



# MODOC COUNTY SUPERIOR COURT

*Robert A. Barclay Justice Center*

205 South East Street • Alturas, CA 96101  
Phone (530) 233-6515 • Fax (530) 233-6500

**FRANCIS W. BARCLAY**  
Presiding Superior Court Judge

**LINDA L. OSTOJA**  
Court Executive Officer

June 30, 2009

To: Grand Jury Members

Dear Ladies and Gentlemen:

I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2008-2009 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work is clearly reflected in this year's report.

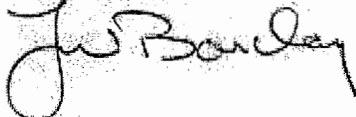
I want to specifically recognize and extend an individual thank you to Alanna Orr for her outstanding leadership as this year's Foreperson. In particular, I would like to commend Ms. Orr and the remaining members who went above and beyond the call of duty by serving an additional term. You provided valuable guidance and continuity to the process.

Finally, I want to recognize and thank the Modoc Sheriff's Department for once again providing our Grand Jury with excellent meeting room facilities that greatly assist the jurors in performing their duties.

Serving as a Grand Juror is not an easy task and I commend each and every one of you for your sincere effort and commitment to addressing the complex, varied and sensitive issues presented to you.

Thanks once again for a job well done.

Sincerely,



Francis W. Barclay  
Presiding Superior Court Judge



Superior Court Judge Francis W. Barclay

I certify that the Modoc County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the Court Executive Officer to accept and file the final report as a public document.

/s/ Francis W. Barclay, date 06/30/2009

This report, past reports and responses and other grand jury information may be found at the following sites:

[http://www.modocsuperiorcourt.ca.gov/grand\\_jury.htm](http://www.modocsuperiorcourt.ca.gov/grand_jury.htm)

*This is not an official site of the Modoc Grand Jury and has neither been reviewed nor approved by the Modoc Grand Jury. For comments or information contact [ModocGrandJury@gsmall.us](mailto:ModocGrandJury@gsmall.us).*

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## **Preface**

The Grand Jury is part of the judicial branch of the government, mandated by the California Constitution, and is an arm of the Superior Court. The California Constitution requires grand juries of every county to inquire each year into the books, records, accounts, methods, systems and procedures of designated local governments. By completing its function your **civil** (non-criminal) grand jury encourages local government officials to use your tax dollars fairly and effectively. Although the constitution does not allow grand juries to manage local government, many local government officials carefully review and implement the recommendations in grand jury reports.

The 2008-2009 Modoc County Grand Jury was impaneled in July 2008 following the initial selection of jurors by Judge Francis W. Barclay and served until June 30, 2009. To fulfill its civic duties and general oversight responsibilities, your grand jury examines all aspects of county and city government, including special districts and joint powers agencies. It investigates allegations of misconduct, malfeasance or misfeasance of public, city or county officials. The Grand Jury also receives complaints from citizens. While keeping all complaints confidential, each is acknowledged and considered by the panel. Those accepted under the Grand Jury jurisdiction are investigated carefully before any action is taken.

Your grand jury's final report was approved on May 27, 2009 by twelve members present and submitted to presiding Judge Francis W. Barclay as defined in Penal Code 933(a). This report covers local government issues contains many findings and recommendations that directly concern each taxpayer and citizen. Copies of the entire report and past reports and responses are made available on the internet at <http://gsmall.us/GJ/> and from your local public libraries. The report is also printed for distribution through the local newspaper.

## **Functions of the Grand Jury**

The primary function of the Grand Jury is to examine local government. The panel has three ways to exercise its powers:

1. Reports – Publish reports evaluating local government conditions, generally addressing specific issues, with findings and recommendations. The County Board of Supervisors, City Council or affected agency must comment on each recommendation per California Penal Codes 933(c) and 933.5.
2. Accusations – Formal written complaints accusing a government office, official or employee of misconduct.
3. Indictments – Formally charging a person with a crime.

