

2009 - 2010 Lake County Civil Grand Jury



# **Final Report**

June 30, 2010





**COUNTY OF LAKE**  
**GRAND JURY**  
PO Box 1078  
Kelseyville, CA 95451  
Telephone (707) 279-8619  
Fax (707) 279-1983

## 2009 - 2010 Lake County Grand Jury Foreperson's Letter

June 1, 2010

The Honorable Richard Martin, Presiding Judge  
Superior Court, County of Lake  
255 North Forbes Street  
Lakeport, CA 95453

Pursuant to California Penal Code § 933 (a), the 2009 - 2010 Lake County Civil Grand Jury submits to you their Final Report.

Sincerely Yours,

Fred Christensen  
Foreperson, 2009 - 2010



RICHARD C. MARTIN  
SUPERIOR COURT JUDGE

*Superior Court of California*

COUNTY OF LAKE  
255 NORTH FORBES STREET  
LAKEPORT, CALIFORNIA 95453

(707) 263-2232  
FAX (707) 262-1327

June 4, 2010

Dear Members of the 2009-2010 Lake County Grand Jury:

Thank you for your service on the 2009-2010 Grand Jury. You have devoted extensive time and resources for the improvement of Lake County. Your service is highly valued, and I express my appreciation and that of the entire court for your efforts.

I certify that the 2009-2010 Lake County Grand Jury Final Report complies with "Title Four of the California Penal Code" and direct the County Clerk to accept and file the final report as a public document.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard C. Martin", written over a horizontal line.

Hon. Richard C. Martin  
Presiding Judge of the Superior Court

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# LAKE COUNTY CIVIL GRAND JURY

## HISTORY

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

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

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

## ORGANIZATION

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

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

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

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

## FUNCTIONS

### **Watchdog Responsibilities:**

The major function of the Lake County Grand Jury is to examine county and city government and special districts to ensure that their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods and systems utilized

by these entities to determine whether more efficient and economical programs may be employed. The Grand Jury also is authorized to:

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

### **Response to Citizens' Complaints:**

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

## FINAL REPORT

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

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

## SUBMISSION OF COMPLAINTS

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

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

Complaint forms may be requested from:

**The Lake County Grand Jury  
P.O. Box 1078  
Kelseyville, CA 95451  
(707) 279-8619**

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

## GRAND JURY SELECTION PROCESS

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

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

## QUALIFICATIONS

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

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

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

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

**Desirable qualifications for a Grand Juror include the following:**

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



**COUNTY OF LAKE**  
**GRAND JURY**  
PO Box 1078  
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## Letter to Citizens

June 1, 2010

The 2009 - 2010 Civil Grand Jury, impaneled in July 2009, quickly determined the philosophy and manner of approach to the legal requirements mandated for Civil Grand Juries.

- All complaints received by the Grand Jury would be heard.
- Mandatory oversights would be conducted.
- Ad Hoc oversights would be conducted.
- A report would be produced at the end of the term.

The Grand Jury Committees collected data, conducted interviews and took sworn testimony. After hours of deliberation and crafting reports, each committee's reports were presented to the entire Grand Jury Panel for comments. Reports were revised and presented again for approval.

Grand Jury Members were diligent in the conduct of their duties. The Citizens of the County of Lake can receive the following report with confidence from the 2009 - 2010 Civil Grand Jury of their peers.

Sincerely Yours,

Fred Christensen, Foreperson  
2009 - 2010 Civil Grand Jury

# Financial Times / Grand Jury Action

## Financial Times

The Grand Jury acknowledges the severe financial circumstances affecting Lake County.

The lack of financial stability at all levels of our community, public and private, has cast a pallor of anxiety that was manifested in almost all areas of Grand Jury activity.

The Grand Jury's reporting while not tempered by financial short comings hopes to see better times soon. The Grand Jury strongly exhorts that recommendations be followed as soon as fiscally possible.

## Grand Jury Action Regarding Complaints

A Civil Grand Jury can only take action by oversights mandated by law, oversights at the discretion of the Jury or citizen complaints. This Jury would not act upon rumor, innuendo or cause célèbre.

The Jury implores anyone who truly wishes their complaint or concern to be heard in an unbiased confidential manner to file a complaint.

Your complaint will be heard. You will receive a response.

## 2009-2010 Grand Jury Roster

|                         |                        |                |
|-------------------------|------------------------|----------------|
| Kathleen Bisaccio       | Sergeant-at-Arms       | Lakeport       |
| Rose Marie Blackwell    |                        | Clearlake Oaks |
| Rudy Brunner            |                        | Lakeport       |
| Kevin Byrnes            |                        | Lower Lake     |
| Fred Christensen        | Foreperson             | Lakeport       |
| Venoma Gill             |                        | Clearlake      |
| Larry Heine             | Foreperson Pro-Tempore | Lower Lake     |
| Dave Johnson            |                        | Clearlake      |
| Marilyn Johnson         |                        | Lakeport       |
| Judith Steele Lanfranco |                        | Lakeport       |
| Gerald Morehouse        |                        | Lucerne        |
| Phillip Myers           |                        | Lakeport       |
| Jack Scialabba          |                        | Clearlake      |
| Diane Trudeau           | Secretary              | Cobb           |
| Carol Vedder            |                        | Lakeport       |
| Sunol Westergren        |                        | Glenhaven      |

## Agencies/Departments Required to Respond

| Agency/Department                      | Page #'s                          |
|--|-----------------------------------|
| Building and Grounds Department        | 241, 248                          |
| Chief Probation Officer                | 66, 238                           |
| Clearlake City Council                 | 42, 47                            |
| Clearlake City Manager                 | 159                               |
| Clearlake Police Department            | 190, 194, 211, 216                |
| Clearlake Public Works Department      | 256                               |
| Community Development Department       | 162, 291                          |
| District Attorney                      | 77                                |
| Human Resources Department             | 82                                |
| Information Technology Department      | 85, 259                           |
| Juvenile Hall Administration           | 238                               |
| Juvenile Hall via Probation Department | 228                               |
| Kelseyville Fire Protection District   | 205                               |
| Lake County Administrator              | 61                                |
| Lake County Board of Supervisors       | 42, 119, 226                      |
| Lake County Fire Protection District   | 205                               |
| Lake County Library                    | 291                               |
| Lake County Redevelopment              | 89                                |
| Lake County Sheriff                    | 119, 208, 226, 228, 238, 241, 248 |
| Lake County Water Resources            | 275                               |
| Lake County/City Area Planning Council | 259                               |
| Lakeport City Council                  | 42, 55, 112                       |
| Lakeport Public Works Department       | 281                               |
| Mental Health Director                 | 145                               |
| Park and Recreation Division           | 275                               |
| PEG TV8 Channel Board of Directors     | 42                                |
| Planning and Public Works Department   | 156                               |
| Redbud Health Care District Board      | 149                               |
| Social Services Director               | 131, 139                          |
| Vector Control District Board          | 167                               |

# Ad-Hoc Committee – Supervisors Interviews

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## *Jim Comstock, Supervisor of District 1 Speaker, November 13, 2009*

Jim Comstock is a lifetime Lake County resident from Middletown. He has been a rancher all his life and served in the Navy. He was in retail sales for eighteen years selling industrial chemicals. In 1994 he started a financial business. He was on the Middletown Unified School District Board for eighteen years. He has been married for forty years and has four children. His number one concern about Lake County is that there are no job opportunities.

*Question 1. With unemployment at 15% or higher, what is the county doing regarding economic development, i.e. block grants, tax incentives, at federal levels?*

Supervisor Comstock favors small businesses over large ones who may leave, thereby taking the jobs with them which people have become reliant upon. Lake County has tried to find major employers, yet small businesses are the backbone of the economy. Lake County's unemployment rate is higher than the rest of the state. The tax incentives are tied into the state taxes so it is hard to give local tax incentives. The county can be helpful with business permits.

Lake County has an active marketing department. Lake County has received some grant money but must compete for grants with larger counties.

*Question 2. How is Lake County using the Federal Stimulus Money, i.e. block grants, tax incentives, at federal levels?*

There is not a lot of stimulus money. Out of \$2,000,000 allocated to Lake County, only \$72,800 has been received to date. \$882,000 to overlay Soda Bay Road -- this money has not come. \$89,385 to hire a detective for Special Victims -- they have not gotten this money. \$1,766,781 for Waste Water System in Kelseyville -- this money is not coming. The paperwork is frustrating. The million dollars per year from geothermal royalties has been taken away because of a congressional bill. The supervisors are working hard to get it back.

*Question 3. What is the status of Yolo County's rights to Clearlake water?*

Yolo county's rights to Clearlake water are one hundred percent legal and rock solid. Two supervisors from each county meet regularly to discuss water issues. Yolo doesn't compromise on any issues because they control the water flow, the opening and closing of the gates. The Grigsby Riffle holds back more water than the gates release; therefore, our flooding is not in the purview of the Yolo County Flood Control District.

*Question 4. Tourism is an important part of our economic development. Who is in charge of the general health of the Lake: algae increase, dead fish, odors, rice flies? What are your long and short-term goals for the Lake?*

The responsibility for the lake management has been taken out of the Public Works Department and Lakebed Management and a new agency called Lake Resources is responsible for the lake now. The Middle Creek Restoration Project, being funded by State and Federal government money, is working to restore the natural filtration system of the lake, especially the tules.

*Question 5. Are Special Districts working and why so many?*

The county manages some of the special districts and some are privately owned. Some special districts are working, some are not.

*What is your vision for Lake County?*

He wants to continue the rural lifestyle while a proponent of business and economic development. He sites the increased access to medical care in the county as a positive development including the proposed veteran's facility in Clearlake.

*District 1 Question: What is the status of the private water-ski lake proposed for Middletown?*

The water rights belong to the landowner. A lake of this size would use about eight million gallons per year. This is comparable to a grape vineyard. A forty-acre pasture uses about seventy-three million gallons per year. The property permits 106 homes. Right now, the plan is for five new homes to be built. They may build more in the future. He feels a ski lake is the lesser of two evils, and ski events may bring in tourists.

## GENERAL QUESTIONS

*New Courthouse?* He does not expect any local contractors to get the contract for the new courthouse.

*VA Clinic?* He doubts local contractors will get that contract either.

*Unifying All School Districts?* He is not for unifying all the school districts in the county. Smaller is more personal and families have more control over their children's education.

*Narcotics Task Force?* He feels the Lake County Narcotics task Force should be state funded again to combat the menace of illegal marijuana growers.

## *Jeff Smith, District 2 Supervisor Speaker, December 18, 2009*

Jeff Smith moved to Lake County about thirty-four years ago. He started going to Clearlake City Council meetings thirteen years ago. He is finishing his eleventh year as supervisor. He owns several small businesses. He is on the Board of Supervisor's Clearlake Subcommittee. Issues involving the lake are his forte. He lives on the lake and enjoys the lake.

*Question 1. With unemployment at 15% or higher, what is the county doing regarding economic development, i.e. block grants, tax incentives, at federal levels?*

Supervisor Smith said that tax incentives are state controlled. He said that there are some things we can do and some things we can't do. Konocti Facilitation is in charge of shows advertising Lake County in Sacramento and other counties throughout California. Konocti Facilitation has a large board, maybe twenty-five people who concentrate on small businesses already in the county while looking for large businesses from outside the county. It works. They give advice. They do not give money to help grow business. He said he would rather see many small businesses rather than a few large businesses.

The board approved a consultant to analyze needs to keep businesses in Lake County. The loss of Konocti Harbor Inn will be huge. The total tax loss will be huge, in the range of \$500,000 per year.

*Question 2. Are Special Districts working and why so many?*

Yes, in some ways. More or less, they are not. Even though the distance between the Special Districts prohibits merging we can use the same administration to oversee them all. Special Districts can get money where private companies cannot. There are thirty-some water districts. Lucerne is an example of where they did not have the infrastructure. Grants are hard to get. Special Districts are looking out for consumers and keeping rates down. However, Special Districts need more money. It is a Catch-22.

*Question 3. What is the status of Yolo County's rights to Clearlake water?*

They (Yolo) have the legal rights. There are restrictions on their rights. If the lake is low, they get less water. The county may have had a chance to buy rights 30-40 years ago, but not today. The 2X2 Committee meetings are working slower than Supervisor Smith thought they would. Our water companies around the lake are

paying the same rate as someone in Woodland - that needs to be changed. A chart tells how much water can be withdrawn from the lake. Lake County is putting a lot of money into the lake. Yolo is not.

*Question 4. Tourism is an important part of our economic development. Who is in charge of the general health of the Lake: algae increase, dead fish, and odors, rice flies? What are your long and short-term goals for the Lake?*

Rice flies fall under Vector Control. We learned that DDT is not good. The DDT changed and became part of the lake bottom. The State says hydrilla in the worst-case scenario could shut down the lake. Three years ago we thought the hydrilla was gone but low water with increased sunlight to the lakebed brought it back. Lake County used chemicals for years to destroy weeds. Algae or weeds, one or the other will prevail. Last year was as bad as he's seen the algae in 30 years. The algae equipment was not used in 15 years, which rendered it unusable. That will not happen again. The delay was because we were used to the algae clearing up in days and this time it did not.

Long-term goal is the 12,000 acres of wetlands restored. Seventy percent of the nutrients will be filtered from coming into the lake by the restored marsh area.

*Question 5. How is Lake County using the Federal Stimulus Money?*

We were told Lake County would receive 2 ½ million dollars. Three projects were approved: 1) a position in the Sheriff's Department 2) Soda Bay Road overlay 3) Kelseyville Sewer Treatment Plant - which is going out to bid. We can expect 20% cheaper bids or 20% more work done for the same money due to the economy. That is a drop in the bucket compared to what we need. Lake County is applying for more money.

*Question 6. What are the top two issues the County faces?*

The supervisor said that money from the state and unemployment are the two top issues. The state needs to stop taking money from counties.

Property taxes - for example out of \$1,000 in property tax, schools get 62% or \$620 that is for all education. The county gets 22%. 16% is left; Fish and Game and small things split up the rest.

\$220 per thousand has to fund the entire county. The cities within the county get 11% or \$110 per thousand \$62 of which goes to the police department.

| Property tax | Percentage | Dollar amount |           | Percentage left | Dollars left |
|--------------|------------|---------------|-----------|-----------------|--------------|
| 1,000        | 62         | 620           | education | 38              | 380          |
| 1,000        | 22         | 220           | county ** | 16              | 160          |
| 160          | 16         | 160           | sm things | 0               | 0            |

| **County | %  | % to Cities | \$ amt | \$ amt to police | \$ left for city | \$ left for county |
|----------|----|-------------|--------|------------------|------------------|--------------------|
| 220      | 22 | 11          | 110    | 62               | 48               | 110                |

The state mandates where the money goes. His feeling is that Lotto money probably gets eaten up by Administration costs.

*Question 7. What is your vision for Lake County?*

What do we want to see in 20 years? Look at infrastructure costs -- how can we afford them? Do we want to grow big? We will grow. We can't control that but we can direct it. What goods and services do we need? We should not pay for great roads in Santa Rosa or Ukiah. Lake County still needs retail here. Supervisor Smith wants to see more retirement communities. Lake County lost retired people because of the lack of insurance-covered medical facilities. St. Helena and Kaiser could get together and maybe do a Kaiser clinic here in Lake County. He wants retirees and tourism is a huge part of the future. Facing the big picture = what is best down the road.

*DISTRICT 2 QUESTION: What is the plan concerning the dirt roads prevalent throughout the Clearlake area?*

Four or five years ago now we met with the people. The majority of his district is the City of Clearlake. The county can lend money to assessment districts. This has not happened due to infighting. Lake County is a donor county. Fuel tax gets paid out of county. Revolving loans need a large tax base. City of Clearlake has done lots of improvements.

Area Planning Council (APC) told Lakeport it had money put aside for bike lanes. The City of Clearlake needed \$80,000. Development should begin on arterials first then work its way into the smaller streets. The building developers should have been required to put in roads when the houses were built.

## QUESTIONS FROM THE FLOOR

*PEG Board Meeting?* Complaints from the board are perhaps misstated. Supervisor Smith and Ed Robey, a PEG Board member, talked with Kelly Cox. The Conspiracy Theory programs are too much. If he took the complaint to the Board of Supervisors, they would agree with him. Supervisors Brown and Rushing do not get Channel 8. They do not have cable. Channel 8 was envisioned as having local content. Mr. Smith encourages more local programming including high school sports.

*Harvesting Algae?* Yes. Mike Calters had approached the Board of Supervisors to make feed using algae. The lake does not have enough algae every year. Lake County had a company come in from Klamath Falls, Oregon, years ago. \$35,000 was spent to research feasibility and it was found that the lake did not have enough of the right kind of algae.

Utilizing weeds as bio-fuel was looked into at one time. Hydrilla infestation stopped the harvesting because of the hydrilla spreading when the plant is cut up.

Smith tried taking algae with a boom, rope, and towing it into the middle of the lake. That method cleared out the cove. This is not feasible for the entire lake.

*In Home Support Services (IHSS) concerns?* Smith cannot comment on negotiations. They are talking about starting negotiations again. In the last contract, the Board of Supervisors wanted two different pay scales. One scale represented those who did not want training, background checks, or drug testing, while the other scale would include these things. If the state requests background checks the Board will pay for them. We want caregivers who are being paid by the state serving clients the way we would want our parents treated.

*Denise Rushing, District 3 Supervisor  
Speaker, December 11, 2009*

Denise Rushing lives in Upper Lake and believes Lake County has great potential. She wants to preserve the rich resources of Lake County especially the people. District 3 runs from the Mendocino County line to the Colusa County line. Surrounded by Federal Land, Lake Pillsbury, with around eighteen registered voters, is in our county.

*Question 1. With unemployment at 15% or higher, what is the county doing regarding economic development, i.e. block grants, tax incentives, at federal levels?*

Supervisor Rushing is very concerned about the local economy which has around 16% unemployment. There are 14,000 employed people out of 60,000 residents. Not having a lot of money does not necessarily translate to poor quality of life. The Marketing Department is doing a good job boosting the local economy. Every dollar spent in Lake County can be worth up to two dollars here. Every dollar that leaves Lake County is gone. A 10% over-bid gives the local bidders preference and is about as high as the county can legally go for local bidders. The county is stimulating the local economy by accelerating local infrastructure. The county is also focusing on energy efficiency through the AB-11 program where the county could loan money via the tax rolls. Administrative grants for solar programs could create jobs in Lake County.

*Question 2. Are Special Districts working and why so many?*

Yes, at various levels. Special Districts are the last resort when situations are difficult. What works: spreading administrative costs and testing costs across multiple districts. We are getting better. Special Districts work best when citizens are involved. Big decisions have to go back to the Board of Supervisors to be approved. Supervisor Rushing does not believe water systems belonging to outside companies are in the best interest of communities. Cal Water bought Lucerne Water and the citizens of Lucerne are fighting it.

*Question 3. What is the status of Yolo County's rights to Clearlake water?*

Easy. They have them; we don't. There may be angles and options for Lake County. She is not part of the 2X2 Committee. However, she feels that Yolo County Flood Control should be held accountable to their agreements.

*Question 4. Tourism is an important part of our economic development. Who is in charge of the general health of the Lake: algae increase, dead fish, and odors, rice flies? What are your long and short-term goals for the Lake?*

Nature is in charge of the lake. Cold nights and more rain are needed to decrease the algae problem. The lake is sixty-eight square miles and throwing money at the problem is not going change nature.

The State Department of Fish and Game is the lead agency. Water quality is under Lake County's purview. Many state mandates are unfunded. Long-term nutrient loading feeds the problem of algae; grading and storm water reduce the problem. Watershed groups help improve the general health of the lake; the more volunteers the better. Increasing education for people who live around the lake and controlling illegal dumping will help manage but will not solve current issues. Remember everything ends up in the lake. Water Resources is being separated from the Public Works Department. The director will coordinate diverse groups around the lake, including tribal groups.

*Question 5. How is Lake County using the Federal Stimulus Money?*

Most of the money is going to education and firefighting; for example, some roads, community action agencies, money for energy projects and training facilities for fire departments. The public can look it up at [fedspending.org](http://fedspending.org) and find information listed by congressional district.

Lake County has applied for grants rather than stimulus money.

*Question 6. What are the top two issues the County faces?*

There are so many issues the County faces. We are the seventh generation of historic Lake County and have inherited the consequences of bad choices and decisions, such as: mercury mining, tulle removal and levee building. If we choose to fight nature, nature wins. We need to align with nature.

The state of California often looks at rural counties as "donor" counties. Lake County pays more in taxes to the state than we receive in services. We need a socio-economic system that will work for real people.

*Question 7. What is your vision for Lake County?*

Supervisor Rushing's vision taps into a collective responsibility. In twenty years, she believes that we can have improved soil, water, and air quality, as well as meeting our own needs. The Board of Supervisors is responsible for creating measurable goals. She tries to activate private citizens, and believes in people

power. Clearlake Oaks is a great example of people stepping up and working together.

*DISTRICT 3 QUESTION: Traffic concerns on the Highway 20 corridor; re-direction of heavy through traffic to Highway 29?*

That is a great idea. She was on the Area Planning Council (APC) Board before being elected to the Supervisor position. Hwy 29 is to be a major corridor. Highway “calming” is under CalTrans. Highway calming means the methods and decisions about how to treat highways and the towns or cities they go through. Soon a traffic circle will be added at the Nice-Lucerne cutoff intersection.

## QUESTIONS FROM THE FLOOR

*Large scale employment?* She would like to see Higher Education come to Lake County rather than some corporate business.

*Genetically Modified (GMO's)? Committee not in balance?* The committee looks balanced to her now. She is confident that the sitting committee can agree on regulations for the county. The way to solve the GMO issue is new labeling laws at state and federal levels. The Board of Supervisors does not have the votes to ban GMO's. She would vote to ban.

*In Home Support Services (IHSS) concerns?* The Board of Supervisors cannot comment on ongoing negotiations. The county can initiate drug testing with client request.

*Narcotics Task Force?* Lake County used to have a good one. Criminal Justice could take all the funds if allowed to. The Board of Supervisors focuses on things that can destroy the community such as methamphetamines. Lake County has a task force. It is made up of state and federal agencies.

*Is there a Lakefront Plan?* The District Shoreline Area Plan can be used as an opportunity to look at plans for the entire lake.



*Anthony Farrington, District 4 Supervisor  
Speaker, December 4, 2009*

District 4 Supervisor considers Lake County a “diamond in the rough”. Anthony is a multi generational Lake County Native. He is a graduate of Clearlake High School, Mendocino Jr. College and the University of California at Davis. He obtained his law degree in 2009. Supervisor Farrington was elected in 2000 and is finishing the first year of his third term.

*Question 1. With unemployment at 15% or higher, what is the county doing regarding economic development, i.e. block grants, tax incentives, at federal levels?*

1. Unemployment is at 16.9%.
2. One third of the population are at or below poverty level income.
3. One third of the population are seniors and on fixed incomes.
4. Per capita we have the lowest median income in the state.
5. We have the highest percentage of mobile homes as permanent homes in the state.
6. In drug and alcohol arrests we are among the top 10% in the state.
7. We are in the top 14 or 15% of AIDs infections in the state. Redevelopment is a long term process for economic development that is keeping property value reductions at bay. Deferred use permits allow businesses to retain working capital. Blight control and reassessment of property taxes down would stimulate economic stability.

*Question 2. Are Special Districts working and why so many?*

Consolidation of special districts is not happening. He is an advocate of combining water and sewer districts when feasible. He was disappointed in a special districts report which he felt was expensive and flawed. He approves of the automatic cost escalator for special districts. He would like to consider the consolidation of the school districts in the interest of cutting administrative costs.

*Question 3. What is the status of Yolo County's rights to Clearlake water?*

Part of his election platform was gaining rights for Lake County. He is currently on the 2X2 committee (2 members from Lake County and 2 members from Yolo Flood Control Board). The committee created a Memorandum of Understanding (MOU). The Wild and Scenic Lands legislation did no harm thanks

to this committee. The Middle Creek Restoration Project is demolishing levees and restoring wetlands. Frost protection and ground water are two main issues.

*Question 4. Tourism is an important part of our economic development. Who is in charge of the general health of the Lake: algae increase, dead fish, odors, rice flies? What are your long and short-term goals for the Lake?*

The lake is getting healthier and shallower. Prior to 2000, 1 million gallons of raw sewage used to go into the lake and is now being piped to the geysers to make steam for energy. Hydrilla and algae are problems. The natural depth of the lake is an average of 20 feet. Neither mechanical nor chemical control will work to solve the problems of the lake. Since the Board of Supervisors privatized the Marketing Dept. they are spending less on bureaucracy and more on promoting Lake County. Bad press, true or not, does not help.

*Question 5. How is Lake County using the Federal Stimulus Money?*

Lake County did not end up with a lot of money. The Soda Bay Road project was funded with fewer than one million dollars. Some money was used to repair the heating and air conditioning system in the Courthouse. The Kelseyville Sewer Treatment Plant is under a Cease and Desist Order because they did not pass inspection by the state. Planned for stimulus money is allocated but may not be received.

*Question 6. What are the top two issues the County faces?*

Although Lake County is business friendly, there are many issues: domestic violence, the demand for affordable housing, and keeping the county financially in the black. The Mental Health Department had issues with their finances. The county is determined to finance ongoing expenditures with ongoing income. For example, not using one time income to finance ongoing expenditures. Methamphetamine and the economy are the two top issues.

*Question 7. What is your vision for Lake County?*

He is idealistic. He wants a vibrant, healthy community that is more engaged. Our communities need to conquer the alcohol and drug problems in the county. He wants to streamline government services and make the county the "best it can be". That would include a sustainable economy, appropriate housing, and continuation of agriculture and maintenance of open spaces. He does not want a large amount of growth. He wants to promote ecotourism and targeted, dense residential growth.

*DISTRICT 4 QUESTION: What are the plans regarding improvement and expansion of the county fairgrounds and airport facilities?*

The fairgrounds are state owned so the Board of Supervisors is not really involved. He believes it would be a waste of taxpayer's money to move the fairgrounds. The airport infrastructure needs to be rezoned from agriculture to commercial to accommodate business and airport related businesses. He wants a public-private partnership for the airport. We subsidize the airport that we have now.

*In Home Support Services (IHSS) concerns?*

The Board of Supervisors is concerned as a body about some IHSS workers abusing drugs and not having the proper training. In-home-services are better for seniors than institutionalizing them. Background checks are now required for all helpers. The Board of Supervisors will pay for them. The checks usually cost between \$40 -\$60.

Mr. Farrington believes in Medical Marijuana and is hopeful the board will pass an ordinance to regulate non-profit dispensaries. Medical Marijuana is the law. The cultivation side is a different issue.

*GMO's?*

He would err on the side of caution. It was state funded. It is still intact and still being funded locally.



*Rob Brown, District 5 Supervisor  
Speaker, November 6, 2009*

This is his ninth year as supervisor. He is on his third and last term because he will not run again. He wants to spend more time with his family. Supervisor Brown is the father of five children.

*Question 1. With unemployment at 15% or higher, what is the county doing regarding economic development, i.e. block grants, tax incentives, at federal levels?*

Supervisor Brown thinks the money is going to One Stop Shop, previously known as The North Coast Consortium, who he believes is funneling the money to their immediate area. He thinks we should withdraw from these programs and apply the money to more locally more profitable programs. Property taxes are being downgraded so local tax incentives are not feasible. The county uses a local vendor policy. The county can't provide tax incentives at its discretion.

*Question 2. Are Special Districts working and why so many?*

The Special Districts are working. Eight or nine years ago they were under funded, then rates were raised. Special districts have automatic cost of living raises built in. The districts cannot be consolidated; monies must go to each specific district. There was a study recently about combining Special Districts, but their needs are varied. Studies are being done with regard to combining Kelseyville and Finley water districts.

*Question 3. What is the status of Yolo County's rights to Clearlake water?*

The water rights were never sold but were applied for and cannot be changed. We are trying to get the Yolo Flood Control District to apply for Federal funds to increase its water containment ability. We are attempting to engage Yolo County in mutually beneficial projects for best use of the water to benefit Lake County's tourism and flood control, as well as Yolo's tourism and flood control.

*Question 4. Tourism is an important part of our economic development. Who is in charge of the general health of the Lake: algae increase, dead fish, odors, rice flies? What are your long and short-term goals for the Lake?*

Supervisor Brown replied, "God is." Code Enforcement responds to complaints only with regard to any kind of leakage into the lake. He also said that many of the old resorts are now permanent residences with septic systems that are not built to handle the usage. There are grading ordinances to direct storm water

runoff to reduce nutrient loading of the lake. Street sweeping is a process that also reduces nutrient loading. He said fertilizers from illegal marijuana crops have a high impact on the lake because of nutrient loading. When questioned about the nutrient loading into the lake that causes algae bloom he said that the south side of the lake is almost all septic tanks. He said dye flushed down toilets did not show up in the lake. He did not say when this test was done. He said that no shoreline properties are tested for septic or sewer leakage unless a formal complaint is lodged. There is routine testing of the lake water by the health department.

*Question 5. How is Lake County using the Federal Stimulus Money?*

\$882,000 Fed Stimulus money for Soda Bay Road was not given us by the state. \$1,766,000 went to the Kelseyville wastewater plant. There was a decision about using money for a shelter for abuse victims, and \$89,000 to hire a special-victims detective.

*DISTRICT 5 QUESTION: What is the status of the investigations into the environmental impact of power companies' drilling on Cobb Mountain? Does the drilling increase earthquake frequency?*

There is no effect. Earthquakes are increasing all over the state. He says there has been drilling since the 50s and there is no problem. There should be a geothermal coordinator, but the position is vacant. Bottle Rock Geothermal was dumping illegally in the meadow. An independent company was hired to test the water on Cobb and the results have not come in.

*What is your vision for Lake County?*

Keep our kids in the county by making it a safe place to live with employment opportunities.

*Drug Testing?* Supervisor Brown is for it. But only when we test teachers, should we test athletes (high school football players).

*Konocti Harbor Inn?* The Board of Supervisors is asking what they want. The White Star Asset Management Company has taken charge. Supervisor Brown is against turning Konocti into a casino.

*Genetically Modified Crops for Lake County?* Brown is not big on the UN recommendation of cautionary steps. "No minds can be changed, so why bother?"

*What are you most proud of in your nine years?*

The Interview Room behind the courthouse for sexually abused kids, so kids can be taped and don't have to appear in court. The completion of the purchase of Mt. Konocti. The improvement of road conditions in the 5th district. District 5 has 613 miles of roads--more than all other districts combined.



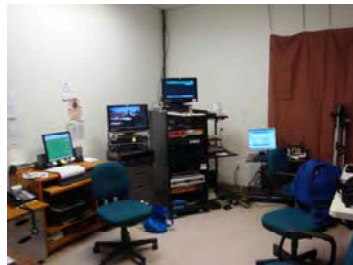
# **Budget and Finance Committee**

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## Lake County PEG Channel (TV 8) Complaint 9-08



### Summary:

The PEG TV 8 Channel Board of Directors (PEG BOD) was established by the 2007 Agreement for Operation of the Local PEG Television Channel between the County of Lake and the City of Clearlake as delineated in FACTS # 5, 6, and 7 in the following report.

Based on testimony received from each of the PEG Directors and PEG volunteers, and documented in the Grand Jury's FINDINGS in the following report, the PEG Directors:

- paid little attention to the total scope of responsibility incumbent upon the directors in accordance with the terms of the 2007 Agreement;
- failed all together to even read or to thoroughly read both the 2007 Agreement and the Members' Manual and/or discern the ramification of the rules and processes adopted within;
- consistently abdicated management responsibilities to a voluntary advisory [only] committee;
- failed the duty to perform oversight and exercise control over the daily operation of the volunteers during the past two years, in accordance with the directions stated within the 2007 Agreement; and,
- apparently allowed a volunteer Advisory Committee to overrun PEG TV8 with programming that fails to represent the diversification of Lake County but rather, mainly depicts personal agendas guised under "freedom of speech".

As of this writing, it has been learned that the Grand Jury's recent investigative interviews over the past two months was the impetus for the PEG BOD

to attempt to get a grip on the flappy operation by empowering a new “acting” volunteer station manager who comes anew upon the scene with the hope of rising from the ashes of the Phoenix and forestalling a “permanent meltdown”. However, the Grand Jury remains concerned that handing over control to another volunteer appears to evidence once again that the PEG BOD continues to persist in relinquishing its management responsibilities, duties and obligations.

### **Background:**

When the Lake County Civil Grand Jury (LCCGJ) receives a written complaint from a citizen alleging misconduct or governmental inefficiencies by officials of any nonprofit organization receiving county or city funds, it becomes incumbent upon the LCCGJ to examine the books and records of said entity. The LCCGJ received such a complaint regarding Lake County PEG Channel TV 8 which operates by virtue of a 2007 written Agreement between the City of Clearlake and the County of Lake which provides for the City of Clearlake and County of Lake to partially fund Lake County PEG Channel TV 8 in order for the station to broadcast.

### **Methodology / Procedure:**

The LCCGJ’s Budget and Finance Committee (B & F Committee) requested the PEG TV 8 Channel Board of Directors (PEG BOD) provide copies of all pertinent operating and management documents. We received hard copies of an Agreement for Operation of the Local PEG Television Channel, a Members’ Manual, a FCC Fact Sheet and FCC Public Publishing Regulations, copies of the Minutes of meetings of the PEG BOD for the months from January 2009 through January 2010 only (the secretary claimed never having been instructed to maintain copies of the minutes of board meetings), and copies of the Lake County PEG Channel TV 8 annual projected and actual operating revenues and expenses from 2004/2005 through 2009/2010.

Additionally, the B & F Committee downloaded copies of the Advisory Committee’s monthly meeting Minutes and Agenda from February 2008 through July 2009 from the PEG TV8 wikispace.com web site. After review and evaluation of all documents, questions were formulated by the B & F Committee to pose at separate interviews of each member of the PEG BOD, PEG station managers, PEG Advisory Committee members, the complainant, and others.

### **Facts:**

1. PEG stands for Public, Education, Government.
2. Some time in the 1990's, the City of Clearlake exercised a right under a franchise agreement with Mediacom to establish and operate a local access television channel known as PEG TV 8 available for use Countywide.

