 miles

However, the walk boundaries are not enforced by the district and any student who would like to ride the bus is encouraged to do so.

**Vehicle Maintenance:**

- ⚡ All of the buses appear to be in mechanically sound condition, although they appear to be inspected at an accelerated rate when compared with state requirements and industry standards
- ⚡ The mechanic is responsible for fueling all of the buses and preparing the field trip vans, which are driven by coaches and parents whose DMV records are not reviewed
- ⚡ A parts inventory currently does not exist
- ⚡ Industry standards would dictate a larger vehicle fleet to justify a full-time mechanic for nine school buses, four of which are used daily, and a white fleet of 20 vehicles

**Vehicle Fleet:**

- ⚡ Nine school buses
  - Four used on daily routes
  - Five used as spare buses
- ⚡ 20 white vehicles (approximate number of vehicles)

Facility:

- ✦ The facility is comprised of a single bay with a twin post hoist to lift buses. It appeared as though all of the buses were capable of parking under the cover of a building that is open on one side.
- ✦ Even though the facility is one of the best in Lake County, it is important to stress general housekeeping issues that require attention. For instance, there were items stored in front of and blocking access to electrical panels and other unused items left out of place.

OPERATIONAL RECOMMENDATIONS

Based on the findings that we have identified to assist the district as an individual school agency related to transportation of students, we are recommending the following operational areas of transportation be considered; including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.
- ✦ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost.
- ✦ Establish a regular physical parts inventory.
  - Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ✦ Replace older buses; utilizing the small school district bus replacement program and any funding available from the Lower Emission School Bus Replacement Program.
- ✦ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.

- ↓ Consider reducing school bus inventory to a more reasonable “route bus-to-spare bus” ratio.
- ↓ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.

**KELSEYVILLE UNIFIED SCHOOL DISTRICT**

Kelseyville USD is the host provider of special needs transportation in Lake County. They provide services to the three school districts to the north, as well as transportation for its own special needs students and home-to-school transportation for regular education students within its boundaries.

Kelseyville USD’s current Transportation Director has been with the District for eight years. In the first five years, the Director was responsible for the Maintenance Department. In the last three years, the responsibilities increased to include the daily operation of the Transportation Department. The Director is well thought of by peers and superiors from within the district as well as other districts in the Lake County area.

**Driver Training:**

Training services are provided under a private vendor contract, School Bus Driver Instructor, at the rate of \$21.00 per hour. The instructor is employed by the Konocit USD.

**Staff:**

- ↓ Mechanic (eight hours/day)
- ↓ 11 – Bus Drivers (5.25 to 7.50 hours/day)
- ↓ Two Clerical Assistants (each at 3.50 hours/day in the p.m.)
- ↓ Substitute Bus Driver (contracted at five hours/day)
- ↓ Custodian (0.50 hours/day)

In the last 2½ years, service has been reduced by 2½ bus routes; primarily by increasing the walking distance.

**Bus Routes:**

Bus routes are established manually by the transportation staff.

Vehicle Maintenance:

- ⚡ Buses appear to be adequately maintained. Although, housekeeping issues in the transportation facility area desire an immediate need for improvement. For example, there was a lack of organization for the equipment, inventory, etc. within the transportation facility area.
- ⚡ A parts inventory currently does not exist.

Vehicle Fleet:

- ⚡ 13 Type I district-owned school buses
  - Six used on daily routes
  - Five used as spare buses
  - Two buses were out of service and were not California Highway Patrol (CHP) certified
- ⚡ Nine Type II Lake COE-owned school buses
  - Five used on daily routes
  - Two used as spare buses
  - Two buses were out of service and were not CHP certified
- ⚡ 14 white vehicles
  - Nine vans, one assigned to transportation
  - Five pickup trucks

Facility:

- ⚡ Although the maintenance facility is the largest in Lake County, it is important to stress general housekeeping issues that require attention. For instance, the transportation facility and parts areas are in immediate need of cleaning and organization.
- ⚡ Labor is not charged to any of the vehicles. Therefore, the department is lacking a method to determine accurate vehicle cost and labor to repair the district's other 14 vehicles and the nine Lake COE buses. This unrecovered cost and labor results in an expense against transportation services.

- ✦ On-site fueling consists of: two above-ground fuel tanks – a 1,000-gallon diesel tank and a 500-gallon unleaded gasoline tank. Fuel is not charged to individual buses or accounted for and balanced by purchase, tank inventory, and usage to assure that all fuel is tracked appropriately. Furthermore, any fuel utilized by departments other than transportation is not billed back to the end user; rather, it becomes an expense against transportation services.