Under its review authority, the Grand Jury is specifically authorized to:

- Evaluate conditions of jails and detention centers within the county
- Investigate and report on questionable practices of such agencies or officials
- Request subpoenas.

## **Modoc County Grand Jury Roster 2008-2009**

Patricia Avers, Alturas  
Paula Copp, Adin  
Norvaleen Crandall, Davis Creek  
Rebecca Cypert, Alturas  
Peggy Duncan, Cedarville  
Marie English, Alturas  
Larry Estes, Alturas  
Don Fredrickson, Alturas  
Dick Greene, Alturas  
Karen Kendall, Canby  
Carol Kuhn, New Pine Creek  
Linda-Jean Martinez, Alturas  
Richard Mund, Alturas  
Alanna Orr, Lookout  
Dale Richardson, Alturas  
Wolfgang Sheppard, Eagleville  
Shirley Swallow, Canby  
Clarence Wager, Alturas  
John Zimmerman, Davis Creek

### **Acknowledgements**

The 2008-2009 Grand Jury extends a special thanks to Judge Francis W. Barclay for dealing with various issues, both legal and practical. We also wish to thank District Attorney Gary Woolverton for attention and guidance on specific issues, and his great overview of non-criminal Grand Jury responsibilities.

The jury recognizes Linda Ostoja, Modoc County Superior Court Executive Officer, for her professional and prompt response to Grand Jury needs.

The jury extends appreciation to county and city department heads and employees for their cooperation and assistance in its investigations.

The jury thanks the Modoc County Sheriff's office and staff for providing the meeting room for regular and committee meetings.

Finally, we wish to thank Bruce T. Olson, American Grand Jury Foundation for presentation of his expert training program and copyright permission.

## **Modoc County Grand Jury Activity Report**

The following is a list of the 2008 – 2009 Grand Jury activities:

- Held 16 official meetings of the full jury including 2 training session meetings (per diem and mileage claimed)
- Held 69 committee meetings and interviews (per diem and mileage claimed)
- Traveled 8,040 miles to attend official meetings and training sessions (per diem and mileage claimed)
- Traveled an additional 6,333 miles to attend committee meetings and interviews (per diem and mileage claimed)
- Contributed 1,080 hours to official meetings, committee meetings and interviews
- Received 9 citizen complaints
  - Investigated 6
  - Referred 2 to the District Attorney
  - Withdrew 1 at submitting complainants request
- Met with complainants
- Met with various department heads and employees
- Toured local government agencies and 1 state facility
- Reviewed 11 local government agencies and 1 state facility
- Reviewed budgets and financial statements
- Reviewed responses to 2007 – 2008 Grand Jury final report
- Updated Modoc County Grand Jury Procedures Manual including official website address
- Requested 2 subpoenas
- Issued 1 final report

## **REVIEW OF DEVIL'S GARDEN CONSERVATION CAMP #40**

### **AREA OF STUDY**

Devil's Garden Conservation Camp #40

### **ISSUE**

Required Annual Review

### **GENERAL**

The camp is operated by the California Department of Corrections and Rehabilitation (CDCR) and Cal Fire. A corrections Lieutenant and Sergeant supervise the inmates while in camp, and Cal Fire Captains on inmate work details. This camp was established in 1988.

### **METHODS OF INVESTIGATION**

- Interviewed (CDCR) Lieutenant and Sergeant and Cal Fire Chief
- Toured facilities
- Reviewed documentation

### **FINDINGS**

1. There are five crews of fifteen inmates which perform conservation work and maintain facility grounds.
2. This is a low risk facility, with no towers or fences. Officers do not carry firearms.
3. Cal Fire provides inmate training for fire prevention and work areas for inmates to advance skills and learn good working ethics.
4. The inmates provide all maintenance and repairs to their equipment and vehicles.
5. The CDCR woodshop provides signs, benches etc. to governmental and county agencies for a nominal fee.
6. Inmates provide a portion of office staffing.
7. Continuing Education is available by correspondence or on-line. Participation is done on inmates own time.
8. All meals are prepared and served by inmates.
9. The barracks and outside grounds are kept clean, orderly and in good condition by the inmates.
10. All monetary figures shown below are provided by CDCR and Cal Fire:
  - CDCR 2008 budget: \$3,204,726
  - Cal Fire 2008 budget: \$1,787,248
  - Estimated savings to California tax payers: \$3,204,960 which includes road side clean up, fire breaks, campground maintenance, cemetery cleanup, community maintenance and fire hazard reduction around subdivisions and public schools.