3. On or about that same date, the PEG TV8 volunteers established an advisory committee to assist in the operation of PEG TV 8.
4. On November 13, 2007, the County of Lake and the City of Clearlake entered into a written formal Agreement for Operation of the Local PEG Television Channel (2007 Agreement) providing for joint administration and management of PEG TV 8 while designating the City of Clearlake as the *lead agency* for administration - working under the direction of the PEG BOD. As of this date PEG TV 8 came "*under the control of the PEG BOD*". The City of Lakeport opted out of this agreement.
5. Per the 2007 Agreement, the PEG BOD is:
  - a. to be comprised of a board of five (5) directors: one (1) appointed by the Lake County Board of Supervisors (BOS); one (1) appointed by the City of Clearlake; one (1) appointed by and representing the cable TV operator [Mediacom] through which PEG TV 8 broadcasts and two (2) members appointed by majority vote of the other directors to represent the general public;
  - b. responsible for prescribing all rules and regulations for operation and management and the adoption of community programming policies;
  - c. responsible for overseeing management and operation of PEG TV 8;
  - d. tasked to review and authorize expenditures and submit an annual budget to each agency by March 1st each year;
  - e. to seek underwriting income for operation and report periodically to the County and City on the status of all of the above; and,
  - f. commissioned to implement the Public Utilities Code Section 5870(n) enabling each government agency to impose an additional franchise fee specifically and exclusively for the purpose of funding to support PEG channel facilities and to be administered by the PEG BOD exclusively for allowable expenses of PEG TV 8. Most of the PEG BOD were not aware of the charter to seek underwriting income and PUC Code 5870(n) franchise fee income.
6. In accordance with the terms of the 2007 Agreement, the County of Lake and the City of Clearlake are to:
  - a. provide Worker's Compensation and Employer's Liability Insurance in an amount not less than One Million dollars (\$1,000,000) per occurrence, Commercial General Liability Insurance in an amount not less than One Million dollars (\$1,000,000) per occurrence, and

Automobile Liability Insurance in an amount not less than One Million dollars (\$1,000,000) per occurrence; and,

- b. commit to appropriate one-half (½) of the operating expenses based on the [annual] proposed budget prepared by the PEG BOD.

Not one PEG BOD member was aware of this insurance requirement.

7. The terms of the 2007 Agreement, stipulate PEG TV 8 is to *“provide for the maximum public benefit and use of the Channel.”* PEG BOD members were vaguely aware or not at all familiar with the existence or contents of the 2007 Agreement.
8. A Members’ Manual was authored several years ago by a former station manager as a "how to" handbook for community programming members. Community programming members are the general public who can elect to become a member for the purpose of accessing PEG TV8 to produce non-commercial programs to be aired on the PEG TV8 channel and train on the PEG TV8 production equipment for this purpose. The manual defines PEG access television to the members (TV8 users) and outlines the policies and programming guidelines to assist the members to produce informative, educational or inspiring videos. It also speaks to diversity, selection, scheduling air time, and replays of tapes produced. It describes production equipment, facility and staff availability and use terms; delineates the complaint and appeals process; and, specifically states the PEG [Advisory] Committee’s responsibility is to assist the PEG BOD in implementing the above to *“assure a sufficient variety of non-discriminatory PEG access programming to meet the needs of students, residents, and cable viewers in Lake County, and promote interest in and the use of the PEG access channel.”* Most PEG BOD members were vaguely aware or not at all familiar with the existence or contents of the Members Manual.
9. At a date uncertain, the PEG TV8 volunteers acting as the PEG Advisory Committee formulated and adopted a set of By-laws. Per these By-laws, the Advisory Committee is:
  - a. to be comprised of a number which will vary according to the needs of the community and have three (3) officers, a chair, vice-chair and secretary whose terms shall be for no more than one (1) year, at which time new officers shall be elected;
  - b. to hold a regular monthly meeting on the first Wednesday of each month at 2:30 PM at a place designated by the BOS. Any committee

member missing three (3) consecutive committee meetings will be considered for replacement; and,

- c. to review the budgeted standing expenses monthly, reporting any irregularities to the appropriate governing agency. Any expenditure for equipment, labor and modifications shall be written; all proposed expenditures shall have three (3) qualified competitive bids, and all expenditures shall have written justification with the PEG BOD recommendations attached for presentation to all financial officers or the BOS.

PEG BOD members were vaguely aware or not at all familiar with the existence or contents of the Advisory Committee By-laws.

- 10. The programming of any Public Access activity such as PEG Channels is fraught with potential pitfalls due to legal challenges and Supreme Court Rulings.
- 11. PEG TV8 is dependent on volunteers to function. The PEG Advisory Committee, comprised of volunteers, was established to give advice (suggestions) re programming and perform volunteer activities with regard to operations, *while ultimately following direction from the PEG BOD.*
- 12. Per Advisory Committee By-laws a complete fiscal audit will be conducted at the request of the Committee or City of Clearlake or BOS.
- 13. Per the 2007 Agreement, the PEG BOD is required to submit a budget to both the City of Clearlake and the County of Lake by March 1st of each year. This was not done in either of the last two years.
- 14. Revenue/expense detail provided to the B&F Committee, details the following reflected for the fiscal years 2007through 2010:
- 15. The income received by the PEG TV 8 Channel is as follows:

| <u>Organization</u> | <u>2007/08</u> | <u>2008/09</u>                                | <u>2009/10</u>          |
|---------------------|----------------|---|-------------------------|
| City of Clearlake   | \$2,000        | Use of fac. / utilities                       | Use of fac. / utilities |
| City of Lakeport    | \$2,000        | 0   | 0                       |
| County of Lake      | 0              | \$7,000<br>+ \$5,809 in equip.                | 0                       |
| Yuba College        | 0              | \$5,400                                       | \$5,400                 |
| Individuals         | 0              | \$25  | \$649                   |
| Interest Earnings   | 0              | 0   | 0                       |
| <b>Total</b>        | <b>\$4,000</b> | <b>\$12,425</b><br><b>+ \$5,809 in equip.</b> | <b>\$6,049</b>          |

16. The following are comments referring to the above table:
- a. Subsequent to the signing in November 2007 of the 2007 Agreement, in which the City of Lakeport declined to participate, Lakeport made no further contributions.
  - b. In accordance with the 2007 Agreement, the projected *one-half (1/2) of the operating expenses* in the fiscal year 2007/2008 was \$2000 and from the fiscal year 2008/2009 to date it has been \$5000 each fiscal year required to be paid to PEG TV 8 from both the City of Clearlake and the County of Lake.
  - c. The PEG TV8 operating budget/expense detail for the fiscal year 2008/2009 reflects the City of Clearlake budgeted the transfer of \$5,000 as their *one-half (1/2) of the operating expenses* for this fiscal year. Contrariwise, while the documents reflect the transfer of \$5,000 cash in the fiscal year 2008/2009, the PEG BOD members stated during testimony that in that fiscal year the City of Clearlake contributed the use of city owned "space" to locate PEG TV8 station operations *in lieu of providing cash* for the city's committed one-half (1/2) [\$5,000] of the operating expenses in that year - with the intent to do likewise in the fiscal year 2009/2010.
  - d. The B&F Committee was informed via testimony that the size of the "space" being provided by the City of Clearlake to PEG TV8 for their operation is approximately 10' x 10'.
  - e. Neither the City of Clearlake nor the PEG BOD have established a fair market value of the city owned facilities and utilities accorded to PEG TV8 for the location of the station operations to determine if that value equates to the city's one-half (1/2) [\$5,000 in 2008/2009 and 2009/2010] of the operating expenses.
  - f. Prior to the signing of the 2007 Agreement, PEG TV8 operating budget/expense detail shows Yuba College contributed \$5400 for the fiscal years of 2005/2006 and 2006/2007 to PEG TV8.
  - g. No individual small donations were documented as received prior to the 2007 Agreement.
  - h. Interest Earnings were credited prior to 2007 Agreement to PEG TV8 in the amount of \$146 in fiscal year 2004/2005 and \$46 fiscal year 2005/2006. No further interest earnings appear to have been credited to PEG TV8 in subsequent years.

17. The expense incurred by the PEG TV 8 Channel is as follows:

| <u>Organization</u> | <u>2007/08</u><br><u>Budget</u> | <u>2007/08</u><br><u>Actual</u> | <u>2008/09</u><br><u>Budget</u> | <u>2008/09</u><br><u>Actual</u> | <u>2009/10</u><br><u>Budget</u> | <u>2009/10</u><br><u>Actual</u><br><u>to date</u> |
|---------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|
| Payroll/Benefits    | \$5,662                         | \$3,752                         | 0                               | 0                               | 0                               | 0   |
| Services            | 0                               | 0                               | 0                               | 0                               | \$1,700                         | 0   |
| Mileage             | 0                               | 0                               | 0                               | 0                               | \$2,000                         | \$675   |
| Supplies            | \$200                           | \$525                           | 0                               | \$1,113                         | \$1,300                         | \$260   |
| Equip/software      | \$7,400                         | 0                               | \$10,000                        | \$17,882                        | \$5,000                         | \$75  |
| <b>Total</b>        | <b>\$13,262</b>                 | <b>\$4,277</b>                  | <b>\$10,000</b>                 | <b>\$18,995</b>                 | <b>\$10,000</b>                 | <b>\$1,010</b>                                    |

18. The following are comments referring to the above table:

- a. Prior to the signing of the 2007 Agreement, PEG TV8 operating budget/expense detail also shows \$2870 and \$4797 in salary and benefits including Worker’s Compensation and Employer’s Liability Insurance expended respectively in fiscal years 2005/2006 and fiscal years 2006/2007. This was for salary only individuals (the station manager);
- b. Prior to the signing of the 2007 Agreement, PEG TV8 operating budget/expense detail reflects equipment and software purchases in the amounts of \$399 fiscal year 2004/2005 and \$1400 in the fiscal year 2005/2006; and,
- c. no insurance premiums were reflected in the PEG TV8 financial detail as budgeted or paid in the fiscal years 2007 through 2010 for the required insurance coverages dictated in the 2007 Agreement.

19. Note that Income and Expense do not balance out in any year.

20. “The 1984 Cable Franchise Policy and Communications Act is a piece of legislation sponsored by Senator Barry Goldwater passed into law that allowed Cable Television in each community in exchange for 5% of all revenues to be granted to the communities themselves leading to the birth of modern day public access community television and what is called PEG or Public, Educational and Government (channel) TV”, as stated in Wikipedia.

21. Documents provided the B&F Committee reflect that Mediacom (PEG TV 8 cable provider) paid the following fees to the respective Agencies:

| <u>Organization</u>      | <u>2007/08 Fees Rec.</u> | <u>2008/09 Fees Rec.</u> | <u>2009/10 Fees Rec.</u> |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>City of Clearlake</b> | <b>\$120,000*</b>        | <b>\$112,974</b>         | <b>\$104,314*</b>        |
| <b>City of Lakeport</b>  | <b>33,399</b>            | <b>30,581</b>            | <b>29,000*</b>           |
| <b>County of Lake</b>    | <b>300,000*</b>          | <b>280,000</b>           | <b>258,000</b>           |
| <b>Total</b>             | <b>\$453,399</b>         | <b>\$423,555</b>         | <b>\$391,314</b>         |

\*estimated

22. The B&F Committee was informed via testimony and review of the documents on file that there were not the required (as per the Advisory Committee By-Laws) three (3) competitive bids submitted prior to acquisition of the new equipment/software purchased in fiscal year 2008/2009 in the amount of \$17,882. The recommendation of the cable provider (a PEG BOD member at that time) was relied upon for making this particular purchase decision.
23. PEG TV8 receipts located in the City of Clearlake’s financial files in most cases had NO APPROVAL signatures on them. One did have the first name, the same as the first name of the Station Manager. NONE had any indication of the approval by the PEG BOD, the financial officers or the BOS as required by the Advisory Committee By-laws.
24. PEG BOD members readily admitted to the B & F Committee of being lax in station management oversight and failing to exert adequate supervision and direction over the station volunteers, most of whom are members of the Advisory Committee.
25. The PEG BOD met once a month at 7:00 am on the second Wednesday of the month. The PEG BOD minutes reflect that on December 9, 2010, the PEG BOD requested volunteers institute a 30 day trial period extending program prime time viewing hours an additional two hours - changing from 7:00 PM - 10:00 PM hours to the 5:00 PM - 10:00 PM hours being practiced at the time and limiting the prime time to local programming only - as was already supposed to be the norm in compliance with # 4 of the Members’ Manual.
26. On January 10, 2010, preempting scheduled programming, an unauthorized notice appeared on PEG TV8 indicating the PEG BOD’s imposition of the above mentioned trial period was a form of *soft censorship* and an affront to freedom of speech.
27. On or about January 10, 2010, the PEG TV 8 station was placed on lock down and volunteers were not permitted to enter.

28. Subsequent to the B&F Committee investigation, new volunteers formed several committees including a By-laws committee (subsequently approved by the PEG BOD) to get the station back on the air. These volunteers were not familiar with nor were they provided a copy of the 2007 Agreement until the B&F committee provided a copy to the acting station manager.
29. From documents received, it was ascertained that both the County of Lake and the City of Clearlake have coverage for Worker's Compensation (Comp.) and Employer Liability for employees while employed and/or for volunteers while engaged in volunteer activity for one or the other entity.
30. From the documents received, it has been ascertained that County of Lake volunteers are covered under the County's Worker's Comp. policy as a volunteer and not as an employee and only conditioned upon signing an Agreement for Volunteer Services and the volunteer's name must be logged with the department head of the department in which the volunteer will be performing services. There are no records of any PEG volunteers ever being logged as County Volunteers. From the documents received, it has been ascertained that City of Clearlake volunteers are covered under the City's Worker's Comp. policy and deemed an employee, only once the volunteer completes an Application and the City of Clearlake Designates and Registers the volunteer and the volunteer's name must be listed on a log of volunteers maintained by the City Administrator. The Grand Jury was not able to verify if any of the PEG volunteers were ever designated or Registered as City Volunteers. Testimony further indicates City of Clearlake volunteers are covered under the city's Worker's Comp policy only when performing volunteer services while at the PEG TV8 station located at City Hall and are not covered under the city's Worker's Comp. policy when performing volunteer services at events away from the PEG TV8 station.
31. The investigation by the B&F Committee could find no evidence that any PEG TV8 volunteer has completed an Agreement for Volunteer Services and been logged with any department of the County nor completed an Application and been Designated and Registered and have names listed on any log maintained by the City of Clearlake Administrator.
32. The B&F Committee was unable to verify any evidence of Automobile Liability coverage for PEG TV 8 volunteers of either the County of Lake or the City of Clearlake.

### **Findings:**

- F1. The City of Lakeport elected to "not participate" in PEG TV8 even though

- all of its residents with Mediacom cable receive the programming. Lakeport received over \$30,000 each year for the past three (3) years from Mediacom, and provides no support, guidance or leadership to the station. Were it not for the 1984 Act, Lakeport would not receive the Franchise Fees; nor would there be a PEG channel in Lake County. (Facts 1, 2, 4, 15, 16, 21)
- F2. The PEG BOD consists of only four (4) (of the required five (5)) directors, one of whom wasn't even aware until *"a few days ago that she was voting member"* on the PEG BOD. On December 31, 2009 and effective immediately, the PEG TV 8 cable provider [Mediacom] representative member of the PEG BOD submitted a letter of resignation citing that as an employee of the channel's cable provider, he is *"... legally prohibited from taking part in the selection of programming carried by TV8 lest it lead to exercising editorial control prohibited by the federal statute."* (Facts 4, 5)
- F3. Under testimony, each PEG BOD member confessed they were vaguely familiar with the contents of the 2007 Agreement, if at all; the agreement which the B&F Committee found to be the cornerstone of the formation of PEG TV8. (Facts 4, 5, 7)
- F4. Based on testimony, each PEG BOD member agreed that the PEG BOD failed to oversee management and operation of PEG TV 8 as required in the 2007 Agreement. The B&F Committee found no PEG BOD planning or operational documents such as programming policies and guidelines, personnel administrative and financial policies and procedures, job descriptions, strategic plan, or financial plan for the PEG TV8 staff and volunteers to abide by. (Facts 5, 6, 7)
- F5. Via testimony each PEG BOD member agreed that the PEG BOD failed to formulate a set of PEG BOD By-laws to control the actions of its own members. (Fact 5)
- F6. The PEG BOD (at a date undetermined), if not formally, tacitly allowed an existing Members' Manual de facto and the guidelines and processes within to substitute for PEG BOD formal operating and management documents. While most admit having neither read nor being totally familiar with said manual, all feel the manual is probably outdated or incomplete and/or in grave need of revision. In addition, the PEG BOD members were mostly unfamiliar with the Advisory Committee's By-laws.

(Facts 8, 9)

- F7. Via testimony each PEG BOD member agreed that the PEG BOD set the hour for the PEG BOD monthly (moving to quarterly) meetings at 7:00 AM for personal convenience (several have jobs). During interviews, PEG BOD members acknowledged this early hour basically precludes public attendance and participation. (Fact 25)
- F8. Witness testimony during interviews revealed PEG TV8 history contains expected growing pains, some past political misuse and for the last two years, an attitude or position among some PEG Advisory committee and station volunteers which violates the inherent purpose or function of PEG TV8 - to pursue diversification to benefit all of Lake County. (Facts 7, 8, 11)
- F9. As the lead agency, the City of Clearlake maintains the PEG TV8 financial balances as a separate Fund, writing checks for PEG TV8. (Fact 4)
- F10. The three public agencies, County of Lake, City of Lakeport, and City of Clearlake, have stated and provided documentation reflecting that combined they received \$400k in Franchise Fees annually for granting Mediacom access to Lake County right of ways. The agencies state that this Fee is in no way tied to providing a Public Access Channel. This in spite of the generally recognized purpose of the 1984 Cable Franchise Policy and Communications Act that allowed Cable Television in each community - in exchange for 5% of all revenues - to be granted public access community television and what is called PEG or Public, Educational and Government (channel) TV. While legally these agencies may be correct that there is no direct tie, it is incongruous that these agencies force PEG TV8 to rely on volunteers and only provide a total of \$10,000 of support while collectively receiving almost a half a million dollars in income. (Facts 5, 21)
- F11. Financial irregularities include:
  - i. the lack of accrued interest earnings properly credited PEG TV8 from fiscal year 2006/2007 to present;
  - ii. no professional evaluation of fair market value has been assigned to the City of Clearlake's "space" being proffered *in lieu of* the City's

- required \$5000 allocation due to PEG TV8 in the fiscal years 2009/2010 and 2010/2011;
- iii. regarding the lack of three (3) required bids being received prior to a major equipment purchase decision by PEG TV8, conflicting testimony was received and no evidence or documentation was found showing that multiple bids were solicited or received;
  - iv. the City of Clearlake did not apply the appropriate level of validating that any of the expenses had written approval by the PEG BOD, or the financial officers or the BOS as required by the Advisory committee By-laws;
  - v. no documented evidence and no PEG BOD member interviewed could confirm an independent audit had been performed on the PEG TV8 financials in the fiscal years 2007 through 2010. (Facts 6, 9, 12, 14, 15, 16, 17, 22, 23)
- F12. Via testimony each PEG BOD member agreed that the PEG BOD never attempted, as required by the 2007 Agreement, to make application to implement the Public Utilities Code Section 5870(n) and take advantage of an additional franchise fee that could be available specifically and exclusively for the purpose of funding support and allowable expenses of the PEG TV8 channel facilities. (Fact 5)
- F13. Not one PEG board director could report during testimony before the B&F Committee that the two parties to the 2007 Agreement are providing the requisite Worker's Compensation and Employer's Liability Insurance or Commercial General Liability Insurance or Automobile Liability Insurance. Indeed none were even aware of the requirement. According to documentation received, PEG TV8 budgeted and paid only into Worker's Compensation and Employer's Liability Insurance in the fiscal years 2005/2006, 2006/2007 and 2007/2008.

While the City and County have some insurance coverage available for volunteers, this coverage is only in effect for those volunteers designated and registered on a list at that agency. Neither agency had any record of any PEG TV8 volunteers on the agency's list. Both agencies require that volunteers maintain automobile liability coverage on the personal automobiles used to perform agency duties which conflicts with the 2007

- Agreement. This may be leaving the county and city open to potentially high risk situations especially regarding the use of volunteers. (Fact 6, 17, 18)
- F14. Contrary to the description in the Members' Manual that the capacity of the Advisory Committee is to assist and advise the PEG BOD, the content of the Advisory Committee's Minutes and Agenda reflect a take charge attitude by the then acting station manager and committee members, some of whom that manager recruited. But, even so and while the mission of both the Advisory Committee By-laws and the Members' Manual is, in part, to provide a public access media channel that enables a vibrant diversity, the former acting station manager testified to having "no time and not enough help" to proactively seek diversified programming. (Facts 3, 4, 8, 9)
- F15. Most PEG board directors readily admitted during testimony with the B & F Committee that the director either completely failed to read the Members' Manual or at the very least is *not very familiar* with its contents. These PEG BOD members therefore failed to discern that the Members' Manual basically applies to members use; and through interviews with the volunteers, it was discovered that the PEG Advisory committee members interpreted the Members Manual so as to suit each volunteer's agenda - basically sans PEG Board of Directors confirmation - throughout the past two years. (Facts 5, 8)
- F16. The PEG BOD failed to present a budget to the County by March 1, 2009 for the fiscal year 2009/2010. Therefore the County did not budget and has not contributed \$5,000 to PEG TV8 in fiscal year 2009/2010. (Fact 5)
- F17. Based on testimony received from multiple sources including PEG BOD members, the PEG BOD was not focused on running the PEG Channel and essentially abdicated management of the station and its programming to the PEG Advisory Committee volunteers. In a recent attempt to regain control over the Advisory Committee's programming practices, the PEG BOD instituted a "thirty (30) day trial period" during which a request was made that *prime time* hours be extended by 2 hours from the then 7PM - 10PM to new hours 5PM - 10PM and *reserved for original local programming during the prime time hours* [as is stated in the Members' Manual]. The station manager was also asked to limit imported programs to no more

than two repeated showings during this trial period.

As a result of this direction from the PEG BOD, the station manager revolted and arbitrarily edited the Members' Manual posted on Wiki website proclaiming "Freedom of Speech" was being hi-jacked by the PEG BOD; and on the weekend of January 10, 2010, without proper identification, the manager produced a bright red bold print notice to run all hours throughout the day and evening claiming that the PEG BOD had imposed "soft censorship" by selectively omitting and thereby banning three specifically titled programs from airing, posted each PEG BOD members' personal email address, and a plea for all concerned to attend the next PEG BOD meeting to protest. (Facts 5, 6, 7, 8, 9, 24, 25, 26)

- F18. The B & F Committee personally observed PEG TV8 on January 10, 2010 and subsequently verified by personal interviews with some Advisory Committee volunteer(s), that the volunteers felt the PEG BOD had exercised a form of "censorship" during the 30 days prior and insisted the public had a "right to know". As a consequence of the station manager's actions as stated above, all volunteers were locked out of PEG TV8 by the PEG BOD. (Facts 25, 26, 27)
- F19. The actions taken by the PEG BOD in December 2009 and January 2010 potentially limited the public's access to the Channel and may need review by a knowledgeable independent legal representative. (Facts 10, 25, 26, 27)
- F20. Under testimony each PEG board director readily admitted during an interview with the B & F Committee to being lax in station management oversight and failing to exert adequate supervision and direction over the station volunteers, most of whom are members of the Advisory Committee. The PEG BOD, by persistent inaction, own responsibility for the success or failure of the PEG TV8 Channel and allowing the "*maximum public benefit and use of the Channel*" to slip from better to worse. (Facts 7, 13, 24)
- F21. Testimony received subsequent to the lockout indicated all previous volunteers and/or Advisory Committee members are no longer participating in the current operation of PEG TV8. (Facts 27, 28)
- F22. On or about February 23, 2010, a new set of By-laws was drafted by a

- newly formed By-laws Committee. This set states in part, that it will be applicable to “any advisory committee or other committees as developed”, thereby voiding the past volunteer Advisory Committee By-laws. (Facts 27, 28)
- F23. Salaries were paid in the past. The current approach of using volunteer help only has not proved successful to the operation of PEG TV8. Based on testimony, and the B & F Committee’s observation, in order to improve the professionalism of PEG TV8, it is necessary to pay a technically experienced Station Manager who will then have a vested interest and will be responsible and dedicated to the success of the PEG channel. Part time paid staff members would also improve the station dramatically. (Fact 17)
- F24. Via testimony received, the Budget and Finance Committee discovered, that the PEG BOD has taken on new volunteers since our investigation began; one of whom has been selected to perform as an "acting" station manger - and as such participate in the formulation of new PEG BOD By-laws, policies and procedures, job descriptions, and a member's manual. Testimony also disclosed that, as with past volunteers, the new "acting" station manager had no knowledge whatsoever of the 2007 Agreement under which PEG TV 8 operates. Indeed the new "acting" station manager had not even received a copy of the 2007 Agreement from the continuing PEG BOD who recently nominated this “acting” station manager. This Budget and Finance committee concludes that the PEG BOD has either arbitrarily abrogated the 2007 Agreement or continues to ignore the importance of the charter agreement under which all PEG TV 8 activities are governed. (Fact 28)
- F25. Both the County of Lake and the City of Clearlake have Worker’s Compensation and Employer Liability via Alliant Insurance Services Inc. (Fact 29)
- F26. Both the County of Lake and the City of Clearlake have a Volunteer Program with a specific rule that volunteers must complete a Volunteers Application and be designated and registered and the name of each volunteer must appear on a log maintained by the agencies to be eligible for coverage. No lists of designated and registered volunteers were provided to the Committee either by the County of Lake or the City of

Clearlake. (Fact 30)

F27. The B&F Committee could not determine or find any documentation to show that PEG TV8 volunteers were covered for Auto Insurance as required in the 2007 Agreement. In general the 2007 Agreement is ambiguous as to Volunteer insurance coverage of all categories. (Fact 31, 32)

### **Recommendations:**

- R 1. The Lakeport City Council reconsider it's participation in the 2007 Agreement and join the County and the City of Clearlake in ensuring that all of the Lake County residents receive the quality programming that PEG TV 8 could provide. This will ensure that Lakeport events and citizens receive the same treatment as others. (F1)
- R 2. The PEG BOD immediately fill one of the current two vacancies on the board with a representative from Mediacom (the cable provider) as required per the 2007 Agreement Recital #2. At PEG BOD meetings, the cable representative may elect to abstain (as may any PEG BOD member) from discussion and vote on matters conflicting with employment or issues that could be construed a personal gain. (F2)
- R 3. The PEG BOD assume responsibility to be fully familiar with all administrative and management duties necessary for the successful operation of a PEG channel; discern the number of and type or titles of jobs needed to fulfill the successful operation of PEG TV8 and follow up with specific written job descriptions for each separate position to be filled - either by paid staff or a volunteer. In addition and relative to the written job descriptions, the PEG BOD create a form of Acknowledgment and Receipt of Job Descriptions which is to be dated and signed by each director and all current and newly hired and/or volunteer help acknowledging receipt of a copy and that have read and understood the Job Descriptions. The signed copy to be maintained in personnel files. (F3, F4, F6, F14)
- R 4. The proposed By-laws reflect (but not limited to) the following:
  - 1. the PEG TV8 mission and purpose;
  - 2. specifically describe the PEG BOD members' roles and fiduciary

responsibilities to those interested and/or who could be affected by their actions;

3. provide for a quorum to be present to conduct the business of the PEG BOD or any other committee established;
4. provide for the PEG BOD to practice fiscal accountability, provide for timely approval of the annual budget, and an audit of PEG TV 8 financials to be conducted by an "outside" source;
5. require formulation of policies related to equipment/supply purchase contracts from public or private resources including recording the 3 competitive bids required as part of the minutes;
6. ensure the organization has sufficient resources, including people, funding and other assets;
7. include a clause that assures station management support;
8. include a clause regarding timely posting of notice of location and date and time of PEG BOD meetings and other committees as appropriate;
9. provide that rules of conduct at meetings be held following specific rules of order i.e. Robert's Rules of Order, and the Brown Act;
10. stipulate the By-laws will be governed by the 2007 Agreement for Operation of the Local PEG Television Channel;
11. and finally to provide for the PEG BOD to regularly assess its own performance. (F5, F22)

R 5. The PEG BOD become educated regarding technical procedures and the legal regulations required to produce and broadcast local and import programming on PEG TV8, and accordingly create written policies and guidelines to be followed by all staff, members and volunteers upon submission of programs for airing. This could involve revision or amendments to the existing Members' Manual or the creation of a wholly new Programming Policies and Procedures Guidelines - which could include appropriate portions from the existing Members' Manual. In addition and relative to the written Programming Policies and Procedures Guidelines, the PEG BOD create a form of Acknowledgment and Receipt

- of Programming Policies and Procedures Guidelines which is to be dated and signed by each director and all current and newly hired and/or volunteer help acknowledging receipt of a copy and that have read and understood the Programming Policies and Procedures Guidelines. The signed copy to be maintained in personnel files. (F7, F8, F14)
- R 6. The PEG BOD hold board meetings in a convenient location and at a reasonable hour to allow for public/community attendance and input. (F9)
- R 7. The PEG BOD take back control and sweep broom clean; form an entirely new Advisory Committee of community volunteers who will be committed to recognize the PEG BOD's inherent authority; recruit volunteers who possess either or both the requisite technical experience to operate and teach how to operate/use all production equipment and/or the desire and most importantly the willingness to monitor community calendars of local events; reach out to the many varied local organizations with an offer to attend and tape the local functions for broadcasting - or to teach local organization members how to do so - in order to guarantee programming diversification. (F8, F13, F14, F21)
- R 8. The City of Clearlake not pay any bill without the documented approval of the PEG BOD. (F9)
- R 9. A professional fair market evaluation be performed by an outside commercial real estate appraiser of the "space" the City provided PEG TV8 for the operation of the PEG station in lieu of the City's \$5000 cash obligation in the fiscal years 2008/2009 and 2009/2010; and, any shortfall between the fair market value of that space and the \$5000 cash obligation in those fiscal years be met retroactively. (F11, F16)
- R 10. PEG TV8 pay rent to the City of Clearlake based on the fair market evaluation for the "space" the City provides to PEG TV8 for the operation of the station. This payment be done retroactively for the same years as R9. (F11, F16)
- R 11. An audit of PEG TV8 financials be conducted by an *outside* Certified Public Accountant no less than every second year. (F11)
- R 12. The PEG BOD create a budget including paid staff that shows a year over year growth as the station increases its programming, pledges and fund

- drives to raise membership and income be put in place. A 5 year Lake County PEG Channel (TV8) Strategic Plan with specific growth steps (capability, staffing, income) be created. (F4, F23)
- R 13. The PEG BOD hire and pay a technically experienced Station Manager who will then have a vested interest and will be responsible and dedicated to the success of the PEG channel. The Station Manager then hire the appropriate staff and recruit committed volunteers with the approval of the PEG BOD. (F23)
- R 14. The PEG BOD follow the long ignored direction of the 2007 Agreement and immediately apply to implement the Public Utilities Code Section 5870(n) franchise fee available to PEG TV8 for the specific purpose of funding support and allowable expenses for operation of the channel. Until this is accomplished, obtain part of the \$400,000 in Franchise Fees from each public agency who are members of the 2007 Agreement to fund the budget for TV8. (F10, F12)
- R 15. The PEG BOD verify that either or both the City of Clearlake and the County of Lake have PEG TV8 and/or PEG TV8 staff and volunteers as designated and registered insureds under their blanket Worker's Compensation Insurance, Commercial General Liability Insurance and Automobile Liability Insurance policies. If not so designated and registered in any or all of these policies, PEG TV8 independently and immediately seek to procure these coverages as prescribed for within the 2007 Agreement and signed by the parties; establish a process so all volunteers are properly covered both within and without the PEG TV 8 station, i.e. traveling to and from and while taping community events. Then the PEG BOD ensure that personnel folders on each volunteer include a copy of said coverage. (F13)
- R 16. One of the parties to the 2007 Agreement (either the County or the City of Clearlake) procure legal counsel fully familiar and experienced with Public Access Television rules, regulations and issues to support the PEG BOD as it moves forward. (F19, F19)
- R 17. The PEG BOD review any major changes limiting public access to PEG TV 8 with legal counsel. (F19)
- R 18. The PEG BOD run the 2007 Agreement and any and all amended and/or

- newly created By-laws, rules, and policies past legal counsel to be sure “following mandated time, manner, and/or place” and any other regulations imposed by law on PEG channels and not placing the PEG TV 8 channel and/or the PEG BOD under any liability for wrong doing. (F19)
- R 19. The PEG BOD and all volunteers become absolutely familiar with the 2007 Agreement and strictly adhere to the governing terms of this contract. In addition and relative to the written 2007 Agreement, the PEG BOD create a form of Acknowledgment and Receipt of the 2007 Agreement which is to be dated and signed by each director and all current and newly hired and/or volunteer help acknowledging receipt of a copy and that have read and understood the 2007 Agreement. The signed copy to be maintained in personnel files. (F24)
- R 20. The Board of Supervisors require an in depth report every 6 months from the PEG BOD and the Station Manager on the progress against that Lake County PEG Channel (TV8) Strategic Plan. (F4)
- R 21. Each PEG BOD member regularly make an in depth review and evaluate the individual’s and the collective performance of the members on the PEG Board on the basis of specific roles including executive relations with the staff and volunteers, leadership in the organization, program planning and implementation and management of the station, its financial health and its personnel- with the overwhelming goal to provide the “maximum public benefit and use of the Channel”. (F3, F11, F15, F16, F17, F20)
- R 22. The 2010/2011 Grand Jury perform an oversight of PEG TV8 to ensure the operation of PEG TV8 is proper. (F11)

**Agency/Department(s) Required to Respond:**

- City Council of Lakeport (90 days) (R1, R14, R15).
- City Council of Clearlake (90 days) (R8, R9, R10, R11, R14, R15, R16).
- Board of Supervisors (90 days) (R2, R4, R6, R9, R11, R12, R14, R15, R16, R20).
- PEG TV 8 Channel Board of Directors (60 days) (R2, R3, R4, R5, R6, R7, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21).

# City of Clearlake Oversight



## Summary:

Insufficient attention to financial forecast details has caused the City of Clearlake City Council to make questionable, erroneous decisions based on “seat of the pants” information such as in the Animal Control decision. In addition, no detailed documentation is kept of forecast options in order to compare to the actual performance. The City has improved its tracking and handling of petty cash and credit card receipts since the last oversight.

## Background:

The Lake County Civil Grand Jury conducted an annual oversight of all incorporated cities within the County.

## Methodology / Procedure:

The Budget and Finance Committee interviewed the City of Clearlake City Manager and Finance Director, analyzed financial documents including detailed financial records for fiscal years 2003/2004 through 2008/2009, evaluated audit reports for fiscal years 2006/2007 and 2007/2008 and examined budget documents for fiscal year 2009/2010. The committee also examined petty cash logs, receipts, credit card bills and supporting documents, and observed cash counts of petty cash and a change fund.