#### OPERATIONAL RECOMMENDATIONS

- ✦ Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered; including policies, procedures, maintenance, and meeting industry standards:
- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.
- ✦ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost.
- ✦ Establish a regular physical parts inventory.
- ✦ Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ✦ Replace older buses; utilizing the small school district bus replacement program and any funding available from the Lower Emission School Bus Replacement Program.
- ✦ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.
- ✦ Consider reducing school bus inventory to a more reasonable "route bus-to-spare bus" ratio.
- ✦ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.

UPPER LAKE UNION HIGH SCHOOL DISTRICT AND UPPER LAKE UNION ELEMENTARY SCHOOL DISTRICT

Upper Lake UESD is one of two elementary school districts that feeds into Upper Lake UHSD. These two districts are currently sharing transportation services. Upper Lake UHSD currently provides all transportation services to Upper Lake UESD. However, Upper Lake UESD retains ownership of four school buses. Upper Lake UHSD also owns four school buses.

Driver Training:

Training services are provided in-house by the current Director of Transportation.

Staff:

- ✦ Director of Transportation (also drives a four hour/day route)
- ✦ Mechanic (ten months, six hours/day, School Bus Certificate lapsed in May 2010)
- ✦ Lead Bus Driver (four hours/day, paid an additional 10% stipend for scheduling)
- ✦ Two Bus Drivers (four hours/day)

Bus Routes:

Bus routes are established manually by the transportation staff.

Vehicle Maintenance:

- ✦ Currently maintains ten school buses at this location (four Upper Lake UHSD, four Upper Lake ESD, and two Lucerne UESD). All of the buses appeared to be adequately maintained.
- ✦ Currently maintains a white fleet of eight vehicles (five vans; two pick-up trucks; one sedan) owned by Upper Lake UHSD.
- ✦ Maintenance software is a proprietary type of excel spreadsheet that was configured by the current mechanic. Access to the software is unavailable to other departmental employees as it is stored on a district desktop computer that is password protected and accessible by only the mechanic. The maintenance information is not backed up or stored on the district server. The information, as it relates to the Lucerne UESD school bus, is occasionally submitted to their personnel without the review of the Director.
- ✦ It appears that the staffing ratio exceeds the maintenance needs of the District, this merits review as it could be a possible source of potential savings. Parts are purchased without any oversight or authorization from the Director.

- ✦ Once parts are purchased, the invoices are submitted at the end of each month to the Director for approval. This process is exceedingly lengthy and has, on more than one occasion, caused the vendors to refuse parts and services to the District for nonpayment of invoices.
- ✦ The mechanic for Upper Lake UHSD picks up and drops off the Lucerne UESD school buses when they are due for preventive maintenance inspection or repairs.

**Vehicle Fleet:**

- ✦ Ten school buses
  - Four Upper Lake UHSD
  - Four Upper Lake UESD
  - Two Lake COE
- ✦ Eight white fleet vehicles

**Facility:**

- ✦ The facility is housed in an old building which, for the most part, is kept clean. The office area is small, but useable. It could be reorganized in a manner to provide for greater efficiency.
- ✦ On-site fueling is available from two above-ground fuel tanks. Fuel is not charged to individual buses or accounted for and balanced by purchase, tank inventory, and usage to assure that all fuel is tracked accordingly. Furthermore, any fuel utilized by departments other than transportation is not billed back to the end user; rather, it becomes an expense against transportation services.
- ✦ Fuel is purchased at the current rate of approximately 700 gallons of diesel every other week and 800 gallons of unleaded every eight weeks.
- ✦ Labor is not charged to any vehicles. Therefore, the Department is lacking a method to determine accurate vehicle and labor costs to repair the district's other vehicles. This unrecovered cost and labor then results in an expense against transportation services.

OPERATIONAL RECOMMENDATIONS

Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered; including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.
- ✦ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost and ensure access by multiple personnel.
- ✦ Establish a regular physical parts inventory.
  - Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ✦ Replace older buses; utilizing the small school district bus replacement program and any funding available from the Lower Emission School Bus Replacement Program.
- ✦ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.
- ✦ Consider reducing school bus inventory to a more reasonable "route bus-to-spare bus" ratio.
- ✦ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.



