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GRAND JURY FINAL REPORT

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FINAL REPORTS SUBMITTAL/APPROVAL STATEMENT

The 2021 Tehama County Grand Jury

Approved this final Report

Penny Costa

Penny Costa

Foreperson, 2021 Tehama County Grand Jury

I accept for Filing the Final Report of this

2021 Tehama County Grand Jury

Honorable C. Todd Bottke

Supervising Judge of the 2021 Tehama County Grand Jury

December 09, 2021

To our fellow citizens in Tehama County,

The 2021 Tehama County Civil Grand Jury is honored to present this Consolidated Final Report (CFR) for your review. We are humbled to have represented our county, and the communities therein. Collectively and individually, we did our very best to uphold the integrity of the institution while navigating changing dynamics during a global pandemic.

Grand Juries are selected from a random sampling of county citizens who complete a questionnaire to determine their capacity to serve. From this sampling, a number of candidates are summoned to appear before the Superior Court Judge assigned to the jury for the ensuing year. Resulting from this initial appearance, 19 candidates are sworn in and a number of others are selected as alternates, should original members be unable to complete their term of service.

The Civil Grand Jury does not respond to criminal actions; rather, it is the responsibility of the Civil Grand Jury to respond to complaints submitted by members of the community (https://www.co.tehama.ca.us/government/departments/grand-jury/). The Jury considers each complaint through a ranking process to determine priority response; each complaint receives a response, though it may or may not be investigated. Some additional investigations are mandated each year, while other inspections and investigations are conducted at the discretion of the Grand Jury. Jury members serving on various committees conduct interviews, review written documents, tour facilities, and meet with community leaders to determine findings and carefully consider recommendations or commendations. Not all inspections and investigations result in written reports.

In preparation for impending inspections and investigations, jury members receive training and support through the California Grand Jury Association (cgja.org). The CGJA is a volunteer organization that also provides specific support and resources to the Jury Foreperson, the Jury Pro-tempore and the Editorial Committee. Supporting our efforts at the local level are county administrators Brent Mesker and Sue Ampi. We thank them for their support and assistance throughout the year. Sincere appreciation is extended to District Attorney Matt Rogers and Tehama County Grand Jury Counsel, P.J. Van Ert, for their assistance and review of our final reports. As well, we wish to thank Tracy Brown, Superior Court Administrator, and the Honorable Judge C. Todd Bottke for his guidance.

The 2021 Grand Jury is proud of our work, despite the challenges we faced. During our year of service, six of 19 original jurors were unable to complete their term and were replaced with alternates. The COVID-19 pandemic required adjustments to the traditional protocols, though we were able to persevere. We completed our mandated reviews and inspections, along with investigations into priority concerns set forth by the Jury, as well as addressing the various complaints that were presented to us.

Serving on the 2021 Tehama County Civil Grand Jury has been a meaningful experience. We encourage Tehama County citizens to participate in the future, should they be called to do so.

In appreciation of the hard work of county government, and with the best interest of our fellow citizens at heart, we submit this report for your review,

2021 Tehama County Civil Grand Jury

2021 Tehama County Civil Grand Jury

Officers

Foreperson:	Penny Costa
Pro Tempore:	Gary Durden
Secretary:	Danielle Marriott
Treasurer/Librarian:	Linda Osborn
Lead Editor	Heather Aulabaugh

MEMBERS

Heather Aulabaugh

Charlene Brooks

Colin J. Campbell

Penny Costa

Trystin Crook

Pamela Diehl

Gary Durden

Rick Freitas

Ken Garner

Laura Glover

Doug Inman

Danielle Marriott

Linda Osborn

Danielle Pasillas

Ava Pike

Cheryl F. Pyle

Kathryn Schmitz

Sally Taylor

Trace Watkins

TEHAMA COUNTY GRAND JURY 2021

ACKNOWLEDGEMENTS

The Tehama County Grand Jury gratefully acknowledges the support, guidance, and help throughout this 2021 year from:

Honorable C. Todd Bottke, Grand Jury Supervising Judge

P.J. Van Ert, Tehama County Grand Jury Counsel

Matt Rogers, Tehama County District Attorney

Tehama County Board of Supervisors

Tracy Brown, Executive Assistant, Tehama County Superior Court

Sue Ampi, Administrative Assistant, Tehama County Administration

Brant Mesker, Staff Analyst, Tehama County Administration

Maria Vieyra, Office Assistant, Tehama County Department of Agriculture

Tehama County Employees who assisted in our investigations

California Department of Corrections and Rehabilitation

California Grand Jury Association with special thanks to Marsha Caranci

CITY OF RED BLUFF:

THE USE OF PUBLIC FUNDS TO MITIGATE THE EFFECTS OF COVID-19

CITY GOVERNMENT COMMITTEE

SUMMARY

In March of 2020, the Governor of California declared a state of emergency in regard to the spread of the Novel Coronavirus, commonly known as COVID-19. A Shelter in Place Order was released, shutting down or significantly slowing business, travel and social events. One year later, the City Government Committee of the 2021 Tehama County Grand Jury sought to investigate the use of public funds intended to mitigate the effects of the Shelter in Place and the ongoing restrictions associated with the global pandemic.

METHODOLOGY

On June 24, 2021, members of the City Government Committee met with the Red Bluff City Manager and a member of his staff to conduct an interview. On July 7, 2021, an interview was conducted with the Tehama County Administrator and a member of his staff. An additional interview was conducted on July 22, 2021, with the Executive Director of 3Core and the Business and Marketing Manager of the Job Training Center. Funding awards, public notices, and budgetary information were also reviewed.

DISCUSSION

Red Bluff administrators shared that funding related to Community Development Block Grants, the Coronavirus Aid, Relief, and Economic Security (CARES), and the American Rescue Plan (ARP), had yet to be received by the city. Under California guidelines, counties with fewer than 500,000 residents, and cities with fewer than 50,000 residents were not considered “entitlement” counties or communities, which resulted in rural communities being allocated funds as a reimbursement. Formal notices of funding availability were yet to be received as our committee began its inquiry in the spring.

By July, 2021, notice of funding availability had been received pertaining to small business loan programs. The City of Red Bluff, along with the cities of Corning and Tehama, pooled their funding resources and entered into a contract with 3Core and the Job Training Center to plan for the disbursement of funds of up to $35,000 for qualified small business owners. The County of Tehama maintains fiscal accountability with the intention that funds, once approved by the contracted entities, would be released to qualified applicants. The review of applications commenced on July 1, 2021.

City and County contributions created a total budget of $392,793, of which $327,500 would be made available to borrowers (remaining funds were allocated for administrative oversight).

Funding available for small business loans are made available on a first-come, first-served basis until all funds have been distributed.

Qualified loan recipients must meet the requirement of use set forth by the State of California; all expenditures must be related to losses incurred as a result of COVID-19. An application and business plan were required components of a successful request for funding. Businesses must have fewer than 8 employees and must fall within a set income level, or have employees that fall within the income guidelines. Employers must retain employees for at least 90 days to qualify for loan forgiveness; otherwise, loans are to be repaid at minimal interest. Applications containing the required business plan are carefully reviewed to ensure the business has sufficient capital to maintain good standing for a minimum of 12 months, further ensuring sustainability. At the time the interviews were conducted, no funds had been released.

The committee learned that despite the sixteen-month delay in disseminating funds, alternative financial programs were available for struggling small businesses in Tehama County. These included the California Relief Grant (Tehama businesses received a total of $2,264,000 over six rounds of funding distribution), disaster loans, and other local and state grant opportunities.

During our interviews, the committee learned that the cities of Corning and Tehama pooled resources with the County of Tehama to address homelessness in their efforts to reduce the negative impacts of COVID on vulnerable populations. The City of Red Bluff did not choose to collaborate with this city/county initiative.

FINDINGS

F1. Available funds were not automatically awarded to rural counties/communities. Funding is distributed from the state as a reimbursement. The City of Red Bluff determined that any expenditures would be a financial risk and did not move to implement project plans until the State of California issued formal notice that reimbursements were guaranteed.

F2. The City of Red Bluff does not have a strategic or implementation plan that can be used to prioritize projects for funding allocations.

F3. The City of Red Bluff collaborated with other communities under a Memorandum of Understanding with the County of Tehama to administer a small business loan program with the contracted assistance of long-standing, non-profit economic development and job training entities.

F4. The small business loan program did not begin reviewing applications until July, 2021; sixteen months after the Shelter in Place was declared.

F5. Administrators for the City of Red Bluff could not articulate the intentions or timelines for the small business loan program for which they had invested.

RECOMMENDATIONS

R1. The Grand Jury recommends that the City of Red Bluff engage in a community needs assessment to determine the strengths, challenges and risks the city experiences, from which a strategic and implementation plan should be developed to guide city planning.

R2. The Grand Jury recommends that city administrators take an active role in the oversight of the small business loan program.

R3. The Grand Jury recommends that the City of Red Bluff Administrator consider working collaboratively with other rural California communities to address rural equitability by advocating with local State Assembly and Senate Representatives. It is further recommended that city administrators work with the Tehama County Board of Supervisors to address these inequities.

R4. The Grand Jury recommends that the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee continue to review the use of public funds intended to mitigate the effects of COVID-19, as some projects will continue until 2024.

REQUIRED RESPONSES

Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to R1 – R4 within 90 days.

TEHAMA COUNTY PUBLIC WORKS DEPARTMENT

COUNTY GOVERNMENT COMMITTEE

SUMMARY

The Tehama County Grand Jury Committee investigated issues pertaining to the Reeds Creek Road washout. The investigation regarded the roadway integrity in relation to public safety for the Reeds Creek Community (Refer to Appendix A through F).

METHODOLOGY

The Tehama County Grand Jury Committee visited the site of the Reeds Creek Road washout and obtained photos of the washout damage caused by Liza Creek (Appendix C & D). The Tehama County Public Works Department (TCPWD) personnel were formally interviewed on June 30, 2021 and August 12, 2021. Additional information and documentation were requested and subsequently provided (Appendix A, B, E, & F).

FINDINGS

F1. TCPWD annual budget, staffing shortages, outdated equipment and low wages have affected road inspection and repair timelines. TCPWD is responsible for 1,088 miles of roadway and 260 miles of unpaved roadway. TCPWD is currently behind in their designated three-year inspection cycle.

F2. The Reeds Creek Road washout has closed one lane of a two-lane roadway and currently, traffic must stop in each direction to alternate passage of the area. Reeds Creek Road is utilized by individuals who live in the area, Reeds Creek Elementary School busses, parents driving children to school as well as ranchers with large cattle trailers. Emergency evacuations were not adequately addressed during the interview process.

F3. TCPWD identified issues prohibiting the repair as being: 1. Property domain issues 2. Environmental studies 3. Budget restraints. TCPWD has not identified any Tehama County roadways that are as significantly impacted as the Reeds Creek Road washout.

F4. Currently, TCPWD visually inspects the Reeds Creek Road washout monthly and is scheduled for re-survey every two years, however the washout has impacted the roadway since the early 1990's. TCPWD has identified that Reeds Creek Road is safe for vehicle traffic and the

roadway is not currently undercut; however, TCPWD reported that if the road does become severely undercut the repair project will then be seen as a priority.

F5. Currently, TCPWD is reliant on law enforcement, first responders, general public and staff to identify and report needed roadway repairs. TCPWD has obtained a consulting group to use LIDAR data radar to process and analyze Tehama County roadways.

RECOMMENDATIONS

R1. The Grand Jury recommends that the TCPWD implement LIDAR surveying technology that identifies roadway issues within Tehama County and implements data-driven reports in a timely manner. It is also recommended that TCPWD research and identify additional funding streams through grants or contracts.

R2. The Grand Jury recommends that TCPWD develop and implement a written safety policy for emergency evacuations. The safety plan policy will be shared with emergency first responder agencies within Tehama County. The safety plan policy will be provided to the 2022 Grand Jury for review and posted on the Tehama County website.