## Facts:

The following facts were identified for the City of Clearlake:

- It was incorporated in 1980, is governed by five elected council members, covers 10.18 square miles and provides no utility services

- It has a population of 14,890<sup>1</sup>, of which approximately 30 percent are below the poverty line<sup>2</sup> and 68% of Clear Lake residents are classified “Low Income” or lower<sup>3</sup>.
- The City has a median household income of \$19,863, compared to the county median of \$29,627, and the state median of \$47,493<sup>2</sup>
- It is responsible for maintaining 115 miles of roads, of which 52 miles are dirt. Of the 63 miles of paved road 67 percent (42 miles) are rated “poor” to “very poor”<sup>3</sup>
- Because of the State of California’s financial problems the state is taking over \$1,000,000 dollars from the city in a shift of Education Revenue Augmentation Fund (ERAF ). A statewide law suit is in process to stop this. Prior law suits of this nature have been effective in stopping this shift of funds.
- The city budget is currently balanced only because the ERAF shift has not yet happened. If the shift occurs the city will have a budget deficit of \$1,000,000 this fiscal year.
- The City of Clearlake receives a lump sum payment of property tax income twice a year in April and November. According to the Finance Director the biggest challenge facing the City is executing the approved budget so they have enough cash to meet operational expenditures between these timed payments.
- The future for state monies being received by the city is bleak as grants are drying up and the State is hoarding cash.
- The City Manager approached the 3 labor associations which represent the City workers and proposed a salary reduction program rather than layoffs to alleviate budget inadequacies. The proposal was rejected.
- The attempt to get residents to establish street maintenance districts has been unsuccessful as some residents do not want extra expense for this service. Several specific attempts were made and no districts were established. There are currently only 4 employees budgeted to provide the street maintenance.
- The City Manager gave up a portion of his salary to provide an increase he felt was needed for the Public Works Manager.

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<sup>1</sup> Source: U.S. Census Bureau, 2007 Estimate

<sup>2</sup> Source: U.S. Census Bureau, 2000 Census

<sup>3</sup> Source: City of Clearlake City Manager

- Elected officials legally continued receiving \$1,663/mo for insurance (medical, dental, and vision insurance benefits). That is \$19,960 per council member, for a total cost of \$99,802 for the fiscal year 2009/2010.
- The 2009/2010 Budget approval package that went to the City Council included a stated savings of \$100,720 as a result of taking Animal Control in house.
- The City budgeted \$5,000 in the 2009/2010 fiscal year for the Community Access Television channel - TV8, however, this money has not been made available. The city maintains the TV8 financial balances as a separate Fund, writing checks for them as approved by the TV8 Public Educational and Governmental (PEG) Board.
- The city maintains only 2 bank accounts; one for payroll and one for accounts payable. Both accounts are maintained in large regional banks with local branches; both are interest bearing, however, balances are kept as low as possible by transferring funds to and from the Local Agency Investment Fund (LAIF). LAIF is managed by the state and earns a higher interest rate.
- As recommended by the 2008/2009 Grand Jury, the City is developing a manual of administrative policies and procedures. The Committee examined the status of the 1 ½ inch manual. It will be presented to the Council for approval later this fiscal year.
- The Petty Cash account was in balance and is reconciled at \$300.00.
- All credit-card purchases were supported with itemized receipts.
- The Grand Jury noted that there was outgoing mail in a stack waiting to go out behind the front desk. It was sitting on the edge of a trash can and could have easily been knocked accidentally into the trash can. Thus the Grand Jury questions the mail handling procedure.

## **Findings:**

- F 1. There has not been enough money in the budget for several years to fix the roads properly and this year is no exception. The lack of staff and budget will result in the percentage of roads rated “poor” and “very poor” not improving in the foreseeable future.

- F 2. With the State's financial crisis impacting the city, no change in sight in the near future and with the possibility of another \$1,000,000 reduction, the City must implement as many cost saving measures as they can find.
- F 3. As a result of the current financial problems, the city now has 42 full time equivalent city employees, down from 55 employees last year. As the City struggles financially and reduces the number of employees and impacts their pocketbooks, elected officials continued receiving \$19,960 per council member to provide personal health insurance (medical, dental, and vision benefits) in spite of the 2008/2009 Grand Juries recommendation to reduce it.
- F 4. No one was able to document or provide to the Committee the supporting data showing the Animal Control's projected savings of \$100,720. Continued follow-up inquiries by the Grand Jury to determine the details of the savings projected were unsuccessful. The projected savings was basically a "seat of the pants guess" provided by the City Manager with no effort made to retain any detailed backup as to how the savings were calculated. Thus it is not possible to grade the accuracy of this projected savings. A current estimate provided by the City Manager was that it will save \$25,000 per year. At this time, there is not a separate Fund / Department in the budget to track the costs so the public will never know what the costs really are. Given the potential extra costs for facilities and labor to run the animal control operation, and the impact on the Police Department, there will likely be extra costs rather than savings while at the same time providing reduced and poorer service. In the mean time, the City utilizes County Animal Control services.
- F 5. A Policy and Procedure Manual needs to be finished and approved so that the policies can be enforced. This Manual should include a procedure on the handling of mail.

**Recommendations:**

- R 1. The Redevelopment Agency establish priorities to fix and upgrade the current roads before attracting new businesses and offsetting the possible million dollars held back by the State. (F1)
- R 2. Budget money to improve grant writing and managing the Pubic Works department to attract funds and personnel for maintaining the streets. (F1)

- R 3. In order to do their part to meet the financial constraints placed on the city and to demonstrate their leadership to the employees who are continuing to take the brunt of the cost reductions and workload increases, the elected officials take an equivalent reduced benefit or pay. Even though they are allowed the benefits by state code, we recommend the elected officials show solidarity with the employees and voluntarily take a significant amount of reduction. (F2, F3)
- R 4. The Finance Director establish a separate Fund / Department for Animal Control to include ALL related costs. (F4)
- R 5. The City Council establish a policy that when decisions are made affecting the City budget, the City Council be provided backup financial detail prepared by the Finance Director and that the detail be available and kept with the budget for future measurement purposes. (F4)
- R 6. The City Council renegotiate with the County to have them continue to provide the Animal Control services. This is based on the City Manager now forecasting only a \$25k annual savings and the fact that no detail has been provided for any of the savings and it is likely to actually cost more with the current approach. In addition, a cost benefit analysis which includes documented estimates of all costs as compared to savings covering the next 5 years be prepared and provided to the City Council. (F4)
- R 7. The City Manager complete the preparation and compilation of City policies and procedures and present to the Council for approval. (F5)

**Agency/Department(s) Required to Respond:**

- City of Clearlake (90 Days) (R1, R2, R3, R4, R5, R6, R7)



## City of Lakeport Oversight



### **Summary:**

The Budget and Finance Committee noted that the City of Lakeport's interpretation of the use of Measure "I" and "J" funds in the General Fund is correct; that the lack of having specific rental agreements in place and at fair market value is a failure of proper process; that it would be advantageous for the City to set up a "Standby" Letter of Credit with a financial institution at the best rate available while the rates are low; and that the use of a rubber signature stamp by any other person than the person's whose name is on the stamp is inviting the possibility of fraud.

### **Background:**

The Lake County Civil Grand Jury conducted an annual oversight of all incorporated cities within the County.

### **Methodology / Procedure:**

The Budget and Finance Committee met with the City of Lakeport City Manager and Finance Director; reviewed and analyzed budgeted and actual expenditures for fiscal years 2003/2004 through mid year 2009/2010; evaluated audit reports for fiscal years 2006/2007 and 2008/2009; and reviewed other pertinent reports, documents, and statistics. The committee also examined petty cash logs and receipts; credit card bills, and supporting documents and observed a cash count of petty cash.

**Facts:**

- Lakeport officially became an incorporated town on April 30, 1888 and continued to operate as an incorporated town until March 17, 1952 when an ordinance was passed declaring the area a city.
- It has a City Council/City Manager form of government. There are five elected City Council Members who serve overlapping terms and who annually select a Mayor from their ranks.
- It is a city of 5,135<sup>4</sup> souls, of which approximately 12 percent are under the poverty line<sup>5</sup> and struggles in the current economic times to provide vital services to its citizens. It is in a rural county with a limited tax base with which to produce revenue.
- The city covers 2.68 square miles, provides water and sewer services to approximately 2,500 customers, is responsible for maintaining 29 miles of roads of which, 85.9 percent (24.9 miles) are rated poor to very poor,<sup>6</sup> and has a median household income of \$32,226, compared to the county median of \$29,627 and the state median of \$47,493<sup>2</sup>
- It has approximately 55 city employees (including council members) of which less than 30 percent are employed by the police department
- The City Council members are paid \$300 per month and are allowed to receive full health, dental, vision and counseling insurance. In 2008/2009, the City budgeted over \$50,000 for Council member insurance. In 2009/2010 the City only budgeted \$41,000 since one Council Member declined benefits upon being elected, and then another decided to discontinue receiving benefits. Currently, three Council Members receive medical insurance and, as of September 2009, have a co-pay just like the employees.
- The current Acting City Manager has been performing the City Manager duties along with conducting his Chief of Police duties. The former City Manager was absent for the last year and a half because of being called to Iraq and was unable to return to his former position upon his return. The City Council is currently interviewing candidates for a permanent City Manager. Subsequently a new City Manager was hired.
- The City Manager and the Finance Director appear to have a significant amount of formal training and experience than is required to perform their

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<sup>4</sup> Source: U.S. Census Bureau, 2007 Estimate

<sup>5</sup> Source: U.S. Census Bureau, 2000 Census

<sup>6</sup> Source: City Engineer, City of Lakeport

jobs. Both the City Manager and the Finance Director are backed up by designees who can assume their positions with the same authority.

- The current City Manager forecasted the decline in revenues based on business closures and openings and adapted this years budgeting sessions to be able to provide the vital services expected, particularly water and sewer. It is currently within 3% of his predictions at mid year.
- The City owns Carnegie Library and the building where City Hall and the Water Department are located. Last year there was concern by the 2008/2009 Grand Jury that the rents were not being handled properly. The Redevelopment Agency and the Water Department did not pay rent for three years due to the turnover of City Managers and the absence of the current Finance Director. The entities concerned were not billed for the rent and consequently did not pay it. That and other confusing errors were not noticed until the 2008/2009 Grand Jury discovered them. The ultimate decision was to forgive the rent for that period. There are currently no rental agreements in place.
- The City in past years, put a new tax on the ballot that was specific to fixing roads and was defeated as a specific tax required a 2/3<sup>rd</sup> majority vote to pass. In 2004 Measure "I" and Measure "J" were put on the ballot as a general fund item that only required a simple 51 % majority to become law.
- Employees maintain their own time sheets to reflect their daily total time and do not punch time cards. Department Heads and Supervisors approve the time sheets prior to submission to the payroll department. The Police Department is on a positive time keeping system of an 8 hr or 10 hr shift with overtime compensated with cash or time off at 1 1/2 times. Overtime is approved in advance.
- The following are authorized to sign checks: Mayor, Mayor Pro Tem, City Clerk and Deputy City Clerk. The Council Members rotate Mayor and Mayor Pro Tem each year in December. Only the Mayor and Mayor Pro Tem are authorized signers at any time. Every December a new signature card is filed at the Bank. Invoices are approved by Department Heads and entered into software that prints the checks. The check stub contains the check number, amount and a brief description of the expenditure. Receipts are attached and filed. The checks are not sent until the information attached to the stubs is approved by the City Council. As a control over misappropriation of funds, the City required that every check be signed by two authorized individuals: This is normally the City Clerk (or the clerk's deputy) and the Mayor. Instead

of signing checks, the Mayor's signature is on a rubber stamp that is maintained and applied by the Accountant 1 (the Assistant to the Finance Director).

- Concerning credit card bills, packets of invoices are reviewed and approved by Department Heads prior to payment. Credit cards are held by Department Heads, City Manager, City Attorney, Council Members and the Finance Director. The City Council has final approval of payment on all expenditures. Monthly bills are provided to the card holder, who reviews the bill, signs the bill, attaches support documentation to the packet, and returns it to Finance for payment. The Budget and Finance Committee reviewed several packets and found that all was in order.
- The City maintains one petty cash and two change funds. The Petty Cash Fund is attended to by the Finance Director and the Clerk's Deputy. The value of the fund is \$300. There are no written procedures for usage of the fund but receipts are kept in the box and cash and receipts must always equal \$300. The fund is reconciled once a month and unannounced reviews are conducted occasionally. The Change Fund is set at \$100 and is kept in two boxes, one at each window. There are no written procedures for the fund but it is balanced and deposited daily.
- Payments are received at the City Hall building for Sewer, Trash, Business Licenses, Encroachment Permits and Building Permits. Payment can be made by check or credit card at the windows provided. Deposits are made daily and twice daily at the end of the month.
- All grant projects are tracked through the Redevelopment Agency.

## Findings:

- F 1. Currently there are no rental agreements between the City and the non-General Fund Agencies but it was stated that the verbal agreements were understood by the Department Heads. The rent revenue is used to replenish the General Fund. There are no standards that establish charging rent to non-General Fund Agencies. The rent being charged supposedly includes some percent of the cost of the Council and some maintenance charges, but there is no formula or record of how the number was determined. 2009/2010 adopted budget included rental income totaling \$158,258.
- F 2. While there is still considerable disagreement about what the voters meant when they passed Measure "I" and Measure "J" in 2004, the voter

materials are quite clear. Some people are saying that it should be used exclusively for streets and roads, however:

- Measure "I" directed the City to,  
"...enact a one-half cent sales tax for City facilities, services, and programs? Yes\_\_\_ No\_\_\_"

The argument in favor of the Tax indicated that the type of expenditures that the tax was to be used for included:

- "Deferred maintenance of streets
  - Re-plastering the Westshore pool - Cost \$150,000
  - Repairing the Library Park headwall
  - Improving substandard storm drain facilities
  - Additional recreational amenities at Westside Park
  - Making Carnegie Library a functional facility."
- Measure "J" stated,  
"If Measure 'I' is approved, should the proceeds fund repair and maintenance of City streets, park and community service facilities, and expand public services and programs? Yes\_\_\_ No\_\_\_"
  - In 2004, Lakeport voters approved Measure "I" with a 61% vote and Measure "J" with an 82% vote. Therefore the Grand Jury concludes that the Measure I money is a general tax. It is obvious that the taxpayers were and still are confused and may have thought it was just for roads and streets. It was clearly not limited to that use. Thus using it as a general source of revenue is correct.

F 3. Regarding the signing of checks, the 2008/2009 Grand Jury found that the City Clerk was signing as one of the required signatures and then the City Clerk was affixing the Mayor's signature with a rubber stamp thus circumventing the 2 signature policy. This year it was found that the City Clerk still signed as one signature, but the Assistant to the Finance Director applied the Mayor's stamp. The Grand Jury believes that applying a signature to a check is a significant responsibility and should not be delegated in this manner by the Mayor.

- F 4. The committee observed a reconciliation of the petty cash fund and it was correct at \$300.
- F 5. When asked whether the City had any specific financial benchmarks or goals, the answer was “none” other than meeting the budget. The Finance Director stated that her most specific concern was how to generate more revenue. Most organizations monitor and measure different ratios such as % of Accounts Receivable (taxes) that are delinquent, % of budget spent on labor, etc. The financial health of the City is a significant issue.

### **Recommendations:**

- R 1. Negotiate formal written agreements for all Non-General Fund entities utilizing city owned facilities. These agreements will delineate the formula for calculating the “rent” including fair market value for the space, any recovery of City Council costs and any money set aside for maintenance, all indexed by the Consumer Price Index (CPI). Fair market value is obtained from an outside real estate knowledgeable advisor. (F1)
- R 2. The City Council needs to remember that 82% of the voters said via measure “J” that roads and streets are a priority. They should be constantly aware of the citizen’s desire and do all they can to improve the roads and streets. (F2)
- R 3. The City Council set specific annual goals to decrease the percent of roads rated poor to very poor over the next five years, and then budget and manage to that goal. (F2)
- R 4. The Mayor maintain control of the rubber stamp of his signature and apply it personally.
- R 5. Require City management (including Council members) to accomplish at least one unannounced review and reconciliation per month of any and all petty cash and change funds. (F4)
- R 6. Negotiate a Line of Credit position with an appropriate financial institution while rates are low as a back up in case it is needed to fund the city. (F5)
- R 7. Establish a set of financial benchmarks and goals and then monitor progress toward them. (F5)

R 8. Appoint an independent organization or committee to review and evaluate salaries and benefits paid to Council members. (This recommendation from last year's Grand Jury report was ignored. It is recommended again. Even though the \$ have been reduced due to the desires of specific Council members, a separate evaluation would eliminate any potential for criticism.) (F5)

**Agency/Department(s) Required to Respond:**

- City of Lakeport (90 Days) (R1, R2, R3, R4, R5, R6, R7, R8)



# County of Lake Administration Oversight



## Summary:

The fiscal discipline applied by the Lake County Administration (LCA) is excellent. Lake County is very unique in staying within their budget these many years. Typically small rural counties, in times of economic distress, come up short in terms of finance and services especially with the State hoarding money and holding back revenues in many ways.

The office of the LCA directs almost all functions of the county through its many departments with direction given by the Board of Supervisors (BOS). A recommended budget is prepared by the LCA for BOS approval. The many departments within the county are monitored to stay within the constraints of the budget.

## Background:

The Budget and Finance Committee accomplished a mandated oversight of the County Administrator.

## Methodology / Procedure:

The Budget and Finance Committee of the Lake County Civil Grand Jury requested of the County Administrator all county financial documents including the 2009/2010 recommended budget, final budget, mid year review and manual of operations and procedures. After studying the voluminous amount of documents received, the committee interviewed the County Administrator. In a general opening response to Budget and Finance Committee interview, the County

Management reviewed the steps taken in the past to consistently present a balanced budget to the Lake County Board of Supervisors. The committee also participated in the Audit Committee's review of the auditor's report of their annual audit of the County finances.

**Facts:**

- The LCA's process is to: use staff and reports to measure the pulse of the many departments within the county structure; then compare department budget requests with anticipated revenue to prepare a tentative budget. As budget time nears, the administrator uses current information to come up with a recommended budget for presentation to the BOS for approval. Keeping tabs on the on-going revenue and expenditures provides for a mid-year budget adjustment if needed.
- This 2009/10 mid-year budget review showed revenues were slower than anticipated, but were offset by unanticipated revenues. There was approximately 5% decline in revenues from Sales Tax, Transit Occupancy Tax, Property Tax, and Building Permits. The State borrowed (under Prop 1A - limited to 1% - they can't take) from local county governments. They borrowed \$1.7 mil from Lake County; the County was able to adjust and balance the budget without the \$1.7M while most counties could not do that and complained. As a result of the complaints, the State sold debt to private investors at a higher interest rate and has paid back the \$1.7M. This explains the unanticipated revenue which was a one time repayment by State of borrowed monies.
- In the first half of this year there has been a slight recovery in Building Permit revenues (7 new home permits pulled last month) and maybe a little in Sales Tax.
- The administrator stated that a guess is that the next fiscal year could be as much as \$1.8M less in revenue over all. Included in that is an expected decrease of \$700,000 in Property Tax revenues. The administrator will be prepared to bring a budget for the next fiscal year to BOS by June 30th.
- The General Fund reserves were increased by \$500,000 which brings them to over \$5M this year.
- Two staff members attended a conference of CEO's of large hotel companies. The idea was to interact with these CEO's and acquaint them with all Lake County has to offer to entice them to come here, i.e. Konocti Harbor Resort (which County doesn't feel can be left to the owners to

adequately market on their own), the Lucerne Castle, Holiday Harbor and time shares in Nice (Windham). The County staff members made good contacts at this conference with organizations that have a possible interest.

- The county has contracted with a company to study retail leakage out of the county. The company uses credit card purchases to track what Lake County residents are purchasing out of County (Ukiah and Santa Rosa). The plan is to come back to local retailers and try to convince them to inventory these items, or if not, then try to attract other retailers to locate to Lake County and provide these goods locally.
- The Recommended Final Budget book stated that no General Fund employees are to be subject to layoff. However, in the same book several layoffs were stated or implied. Under Code Enforcement the budget stated that reductions may be necessary and Code Enforcement is now laying off. The Integrated Waste Management program budget noted eliminating two Solid Waste Heavy Equipment Operator positions. Building permits applications dried up so Building and Safety budgeted to lay off 2 employees. These departments are not General Fund programs; they are separately budgeted Depts. In Code Enforcement some positions are/were limited time positions (5 year term and were extended to 7 years) but now will have to be let go. These employees knew this when hired.
- The Code Enforcement Department moved from Lucerne to the County Court House. In hind sight, should probably have moved earlier and laid off earlier. The department has been operating with reserves.
- Regarding the control of Algae and Aquatic Weed, the county sold the Cove Resort and those funds are earmarked to fund Algae and Aquatic Weed Control. There is \$52,000 left in the fund this year. Fall back funding is coming through ongoing services of Lake Bed Management, Water Resources and State grants (\$100,000).
- The potential invasion of the Quagga and Zebra Mussel could cost millions. The BOS initially bought expensive eradication equipment not fully understanding ineffectiveness and/or that an equally functional piece of equipment is available to do the same job and could be purchased for \$1000. The ones which were purchased (four units) cost thousands. Now two have been sold as surplus at thousands of dollars per unit loss, one was given to the City of Lakeport and one still sits in County garage (there may be a buyer in Oregon for this unit). There were to be 25 inspectors at 3-4 inspection locations around the lake. BOS expected equipment would be

transported to these locations, i.e Visitor's Center and staff at that location, for instance, would perform the inspections and cleaning of vessels if needed at current salaries. Other locations were to be manned by community volunteers.

- In the Treasurer-Tax Collector Department Budget there is a significant appropriation of \$148,450 for the Megabyte accounting software annual maintenance contract. This contract was negotiated several years ago; the county administrator then managed to get the original costs and annual maintenance down to a reasonable amount. Over the years the annual maintenance fee has increased substantially (more than double). Megabyte Systems contracts with 22 of the 58 California counties, all of which have no other adequate program compatible with State compliance, and so Megabyte basically has these counties over a barrel. The County only has to give 60 days notice to terminate this contract.
- The county uses Wells Fargo for its checking account and West America for payroll. Savings and reserves are invested in a series of higher interest bearing instruments.
- The annual independent audit of Lake County yielded the following Schedule of Findings and Questioned Cost for the year ended June 30, 2009:
  - a. The County does not have a policy to analyze and record potential investment adjustments. This is a repeat of a prior year finding;
  - b. Mental Health Department was holding bills for payment until there was cash in the fund to cover the expense. The County agreed with this finding and has taken steps to correct the deficiency;
  - c. The County Inter-fund Loan Accounting was not in accordance with the Government Accounting Standards Board. The County agreed to correct this deficiency in the future.

## **Findings:**

- F 1. The County Administrator has never needed to use "one time" revenues to finance the operational budget. The county has strong reserves/contingencies and is able to close gaps in spending over next two years.
- F 2. While the Recommended Final Budget book stated that no General Fund employees are to be subject to layoff, this tends to mislead the general public as they might not know what the qualifier "General Fund" means.

The general public may misunderstand and think there are no layoffs planned by the county. This would be an incorrect conclusion.

- F 3. The LCA indicated that the BOS may have set up the initial Quagga and Zebra Mussel program including buying expensive and ineffective equipment with little apparent forethought as to how to enforce and/or manage the program.
- F 4. The Megabyte annual software maintenance fee is outrageous for a software product that services such a broad audience. Given that the 36 other counties in California accomplish their job without Megabyte, there are likely other less costly solutions for Lake County.

**Recommendations:**

- R 1. The BOS and county administration avoid misleading statements that paint a rosier picture. (F2)
- R 2. The BOS and the LCA ensure that future procurements be based on sufficient analysis to ensure that money will not be wasted. (F3)
- R 3. The BOS and the LCA establish an independent committee to investigate what software the other 36 California counties utilize for property tax management and make a recommendation on whether any of those packages might be more appropriate. Approaches to be considered include working with the other 21 counties to jointly come up with a project to replace Megabyte or just going on our own to contract with one of the 36 counties. This committee should not include any representative from the Tax Collector's office so as to avoid taking away from the time needed in that job. The Tax Collector can be an advisor, but not a voting member. (F4)

**Agency/Department(s) Required to Respond:**

- Lake County Administrator via Board of Supervisors - 90 days (R1, R2, R3)



# Lake County Inmate Phone Service



## Summary:

The accounting of the Lake County Inmate Telephone Service Agreement contract is managed properly for both the Juvenile Hall (through the Probation Department) and the Lake County Jail. Revenue is deposited into a separate account for each the Juvenile Hall and the Lake County Jail. The combined income from the contract is approximately \$8,400 per month with a combined balance of \$465,000

The financial status of the Funds where the money is kept is available to management in the same manner as managing any budget item.

## Background:

The Lake County Civil Grand Jury Budget and Finance Committee (B&F Committee) was requested by another Grand Jury committee to do a financial investigation of the phones provided in Juvenile Hall for the detainees use. As the report will show it expanded to include County Jail inmates and the Sheriff's Department.

## Methodology / Procedure:

The B&F committee interviewed representatives from Lake County Sheriff's Department and the Lake County Probation Department who received and administered these funds. The committee also requested, received and reviewed all financial documents to gather the necessary information for this report.

**Facts:**

1. Juvenile Hall detainees and Lake County jail inmates are provided collect call phone service via a contract between the Lake County Sheriff's Department and Global Tel\*Link Corporation.
2. The Lake County Sheriff signed a contract agreement with Global\*Tel Link Corporation on June 18, 2008 to supply and install three phones for Juvenile Hall detainees and 34 telephones for main jail inmates to use for collect calls only. The facts will show how this contract and service offers not only service for the Juvenile Hall detainees and jail inmates but provides income for the benefit of the inmates and to help defray the cost of incarceration. The funds created by this income are kept and administered by the Lake County Probation Department for Juvenile Hall and Sheriffs Department for the jail inmates.
3. The Public Safety Committee requested that the B & F Committee review the contract that provides collect call phone service for Juvenile Hall detainees. Upon investigation it was determined that the contract also covers collect call phone service for main jail inmates.
4. After asking for and receiving the specific contract, it was discovered that the Lake County Sheriffs Department had entered into an agreement with Global\*Tel Link Corporation on June 18, 2008. This contract agreement was to provide collect call phone service for Juvenile Hall detainees and main jail inmates.
5. The Global \*Tel Link agreement supersedes the same collect call service previously provided by AT&T. AT&T cancelled the contract because it was no longer profitable.
6. The Juvenile Hall Superintendent was unable to report the percentage of and/or the approximate monthly income derived from each collect call, an estimate of dollars expended from the account for the benefit of the detainees or the current balance in the account. The Superintendent suggested contacting the Probation department for this information.
7. The terms of the contract are as follows:
  - a. The term of the present contract with Global\*Tel Link is for a five year period.

- b. The County was to receive a one time signing bonus of \$10,000 and a one time lump sum of \$2,400 for the County's utilization.
  - c. A percentage of gross revenue of the calls (45%) would be paid to the County.
  - d. The contract specified three phones to be installed in Juvenile Hall and 34 telephones to be located in the main jail.
8. The monthly revenue check received by Juvenile Hall is forwarded to the Probation Department unopened. Then the Probation Department deposits this check into the Inmate Trust Fund (#657).
9. The monthly revenue check received by the Sheriff's Department Administration is deposited in to the Inmate Welfare Fund (BU2215).
10. The \$2,400 lump sum payment was for the utilization of a Sheriff's Department Administration Inmate Welfare Fund accounting tech position for five years. The \$2,400 is considerably less than the prior AT&T contract for the tech position.
11. Both the \$10,000 signing bonus and the \$2,400 lump sum payment were deposited in the main jail Inmate Welfare Fund (BU2215) with no share deposited in the Juvenile Hall Inmate Trust Fund (#657).
12. The collect call phone revenue is used as follows:
  - a. The Juvenile Hall Inmate Trust Fund is used for the purchase of personal hygiene items, reading and writing materials, sports equipment, special holiday meals, videos, and other items for the benefit of juveniles such as a water mister installed to cool an outside recreation/exercise area.
  - b. The Main Jail Inmate Welfare Fund is used for personal hygiene items, reading and writing materials, repair of cells, etc. and is allocated as per penal code 4025.
13. The Probation Department administrators keep a running balance of the Juvenile Hall collect call funds and require a receipt to disburse funds. There is no specific protocol or process to authorize disbursement of Juvenile Hall Inmate Trust Funds.
14. Sheriff Department administrators keep a running balance of the Main Jail collect call funds and require a vendor invoice signed by an authority (the Sheriff or Administrative Manager) to disburse funds from the Inmate Welfare Fund.

15. The balance of the Juvenile Hall Inmate Trust Fund on the date of our investigation was \$15,032.80.
16. The balance of the Main Jail Inmate Welfare Fund on the date of our investigation was \$450,000 which includes main jail commissary profits.

**Findings:**

- F 1. The two agencies are properly accounting for the funds received and disbursed.
- F 2. When asked, the Superintendent of the Juvenile Hall was unable to provide information on the Juvenile Hall Inmate Trust Fund balance, income or expenses.
- F 3. The Probation Department Administrator indicated that the information on the Juvenile Hall Inmate Trust Fund balance, income and expenses was available to the Superintendent via the normal accessing of the HTE financial system of the County.
- F 4. There is no documented protocol or process for authorizing expenditures from the Juvenile Hall Inmate Trust Fund.

**Recommendations:**

- R 1. The Chief Probation Officer ensure that the Superintendent is trained on how to access the Juvenile Hall Inmate Trust Fund balance, income and expense information. (F2, F3)
- R 2. The Probation Department Administrator establish a formal authorization process for approving disbursements from the Juvenile Hall Inmate Trust Fund. Notify the Juvenile Hall superintendent of the new process via official written Memo. (F4)

**Agency/Department(s) Required to Respond:**

- Chief Probation Officer via Board of Supervisors (90 days ) R1, R2

# Government Services Committee

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# Board of Supervisors Oversight

## Summary:

The Government Services Committee of the Lake County Grand Jury attended a regular meeting of the Lake County Board of Supervisors (BOS) in April 2010. Proceedings were difficult or impossible to hear due to varied sound levels from microphones. This could be discouraging for the public to attend meetings and interact with the Board.

## Background:

County of Lake was incorporated May 20, 1861. It is one of 58 counties in the State of California and is a political arm of the State.

Area is 1237 square miles with 72 square miles of water area in Clear Lake. Clear Lake is the largest natural lake in California and possibly the oldest in North America.

Current population is approximately 65,000 with 19% senior citizens. The Federal Government is conducting the 2010 Census as of April 1.

## Methodology / Procedure:

The Government Services Committee attended the Board of Supervisors meeting as part of the administrative oversight responsibility of the Grand Jury. To obtain background information on prior meetings the Committee read minutes of prior meetings, read the open meeting requirements of the Ralph M. Brown Act, researched the government structure of Lake County and viewed broadcast videos of the BOS meetings.

## Facts:

- The County is divided into five districts with one supervisor elected from each district.
- Supervisors are elected for four-year terms.
- Terms end in alternate years so only part of the Board is reelected at one time.

- Chairman of the Board is selected by the BOS each January for a one year term.
- Board Chairperson formalizes the upcoming agendas.
- The BOS sits as various appeal boards such as nuisance abatement, tax assessments, employee personnel appeals, land use or abatement appeals.
- The Clerk to the Board acts as Secretary for the meetings.
- The board receives legal direction from County Counsel's Office.
- The County Administrative Officer (CAO) presents budgets, financial reports, audits.
- County has a structurally balanced budget.
- The BOS also sits as the Board of Directors of Special Districts, IHSS Public Authority, and Redevelopment Agency.
- Major responsibilities of the Board of Supervisors include:
  - Adopting the County's Annual Budget
  - Making important land use decisions
  - Selecting County Department Heads (other than elected officials)
  - Adopting County Ordinances
  - Setting County Operating Policies
  - Serving on Regional & Local Committees
- Supervisors also assist citizens in solving problems and addressing local concerns.
- Other elected officials in the County include the Assessor/Recorder, Auditor/Controller, District Attorney, Sheriff/Coroner, Tax Collector, and the Superior Court Judges.
- Supervisor meetings are Tuesdays 9:00 a.m.
- Agendas and minutes are available on the county Website:  
[http://www.co.lake.ca.us/Government/Boards/Board\\_of\\_Supervisors.htm](http://www.co.lake.ca.us/Government/Boards/Board_of_Supervisors.htm)
- Closed sessions are placed on the agenda for personnel matters, pending legal actions, property negotiations.
- Meetings are televised live on PEG Channel 8 and repeated Sunday.
- Meetings are governed by the Brown Act to provide open actions and decisions by the BOS on behalf of the citizens.

- Public Input is on the agenda at each meeting as an opportunity to bring topics of interest and concern to the Board's attention.
- An Animal Control officer brings an adoptable pet to the BOS meeting each week.
- One item, a contract increase of \$100,000 for New Beginnings, was not discussed prior to the vote, possibly due to time constraint.

### **Findings:**

- F 1. The public is served by the televising of the meetings of the Board.
- F 2. Ample time is given for public comments on items on the agenda.
- F 3. Public input is included on each agenda.
- F 4. The proceedings comply with the Brown Act.
- F 5. The sound system and microphones do not allow the public to hear the proceedings.
- F 6. The sound system on the videos is also often inadequate and unprofessional.
- F 7. Any item which is proposed as an increase in spending in a time of financial distress should be discussed openly and rationalization or statistical evaluation of the action should be stated.

### **Recommendations:**

- R1. Test the sound equipment and the microphones prior to the meetings to ensure adequate volume and sound levels so everything can be heard. (F5, 6)
- R2. Postpone a decision on spending until a time that would allow reasons for contract increase to be clear. (F7)

### **Agency/Department(s) Required to Respond:**

- Board of Supervisors (90 days)



# Clearlake City Council Oversight

## Summary:

The Government Services Committee reviewed the Clearlake City Councils (CLCC) diligence in considering the Lowe's Development Project.

## Background:

A proposal was submitted to the CLCC for a major shopping center development at the Clearlake airport property by the Redevelopment Agency.

## Methodology / Procedure:

The Committee interviewed the Clearlake City Manager and reviewed initial proposal to similar business.

## Facts:

- The initial Impact Report showed a more intensive study than previous studies done on similar businesses in the County of Lake.
- Expansion of the 10" (ten inch) sewer line in the airport area is essential to prevent a Building Moratorium in the City Limits.
- More than six (6) hours of comments were received by the Redevelopment Agency.
- During Public Comment session it was requested a second environmental impact Report be performed.
- Use of Redevelopment Funds for sewers and like kind is common practice in California.
- Environmental Factors covered in the initial report are: aesthetics, hazards and hazardous materials, public services, utilities/service systems, hydrology/water quality, noise, mandatory findings of significance, air quality, geology/soils, land use/planning and transportation/traffic.

## Findings:

- F1. Due diligence was performed for this project based on hearings and intensive initial impact study.

- F2. More than adequate time was given for public input and hearings.
- F3. Redevelopment plans to use Redevelopment Agency funds for improvements such as upgrading streets and sewers.

**Recommendations:**

None

# District Attorney Oversight

## Summary:

Government Services Committee met with the District Attorney (D.A.) on March 3rd, 2010 for their annual mandatory oversight.

## Background:

The Government Services Committee in reviewing the 2008/2009 response asked the District Attorney the status of any changes that were implemented.

## Methodology / Procedure:

The committee reviewed the 2008/2009 responses to the Grand Jury recommendations. The committee interviewed the District Attorney at his office on March 3rd, 2010. Copies of previous reports and the responses were reviewed. The current year (2009/2010) budget was reviewed.