LUCERNE ELEMENTARY SCHOOL DISTRICT

Lucerne UESD is one of two elementary school districts within the boundaries of Upper Lake UHSD. The maintenance of the Lucerne UESD school bus is provided at the Upper Lake UHSD transportation facility.

Driver Training:

Training services are provided by the current Director of Transportation at Upper Lake UHSD.

Staff:

- ✦ Bus Driver
- ✦ Custodian (currently being trained to serve as a Substitute Bus Driver)

Bus Routes:

The District establishes the bus routes manually

Vehicle Maintenance:

- ✦ Located at Upper Lake UHSD facility

Vehicle Fleet:

- ✦ Two school buses (one is used on a daily route; one is used as a spare bus)

OPERATIONAL RECOMMENDATIONS

Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered; including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.

- ↓ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost.
- ↓ Establish a regular physical parts inventory.
  - Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ↓ Replace older buses; utilizing the small school district bus replacement program and any funding available from the Lower Emission School Bus Replacement Program.
- ↓ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.
- ↓ Consider reducing school bus inventory to a more reasonable “route bus-to-spare bus” ratio.
- ↓ Implement a DMV pull notice program for van drivers who are employed by the districts and require DMV H-6 reports for non-employees.
- ↓ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.

#### KONOCTI UNIFIED SCHOOL DISTRICT

Konocti USD has the largest student population of all the school districts in Lake County and the only district ineligible to participate in the California Department of Education Small School District Bus Replacement Program. Konocti USD also provides transportation to their own special needs students. They have been without a Director of Transportation for the entire 2010-2011 school year. During this time, there has been a sharing of staff between Konocti USD and Middletown USD. Konocti USD has provided a Director of Maintenance to Middletown USD and, in turn, Middletown USD has provided the services of their Director of Transportation. Although this arrangement appears to have merit, the situation has been stressed. During the 2010-2011 school year, the Director of Transportation has been assigned to drive a five-hour per day bus route in an effort to reduce costs at Middletown USD. The district staff at Konocti USD is very supportive of shared services in some manner to reduce the overall cost of transportation in Lake County.

**Driver Training:**

Training services are provided by a School Bus Driver Instructor on staff

**Staff:**

↓ Two Mechanics (full-time)

- First shift: 4:00 a.m. to 12:00 p.m.
- Second shift: 9:00 a.m. to 5:00 p.m.
  - Unless there are extenuating circumstances that have not been disclosed, the start time of 4:00 a.m. for the first shift of the mechanic position is not reasonable and should be modified to begin later in the day; possibly at 6:00 a.m.
  - A portion of the mechanic's job is to fuel buses. It would be more cost effective to have someone other than the highest paid employee in the department perform this task.

↓ 19 Bus Drivers

- 19 listed for 2010-11
- 23 listed for 2009-10

↓ CHP documents for both years place the number of drivers at 20 (includes one Substitute School Bus Driver contracted at five hours/day). There are 16 buses driven daily.

↓ Clerical Personnel (11 months, five hours/day and 12 months, three hours/day).

↓ Staff receives a paid ½ hour lunch break and two paid ¼ hour breaks, as per contract.

**Bus Routes:**

↓ Bus routes are established manually by the transportation staff

↓ Walk zones are not enforced and an effort should be made to review, modify, and implement reasonable walk zones to assist in controlling costs

↓ Bus stops are extremely close together and efforts should be made to place bus stops at reasonable distances in an effort to reduce costs

- ✦ Beginning in the 2010-2011 school year, two bus routes were cut with an expected annual savings of \$110,000 to \$130,000

**Vehicle Maintenance:**

- ✦ As per the District, buses are inspected every 2,000 miles or every 45 calendar days. CHP regulations require that school buses be inspected every 3,000 miles or 45 calendar days.
- ✦ Engine oil and filters are replaced at 10,000-mile intervals.
- ✦ Engine air filters are replaced at 10,000-mile intervals (air filters should last much longer than 10,000 miles). It could not be determined when transmissions and differentials had been serviced, but “possibly annually” as provided by staff.
- ✦ There is no method of chargeback for parts or fuel for non-transportation vehicles.
- ✦ Time is not logged to a vehicle for individual repairs.
- ✦ Parts inventory (filters and small parts) are replaced daily when installed on a bus. However, it was noted that a parts inventory does not exist.
- ✦ Buses are fueled by the mechanics and no charge is made to individual vehicles for the fuel dispensed.
- ✦ Fuel is not reconciled at the end of each month to ensure that there is no product loss.
- ✦ Fuel dispensers are installed on the top of vaulted fuel tanks at approximately seven feet above the ground.