DEVIL'S GARDEN CONSERVATION CAMP #40 - continued

**RECOMMENDATIONS**

None

**FORMAL RESPONSE REQUIRED**

CDCR Lieutenant to respond to **Findings** 1, 2 and 5 through 10 pursuant to California PC 933.05.

Cal Fire Chief to respond to **Findings** 3, 4 and 10 pursuant to California PC 933.05.

**COMMENDATIONS**

The Grand Jury would like to thank the Devil's Garden Conservation Camp #40 for its time and positive influence and relationship to the community.

## **REVIEW OF MODOC COUNTY ENVIRONMENTAL HEALTH DEPARTMENT**

### **AREAS OF STUDY**

Food Preparation Code Inspections  
Animal Control

### **ISSUE**

Periodic Review

### **GENERAL**

Modoc County Environmental Health covers many environment area programs. The Director has been in office for approximately six years. The program was originally handled by the state, but was made a county responsibility at the time the Director took over.

### **METHOD OF INVESTIGATION**

- Interviewed Modoc County Environmental Health Director

### **FINDINGS**

1. The Director has been advertising an open position in this department for a certified person, but they have no full-time help at present. This open position has been advertised in newspapers and a website dedicated to this type of job since May 2008. Department help is needed especially with the CUPA programs, but at present there is no college closer than Susanville to qualify persons for work in this area. Modoc County being an outlying rural area may be a hindrance in filling this opening.
2. In the area of food preparation, code enforcement is very difficult. The Director feels a need for an attorney to handle code enforcement.
3. The department's budget appears to be adequate but the future of state funding is uncertain.
4. In the area of animal control, this work is shared with the Sheriff's Department and the city of Alturas. Rabies clinics are needed for both dogs and cats.
5. It was stated that sixty percent of dog bites are from unvaccinated dogs and that dog licensing is of major importance.

### **RECOMMENDATIONS**

1. Request the 2009-2010 Grand Jury follow up on food Code Enforcement.

### **FORMAL RESPONSE REQUIRED**

Modoc County Environmental Health Director to respond to **Findings** 1 through 5 pursuant to California PC 933.05.

### **COMMENDATIONS**

The Grand Jury recognizes the hard work and dedication of the Director of this department.

## REVIEW OF MODOC COUNTY PUBLIC HEALTH DEPARTMENT

### AREA OF STUDY

Modoc County Public Health Department

### ISSUE

Informational Review

### GENERAL

The programs included in this department are Maternal Child Health (MCH), Sexually Transmitted Diseases (STD), AIDS Testing and Surveillance, Child Health and Disability Program (CHDP), California Children's Services (CCS), Tuberculosis Clinics, County Vaccination Programs, Communicable Disease/Tuberculosis Investigation and Surveillance (CD/TB), High Risk Infant follow-up, High Risk Post-Partum follow-up, SIDS, Tobacco Education Program, Perinatal Outreach, Child Abuse/Neglect follow-up, Suicide and Aging.

### METHODS OF INVESTIGATION

- Interviewed Deputy Director of Public Health
- Reviewed documentation

### FINDINGS

1. This department currently has five (5) full time Public Health Nurses (PHN), one (1) full time RN and one opening for a half-time PHN.
2. There appears to be a large amount of services covered, with relatively few employees.
3. Department appears to be very well organized.
4. Departmental 2009 budget has been cut, but they believe they can maintain all services.

### RECOMMENDATIONS

None

### FORMAL RESPONSE REQUIRED

Director of Public Health to respond to **Findings** 1 through 4 pursuant to California PC 933.05.