## Facts:

- The D.A. stated the department's policy and procedures are reflective of Los Angeles County's policy and procedures.
- The D.A. stated that his expertise comes from being President of the National District Attorney's Association. His participation was verified on the Association's website.
- D.A.'s priorities are: criminal matters, major felonies, accusations against elected officials and fraud.
- A new attorney has been hired for Asset Forfeiture and Seizure who has had training and is currently training others in the County of Lake.
- There is a secure storage facility for seized assets.
- There is not enough work for an in house team regarding White Collar crimes so there is cooperation with other law enforcement agencies.
- There are still some problems to be addressed concerning Narcotics Task Force finances.

- Federal Departments have their own procedures for asset forfeiture.
- A percentage of seized assets from all departments is given to the D.A. to be used solely by his department. This year funding was transferred to the County of Lake for budget to retain staff, extra help, and an investigator.
- There is no money in the budget to fund a white-collar task force as suggested by prior Grand Juries.
- The D.A. received an elder abuse grant that repaired a small shed at the rear of Victims Witness property which is currently used for confidential interviews.
- RiMS is a computer system that retains information on reports from law enforcement agencies, i.e. Sheriffs Office, Lakeport Police Department and Clearlake Police Department. It would cost the D.A.'s Office approximately \$250,000.00 to purchase its own license to access the RiMS system.
- The D.A. believes that a win/loss ratio in the criminal justice system is not important. His office provides a training ground for new attorneys.
- Turn over for the D.A.'s office is 2 attorneys lost in 3+ years that he has been in office.
- The D.A. feels that cost is the major factor in contract Public Defender vs. an in house department.

### **Findings:**

- F1. Lake County DA's office does not have a manual for policies and procedures.
- F2. Financial problems still exist from previous administration concerning asset forfeiture and seizure.
- F3. Progress is being made toward improving the handling of asset forfeiture and seizure.
- F4. The budget cannot afford a white collar task force at this time.
- F5. The Lake County DA's Office is a training ground for new attorneys.

### **Recommendations:**

- R 1. A manual be placed in force for the Lake County DAs Office for policies and procedures. (F1)

- R 2. Continue to work on solutions to financial problems. (F2)
- R 3. Continue improving the department. (F3)
- R 4. Pursue all avenues for funding of a white collar task force such as grants.  
(F4)
- R 5. Hire more experienced attorneys and/or intensify training. (F-5)

**Agency/Department(s) Required to Respond:**

- District Attorney (90 days)



# Human Resources Department Oversight

## Summary:

The Government Services Committee elected to focus on County employment policies currently implemented by the County's Human Resources Department, including hiring and retention.

## Background:

There are seven employees in this department, known in the past as the Personnel Department. They are responsible for the process of recruitment, hiring, standardized training, retention, and some terminations. The operational policies of the department are referenced from the Lake County Policies & Procedures.

The County of Lake uses the State Merit System in recruiting for the Social Services Department exclusively.

Employee complaints are handled according to procedures. Individual departments handle grievances in most cases.

Nepotism waivers (employment of a close relative of an existing employee) may be obtained and must be approved by the County Administrator and the HR Director. The definition of a close family member includes: spouse, sibling, natural or adopted children, in-laws, and stepfamily. Appeals of denied waivers are forwarded to the Board of Supervisors. Usually, close family members are assigned to different locations or shifts in any countywide department.

HR determines if applicants met minimum position requirements by reviewing completed applications for available jobs. If there are five or fewer applicants, individual departments interview them all. If there are more than five, HR ranks applications and the top four are presented to the department for the final decision. A list of ranked applications are maintained for one year or until all applicants have had the opportunity to interview.

Applicants are required to take tests which may be written, oral or procedural (i.e., heavy equipment operator). Oral interview panels typically consist of the HR Director, the head of the affected department, and one other expert not in County employ.

All open positions are advertised in the local newspapers. To reach a larger population, positions are sometimes advertised in the Santa Rosa newspaper, which has a large distribution outside of Lake County. Job postings are mailed to post offices and libraries, as well as to both Mendocino and Yuba Community Colleges.

Help is offered to colleges to plan curriculum that would prepare students for careers working for the county. One local elementary school annually invites the HR department to presents careers in government to eighth graders and the department is available to do the same elsewhere upon request.

The HR department attends job fairs held at Yuba and Mendocino Community Colleges, as well as Humboldt and Chico State Universities. Special postings such as vacancies in the District Attorney's Office are sent to all law schools in California. The Board of Supervisors has recently approved a program whereby job seekers can complete applications online. This can simplify the process for both the applicants and the County.

### **Methodology / Procedure:**

The Government Services Committee met with the department head on the first floor of the courthouse on August 27, 2009. Committee members were given access to operational manuals and other reference material. They asked questions and spoke with the representative for several hours.

### **Facts:**

- Positions in the Human Resources Department include HR Director, Deputy HR Director, HR Analyst I/II, two (2) HR Technicians, Confidential Secretary II, and Office Assistant to Confidential.
- Classifications of employees are management A and B units, permanent, part-time, and confidential positions.
- Nepotism waivers are necessary in a small and close community such as Lake County.
- An employee must work one year or twelve hundred and fifty (1250) actual hours to be off probationary status and become a permanent employee.
- Termination of probationary employees must be reviewed by County Counsel before departmental action.

- All employees are at-will employees, meaning either they or the County may terminate employment at any time for any reason.
- There is currently a policy review and revision regarding leave of absence, formal medical leave and probation as recommended by the 2007/2008 Grand Jury.
- There are currently eight hundred and thirty (830) permanent employees, and one thousand (1000) extra help employees.
- Typically eighty (80) to one hundred (100) employees leave County employment each year. This is about a ten per cent (10%) turnover.
- Approximately forty-four per cent (44%) of current employees are eligible for retirement.
- Sexual Harassment Training<sup>7</sup> is required of all employees. Employees may take this training during work hours online on County computers or attend a class offered twice a year.
- Lake County Employee Association (LCEA) or the Services Employee International Union (SEIU) represent employees in many departments. The Teamsters represent Deputy District Attorneys.
- Upon employee request, a department head may grant sixty (60) days unpaid leave. Beyond sixty (60) days, the County Administrator must approve. Unpaid leave beyond ninety (90) days must be approved by the Board of Supervisors.
- Employees with any complaint must first go to the head of the department on an informal basis. If there is no resolution, the employee must follow formal protocol outlined in the County Policies & Procedures manuals available online or in manuals at each department.
- The State of California contracts with Merit Systems Services in Sacramento to recruit and create eligibility lists for positions in the Social Services Department.
- Merit Systems Service creates its own recruitment flyers and has a separate job application process from the HR Department.

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<sup>7</sup> The online Sexual Harassment Training is a reference for present and future use by County employees. Individual pace and privacy is better met online than instruction in a group setting. This is an interactive program wherein the employee, upon finishing the training, can print a Certificate of Completion.

- Prospective employees may go to the State of California Employment Development Department (EDD) for training needed to qualify for County positions.
- HR has a 24-hour job hotline (707 263-2212) and a link to job opportunities at [www.co.lake.ca.us](http://www.co.lake.ca.us). The website is updated daily and the telephone line is updated weekly.

**Findings:**

- F1. Nepotism can be perceived as a problem because of the low density of population and rural make-up of Lake County.
- F2. At-will employment is not clearly defined in HR recruitment documentation.
- F3. Job information is readily available to the community via HR Department, EDD, online, job hotline and multi-media.
- F4. The County has partnered with the State EDD to increase the supply of trained people available for hire.
- F5. The recommendations from the 2007-2008 regarding revision of policies for leave of absence, formal medical leave, and probationary employment have not been completed.

**Recommendations:**

- R 1. Referring to the 2007-2008 Grand Jury Final Report recommendations, complete the review and revision regarding leave of absence, formal medical leave as well as period of probation. (F5)
- R 2. Place an advisory note on all employment documents that Lake County is an At-Will employer. (F2)

**Agency/Department(s) Required to Respond:**

- Lake County Human Resources Department via Board of Supervisors (90 days)

# Lake County Information Technology Department Oversight

## **Summary:**

The Grand Jury committee determined the Information Technology (IT) Department is running quite well, but could be improved with better office space and backup equipment.

## **Background:**

In October of 2009, the Government Services Committee of the Grand Jury met with the department head at the Courthouse in Lakeport to conduct an oversight of the Lake County Information Technology Department (IT). The Information Technology Department was established to facilitate the work of County Staff through efficient, cost effective application of digital technology and communication technology to government services of Lake County. IT technology works with other County agencies in the development, implementation, support, and maintenance of the County's technology infrastructure.

They provide individual desktop support, networking and infrastructure support, software and web development, phone support. The IT department leads development of a shared Geographic Information System (GIS) resource for local agencies and the general public.

The Department has 13 employees. One vacant full time position for network administration is in the process of being filed for qualified applicants.

## **Methodology / Procedure:**

The Information Technology Department is located on the second floor of the Lake County Courthouse in Lakeport. Members of the Government Services Committee met in a large conference room with the current Director of IT to discuss the structure and function of the department.

In October of 2009, the committee was given a tour of the IT offices in the courthouse.

## **Facts:**

- Office space had been reorganized with separate cubicles. A data center is achieved with the consolidation of hardware. There is discussion of utilization of part of the Assessor's office which would provide four semi-private offices. They are anticipating more room if they relocate the Registrar of Voters office.
- The department is automated from 6:00 pm until 7:00 am. Two employees volunteer for standby for the Sheriff's department 24 hours a day seven days a week. Standby for the Sheriff's Department is for any emergency that might occur to any technical emergencies whether it be phone or computer.
- Every department in the County has the opportunity to use IT service and post information on the County website ([www.co.lake.ca.us](http://www.co.lake.ca.us)). Each has the responsibility for posting content, management and bulletins. Cost to the self - funded subscribers for support is \$65.00 per hour and nothing if general fund.
- The IT system consists of 750 stations which have computer access throughout the County. There are fifty large logic servers. The County pays AT&T \$1,700.00 a month for the fiber-optic service.
- Different departments use different software and hardware making compatibility difficult.
- Several hundred attempts are made a week to hack into the system. IT reports the equipment is well filtered. The IT department has to meet State requirements regarding security, etc. and is accountable to both the County and the State.
- If the system fails, Lake County offices cannot complete their work. Computer backups are very important. In case of loss of power, there is battery backup and then if necessary a generator comes online.
- The hallway leading to the back equipment room is narrow and apparently not ADA compliant.

## **Findings:**

- F 1. Present space is not adequate.
- F 2. The generator was originally designed for lights only. The generator will only run for approximately two hours and is insufficient.

- F 3. All hardware and software should be compatible.
- F 4. All equipment should be approved by IT before a department purchases it.
- F 5. New equipment is needed for tape backup of data.
- F 6. ADA compliance is not adhered to.

**Recommendations:**

- R 1. Try to find more space for any additional employees in the future. (F1)
- R 2. Update the backup generator. (F2)
- R 3. Budget money for tape back-up (F5)
- R 4. Update the office to be ADA compliant. (F6)

**Agency/Department(s) Required to Respond:**

- County Information Technology Department via County Board of Supervisors (90 days)



# Lake County Redevelopment Agency Oversight

## Summary:

This is the first time that the Redevelopment Agency has been interviewed by the Grand Jury. The Government Services Committee found the information to be very interesting.

## Background:

In visiting the departments and agencies of the County of Lake, the Government Services Committee (the Committee) chose to review the Redevelopment Agency (the Agency) which has never been the subject of a Grand Jury oversight.

## Methodology / Procedure:

The Committee met with County staff in April 2010, reviewed the legislation that governs the formation and application of Redevelopment Law, viewed the County website which provides information to the general public about County government, read various handouts and reports of the Agency and also discussed a possible recommendation to conduct an annual review of Redevelopment in Lake County.

## Facts:

- The Lake County Board of Supervisors sits as the Board of Directors of the Lake County Redevelopment Agency.
- The authority to form the Agency is contained in Legislation put forth in 1945 and contained in California Health and Safety Code Sections 33000-34160.
- The cities of Lakeport and Clearlake also have Redevelopment Agencies.
- Staff relies on information compiled in the publication *Redevelopment in California* by David Beatty et al for reference.
- BOS established the Redevelopment Agency in 1999.
- The project area was adopted in 2001.

- After public hearings and research the project area was determined to be the Northshore including the communities of Upper Lake, Nice, Lucerne, Glenhaven, Clearlake Oaks, and a portion of open land which includes 'paper subdivisions'. (These are subdivisions which due to the terrain and lack of infrastructure remain unbuildable.)
- The plans are revised and updated every five years.
- The current plan includes 2005-2011.
- The project area is deemed 'blighted' to trigger the use of funds to improve businesses, expand affordable housing and upgrade infrastructure.
- Blight can be evaluated as economic, dilapidated buildings or social structure such as slums.
- Funds are available due to *tax increment funding* in which the tax base is established at the time of the acceptance of the project area. In this instance, 2001 was the base and since that time 80% of the tax money in that area goes to County Redevelopment and 20% to affordable housing.
- Schools and fire districts receive pass through money from the State to compensate for loss of tax revenue.
- The life of the Agency is 25 years.
- The budget for the Agency was about four million dollars in the 2008/2009 year.
- Revenue increased substantially from 2001 to 2008, held stable in 2009 and is projected to be diminished in 2010.
- The Redevelopment Agencies of Lakeport and Clearlake have issued bonds to access anticipated funds while the County Agency borrows from the general fund.
- Access information concerning specific improvements for the communities in the project area at:

<http://www.co.lake.ca.us/GovernmentDirectory/Redevelopment.htm>

## Findings:

- F 1. The Agency is in the process of updating the plan to cover the next five years.

- F 2. Due to the sluggish economy tax revenues this year are static and will probably diminish next year hampering some proposed projects.
- F 3. The Lake County Redevelopment Agency appears to be fiscally sound.
- F 4. The staff has provided brochures, website information, public town hall meetings, and also a willingness to meet with interested community members to inform residents about the Agency.

**Recommendations:**

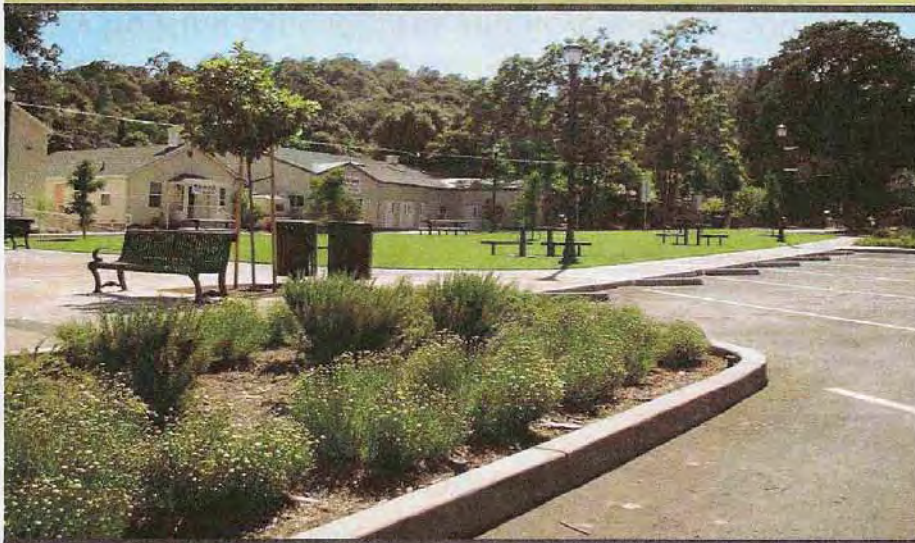
- R 1. Continue to gather public input and prepare the 2012-2017 Redevelopment plan. (F1)
- R 2. Continue to manage the proposed developments in a fiscally responsible manner. (F2, F3)
- R 3. Continue to make the public aware of the activities and purpose of Redevelopment. (F4)
- R 4. The 2010-2011 Grand Jury visit the Agency with an annual oversight. (F4)

**Agency/Department(s) Required to Respond:**

- Lake County Redevelopment Agency (90 days)

# Annual Report

Lake County Redevelopment Agency



- Update on Redevelopment Projects
- Redevelopment Agency Financial Statements
- Description of the Agency's Housing Activities
- Description of the Agency's Properties and Acquisitions

FY 2008-2009

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## 2008-2009 Annual Report

### Annual Reporting Requirements

The purpose of this report is to satisfy the requirements of Health & Welfare Code Section 33000 et seq., otherwise referred to as the Community Redevelopment Law (CRL).

### Northshore Project Area Goals

The Agency previously established goals and policies for the Northshore Project Area to assist in making future decisions. Although not required to be a part of the Annual Report, the goals and policies are included herein to provide the Board of Directors with an opportunity to again review and revisit these goals and to assist in measuring the Agency's progress against our previously established goals and policies.

The goals and policies of the Agency are listed below.

- A. Elimination of blight & blighting influences.
- B. Assembly of parcels suitable for development with improved pedestrian and vehicular circulation in the Project Area.
- C. Development of portions of the Project Area which are stagnant or improperly utilized.
- D. Provision of opportunities for participation by owners and tenants in the revitalization of their properties.
- E. Strengthening of retail and other commercial functions in the Project Area.
- F. Establishment of town centers in each Community to assist in the strengthening of community identity and civic pride.
- G. Improvement of the visual quality of the Highway 20 scenic corridor and the reduction of the adverse impacts of Highway 20.
- H. Installation of needed site improvements to stimulate new residential, commercial, and industrial expansion, employment, and social and economic growth.



- I. Provision of adequate land for parking and open spaces.
- J. Improved and expanded public access to Clear Lake.
- K. Establishment of design standards and environmental quality and other design elements.
- L. Expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families.

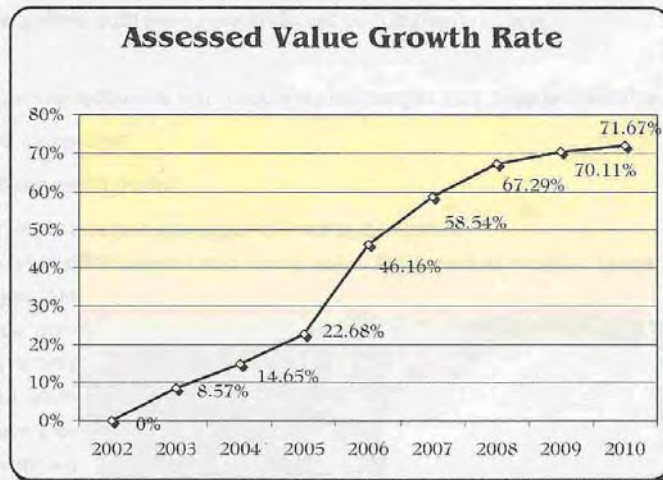
**Redevelopment Process**

Community redevelopment is most effectively accomplished by forming a partnership of public and private enterprise. Public funds are used to lay the foundation and provide the preconditions necessary for private enterprises to be interested and capable of investing their dollars and manpower in blighted areas.

Local public funds are, in essence, used as seed money. The seed money is used to leverage much greater private investment. The seed money is made available by State law through a process of tax increment financing. On the date a redevelopment plan is adopted, the property within the boundaries of the plan has a certain total property tax value - the Base Value. If the total assessed valuation increases above the Base Value, most of the revenues that

come from the increase go to the redevelopment agency except for the required pass-through to other public entities. These funds are known as tax increment revenues.

When redevelopment activities are successful, the property values within as well as around the redevelopment area will increase. For example, the changed image of blighted areas and an improved economic base will increase the marketability and value of property in the area. Property that currently lacks market demand because of the deteriorating conditions will become marketable as these conditions are reduced or removed. Increased market demand will then lead to the sale of properties or new construction within a redevelopment project area thus increasing the assessed values. The revenues received by the Redevelopment Agency are from the increase in assessed value—



not an increase in tax rate.

The community of Clearlake Oaks continues to revitalize itself. In fiscal year 08-09, construction on the Plaza was completed, Eskaton Clearlake Oaks Manor senior housing complex was opened, and the Agency applied for funds to construct a new Live Oak Senior Center. The Methodist Church will soon complete their community center across from the Plaza and the Agency received an additional \$800,000 for constructing sidewalks along Highway 20. Additionally, the Agency is working with local businesses to complete a number of façade improvement projects.

Redevelopment success is not only confined to Clearlake Oaks; significant improvements have occurred in the other project communities as well. Construction began on Upper Lake Main Street. These Main Street improvements will complement existing private improvements and will encourage more commercial activity. This will make Main Street a very attractive place for small businesses.

Hinman and Triangle Parks, thanks to the Public Services Department, have greatly increased the aesthetic beauty of Nice along the Highway 20 Scenic Corridor. Also, the Agency is working towards attracting a developer to construct improvements at Holiday Harbor. The Holiday Harbor site, including some of the surrounding parcels, could be used for retail, lodging, dining or some other job- and tax-producing use.

Efforts have continued on the Lucerne Promenade with work to begin soon on the 3rd Avenue Plaza. Other park improvements have increased the beauty, lake access, and public space for the community. The Agency has also spent significant efforts on the preservation of the Lucerne Senior Center building. The preservation of this building will not only save a historic landmark, but will also serve important needs of a vulnerable portion of the public.

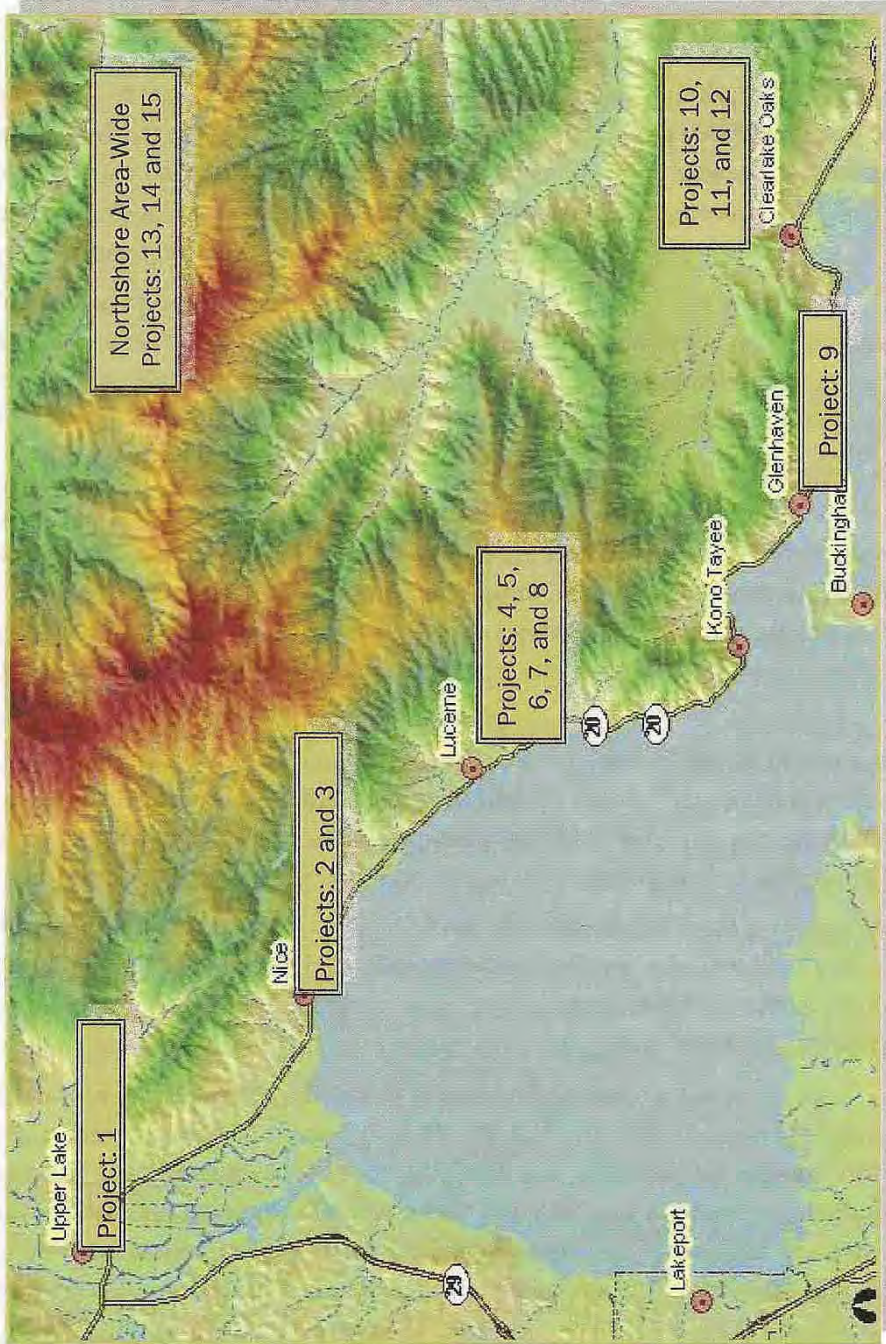
#### Blight Alleviation Report

California Redevelopment Law under Section 33080.1(d) requires that the Annual Report include "a description of the agency's progress, including specific actions and expenditures in alleviating blight in the previous fiscal year." A description of the actions that were taken to alleviate blight is listed in the *Project Area Information* section.

#### Grants and Leveraged Funds

In the past the Agency has been very fortunate to leverage its funds with grants from other government sources. This past year the Agency received \$800,000 for sidewalks along Highway 20 in Clearlake Oaks. The use of grant funds has helped the Agency move forward on projects during the first few years of the Agency's life when tax-increment funds have been building.

# Northshore Redevelopment Project Information



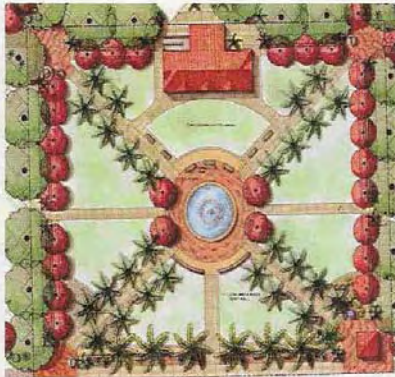


UPPER LAKE CONCEPTUAL ARCHWAY

### 1. Upper Lake Main Street

Upper Lake Main Street is being reconstructed to include utility under-grounding, sidewalks, decorative street lights, landscaping and an entrance arch. The project is currently under construction and should be completed in early 2010.

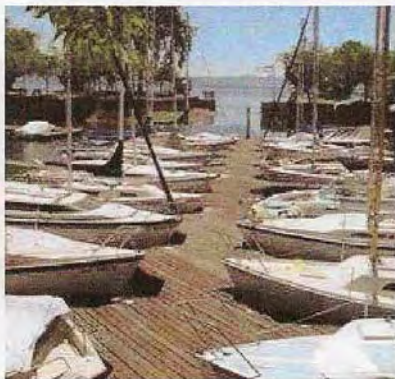
**Estimated Completion Date: January 2010**  
**Redevelopment Goal: A,B,C,E,F,G,H**



### 2. HINMAN SQUARE

Hinman Park will create a community gathering place in Downtown Nice. The phase I park improvements have been completed. County staff will be applying for additional grant funds to construct a restroom and playground. Private sector improvements are being made to some of the parcels surrounding the square. The Agency is encouraging additional private investment.

**Estimated Completion Date: Unknown**  
**Redevelopment Goal: A,B,C,E,F,G,H**



### 3. Holiday Harbor

Working towards a development that will provide an economic stimulus for the region i.e. a resort, hotel or other tax-generating project. The Holiday Harbor site is being marketed through the County's investor attraction process.

**Estimated Completion Date: Unknown**  
**Redevelopment Goal: A,B,C,E,F,G,H,I,J**

#### 4. 3rd Avenue Plaza



This project will develop a park and plaza at the end of 3rd Ave. in Lucerne as part of the comprehensive Lucerne Promenade Project. Flaws in the engineering designs of this project continue to delay its implementation. However, the pier portion of the project will be bid in November 2009 and the park portion of the project will be bid in January 2010.

**Estimated Completion Date: Summer 2010**  
**Redevelopment Goal: A,C,E,G,H,J**

#### 5. Lucerne Promenade



The Promenade project consists of pedestrian sidewalks and park space along the shore of Clear Lake with pockets of lodging and retail space to be developed around public plazas. They Agency has monitored properties that are for sale along the shoreline. Grant funds for acquisition will be applied for when available.

**Estimated Completion Date: Unknown**  
**Redevelopment Goal: A,B,C,E,F,G,I,J**

#### 6. Lucerne Creek Park



The Agency has supported the Public Services Dept. in preserving the park as a natural habitat and improving its appearance and functionality. Over the past year, a bench and decorative wall were built using natural building techniques and materials. Additionally, a rock barrier was installed to prevent vehicles from parking in the park. Grant funds will be pursued for future park improvements as they become available.

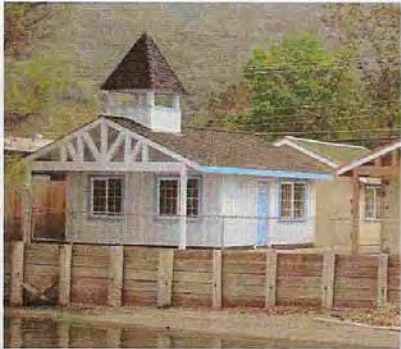
**Estimated Completion Date: Unknown**  
**Redevelopment Goal: A,G,I**



### 7. Sheriff's Regional Office

With assistance from the Redevelopment Agency, the Sheriff's Office acquired a Northshore Regional Office last year. The facility has since been remodeled and opened. The office is conveniently located across the street from Lucerne Harbor Park.

**Completed: Fall 2009**  
**Redevelopment Goal: A**



### 8. Lucerne Harbor Village

The Agency developed an artist's enclave on redevelopment property next to the Lucerne Harbor Park. The shops are open to the public and provide original art for sale at reasonable prices.

**Completed: Summer 2008**  
**Redevelopment Goal: A, C, E, G**



### 9. Glenhaven entrance sign

New "Welcome to Glenhaven" signs were installed along Highway 20 in November 2008. Removing the old signs and installing the new signs have increased community pride.

**Estimated Completion Date: Winter 2008**  
**Redevelopment Goal: A, E, G**



### 10. Clark's Island

Clark's Island will be redeveloped into a community park. A master plan was completed in March 2009 which included water access and nature-oriented components. Grant funds will be pursued to fund the implementation of the master plan.

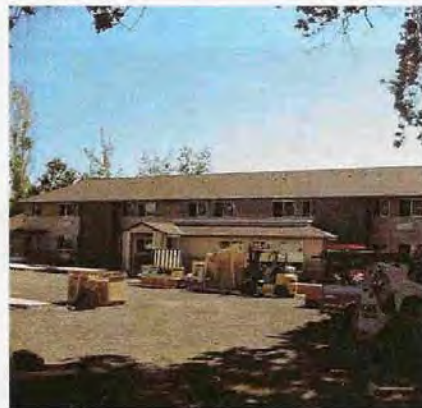
**Estimated Completion Date: Unknown**  
**Redevelopment Goal: A,C,E,G,J**



### 11. Clearlake Oaks Plaza

The Plaza was reconstructed in Downtown Clearlake Oaks to serve as a community gathering place. The Plaza drastically improved the under-utilized parking lot formerly at the site and helps support and strengthen downtown businesses.

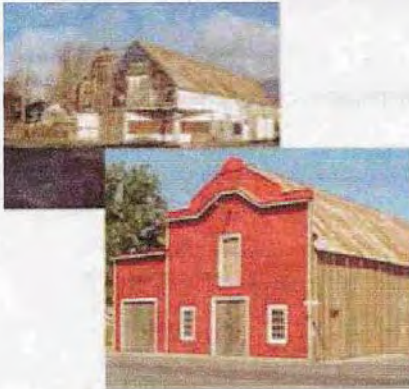
**Completed: Summer 2009**  
**Redevelopment Goal: A,C,E,G,J**



### 12. Senior Housing Project

Eskaton Senior Housing Inc. completed a senior-restricted affordable-housing complex with help from the Redevelopment Agency. The 23-unit complex opened in August 2009.

**Completed: August 2009**  
**Redevelopment Goal: A,L**



### 13. Façade Improvement Program

The Agency continues to implement this program that assists local business owners increase the curb appeal of their businesses. The Agency provided information about the program door-to-door to businesses in the project area. Last year four businesses took advantage of the program.

**Estimated Completion Date: Ongoing**  
**Redevelopment Goal: A,D,E,G**



### 14. Town Hall Meetings

Redevelopment and County officials met with community members to discuss future redevelopment activities and priorities. Town hall meetings were held in each of the four communities.

**Estimated Completion Date: Ongoing**  
**Redevelopment Goal: A11**



### 15. Paper Subdivisions

The Agency is working to discourage the continued sale of paper subdivisions and illegal dumping in those areas. The Agency installed gates at major access points and accepted the donation of unwanted parcels. Approximately 80 parcels were donated.

**Estimated Completion Date: Ongoing**  
**Redevelopment Goal: A,B,C**

### Housing Activities and Expenditures

The Agency has two programs in connection with preserving, improving and increasing the community's supply of low- and moderate-income housing: (1) an owner occupied rehabilitation program; and (2) a new housing construction program.

Under the new housing construction program, the Agency entered into a Disposition and Development Agreement with Eskaton Clearlake Oaks Manor. In exchange for the parcel located at 75 Lake Street, Clearlake Oaks, and some off-site improvement costs, Eskaton Clearlake Oaks Manor agreed to construct, maintain and manage a 23 unit senior affordable housing complex. This complex opened in August 2009.

Additional housing and displacement information as required by Sections 33080.4 and 33080.7 of the California Redevelopment Law is provided in Attachment 2 and receipts and expenditures from the Low and Moderate Income Housing Fund are detailed in Attachment 3 to this report.

### Loan Report

Section 33080.1 (e) of California Redevelopment Law requires that the Annual Report include "a list and status, on all loans made by the redevelopment agency that are fifty thousand dollars (\$50,000) or more, that in the previous fiscal year were in default, or not in compliance with the terms of the loan..." There are no agency loans made in the previous year by the Lake County Redevelopment Agency that are in default or not in compliance with the loan conditions.

### TIME LIMITS

The Redevelopment Agency must also provide a list of the fiscal years that the Agency expects each of the following time limits to expire.