**Vehicle Fleet:**

- ✦ 24 school buses
  - 21 Type I, seven cannot be retrofitted to California Air Resources Board standards
  - One bus is out of service due to a catastrophic engine failure
  - There are two Type I and one Type II, owned by LCOE
- ✦ The bus inventory list indicates 24 buses. During our interviews, it was noted that there were 26 buses
  - Two of which were out of service.

- CHP records (Form 343 dated March 16, 2010), indicated that there are 23 Type I and one Type II buses in the fleet. However, this would not take into account the buses placed out of service for mechanical issues.
- ↳ There are 24 white fleet vehicles
  - 20 trucks (one may be surplus equipment)
  - 14 vans (two are assigned to transportation)
    - We noted during our April 11, 2011 interview, that there were four vans in the fleet and that of the four, two were out of service.

Facility:

- ↳ The current transportation facility being used by the District has been sold, and the District will be moving to a new 2.7 acre site, which will need to be remodeled in order to use it as a bus maintenance and parking facility. Current budget for this project is \$325,000.
- ↳ The current facility consists of three buildings:
  - One modular building, which has been converted to an office and driver ready room.
  - There are two buildings for repairing buses, both are single bays. The first building has an office for the mechanics, is older and constructed of steel. It is organized and clean. Although the space is limited, it has been utilized in an efficient manner for its purpose. The second structure is a wood 2x4 construction and had been utilized to paint buses. There was no sign of current painting being performed in the building as it was not adequately equipped to comply with regulations related to vehicle painting.
  - The area for the new facility is not adequately fenced and has a small metal building that is not a size suitable for the repair of large vehicles. The parking lot was overgrown with brush, making it difficult to determine if the parking surface area was just dirt, gravel, or decaying blacktop. In order to bring this new facility to fruition, it will be necessary to pave the parking lot and increase the size of the current building. It should be determined if it is more cost effective to remove the current building and erect a new one rather than enlarging the current building. Additionally, a building of some type will need to be provided for the transportation staff. Offices, restrooms, and a suitable location for the bus drivers to ready for routes and receive training in would also be beneficial. It is critical that the analysis be completed sooner than later to determine what funds are necessary to support such an endeavor.

#### OPERATIONAL RECOMMENDATIONS

Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered; including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.
- ✦ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost.
- ✦ Establish a regular physical parts inventory.
  - Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ✦ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.
- ✦ Consider reducing school bus inventory to a more reasonable "route bus-to-spare bus" ratio.
- ✦ Implement a DMV pull notice program for van drivers who are employed by the districts and require DMV H-6 reports for non-employees.
- ✦ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.

#### MIDDLETOWN UNIFIED SCHOOL DISTRICT

For the 2010-2011 school year, Middletown USD utilizes the services of Konocti USD's Maintenance Director. Konocti USD utilizes the services of Middletown USD's Director of Transportation. This relationship does not include the sharing of salaries, only personnel.

Between bus routes, there are travels to Konocti USD on Monday, Tuesday and Thursday of each week.

There are changes in store for the 2011-2012 school year:

- ✦ The Director of Transportation position will be eliminated at the District and the Director will bump back to a Mechanic position
- ✦ The Department will be led by a driver/foreman position
- ✦ Services/personnel will no longer be shared with Konocti USD
- ✦ Possible reduction in route times

The District currently includes a student population that is 40% free and reduced meals. Prior to the recession, this percentage was significantly less, 28% of the students met eligibility for free and reduced meals.

The District's current funding level indicates that there is more than a 100% encroachment level for both home-to-school and special education programs.

- ✦ \$174,000 – Home-to-school encroachment
- ✦ \$119,000 – State revenue
- ✦ \$31,000 – Special Education encroachment
- ✦ \$20,000 – Special Education State revenue

**Driver Training:**

The current staff philosophy regarding daily transportation functions includes a requirement to observe each driver prior to their operation of a school bus, and the Director of Transportation performs this function personally.

According to current procedures, the drug and alcohol records were required to be inside a locked file cabinet in the transportation office. We observed the records on a shelf in an unlocked office. There were also unopened envelopes from the testing lab present on the desk and on the same shelf where the binder was found.