R3. The Grand Jury recommends that TCPWD prioritize implementation of the property domain and environmental studies for the Reeds Creek Road washout repair process. TCPWD to identify timelines for the process to begin and report to the 2022 Grand Jury.

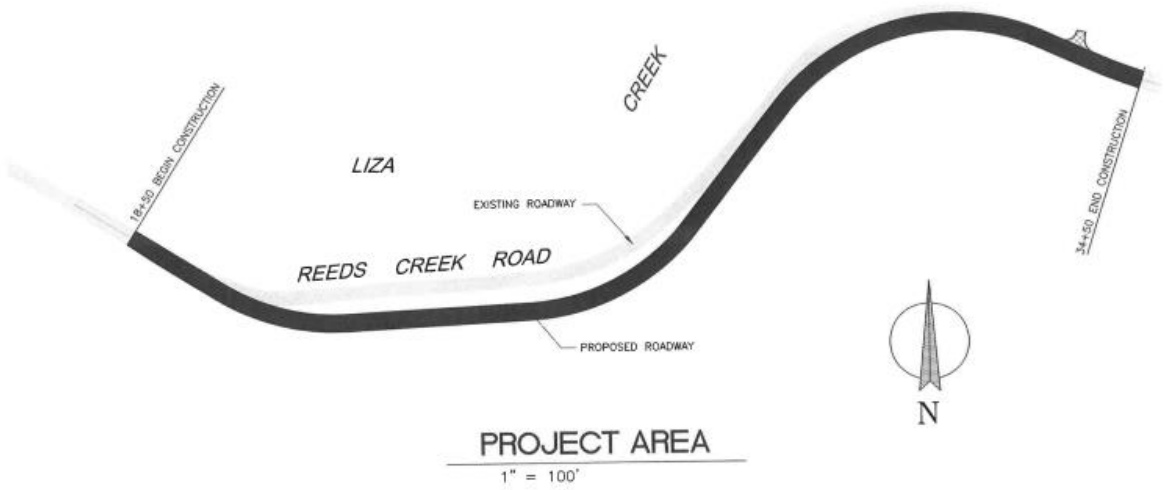
R4. The Grand Jury recommends that TCPWD temporarily reinforce the Reeds Creek Road washout until such time as permanent repairs can be completed. It is also recommended that the Tehama County Board of Supervisors make an onsite visit to the Reeds Creek Road washout site.

R5. The Grand Jury recommends that by 3-1-2022, TCPWD implement LIDAR surveying technology within Tehama County. 2022 Grand Jury to follow up regarding implementation of this process.

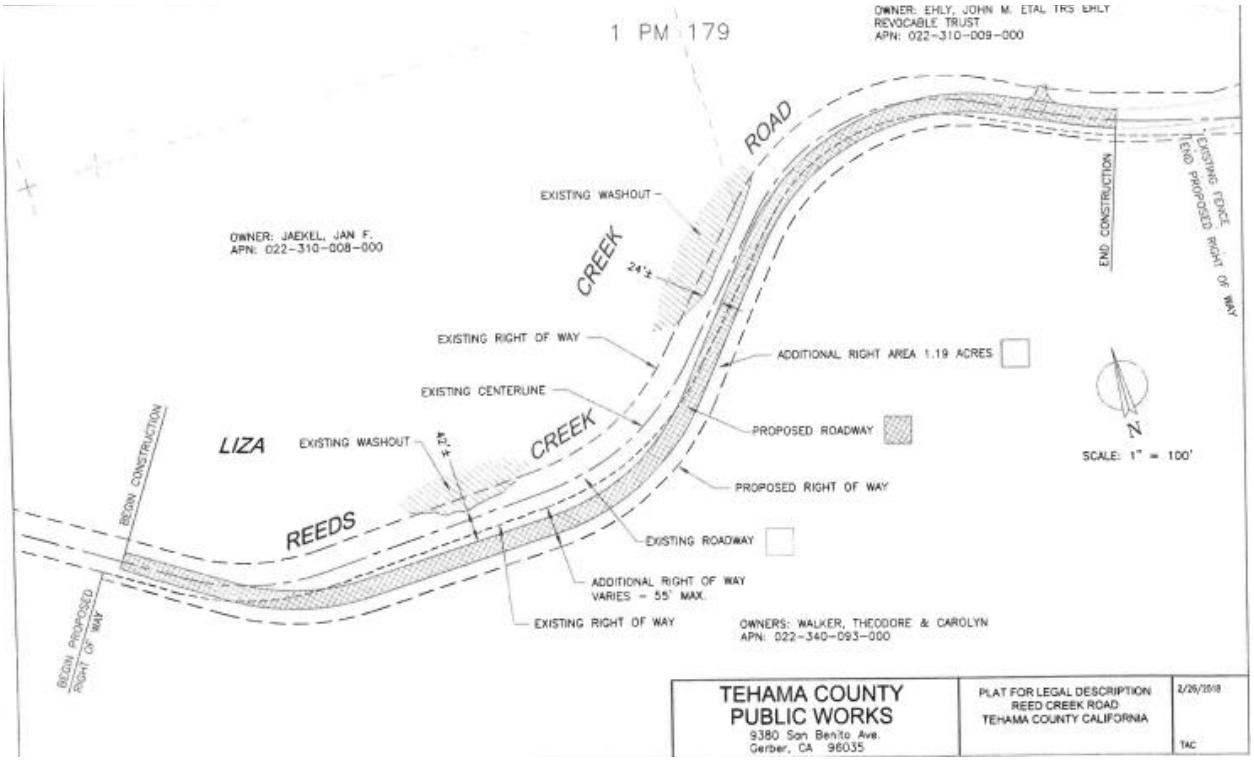
REQUIRED RESPONSES

Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to R1 – R5 within 90 days.

Appendix A


18+50 BEGIN CONSTRUCTION
LIZA
CREEK
EXISTING ROADWAY
REEDS CREEK ROAD
PROPOSED ROADWAY
34+50 END CONSTRUCTION
N
PROJECT AREA
1" = 100'

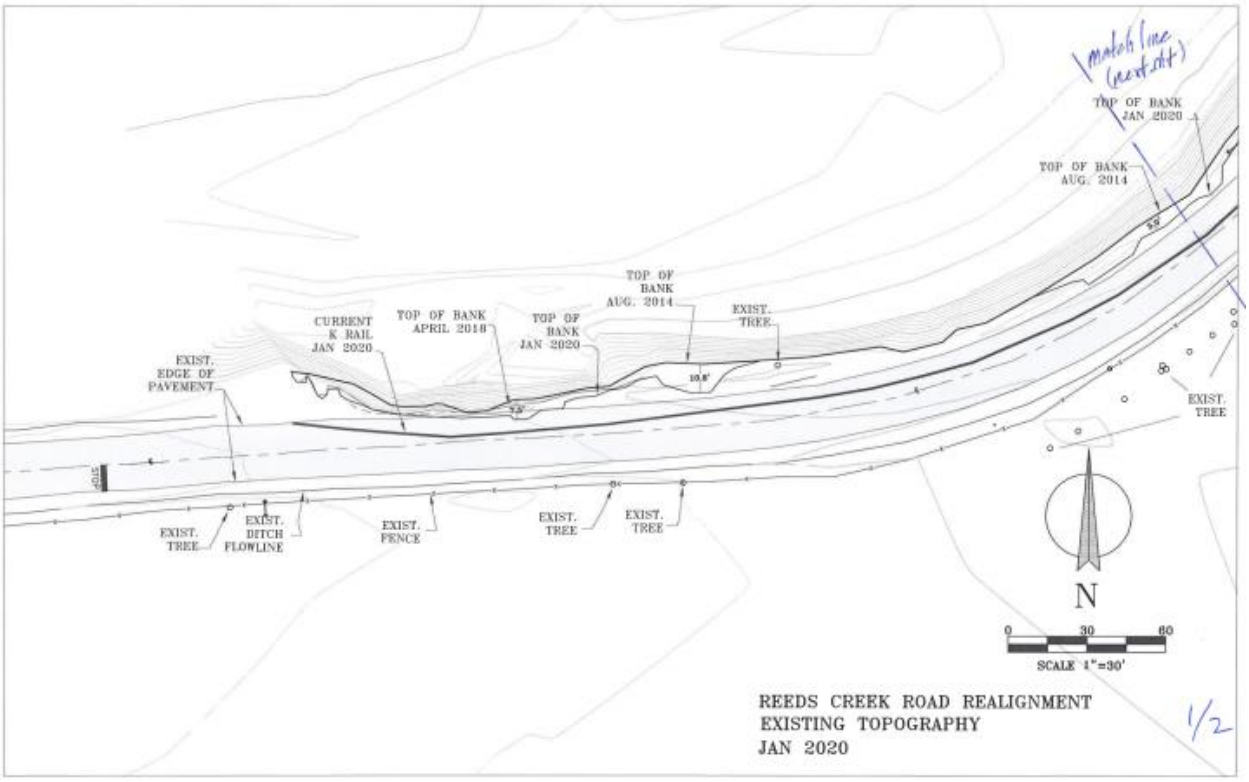
Appendix B


1 PM 179
OWNER: EHLY, JOHN M. ETAL TRS EHLY REVOCABLE TRUST
APN: 022-310-009-000
ROAD
EXISTING WASHOUT
CREEK
24'±
OWNER: JAEKEL, JAN F.
APN: 022-310-008-000
END CONSTRUCTION
EXISTING FENCE
END PROPOSED RIGHT OF WAY
EXISTING RIGHT OF WAY
ADDITIONAL RIGHT AREA 1.19 ACRES
EXISTING CENTERLINE
PROPOSED ROADWAY
LIZA
EXISTING WASHOUT
14'±
CREEK
SCALE: 1" = 100'
BEGIN CONSTRUCTION
PROPOSED RIGHT OF WAY
REEDS
EXISTING ROADWAY
ADDITIONAL RIGHT OF WAY
VARIES - 55' MAX.
BEGIN PROPOSED RIGHT OF WAY
EXISTING RIGHT OF WAY
OWNERS: WALKER, THEODORE & CAROLYN
APN: 022-340-093-000
TEHAMA COUNTY
PUBLIC WORKS
9380 San Benito Ave.
Gerber, CA 96035
PLAT FOR LEGAL DESCRIPTION
REED CREEK ROAD
TEHAMA COUNTY CALIFORNIA
2/26/2018
TAC