1. The time limit for the commencement for eminent domain proceedings to acquire property within the project area.  
2013
2. The time limit for the establishment of loans, advances, and indebtedness to finance the redevelopment project.  
2021
3. The limit for the effectiveness of the redevelopment plan.  
2031
4. The time limit to repay indebtedness with the proceeds of property taxes.  
2046

## Attachments

- Attachment 1  
Agency (non-housing) Revenues and Expenditures, FY 2008-09
- Attachment 2  
Agency Housing Activities (Section 33080.4/33080.7 Report)
- Attachment 3  
Agency Housing Expenditures and Revenues, FY 2008-09
- Attachment 4  
Agency Owned Properties Report
- Attachment 5  
Fiscal Statement per Section 33080.5
- Attachment 6  
Independent Financial Audit

**Attachment 1**

Agency (non-housing) Revenues and Expenditures, FY 2008-09

| 937                       | 1893                                   | Redevelopment          | 08-09                  |
|---------------------------|--|------------------------|------------------------|
| <b>Date</b>               | <b>RECAP</b>                           |                        |                        |
| 07/01/08                  | Beginning Fund Balance                 |                        | \$ 2,680,425.00        |
|                           | Total Revenue                          |                        | \$ 3,028,527.00        |
|                           | Total Expenditures                     |                        | \$ 3,009,301.00        |
|                           | General operational overhead           | \$ 427,655.00          |                        |
|                           | Project activity costs                 | \$ 2,581,646.00        |                        |
|                           | Fund Balance as of June 30             |                        | \$ 2,699,651.00        |
| <b>REVENUE</b>            |  | <b>Revenue</b>         | <b>Expenditures</b>    |
| 10.10                     | Property Taxes Current                 | \$ 1,399,409.00        |                        |
| 10.25                     | Property Taxes/Supp 813-Current        | \$ 50,241.00           |                        |
| 10.35                     | Property Taxes/Supp 813-prior          | \$ 21,163.00           |                        |
| 10.40                     | Property Taxes/Prior Unsecured         | \$ 190.00              |                        |
| 10.45                     | Property Taxes/Augmentation            | \$ -                   |                        |
| 10.50                     | Property Taxes/Penal & Cost Delinq Tax | \$ -                   |                        |
| 31.95                     | Fines, Forfeit, Penalties              | \$ 5,702.00            |                        |
| 42.01                     | Interest                               | \$ 46,854.00           |                        |
| 42.10                     | Rents                                  | \$ 48,349.00           |                        |
| 54.60                     | State Aid/HOPTR                        | \$ 357.00              |                        |
| 79.90                     | Other Revenue/Misc                     | \$ 40,306.00           |                        |
| 81.22                     | Operating Transfers In                 | \$ 1,415,956.00        |                        |
| <b>TOTAL REVENUE</b>      |  | <b>\$ 3,028,527.00</b> |                        |
| <b>EXPENDITURES</b>       |  | <b>Revenue</b>         | <b>Expenditures</b>    |
|                           | Personnel Costs                        |                        | \$ 185,835.00          |
| 12.00                     | Communications                         |                        | \$ 833.00              |
| 14.00                     | Household Expenses                     |                        | \$ 534.00              |
| 15.12                     | Public Liability Insurance             |                        | \$ 6,992.00            |
| 15.13                     | Insurance - Fire                       |                        | \$ 47.00               |
| 17.00                     | Maintenance-Equipment                  |                        | \$ 496.00              |
| 18.00                     | Maintenance-Bldgs & Impr               |                        | \$ 146,664.00          |
| 20.00                     | Membership                             |                        | \$ 2,790.00            |
| 22.70                     | Office Supplies                        |                        | \$ 2,780.00            |
| 22.71                     | Postage                                |                        | \$ 1,359.00            |
| 22.72                     | Book & Periodicals                     |                        | \$ 147.00              |
| 23.80                     | Services Professional & Specialized    |                        | \$ 34,888.00           |
| 23.90                     | Administrative Services                |                        | \$ 50,000.00           |
| 23.91                     | Intra-Div Svcs                         |                        | \$ 50,000.00           |
| 24.00                     | Publications & Legal Notices           |                        | \$ 1,317.00            |
| 27.00                     | Small Tools and Instruments            |                        | \$ 2,931.00            |
| 28.30                     | Special Dept. Supplies & Services      |                        | \$ 74,489.00           |
| 29.50                     | Transportation & Travel                |                        | \$ 3,397.00            |
| 30.00                     | Utilities                              |                        | \$ 8,935.00            |
| 38.00                     | Inventory Items                        |                        | \$ 7,187.00            |
| 42.10                     | Principal & Interest                   |                        | \$ 1,709,782.00        |
| 48.00                     | Taxes & Assessments                    |                        | \$ 1,603.00            |
| 52.10                     | Contrib Non-Co Govt Agencies           |                        | \$ 134,272.00          |
| 60.00                     | Land                                   |                        | \$ 31,210.00           |
| 61.60                     | Capital FA Buildings and Improvements  |                        | \$ -                   |
| 63.01                     | CIP-Roads                              |                        | \$ 35,807.00           |
| 63.09                     | CIP-sidewalks                          |                        | \$ 39,032.00           |
| 63.13                     | CIP-Buildings & Improv                 |                        | \$ 497,374.00          |
| 80.80                     | Legis & Admin. Operating Transfers     |                        | \$ (21,400.00)         |
| <b>TOTAL EXPENDITURES</b> |  |                        | <b>\$ 3,009,301.00</b> |

**Attachment 2**  
 Agency Housing Activities  
 (Section 33080.4/33080.7 Report)

This attachment contains information specifically required by California Health & Safety Code Sections 33080.4 and 33080.7 which are part of the California Redevelopment Law. This section is in a question and answer format. Questions are in bold, answers are either included as a chart, or in normal print.

Total number of non-elderly and elderly households, including separate subtotals of the numbers of very low income households, other lower income households, and persons and families of moderate income that were displaced or moved from their dwelling units as part of a redevelopment project during the previous fiscal year.

|             | INCOME CATEGORY | NUMBERS DISPLACED |
|-------------|-----------------|-------------------|
| NON-ELDERLY | MODERATE        | 0                 |
|             | LOW             | 0                 |
|             | VERY LOW        | 0                 |
|             | SUB TOTAL       | 0                 |
| ELDERLY     | MODERATE        | 0                 |
|             | LOW             | 0                 |
|             | VERY LOW        | 0                 |
|             | SUB TOTAL       | 0                 |
| TOTAL       |                 | 0                 |



Total number of non-elderly and elderly households, including separate subtotals of the numbers of very low income households, other lower income households, and persons and families of moderate income that the Agency estimates will be displaced or will move from their dwellings as part of a redevelopment project during the present fiscal year.

|             | INCOME CATEGORY | ESTIMATED NUMBERS TO BE DISPLACED IN FY 2009-10 |
|-------------|-----------------|---|
| NON-ELDERLY | MODERATE        | 0   |
|             | LOW             | 0   |
|             | VERY LOW        | 0   |
|             | SUB TOTAL       | 0   |
| ELDERLY     | MODERATE        | 1   |
|             | LOW             | 0   |
|             | VERY LOW        | 0   |
|             | SUB TOTAL       | 0   |
| TOTAL       |                 | 1   |

The total number of dwelling units housing very low income households, other lower income households, and persons and families of moderate income, respectively which have been destroyed or removed from the low- or moderate-income housing market during the previous fiscal year as part of a redevelopment project specifying the number not subject to Section 33413.

| Income Category |          | Numbers Destroyed |
|-----------------|----------|-------------------|
|                 | Moderate | 0                 |
|                 | Low      | 0                 |
|                 | Very Low | 0                 |
| Total           |          | 0                 |

Number not Subject to Section 33413 = 0

The total numbers of agency-assisted dwelling units which were constructed, rehabilitated, acquired, or subsidized during the previous fiscal year for occupancy at an affordable cost by elderly persons and families, but only if the units are restricted by agreement or ordinance for occupancy by the elderly, and by very low income households, other lower income households, and persons and families of moderate income, respectively, specifying those units which are not currently so occupied, those units which have replaced units destroyed or removed pursuant to subdivision (a) of Section 33413, and the length of time any agency-assisted units are required to remain available at affordable costs.

Specific Units Currently Not So Occupied: None

Replacement Units: None

Length of Required Affordability:

Rental Units ..... 55 years

Owner Occupied Units ..... 45 years



|             | Income Category | # of Units Constructed, Rehabilitated, Acquired, or Subsidized |
|-------------|-----------------|--|
| Non-Elderly | Moderate        | 0  |
|             | Low             | 0  |
|             | Very Low        | 0  |
|             | Sub total       | 0  |
| Elderly     | Moderate        | 0  |
|             | Low             | 0  |
|             | Very Low        | 0  |
|             | Sub total       | 0  |
| Total       |                 | 0  |

The total numbers of new or rehabilitated units subject to paragraph (2) of subdivision (b) of Section 33413, including separate subtotals of the number originally affordable to and currently occupied by, elderly persons and families, but only if the units are restricted by agreement or ordinance for occupancy by the elderly, and by very low income households, other lower income households, and persons and families of moderate income, respectively, and the length of time these units are required to remain at affordable costs.

|             | Income Category | # of Units New or Rehabilitated |
|-------------|-----------------|---------------------------------|
| Non-Elderly | Moderate        | 0                               |
|             | Low             | 0                               |
|             | Very Low        | 0                               |
|             | Sub total       | 0                               |
| Elderly     | Moderate        | 0                               |
|             | Low             | 0                               |
|             | Very Low        | 0                               |
|             | Sub total       | 0                               |
| Total       |                 | 0                               |

Length of Affordability period: Not applicable

The status and use of the Low & Moderate Income Fund created pursuant to Section 33334.3, including information on the use of this fund for very low income households, other lower income households, and persons and families of moderate income, respectively. If the Low and Moderate Income Housing Funds are used to subsidize the cost of onsite or offsite improvements, then the description of the agency's activities shall include the number of housing units affordable to persons and families of low or moderate income which have directly benefited by the onsite or offsite improvements.

Low and Moderate Income Housing funds were used for offsite improvements for the Eskaton Clearlake Oak Manor. The Eskaton Clearlake Oaks Manor will provide 22 affordable housing units to eligible seniors.

A compilation of the annual reports obtained by the agency under section 33418 including identification of the number of units occupied by persons and families of moderate income, other lower income households, and very low income households, respectively, and identification of projects in violation of this part or any agreements in relation to affordable units.

Not Applicable

The total amount of funds expended for planning and general administrative costs as defined in subdivisions (d) and (e) of Section 33334.3.

A total of \$10,748 was spent on planning and general administrative costs during FY 2007-08.

The total number of dwelling units for very low income households, other lower income households, and persons and families of moderate income to be constructed under the terms of an executed agreement or contract and the name and execution date of the agreement or contract. These units may only be reported for a period of two years from the execution date of the agreement or contract.

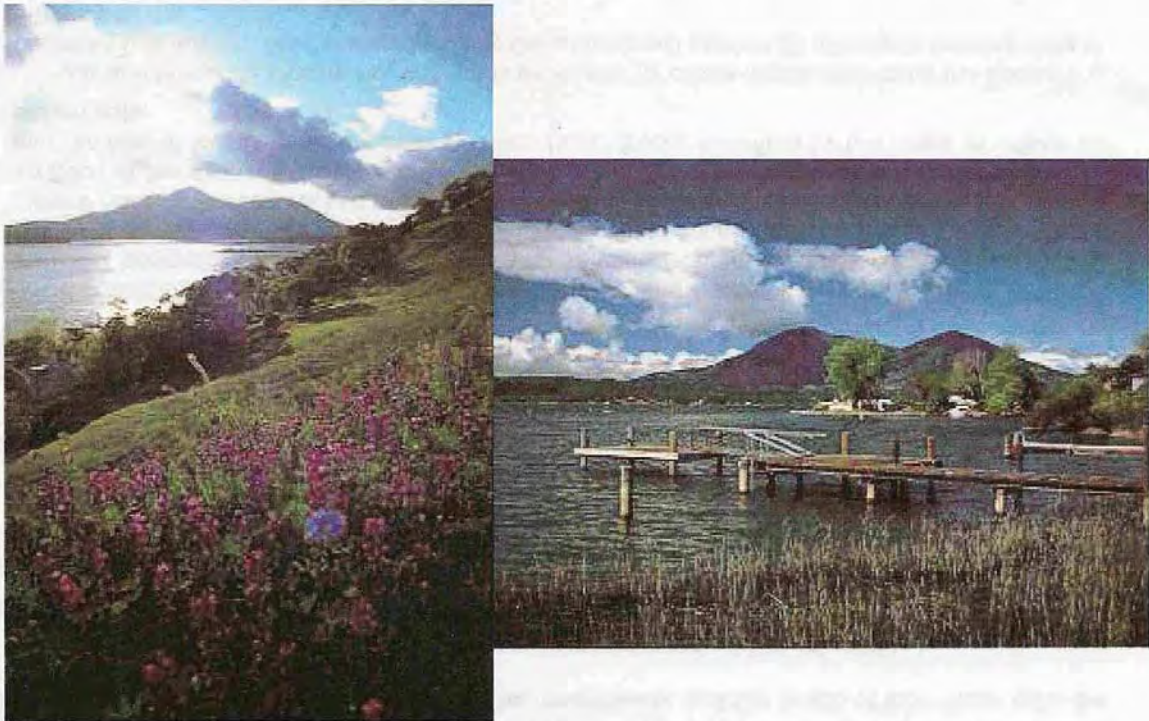
A Disposition and Development Agreement, dated July 15, 2008, with Eskaton Clearlake Oaks Manor provided a parcel located at 75 Lake Street in Clearlake Oaks to Eskaton Clearlake Oaks Manor in exchange for affordability covenants to be placed on 22 of the complex's 22 units. The Agency's investment in the project is approximately \$612,989.

The date and amount of all deposits and withdrawals of moneys deposited to and withdrawn from the Low and Moderate Income Housing Fund.

See Attachment 3

Section 33080.7 of the Community Redevelopment Law requires that the Annual Report shall include the amount of excess surplus which has accumulated in the Low and Moderate Income Housing Fund.

As shown on Attachment 3, the fund balance in the Low and Moderate Income Housing Fund as of June 30, 2008 was \$643,593 which is less than the definition of "excess surplus."



**Attachment 3**

Agency Housing Revenues and Expenditures, FY 2008-09

| Redevelopment Agency Housing Programs |   |                 |              |
|---------------------------------------|---|-----------------|--------------|
| Fund                                  | BU  | 08-09           |              |
| 938                                   | 5167.00   |                 |              |
| 7/1/2008                              | Beginning Cash                                  | \$ 643,593.33   |              |
|                                       | Revenue through                                 | \$ 645,688.00   |              |
|                                       | Expenses through                                | \$ 198,813.85   |              |
|                                       | Balance   | \$ 1,090,467.48 |              |
| Object Code                           | Vendor  | Receipts        | Expended     |
| <b>REVENUE</b>                        |   |                 |              |
| 10.10                                 | Property Taxes/Current Secured                  | \$471,446.00    |              |
| 10.15                                 | Property Taxes/ERAF AB 1661                     | \$0.00          |              |
| 10.25                                 | Property Taxes/Supp 813 Current                 | \$16,747.00     |              |
| 10.35                                 | Property Taxes/Supp 813 Prior                   | \$7,054.00      |              |
| 10.40                                 | Property Taxes/Prior Unsecured                  | \$63.00         |              |
| 10.50                                 | Property Taxes/Penal & Delinq                   | \$0.00          |              |
| 31.95                                 | Fines, Forfeit, Penalties                       | \$1,901.00      |              |
| 42.01                                 | Interest  | \$12,397.00     |              |
| 54.60                                 | State Aid - HOPTR                               | \$119.00        |              |
| 56.30                                 | Other Govt Agencies/Other                       | \$0.00          |              |
| 79-94                                 | Release of Liens                                | \$145,000.00    |              |
| 80-92                                 | Loans/interim financing/advance from other fund | \$330,961.00    |              |
| 80-93                                 | Loans/interim financing/advance to other fund   | -\$340,000.00   |              |
|                                       | Total   | \$645,688.00    |              |
| <b>EXPENDITURES</b>                   |   |                 |              |
| 22.71                                 | Postage   |                 | \$19.85      |
| 23.80                                 | Prof & Spec Svcs                                |                 | \$7,753.00   |
| 23.90                                 | Administrative Services                         |                 | \$10,728.00  |
| 23.91                                 | Prof & Spec Svcs-Intra-Div Services             |                 | \$7,000.00   |
| 24.00                                 | Publications/Legal Notices                      |                 | \$0.00       |
| 29.50                                 | Transportation & Travel                         |                 | \$0.00       |
| 30-00                                 | Utilities                                       |                 | \$174.00     |
| 57.07                                 | Home Rehab                                      |                 | \$19,999.00  |
| 57.08                                 | Assistance/Home/Rental Loans                    |                 | \$174,406.00 |
| 60.00                                 | Land  |                 | \$0.00       |
| 80-80                                 | Interfund Transfers                             |                 | -\$21,266.00 |
|                                       | TOTAL   | \$645,688.00    | \$198,813.85 |

## Attachment 4

### Agency Owned Properties Report

Section 33080.1 (f) of the Community Redevelopment Law requires the Agency's annual report to contain a description of property owned by the Agency.

Acquired prior to FY 2007-2008

| APN                             | Address/Zoning                                | Description  | Date Acquired     | Cost        | Remarks  |
|---------------------------------|---|--|-------------------|-------------|--|
| 032-111-33                      | 3478 Boggs Ave<br>Nice<br>CI-DR               | Parcel had a vacant dilapidated Mobile Home                  | June 4, 2004      | \$84,433    | Acquired as part of Town Square Development. Mobile Home remains were removed.   |
| 034-121-07                      | 6195 E. Hwy 20<br>Lucerne<br>R3               | Lakefront parcel with 5 cabins                               | Jan. 6, 2005      | \$331,564   | Used as a Private Resort when purchased. To be used as "Harbor Village" retail outlet.                                       |
| 034-191-15                      | 6273 E. Hwy 20<br>Lucerne<br>R3               | Single-wide mobile home on parcel with 50 feet of lakefront. | Aug. 2, 2005      | \$342,499   | Acquired as part of Promenade project. Previously used as second residence.  |
| 034-081-03                      | 6005 E. State<br>Highway 20<br>Lucerne<br>R3  | 3-Story residential home along the lake shore.               | March 30, 2007    | \$570,000*  | The "Blue Monster" was demolished to make way for the 3 <sup>rd</sup> Avenue Plaza   |
| 035-143-54                      | 12513 The Plaza<br>Clearlake Oaks/<br>PDC     | Small wood-framed structure converted to a residence.        | July 17, 2007     | \$147,500   | For use as off-street parking, in the future may be used as an extension of nearby Senior Center.                            |
| 035-231-49                      | 75 Lake Street<br>Clearlake Oaks/<br>C2       | Large parcel with single-wide commercial mobile.             | October 23, 2007  | \$560,000   | Acquired for use as senior housing, developed by Eskaton.  |
| 035-240-03                      | 12565 E. State<br>Highway 20, Clearlake Oaks/ | Blighted mobile home park near downtown Clearlake Oaks       | December 17, 2007 | \$500,000   | Acquired to eliminate blight and will serve as a County park. In the future the parcel may be used for a marina-related use. |
| 032-133-35<br>and<br>032-137-01 | 3605 Lakeshore<br>blvd., Nice/PDC             | Blighted RV and Mobile Home Park with a 134 slip marina.     | June 18, 2008     | \$2,000,000 | Acquired to market to a developer for an economic stimulus project.  |

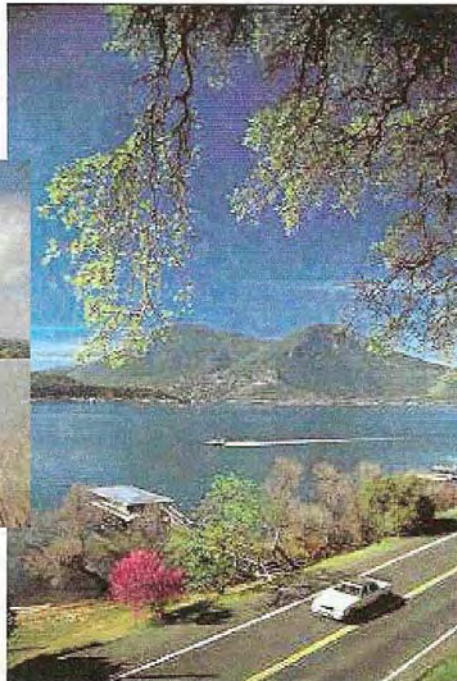
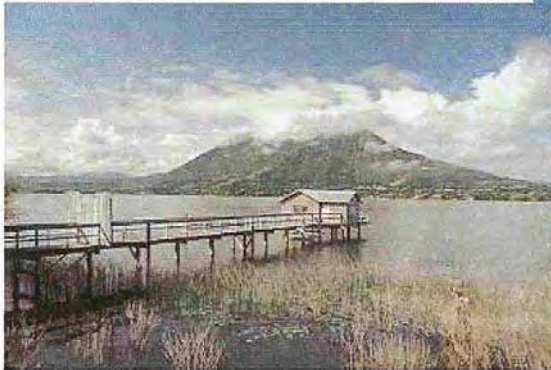
\*The Redevelopment Agency's contribution to the purchase was \$168,489.

The Agency acquired approximately 80 paper subdivision parcels in fiscal year 2008-09. These parcels are all vacant and located in the hills above Nice and Lucerne. Specific information regarding these parcels will be made available upon request. The Agency acquire the properties below during fiscal year 2008-09.

| APN                             | Address/Zoning               | Description  | Date Acquired | Cost     | Remarks   |
|---------------------------------|------------------------------|--|---------------|----------|---|
| 035-143-14<br>and<br>035-143-15 | 12501 the Plaza<br>CLO<br>CI | Current parking lot site for adjacent Methodist Church | June 4, 2004  | \$30,000 | Acquired for future reconstruction of the Live Oak Senior Center. |

**Attachment 5**  
Fiscal Statement per Section 33080.5

|   |             |
|---|-------------|
| The amount of outstanding indebtedness of the Agency .....  | \$4,074,319 |
| The total amount of payments required to be paid on<br>existing indebtedness for 09/10 fiscal year..... | \$470,257   |
| The amount of tax increment revenues generated in the Agency.....                                       | \$2,431,945 |
| The amount of tax increment revenues paid to,<br>or spent on behalf of, a taxing agency.....            | \$0         |



# Lakeport City Council Oversight

## **Summary:**

Attendance by the Government Services Committee finds the Lakeport City Council conducting business in a professional manner. A new City Manager has been hired.

## **Background:**

The Government Services Committee of the Grand Jury attended a meeting of the Lakeport City Council March 17, 2010. This is a mandatory annual oversight by the Grand Jury.

Incorporated in 1888 as a town, Lakeport became a city in 1952. It is a general law city with a city council/city manager form of government. Five members are elected to the council with the mayor elected from within.

The City of Lakeport is a provider of a wide range of services and utilities, which include administration, planning, building, engineering, street maintenance, storm drainage, parks and recreation, police services, economic development, housing, nuisance abatement, and water and sewer services (CLMSD). It employs 50 persons with the largest department being Lakeport Police. Fire protection is provided by the Lakeport County Fire Protection District.

## **Methodology / Procedure:**

The Lakeport City Council meets the first and third Mondays of the month at 6 p.m. in the Council chambers.

The committee observed a session of the Council and followed an agenda which took about two hours. The meeting was presided over by the Mayor with all members in attendance. Also attending were the City Attorney, Acting City Manager and Police Chief, Department heads and staff. The audience consisted of spokespersons for agenda items, members of the public and journalists from the local media.

During one item the Mayor asked to be excused from the chambers citing a conflict of interest regarding the item on the agenda. This is correct behavior in accordance with California law (the Brown Act). A closed session was held for personnel purposes.

Discussions were well mannered, Council members were vocal and members of the public were given ample time to speak.

**Facts:**

- At the meeting attended decorum was maintained and the agendized business of the City was conducted in a timely manner.
- No financial statement was offered to the members of the audience.
- Supporting information was not provided to the public.
- Closed session was stated to be consideration of the hiring of a new permanent City Manager.

**Findings:**

- F1. The Lakeport City Council meeting was professional and informative.
- F2. The public may be interested in the financial position of the City.
- F3. Supporting documents containing staff reports would be helpful to the public.
- F4. A new City Manager has been hired.

**Recommendations:**

- R 1. Provide supporting and financial documents for the public at City Council meetings. (F2, 3)

**Agency/Department(s) Required to Respond:**

- Lakeport City Council (90 days)

# Public Defender Oversight

## Summary:

The Government Services Committee of the Lake County Grand Jury recommends Lake County Public Defender Oversight Committee (LCPDOC) review written, not oral, reports from Lake Legal Defense Services LLC (LLDS) (the contract indigent public defender service for Lake County Superior Courts) in order to document contract compliance and ensure adequate representation of clients.

## Background:

The Government Services Committee of the Grand Jury conducted an extensive oversight of the current provision of services by the contract Public Defender, Lake Legal Defense Services LLC. An appointed Oversight Committee recommended by the 2004/2005 Lake County Grand Jury was seated in November 2005 to assist in the provision of legal services to indigent clients of the Superior Court.

## Methodology / Procedure:

The Committee reviewed the provision of Lake County indigent defense service which is mandated by CA Penal Code sections 686, 859, 982.2 and 987; Government Code sections 27700 and 27706; Welfare and Institutions Code sections 317, 500, 5465 and 6500; Probate Code section 1470 et seq.

Current and previous Public Defender contracts were scrutinized. Interviews were held with County Administration, members of the Lake County Public Defender (LCPD) Oversight Committee appointed by the Board of Supervisors (BOS), LLDS contractor, a former subcontracting attorney, selected inmates of Hill Road county jail facility, jail personnel and Lake County Board of Supervisors. County contracts for telephone service for in-custody inmates were questioned.

Reporting documents submitted to the County by the contractor were inspected, representative statistics were tabulated (\*see attached) and documents of the Oversight Committee were examined.

Government Services Committee visits included court proceedings, the county jail, a meeting of the Oversight Committee, County Administrative Office (CAO) staff and the Board of Supervisors (BOS).

**Facts:**

- Lake County has an agreement with Lake Legal Defense Services which provides for Public Defender services through independent contractors.
- Public Defenders are appointed by the courts to represent indigent clients.
- In 2005 Lake Legal Defense Services LLC (LLDS) was selected from six proposals to provide these services to Lake County.
- The total PD budget amount for 2009-2010 (Budget Unit 2111) is \$1,057,020 with the contracted amount of \$892,500 paid to LLDS in equal monthly payments.
- Twelve attorneys, two investigators and a translator are subcontractors of LLDS.
- A confidentiality clause in their LLDS contract prohibits subcontractors from discussing their rate of pay.
- The LLDS contract allows for financial reports when requested by the County. None have been requested or provided.
- An oversight committee recommended by the 2004/2005 Lake County Grand Jury was appointed in November 2005.
- According to the Oversight Committee bylaws the make-up of the seven member committee appointed by Lake County BOS is: two members of the general public, two members of the BOS, one county administrator or designee, one representative of the courts and one local attorney who is a member of the CA bar, does not take indigent clients and is not employed by the County of Lake.
- Although provisions for new member appointments are stated in the by-laws, there has been no change in the persons on the committee since its inception.
- According to the by-laws, the purpose of the Oversight Committee is to monitor and oversee the Public Defender Program. "The Committee will receive and review reports on the County's Public Defender program, discuss the program's performance and ability to meet the needs of the County, the courts and those who utilize the services." The Committee "would make recommendations regarding the operation of the program and recommend changes that are in the best interest of the program".
- The contract calls for monthly reports of the subcontractors' statistics documenting services and hours.

- Reports are submitted to a County administrative staff member who files them in binders.
- Reports are reflective of caseload, timeliness of providing client service and compliance with CA law outlining professional and legal requirements.
- Government Services Committee members reviewed 18 representative months of reports from November 2005 through January 2010. (41%)
- Reports have not been submitted in uniform format.
- Many of the subcontractors' reports submitted by LLDS to the Oversight Committee are incomplete, unintelligible or delinquent. Some are nonexistent.
- In November 2009 bound reports for the months of January through June of 2009 were incomplete and the rest of the year was missing.
- Most of the 2009 reports were submitted in mid December.
- Reports for December 2009 and January 2010 were received by the committee in February 2010 in a new standardized form.
- Evaluation criteria for subcontractors was presented to County Administrative staff in February 2010.
- Most subcontractors' reports are not signed.
- Charts of the reviewed statistical months are inserted at the end of this report. \* (Charts show the number of attorneys for a given month, the percentage of required data showing timeliness of contacts and/or adequacy of reports.)
- The Oversight Committee stated they had not reviewed any of the written reports that were submitted.
- The monthly reports from the contractor were presented to the Oversight Committee orally.
- Minutes of the meetings did not include the reports of the contractor.
- The Oversight Committee evaluates contract performance and compliance.
- BOS receives a yearly report from the Oversight Committee.
- BOS as a body have not reviewed any reports from the contractor.
- BOS relies on incidental information from the two members of the BOS appointed to the Oversight Committee.

- Members of the BOS and Oversight Committee stated to the Government Services Committee of the Grand Jury: "It is better than it was." "We have had no complaints." "Tell us what you are looking for."
- Newer members of the BOS stated they had little knowledge of the Lake County Public Defender Oversight Committee or its function.
- Grand Jury complaint forms were unavailable in the jail.
- Some indigent clients stated they did not complain or file grievances because of fear of retaliation.
- Several of the incarcerated indigent clients stated they had difficulty reaching their attorneys by phone due to having to make collect calls, attorneys having no answering machines or the inability of the attorney to receive calls at particular times of the day.
- A new contract for phone service at the jail allowed only collect calls which need to be accepted by a live person.
- Jail administration unblocked attorneys' numbers in February 2010 after Grand Jury inquiry.
- A person must still accept the call from the inmates and no answering machine is available if the attorney is not in the office.
- Grand Jury report in 2004/05 recommended toll free access via 800 (866, 877) numbers for attorneys.
- Only two attorneys had toll free numbers.
- Attorney lists were out of date or not posted near some of the telephones
- Phone numbers of six bail bondsman services, torn from the local telephone book, are posted on a bulletin board in the booking area of the jail.
- A list of eleven bail services is posted near the phone in one pod.
- One of the appointed LCPD Oversight Committee members is an active local bail bondsman.
- Several inmates stated they often did not know the progress of their cases.
- Some PD attorneys make few or no jail visits evidenced by jail logs of 2009/2010, reviewed by the Government Services Committee.
- Perusal of jail logs is the only way to track attorneys' visits with their in-custody clients there.

- Total court cases: (2009)

|              | Total | PD cases: | Private attorney cases: |
|--------------|-------|-----------|-------------------------|
| Misdemeanors | 2525  | 2306      | 289                     |
| Felonies     | 920   | 746       | 174                     |
| Juvenile     | 122   | 115       | 7                       |

- Public Defenders are assigned by the judge at time of arraignment (within 72 hours of arrest if in-custody, five days if out-of- custody).
- Economic eligibility is substantiated before assignment by the treasurer/ tax collector’s office. Defendants fill out financial statements.
- In-custody indigent defendants do not have advice of attorney until their arraignment.
- Attorneys often converse with their in-custody clients without privacy, usually in the jury box.
- Attorneys often converse with out-of-custody clients in the hallways with little or no privacy.
- A small conference room for out of custody clients recommended by the 2007/08 Grand Jury has been completed.

**Findings:**

- F1. Reports from the contractor (LLDS) are oral to the Lake County Public Defender Oversight Committee.
- F2. Annual recommendations from the LCPD Oversight Committee are supported by personal opinions and not by verified factual written documentation.
- F3. New standardized reporting forms were used by LLDS in December 2009 and January 2010.
- F4. Evaluation criteria for subcontractors have now been submitted to the CAO staff by LLDS.
- F5. LLDS does not supply written reports of jail visits by subcontracting attorneys.
- F6. The County has not requested or received any financial statements from LLDS.
- F7. Some members of the BOS stated they know little about the PD performance.

- F8. Sections of the LLDS PD contract appear to need stricter oversight by County Administration to provide mandated Public Defender services.
- F9. Client/Attorney confusion exists in some courtrooms due to the Public Defenders speaking with their clients at arraignment without privacy, usually in the jury box. This was observed by the Government Services Committee during visits to the Superior Court sessions.
- F10. A private room for attorney conferences with out-of-custody clients has been completed as suggested by prior Grand Jury reports.
- F11. The same members have been on the Oversight Committee since its inception in November 2005.
- F12. Inmates can only reach their attorneys by telephone when there is a person to accept the call; therefore, no messages can be left.
- F13. Phone numbers of bail bondsmen and public defenders are posted in a manner that inmates cannot easily see.
- F14. Some CA counties have a Department of Public Defender.