**Staff:**

- ↳ Director of Transportation
  - Driving a five-hour/day route in the 2010-2011 school year (assignment will be eliminated in the 2011-2012 school year). This position will be replaced by either a Lead Bus Driver or Scheduler position. That determination has not yet been made.
- ↳ Mechanic (260-day, eight hours/day)
  - In the 2011-2012 school year, the Director of Transportation will bump back into this position.
  - Currently, the Mechanic does not transport students on a daily basis and will only drive in cases of emergency while in an overtime pay status.
- ↳ Bus Driver (181-day, eight hours/day – special education)
- ↳ Bus Driver (181-day, eight hours/day – regular education)
- ↳ Three Bus Drivers (181-day, five hours/day – regular education)

**Bus Routes:**

- ↳ Two morning bus routes (each site)
- ↳ Three after school bus routes (each site)

Walking distances are currently almost nonexistent and bus stops are, in some cases, extremely close together.

**Vehicle Maintenance:**

- ↳ The District is currently using an Abacas vehicle maintenance software, which appeared to be a DOS-based program. It is extremely old and, therefore, not being utilized very well as there is no charge back for parts or labor to non-transportation equipment nor accounting for labor on transportation equipment.
- ↳ Bus maintenance is performed on 3,000-mile/45-day intervals.
- ↳ Oil changes are performed every 6,000 miles. Staff acknowledged the fact that “you can go to longer oil change intervals, but oil is cheap and engines are expensive”.
- ↳ Differential oil and transmission oil/filters are changed on an annual basis.

- ✦ Parts inventory seemed excessive in some cases. For instance, there were six tie rod ends and seven complete sets of roadside reflectors for a fleet of nine buses.
- ✦ A parts inventory currently does not exist.
- ✦ There is an informal agreement between the County Public Works Department and the District that provides minor maintenance to county vehicles in exchange for snow removal at Cobb Mountain Elementary School.

Vehicle Fleet:

- ✦ Nine school buses—two of which are being replaced under the Lower Emission School Bus Program (LESBP)-San Joaquin
- ✦ Six vans that are driven by staff and volunteers
  - The vans were purchased new as a 12-passenger. The second bench seat was removed and replaced by a single passenger seat to transform them into nine-passenger vans. The single seat installed appeared to be a driver seat from a school bus.
- ✦ When questioned about route placement for the new “seat belt” buses and the extremely high number of students transported, staff indicated that there is currently no plan in place to assign the buses to routes. Staff mentioned that the routes with the fewest students were in the hills and these routes *must* be serviced by the Crown (mid ship engine) buses due to traction and large brakes on the rear axle. However, highway tires were used on all of the buses. Staff stated there was no need for traction-type tires due to the impressive traction of the Crown Bus.
- ✦ Overall the buses did not appear to be well-maintained.
  - For example, a Crown Bus parked in front of the transportation facility and used daily had two tires on the left rear that were below the legal tread depth limits. In addition, most of the buses were in need of a paint job and several others needed minor repairs from collisions. The interior of the buses were generally clean, but most seats were torn, tattered, and in need of repair or replacement.

Facility:

- ✦ The facility was comprised of a large wood structure building.
- ✦ The Director of Transportation was located in a trailer-type building utilized as an office and a ready room for the drivers inside the transportation facility.

- ✦ The transportation facility required the buses to enter diagonally in order to fit inside it.
- ✦ Several partially covered parking spots were also used by senior drivers.
- ✦ Several older buses were parked in an area over grown with weeds that covered a dirt area, which is not currently certified.
- ✦ The facility was old and ill-equipped for the needs of the department. Tires of various sizes and age were being stored in a loft area of the facility. Most of the tires that were visible had significant dust on them, indicating they had been there for an extended period of time. Some of the tires appeared to be of a size that would not fit on currently inventoried buses. Also, it appears that the staffing ratio to vehicles is generous and merits review.
- ✦ On-site fueling is available from two 2,000-gallon above-ground vaulted fuel tanks. One contained dyed diesel and the other was a split 1,000-gallon for each tank; both currently contained 87 octane unleaded gasoline. During the interviews, staff indicated that the tank was purchased for the purpose of having higher octane fuel for the vehicles, since the buses lasted longer while running on Supreme. Fuel is purchased on a county school contract, which is three years old. Outside of those particulars, no one could explain how the contract or pricing worked. Tanks were filled on a schedule dictated by the fuel supplier.