Appendix C

Appendix D

Appendix E


TOP OF BANK
JAN 2020
TOP OF BANK
AUG. 2014
TOP OF
BANK
AUG. 2014
EXIST.
TREE
CURRENT
K RAIL
JAN 2020
TOP OF BANK
APRIL 2018
TOP OF
BANK
JAN 2020
EXIST.
EDGE OF
PAVEMENT
EXIST.
TREE
EXIST.
DITCH
FLOWLINE
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FENCE
EXIST.
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EXIST.
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EXIST.
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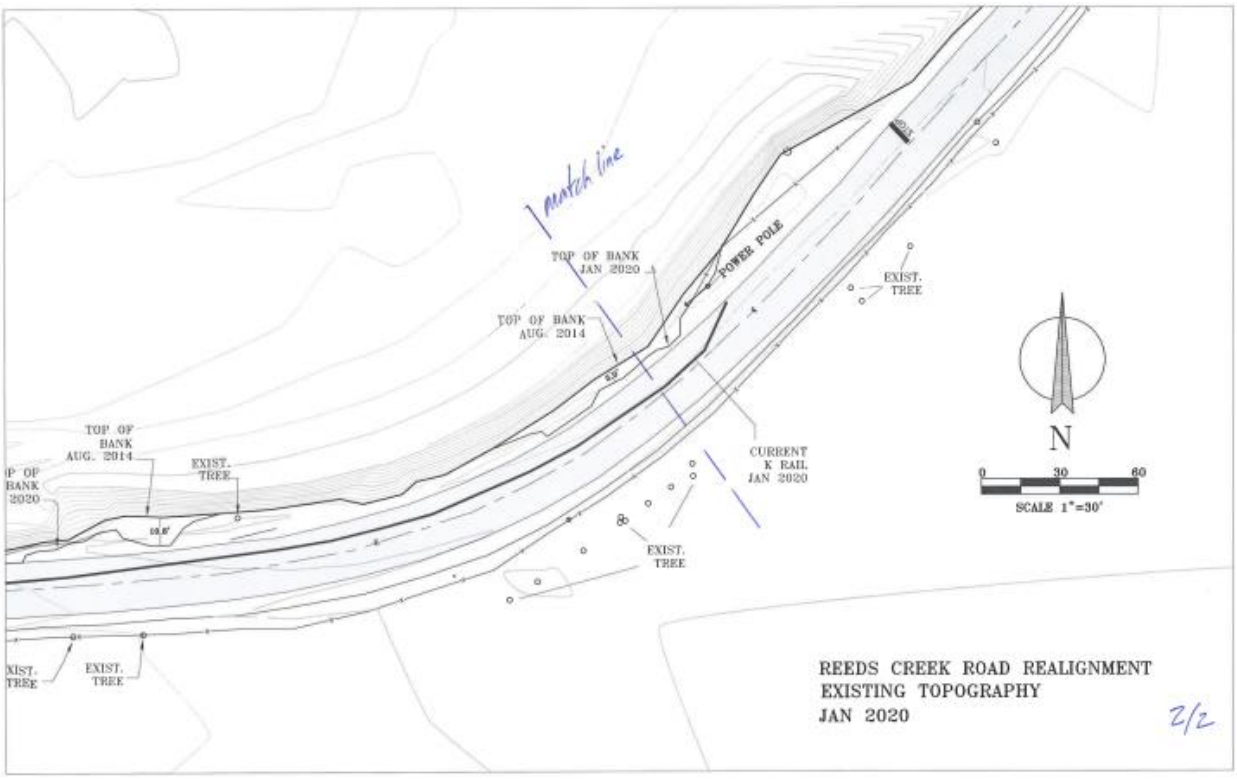
SCALE 1"=30'
REEDS CREEK ROAD REALIGNMENT
EXISTING TOPOGRAPHY
JAN 2020
1/2

Appendix F


match line
TOP OF BANK
JAN 2020
TOP OF BANK
AUG. 2014
POWER POLE
EXIST.
TREE
TOP OF
BANK
AUG. 2014
EXIST.
TREE
CURRENT
K RAIL
JAN 2020
EXIST.
TREE
EXIST.
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SCALE 1"=30'
REEDS CREEK ROAD REALIGNMENT
EXISTING TOPOGRAPHY
JAN 2020
2/2

TEHAMA COUNTY AUDIT REPORT

AUDIT COMMITTEE

SUMMARY

The Single Audit Act of 1984 requires governmental entities that expend more than $750,000 in federal funds to have an organization-wide financial and compliance audit on an annual basis. The Single Audit has specific components which must be included in the audit. It is the Tehama County Grand Jury's responsibility to confirm that this audit has been completed and to investigate any findings or questioned costs.

BACKGROUND

The Auditor-Controller is the chief accounting officer for the County. His responsibilities include the accounting of the County's revenue, expenditures, assets, liabilities, fund balances and related fiduciary responsibilities in accordance with generally accepted accounting principles. Among these duties are payroll and payroll reporting, auditing vendor claims, issuing warrants (checks), public assistance accounting, extending the property tax roll and apportioning the collections, financial statements and the compilation of the county budget. The goal of the department is to provide accurate and timely financial information to the Board of Supervisors, the State of California, other county departments, special districts, and the citizens of Tehama County as required by the Governmental Accounting Standards Board.

Each county department is responsible for its own accounting systems and personnel, and each is responsible to submit correct information to the external auditors. The Auditor-Controller does not directly supervise or provide oversight for the day-to-day accounting done by each department, but may provide training if requested. Job descriptions, education and experience requirements, and compensation vary, depending on the department.

The Tehama County audit for the 2019-20 fiscal year was conducted by Smith & Newell CPAs who have been conducting the County's audits for the last 8 years. The audit was initiated in August of 2020, and the final audit report was issued on March 4, 2021. Audited financial statements were produced in accordance with Generally Accepted Accounting Principles (GAAP) and audited according to Government Auditing Standards (GAS).

The auditors reported on internal control and compliance, and included the Schedule of Expenditures of Federal Awards (SEFA). They also prepared a Schedule of Findings and Questioned Costs. This Schedule is significant in that Findings (i.e. Material Weaknesses or Significant Deficiencies) affect the ability of the County to obtain future funding, grants, or awards. If findings are identified, corrective action plans and/or responses from the county are required and are included in the final audit report.

METHODOLOGY

The Grand Jury reviewed the Audit Report for the year ended June 30, 2020 with an emphasis on the Single Audit Act Reports and Schedules. The Grand Jury interviewed the Auditor-Controller and senior leadership with accounting responsibilities in a large county department. The Grand Jury also reviewed policy guidance for closeout reporting issued by the Auditor-Controller and related guidance and instructions issued by a county department. The Grand Jury sought to understand the current and prior year findings in the audit report.

DISCUSSION

The Single Audit Schedule of Findings and Questioned Costs identified one finding in the Financial Statements. There were no Questioned Costs or Material Weaknesses, which are the most serious, but there was a Significant Deficiency noted. The American Institute of Certified Public Accountants (AICPA) defines a Significant Deficiency as "a deficiency in the internal control that is less severe than a Material Weakness, but still judged important enough to merit attention by those charged with governance". The Grand Jury was concerned as this is a repeat finding from the prior year.

Significant Deficiency 2020-001 Audit Adjustments

The audit report stated that the County had not reconciled and adjusted all accounts on the general ledger to adequate documentation, with the result that the financial statements as presented to them contained misstatements and required adjustment. There were no questioned costs identified as a result of this review and adjustment process.

As noted in previous Grand Jury reports, this is a complex and recurring issue that is more process and timing related than a technical deficiency. The Auditor's office is required to present financial records before mid-August when the audit fieldwork begins. This requires each department to submit financial closeout information to the Auditor's office well in advance of the audit. In several cases, the departmental information is based on estimates and projections as they may receive federal, state, and grant reimbursements months in arrears. Those reimbursements are often received well after the start of the audit and final amounts may differ from their projections. County departments update their data and the related documentation as reimbursements are received, but this changes the financial information and schedules originally provided to the external auditors, resulting in their concern about misstatements and adjusting entries.

Because this was a prior finding, during 2020-21, the Auditor-Controller issued written policy guidance to county departments regarding closeout reporting. Additionally, communication and meetings between staff from the Auditor's office, and department financial managers, increased in order to improve the accuracy of projections and the format for presenting the information. The Auditor's office also implemented a more stringent review and reconciliation of the year end reports before submission to the external auditor. However, it is the opinion of the Grand Jury

and the key financial staff who were interviewed, that this problem cannot be entirely eliminated due to the timing of reimbursements, changes in reimbursement rates and other factors outside of local control; as well as the timeframe required by law for the audit to be completed.

FINDINGS

F1. The County has effectively implemented corrective actions to address the findings of the 2018-19 Single Audit.

F2. The issues and corrective action regarding Significant Deficiency 2020-2021 were adequately addressed by the Auditor-Controller and departmental staff.

COMMENDATION

R1. The Auditor's Office and county departments should be congratulated on their effective implementation of corrective actions, and their focus on continued improvements.

REQUIRED RESPONSE: None

TEHAMA COUNTY JUVENILE DETENTION FACILITY

CRIMINAL JUSTICE COMMITTEE

SUMMARY

The mission of the Juvenile Detention Center is to improve public safety and the quality of life in Tehama County through offender compliance and accountability. Their vision is to have fewer crimes and victims.

METHODOLOGY

The members of the Tehama County Grand Jury visited the Juvenile Detention Facility, and conducted an interview with leadership. The facility is located at 1840 Walnut Street, Red Bluff on April 29, 2021. The tour was led by the Probation Department leadership.

DISCUSSION

This is a state-of-the art facility with an up-to-date kitchen, pods, and restrooms. Each pod contains a classroom and day area and is continuously monitored from a centralized control station. The capacity of the facility is 64 beds. There are currently 18 wards housed in the facility. There are three pods, with 20 beds each, two of which are currently in use. The facility is staffed by 32 employees working four shifts.

Tehama County contracts with Plumas, Glenn, Lassen, Trinity, Lake, and Siskiyou counties to house their youth in Red Bluff. The cost to house out of county wards is $150 per day. The rural county trend is not to remove youth from their family unless they are considered to be a danger to self or society. It is found that, in most cases, they do better in a family situation. This has a bearing on the number of wards housed in the center.

When a youth is released they are assigned a probation officer to assist with the transition and monitor their behavior. At any given time, there are 30 youths that have to check in with their probation officer.

Programs and Services

The wards are provided three meals per day. In addition, 150 hot lunches per day are prepared on site for the Senior Nutrition Program which generates additional revenue for the facility.

The Probation Department contracts for mental and physical health services at the facility. The Tehama County Department of Education funds two teachers and two aides. The wards attend class from 8 a.m. to 2 p.m., five days a week.

Upon initial entry into the program, all youth receive a full needs assessment to address strengths and needs in order to create a full treatment case plan. There are programs that are provided for the youths to prepare them for successful transition when they leave the detention center. These programs include:

Restore Program: A counseling, mentorship, and activities program for first time offenders.

Hope Program: A treatment and mentorship program through a contract with Empower Tehama.

Changing ARMOR Program: A behavior modification program supported by evidence-based programming designed to match a youth's strengths and needs in order to assist them in taking responsibility for their actions and develop new life and coping skills.

The Makerspace: A program where young people have an opportunity to explore their own interests, learn to use tools and materials, both physical and virtual, and develop creative projects.

Tehama County Skills Program: Training in woodworking, welding, and culinary arts.

Gardening and Community Service: An opportunity to work in the year-round community garden that provides fresh produce to the center as well as several non-profit agencies.

Transitional Services: It is the expectation that the youth's probation officer and family members become active participants to create a transitional case plan to assist the youth in successfully transitioning upon completion of the program. Youth are accommodated in attaining CA ID cards, Medi-Cal cards and assisted in completing FAFSA and college applications through the Tehama County Office of Education. Vocational and educational programs are also provided for students who are currently under court directed supervision.

Services and resources that are provided are:

Mental Health Counseling

Drug and Alcohol Treatment

Faith Based Support Groups

Education and Credit Recovery

Advanced Education

Reentry into the Community

Employment Application Training

FINDINGS

F1. The Juvenile Justice Center is a well-run program that provides individualized programming to assist the wards with educational and rehabilitation needs. It is operating well below the maximum capacity of 64 due to COVID-19 constraints.

RECOMMENDATIONS

R1. Continue current practices that support the needs of Tehama County youth and the needs of youth in surrounding counties.

REQUIRED RESPONSE: None

TEHAMA COUNTY JAIL

CRIMINAL JUSTICE COMMITTEE

SUMMARY

Penal Code 919(b) stipulates that the Grand Jury shall inquire into the condition and management of the public prisons within the county, which includes both state and local correctional facilities. The Tehama County Jail is located at 502 Oak Street in Red Bluff. The jail is a Type II facility that is used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

METHODOLOGY

Members of the 2020 - 2021 Tehama County Grand Jury toured the county jail on May 4th and July 1st to conduct interviews. Our committee met with the jail captain, who oversees jail operations and administrative divisions for Tehama County, and the lieutenant who is responsible for the supervision and transportation of inmates.