### COMMENDATIONS

This department is offering a huge service to the county, with very few employees and a very tight budget. They are to be commended for their efforts.

## REVIEW OF MODOC COUNTY SHERIFF-CORONER

### AREA OF STUDY

Modoc County Sheriff-Coroner

### ISSUE

Periodic Review

### GENERAL

In many counties the positions of Sheriff and Coroner are held by two different people. The Assistant Coroner is the Undersheriff; Deputy Coroners are the Deputy Sheriff II all appointed by the Sheriff-Coroner.

### METHODS OF INVESTIGATION

- Sheriff-Coroner interviewed by Grand Jury
- Reviewed Modoc County Coroner Procedures Manual

### FINDINGS

The Sheriff-Coroner:

1. Responds to deaths in County where no licensed physician is in attendance.
2. Responds when a physician is unable to determine cause of death.
3. Is allowed to sign Death Certificates if the reason for the death is obvious.
4. May call for an ambulance equipped with an EKG machine that has the ability to remotely transmit an EKG strip to Modoc Medical Center to verify death.
5. Checks medical records of deceased for histories of illnesses to verify cause of death.
6. All Coroner cases are handled as a potential homicide investigation until the facts and evidence determine otherwise.
7. Calls in the Department of Justice (DOJ) when there is suspicion of a violent death or crime.
8. Has the assistance of a Forensic Pathologist located in Redding who is trained in violent and criminal pathology.
9. The Modoc County Coroner Procedures Manual is currently being updated.

### RECOMMENDATIONS

The County Coroners Procedures Manual and all revisions and/or updates need to be dated.

### FORMAL RESPONSE REQUIRED

Modoc County Sheriff-Coroner to respond to **Findings** 1 through 9 pursuant to California PC 933.05.

## **REVIEW OF MODOC COUNTY SHERIFF'S OFFICE JAIL**

### **AREA OF STUDY**

Modoc County Sheriff's Jail

### **ISSUE**

Required Annual Jail Inspection

### **GENERAL**

The Modoc County jail is operated and managed by the Sheriff and Undersheriff. The jail is located in Alturas adjacent to the Sheriff's office.

### **METHODS OF INVESTIGATION**

- Interviewed Sheriff and Undersheriff
- Toured facility

### **FINDINGS**

1. Security cameras have been installed throughout the facility as previously recommended by the 2007-2008 Grand Jury.
2. There is ongoing training for the officers.
3. There is a manpower shortage in staffing by two (2) officers.
4. There is an inmate count three times per day.
5. Inmate work parties contribute to the community Senior Center by growing a garden on the grounds and donating crops.
6. The Sheriff's office lacks a K-9 unit.

### **RECOMMENDATIONS**

1. Implement hiring two additional officers as soon as budget allows.
2. Implement hiring a K-9 unit as soon as budget allows.

### **FORMAL RESPONSE REQUIRED**

Modoc County Sheriff to respond to **Findings** 1 through 6 and **Recommendations** 1 and 2 pursuant to California PC 933.05.

## REVIEW OF MODOC COUNTY DEPARTMENT OF SOCIAL SERVICES

### AREA OF STUDY

Public Guardianship (PG)

### ISSUE

Periodic review.

### GENERAL

To provide information to the community regarding the workings of the Public Guardian Division of Modoc County Department of Social Services.

### METHODS OF INVESTIGATION

- Interviewed the Director of Social Services
- Reviewed department Manual

### FINDINGS

1. The Director oversees and coordinates the workings of the Department of Social Services and is the Public Guardian.
2. Public Guardian cases are handled by the Deputy Public Guardian, the attorney for the Public Guardian, court investigators, mental health care providers and families.
3. The Deputy Public Guardian handles a majority of the caseload.
4. The Public Guardian pays the persons bills and makes sure their personal needs are met.
5. The Public Guardian is governed by the California Probate Code. This code states the conservator is a person or organization chosen to protect and manage the personal care or finances, or both, of one who has been found by a Judge to be unable to do so.