**Recommendations:**

- R 1. Revise by-laws of the Lake County Public Defender Oversight Committee to require all reports to be in writing at specific intervals (monthly, quarterly) for review. (F1, 2)
- R 2. Include written reports of the contractor's performance with committee's annual report to BOS. (F7)
- R 3. Review the existing contract with LLDS for compliance of contractor and subcontractors in provision of mandated services. (F3, 4, 5, 6, 7, 8)
- R 4. Explore space arrangements that would accommodate private conferences between in-custody defendants and their attorneys. (F9, 10)
- R 5. Rotate appointment of the BOS representatives on the Lake County Public Defender Oversight Committee annually. (F7, 11)
- R 6. Recruit new members of the LC PD Oversight Committee. (F11)
- R 7. Require contractor LLDS provide a central answering service to guarantee phone access to Public Defenders for inmates. (F12)
- R 8. Post current phone numbers of attorneys and bail bondsmen in convenient locations near the phones. (F13)

R 9. Explore the feasibility of creating a Lake County Office of Public Defender. (F14)

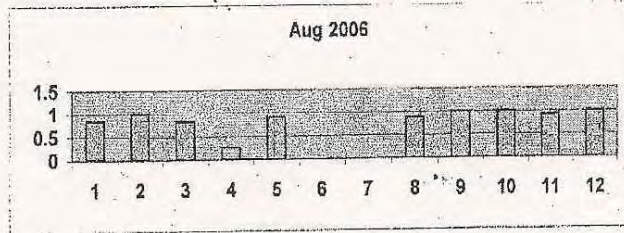
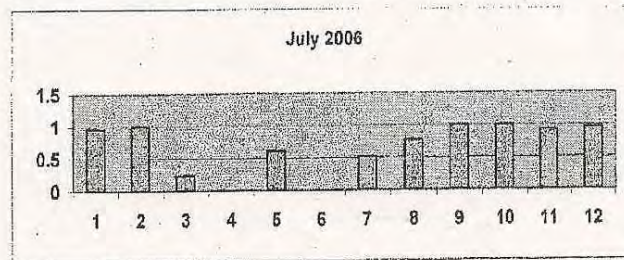
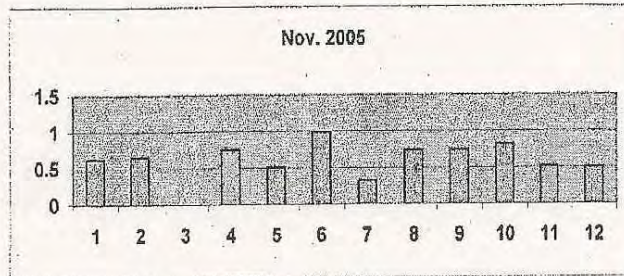
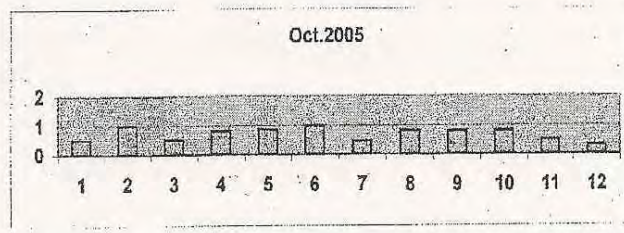
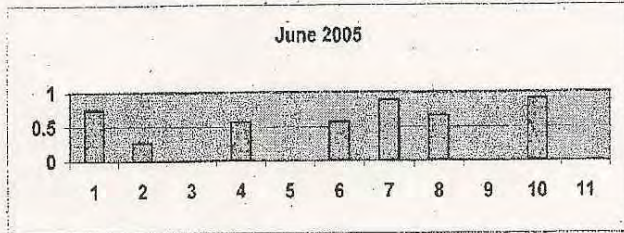
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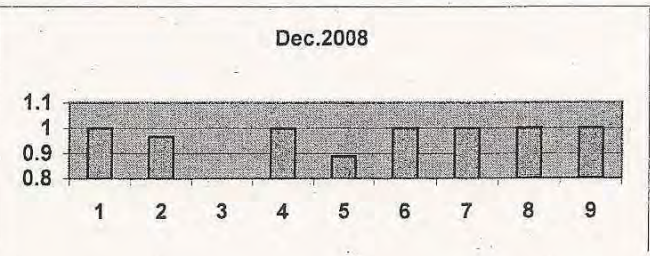
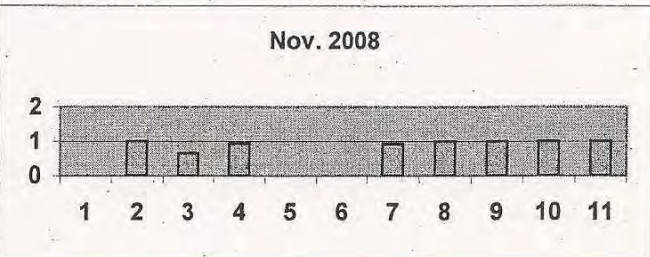
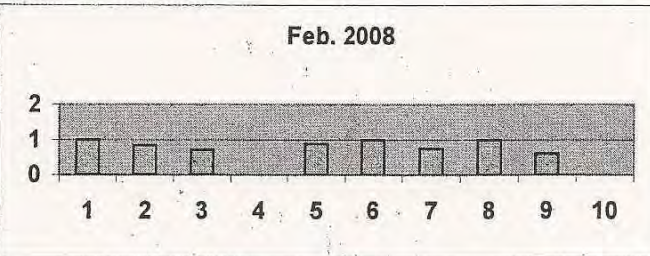
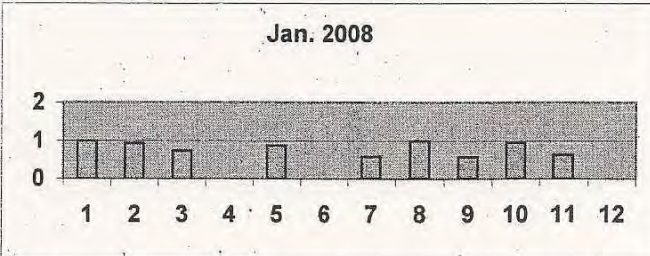
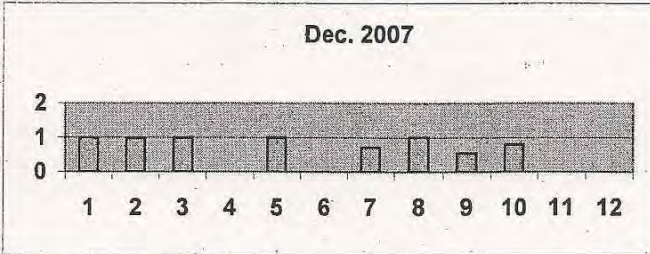
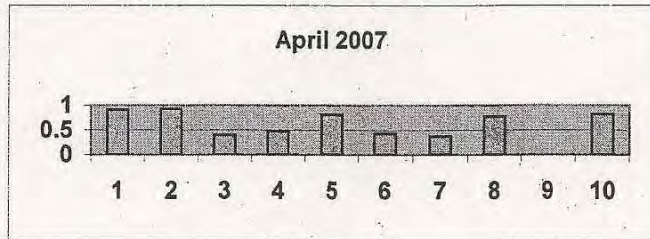
- Lake County Sheriff (90 days)
- Board of Supervisors (90 days)

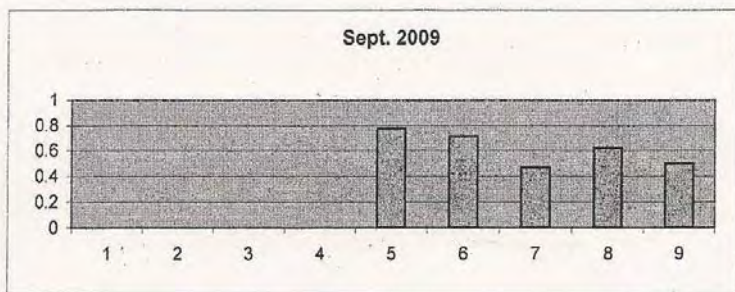
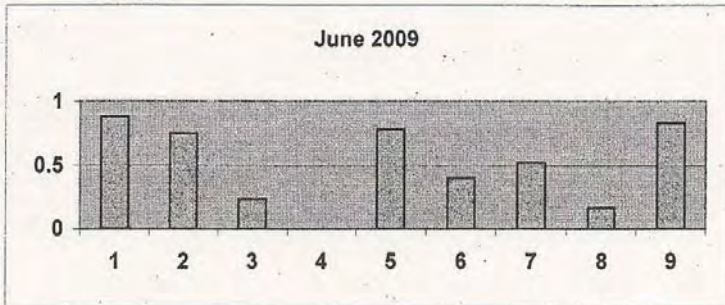
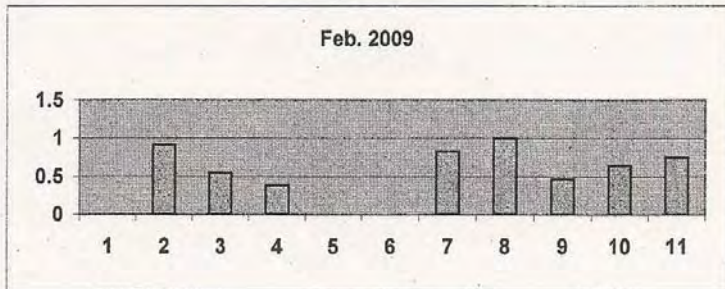
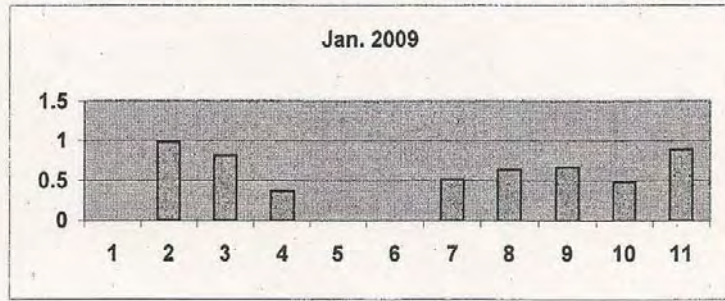
**\*Key to performance graphs**

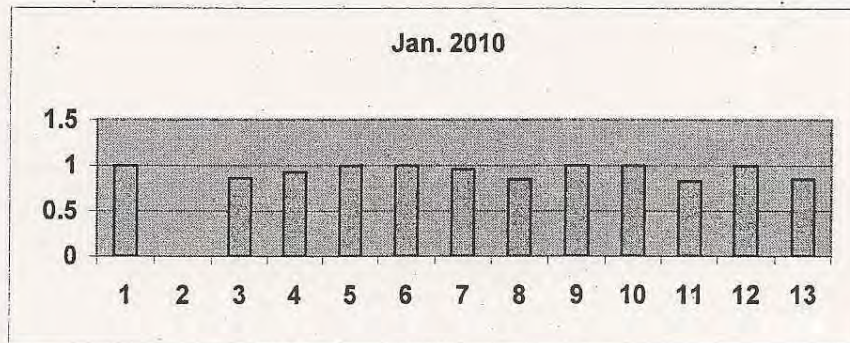
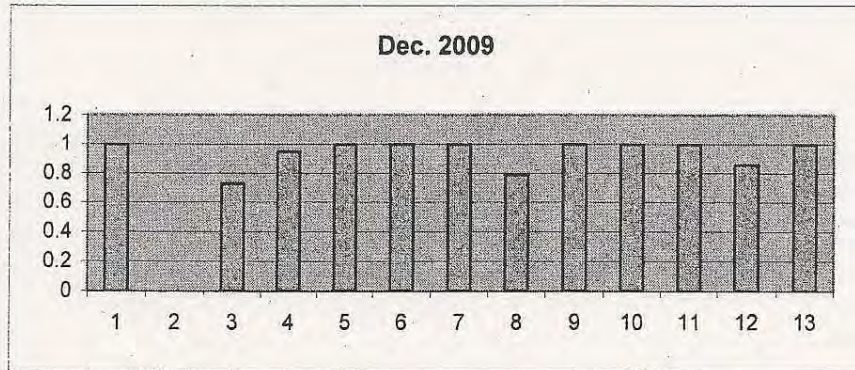
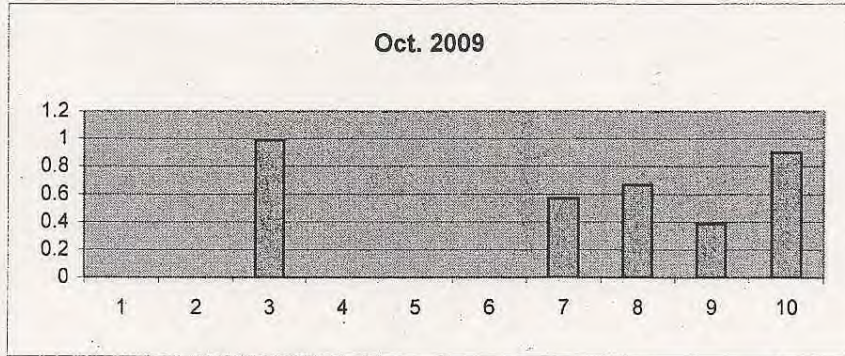
The attached graphs illustrate the number of attorneys contracted for a particular month (range 9 - 13) listed across the bottom of each month's graph. Each bar shows the percentage of required data showing timeliness of contacts and/or adequacy of reports for each attorney (Range 0 - 1).

# Attorneys' Performance Percentage











# Health and Human Services Committee

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# Alcohol and Other Drug Services Oversight

## Summary:

Alcohol and Other Drug Services (AODS) stated mission is to prevent and address alcohol and drug related problems by promoting community responsibility for an environment free of alcohol misuse and drug abuse.

## Background:

The AODS program provides a wide range of services for alcohol and drug abuse prevention, intervention, and treatment in Lake County. The program also collaborates and contracts with local provider agencies, implements policy established by or recommends policy to the Board of Supervisors. Confidential services are provided to all individuals.

This program is currently licensed to provide outpatient driving under the influence (DUI) programs. Additional programs for inpatient, detoxification, residential, and day care, as well as perinatal and transitional programs are provided through contractual arrangements.

## Methodology / Procedure:

The Health and Human Services Committee conducted an oversight visit of the (AODS) program at their office on 991 Parallel Drive in Lakeport. In August 2009, the committee members met with officials from the Mental Health Department and AODS. A tour was conducted of the Lakeport facility followed by an interview session with members of the administration.

## Facts/Findings:

1. On June 2, 2009 a biennial certification compliance review was conducted by Licensing and Certification, California Department of Alcohol and Drug Programs. An inspection of the facility premise and a review of policies, procedures, staff and client files were conducted for compliance with California Alcohol and/or Other Drug Programs Certification Standards. No deficiencies were noted during the compliance review.
2. AODS currently has 21.5 full-time equivalent positions. This is a reduction from the prior fiscal year permanent positions by 2.0 due to a decrease in revenue from the state.

3. Specialized services are provided by:
  - a. New Beginnings – Perinatal, day care, habilitative, and a transitional living center for pregnant women.
  - b. Ford Street Detoxification Services.
  - c. Hill Top Recovery – 30 to 90 day residential treatment program.
4. Friday Night Live and Club Live are alcohol and drug prevention programs initiated in schools for which AODS provides start up money in the form of mini-grants. \$3000.00 per year is allocated for these programs. There are currently five programs in Lake County and a grant is being considered for a sixth program.
5. AODS receives monies from both the State and Federal governments as well as grants from several other sources. They do not rely on monies from the county.
6. Client fees provide approximately \$330,000 of their nearly \$2 million budget.
7. They consistently perform within their budget.
8. During Fiscal year 2008/2009, a total of 756 clients were seen
9. The Team DUI program for underage drinking shows 65% of first offenders have not re-offended within seven years according to statewide statistics.

**Recommendations:**

None

# Adult Protective Services Oversight

## Summary:

Adult Protective Services acts as a virtual shield, created to protect the elderly population of Lake County from elder abuse and neglect whether it be physical, mental or financial that may come from children, neighbors or relatives.

## Background:

The Adult Protective Services programs are designed to protect and assist, regardless of income, dependent adults and adults 65 years of age and older who are victims of neglect, abuse or exploitation.

The Adult Services Division of the Department of Social Services is divided into three components; Public Guardian/ Administrator, Adult Protective Services (APS) and In-Home Supportive Services (IHSS).

The Public Guardian serves as the court appointed conservator for adults who are determined to be gravely disabled due to mental or medical illness and as a result are unable to provide for their own needs. If there is no family member able to manage the conservatorship, the Public Guardian is responsible.

The Public Administrator duties are to protect the assets of decedents when no executor or administrator has been appointed to the estate, when property belonging to the person's estate is at risk of loss, damage or misappropriation or when ordered to by the Court.

IHSS provides in-home services to qualified seniors under the direction of the IHSS Authority.

APS has 24-hour on-call staff that responds to concerns of suspected elder abuse or neglect. Reports of suspected abuse are screened by a social worker to determine if there is sufficient evidence to warrant an in-person investigation. If there is sufficient evidence, a social worker determines if an investigation needs to occur immediately or within 10 days.

Upon completion of the investigation, APS staff evaluates the facts, completes a case plan and arranges for services such as advocacy, counseling, money

management, out-of-home placement, protective services or conservatorship. Each case plan is based on the needs of the individual.

APS staff works with the District Attorney's Vertical Prosecution unit, law enforcement, the Public Guardian/Public Administrator's office and community-based agencies to obtain the appropriate services.

### **Methodology / Procedure:**

In December 2009 the Health and Human Services Committee conducted an informative oversight of APS, a program administered by the Lake County Department of Social Services, at their offices on Anderson Ranch Parkway in Lower Lake. The Committee interviewed the members of the administrative staff to discuss the elements of the program.

### **Facts:**

- APS is a program within Social Services that responds to reports of suspected elder abuse. (Physical, mental or financial).
- Reports are confidential and usually come from neighbors or friends.
- Meals on wheels delivery drivers also have made APS referrals.
- APS referrals can be made anonymously.
- The abused person must agree to participate and has the right to refuse APS services.
- APS provides crises intervention services for the abused elderly and "dependent adult" population and refers them to appropriate agencies for services.
- APS personnel consist of two social workers and one aide.
- APS receives an average of about fifty referrals a month.
- APS investigates and refers many types of abuse to an appropriate agency.
- Abuse of a criminal nature is referred to law enforcement.
- In cases of severe abuse, the abused party may be removed from the home and moved to a facility for care and treatment.
- The requirements for APS services are that the abused person must be sixty-five years of age or a "dependent adult" who is unable to care for his/her self and in need of assistance.

- The circumstances for conservatorship must be severe and require a physician's recommendation. A judge ultimately makes the decision after due process.
- APS utilizes a system called "Ageing Adult Client Tracking System" (AACTS), a relatively new system and AACTS has greatly improved the ability to keep track of clients.

**Findings:**

- F1. Even though APS is only a referral service it has far reaching effects that insure the vital protection of Lake County's elderly and disabled population.
- F2. The current economic down turn has not affected the services.
- F3. Cuts in State funding have not affected the service.
- F4. Better reporting from friends, family and neighbors could improve APS ability to provide services more expeditiously.
- F5. Because of confidentiality requirements, persons reporting elder abuse or neglect cannot be informed of the results of the investigation.

**Recommendations:**

- R 1. The Director of Social Services should provide a public interest article about APS to the media (online and printed newspapers, TV 8 and the Social Services website) to inform concerned citizens how they can help APS provide services to clients in a more expeditious manner. (F4)

**Agency/Department(s) Required to Respond:**

- Social Services Director via the Board of Supervisors (90 Days)



# Environmental Health Oversight

## Summary:

Lake County Environmental Health, a Division of the Lake County Health Department, has a basic mission to protect the people of Lake County through education and the enforcement of State health laws.

## Background:

The Environmental Health Division is located on Bevins Court in the city of Lakeport. The Director has been with the Division since 1985 including eight years as Director. The Division has 14.5 positions which include a Financial Director.

The Division is funded by a combination of funding sources. Currently, Environmental Health does not receive any money from the County General Fund. Approximately 55% of funds are collected from fees charged to regulated businesses and from permit services. Approximately 35% of funds come from public health realignment funds that come to local government from the State Vehicle License Fund. Approximately 10% of funds come from special grant projects such as the Food and Drug Administration (FDA) for food safety and the California Environmental Protection Agency (EPA) for above-ground petroleum storage safety inspections. The fiscal year budget for 2009-2010 is \$1,258,193.

The Division provides numerous services to the people of Lake County to include the following:

- Food sanitation inspection.
- Recreational swimming safety inspection.
- Land development inspection.
- Hazardous material inspection.
- Septic tank inspection.
- Solid waste management.
- Public water system inspection.
- Vector control.
- Tattoo parlor inspection and licensing.
- Control and inspection of emergency response and complaint response.

The mandate and authority to implement these programs comes from Chapter 9 of the Lake County Code and from the state Health and Safety Code.

## **Methodology / Procedure:**

In November, 2009 after reviewing requested documents, the Health and Human Services Committee of the Grand Jury conducted an oversight visit by interviewing members of the administrative staff at their offices on Bevins Court in Lakeport. The different notes of the committee members were compared for duplication and accuracy and were used to compile this report.

## **Facts:**

- The Division keeps files of permits, inspections, emergency complaint responses and the resolutions for them.
- Permits are required for all food operations. Restaurants, markets, non-profit groups, and organizations are inspected for sanitation wherever food is stored, handled, prepared, and cooked.
- Restaurants are inspected three times annually and as needed.
- Markets are inspected twice annually and as needed.
- Non-profits and organizations open to the public are inspected annually.
- Permit costs are discounted for non-profit organizations and temporary events.
- Employees that conduct inspections for weekend events receive compensatory time instead of overtime.
- A permit and registration fee is required for body piercing and tattoo parlors.
- Safety and water chemistry permits are required for public swimming pools and spas.
- During summer months, the Division analyzes water quality samples from public beach areas approximately one week before Memorial Day, The Fourth of July and Labor Day.
- Permits are required for septic systems, including site evaluation, tank size and construction.
- Permits are required for garbage company's solid waste storage and disposal.
- The Lake County Division of Environmental Health includes the Certified Unified Program Agency (CUPA) that deals with hazardous wastes and

responds to hazardous waste emergencies. The agency also assists other Federal, State, County, city, and private agencies.

- The Division inspects and issues permits to hazardous waste generators and inspects onsite treatment, onsite handlers, above ground, and underground storage tanks in accordance with the California Health and Safety Code.
- Companies determined by the Lake County Health Department to have caused hazardous material spills are required to pay the cost of clean-up.
- When Environmental Health performs a “private property clean-up” and the hazard was not caused by the property owner, the cost for clean-up is paid by the county through a special account.
- Grant money for hazardous clean-up comes from the State.
- No permit is required for a residential water connection to a community water system.
- The Division handles public health risk situations, nuisance and health code compliance complaints.
- Permit fees range in price from \$34 per practitioner for body art establishments to \$1,749 for large hazardous materials storage facilities.
- The list of fees is extensive. A complete schedule of fees can be obtained from the Environmental Health Division.

### **Findings:**

- F1. The Environmental Health Division effectively enforces California State Health laws to guarantee environmental and health safety for the people of Lake County.
- F2. Application forms for permits and inspections are well developed, comprehensive and readily available.
- F3. The Division uses scheduled inspections and various priced permits appropriately.
- F4. Employees receive compensatory time instead of overtime as a cost saving measure.
- F5. Division budget documents were reviewed that indicated the Division was well within budget. This was confirmed by County budget reports.

### **Recommendations:**

None



# In-Home Supportive Services Oversight

## Summary:

The Health and Human Services Committee conducted an elective oversight of In-Home Supportive Services (IHSS).

## Background:

IHSS is a Federal Program that was established in 1973. It is designed to provide domestic and personal care services to low-income, aged, blind or disabled persons who, without these services, would be unable to remain in their homes and would require placement in costlier long-term institutional care. The Federal, State and County governments provide funding for the IHSS program. In order to be eligible to receive IHSS services, the applicant must be eligible for Medi-Cal. Once Medi-Cal eligibility has been established, an IHSS Social Worker meets with the applicant to assess their physical and/or mental limitations. If the applicant qualifies for the program services, the Social Worker determines the necessary services and the number of service hours. IHSS coordinates care and support for the individual's needs. In home caregivers perform a variety of tasks including personal hygiene, housekeeping, laundry, cooking, shopping, and transportation.

The client hires the provider of these services. The provider may be either a person known to the client, such as a family member or friend, or a person selected from the IHSS registry maintained by the IHSS Public Authority. The IHSS Public Authority is the employer of record for the purposes of negotiating with the union that represents the IHSS registry providers in regards to wages, benefits and working conditions. IHSS employees must join the union or pay a fair share fee after employment. However, the client is considered the employer of the provider, signing their time cards and verifying their hours of work. The Board of Supervisors is the Board of Directors for the Public Authority.

The IHSS Public Authority maintains a registry of screened providers and offers training to providers and clients. IHSS staff provides a referral system to match IHSS providers with clients needing assistance finding a provider. The screening process for potential providers includes completing an application for registry status, providing a picture identification, and social security card. The provider must also pass a criminal background check and attend a mandatory orientation.

Who is the IHSS employer? The recipients of provider services are the employers for selecting, hiring and firing their IHSS provider. The State of California is the employer for the purpose of paying for hours worked and providing certain benefits (disability, unemployment, workers compensation, and social security benefits). The IHSS Public Authority is the employer representative for collective bargaining with the union regarding IHSS provider wages, benefits, and other terms and conditions of employment.

Lake County also has an IHSS Advisory Committee that provides ongoing advice and recommendations regarding the IHSS program to the Board of Supervisors and any administrative entity in the County that is related to the delivery and administration of IHSS. The IHSS Advisory Committee consists of 11 members of whom at least 50% are current or past recipients of personal assistance paid through public or private funds. The IHSS Advisory Committee's membership must be composed of four senior citizen consumer representatives, two disabled consumer representatives, two senior community representatives, one disabled community representative, and two IHSS provider representatives. The IHSS Advisory Committee members are appointed by the Board of Supervisors to a two year term and may be appointed to a subsequent term at the desire of the Committee members and the approval of the Board of Supervisors.

In 2009 statewide news articles reported substantial IHSS fraud in the millions of dollars. Recent estimates from the Governor's Office indicate an estimated 25% fraud rate amongst IHSS providers. The State Department of Health Care Services investigates IHSS fraud claims.

### **Methodology / Procedure:**

In October 2009 the committee conducted an interview with the administrative staff of the Lake County Department of Social Services at the offices of the Department of Social Services, 15975 Anderson Ranch Parkway in Lower Lake to discuss the IHSS program.

### **Findings:**

- F 1. In Fiscal Year 2007-2008, Lake County IHSS had an average monthly recipient caseload of 1488.
- F 2. The Public Authority Registry had 296 providers.
- F 3. Non-Registry providers totaled 1200.

- F 4. Annual Provider hours totaled 2,143,909.
- F 5. Annual Provider payroll totaled \$17,363,053.
- F 6. In September 2009, IHSS had a caseload of 1661 recipients for a total of 213,677.5 hours of service.
- F 7. The County of Lake shares the cost of IHSS with the State of California. The County's share of the total cost is 17.5%.
- F 8. The intake procedure for clients from the time services are requested until services are authorized may take up to 45 days but may be shortened for high priority emergency cases.
- F 9. Once eligibility is established, an IHSS Social Worker determines the necessary services and the number of service hours. The IHSS Social Worker will meet with each client a minimum of once a year, or more often as needed to reassess the recipient's needs.
- F 10. As of November 1, 2009 fingerprinting and criminal background checks are required for all IHSS providers and are administered and paid for by Lake County Social Services.
- F 11. Currently, drug testing is not required for IHSS providers.
- F 12. During Fiscal Year 2008/2009 IHSS referred 16 suspected fraud cases to the Investigation Unit in Sacramento. There has been no response from Sacramento regarding these referrals. State policy does not require any response to the referring agency.
- F 13. From July through November 2009 nine cases have been referred.

**Recommendations:**

- R 1. Every reasonable effort should be made to establish testing for illegal drugs as a condition of employment for all IHSS providers.
- R 2. Provide appropriate training to IHSS Social Workers in identifying fraud.
- R 3. IHSS make every effort to obtain feed-back from the Investigation Unit in Sacramento to determine if fraud referrals are appropriately made.

**Agency/Department(s) Required to Respond:**

- Social Services Director via the Board of Supervisors (90 days)



# Mental Health Department Oversight

## Summary:

Over the past three years the Lake County Mental Health Department has had reports which range from poor fiscal management to poor employee morale to budget cuts and position cuts. This year's report adds employee concerns of safety. The Health and Human Services Committee questions whether management is effectively correcting these problems.

## Background:

The Lake County Mental Health Department (LCMHD) is a major county agency lead by a Director. It contains three main divisions: Fiscal Administration, Clinical Services, and Alcohol and Other Drug Services (AODS). Each division is administered by a Deputy Director. There is also a Mental Health Board (MHB) which is advisory to the LCMHD Director and to the Lake County Board of Supervisors.

The LCMHD offers a number of services to seriously mentally ill clients. A 24 hour crisis service is offered through local hospital emergency rooms. A substance abuse treatment program is also available through the staff of AODS. In addition to these services the LCMHD provides medication assistance, mental health services, integrated service coordination, brief therapy, transitional residential and hospital services, and psychological testing. A list of the providers of these services is attached.

The LCMHD operates based on the California Mental Health Act (CMHA) passed in 2004. Three types of services are being provided to Lake County. 1) A Full Service Partnership provides extended 24/7 help maintaining safe housing, returning to school and finding employment; whatever it takes to help a client reach his or her goals. 2) Provision and funding of Wellness and Recovery Centers that provide health, psychiatry, employment and housing supports, classes on life skills, recreational activities, and opportunities to socialize in a supporting and welcoming atmosphere. This includes a Drop-In Center located in the City of Clearlake. 3) Peer, mentor, and family advocate services, in which trained mentors educate the clients and their families in recovery and residency and self help principles are also provided.

## **Methodology / Procedure:**

On January 21, 2009 the Health and Human Services Committee conducted an oversight visit by interviewing the administrative staff of the LCMHD at their offices at 991 Parallel Drive in Lakeport. Budget and Program documents were reviewed. A brief tour of these offices followed. During the months of February and March 2010 staff members were interviewed. Also in March 2010 members of the Health and Human Services Committee paid a visit to the Lighthouse Drop-In Center on Lakeshore Drive in Clearlake. The Budget and Finance Committee of the Lake County Grand Jury also provided information for this report.

## **Facts:**

- The Mental Health budget is almost entirely funded by State and Federal subsidies and client fees. The State budget reduced the allocation for Medical Managed Care by 50% in the 2009/2010 Fiscal Year (FY). This resulted in a loss of \$573,923 to Lake County Mental Health. The amount of County discretionary funds allocated to support this budget unit is \$61,112. This is the minimum amount required in order to receive State and Federal funds. In addition to these revenues, \$435,000 from Drug and Alcohol Services is recognized as an expenditure reimbursement.
- State audits are notoriously late in being returned to the LCMHD. When the current management received the State audit of 2002/2003 in 2006, they saw the errors of over billing and that they owed the State millions of dollars. Prior to receiving the late State audit, LCMHD management thought they had enough funds to expand in the area of personnel positions to improve service and did so. Upon learning of the financial crisis they were in, LCMHD management and Lake County management began a process of reduction in staff and services. Loans were made to keep the department financially functional while increments of the debt owed to the State were withheld annually.
- According to a reliable source within Lake County management, the issue of Mental Health billing the State some \$4,000,000 over what was justified was the result of an accounting error in the LCMHD. The person responsible was never disciplined or held accountable for that error.
- To reflect money withheld by the State as a result of State audit findings and subsequent settlements, a special revenue account has been established. The LCMHD has budgeted \$125,806 to be withheld by the State this FY.

Department staff estimates the amount to be between \$1,000,000 and \$2,000,000.

- The total recommended appropriation for salaries and benefits is \$4,365,254 compared to \$6,509,225 in FY 2008/2009 Final Budget. This reflects the saving from the elimination of 18 positions in May 2009.
- The current budget includes a total of \$471,636 for loan payments, \$200,000 to the general fund and \$271,636 for two quarterly payments to the Infrastructure Reserve Fund beginning the third quarter of FY 2009/2010.
- In a series of loans beginning April 2007 through April 2008 the Lake County General Fund lent the Mental Health Fund a total of \$1,740,477. LCMHD made payments of \$183,951 in November 2008 and \$200,000 in May 2009 leaving a balance of \$1,356,526. As directed in the Board of Supervisors Resolution No. 2008-198, the loan is to be repaid in annual payments of at least \$200,000 each year and a final payment of the remaining balance in FY 2015/2016.
- An additional loan from the Infrastructure Reserve Fund of \$1,086,544 was made in May of 2009. As directed in the Board of Supervisors Resolution No. 2009-82, this loan is to be repaid by making quarterly payments of \$135,818 beginning the third quarter of FY2009/2010. This payment had been made at the time this report was written.
- A recent Independent Audit Report of Lake County financials listed a significant deficiency attributed to the LCMHD for holding accounts payable, indicating a cash flow problem. The audit report recommended that payables should never be held; other arrangements should be made to pay them in a timely manner.
- The current management was not in charge when the errors occurred in 2002/2003. Upon receiving the chronically late State audit, management discovered and replaced an errant billing program.
- Two members of the Budget and Finance Committee of the Lake County Grand Jury were invited to observe a presentation of the latest independent audit of Lake County. One of the significant deficiencies affecting the LCMHD was for "holding bills due." The recommendation was to pay them when due or make arrangements to do so.
- The Committee interviewed several employees who expressed complaints of cramped work spaces, unsafe working conditions, tires of employee's car being slashed, slow response time by the Clearlake Police Department in

emergency situations, lack of training for their new job assignments, fear of losing their jobs due to budget cuts, pressure to perform only those services for which billing was allowed, little or no support from management staff and failure of management staff to hear their complaints. This has produced an atmosphere of very low morale.

- The Committee made an unannounced visit to two Mental Health facilities. One facility is a transitional housing unit to assist and prepare clients returning to society. The other facility is a drop-in center for clients in the community to visit and socialize. These facilities are "Transition House" and "The Lighthouse" and are both located on adjoining properties on Lakeshore Drive in the City of Clearlake. Since the closing of the Mental Health offices on Lakeshore Drive in the City of Clearlake, "The Lighthouse" is also being used as office space for the Mental Health staff. The facilities the Committee saw were found to be clean and comfortable. The shared office space was small and crowded with two persons sharing an office. The stairs inside the building were narrow and outside the building were worn and could be slippery in icy conditions. There were no fire extinguishers visible.

## **Findings:**

- F1. The 2008/2009 Lake County Civil Grand Jury oversight report showed the LCMHD to be in arrears to private vendors, the County and the State for large amounts. LCMHD management has taken steps to alleviate this problem. Currently the vendor debt is satisfied and the debt to the County is in the form of loans with a structured payment plan. At the time of the oversight, the debt owed to the State of \$700,000 was being disputed.
- F2. In 2006, LCMHD management started a series of steps to correct the errors in billing to the State by installing a new computer billing program and instructing in the correct way to bill the State. A new position of Financial Director now oversees all accounting functions in the LCMHD.
- F3. Management's failure to take any disciplinary action for making a \$4 million mistake over several years sets a bad example for the rest of the employees.
- F4. Lake County job descriptions include no educational requirements in accounting for even senior accounting positions. The only requirements for accounting and computer technology positions are one to two years of job experience. This is insufficient for the complexity of the job.

- F5. Severe financial straits have required the LCMHD management to eliminate staff positions, vacate rented offices and move staff into less desirable offices. This has resulted in a severe morale problem for LCMHD employees.
- F6. Under sworn testimony before the Lake County Grand Jury, employees expressed many concerns that they feel are not being addressed by LCMHD management.