DISCUSSION

The capacity of the jail, rated by the Board of State and Community Corrections (BSCC) is 191. As of the interview date on May 4th, 2021, there were 127 inmates housed at the facility. At the second visit there was a decrease of nine inmates. The county would prefer inmate count to remain below 178.

The jail is divided into two wings: the east wing, built in 1994, and the west wing, built in 1974. The cells for high security inmates are located in the west wing. In general, the facility was clean and free of any obvious disrepair. The inmates are housed in four pods: three male pods and one female pod. The most serious offenders are housed in their own cell and not allowed in the general population. Each inmate is allowed time in the recreation area, which consists of a secured concrete pad with a mesh roof.

Jail Expansion Project

A jail expansion project is planned for the former Tehama County Library site on Madison Street. The Board of Supervisors accepted conditional award money from the State in the amount of $20 million. The county must first build the facility and then be reimbursed by the State. It is estimated that $2.7 million will be needed for the operational cost of the expansion.

The State was expected to approve the preliminary plan for the jail in December 2020. The working drawings and bid process were expected to take place in April, 2021. From there the project was expected to have a construction contract awarded by June 15, 2021 and that contract

was expected to be approved by the State Department of Finance by August 2021. The project is expected to be completed by the summer of 2023. As of August 2021, the jail project has been delayed by the State of California due to the circumstances of COVID-19. The funds set aside by the Board of Supervisors remain in place for the project to proceed. This delay has caused the construction costs to increase significantly.

The jail expansion would add 64 new beds and replace some of the aging facilities located at the current jail. The plans for the new jail (architectural basics only) were presented which showed the layout of the expansion project. This new build is treated as a separate building, which avoids the requirement to bring the existing jail up to current codes. The new facility would be staffed by 12 deputies and one supervisor. The new facility would also replace the kitchen and laundry in the existing facility, as both are small and outdated.

Staffing

Current staffing includes one supervisor and five deputies per shift. They work a 12-hour shift, 6 a.m. to 6 p.m. and 6 p.m. to 6 a.m. Absences are covered by deputies from the preceding shift, employees on call, or administrators. Bilingual staff includes one deputy and one nurse medic who receive additional compensation for their bilingual skill. The jail is maintained by two maintenance employees. Custodial services are performed by inmates.

Deputies conduct visual safety checks for all inmates every 45 minutes. An inmate management system, utilizing a barcode system, documents safety checks and ensures that the rounds are made in a timely manner. There are colored monitors in the tower that monitor security in the various areas. The tower booth had a large plate glass window that overlooks a dorm where high security inmates are housed. During the committee's tour, it was noticed that this window was cracked. The crack appears to impact the security integrity of the glass. There is a process to replace the glass. This requires acquiring bids and submitting said bids to the Board of Supervisors for approval. The last bid of $10,000 has yet to be approved.

Safety Cell and Sobering Cell

There is currently one sobering cell and one safety cell. The safety cell is designated for one occupant with known or suspected mental health issues. The capacity of the sobering cell has been exceeded during large public events. These cells are video monitored with physical checks each hour.

Intake

Standard operating procedures for the intake process provides for the safety of the detainee, the arresting officer, and jail staff. A health history of the inmate is taken during this process. Each inmate is given clothing, a mattress, a blanket, a hygiene packet, and two stamped

envelopes. The jail is following the guidelines of Public Safety and detainees are tested for Covid-19 before entering. Covid-19 vaccines have been offered to all inmates and staff. An inmate classification system is used to assign new inmates based on their background and tendencies. This practice provides for inmate and officer safety by preventing inmate versus inmate victimizations or assaults.

Health

Medical staff consists of a registered nurse that is on duty during the day. There is a doctor on call who will come to the facility as needed. For periods when medical staff is unavailable, Emergency Medical Services, such as the fire department or ambulance, are utilized. Mental health services are provided to inmates by phone through the Tehama County Mental Health Department.

Currently, there are four mentally impaired who await assignment to mental health facilities. Tehama County Mental Health Services will often not accept mental health candidates who have been noted as problematic patients and are repeat offenders. Instead they are arrested, charged with a crime, and incarcerated.

Meals/Nutrition

Nutritional guidelines and menus are created by a staff nutritionist, with input from health services, for prisoners with food allergies or special dietary needs. Hot meals are provided for breakfast and a bagged meal is provided for lunch and dinner. Meals are prepared by inmate staff who are supervised by an employee cook. Low security inmates are used in the kitchen and laundry facilities.

Inmates have access to an online ordering service which allows them to order additional foods and snacks of their choice. Inmates must pay for these items. Jail staff check each item upon arrival, as the order comes in bulk packages. Food is also grown at the work farm. The produce is used in the jail, at social services, and at a halfway house.

Programs

The Tehama County Jail offers programs to assist inmates with re-entry to public life. External programs are utilized by those who pose the least amount of threat to the public. Some of these programs include Electric Home Monitoring (EHM), day reporting, and working at the farm, cabinet shop, welding shop, or auto shop. The program goal is to assist inmates with re-entry into the workforce and public life; thereby, reducing the risk of recidivism.

Educational programs are also offered to the inmates. They are given the opportunity to acquire a General Education GED certificate. Sixty tablets have been ordered for this purpose.

Due to COVID-19, they have not yet been received.

Chronic Offender Program

A new program has recently been initiated at the jail. The program is designed for those who are arrested and rearrested, and who continue to fail to appear in court. By keeping offenders in jail for the duration of their court proceedings, this effort works to prevent criminals from reoffending.

Each law enforcement agency in the county will be allotted three jail beds for habitual offenders. These offenders would normally have been released on a promise to appear after being booked into the jail for non-violent crimes. This program will not prevent an arrested person from posting bail.

Grievances and Discipline

There is a chain of command for handling grievances. A grievance is first reviewed by the shift supervisor, and if it is not resolved at that level, it is reviewed by the jail administration. If there is no resolution, it will be submitted to the Sheriff.

Frequency of disciplinary actions are posted and are accessible to staff. Reports are generated documenting the actions that were taken. Most disciplinary actions are in response to fighting, contraband, and weapons. All disciplinary actions must be approved by the jail administrator.

Visitation

Due to COVID-19, all in-person visitation at the jail has been cancelled. Video visitation is available.

FINDINGS

F1. There is a large plate glass security window in the tower that is damaged. The replacement procedure has created a delay in completing a repair.

F2. The new jail facility does not have a start date for the expansion. The delay in construction of the new jail facility is adding to the cost of the project.

RECOMMENDATIONS

R1A. The Grand Jury recommends adding a category to the next annual budget that would allow for emergency repairs.

R1B. The Grand Jury recommends that jail administrators immediately compile a list of contractors for needed repairs.

R2. The Grand Jury recommends exploring a bond initiative to address the funding shortfall for the new jail facility.

Required Response

Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to R1- R2 within 90 days.

ISHI CONSERVATION CAMP #18

CRIMINAL JUSTICE COMMITTEE

SUMMARY

Penal Code 919(b) requires that the Grand Jury look into the condition and management of the public prisons within the county, which includes both state and local correctional facilities.

The Department of Corrections and Rehabilitation (CDCR) is currently operating 14 camps. Due to the high rate of COVID 19 in prisons, and the passage of AB 2147, large numbers of incarcerated inmates were released. Four fire camps were closed in the northern region alone. The Ishi Conservation Camp specifically has not experienced a positive case of COVID-19 as of the date of inspection.

GLOSSARY

Ishi Conservation Camp #18, herein referred to as ICC; California Department of Corrections and Rehabilitation, herein referred to as CDCR; California Department of Forestry and Fire Protection, herein referred to as CAL FIRE.

BACKGROUND

Ishi Conservation Camp #18 (ICC) opened in April 1961, and is jointly operated by the CDCR and CAL FIRE. The camp's primary mission is to provide inmate fire crews for fire suppression activities in the Tehama, Glenn, Shasta and Plumas County areas. Inmate crews also provide a workforce for conservation service projects in the local area. ICC is an approved provider of the Ready 2 Heat Meals, which are distributed throughout the state to firefighter crews. This is a service provided and run by ICC. Sales are limited to state and local government agencies. ICC also serves as an intensive CAL FIRE training camp for multiple Northern California Conservation Camps.

METHODOLOGY

Members of the 2021 Tehama County Grand Jury conducted interviews with the California Department of Corrections and Rehabilitation (CDCR) and CAL FIRE officials, including the Lieutenant in charge of the camp and the Fire Division Chief, on October 21, 2021. The Grand Jury Members toured the CAL FIRE portion of the camp; this included the metal shop, auto shop, garden area, wood cutting operation and wood shop. These activities serve to teach inmates life skills and to provide hands-on experiences that they can take with them back into the community. We were given several success stories of past inmates that have gone through the program. We also toured the CDCR portion of the camp which included dormitories, television room, gym, dining hall, and the mobile kitchen unit. The camp was clean and well maintained.

DISCUSSION

ICC is designed to house 110 inmates, but currently down significantly due to the early release of the inmate population, as well as rampant Covid 19 in the prisons. Inmates are housed in open dormitories with an attached mobile dining vehicle. The kitchen facilities were destroyed in a fire in 2017, and bids and plans to replace the kitchen are underway.

Crews traditionally consist of 17 inmates supervised by 1 captain. In the past, there have been anywhere between 1,700 and 1,900 inmates working on 4-7 crews in the Northern District. Presently, camps are operating 2-3 crews. Inmates are selected by a classification system that excludes those who have committed any sex-related offenses, murder, escape, arson or violent crimes. If an inmate meets a certain criterion, or has a skill set, they may be chosen for a specialized trade that may be useful to the camp. The number of inmates will fluctuate as they rotate in and out of the program. Inmates receive extensive training in clearing roads and trails, tree removal, weed abatement, cutting fuel line breaks, clearing ditches, and flood prevention. They are also trained in fence installation and removal, snow removal, construction projects, along with building maintenance and cleanup, and trash and litter pickup.

Inmates from ICC provided 57,600 hours of firefighting and other emergency work in 2020-2021. Inmates from ICC provided 32,182 hours of community service in 2020-2021. GED testing became available in May 2016 for all inmates. Computers have been ordered and will be available to help them achieve a GED. The positive impact of the program not only on the lives of the inmates, but to the local communities, as well as the entire state, were discussed at length. For many, it is the first time that they have had any guidance or purpose in their lives. It is a rehabilitative program, in that their lives are transformed by the skills and other life lessons learned at the camp. The inmates chop firewood, and with the proceeds, restore bicycles donated to Tehama County Social Services for foster children during the Christmas season. During the ongoing pandemic, one inmate in the wood working shop built 72 picnic tables for a local school, so that they could maintain social distance during outdoor meals. The budget, which varies and is legislatively controlled, was discussed. There are currently eight fire captains, down from 10 due to budget constraints. Safety concerns due to less available manpower because of early release and the ongoing pandemic, as well as the added stress placed on equipment from overuse, were discussed. Doing the same amount of work with less manpower and equipment, as well as less staff, is an ongoing concern.

COMMENDATIONS

C1 CDCR, CAL FIRE, as well as the inmates of ICC are to be commended for their ongoing community service of 32,182 service hours and 57,600 firefighting hours in 2020-2021.

C2 CDCR, CAL FIRE and the inmates of ICC are to be commended for their ongoing commitment to community projects that benefit Tehama County.

RECOMMENDATION

R1 The staff of CDCR and CAL FIRE take pride in being part of ICC. They witness the transformation of inmates on a daily basis. We recommend that this worthy rehabilitation program be funded and supported by the State of California.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

REGARDING A COMPLAINT ABOUT MISMANAGEMENT OF

THE PUBLIC AUTHORITY

AD HOC COMMITTEE

SUMMARY

The 2021 Grand Jury received a complaint against the County Chief Administrative Officer and the Board of Directors of the Public Authority for failure to perform their responsibilities to manage the In-Home Supportive Services Public Authority and for ignoring the mandates of AB 1682 regarding the structure and staffing of the Public Authority.