#### OPERATIONAL RECOMMENDATIONS

Based on the findings that we have identified to assist the districts as individual school agencies related to transportation of students, we are recommending the following operational areas of transportation be considered, including policies, procedures, maintenance, and meeting industry standards:

- ✦ Develop a written preventive maintenance plan.
- ✦ Ensure that all buses are systematically inspected and maintained based upon industry standards and the vehicle/component manufacturer's recommendations.
- ✦ Allocate vehicle repair staff to a level commensurate with the amount of work required to be performed.
- ✦ Monitor fuel usage, inventory, and purchases closer, including a reconciliation of fuel usage on a monthly basis.
- ✦ Purchase a vehicle maintenance software program to track maintenance/inspections records, parts inventory, and vehicle operating cost.
- ✦ Establish a regular physical parts inventory.

- Remove old inventory and return to vendors for a parts credit, including the reduction of the number of tires inventoried.
- ✚ Replace older buses; utilizing the small school district bus replacement program and any funding available from the Lower Emission School Bus Replacement Program.
- ✚ Explore options to modify bell schedules in order to utilize transportation services in a more efficient manner among the schools within each district or for those school agencies sharing transportation services. All of the buses should be used as efficiently as possible; utilizing them for multiple grade levels.
- ✚ Consider reducing school bus inventory to a more reasonable “route bus-to-spare bus” ratio.
- ✚ Implement a DMV pull notice program for van drivers who are employed by the districts and require DMV H-6 reports for non-employees.
- ✚ Review current inventory of white fleet vehicles and determine if all vehicles are required to perform the necessary tasks of the school districts.

## Conclusion

---

We realize that this report contains several options for the school agencies to consider and numerous recommendations. Some of the recommendations require lengthy planning and implementation time, while others may require the allocation of funds to implement. We encourage the Agencies to utilize this report as a tool for planning for future goals county-wide. We encourage the districts to consider all of the recommendations and develop a priority list with an implementation target date and the funding source identified where appropriate.

## Appendix A

This provides an estimate of the income potential and future budgetary savings associated with the personnel and fleet reduction recommendations related to the Transportation Study.

The savings realized by the change in how the management of the transportation program countywide would be provided, may vary depending upon the timing of the implementation and any changes that have occurred since the fieldwork had been completed. The total expenditures were based on the data available by the school agencies, which could change once the 2010-11 Unaudited Actuals are finalized.

The table below utilized the data available from the Lake County school agencies and the proposed positions included in the report for each of the options to be discussed among the county school districts. It is important to note that the numbers used are not exact and will change as the financial statements are finalized for the 2010-11 fiscal year. In addition, the elements of an option chosen could impact the savings based on timing and any changes that have been implemented since the fieldwork was completed. This provides a good estimate given the current data available.

	<b>Option 1 Lead LEA</b>	<b>Option 2 North/South</b>	<b>Option 3 JPA</b>
2010-11 Total Expenditures Per Lake County School Agencies	\$ 992,970.00	\$ 992,970.00	\$ 992,970.00
Total Estimated Expenditures	300,000.00	441,000.00	300,000.00
Potential Savings	\$ 692,970.00	\$ 551,970.00	\$ 692,970.00

The table above does not include the one-time revenues that could be realized from the sale of buses or efficiency from maintenance and repairs as discussed below.

### **INCOME**

Income can be generated by the sale of non-essential school buses. In order to ascertain detailed income potential, a thorough inspection of each bus would need to be conducted by a professional with the ability, knowledge, and experience to assess current market value. Some buses are not in an operational state with defective power train components, including engines and transmissions. These buses would generate significantly less revenue than their counterparts, which are currently in running condition and certified to transport students by the California Highway Patrol.

### **BUDGETARY SAVINGS**

Savings can be generated by the future lack of expenditures associated with the care, maintenance, storage, and vandalism of non-essential buses, as well as the elimination of the relevant portion of the liability insurance associated with these vehicles.

Additional savings will be realized for each bus sold by not incurring expenditures to install exhaust retrofits, engine replacement, or in worst case scenarios, complete bus replacement to comply with California Air Resources Board Truck and Bus Regulations.

### **CALIFORNIA AIR RESOURCES BOARD REGULATIONS (CARB)**

A relevant factor, which cannot be overlooked is the pending CARB (see fact sheet attached). The regulation requires one of the following:

- 1) Installation of an exhaust particulate trap, which is defined as the "Best Available Control Technology" (\$15,000 - \$18,000).
- 2) Retrofit of an engine with an emissions system that is compliant with CARB regulations (estimate unknown, as it would require approval from the bus manufacturer).
- 3) Replacement of the vehicle if neither of the above two options are possible (\$150,000).