### RECOMMENDATIONS

None

### FORMAL RESPONSE REQUIRED

Director of Social Services to respond to **Findings** 1 through 5 pursuant to California PC 933.05.

### COMMENDATIONS

The Grand Jury commends the Director of Social Services of Modoc County, the Deputy Public Guardian, and the department Social Worker II for their excellent work and contribution to our County.

## REVIEW OF MODOC JOINT UNIFIED ELEMENTARY SCHOOLS

### AREAS OF STUDY

Alturas Elementary School  
Arlington Elementary School

### ISSUES

- Parking lot congestion at Alturas Elementary School
- Enrollment at outlying schools

### GENERAL

Concern for safety of children at Alturas Elementary School due to traffic congestion, particularly when being picked up after school. Questions have been brought up regarding enrollment and future of outlying schools.

### METHOD OF INVESTIGATION

- Interviewed Modoc Joint Unified School District (MJUSD) Superintendent
- Visited Alturas Elementary School
- Visited Arlington Elementary School, Canby

### FINDINGS

1. At Alturas Elementary, there appears to be a large amount of congestion in both parking lots when students are picked up after school.
2. Parents coming and going and walking children to their cars are creating a dangerous situation.
3. Regarding the enrollment in Arlington Elementary, there is no minimum number of students required for outlying schools.
4. Outlying schools fall into the category of "Small Necessary Schools" and will be available as long as a need exists.

### RECOMMENDATIONS

1. Employees park in a specified section of one parking lot at Alturas Elementary, which would leave a large section for parents to use without having to move through the employee vehicles when picking up their children.
2. Research city approval for removal of cement barriers at south end of east parking lot to provide additional traffic exit.
3. No recommendations for outlying schools as findings were informational only.

### FORMAL RESPONSE REQUIRED

Modoc Joint Unified School District Superintendent to respond to **Findings** 1 through 4 and **Recommendations** 1 through 3 pursuant to California PC 933.05.

### COMMENDATIONS

The Grand Jury commends the MJUSD Superintendent for immediately starting to implement these recommendations.

## **REVIEW OF MODOC MEDICAL CENTER**

### **AREA OF STUDY**

Modoc Medical Center (MMC)

### **ISSUES**

- Ongoing review
- Financial instability and rising debt

### **GENERAL**

The Modoc Medical Center (MMC) includes the hospital, Modoc Medical Clinic, Warnerview Skilled Nursing Facility (SNF) and Emergency Services. A new permanent Chief Executive Officer (CEO) is in place and is diligently reviewing procedures and personnel. The new CT Scanner is in place and operational.

### **METHODS OF INVESTIGATION**

- Toured MMC, Skilled Nursing Facility, Clinic and Emergency facilities.
- Interviewed CEO, Chief of Staff and various department heads.
- Reviewed current audited financial statement.
- Monitored community support

### **FINDINGS**

1. All MMC facilities toured were clean and adequately staffed.
2. The billing procedures are again being revised and streamlined. A 60 day turn around is still the goal on accounts receivable, and current turn around time is approximately 82 days.
3. The hospital has received the Critical Access designation, which will significantly increase Medicare revenue.
4. The appearance of the facilities has improved as well as employee morale.
5. The new CEO is increasing revenue, recruiting and services offered.  
A new Human Resources Manager has been hired as well as a new Chief Nursing Officer.
6. The new CT Scanner is adding additional revenue.
7. The hospital has received a waiver on seismic upgrade requirements until 2020.
8. The community continues to be involved and the facilities are being looked at in a more favorable light.

### **RECOMMENDATIONS**

2009 – 2010 Grand Jury should continue to monitor these facilities.

### **FORMAL RESPONSE REQUIRED**

Modoc Medical Center CEO to respond to **Findings** 1 through 9 pursuant to California PC 933.05.