The majority of the allegations were proven to be unfounded, but the Grand Jury included the investigation in this report to address the ongoing allegations being made in public meetings.

BACKGROUND

In-Home Supportive Services (IHSS) are provided to individuals who are blind, disabled, or 65 years of age and older; receiving Medi-Cal; and unable to live at home safely without help. IHSS Care Providers offer services such as cooking, cleaning, grocery shopping, laundry, and personal care. Services are provided at no cost to eligible individuals.

IHSS is a long-standing program that was amended in 2003 by Assembly Bill 1682. The bill requires, among other things, the designation of an Employer of Record for IHSS providers and provides options for this role, including the establishment of a Public Authority. It further requires the formation of an IHSS Advisory Council to provide local input on IHSS services.

In Tehama County, the IHSS Public Authority was formed as the Employer of Record for IHSS providers. Additionally, a significant role of the Public Authority is to assist consumers with greater access to providers by creating a provider registry that lists screened IHSS providers.

The Tehama County Board of Supervisors has been designated as the Board of Directors to oversee the IHSS Public Authority. They also appoint an IHSS PA Advisory Committee composed of IHSS Providers and Consumers to advocate and advise on ways to improve the quality of the IHSS system.

The County of Tehama explored several models for the operation of the Public Authority, but in 2017, with the unanimous consent of the Board of Supervisors, entered into a MOU (Memorandum of Understanding) for administrative services and facilities, which designated the Tehama County Director of Social Services as the ex-officio Executive Director responsible for administrative oversight, established an IHSS Program Manager for day-to-day responsibilities, and housed the Public Authority within the Department of Social Services.

The Complainant alleged numerous reasons why the structure and management described above has not been compliant with the requirements and intent of AB 1682.

METHODOLOGY

The Grand Jury reviewed documents including AB1682, California Department of Social Services ALL COUNTY INFORMATION NOTICE NO. I 42-02 (AB1682 Implementation Questions), IHSS PA MOU's (2017 and 2020), Board of Supervisors Agendas and Minutes, IHSS PA Board of Directors Minutes, and the IHSS PA Advisory Committee Agenda, Minutes and website.

The Grand Jury listened to audio recordings of Board of Supervisors meetings and Study Sessions regarding the IHSS Public Authority from 2016-2021, and interviewed the ex-officio Executive Director of the IHSS Public Authority. Inquiries were also made to the County Auditor.

The Grand Jury sought guidance from the District Attorney and the County Counsel assigned to the 2021 Grand Jury.

DISCUSSION

The Complainant asserted the following violations:

ALLEGATION 1: "Allowing County employees to do the work of IHSS Public Authority: Assembly Bill No. 1682 States that "Employees of the Public Authority shall not be employees of the county for any purpose." It is asserted that the MOU approved 07/01/2017 was not in compliance with AB 1682. While the IHSS PA is permitted to retain an Executive Director, it is asserted that the law does not allow for other County Employees to be employees of the IHSS PA regardless of what the Tehama County ordinance 1786 States. AB 1682 is law and supersedes any language in a local ordinance that is not appropriately in line with the legal intention and spirit of the law."

FINDINGS

F1A. The State of California - Health and Human Services Agency/Department of Social Services issued an All-County Information Notice No. I 42-02 to all County Welfare Directors/ IHSS Program Managers, including the following questions and answers:

> *Question 10: In a PA mode, can a county designate one of its departments to run the PA?*
>
> *Answer: A PA is a legally established local agency. ACL 98-20 explicitly states that a PA or NPC may not duplicate any activities or services of the county. We have advised counties that AB 1682 does not appear to preclude a PA from contracting with county agencies for services. It is unclear to us, however, how one county agency can "run" a separate independent local agency. Counties should consult their county counsels.*

Question 11: What is meant by the language in WIC 12301.6(b)(2)(B) that "employees of the Public Authority (PA) shall not be county employees for any purpose"?

Answer: To the extent that this answer is inconsistent with previous answers provided to individual counties, this answer supersedes all previous answers.

As we have stated in our response to question 12 below, some counties have allowed their PAs to contract with the county for county staff services. We now believe that the statutory language was not intended to prohibit an individual from holding a job with the county and holding another job with the PA.

Rather, given the immunity provisions included in WIC 12301.6, we believe it is reasonable to interpret language that "employees of the public authority shall not be employees of the county for any purpose" to mean that for any purpose including employer liability, an employee's actions done during the course and scope of their employment for the PA shall not be construed to be acts of the employee as an employee of the county in any capacity. See also MPP 30-767.211.

We believe the statutory language clarifies and emphasizes the fact that the PA is an entity that is legally separate and distinct from the county. Each county should consult with its county counsel in assessing the legal issues associated with this question. In particular, counties should consult with their county counsel to determine whether dual employment would conflict with their county conflict of interest codes.

Question 12: Can the PA contract with the county to provide staff for the PA?

Answer: Yes some counties have allowed PAs to contract with the county for the full-time dedicated services of county staff, i.e. county staff contracted to the PA have been fully dedicated to the business of the PA and have had no county duties, although this would not be prohibited. The county employee could dedicate part-time to the county and part-time to the PA, as long as the agreement between the county and the PA properly defines the relationship. Additionally, the law does not appear to preclude a PA from contracting with a county for support services, such as accounting, or payroll. We suggest you discuss these issues with your county counsel.

F1B. Public records indicate County Counsel reviewed the MOU and/or the proposed structure of the IHSS PA, and found it to be legally compliant with AB 1682 on several occasions, including in 2016, 2017, 2020, and 2021.

RECOMMENDATIONS

R1. None, as we believe there is no violation of AB 1682.

ALLEGATION 2: “It is asserted that while an IHSS PA Advisory Board was in place, the Advisory Board folded for lack of management and lack of attention paid to it during the county's CAO assignment as Executive Director. It is a mandate of the program to continue to have an IHSS PA Advisory Board. The IHSS PA Advisory Board has not been treated as an appropriate Brown Act notice meeting with agendas, minutes, consistent times and dates, by laws, etc.”

FINDING:

F2: This appears to have been corrected. Agendas, meetings and minutes are posted online at tehamacountyihsspa.com. It appears that meetings were suspended after March, 2020 due to COVID-19.

RECOMMENDATION:

R2. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.

ALLEGATION 3: “It has been asserted that no legitimate financial reporting has been made to the IHSS PA Advisory Board or the Board of Directors. No warrant register specific to the IHSS PA nor treasury reports were provided. Nothing has been submitted to the Board of Directors showing a listing of any or all expenses associated with the IHSS PA. No appropriate reporting has been provided for each fiscal year, nor any other period as is expected with any other independent programs.”

FINDINGS:

F3A: There does not appear to be any language in AB 1682 which specifies financial reporting to the IHSS PA Advisory Board.

F3B. IHSS PA budget and expenditures are submitted to the County Auditor’s office and subject to standardized accounting review and approval processes, and available to the Board of Supervisors.

F3C. Out of the ordinary expenditures are submitted for prior approval to the Auditor and/or County Counsel to ensure they are an allowable use of IHSS PA funds.

RECOMMENDATIONS:

R3: None

ALLEGATION 4: “It appears that the IHSS PA Advisory Board and IHSS PA Board of Directors meetings are possibly not properly noticed. IHSS PA Advisory Board meetings were not held for at least a couple of years under the County CAO. Also, when the IHSS PA Advisory Board was being reestablished, the Chair and Vice Chair complained that the meetings were

either not held or inconsistent or planned at dates or times the IHSS PA Advisory Board members could not be there."

FINDING:

F4. This appears to have been corrected. Agendas, meetings and minutes are posted online at tehamacountyihsspa.com. It appears that meetings were suspended after March 2020 due to COVID-19.

RECOMMENDATION:

R4. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.

ALLEGATION 5: "The IHSS PA Board of Directors meeting minutes are extremely difficult to locate, which leads to additional lack of transparency. No Reports of activities of the IHSS PA Advisory Board were reported to the IHSS PA Board of Directors, nor were data or other information provided as an update to keep the IHSS PA Board of Directors properly informed of the program's activities."

FINDINGS:

F5A. The IHSS PA Board of Directors meetings are typically encompassed within the Board of Supervisors meetings, and separate minutes are maintained. Agendas and minutes of the Board of Supervisor meetings can be found at: http://tehamacountyca.iqm2.com/Citizens/calendar.aspx.

F5B: Study Sessions regarding the IHSS PA were held with the Board of Supervisors in August 2016 and August 2020 prior to MOU approval. These sessions included formal presentations by representatives for the IHSS PA and allowed opportunities for the IHSS PA Board of Directors to have their questions and concerns addressed.

RECOMMENDATIONS:

R5: None

ALLEGATION 6: "The website (tehamacountyihsspa.com) has not been updated since March 19, 2020 No reports or financial updates are provided there. Only a few meeting minutes appear there."

FINDING:

F6. Agreed.

RECOMMENDATION:

R6. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance.

ALLEGATION 7: "The MOU approved on 9/01/2020 is believed to be in violation of AB 1682. "Employees of the Public Authority shall not be employees of the county for any purpose." The 9/01/2020 MOU has no end date and instead has the statement: "…shall commence upon July 1, 2020 and remain in full force and effect…" It is asserted that this MOU is flawed as any contractual agreement should have a reasonable end date (Most other Tehama County contracts are one to three years). This MOU also lacks a not to exceed spending amount for the contractual period. It is assumed that since a dollar amount was noted in the previous MOU that one could reasonably be expected here. It is believed that this MOU must be immediately redrawn and written to comply with the law. The MOU asserts "This MO shall not be amended, except in a writing that is executed by authorized representatives of both parties." Both parties' consideration may not be appropriate."

FINDINGS:

F7A. See Finding F1A above regarding the use of County employees.

F7B: Although no end date was specified, the MOU can be terminated on 30 days' written notice by either party, as per Paragraph 9.

F7C: The not to exceed spending amount is the annual allocation received by IHSS PA as determined by the state, per Paragraph 7.

RECOMMENDATIONS:

R7. None

ALLEGATION 8: "The IHSS PA board of directors have failed in their obligations and responsibilities as they have not held the Chief Administrator and IHSS PA Executive Director, and now the existing Executive Director accountable to the intent of the mandate. They have approved minutes of the PA with no activity reported and they have not performed their obligation of oversight responsibility for the program."

FINDINGS:

F8A. Multiple County Counsels have reviewed the MOU and the structure of the IHSS PA going back to its origin in 2016-17 and as recently as September 2021. They have consistently found the IHSS PA and the MOU to be compliant with the law.

F8B. The IHSS PA Board of Directors meets at least quarterly for routine business, and has held periodic study sessions for an in-depth discussion of how the program is operating.

RECOMMENDATIONS:

R8. None

ALLEGATION 9: “It is asserted that a particular County employee … and other county employees have been working within the business of the IHSS PA, in spite of the AB 1682 language that intends for the IHSS PA to remain a separate entity.”

FINDINGS:

F9A. The question of whether a County employee can work on IHSS PA has been addressed in F1A above.

F9B. The IHSS PA Board of Directors and the County of Tehama entered into an MOU for Administrative Services and Facilities. This MOU states that the “...Director of Social Services shall act as ex officio Executive Director of IHSS PA, and shall be responsible for overseeing the budget and general administration… County shall further provide adequate administrative staffing to support the Director's performance of these functions.”

F9C. In August 2016, prior to approval of the 2017 MOU, the Director of Social Services presented a revised organizational chart to the Board of Supervisors for an expanded leadership team. The new structure clearly delineated where the IHSS PA would fit in this structure, including oversight and supervisory responsibilities. The County employee in question falls within this structure.

RECOMMENDATIONS:

R9. None

ALLEGATION 10: “Finally, a citizen… through multiple Public Record Act requests has identified problems, yet documents have been written to cover up issues.”