Sellers of vehicles that do not meet this standard are required to notify potential buyers of the pending regulations. It is also important to remember that each bus in the district's fleet must meet the CARB regulations by the deadlines found in the attached CARB Fact Sheet.

### **Option 1**

#### One Lead Local Educational Agency

Reduction of Fleet by 24 buses from 74 to 50 buses

- 1) This assumes an average sales price of \$5,000 per bus. The sale of buses would generate approximately \$120,000.
- 2) Liability insurance savings would be 33% of current expenditures.
- 3) Repair and maintenance savings should be calculated at a smaller percentage, as the buses currently considered in the recommended reductions, travel less than 33% of the miles. Therefore, a conservative estimate would place the budgetary savings at 15% of the previous year's repair and maintenance expenditures.

**Option 2**

A Lead Agency in the North and the South End of the County

South County

Reduction of Fleet by 20 buses from 64 to 44 buses

- 1) This assumes a sales price of \$5,000 per bus. The sale of buses would generate approximately \$100,000.
- 2) Liability insurance savings would be 31% of current expenditures.
- 3) Repair and maintenance savings should be calculated at a smaller percentage, as the buses currently considered in the recommended reductions, travel less than 31% of the miles. Therefore, a conservative estimate would place the budgetary savings at 13% of the previous year's repair and maintenance expenditures.

North County

Reduction of Fleet by three buses from ten to seven buses

- 1) This assumes a sales price of \$5,000 per bus. The sale of buses would generate approximately \$15,000.
- 2) Liability insurance savings would be 30% of current expenditures.
- 3) Repair and maintenance savings should be calculated at a smaller percentage, as the buses currently considered in the recommended reduction travel less than 30% of the miles. Therefore, a conservative estimate would place the budgetary savings at 12% of the previous year's repair and maintenance expenditures.

**Option 3**

Joint Powers Agency

Reduction of Fleet by 24 buses from 74 to 50 buses

- 1) This assumes an average sales price of \$5,000 per bus. The sale of buses would generate approximately \$120,000.
- 2) Liability insurance savings would be 33% of current expenditures.
- 3) Repair and maintenance savings should be calculated at a smaller percentage, as the buses currently considered in the recommended reductions, travel less than 33% of the miles. Therefore, a conservative estimate would place the budgetary savings at 15% of the previous year's repair and maintenance expenditures.

## **CARB FACT SHEET**

### **Truck and Bus Regulation School Bus Provisions**

On December 12, 2008, the California Air Resources Board approved the Truck and Bus regulation to significantly reduce particulate matter and oxides of nitrogen emissions from existing diesel vehicles operating in California. This fact sheet describes the regulatory requirements for school bus PM reductions consistent with the amendments considered by the Board in December 2010.

For general information about the diesel regulation, see the Truck and Bus Regulation Compliance Requirements Summary fact sheet.

#### **What does the regulation require?**

Diesel-fueled school buses with a Gross Vehicle Weight Rating over 14,000 pounds are subject to the regulation. Owners must retire school buses manufactured before April 1, 1977, by January 1, 2012. Remaining school buses must have particulate filters (that reduce diesel PM emissions by 85 percent) installed according to the schedule shown below in Table 1.

2012	33%
2013	66%
2014	100%

#### **What relief did the Board grant at the December 17, 2010, hearing?**

The Board delayed the initial compliance date by one year and provided an optional three year delay until 2014 for school buses with engine model years 1988-1993. Additionally, the board added credits for electric, hybrid, alternative fuel, and pilot ignition engine school buses and they also reduced the reporting requirements.

#### **How does the regulation define a school bus?**

School buses are vehicles providing transportation of any school pupil at or below the 12th-grade level to or from a public or private school or, to or from public or private school activities.

#### **What school buses are already in compliance with this regulation?**

School buses with ARB-verified Level 3 (85 percent reduction of PM) particulate filters installed or engines meeting a 0.01 grams/brake horse power-hour PM emission standard and school buses with ARB-verified Level 2 (50 percent reduction of PM) particulate filters installed on or before December 31, 2005, if that was the highest level device available at the time.

**What school buses are exempt from the regulation?**

School buses with a GVWR less than or equal to 14,000 pounds, school buses registered as historic vehicles and non diesel-fueled school buses such as compressed natural gas fueled school buses are exempt.