MODOC MEDICAL CENTER - continued

**COMMENDATIONS**

The Grand Jury recognizes that the new CEO and all MMC personnel are working tirelessly to improve the appearance, quality of care, financial deficiencies and overall stability of the MMC facilities, while maintaining a high level of morale for personnel.

## **COMPLAINT REGARDING CONSOLIDATION OF COUNTY AUDITOR CLERK RECORDER & ELECTIONS POSITIONS**

### **AREA OF STUDY**

Modoc County Board of Supervisors (BOS)  
County Administration Offices

### **ISSUES AND COMPLAINT**

- Has the consolidation of these offices saved Modoc County money
- Has the job productivity maintained the previous level of performance, or better

### **GENERAL**

The Modoc County Board of Supervisors (BOS) approved the consolidation of the above positions in January 2007. A citizens' complaint was received requesting the Grand Jury investigate if this action was cost effective for the county.

### **METHODS OF INVESTIGATION**

- Interviewed complainant
- Interviewed Modoc County Auditors (2)
- Reviewed various BOS documents
- Reviewed various County Auditor documents

### **FINDINGS**

1. All cost figures were provided to the Grand Jury by the MC Auditor.
2. The total costs showed a savings after merger of one hundred eighteen thousand dollars (\$118,000).
3. The County Clerk stated that not only is the morale of the combined offices higher since the merger, but the cross-training necessary to get people familiar with each others positions is moving along nicely.
4. The relocation of the combined offices is an improvement for access to these important county offices.

### **RECOMMENDATIONS**

1. Complete installation of ramp for handicap accessibility.

### **FORMAL RESPONSE REQUIRED**

Modoc County Board of Supervisors to respond to **Findings** 1 through 4 and **Recommendation** 1 pursuant to California PC 933.05.

## COMPLAINT MODOC COUNTY BOARD OF SUPERVISORS

### AREAS OF STUDY

Modoc County Board of Supervisors (BOS)  
Underlying County Departments  
Modoc County Fire Districts

### ISSUES

Failure to respond to Grand Jury requests

### GENERAL

The Grand Jury is charged each year to investigate various county departments. California penal code 933(c) requires no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body.

### METHODS OF INVESTIGATION

- Reviewed previous Grand Jury reports from years 2003 through 2008
- Determined response requests with responses received

### FINDINGS

#### Non-Compliance

1. BOS - 2003/2004, 2004/2005, 2006/2007, 2007/2008
2. County Administrative Service Director – 2003/2004
3. Hot Springs Valley Irrigation District – 2003/2004, 2004/2005
4. County Counsel – 2003/2004
5. District Attorney – 2003/2004
6. County Clerk – 2005/2006
7. Fire Districts (one year review) – 2007/2008  
Alturas, Ft. Bidwell, Canby, Cedarville, Davis Creek, Eagleville, Lake City and Willow Ranch.

### RECOMMENDATIONS

All individual parties are required to respond to Grand Jury reports and must provide written responses to presiding judge within 90 days.

### FORMAL RESPONSE REQUIRED

Modoc County Board of Supervisors to respond to **Findings** 1 through 7 and oversee responses from each entity for which they are responsible pursuant to California PC 933.05.

- BOS to respond to **Finding** 1 and acknowledge **Recommendation**
- County Administrative Service Director to respond to **Finding** 2 and acknowledge **Recommendation**

COMPLAINT MODOC COUNTY BOS - continued

- Hot Springs Valley Irrigation District Board of Directors to respond to **Finding 3** and acknowledge **Recommendation**
- County Counsel to respond to **Finding 4** and acknowledge **Recommendation**
- District Attorney to respond to **Finding 5** and acknowledge **Recommendation**
- County Clerk to respond to **Finding 6** and acknowledge **Recommendation**
- Board of Directors of each Fire District listed to respond to **Finding 7** and acknowledge **Recommendation**

## COMPLAINT MODOC COUNTY ADMINISTRATION OFFICE

### AREA OF STUDY

Modoc County Court House

### ISSUES AND COMPLAINTS

- Alleged non-compliance with American Disability Act of 1990 (ADA)
- Inaccessibility to disabled persons

### GENERAL

The Grand Jury received a written complaint alleging that the Modoc County Court House was inaccessible to the disabled, making it impossible for them to conduct business therein.