**Recommendations:**

- R 1. LCMHD management continue to work with the Lake County Administrator to keep the LCMHD financially healthy. (F1)
- R 2. All computer programs within the LCMHD be periodically monitored for required performance and update as needed by qualified Information Technology personnel. (F2)
- R 3. Disciplinary action be taken for serious errors in judgment costing the County millions of dollars. (F3)
- R 4. The Board of Supervisors revise County job descriptions for senior accounting positions to include appropriate educational requirements. (F4)
- R 5. LCMHD management conduct staff meetings to inform all employees of the current financial status of the Department, the steps being taken to improve the situation and the possible length of time it will take to make the improvements. Let employees know this has been a stressful time for all employees including management. (F5)
- R 6. Hire an outside professional consultant to investigate the concerns expressed by employees and to facilitate a program that allows for better communication between management and employees. (F6)

**Agency/Department(s) Required to Respond:**

- Mental Health Director via Board of Supervisors (90 days)

**Lake County's Mental Health Service Contract Medi-Cal Providers 2008**

Providers on this list may not be accepting new clients. Please contact Lake County Mental Health for a referral. 800-900-2075.

| Organizational Providers   | Address   | Telephone    | Non-English | Provider Characteristics        | Population Served |
|--|---|--------------|-------------|---------------------------------|-------------------|
| Davis Guest Home   | 1878 E. Hatch Road, Modesto, CA 95351           | 209-538-1496 |             | Residential                     | Adult             |
| Canyon Manor   | P.O. Box 678, Novato, CA 94948                  | 415-892-1628 |             | Residential                     | Adult             |
| Willow Glen  | 1547 Plumas Ct., Yuba City, CA 95991            | 530-751-9900 | Spanish     | Residential                     | Adult             |
| California Psychiatric Transitions   | P.O. Box 339, Delhi, CA 95315                   | 209-667-9304 |             | Residential                     | Adult             |
| Crestwood Behavioral Health, Inc.  | P.O. Box 680966, W. Sacramento, CA 95798        | 916-471-2244 |             | Residential                     | Adult             |
| Manzanita House  | P.O. Box 974, Niles, CA 95464                   | 707-275-2405 |             | Residential                     | Adult             |
| Clover Valley Guest Home   | 820 Clover Valley Road, Upper Lake, CA 95485    | 707-275-2405 |             | Residential                     | Adult             |
| Modesto Residential Living Center  | 1932 Evergreen Avenue, Modesto, CA 95355        | 209-530-9300 |             | Residential                     | Adult             |
| Seventh Avenue Center  | 1171 Seventh Avenue, Santa Cruz, CA 95062       | 831-476-1700 |             | Residential                     | Adult             |
| San Sousee   | P.O. Box 3279, Clearlake, CA 95422              | 707-994-8410 |             | Residential                     | Adult             |
| Konocli Senior Support (Lake County Senior Peer Counseling)  | P.O. Box 6668, Clearlake, CA 95422              | 707-995-1417 |             | Peer Counseling                 | Adult             |
| Sierra House (Plumas County Mental Health)   | 529 Bell Lane, Quincy, CA 95971                 | 530-283-6307 |             | Residential                     | Adult             |
| Sunny Hills Children's Garden  | 300 Sunny Hills Drive, San Anselmo, CA 94960    | 415-457-3200 |             | Residential                     | Child             |
| Mithous Children's Center  | 24077 State Highway 49, Nevada City, CA 94547   | 530-265-9057 |             | Residential                     | Child             |
| Charts Youth Center  | 714 W. Main St., Grass Valley, CA 95945         | 530-477-9800 |             | Residential                     | Child             |
| Edgewood Center for Children and Families  | 1801 Vicente Street, San Francisco, CA 94116    | 415-681-3211 |             | Residential                     | Child             |
| River Oak Center for Children  | 5445 Laurel Hills Drive, Sacramento, CA 95841   | 916-609-4000 |             | Residential                     | Child             |
| Redwood Children's Services, Inc.  | 9860 Middle Creek, Upper Lake, CA 95485         | 707-275-8166 |             | Residential, Psychotherapy, TBS | Child             |
| Lake County Office of Education (Safe Schools Healthy Students)                                    | 1152 S. Main St., Lakeport, CA 95453            | 707-279-4607 |             | School-based counseling         | Child             |
| Kings View Telepsychiatry Services   | 575 E. Locust Ave. Suite 311, Fresno, CA 93720  | 559-286-0100 |             | Telepsychiatry                  | Child             |
| <b>Individual Providers</b>  |   |              |             |                                 |                   |
| Jeri Owens, MD, Lake County Mental Health  | 981 Parallel Drive, Lakeport, CA 95453          | 707-263-4338 |             | Psychiatry                      | Adult             |
| Diga Segal, MD, Lake County Mental Health  | 981 Parallel Drive, Lakeport, CA 95453          | 707-994-7090 |             | Psychiatry                      | Adult and Child   |
| Serardo Torbio, MD, Lake County Mental Health  | 981 Parallel Drive, Lakeport, CA 95453          | 707-994-7090 |             | Psychiatry                      | Adult             |
| Jillian Bond, Patients' Rights Advocate  | No Address listed as available                  | 888-334-3390 |             | Advocacy                        | Adult and Child   |
| Christopher Jones, MFT   | P.O. Box 401, Upper Lake, CA 95485              | 707-263-9178 |             | Psychotherapy                   | Adult and Child   |
| Kim Baughan Young, MFT   | P.O. Box 773, Clearlake Oaks, CA 95423          | 707-350-3590 |             | Psychotherapy                   | Adult and Child   |
| Leslie Wilson, MFT   | P.O. Box 460, Glennhaven, CA 95443              | 707-490-2028 |             | Psychotherapy                   | Adult and Child   |
| Linda Butler, MA, MFT  | 514 S. School St. #203, Ukiah, CA 95482         | 707-462-5407 |             | Psychiatry                      | Adult             |
| Fred Stoddard, MD  | 532 Oregon Street, Vallejo, CA 94590            | 707-649-4007 |             | Psychiatry                      | Adult             |
| C. Richard Hudson, MD  | P.O. Box 266, Deer Park, CA 95476               | 707-963-3611 |             | Psychiatry                      | Adult             |
| Thomas Jackson, MD   | 3212 Jefferson Street #196, Napa, CA 94558      | 707-446-4430 |             | Psychiatry                      | Adult             |
| Joscelyn Jones, Esq.   | 1511 Sycamore #224, Hercules, CA 94547          | 510-799-8860 |             | Hearing officer                 | Adult             |
| <b>Group Providers</b>   |   |              |             |                                 |                   |
| Lake Family Resource Center  | 886 Lakeport Blvd. Lakeport, CA 95453           | 707-262-1611 |             | Psychotherapy, TBS              | Adult and Child   |
| Sacramento Valley Family Services  | 2233 Nord Avenue, Chico CA 95926                | 530-345-3609 |             | TBS                             | Child             |
| ValueOptions   | 7150 Campus Dr #300, Colorado Springs, CO 80920 | 800-804-5040 |             | ASO                             | Child             |
| <b>Hospital Providers</b>  |   |              |             |                                 |                   |
| St. Helena Hospital Center for Behavioral Health (California Special P.O. Box 247, Rodeo, CA 94572 |   | 707-649-4000 |             | Inpatient                       | Child             |
| North Valley Behavioral Health   | 1535 Plumas Court, Ste. A, Yuba City, CA 95991  | 530-790-0212 |             | Inpatient                       | Adult             |
| Sequoia Psychiatric Center   | 1541 Plumas Court, Yuba City, CA 95991          | 530-751-9960 |             | Inpatient                       | Adult             |
| St. Helena Hospital  | P.O. Box 250, Deer Park, CA 95476               | 707-963-3611 |             | Inpatient                       | Adult             |

# Redbud Health Care District Oversight

## Summary:

Redbud Health Care District (RHCD) provides important support for the health needs of South Lake County. As recommended by the 2008-2009 Lake County Grand Jury, the Health and Human Services Committee attended a board meeting of the RHCD at its Clearlake office on Lakeshore Drive for a follow-up oversight visit.

## Background:

The Redbud Hospital District was established in 1964 by Lake County under California State Law to provide health care services to specific areas of Lake County. The District covers from Clearlake Oaks to Middletown including parts of Cobb. Redbud Hospital was constructed in 1968 to improve health care services to the communities of the southern part of the county which were at a disadvantage geographically to the services of Lakeside Hospital. Redbud Hospital was publicly owned and funded by the sale of bonds; it was operated by the District until it was purchased in 1997 by Adventist Medical Group. The Redbud Health Care District was then formed and continues to support the communities through grants for health-related programs.

The Board of Directors is comprised of five elected members that serve four year terms. Each member represents a specific area within the District. All board member candidates must complete a Declaration of Candidacy and Campaign Statement in the Registrar of Voters office. If only one person applies from any area, that person is appointed by the Lake County Board of Supervisors on the day of election. If more than one person applies from an area, the applicants' names are placed on the ballot for the public's vote. Currently, the majority of the Board is appointed due to the small number of applicants.

RHCD has one full-time salaried administrative manager (not a board member) who oversees its operation. An independent Certified Public Accountant, hired by the District, conducts an annual, state-mandated fiscal audit.

The district receives property tax allocations from the communities served within its area. When the hospital was sold in 1997 to the Adventist Group, profits from the sale were invested in the Local Agency Investment Fund (LAIF) in

Sacramento. Investment income from LAIF is utilized for health care program grants throughout southern Lake County.

Organizations must complete a Request for Assistance (RFA) when applying for funding that includes background information, the amount required, and the intended usage of the funds that are requested. The Committee observed a follow-up presentation to the Board by a current recipient whose program works with school districts to provide dental care and vision screening, in addition to other services for all students.

### **Methodology / Procedure:**

On September 22, 2009 the Committee attended a general meeting of the Board to observe the Board conduct its business. A current RHCD grant recipient gave a presentation of its services. Following the meeting, the complete board of five members and the administrative manager were interviewed. The Committee asked prepared questions researched from various sources, including the previous Grand Jury report.

The Committee then interviewed the Board as a group and individually to include the history, funding, operations, and personal thoughts of the service. As the president of the Board reflected, the \$100 stipend each month hardly covers the time he spends in his efforts; he said he considered his work a public service and a "labor of love". The Administrative Manager responded promptly to our requests for budget documentation to review for our report.

### **Findings:**

- F1. In Fiscal Year (FY) 2007-2008 ending June 30, 2008 RHCD received \$824,989 from property taxes and \$67,296 from investment income for a total of \$892,285 in revenues.
- F2. RHCD had a total operating expense of \$57,547 in FY 2007-2008.
- F3. The committee reviewed current and prior grants. See appendix.
- F4. In FY 2007-2008 RHCD issued a total of \$711,293 in grants to the following organizations:
  - a. Fire Protection Districts (3)
  - b. High Schools (4)
  - c. Redbud Hospital (2)
  - d. Lake County Community Action Agency (3)

- e. Lake County Office of Education
  - f. Hospice of Lake County
  - g. Adult Day Care/Respite
  - h. Shoes for Kids
  - i. Lake Family Resource Center
  - j. Community Care Management-Linkages
  - k. Survivorship - Cancer
  - l. Senior Centers (4)
- F5. Any carry-over funds from previous years depends on the number of grants and the amount of each grant. Some grants are dispersed over more than one FY.
- F6. All requests for funding assistance must be health or fitness focused and the grantees must be non-profit.
- F7. RHCD has access to experts for processing grants, for example, County Counsel, the County Health Department and county and city fire departments.
- F8. The Board has determined there is no need to solicit or advertise for grantees since RHCD is well known in the south county. The Board meetings are open to the public; meetings are held monthly on the fourth Thursday at 10:00 AM and notice is placed in the local newspapers the third week of every month.

**Recommendations:**

- R 1. Advertise funds are available for grants.
- R 2. Publish requirements for grants.
- R 3. Advertise widely for the Board of Directors elections.

**Agency/Department(s) Required to Respond:**

- Board of Directors of the Redbud Health Care District (90days)

APPENDIX

RFA 2008 Pay Schedule 4/30/08

| RFA No. | Organization                      | Approved (\$) | Sch Payment (\$) | Sch Date | Payment (\$) | Date       | Cum Payments (\$) |
|---------|-----------------------------------|---------------|------------------|----------|--------------|------------|-------------------|
| 08-0001 | Lake County Fire Protection Dist. | 104,634       | 20,927           | 7/07     | 20,927       | 7/15/2007  | 20,927            |
| 08-0002 | Northshore Fire Protection Dist.  | 142,915       | 28,584           | 7/07     | 28,584       | 7/15/2007  | 49,511            |
| 08-0003 | Lake County Office of Education   | 190,000       | 47,500           | 7/07     | 47,500       | 7/15/2007  | 97,011            |
|         |                                   |               | 47,500           | 10/07    | 47,500       | 10/4/2007  | 144,511           |
|         |                                   |               | 47,500           | 1/08     | 47,500       | 1/10/2008  | 192,011           |
|         |                                   |               | 47,500           | 4/08     | 47,500       | 4/16/2008  | 239,511           |
| 08-0004 | Hospice of Lake County            | 8,000         | 8,000            | 7/07     | 8,000        | 7/3/2007   | 247,511           |
| 08-0005 | Konocci Senior Support            | 15,000        | 15,000           | 7/07     | 15,000       | 7/15/2007  | 262,511           |
| 08-0006 | Live Oak Seniors                  | 50,000        | 25,000           | 7/07     | 25,000       | 7/15/2007  | 287,511           |
|         |                                   |               | 25,000           | 1/08     | 25,000       | 1/10/2008  | 312,511           |
| 08-0007 | Adult Day Care/Respite            | 20,000        | 10,000           | 7/07     | 10,000       | 7/15/2007  | 322,511           |
|         |                                   |               | 10,000           | 1/08     | 10,000       | 12/5/2007  | 332,511           |
| 08-0008 | Middletown Senior Center          | 55,000        | 27,500           | 7/07     | 27,500       | 7/15/2007  | 360,011           |
|         |                                   |               | 27,500           | 1/08     | 27,500       | 1/10/2008  | 387,511           |
| 08-0009 | Highlands Senior Center           | 85,000        | 21,250           | 7/07     | 21,250       | 7/15/2007  | 408,761           |
|         |                                   |               | 21,250           | 10/07    | 21,250       | 10/4/2007  | 430,011           |
|         |                                   |               | 21,250           | 1/08     | 21,250       | 1/10/2008  | 451,261           |
|         |                                   |               | 21,250           | 4/08     | 21,250       | 4/2/2008   | 472,511           |
| 08-0010 | Community Care Mgt.-Linkages      | 7,452         | 7,452            | 7/07     | 7,452        | 7/3/2007   | 479,963           |
| 08-0011 | LCCAA Community Hunger Project    | 60,000        | 30,000           | 7/07     | 30,000       | 7/15/2007  | 509,963           |
|         |                                   |               | 30,000           | 1/08     | 30,000       | 1/10/2008  | 539,963           |
| 08-0012 | LCCAA New Beginnings              | 60,000        | 25,000           | 7/07     | 25,000       | 7/15/2007  | 564,963           |
|         |                                   |               | 25,000           | 1/08     | 25,000       | 1/10/2008  | 589,963           |
| 08-0013 | LCCAA Lake County Youth Services  | 33,000        | 16,500           | 7/07     | 16,500       | 7/15/2007  | 606,463           |
|         |                                   |               | 16,500           | 1/08     | 16,500       | 12/19/2007 | 622,963           |
| 08-0014 | Shoes for Kids                    | 3,000         | 3,000            | 7/07     | 3,000        | 7/18/2007  | 625,963           |
| 08-0016 | Survivorship-Cancer               | 3,000         | 3,000            | 7/07     | 3,000        | 7/17/2007  | 628,963           |
| 08-0017 | Redbud Hospital (eye trays)       | 25,000        | 25,000           | 6/08     | 25,000       | 5/20/2008  | 653,963           |
| 08-0018 | Redbud Hospital (monitors)        | tabled        |                  |          |              |            |                   |
| 08-0019 | Lake Family Resource Center       | denied        |                  |          |              |            |                   |
| 0-0020  | Redbud Comm.Hosp-Pulmonary        | 2,330         | 2,330            | 9/07     | 2,330        | 3/12/2008  | 656,293           |
|         | Community Care Mgt.-HIV/AIDS      | 25,000        | 12,500           | 9/07     | 12,500       | 10/3/2007  | 668,793           |
|         |                                   |               | 12,500           | 1/08     | 12,500       | 1/10/2008  | 681,293           |
| 08-0021 | Coyote Elementary School          | denied        |                  |          |              |            |                   |
| 08-0022 | Lower Lake High School            | 5,000         | 5,000            | 10/07    | 5,000        | 10/30/07   | 686,293           |
| 08-0023 | Middletown High (every 15 min.)   | 5,000         | 5,000            | 10/07    | 5,000        | 10/25/07   | 691,293           |
| 08-0024 | Kelseyville Fire Protect.Dist.    | 10,000        | 10,000           | 12/07    | 10,000       | 2/19/2008  | 701,293           |
| 08-0025 | Lake Cty. Inter.Charter School    | denied        |                  |          |              |            |                   |
| 08-0026 | Anderson Marsh Association        | denied        |                  |          |              |            |                   |
| 08-0027 | Lower Lake High (15 min.)         | 5,000         | 5,000            | 1/08     | 5,000        | 2/15/2008  | 706,293           |
| 08-0028 | Middletown High (sober grad)      | 5,000         | 5,000            | 3/08     | 5,000        | 3/26/2008  | 711,293           |
|         |                                   |               | 711,293          |          | 711,293      |            |                   |
|         |                                   |               | 711,293          |          |              |            |                   |

# **Planning and Public Works Committee**

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## **Airport Safety and Facility Complaint 9-13**

### **Summary:**

Lampson Field, the only public airport in Lake County, is currently operating safely within Federal Aviation Administration (FAA) guidelines. The county Board of Supervisors is basically following the Airport Master Plan approved in 1993. Currently an Automated Weather Observation System (AWOS) is in operation and provides for limited bad weather landings when there are low clouds or limited visibility in the Lakeport area.

### **Background:**

A complaint was filed with the Lake County Grand Jury requesting a discussion regarding the need for upgrading the current instrument landing capabilities at the airport. The complaint also wanted to bring to the committees' attention the need for changes that would put hangers on airport land and the need to lower fuel costs. A presentation was made supporting the possible expansion of the airport to include a North-South runway with B2 capabilities. A B2 runway would increase the runway length to 5000 feet and support heavier commercial air traffic. The current runway is an East-West runway of 3600 feet and is a B1 runway which does not support heavier commercial traffic. The Airport Master Plan can be viewed at the Public Works Department. It is not currently available online. The Airport Master Plan is due for an update in 2011 and is in the process of that update. The Public Works Department is charged with updating the plan, with the Board of Supervisors having final approval.

### **Methodology / Procedure:**

Members of the Grand Jury Planning and Public Works Committee interviewed the complainant at the Grand Jury Room in Kelseyville. We then met with the complainant at Lampson Field and toured the grounds and facilities.

We then interviewed a spokesperson for the Public Works Department of Lake County, which has oversight of the airport, and interviewed the Lake County Board of Supervisors who have final say on airport expenditures. Finally, we reviewed the Airport Master Plan of 1993.

**Facts:**

- The Airport consists of a Class B1 east-west 3600 foot runway, a parallel taxiway, limited parking for airport based and transient airplanes, an Automated Weather Observation System (AWOS) and 15 undeveloped acres with taxiway access.
- The 1993 Master Airport Plan suggests the county purchase and develop more airport land. This development of airport land would create more revenue for the airport and give the county more control of development i.e: terminal facility, hangers, and fuel dock.
- The operating expenses for the airport come from the general fund.
- There is no Airport Terminal.
- There is no sewer or septic system on airport property.
- Getting a sewer line for the airport is the Board of Supervisors first priority.
- Funding is available from the FAA for the sewer lateral to the airport. The FAA requirement for the funding restricts the lateral to airport only use.
- There is no potable water on airport property.
- There are no hangers on airport property.
- Hangers are on private property and not all are used for planes.
- There is a shortage of hangers available for airplanes.
- There is no fuel station on airport property.
- Two small parcels of airport property are leased to fixed base, local business operations.
- The airport does have one part time employee.
- All airport businesses are on private property.
- Airport businesses pay a “Through the fence fee” for using the airport.
- The fuel supply provided by an outside vendor is not consistent, sometimes leaving the airport without fuel.
- Fuel costs are higher than other area airports.
- The airport brings in business to the county.

- The airport master plan was developed in 1991 and adopted by the Board of Supervisors in 1993.
- The airport master plan covers all phases of the airport and is on file at the Public Works Department.
- An update to the master plan is being developed by the Public Works Department for approval by the Board of Supervisors.
- Lampson Field is outside of the City of Lakeport on Highland Springs Rd.
- There are businesses located at Lampson Field that would benefit from the development of a Class B2 runway.
- REACH emergency helicopter services has stationed a heliport at Lampson field. A class B2 runway would allow REACH to land larger transport planes at Lampson Field. This would speed the medical response in some emergency cases.
- New business would come with the development of a Class B2 runway.
- CALFire would like to be stationed at Lampson Field but requires a Class B2 runway. Lampson Field has the most consistent desirable weather to meet the needs of CALFire.

### **Findings:**

- F1. The airport does not generate enough revenues to be self sufficient.
- F2. Lampson Fields operating revenues are very low for an airport of this size and character.
- F3. There is no terminal facility for local or transient visitors on airport or private property.
- F4. The surrounding buildings that are within the fenced area of the airport are well utilized by fixed based operations (local businesses).
- F5. The flight school at Lampson Field would see some benefit from the runway expansion to a B2 runway.
- F6. Economic development on airport property under county control will help the airport become self funded.
- F7. The development of a class B2 runway either east-west or north-south through the purchase of surrounding properties needs to be addressed.

- F8. Pilots should have a major say in the development of the plan for runway expansion.
- F9. The current location of Lampson Field is economically sound and ideal for expansion.
- F10. Two other possible sites for airport expansion mentioned in the 1993 Master Plan are not economically viable in today's economy.
- F11. While development of a primary site, more central to all of Lake County, might increase overall airport use, the current location serves the public well and the land surrounding it is compatible for expansion.
- F12. The county and the complainant both want a better airport with better facilities at the current location. Project priorities, location of facilities and funding sources differ in opinion.
- F13. The difference between the expansion of the existing east-west runway to a Class B2 and the creation of a north-south Class B2 runway should be reviewed by professionals in airport construction. A recommendation for the best choice should be made.

**Recommendations:**

- R 1. Determine the best solution for the B2 runway and include findings before adopting the new airport master plan. (F12, F13)
- R 2. Consider updating the AWOS as the first priority. (F12, F13)

**Agency/Department(s) Required to Respond:**

- Planning and Public Works Department via Board of Supervisors (90 days)

## **City of Clearlake**

### **Complaint 10-19**

#### **Summary:**

The City of Clearlake is slow in cleaning up garbage and illegal refuse. Lack of mandatory garbage pick up adds to the blight in the city. Some dirt streets within the city limits that are not maintained by the city are a real health and safety issue.

#### **Background:**

A complaint filed against the City of Clearlake alleged the city was not enforcing civil health and safety codes. Seven specific allegations were listed. The information listed provided the basis for the investigation.

#### **Methodology / Procedure:**

The complainant was interviewed to insure the accuracy of the complaint. An interview was performed with a spokesperson for the City of Clearlake. A review of the civil codes listed were reviewed and addressed.

#### **Facts:**

- The City of Clearlake does not have mandatory garbage collection. The state has a mandate for mandatory pick up but the city has yet to meet this mandate.
- The city feels that enforcing mandatory garbage pickup would add undue financial burden to residents that are already living below the poverty line and would create more problems than it would solve.
- The City of Clearlake does not have any code enforcement officers. Code Enforcement is handled by the police department.
- The City of Clearlake has one officer per one thousand residents. The state average is one officer per five hundred residents.
- The city is attempting to enforce property maintenance standards. Residents still have due process rights which must be maintained.

- The number of public nuisance cases (code violations) has increased to over 1200 in 2009 up from 652 in 2006. This doubling of effort has been done while the number of enforcement officers has declined.
- The city is inspecting rental units for code violations. Residents still have due process rights which must be observed.
- The city is enforcing unsafe building violations. "Red Tags". Residents still have due process rights which must be observed.
- The number of buildings "Red tagged" has increased from 5 in 2006 to 50 in 2009. This increase was also realized while the number of enforcement officers has declined.
- City streets are being maintained to the best of the city's ability. Dirt streets that do not have historical maintenance by the city are not the responsibility of the city.
- Dirt streets that are not maintained cause dust and erosion problems.
- The city does not have any power to tell private street owners they must maintain their streets.
- The City of Clearlake has over 110 miles of city maintained streets.
- The city only has 4 employees to maintain 49 miles of dirt streets and 63 miles of paved streets.
- The city does not generate enough revenue to sustain street repairs much less improve streets.
- There is no map of streets historically maintained by the City of Clearlake.
- There is no map of private streets within the City of Clearlake.
- With limited resources the City of Clearlake is enforcing health and safety codes and maintaining streets.
- The city is financially close to bankruptcy.

## **Findings:**

- F1. Without mandatory garbage pick up a lot of residents do not get rid of garbage and refuse.
- F2. The city limits are far too large of an area with too many miles of streets for the city to maintain.

- F3. The streets the city became responsible for maintaining were never written down when the city charter was adopted. No map was ever developed to define which dirt streets the city would be responsible for maintaining.
- F4. With no maps of historically maintained streets street maintenance is not clearly defined.

**Recommendations:**

- R 1. Garbage collection mandates should be met regardless of financial burden to residence. (F1)
- R 2. The city should consider shrinking the city limits through legal means. (F2)
- R 3. Have the Department of Public Works generate a map and include all streets the city will maintain. Define the areas within the city limits the city will not maintain. (F3,4)

**Agency/Department(s) Required to Respond:**

- City of Clearlake Manager via Clearlake City Council (90 days)



# Lake County Code Enforcement

## Complaint 9-10

### **Summary:**

Misconduct Complaint about Code Enforcement proves to be a dead-end. No formal complaint was filed with Code Enforcement and no record of a call was recorded.

### **Background:**

A complaint filed with the Lake County Civil Grand Jury alleged misconduct by an unknown person at Code Enforcement. The complaint did not specify who, but suggested an unknown person at Code Enforcement told his landlord that Code Enforcement had received a call from the complainant.

### **Methodology / Procedure:**

In conducting the investigation the committee reviewed all documentation provided by the complainant and interviewed the complainant under oath. The committee also interviewed the Code Enforcement Spokesperson and reviewed all documentation from Code Enforcement concerning the documentation of complaints and the privacy policy.

### **Facts:**

- Complainant never filed a formal complaint with Code Enforcement.
- Only calls making a formal complaint are logged and an officer assigned.
- Formal complaints are kept on file for three years.
- Anonymous complaint calls and calls requesting information are not recorded.
- Information calls are directed to the proper department for clarification.
- A spokesperson for Code Enforcement stated their policy on complainant privacy requires staff and officers not to reveal who filed the complaint.
- Code Enforcement is responsible for responding to complaints of building and safety code violations from citizens that fill out a formal complaint.

- Complainant told Landlord that he called Code Enforcement.

**Findings:**

- F1. There is no record of a phone conversation at Code Enforcement from the complainant.
- F2. Code Enforcement has no formal complaint on file from complainant.
- F3. The complainant did not provide evidence to substantiate further investigation into the allegations of misconduct.

**Recommendations:**

- R 1. Code Enforcement change department policy to record calls requesting information, not just formal complaints. Include date, time, where calls were directed, and keep on file for the same length of time as formal complaints. (F1,F2)

**Agency/Department(s) Required to Respond:**

- Community Development Department via Board of Supervisors (90 days)

# Lake County Vector Control District Oversight

## Summary:

An elective oversight of the Lake County Vector Control District<sup>8</sup> (LCVCD) and the Special Assessment Ballot and ballot procedure, found that the LCVCD is currently operating efficiently. It is noted LCVCD is a special district. The Assessment Ballot which passed in 2009 was necessary to maintain funding levels.

## Background:

LCVCD because of declining revenues needed to increase funding. LCVCD hired a third party vendor to handle a Special Assessment Ballot. The ballot would allow voters to decide whether to increase property taxes to maintain funding levels. Passage would allow the district to make much needed capital improvements and continue operating at a high level of efficiency in the efforts to control vectors that transmit West Nile Virus and Lyme Disease below the level where disease transmission to humans is likely to occur.

## Methodology / Procedure:

The oversight was conducted as a two part investigation of the LCVCD assessment ballot and the management of LCVCD including fiscal policy and procedures.

To conduct the oversight committee members:

1. Met with representatives from the Registrar of Voters.
2. Met with representatives from the Assessor-Recorders office.

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<sup>8</sup> The mission of LCVCD is to control mosquitoes and other vectors, in order to improve the quality of life in Lake County by decreasing the risk of disease transmission to humans. Vectors are organisms that carry diseases that may be transmitted to humans. The State Department of Public Health created a Bureau of Vector Control in 1946 and all vector control districts work together in that framework to maintain control of all vector species in California. In Lake County, there are two main concerns for public health with vector species: West Nile Virus and Lyme Disease. Established in 1948 as the Lake County Mosquito Abatement District, its original goal was to control the Clear Lake Gnat. It was expanded to include all vectors in 1950. LCVCD has a Board of Directors (BOD) consisting of five appointed members who serve either two or four year terms. One is selected by the City of Clearlake, one by the City of Lakeport, and three at large members, selected by the Board of Supervisors.

3. Met with representatives from LCVCD.
4. Attended a Board of Directors Meeting for LCVCD.
5. Toured the main buildings and grounds of LCVCD.
6. Reviewed LCVCD financial statements.
7. Examined petty cash receipts and observed a cash count of petty cash.  
Note: The bookkeeping and petty cash review was done with help from the Grand Jury Budget and Finance Committee.

**Facts:**

- The primary reason for the assessment ballot was that LCVCD annual revenues were declining. The LCVCD Board of Directors and the District Manager agreed it was necessary in order to maintain current programs, improve public safety, and move forward on capital improvements.
- The Assessment Ballot was done with the cooperation of the office of the Registrar of Voters.
- State revenue is being diverted away from Special Districts to other funds and agencies.  
The ERAF (Education Revenue Augmentation Fund) and Redevelopment Agencies (Lake County, Lakeport, and Highlands) are four such diversions.
- Property tax money is received in December and April. Those revenues have declined with declining property values.
- Some money is received from Federal and State grants.
- The format of the financial report given to the Board of Directors (BOD) monthly is not conducive to proper fiscal management. The report does not include important fiscal information.
- The report does show expenses to date and unextended. Salaries and benefits are 17% over budget YTD as of 8/31/2009. Services and Supplies are 9% over budget YTD as of 8/31/2009.
- Petty cash on hand was at the authorized amount of \$250.00.
- Petty cash is reconciled on a monthly basis
- Petty cash is under lock and key with proper security.
- The current auditor used by the District:

- a. Does not determine nor express an opinion on the districts compliance with laws, regulations, contracts and grants.
  - b. Does not provide assurance on the internal control over financial reporting.
  - c. Misstated the justification of a vehicle purchase for travel to attend conferences, while the correct primary justification is to have a vehicle that is clean of pesticides to take materials to public education sessions.
- The LCVCD Policy and Procedures manuals are not up to date.
  - The District Manager is developing and updating the manual of administrative policies and procedures and will be submitting it to the Board of Directors for approval in 2010.
  - The laboratory building is at the end of its usable life cycle.
  - The laboratory building is not Americans for Disabilities Act compliant.
  - The Board of Directors and the District Manager have a good working relationship. At the Board of Directors meeting our committee attended, the District Manager read a report that was a review of the past months field reports and gave an update on the budget.
  - The District Manager has had little formal Bookkeeping training.
  - There is no written Strategic Plan.

## **Findings:**

- F1. The BOD and the District Manager know what needs to be done to properly manage the district, but without a written strategic plan, the public cannot view and understand the LCVCD plan vs progress.  
Example: What are the projected goals for 1, 5 and 10 years?
- F2. The monthly report to the BOD does not include the following fiscal information:
  - a. The projected revenue for the fiscal year versus actual received.
  - b. The actual cash balance in the bank.
  - c. Year to Date (YTD) costs compared to YTD budget.
- F3. The independent audit is not satisfactory for public understanding.

- F4. The Board of Directors has no way of checking any possible financial accounting errors or follow the YTD budget with the current software.
- F5. The manager for LCVCD has had little formal bookkeeping education.
- F6. Current financial software at LCVCD is not current to established accounting standards.
- F7. The main office and shop appeared to be organized, clean and the safe.
- F8. One Vehicle, the SUV, is not used for pesticide transport. It is used by the district to transport people and equipment that will interact with the public without the possibility of pesticide contamination of the public.
- F9. The laboratory building is in need of repairs or replacement.
- F10. LCVCD applied for and received funds from Emergency West Nile Virus Surveillance grants to support West Nile Virus work. Those funds purchased two spray trucks necessary for surveillance and treatment. Two more spray trucks were also purchased with grants from the United States Department of Agriculture.

### **Recommendations:**

- R 1. The Board of Directors (BOD) and District Manager develop a written strategic plan. (F1)
- R 2. The selection process for appointing BOD members be included in the strategic plan and provided to the agencies that do the appointments. i.e.: Directors should have good management skills, not be of single focus and must understand the mission statement and strategic plan of LCVCD. (F1,F2)
- R 3. Fiscal monthly reports should provide to the BOD, information on the revenue status for year to date (YTD) and projected year end versus budget. (F3)
- R 4. Add to the Monthly Report to the Board of Directors a page showing YTD costs compared to YTD budget and a variance % for each account. Highlight any significant overages or underages and be prepared to explain. If not already established spread the annual budget by month for each account to allow the YTD comparison. (F3,F4)
- R 5. Contract with a Certified Public Accountant and do an audit so that the LCVCD Board of Directors gets an audit report that **does** determine and express an opinion on the District's compliance with laws, regulations,

contracts, and grants as well as provide assurance on the internal control over financial reporting and accurate statements on capital expenses. (F4,F5)

- R 6. Arrange for the District Manager to receive Financial Management Training. (F5,F6)
- R 7. Obtain better bookkeeping software that will provide more suitable financial tracking capability. (F5,F6)
- R 8. The LCVCD Board of Directors review and approve the updated policy and procedures manuals and update financial software as soon as possible. (F2,F6)
- R 9. Make necessary repairs to insure the safety of the laboratory building and compliance with current law. (F9)

**Agency/Department(s) Required to Respond:**

- Lake County Vector Control District Board of Directors (90 days)



# Water Resources Division Oversight

## Summary:

Lake County Water Resources was a division of the Lake County Public Works Department. A separate Water Resources Department was created from the Water Resources Division of the Lake County Public Works Department. This will enable the Water Resources Department to better focus on the lake, both on its management and on its protection.

## Background:

The 2009/2010 Lake County Civil Grand Jury Planning and Public Works Committee (Planning and Public Works Committee) chose to conduct an elective oversight of Lake County Water Resources, a division of the Lake County Public Works Department, to review the plans for the creation of a new separate Lake County Water Resources Department.

## Methodology / Procedure:

In November 2009 the Planning and Public Works Committee received documentation and interviewed representatives of the then Lake County Water Resources Division. Subsequently in March 2010 the Lake County Civil Grand Jury Budget and Finance Committee (B&F Committee) conducted an interview with the Lake County Administrator at the request and on behalf of the Planning and Public Works Committee gathering additional information and documentation to augment the oversight report (see attached MEMORANDUM from staff to the Board of Supervisors dated September 29, 2009).

## Facts

- Until May 2010 Lake County Water Resources (Water Resources) was a division of the Lake County Public Works Department (Public Works).
- Public Works is administered by the Director of Public Works and a management staff consisting of an Assistant Director of Public Works and six Division Managers. The Director also serves as Airport Manager, Flood Control Director, County Road Commissioner, County Engineer and District Engineer for Special Districts.