FINDING:

F10. County Counsel answered the citizen on July 19, 2021.

RECOMMENDATION:

R10. None

ALLEGATION 11: “When the Chief Administrator ceased being the PA Executive Director, it does not appear that his contract was adjusted to remove the additional compensation.”

FINDINGS:

F11A. According to the County Auditor, the Chief Administrative Officer was never paid any additional compensation for his role as Interim Executive Director of the IHSS Public Authority. Further, the Tehama County general fund was reimbursed for certain hours of his time spent serving in that capacity.

F11B. According to the County Counsel, the current ex-officio Executive Director of the IHSS PA is not receiving additional compensation for assuming this responsibility.

RECOMMENDATIONS: R11. None

TEHAMA COUNTY GRAND JURY REPORT

THE ROLE AND AUTHORITY OF TEHAMA COUNTY SUPERVISORS

Regarding a Complaint Against a County Supervisor, October, 2021

SUMMARY

The 2021 Tehama County Grand Jury received a complaint against a member of the Tehama County Board of Supervisors. The Grand Jury formed an Ad Hoc committee to conduct an investigation into the complaint. The Grand Jury sought legal advice from the District Attorney and the Tehama County Grand Jury Counsel during this investigation. It was determined that, based on the information acquired by this committee, there is enough evidence to confirm that the complainants' concerns were warranted.

BACKGROUND

In 2020 the current Tehama County Personnel Director received complaints from County employees regarding violations of the County Personnel Rules by Tehama County District 2 Supervisor in their treatment of County employees. Tehama County Personnel Rule 8103 requires the Personnel Director to investigate such allegations and to do so with the assistance of the County Counsel's office if needed. The Personnel Director consulted the County Counsel and it was decided to refer the matter to an outside Law Group for investigation. The Law Group referred to is an independent law firm retained by the County Counsel's Office for the purpose of conducting confidential attorney client privileged investigations of personnel matters. After an extensive investigation an executive summary of the investigation found that the District 2 Supervisor violated Tehama County Personnel Rules. The Board of Supervisors elected to refer this matter to the Grand Jury for review and action, if deemed necessary.

According to Penal Code Section 925 the Grand Jury is authorized to conduct an investigation into the operations of the County and its Officers. Penal Code Section 933 provides that the Grand Jury may report its findings and recommendations in its final report, or if the Grand Jury finds willful misconduct, they may seek to remove an elected official from office, per Government Code Section 3060.

According to the Government Code and the Board policies, the power of a county is exercised by the Board of Supervisors only through actions taken at lawfully convened public meetings. An individual member of the Board of Supervisors does not have the authority to direct the officers and employees of the County in their work.

According to Tehama County Personnel Rules, Section 1301, Code of Conduct, Workplace bullying will not be tolerated. Actions such as offensive language, humiliating, gossiping, threatening, or disparaging treatment; coercive, belittling, sabotaging, isolating, and

discourteousness are considered abusive behaviors and may all be considered workplace bullying.

The County Personnel Code of Conduct also gives as one of their guidelines, "Accountability – Be accountable for your own behavior, whether it is personal or professional. Conduct yourself in the highest ethical manner in relationships with peers, seniors, and subordinates."

The Tehama County Personnel Rules, Code of Conduct also states, *Be familiar with department rules, statutory laws and regulations, and Tehama County policies.*

METHODOLOGY

The Grand Jury reviewed documents provided by County Counsel.

The Grand Jury reviewed the investigation executive summary with findings provided by the Investigating Law Group.

The Grand Jury reviewed documents provided to them by Tehama County District 2 Supervisor.

The Skelly officer was interviewed.

The Executive Director of Social Services and Ex-Officio Director of the Public Authority was interviewed.

Recordings of Board of Supervisors meetings were reviewed, including the meeting of 09/01/2020.

FINDINGS

F1. There is no evidence of criminal willful misconduct by Tehama County District 2 Supervisor.

F2. Tehama County Supervisor for District 2, on multiple occasions, interfered in the Administration of County Departments, acting beyond their authority as an individual member of the Board of Supervisors and Violated Board Policies, by directing County employees.

F3. Tehama County Supervisor, District 2 did engage in bullying behavior which included disparaging treatments, coercive conduct, discourteousness, and publicly reprimanding Tehama County employees, which violates the Tehama County Code of Conduct.

RECOMMENDATIONS

R1. The Tehama County Board of Supervisors will place on their agenda within 60 days of publication of this report, a motion to publicly censure the Supervisor of District 2 for actions taken in violation of Boards Policy and the County Code of Conduct.

R2. The Tehama County Board of Supervisors will offer the Supervisor of District 2 an opportunity to publicly apologize for their actions within 60 days of the publishing of this report.

R3. All members of the Tehama County Board of Supervisors will review the Tehama County Code of Conduct and the Tehama County Policies within 90 days of the publication of this report, signing a statement verifying as done.

REQUIRED RESPONSES

Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to R1 – R3 within 90 days.

CONTINUITY COMMITTEE REPORT

SUMMARY

The Tehama County Grand Jury is impaneled annually to investigate city and county government, special districts, and certain non-profit corporations to ensure that their functions are performed in a lawful, economical and efficient manner. Findings and recommendations developed from investigations are contained in the reports signed by the Grand Jury Foreperson and the Grand Jury Judge.

The 2021 Tehama County Grand Jury reviewed the responses to the findings and recommendations made by the 2019-20 Tehama County Grand Jury. The 2019-20 Grand Jury presented four investigative reports, each with Findings and Recommendations. The complete text of these reports can be accessed on the following website:
https://www.co.tehama.ca.us/grand-jury

This website also provides links to the responses given by the various county agencies and the Tehama County Board of Supervisors to the Findings and Recommendations contained in the reports.

BACKGROUND

The Continuity Committee reviewed all 2019-20 Grand Jury Report Findings in four presented reports. The findings are included in this summary. For the reader to better understand the requirements in response to the Grand Jury's findings and recommendations, the following information is provided:

California Penal Code Section 933.05(a) requires the responding person or entity to indicate one of the following regarding the Grand Jury's findings:

1. The respondent agrees with the finding.

2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

In reference to each Grand Jury recommendation, California Penal Code Section 933.05(b) requires the responding person or entity to provide one of four possible actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

METHODOLOGY

The Penal Code requires respondents to provide input on the findings of a report. This report focuses on the responses to recommendations which were a result of the findings. The information provided in response to the findings often affords valuable background and supplementary data.

The 2021 Tehama County Grand Jury Continuity Committee evaluated responses to the 2019-2020 Tehama County Grand Jury recommendations to ensure compliance with the governing sections of the Penal Code. The following criteria were considered:

1. Were responses received by the presiding judge within the legal time limits from the date of each report's release?

2. Did the response indicate whether the respondent agreed or disagreed, either wholly or partially, with the finding? If the respondent disagreed, did the response include an explanation?

3. If a response indicated that a recommendation had been implemented, did it include a summary of what was done?

4. If a response indicated that a recommendation would be implemented, did it include a summary and timeframe for what would be done?

5. If a response indicated that a recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?

6. If a response indicated that a recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

From these findings, the 2019-20 Grand Jury requested responses to recommendations in four areas. The following table will outline the Continuity Committee's review and report:

Tehama County Government Committee: ***Tehama County Public Works***

Findings: 5

Finding 1: The 2017/2018 Grand Jury recommended that the TCPWD create a formal computerized plan to improve all road maintenance management and to track current road conditions and completed work. The new software has been purchased and installed but is not functional.	**Response:** Agree. TCPWD takes exception to the findings. Adequately addressed.
Finding 2: The 2017/2018 Grand Jury recommended the TCPWD create a tab on the TCPWD website where the general public could register complaints and track response times. Currently no page has been created. Reports are taken over the phone or in person and written on a paper form for distribution to the proper road division.	**Response:** Agree. TCPWD takes no exception to the findings. Adequately addressed.
Finding 3: The 2017/2018 Grand Jury recommended the TCPWD fill the Transportation Manager and Infrastructure Manager positions. The Transportation Manager has been filled. The infrastructure Manager is not filled at this time.	**Response:** Agree. TCPWD takes no exception to the findings. Adequately addressed.
Finding 4: Freshly chip sealed road surfaces have failed on multiple county roads.	**Response:** Agree. TCPWD takes no exception to the findings. Adequately addressed.

Finding 5: A road safety complaint concerning centerlines and fog lines not being visible on county roads after general and chip seal repair performed by TCPWD crews was received. The TCPWD Director stated "We can't fix the roads if no one calls in and tells us about a road hazard".	**Response:** Agree. TCPWD takes no exception to the findings. Adequately addressed.

Recommendations: 6

Recommendation 1: The 2019-2020 Grand Jury recommends the TCPWD utilize the current Roads Management Computer Program, with cross-training of multiple staff, to track current road conditions, to improve road maintenance management and road work completed.	**Response:** Inadequate response.
Recommendation 2: The Grand Jury recommends a Safety/Hazardous Condition Road Form be added to the TCPWD website allowing for the General Public to submit repair requests and track progress online.	**Response:** Agree: In January of 2020, we began using an Excel spreadsheet to track Service Requests and utilized email to provide more timely notification to the District Supervisors of the requests. TCPWD has created a new website that will host our Service Request application, allowing the public to register complaints via their cell phone or computer. The website was scheduled to launch by 12/31/20; however, based on ongoing internal testing and refinements as well as COVID 19 impacts to TCPWD resources, the launch will more likely be shortly after 12/31/20. We have also implemented a kiosk at our front counter where the public can complete forms/requests, with staff assistance, if needed. Adequately addressed.
Recommendation 3: The Grand Jury recommends that TCPWD fill the current vacant Infrastructure Manager position	**Response:** Agree: Current positions and vacancies are under review by the new Director (as of 10/12/20), who will give the Grand Jury recommendation proper consideration. Adequately addressed.

Recommendation 4: The Grand Jury recommends TCPWD implement a Q*C/QA* Program, with staff cross-training, which includes project and process-wide checklists to include temperatures, pressures, and product application verification for all road projects, especially chip seal oil applications.	**Response:** Agree: TCPWD work generally conforms to Caltrans standards, policies and procedures. TCPWD implemented QC/QA measures with our 2019/2020 chip seal program to ensure our projects conform to Caltrans standards. Adequately addressed.
Recommendation 5: The Grand Jury recommends the use of Caltrans-approved subgrade and roadway construction processes. Policy 5-11, Section V, Operations, Subject: Pavement Markings, states: "Centerlines shall be applied on all paved roads 18 feet wide or greater in width. Edge lines (fog lines) shall be where the pavement width is 20 feet or more to be installed at the time the project is completed."	**Response:** Agree: TCPWD Work generally conforms to Caltrans standards, policies and procedures. Striping of freshly chip sealed roads is done as soon as practicable. The manufacturer of the oil used recommended application of striping no sooner than three days following chip seal application to allow the fresh oil to cure and reduce the possibility of the oil bleeding through the fresh paint or thermoplastic striping. Additionally, consideration must be given to TCPWD staffing resources and workload. Our crews are required to perform multiple jobs, concurrently. For all roads that have been chip sealed, signage is placed to advise of loose gravel, fresh oil and reduced speed. TCPWD regularly checks and maintains the signage. Adequately addressed.
Recommendation 6: The Grand Jury recommends a bumper sticker be created with the TCPWD's 24-hour recorded phone number, be placed on the back of all TCPWD vehicles and giving easy access to the general public to report needed road repairs.	**Response:** Disagree: TCPWD has considered the recommendation but does not believe bumper stickers to be an effective tool at this time. TCPWD believes easy and appropriate access by the public to report needed road repairs is provided through phone calls to TCPWD, our kiosk at the front counter and our soon-to-be available website/app. We also include our contact information on our Facebook page and website, allowing the general public to reach us directly during normal business hours and our answering machine after hours to leave messages reporting needed repairs.