### METHOD OF INVESTIGATION

- Interviewed Modoc County Administrative Analyst

### FINDINGS

1. At the request of the Modoc County Board of Supervisors (BOS), the Modoc County Public Works department investigated the regulations regarding accessibility at the courthouse.
2. The courthouse is on the State Historical Register as an historic point of interest and must follow the state building code requirements for historical buildings. Any change to the structure, in order to make it handicapped accessible, would detract from the historic point of interest designation.
3. ADA compliance includes program accessibility as well as architectural accessibility.
4. Modoc County is in compliance with the ADA due to the fact that the BOS has moved their meetings to accommodate handicapped individuals wishing to attend. The BOS meetings are also available on the internet with audio available. Other public meetings can be moved if requested.
5. The MC Department of Public Works contracted an engineering firm to design an ADA compliant ramp for the entrance to the courthouse, specifically to the Clerk/Auditor/Recorder offices. This project is slated for spring 2009.

### RECOMMENDATIONS

1. This information should be made available to the general public including a telephone number for citizens to receive the latest accessibility information to County functions.
2. Install call bell or buzzer to aid handicapped citizens.
3. 2009 – 2010 Grand Jury to follow-up on completion of handicap accessibility ramp.

### FORMAL RESPONSE REQUIRED

County Administrative Officer to respond to **Findings** 1 through 5 and **Recommendations** 1 through 3 pursuant to California PC 933.05.

## **COMPLAINTS SPECIAL DISTRICTS LOOKOUT FIRE DISTRICT**

### **AREA OF STUDY**

Special Districts – Lookout Fire District

### **ISSUES AND COMPLAINTS**

- Practices, policies and procedures
- Meetings
- Financial record keeping
- Alleged Brown Act violations
- Incorrect vehicle identification

### **GENERAL**

The Grand Jury received three written complaints alleging mismanagement of policies and procedures and inadequate financial records.

### **METHODS OF INVESTIGATION**

- Interviewed complainants
- Interviewed Lookout Fire District board member

### **FINDINGS**

1. A name change on district vehicles and equipment from Lookout Volunteer Fire Department to Lookout Fire District would make it less confusing when out on major fires in the state and the monies collected for these services would then be deposited into the Fire District account.
2. Records and documents were missing. Also, there are no records of income or expenditures.
3. During an interview with Lookout Fire District board member, it was found their Procedure Manual was missing pages. Some files were presented, but were in total disarray.
4. Additional meeting with a board member revealed that the Fire Chief admitted to not keeping reports on training, incident reports and to renting out District property.
5. A tanker and transfer pumps were rented and rental funds were unaccounted for.
6. Unauthorized person responding in a district vehicle was alone and without proper credentials.
7. Turnout gear, radios and pagers are not being returned and are unaccounted for.
8. Many of these findings echo the 2007-2008 grand jury report.

### **RECOMMENDATIONS**

1. Recommend that the Lookout Fire District Board of Directors compile a current and up to date written Procedures Manual as also recommended by the 2007-2008 Grand Jury.
2. Board of Directors to maintain an accurate ledger of incoming and outgoing funds to verify accountability.
3. Responsibility should be taken to make sure all volunteers are properly trained and operate in a professional and law abiding manner. This responsibility could fall to the Modoc County Sheriff or the Modoc County Board of Supervisors.

#### **FORMAL RESPONSE**

Lookout Fire District Board of Directors to respond to **Findings** 1 through 9 and **Recommendations** 1 through 3 pursuant to California PC 933.05.

#### **COMMENDATIONS**

The Grand Jury commends the new Lookout Fire District Board of Directors on their work and dedication and wish to thank them for providing the following documentation in April, 2009:

Procedures Manual, Constitution, By-Laws, Organizational Charts and Agenda.