**Is there a provision for low use school buses?**

Yes. School buses operating less than 1,000 miles in a 12-month period are exempt from the performance requirements of the regulation; however, these vehicles are subject to recordkeeping requirements.

**What is required if a school bus cannot be retrofitted?**

A delayed compliance date of January 1, 2018, is provided for school buses that cannot be retrofitted (e.g., 2-stroke engine buses and some pre-1987 model year school buses). By January 1, 2018, these buses must be replaced if no particulate filter is available or repowered with an engine on which a particulate filter can be installed. Recordkeeping and reporting requirements apply until the school bus is brought into compliance.

**What are the reporting requirements?**

Reporting is required when the owner of the fleet chooses to use the "Extension of Deadline for Unavailability of Verified Diesel Emission Control Strategy," which applies to buses on which a PM filter cannot be installed. The reporting requirements apply on January 31 of each compliance year through January 31, 2017. These buses are also subject to recordkeeping requirements.

**Are there credits for fleets that have downsized?**

Yes, there are credits for downsized fleets until January 1, 2014. A fleet that decreases their number of regulated school buses may reduce the percent requirement in Table 1 by the same percentage that the fleet has downsized since 2006. For example, a fleet that is 20 percent smaller than it was in 2006 would subtract 20 percent from the annual compliance requirement. If the compliance requirement for the year is 33 percent, the fleet would need to demonstrate that it had PM filters on 13 percent of the existing fleet (33 percent - 20 percent = 13 percent). All school buses in the 2006 baseline fleet and in the fleet on January 1st of the compliance year are subject to the recordkeeping requirements.

**Are there credits for fleets with alternative-fuel vehicles?**

Yes. Fleets with electric, hybrid, alternative fuel or pilot ignition engine school buses with a GVWR greater than 14,000 pounds shall receive a credit to treat a diesel school bus as compliant until January 1, 2014.

**When is a California Highway Patrol safety inspection required?**

The CHP safety inspection is required after a PM filter is installed and before the school bus returns to service.

**How have retrofits on school buses performed?**

Retrofit PM filters have proven to be a cost-effective option for school buses. Thousands of filters have already been installed on school buses throughout the state, with fewer than one percent exhibiting issues. When issues have arisen, PM filter manufacturers have worked with fleets to resolve them.

**How are retrofits a cost-effective approach for reducing PM emissions?**

Approximately seven school buses can be retrofitted for the same amount of money as one new school bus replacement. A PM filter costs less than a new bus even when considering the added cost of infrastructure and electricity. Also, fleets will incur maintenance costs regardless of whether an aftermarket filter or an original engine manufacturer filter is installed on the school bus.

**Is incentive money available?**

The Lower-Emission School Bus Program provides limited financial incentives of up to \$20,000 per bus to install diesel PM filters and up to \$140,000 per bus to help replace high-emitting pre-1987 model year buses (match funding is required to replace 1977-1986 model year buses) to reduce toxic PM emissions. The use of fully-funded diesel PM filters substantially reduces school children's exposure to toxic diesel PM and is the least expensive compliance option.

This funding does not cover the cost of a typical hybrid school bus. The Hybrid Truck and Bus Voucher Incentive program permits combining funds from the Lower-Emission School Bus Program to finance up to the full cost of a new hybrid school bus. Additionally, many local air districts collect motor vehicle registration fees and other funds which may be used to replace or retrofit school buses. Information about the LESB program is located at [www.arb.ca.gov/bonds/schoolbus/schoolbus.htm](http://www.arb.ca.gov/bonds/schoolbus/schoolbus.htm).

**For More Information**

Fact sheets, compliance tools and regulatory documents are available at [www.arb.ca.gov/dieseltruck](http://www.arb.ca.gov/dieseltruck) or by calling ARB's diesel hotline at (866) 6DIESEL (634-3735). To obtain this document in an alternative format or language please contact the ARB's Helpline at (800) 242-4450 or at [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov). TTY/TDD/ Speech to Speech users may dial 711 for the California Relay Service.

[www.arb.ca.gov](http://www.arb.ca.gov) PO BOX 2815 SACRAMENTO CA 95812 (800) 242-4450 REVISED 03/22/11

# **Lake County Grand Jury**

**5250 Second Street**

**Kelseyville, CA 95451**

## **Contact information:**

**Telephone 707-279-8619**

**Fax 707-279-1983**

**To obtain complaint forms online:**

**<http://www.co.lake.ca.us/residents/law/complaints.htm>**