	Adequately addressed.

Audit and Finance Committee

Findings: 3

Finding 1: Corrective actions from the 2017-18 Single Audit were successfully implemented.	**Response:** The Board of Supervisors concur with the Grand Jury findings. Adequately addressed.
Finding 2: Material Weakness 2019-001 and Significant Deficiency 2019-002 management corrections were adequately addressed by the Auditor-Controller.	**Response:** The Board of Supervisors concur with the Grand Jury findings. Adequately addressed.
Finding 3: The Tehama County budget preparation process is effective and complies with California's County Budget Act.	**Response:** The Board of Supervisors concur with the Grand Jury findings. Adequately addressed.

Recommendations: 1

Recommendation: The Auditor and Controller's Office should be congratulated on its effective implementation of management corrective actions	**Response:** Although there is no response required, the Board of Supervisors agrees with this recommendation and recognizes the efforts of the Auditor-Controller to effectively implement the recommendations of the 2017-18 Single Audit and improve on quarterly reporting of both expenses and revenues. Adequately addressed.

Criminal Justice Committee: ***Tehama County Sheriff's Office***

Findings: 4

Finding 1: Funding is needed to fill vacant positions and to bring the department into safe operational levels.	**Response:** The Tehama County Board of Supervisors concurs with the Grand Jury findings. Adequately addressed.
Finding 2: Wages are not comparable to surrounding county law enforcement positions. An employee can move out of the county and qualify to do the same job with less hours worked and receive higher wages.	**Response:** The Tehama County Board of Supervisors concurs with the Grand Jury findings. Adequately addressed.
Finding 3: Updated communication equipment is needed to meet the new communication guidelines, to adequately communicate internally in first-responder or crisis issues and to more efficiently respond to out-lying areas of the county.	**Response:** The Tehama County Board of Supervisors concurs with the Grand Jury findings. Adequately addressed.
Finding 4: The driveway and parking lot are in need of repair.	**Response:** The Tehama County Board of Supervisors concurs with the Grand Jury findings. Adequately addressed.

Recommendations: 4

Recommendation 1: The Grand Jury recommends that the TSO review and implement salary realignment to include reclassification of top-level positions to fill lower pay scale classifications. Review and release frozen positions to help alleviate over time hours and to help begin to realign salaries with surrounding areas.	**Response:** The Sheriff has full authority over the organizational structure of the department. The BOS does not question the level of management positions. The BOS does agree with the recommendations; however, new revenues are needed. Voters in both Red Bluff and Corning have approved local sales tax measures, resulting in new revenue. The BOS

	placed a sales tax measure on the ballot that was rejected. The Board currently has three ad hoc committees studying the issue. These measures alone will not provide significant revenue necessary to provide comparable salaries. Adequately addressed.
Recommendation 2: The Grand Jury recommends that the Board of Supervisors implement binding arbitration for contract negotiations before a contract is set to expire.	**Response:** The BOS disagrees with this recommendation. Binding arbitration has been shown to de-incentivize both parties to reach an agreement, virtually eliminating local participation in the final settlement. It would turn the decision over to a third party, with no local ties or knowledge, resulting in disparate use of the budget favoring one bargaining unit over the needs of all bargaining units and county services in total. Another consequence would be to limit the Sheriff's ability to determine staffing levels, shift assignments, and promotional appointments. Adequately addressed.
Recommendation 3: The Grand Jury recommends that the Board of Supervisors review and plan for the purchase of needed new digital communication equipment. Review and plan for communication towers and/or repeater stations to create and ensure regular and consistent communication in all corners of the county. This will also facilitate better communication with other agencies assisting in an emergency situation.	**Response:** The BOS concurs with the recommendation. Purchase of equipment and upgrading systems is a legitimate use of Sheriff discretionary funds. A second phase funded by the Emergency management Performance Grant is matched by the general fund. The current upgrades do not address the full extent of the problem in rural, rugged topography. This impacts multiple departments in the county. The BOS awarded a contract for design and implementation of Integrated Public Safety for TRAX to CDX wireless on December 22, 2020 to prepare a plan related to coverage and interagency operability. The contract will be reviewed for possible amendments or to expand the scope of study. The County continues to discuss this problem with commercial communications providers and the State legislature.

	Adequately addressed.
Recommendation 4: The Grand Jury recommends that the Board of Supervisors have the TCSO driveway and vehicle storage area repaired to meet safety standards.	**Response:** The BOS concurs that repairs are needed, but disagrees with the statement regarding safety standards. The county budget has resulted in deferred maintenance at several county facilities. The TCSO parking lot has been noted, and, in particular, the gravel in the sink hole will be monitored for any new subsidence. Adequately addressed.

Special Districts: ***Corning Water District***

Findings: 5

Finding 1: The cost of running the CWD exceeded the revenue and must be Supplemented with reserve funds.	**Response:** To clarify the statement that the cost to operate exceeds the revenue is specific to the issues/changes we are going through the last 2 seasons. In short, the District incurred the repayment obligation of $4.2 million dollars, which added a $56 component to our water rate. Adequately addressed.
Finding 2: The computers are very old and need replacing.	**Response:** Our pumping plants are fully automated and run a software known as Lookout. This software is operating on a Windows XP computer and we are having PACE Engineering upgrade the main computer that operates this system to Windows 10 this year - 2020. Adequately addressed.
Finding 3: It is not economically feasible to have generator backup power.	**Response:** I agree with this finding. Adequately addressed.

Finding 4: If more customers were to come onto District water, it would help the overall budget.	**Response:** If CWD had more users, the cost would be able to spread further. Adequately addressed.
Finding 5: Finding new customers is difficult as the District is still using "old school" methods of advertisement.	**Response:** We do not have a social media platform to advertise to. Adequately addressed.

Recommendations: 1

Recommendations: The Grand Jury recommends that a free Facebook page and occasional press releases be established until a web page is developed as an avenue to promote the District and keep the public informed of the advantages of using District water instead of ground wells.	**Response:** We agree that a free online page could help in notifying and informing the user. Inadequate response.

TEHAMA COUNTY SHERIFF'S OFFICE

Dave Hencratt, Sheriff-Coroner

Mailing Address: P.O. Box 729, Red Bluff, CA 96080

Main Office: 22840 Antelope Blvd., Red Bluff, CA 96080 (530) 529-7940 / (530) 529-7933 FAX
Jail/Dispatch: 502 Oak St., Red Bluff, CA 96080 (530) 529-7900 / (530) 528-7614 FAX

December 21, 2020

RECEIVED
DEC 22 2020
BY: .....

Tehama County Grand Jury 2019-2020
P.O. Box 1061
Red Bluff, CA 96080

The Honorable Jonathan W. Skillman
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: Tehama County Sheriff's response to 2019-2020 final report

Dear Honorable Judge Skillman:

As always, let me begin by thanking the members of the Grand Jury for their hard work and dedication this past year; I have received and thoroughly reviewed the 2019-2020 Tehama County Grand Jury Final Report. I am pleased to respond to the following items as requested by the Grand Jury:

The Tehama County Sheriff's Office:

F-1. We are deeply concerned the current financial position of the county has stalled the efforts to bring the employees of the Sheriff's office to a competitive wage and benefit package. The Board of Supervisors are very aware of this issue and have not been helpful with a resolution for this issue.

F-2. We agree with the Grand Jury's assessment of wages for Sheriff's employees to be far below surrounding counties. This has been presented to the Board of Supervisors many times, but to date they have not established a proactive plan to effectively solve the problem.

F-3. We agree with the Grand Jury that countywide the communication equipment needs upgrading to adequately meet the needs of first responders. After bringing this to the attention of County Administrator Bill Goodwin, who gave no avenue for remedy or financial assistance, we have moved forward with the upgrade to our main repeater system with discretionary funds, which are not part of the County's general fund.

F-4. We agree with the Grand Jury. The parking lot surrounding the Sheriff's main office has been in a state of deterioration for years. This was first brought to the attention of the Board of Supervisors in 2012. We have continuously requested funding to fix this problem with no action taken by the Board. We have had to fill in sink holes temporarily by filling them with gravel. The cost to repair the parking lot is well beyond the Sheriff's budget and should fall under the County's Facility Maintenance system. But again, no funding has been offered by the

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Board of Supervisors to remedy this issue.

R-1. We disagree with the Grand Jury. Salaries are set by the Board of Supervisors. In 2011, we restructured the Sheriff's top-level positions to increase the number of patrol deputies on the streets. We simply cannot operate by cutting staff further. Salaries are negotiated with the Board of Supervisors who have continuously ignored this issue.

R-2. We agree with the Grand Jury, binding arbitration would streamline the negotiation process and provide a credible process in which to budget the county's finances.

R-3. We agree with the Grand Jury's recommendation, we have made numerous requests to have the county provide the necessary funding to update our communication system. The Board of Supervisors have shown this is not a priority by denying funding.

R-4. We agree with the Grand Jury's recommendation. The parking and storage area surrounding the Sheriff's main office is in disrepair and continues to deteriorate.

Once again, I thank the Grand Jury for their service. We continue our dedication to meeting the needs of the community and the Office of the Sheriff-Coroner.

We are encouraged by the Grand Jury's report and perhaps in response to the report the Board of Supervisors will recognize your findings and recommendations as priorities for direct and true attention. Ignoring your findings and recommendations will have a continued negative impact on our good citizens and the public safety challenges of the Sheriff's Office.

Sincerely,

Dave Hencratt
Sheriff-Coroner

cc: Chief Administrator Bill Goodwin

COUNTY OF TEHAMA
DEPARTMENT OF PUBLIC WORKS
9380 San Benito Avenue
Gerber, CA 96035-9701
(530) 385-1462
(530) 385-1189 Fax

Road Commissioner
Surveyor
Engineer
Public Transit
Flood Control & Water
Conservation District
Sanitation District No. 1

December 21, 2020

RECEIVED
DEC 23 2020
BY: .....

The Honorable Judge Jonathon W. Skillman
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: 2019/2020 Grand Jury Report,
Response by Tehama County Public Works Department/Roads and Bridges

Dear Judge Skillman:

The Tehama County Public Works Department (TCPWD) received the 2019/2020 Grand Jury Report and provides the following response:

Findings:
F1 – F5. Agree: TCPWD takes no exception to the findings.

Recommendation:
R1. The Grand Jury recommends TCPWD utilize the current Roads Management Computer Program, with cross-training of multiple staff, to track current road conditions, to improve road maintenance management and road work completed.

Response:
R1. Agree: TCPWD is incorporating the recommendation.

2019/2020 Grand Jury Report, Response by TCPWD December 22, 2020

Recommendation:

R2. The Grand Jury recommends a Safety/Hazardous Condition Road Form be added to the TCPWD website allowing for the General Public to submit repair requests and track progress online.

Response:

R2. Agree: In January of 2020, we began using an Excel spreadsheet to track Service Requests and utilized email to provide more timely notification to the District Supervisors of the requests. TCPWD has created a new website that will host our Service Request Application, allowing the public to register complaints via their cell phone or computer. The website was scheduled to launch by 12/31/20; however, based on ongoing internal testing and refinements as well as Covid 19 impacts to TCPWD resources, the launch will more likely be shortly after 12/31/20.
We have also implemented a kiosk at our front counter where the public can complete forms/requests, with staff assistance, if needed.

Recommendation:

R3. The Grand Jury recommends that TCPWD fill the current vacant Infrastructure Manager position.

Response:

R3. Agree: Current positions and vacancies are under review by the new Director (as of 10/12/20), who will give the Grand Jury recommendation proper consideration.

Recommendation:

R4. The Grand Jury recommends TCPWD implement a QC/QA Program, with staff cross-training, which includes project and process-wide checklists to include temperatures, pressures, and product application verification for all road projects, especially chip seal oil applications.