## **Response Required Instructions**

### **Response Required**

On January 1, 1997, an extensive change in the legal requirements affecting respondents and responses to Grand Jury Findings and Recommendations (California Penal Code 933.05). Each respondent identified in this report should become familiar with this penal code and, if in doubt, consult legal counsel before responding.

### **How to Respond to Findings**

The Respondent (person or entity) must respond to Findings in one of two (2) ways stating that:

1. You agree with the Findings.
2. You disagree wholly or partially with the Findings, in which case, the response shall specify the portion(s) of the Finding(s) that is/are disputed, and shall include an explanation of the reasons for this disagreement.

### **How to Report Action in Response to Recommendations**

Recommendations by the Grand Jury require action. The Respondent must identify action(s) on all Recommendations in one of four (4) ways stating that the Recommendation(s):

1. Has been implemented, with a summary of implemented activities.
2. Have not yet been implemented, but will be implemented in the future with activities and time frames for implementation.
3. Requires further analysis or study. In such cases, the law requires a detailed outline of the analysis and time frame not to exceed six (6) months. The complete analysis or study must be submitted to the officer, director or governing board of the entity in question.
4. Will not be implemented because it is either unwarranted or unreasonable with an explanation and supporting facts.

### **Timing of Responses to Findings and Recommendations**

Per Penal Code 933(c) states: "No later than 90 days after the grand jury submits a final report on the operations of any public agency, the governing body of any public agency subject to grand jury reviewing authority, shall comment to the presiding judge of the superior court on Findings and Recommendations. Every elected official or agency head for which the grand jury has responsibility shall comment within 60 days to the judge of the superior court with a copy sent to the Board of Supervisors. For 45 days after the end of the term, the Grand Jury foreperson or designees shall, upon reasonable notice, be available to clarify recommendations in the report."



**MODOD COUNTY GRAND JURY  
CITIZENS COMPLAINT FORM**

205 S. East Street, Alturas, CA 96101 Phone: 233-6526 Date: \_\_\_\_\_

Your name: \_\_\_\_\_

Home Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #:(Home) \_\_\_\_\_ (Work) \_\_\_\_\_

**1. PERSON(S), OFFICIAL, DEPARTMENT, OR AGENCY ABOUT WHOM (WHICH) YOU ARE MAKING THE COMPLAINT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Director of Agency, if applicable: \_\_\_\_\_

**2. BRIEF SUMMARY OF PROBLEM (including dates of events and names of persons, officials, department, and agencies involved. Attach additional sheets, if necessary.)**

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**3. PLEASE LIST THE PERSONS, OFFICIALS, DEPARTMENTS, AGENCIES, OTHER GRAND JURIES OR MEDIA WHOM YOU HAVE CONTACTED ABOUT THIS PROBLEM:**

ENTITY	ADDRESS	APPROXIMATE DATE OF CONTACT
_____	_____	_____
_____	_____	_____
_____	_____	_____

**GRAND JURY CITIZENS COMPLAINT FORM**

**4. WHO DO YOU THINK THE GRAND JURY SHOULD CONTACT ABOUT THIS PROBLEM?**

NAME	ADDRESS	TELEPHONE #:
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. REASON TO CONTACT THE ABOVE:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. WHAT RESULT DO YOU WANT FROM THE GRAND JURY INVESTIGATION?**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PLEASE ATTACH ANY CORRESPONDENCE OR SUPPORTING DOCUMENTATION THAT WOULD BE PERTINENT TO THIS COMPLAINT.**

*Among the many powers and responsibilities of the Grand Jury is the investigation of citizen complaints to assure that all branches of County government are being administered efficiently, honestly and in the best interests of it's citizens.*

**All Complaints submitted to the grand jury will be treated in the strictest of confidence.**

\_\_\_\_\_  
**Signature of Complainant**

\_\_\_\_\_  
**Date**

**GRAND JURY CITIZENS COMPLAINT FORM**

**The undersigned hereby authorizes the Modoc County Grand Jury to disclose my identity to the person or office against whom or which I've made a complaint**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**