Response:

R4. Agree: TCPWD work generally conforms to Caltrans standards, policies and procedures. TCPWD implemented QC/QA measures with our 2019/2020 chip seal program to ensure our projects conform to Caltrans standards.

Recommendation:

R5. The Grand Jury recommends the use of Caltrans-approved subgrade and roadway construction processes. Policy 5-11, Section V, Operations, Subject: Pavement Markings, states: "Centerlines shall be applied on all paved roads 18 feet wide or greater in width. Edge lines (fog lines) shall be where the pavement width is 20 feet or more to be installed at the time the project is completed."

Response:

R5. Agree: TCPWD work generally conforms to Caltrans standards, policies and procedures. Striping of freshly chip sealed roads is done as soon as practicable. The manufacturer of the oil used recommended application of striping no sooner than three days following chip seal application to allow the fresh oil to cure and reduce the possibility of the oil bleeding through the fresh paint or thermoplastic striping.
Additionally, consideration must be given to TCPWD staffing resources and workload. Our crews are required to perform multiple jobs, concurrently. For all roads that have been chip sealed, signage is placed to advise of loose gravel, fresh oil and reduced speed. TCPWD regularly checks and maintains the signage.

2019/2020 Grand Jury Report, Response by TCPWD

December 22, 2020

Recommendation:

R6. The Grand Jury recommends a bumper sticker be created with the TCPWD's 24-hour recorded phone number, be placed on the back of all TCPWD vehicles and giving easy access to the general public to report needed road repairs.

Response:

R6. Disagree: TCPWD has considered the recommendation but does not believe bumper stickers to be an effective tool at this time. TCPWD believes easy and appropriate access by the public to report needed road repairs is provided through phone calls to TCPWD, our kiosk at the front counter and our soon-to-be available website/app. We also include our contact information on our Facebook page and website, allowing the general public to reach us directly during normal business hours and our answering machine after hours to leave messages reporting needed repairs.

Please do not hesitate to contact me at 530-385-1462 ext. 3005 or jsimon@tcpw.ca.gov if you have any questions.

Sincerely,

James N. Simon, P.E.
Director of Public Works, Tehama County

Board of Supervisors
COUNTY OF TEHAMA

RECEIVED
JAN 2 - 2021
BY: .....

District 1 – Steve Chesnblin
District 2 – Candy Carlson
District 3 – Dennis Garton
District 4 – Bob Williams
District 5 – John Leach

William J. Goodwin
Chief Administrator

January 26, 2021

Honorable Judge Jonathon W. Skillman
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: Response to Grand Jury 2019/2020 Report

The Tehama County Board of Supervisors has received and reviewed the 2019/2020 Grand Jury Report. We thank the members of the Grand Jury for their service to the community by providing a thorough investigation and thoughtful findings and recommendations.

The Grand Jury has requested a response from the Board of Supervisors to recommendations in two areas:

- Tehama County Public Works Department
- Tehama County Sheriff's Office

In addition, the report included Tehama County Audit & Finance Findings and Recommendations, but no responses were required.

Pursuant to Penal Code 933.05, each department identified for a required response has responded in a timely manner. The Board of Supervisors has reviewed those responses and will refer to them as applicable. They have been attached to this letter for your convenience.

TEHAMA COUNTY AUDIT & FINANCE

Findings
F1. - F3. The Board of Supervisors concur with the Grand Jury's findings.

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Recommendation:

R1. The Auditor-Controller's Office should be congratulated on its effective implementation of Management 2017/2018 corrective actions.

Response:

R1. Although no response is required, the Board of Supervisors agrees with this recommendation and recognizes the efforts of the Auditor-Controller to effectively implement the recommendations of the 2017/2018 Single Audit and improve on the quarterly reporting of both expenses and revenues.

TEHAMA COUNTY PUBLIC WORKS DEPARTMENT

Findings

F1. – F5. The Board of Supervisors concur with the Grand Jury's findings.

Recommendation:

R1. The Grand Jury recommends TCPWD utilize the current Roads Management Computer Program, with cross-training of multiple staff, to track current road conditions, to improve road maintenance management and road work completed.

Response:

R1. The Board of Supervisors concur with the recommendation and the TCPWD response committing to incorporate the recommendation.

Recommendation:

R2. The Grand Jury recommends a Safety/Hazardous Condition Report Form be added to the TCPWD website allowing for the General Public to submit repair requests and track progress online.

Response:

R2. The Board of Supervisors concur with the recommendation and is supportive of the steps taken by the Public Works Department as outlined in the department response.

Recommendation:

R3. The Grand Jury recommends that TCPWD fill the current vacant Infrastructure Manager position.

Response:

R3. The Board of Supervisors concur with the commitment by TCPWD to consider filling this vacancy and is supportive of the steps being taken by the new Public Works Director to review all current and vacant positions to determine the appropriate distribution of work as outlined in the department response.

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Recommendation:

R4. The Grand Jury recommends TCPWD implement a QA/QC Program, with staff cross-training, which includes project and process-wide checklists to include temperatures, pressures, and product application verification for all road projects, especially chip seal oil applications.

Response:

R4. The Board of Supervisors concurs with the TCPWD response to this recommendation.

Recommendation:

R5. The Grand Jury recommends the use of Caltrans-approved subgrade and roadway construction processes. Policy 5-11, Section V, Operations, Subject: Pavement Markings, states: "Centerlines shall be applied on all paved roads 18 feet wide or greater in width. Edge lines (fog lines) shall be where the pavement width is 20 feet or more to be installed at the time the project is completed."

Response:

R5. The Board of Supervisors concurs with this recommendation and the implementation clarification provided in the department response.

Recommendation:

R6. The Grand Jury recommends a bumper sticker be created with the TCPWD's 24-hour recorded phone number, to be placed on the back of all TCPWD vehicles and giving easy access to the general public to report needed road repairs.

Response:

R6. The Board of Supervisors concurs with the department response that the department has incorporated a broad array of options for the public to access the Public Works Department that provide greater accountability and responsiveness.

TEHAMA COUNTY SHERIFF'S DEPARTMENT

Findings

F1. – F4. The Board of Supervisors concurs with the Grand Jury findings.

Recommendation:

R1. The Grand Jury recommends that the TCSO review and implement salary position re-alignments to include reclassification of top-level positions to fill lower pay scale classifications. Review and release frozen positions to fill vacant positions to help alleviate overtime hours and to help realign salaries with surrounding counties.

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Response:

R1. The Board of Supervisors partially concurs with the recommendation. The Sheriff has full authority over the organizational structure of the department and determines the appropriate level of supervision required to provide consistent and effective operations. The Board of Supervisors does not question the level of management positions. The Board of Supervisors does agree with the recommendation that a reduction of some funded vacant positions would increase funds available for the remaining vacant positions which could result in improved recruitment and retention. However, new revenues are needed in order to fund all of the vacant positions at a competitive salary. Voters in both Red Bluff and Corning have approved a local sales tax measure, resulting in a new revenue stream to the agency. The Board of Supervisors recently placed a local sales tax measure on the ballot in order to increase revenues. The voters overwhelmingly rejected the measure. The Board has formed three ad hoc committees to study cost reducing efficiency improvements, county-wide reorganization opportunities, and increased revenue generation to provide greater financial stability while increasing compensation levels. These measures alone will not result in the significant new revenue stream necessary to provide comparable salaries to the survey counties for all county positions.

Recommendation:

R2. The Grand Jury recommends that the Board of Supervisors implement binding arbitration for contract negotiations before a contract is set to expire.

Response:

R2. The Board of Supervisors disagrees with the recommendation. Binding arbitration has been shown to disincentivize both parties to reach an agreement, virtually eliminating local participation in the final settlement. It would turn the final decision over to a third party, with no local ties or knowledge, resulting in disparate use of the budget favoring one bargaining unit over the needs of all bargaining units and county services in total. Another consequence would be to limit the Sheriff's ability to determine staffing levels, shift assignments and promotional appointments.

Recommendation:

R3. The Grand Jury recommends that the Board of Supervisors review the plan for the purchase of needed new digital communication equipment. Review and plan for communication towers and/or repeater stations to create and ensure regular and consistent communication in all corners of the county. This will also facilitate better communication with other agencies assisting in an emergency situation.

Response:

R3. The Board of Supervisors concur with the recommendation and is supportive of the steps taken by the Sheriff's Department as outlined in the department response. Purchase of equipment and upgrading systems is a legitimate use of Sheriff discretionary funds. A second phase funded by the Emergency

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Management Performance Grant (EMPG) is matched by the General Fund. The current upgrades do not address the full extent of the communication problem in a rural county with rugged topography. This problem impacts multiple departments within the county. The Board of Supervisors awarded a contract for design and implementation of Integrated Public Safety for Tehama Area Rural Express (TRAX) to CDX Wireless on December 22, 2020 to prepare a plan related to both coverage and interagency operability. This contract will be reviewed for a possible amendment to expand the scope of the study. The County continues to discuss this problem with commercial communications providers and the State legislature.

Recommendation:

R4. The Grand Jury recommends that the Board of Supervisors have the TCSO driveway and vehicle storage area repaired to meet safety standards.

Response:

R4. The Board of Supervisors concurs with the recommendation that repairs are needed, but disagrees with the statement regarding safety standards. The County budget has resulted in deferred maintenance at several county facilities. The TCSO parking lot has been noted, and, in particular, the gravel in the sink hole will be monitored for any new subsidence.

In closing, the Board of Supervisors have reviewed all of the responses and arecommitted to work with staff to meet their goals. Again, the Board of Supervisors would like to express its appreciation to the members of the 2019/2020 Grand Jury and offer our recognition of the extraordinary commitment required to serve as a member of the Grand Jury.

Sincerely,

Dennis Garton
Board Chairman

Attachments

CORNING WATER DISTRICT

PRESIDENT
Chris Henderson

DIRECTORS
KEVIN HEBREW
MATT ESTEVE
BRAD HENMAN
James Bingham

SECRETARY
KEVIN HEBREW

The Honorable Judge Jonathan W. Skillman
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

ATTN: Judge Skillman

Respnses to the Grand Jury Special Districts Committee Interview

My name is Mitch Hardwick General Manager of Corning Water District, I am writing this in response to the findings and recommendatons from the Special Districts Committee.

FINDINGS:
F1. To clarify the statement that the cost to operate exceeds the revenue is specific to the issues/changes we are going through the last 2 seasons. In short the District incurred the repayment obligation of $4.2 million dollars, which added a $56 component to our water rate.
F2. Our pumping plants are fully automated and run a software known as Lookout. This software is operating on a windows XP computer and we are having PACE Engineering upgrade the main computer that operates this system to Windows 10 this year 2020.
F3. I agree with this finding.
F4. If CWD had more users the cost would be able to spread further.
F5. We do not have a Social Media platform to advertise to.

Recommendatons:
R1. We agree that a free online page could help in notifing and informing the user.

General Manager,
Mitch Hardwick
Mitch Hardwick

22240 Gallagher Ave.
P.O. Box 738
Corning, CA 96021

PHONE (530) 824-2914
E-MAIL corningwd@shasta.com

City of Corning
POLICE DEPARTMENT
774 Third Street
Corning, California 96021

Jeremiah Fears
Chief of Police

www.corningpd.org (530) 824-7000 Fax (530) 824-7010

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November 4, 2020

The Hon. Jonathan W. Skillman
Judge of Superior Court
1740 Walnut Street
Red Bluff, CA 96080

RE: 2019-2020 Grand Jury Report

Dear Honorable Jonathan W. Skillman

It was my pleasure to sit down with the City Government Committee and discuss our department which I am extremely proud of. I am receipt of the 2019-2020 Grand Jury Report. The City of Corning agrees with findings F1- F8.

Sincerely,

Jeremiah J Fears
Chief of Police

JJF/nmb