- Water Resources is responsible for two branches: The Lake County Watershed Protection District; and Lakebed Management. The Water Resources Department is administered by the Director of Water Resources.
- The Lake County Watershed Protection District administers the National Flood Insurance Program for Lake County, plans and implements flood control projects including preliminary engineering and contract administration for Master Plans of Drainage, aerial photography, groundwater management planning, watershed management planning, and development of grant proposals. The District is responsible for maintaining 10.5 miles of levees and 13.4 miles of creeks in four zones of benefit and a groundwater detention structure on Kelsey Creek. The Division also operates and maintains the Adobe Creek Reservoir, the Highland Creek Reservoir, and the Highland Springs Park.
- Lakebed Management is responsible for maintaining the public trust lands below the highwater mark (7.79 Rumsey) in Clear Lake in accordance with County Code and State Statutes. The Lakebed Division processes permits and encroachment leases for all structures in the lake below 7.79' on the Rumsey gauge. Lakebed maintains navigation aides, swim markers and swim areas, performs water quality monitoring; and provides support to the Sheriff's Department (CREWS), Department of Fish and Game, Corps of Engineer, and State Lands Commission. Lake enhancement programs such as aquatic plant and algae management are also the responsibility of Lakebed Management.
- Public Works and Water Resources have different sources of funding available to them.
- Water Resources is comprised of nine (9) budget units (see attached MEMORANDUM - Current Status of Water Resources).
- The various budget units are funded by property taxes, district assessments, encroachment leases and permits, aquatic weed permits, and the sale of quagga mussel inspection stickers; each providing revenue to Water Resources. During the past decade obtaining grants was an additional source of revenue (see attached MEMORANDUM - Revenue Sources).
- Grants have declined significantly over the last few years with no grant revenues anticipated in the fiscal year 2009/10 (see attached MEMORANDUM - Revenue Sources).

- Some programs administered by Water Resources face significant funding shortfalls due to the canceled reserves of several budget unit revenue sources. In addition Lakebed Management, one of Water Resources' budget unit revenue sources, has often relied on one-time money transferred from the sale of the Cove Resort monies to cover overhead expenses. No such transfer was budgeted for Lakebed Management in the fiscal year 2009/10 (see attached MEMORANDUM - Funding Challenges).
- The County Administrator advised that Public Works necessarily has an expensive accounting system, e.g. for new roads; and used the same system to administer Water Resources. The Administrator added that Water Resources does not require the same expensive detail level to operate.
- The prior Division of Water Resources had five allocated staff positions, each funded by differing funding sources dependent on the nature of the duties performed. One such position is unfunded in the fiscal year 2009/10 final budget (see attached MEMORANDUM - Staffing).
- The five allocated positions were Deputy Director of Public Works-Water Resources, Water Resources Program Coordinator, Water Resources Engineer, Assistant/ Associate Civil Engineer, and Clear Lake Lands Coordinator (see attached MEMORANDUM - Staffing).
- Per the MEMORANDUM re-structuring steps considered were as follows:
  1. Do nothing, leaving Water Resources as a division of Public Works.
  2. Eliminate the Division
  3. Separate Lakebed Management from Watershed Protection [two differing budget unit revenue sources of Water Resources]
  4. Place Water Resources Division under another department
  5. Create a separate Water Resources Department

Ultimately, steps 1- 4 were dismissed (see attached MEMORANDUM - Options for Organizational Structure).

- Water Resources' staff identified concerns that the creation of the separate department may cause: for instance, possible slower public response time and payment of bills due to lack of clerical support; lack of support staff to cover lunch breaks, illnesses, vacations, and processing the sale of annual quagga mussel stickers; possible reduction of the Public Works budget; and potential challenges in obtaining engineering services (see attached MEMORANDUM - Challenges and Disadvantages).

- Per the MEMORANDUM, five [strong] benefits to creating a new department were as follows:
  1. Provide more direct Board communication in addressing lake and watershed issues.
  2. Provide more support to roads.
  3. Provide more top-level management involvement with lake and watershed issues.
  4. Acknowledge that lake issues are a high priority.
  5. Provide approximately \$85,000 in cost savings to Water Resources.

The Memorandum notes this cost savings may be reduced should engineering personnel not be shared with the Engineering and Inspection Division of Public Works and engineering services need to be contracted out to a local engineering firm.

- County staff concluded the Memorandum with six different recommendations to the Board of Supervisors. In part staff recommended begin the process on January 1, 2009 to create an independent Water Resources department; Board of Supervisors provide direction either to staff or to Human Resources as to either the reclassification of the then division manger to the new Department head or to begin open recruitment and assign the Public Works Director to work with the new department head regarding investigation of shared engineering services.
- In May 2010 the Lake County Water Resources Department was created from the Water Resources Division of Lake County Public Works Department. The new Director of the Water Resources Department reports directly to the Board of Supervisors.

## Findings:

- F 1. The County Administrator advised that under the former structure much of the Public Works operational expenses (overhead) were allocated to Water Resources, resulting in Water Resource funds being siphoned away by Public Works to cover these overhead expenses.
- F 2. The County Administrator expressed that separating out Water Resources from Public Works would allow Water Resources to manage their own funding and thereby be more cost effective.
- F 3. At the time of the initial interviews of the then Water Resources Division, the Planning and Public Works Committee found that the division did not have details about the structure of the new Water Resource Department.

All staff then expressed low morale and concern for job security and positions that could be left vacant.

- F 4. During the more recent of interviews in March 2010, the County Administrator stated that the County was recruiting for a new director, that the Deputy Director would be stepping down in salary, there would be hiring of a new clerical/accounting position and the new director would be allowed to structure and hire his own staff.
- F 5. The Lake County Grand Jury concluded a new Water Resources Department would function better and be able to focus on the lake.

**Recommendations:**

- R 1. The 2010-2011 Lake County Civil Grand Jury conduct a follow-up elective oversight of the new Water Resources Department created May 2010.

**Agency/Department(s) Required to Respond:**

- None

PH-8107 A-6  
G. ISAM  
ADMINISTRATIVE OFFICE

COUNTY OF LAKE



MEMORANDUM

AGENDA ITEM

OCT 13 2009

**TO:** Board of Supervisors

**FROM:** Matt Perry, <sup>M.P.</sup> Chief Deputy Administrative Officer  
Debra Sommerfield, <sup>D.S.</sup> Deputy Administrative Officer

**DATE:** September 29, 2009

**SUBJECT:** Consideration of Separating Water Resources from the Department of Public Works

As directed by your Board during final budget hearings, staff has prepared an analysis and recommendation of the Division of Water Resources (DWR) to determine whether a different organizational structure (other than being a division of the Department of Public Works) would improve cost efficiency and program effectiveness. This memorandum provides some background, identifies issues and possible solutions, and presents a recommendation.

Background

The County's Watershed Protection (formerly known as Flood Control) and Lakebed Management programs have been operated as a division of the Department of Public Works since 1993. Prior to that time, they were two separate departments, and Lakebed Management also has been a part of the Community Development Department at one time.

Due to the method the Department of Public Works uses to allocate clerical, accounting, and administrative support costs to each of its divisions, the amount of department overhead costs allocated to the Water Resources Division has been the source of much concern in recent years. The FY 2009/10 adopted budget includes \$198,029 to pay DPW for basic office services and supplies (e.g. postage, copies, telephones, etc.), clerical and accounting staff support, and department head level management. However, a recent effort to reduce the amount of time the DPW Director is directly involved in Water Resources, may result in a reduction of about \$30,000 from this amount.

The question as to whether Water Resources could be administered for less money is one reason for having this discussion. Perhaps even more important is whether a different organizational structure (e.g., a separate department) would enable Water Resources to be more responsive to the direction of the Board of Supervisors without diverting department head level attention from other high-priority issues such as roads.



Memo to Board of Supervisors, Re: Water Resources, Sept 29, 2009, page 3

1. Do nothing, leaving Water Resources as a division of Public Works. This is always an option, but one that we do not believe will be effective in addressing the financial and program concerns of the Board.
2. Eliminate the Division. This would entail distributing all the tasks and responsibilities of the division and assigning them to other departments. For example, permitting could be assigned to the Community Development Department. Implementing this option may save administrative costs, but operational costs and, more importantly, program effectiveness would be sacrificed.
3. Separate Lakebed Management from Watershed Protection. In terms of the nature of the work, Watershed Protection is similar to Public Works because it is based on engineering practices. Therefore, Watershed Protection could remain as a division of the Department of Public Works and Lakebed Management could be assigned to another department. Again, this option could save money by having Lakebed Management administrative and accounting functions be absorbed by another department. However, from a program standpoint, Watershed Protection and Lakebed Management belong together because the responsibilities assigned to each should be coordinated.
4. Place Water Resources Division under another department. This option also could save money if another department could absorb some of the administrative and accounting functions for which the Water Resources Division currently pays the Department of Public Works to perform. However, if Water Resources were moved to another department, the Board would still have to provide direction to another department head who may not be able to give Water Resources the attention it requires without sacrificing the delivery of core services currently performed by that department.
5. Create a separate Water Resources department. As mentioned above, the scope, complexity, visibility, and significance of the responsibilities of Water Resources justify it being elevated to department level status.

#### Conclusion

After some initial discussion of the pros and cons of each of the above options, we dismissed option numbers 1 - 4 above. However, we agreed that option number 5 is worth considering; therefore, a more in-depth discussion of that option follows.

Challenges and Disadvantages. The Water Resources staff has identified potential challenges with separating from Public Works. Without the clerical and accounting support readily available from Public Works, Division staff anticipates potential slower response to public inquiries, compiling grant reports, paying billings, and other clerical and accounting duties. They also have indicated problems providing back-up to cover the front desk during lunch, breaks, illnesses, and vacation, and to cover spikes in workload such as processing annual lease renewals and the sale of annual quagga mussel stickers.



Memo to Board of Supervisors, Re: Water Resources, Sept 29, 2009, page 5

tasks in the County (e.g., managing Clear Lake and its surrounding watershed), Water Resources should be elevated to department-level status.

5. Provide approximately \$85,000 in cost savings to Water Resources. This is based on one clerical/accounting position (rather than 1 clerical position and ½ time analyst position as suggested by Water Resources staff). Staff believes that a position with the right skill set could provide sufficient assistance in managing grants, contracts, paying bills, etc. In order to be responsive to fluctuating revenues sources (i.e. grants), staffing levels need to be flexible. As necessary, a combination of extra help staff and/ or grant-funded contractors may be used to provide occasional grant management and analytical skills, to backup permanent staff during vacations, and to assist during times of peak workload as described above.

The total amount saved for the entire division also will have a trickle down effect resulting in savings in Lakebed Management and the individual flood control zones. For example, the savings in Lakebed Management would be approximately \$30,000 which is approximately equal to the annual amount of general fund support requested in recent years.

**Changes to Water Resources Budget if Separated from Public Works**

|   |                |                 |
|---|----------------|-----------------|
| Current DPW overhead in FY 09/10 final budget   | \$198,029      |                 |
| Less savings due to revising allocation of Director's time  | <u>-30,000</u> |                 |
| DPW overhead to be saved if Water Resources is separated from DPW   |                | \$168,029       |
|   |                |                 |
| Additional costs in Water Resources if separated from DPW   |                |                 |
| Services and supplies   | 15,000         |                 |
| Salaries and benefits of clerical/accounting position   | 52,556         |                 |
| Possible increase of salary of Deputy Director commensurate with dept head level position (subject to review of the Reclassification Committee) | 4,811          |                 |
| Extra Help during times of peak workload  | <u>10,000</u>  |                 |
| Additional costs in Water Resources by completely separating from DPW   |                | <u>\$82,367</u> |
|   |                |                 |
| <b>Net savings in Water Resources budget if it were separated from DPW</b>  |                | <b>\$85,662</b> |

As noted above, separating Water Resources from Public Works may require changing the way in which they obtain engineering services. If personnel are not shared with the Engineering and Inspection Division, another option may be contracting with a local engineering firm. According to the Public Works Director, contracting for these services may result in a net increase of \$47,000 to the current year's budget, which would reduce the savings noted above.

Recommendation

Staff recommends your Board:

1. Begin the process to make Water Resources an independent department effective January 1, 2009.

Memo to Board of Supervisors, Re: Water Resources, Sept 29, 2009, page 6

2. Assign the Reclassification Committee to evaluate staffing needs of the new department and present a recommendation to the Board by November 3, 2009. Specific issues to be addressed are as follows: a) determine appropriate classification of office support position; b) develop a job description and salary range for new department head; c) consider reclassifying the positions of Clear Lake Lands Coordinator (which will become vacant when the incumbent retires in October) and the Water Resources Program Manager as suggested by the current Deputy Director of Public Works for Water Resources, who has begun working on revised job descriptions.
3. Provide direction to staff whether your Board desires to reclassify the current division manager as the new Department Head or instruct Human Resources to begin an open recruitment. If your Board desires, this matter also could be referred to the Reclassification Committee for review and recommendation.
4. Assign the Office Space Committee to evaluate space needs of the proposed department, identify options, and present a recommendation to the Board by November 3, 2009.
5. Assign the Public Works Director to work with the new department head to explore options to obtain engineering services, including sharing personnel with the Engineering and Inspection Division and/or contracting with a local engineering firm.
6. Assign the Public Works Director to work with County Counsel to identify any necessary modifications to the Lake County Ordinance Code.

cc: Brent Siemer



# Pubic Safety Committee

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# **Alleged Breach of Confidentiality**

## **Complaint 10-23**

### **Summary:**

A member of a local citizen's group filed a formal Grand Jury complaint form listing multiple complaints; only one was within the purview of a civil grand jury. This one issue, alleging a breach of confidentiality from an elected official, was accepted.

### **Background:**

A complaint submitted to the 2009-2010 Grand Jury was referred to the Public Safety Committee. An issue of confidentiality was discussed and accepted for investigation. The committee conducted an interview of the complainant to establish the validity of the allegations on April 20, 2010.

### **Facts:**

- The complainant stated he was in possession of information regarding alleged criminal acts perpetrated by a law enforcement officer.
- It is not within the purview of the Civil Grand Jury to investigate criminal accusations.
- The complainant said he gave this information to an elected official and he understood the information would remain confidential.
- Complainant accuses the elected official of releasing the information to the media.
- The complainant's information was based only on hearsay.

### **Findings:**

- F1. The witness had no direct knowledge of the source(s) used by members of the local media.

### **Recommendations:**

None



## **Alleged Clearlake Police Inaction Complaint 9-03**

### **Summary:**

This complaint, dated August 13, 2009 was accepted by the 2009-2010 Lake County Grand Jury. The complaint alleged inaction on an alleged crime against the complainant. He phoned the police to report a possible fraud and identity theft claiming no investigation took place.

### **Background:**

The complainant alleged unresponsiveness of the Clearlake Police Department regarding a specific complaint of fraud and identity theft. The log of the police department lists no such notation. Although there are many other notations received from the same citizen duly logged into the record there is no documentation of any fraud or identity theft complaint.

### **Methodology / Procedure:**

The committee contacted the Clearlake Police Department and obtained a copy of a "person report" which chronicles the contacts between the Clearlake Police Department and individual citizens. On review these documents revealed that the individual involved in the complaint had over sixty logged calls over the past three calendar years. None of these calls was regarding the offenses of fraud and/or identity theft.

The committee's first objective was to determine if established protocols were followed in the logging and further inquiry into said phone communication. The Public Safety Committee found that the Clearlake Police Department acted in accordance to logging protocols in the nine complaints phoned in by the complainant in 2007, the 16 phoned in 2008, and the 45 complaints phoned to the Clearlake Police Department through August of 2009. No complaint regarding a fraud or identity theft was reported. The committee has determined that the complainant provided invalid information. Since there is no indication of alleged unresponsiveness the investigation was concluded.



# **Alleged Threat from Public Official**

## **Complaint 10-24**

### **Summary:**

A retired county employee alleges that he was threatened by an elected official, his superior, while still employed by Lake County.

### **Background:**

The complainant stated that he had previously considered running for an elective County office. He claims the incumbent warned him at that time, "If you run against me, I will destroy you." When questioned if he had ever threatened a person running against him for office the incumbent stated, "No, never!"

### **Methodology / Procedure:**

The Grand Jury accepted the complaint and the Public Safety Committee interviewed the complainant in an attempt to ascertain the facts. The accused official was also interviewed.

### **Facts:**

- There is an accusation of an alleged threat.
- There is a denial of any threat.
- This complaint was received at the end of the 2009-2010 Grand Jury's term.

### **Findings:**

Inconclusive

### **Recommendations:**

Since time constraints prohibited a thorough review of this complaint by the Public Safety Committee, it is recommended that the Lake County 2010-2011 Civil Grand Jury further review the allegations.



# Clearlake Police Department

## Complaint 9-05

### Summary:

Did the Clearlake Police Department (CPD) act appropriately on March 12, 2009? The complainant claims she was forced to the ground without warning and restrained for no reason by an officer. However, she gives contradictory testimony.

### Background:

It was midnight at the time of the incident. The complainant says she was half-asleep under the effects of a sleeping pill and without her glasses when the police came to her home. Clearlake police were arresting a member of her family.

She claims that as she walked from her front door onto the porch, then into the driveway and finally to the front of her car, she was given no verbal directions by the police. She insists no one said anything to her but, at the same time, she said she complied with police orders.

Finally, she says she was pushed face first into the gravel driveway and handcuffed behind her back for some reason unknown to her.

### Methodology / Procedure:

The Public Safety Committee reviewed the complainant's letter and interviewed her under oath. It subpoenaed a CPD officer involved in the incident. However, the committee was unable to obtain any information from the CPD because the subpoenaed officer did not appear as directed by court-issued subpoena.

### Facts:

- This investigation concerned a civil complaint only.
- The complainant claims her civil rights were violated.
- She claims she was physically hurt by the police behavior
- She states she was not given her 'Miranda rights'.
- She maintains she was unaware of any orders from police to desist from any activity or to remain away from the arrest scene; she insists no police officer said anything to her at any time.

- She said she did not raise her hands high enough after being told to do so.
- She claims she received abrasions and her damaged shoulders were strained in the rough handling and hand-cuffing.
- The complainant did not request medical aid.
- The complainant stated during the interview that she has physical disabilities and is over the age of 55.
- No facts were presented to the Grand Jury by the CPD.
- An explanation of CPD policies for restraint of older persons and persons with physical disabilities was unavailable to the Grand Jury.

### **Findings:**

- F1. The complainant's story contains contradictions.
- F2. Advisement of Miranda warnings is only required if the arrested person is interrogated.
- F3. Information in this investigation comes only from the complainant since the CPD would not cooperate with the Grand Jury.
- F4. The CPD did not respond to a Grand Jury subpoena as ordered by the Lake County Superior Court.

### **Recommendations:**

- R 1. The Grand Jury recommends that the Clearlake Police Department comply with subpoenas issued from Lake County Superior Court. (F3, F4)
- R 2. The Grand Jury recommends that the Clearlake Police Department cooperate as required under law with the Grand Jury. (F3, F4)
- R 3. The Grand Jury recommends that the Clearlake Police Department be more aware of the physical limitations of an aging population.

### **Agency/Department(s) Required to Respond:**

- Clearlake Police Department via the City of Clearlake Council, within 90 days

## Clearlake Police Loss of Property Complaint 9-14

### Summary:

The complainant alleges his house was burglarized and the police were made aware of it. He perceives no action was taken. The victim claims a significant loss of property.

### Background:

A suspicious vehicle parked in front of the victim's unoccupied residence was reported by the caretaker on March 3, 2009. The Clearlake Police Department (CPD) responded to the call within minutes. The driver of the vehicle, with five outstanding warrants, three for felony burglary, had small boxes, new reloading equipment, silver items, and antique toys in garbage bags thrown in the back of his truck. The officer-in-charge stated the driver insisted he was moving and that the items in his truck were his (the driver's) personal belongings.

The caretaker said she indicated to this officer that the items "looked like" the victim's property. Although the caretaker stated she believed the items belonged to the victim she could not absolutely identify them. The officer in charge said the caretaker was not insistent in her recognition of the complainant's belongings.

The caretaker called the victim from the scene on her cell phone and informed him that there were model trains and silver items in the vehicle. The officer-in-charge testified he also spoke with the complainant on the phone at this time; there is no written documentation of this conversation in the police report. The victim said he told the officer that the trains and silver, as well as the toy cars, ammunition reloading dies, and art glass were "his stuff" (the complainant's).

The officer-in-charge arrested the driver on the outstanding warrants. The truck was towed and stored locally. This vehicle, including contents later identified as the victim's property, was claimed by the registered truck owner 72 hours later. Police say they are now unable to find the owner.

Photographs of items in the truck were taken by the second responding officer who performed a partial impound inventory. This officer documented that he searched the truck and, fearing for the security of the contents, had the truck stored per protocol. This officer said there was no legal reason at that time to impound the items which were later identified as the property of the victim.

After returning to his Lake County home on April 5, 2009, the complainant inventoried his losses.

The complainant visited the CPD several times over the next six weeks, expecting to reclaim his property. The original officer at the scene stated he attempted to contact the complainant once by phone on May, 8, 2009; there was no answer and he never tried again.

The complainant said he gave a list of his missing property to an unidentified officer at Clearlake Police Department on April 20, 2009; a highly placed police officer said there is no record of this. A formal burglary report was filed finally on December 12, 2009.

### **Methodology / Procedure:**

The Civil Grand Jury accepted this citizen's complaint. The initial police incident report was reviewed by the Public Safety Committee. The Committee took testimony from the complainant and the caretaker of the residence. An official of the CPD was interviewed. Two police officers involved were subpoenaed and questioned under oath.

### **Facts:**

- The officer in charge considered this call a welfare check only.
- The second responding officer considered this call an investigation of a suspicious vehicle.
- The officer in charge said he has never been aware of the charges against the driver he arrested and booked.
- The officer in charge stated the collection of items in the vehicle did not appear unusual to him.
- The second responding officer stated that the items looked "absolutely suspicious" to him.
- Inventory photographs at the scene showed plastic garbage bags filled with vintage toy cars, antique model trains, what appear to be silver vases and trays, ammunition reloading equipment and several unopened boxes thrown into the bed and front seat of the vehicle.
- None of the boxes in the vehicle was opened during the inventory search on March 3, 2009 by the second officer.

- The officer-in-charge stated there was no conclusive reason to believe the complainant over the suspect at the scene with respect to ownership of the items.
- No burglary incident report was filed by the police until December 12, 2009 following the initial Public Safety Committee's visit to the CPD.
- The complainant, caretaker and officer confirm that that a cell phone call was made from the scene and that the officer spoke with the victim.
- There is no written documentation of the cell phone conversation between the officer in charge and the complainant in any report.
- The officer-in-charge documented in his reports that he only advised the caretaker to tell the complainant to contact the police when he returned home if anything were missing.
- The complainant understood that his belongings would be at the police station until claimed by him.
- The victim states the officer- in-charge did not convey that it was imperative for him (the victim) to return home or he risked losing his property. The victim said he understood that it was not imperative for him to come home immediately.
- It was six weeks before the victim returned to Lake County.
- The vehicle with its contents was towed to a local commercial storage facility. No holds were placed on its release.
- The truck and its contents were claimed three days later by a third party.
- A senior police officer at the scene told the Grand Jury that even if it had been determined that the items were stolen the CPD did not have storage capacity for that amount of evidence.
- The complainant claimed he asked if his residence were secure and was assured it was by the officer on the phone.
- The officer in charge stated he did not observe any sign of a break-in at the residence.
- During his several visits to the CPD no statement was taken from the complainant nor was he assisted in filing an official complaint. Not until December 2009 when the Grand Jury repeatedly requested assistance from the CPD was this done.
- The CPD has a complaint, a victim, a suspect, location of the suspect, the name and vehicle registration of the person claiming the stolen items, plus photographic documentation of the victim's belongings in the victim's house and in the suspect's vehicle.

- Due to circumstances, the victim's property was not protected.
- It is not within the Civil Grand Jury's purview to question law enforcement's judgment in the field, only to determine due diligence.

### **Findings:**

- F1. The CPD made minimal effort to contact the complainant after the fact.
- F2. There was miscommunication between the complainant and police; not enough care was given to communicating with the elderly victim.
- F3. The complainant was not given appropriate police assistance after his return to Lake County.
- F4. The victim could not definitively identify the items over the phone to the officer's satisfaction.
- F5. The officer-in-charge did not adequately communicate the urgency of the victim's returning home to identify the items or the consequences if the victim did not do so.
- F6. Since there is no documentation that the residence was checked at the time the incident, it can not be determined if it were secure on March 3, 2009.
- F7. CPD policies and procedures were followed in the field during this incident. However, there clearly needed to be more follow-up.

### **Recommendations:**

- R 1. The Clearlake Police Department become more cognizant of effective communication, especially in dealing with the elderly population. (F1, F2, F3, F4, F5)

### **Agency/Department(s) Required to Respond:**

- Clearlake Police Department via Clearlake City Council (90 days)

# Correctional Facility

## Complaint 9-02

### Summary:

The complainant's relative died while an inmate at Lake County Correctional Facility (LCCF) in 2008. She requests that the Grand Jury determine why this happened and why he was not given appropriate aid. The Grand Jury found the simple but sad answers: her relative died despite staff intervention because he apparently chose to take his own life.

### Background:

On July 15, 2008 at 5:00am, the complainant's relative was brought to LCCF. During booking procedure and classification questioning, he gave no indication of suicide: he denied suicidal thought, intent or previous gestures. A physician's assistant evaluated him and placed him on a medical protocol for drug withdrawal.

He was assigned to pod A, cell 3, where custodial staff makes visual checks every hour. Medications were administered to him at six hour intervals by a nurse who also assessed his condition. On July 16 at 3:00am staff spoke with him; the inmate offered no complaints at this time. Two hours later, at 5:00am, medical staff interacted with him when passing medications and checking his vital signs. Visual checks every hour by custodial staff continued and are documented.

At 8:25am, a staff officer began the hourly cell check for Pod A, observing cells #1 and #2 and speaking briefly with another inmate in the dayroom. Cell #3 was then checked where the inmate was seen attempting suicide. This was approximately 8:27am. The officer immediately called for assistance. The second officer assigned in Pod A responded at once, arriving as the control tower released the cell door lock. Both officers entered and administered assistance immediately.

Additional back up arrived within seconds. CPR was initiated. 911 was called. When Emergency Medical Technicians (EMTs) arrived the inmate was non-responsive, not breathing without mechanical assistance but with a strong pulse. He was transferred to a hospital where he never regained consciousness. The cause of death was determined to be consistent with suicide.

### Methodology / Procedure:

On February 2, 2010 the Public Safety Committee did the following:

- a. Inspected pod A and cell #3 at the LCCF.

- b. Checked emergency policies and procedures.
- c. Walked through the emergency process with the control tower.
- d. Interviewed officers.
- e. Read the inmate's booking information and classification notes.
- f. Reviewed medical records with officer's reports and coroner's report.

**Facts:**

- Correctional staff does not carry firearms, knives, or door keys while on duty within the jail.
- The control tower handles access to all doors within the facility.
- Two officers are assigned to each pod.
- Correctional staff members make hourly visual checks on all inmates in pod A.
- All staff members are trained in emergency response procedures and cardio-pulmonary resuscitation (CPR).
- Officers displayed emotional upset over the death when talking with the Grand Jury.

**Findings:**

- F 1. In this emergency situation, officers followed their policy and procedure correctly.
- F 2. Staff responded with speed to this life-threatening situation; there was no delay in response.
- F 3. The complainant's relative received appropriate medical care from the trained correctional staff.
- F 4. Inmate had given no indication of suicidal intent to anyone.
- F 5. The suicide occurred during a time when this inmate would not be checked for as long as 30 minutes.
- F 6. Interiors of cells are not visible to the control tower cameras.
- F 7. Almost two years after the death staff distress is still apparent.

**Recommendations:**

None

**Agency/Department(s) Required to Respond:**

None

# Correctional Facility

## Complaint 9-09

### Summary:

Complainant is an inmate at Lake County Correctional Facility (LCCF) with several complaints. He insists his needs are not receiving appropriate attention, that the medical and correctional staff ignore his requests. Essentially, his expectations of entitlement are not being met.

### Methodology / Procedure:

The Grand Jury accepted this complaint recognizing that every citizen is equal under the law. During the Public Safety Committee's annual oversight of LCCF, committee members interviewed the facility nurse and a correctional staff spokesperson with respect to this inmate's specific complaints. The committee reviewed LCCF policies on inmate mail and on access to medical care. Title 15 was reviewed with respect to provision of medical care and prostheses. Finally, the complainant was interviewed.

### Facts:

- He was not receiving his periodicals after the transfer to maximum security nine months ago. This has been corrected.
- The complainant says he has repeatedly requested mental health evaluation but that the requests have been ignored.
- He demands his prescription glasses which he says were broken in transport last year. He complains he has been given only reading glasses.
- The complainant is under the regular care of a psychiatrist and on a therapeutic regimen.
- A Lake County Mental Health Department nurse sees him regularly also.

### Findings:

- F1. Reasonable complaints have been given attention by the staff.
- F2. Complaints have been acknowledged and resolved per protocol.
- F3. The inmate is not satisfied but state and county requirements are fulfilled.

### Recommendations:

None



# Correctional Facility Food Service

## Complaint 10-21

### Summary:

While incarcerated at Lake County Correctional Facility (LCCF), the complainant, a practicing vegetarian, claims he was fed only cheese sandwiches and water three times a day for 277 days.

### Background:

*Title 15, Article 12.1240-1:* In Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 1999-2002 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 1990 California Daily Food Guide, and the 2000 Dietary Guidelines for Americans. Facilities electing to provide vegetarian diets, and facilities that provide religious diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified.

### Methodology / Procedure:

The Public Safety committee reviewed pertinent sections of California Title 15 and ascertained LCCF policy concerning meals for inmates, including those with special needs. The committee also spoke with LCCF kitchen staff and with a senior staff member at the jail with regard to this issue.

### Facts:

- The inmate has not been incarcerated in the Lake County jail since mid-2008.
- The complainant stated no allowance was made by the LCCF for his food needs or nutrition. He is a vegetarian.
- A varied and balanced diet is provided by LCCF daily. If the hot meal is missed in jail, a replacement is provided by the kitchen; it is usually a bag lunch.
- If requested, vegetarian meals within nutrition guidelines are available at LCCF.
- Senior LCCF kitchen staff stated that “under no circumstances” could cheese sandwiches be the only meals served.

**Findings:**

F1. The complainant's statements could not be validated.

**Recommendations:**

None

## **District Attorney /Sheriff Office Complaint 9-15**

### **Summary:**

Determination of guilt or innocence is not within the Civil Grand Jury's purview. It can, however, investigate the complaint of incorrect procedure by Lake County law enforcement. Despite the complainant's perception, there exists little substantiation of this allegation.

### **Background:**

On March 18, 2009 at Saint Helena Hospital Clearlake, the complainant states a sheriff's deputy refused to take her statement or her husband's regarding an alleged assault on her person the night before. She says a nurse at the hospital phoned for the sheriff; no record of a call exists.

On March 20, 2009 she contacted the sheriff's office herself. A deputy came to her residence to interview her but she testified that he refused to take a statement from her husband. At that time the complainant told the deputy she did not want to press charges but needed documentation for insurance purposes.

A month later she phoned the Sheriff's department to demand a case number; there was no case. When the deputy was dispatched a second time the complainant stated the officer was unprofessional in his demeanor. At that time she was told she would have to make a citizen's arrest if she wanted to press charges.

On March 10, 2009, she received a letter from the District Attorney's office saying there exists insufficient evidence to file charges against anyone and the case is now closed. She says there has been a mistake and this letter was erroneous.

The complainant claims she has received little help from the Sheriff and minimal assistance from the District Attorney despite her numerous phone calls. Due to their inaction and lack of cooperation the complainant says she has been inadequately served by the authorities.

### **Methodology / Procedure:**

After accepting the complaint the Public Safety Committee interviewed the complainant under oath and read all submitted written material. A member of the Lake County District Attorney's Office was interviewed regarding this specific complaint. The police report and the witnesses' statements were obtained and reviewed. The Lake

County Computer Automated Dispatch (CAD) system was queried for sheriff dispatches to Saint Helena Hospital Clearlake on the day the complainant indicated.

**Facts:**

- There is no record of a sheriff deputy having been dispatched to the Saint Helena Hospital Clearlake on March 18, 2009.
- The sheriff's deputy documented both the complainant's and her husband's statements on March 20, 2009 at their residence during his initial visit.
- The Sheriff's officer located and took statements from nine individuals.
- There was no corroboration of the alleged assault by any of the witnesses the complainant named except her husband.
- The District Attorney's office notified the complainant in writing that there was insufficient evidence to pursue the case.
- There are many statements by the complainant that cannot be validated.

**Findings:**

- F1. The District Attorney's letter was correct as it referred to the appropriate case, naming one of the two alleged assailants and the date the complaint was filed, per department protocol.
- F2. There is a documented statement taken from the complainant's husband on record.
- F3. There is no documentation, report, or witness statement to support the complainant's allegations of assault except her husband's.
- F4. The complainant was not aware of the law requiring a citizen's arrest if an alleged misdemeanor is not witnessed by a police officer (PC 837).
- F5. The District Attorney cannot pursue a case for which there is insufficient evidence and little chance of a conviction.
- F6. The Lake County Sheriff's office exercised 'due diligence' in its investigation of this issue, conducting a thorough investigation.

**Recommendations:**

None.

# Lake County Fire Protection District

## Complaint 8-12

### Summary:

The 2008-2009 Grand Jury recommended the current Grand Jury conduct a thorough follow-up into a complaint involving the Lake County Fire Protection District (LCFPD). The complainant alleged that emergency response was inadequate and response time prolonged following a 911 call. He questioned safety code enforcement by the LCFPD; he also alleged immediate bull-dozing of his residence.

The complainant watched his home burn to the ground. His expectations of assistance during this traumatic experience were not met.

### Background:

The first complaint filed December 12, 2008 was in regard to the LCFPD emergency response to a mobile home resort in Lower Lake.

On June 27, 2007 at 2:10 am, 911 was notified of a mobile home fire in an out-lying community. Six minutes after the call was logged LCFPD engine #170 was dispatched from Olympic Drive, Clearlake. Two minutes later, while en route, LCPD requested Mutual Aid Assistance from the Kelseyville Fire Protection District (KFPD). The first fire trucks (Engine 9# KFPD and LCFPD Riviera station's tanker #4) were on scene within five minutes of dispatch. The LCFPD arrived 19 minutes after dispatch. In total three engines, two ambulances, and a tanker arrived at the fire scene.

This fire was in the LCFPD which includes the west shore of Clear Lake. However, the fire was less than four minutes from KFPD's Clearlake Riviera station house. LCFPD had primary responsibility for service to this area but KFPD was able to arrive much sooner. Cal Fire also responded to the mutual aid request.

### Methodology / Procedure:

The Public Safety Committee of the 2009-2010 Grand Jury conducted this investigation. reviewing materials provided by the complainant, obtaining both the initial on-scene and the final investigative reports from LCFPD, and studying photographs of the damage. The complainant was interviewed.

Sworn testimony was taken from a Kelseyville Fire Protection District representative and from a LCFPD official. To better understand the situation, the Committee also inspected the mobile home resort where the complainant had resided.

### Facts:

- LCFPD was the investigating agency at the scene.
- The Riviera's tanker carrying 500 gallons worked the fire from the lakeside where additional water was available while KFPD approached from the front road.

- The tanker arrived filled to capacity providing water for engines' hoses; it performed as expected.
- Apparatus of both districts was in working condition and checked for readiness prior to dispatch.
- Although there are no designated fire lanes, LCFPD found them not necessary as the streets are wide and mobile homes readily accessible.
- There are no fire hydrants at the resort.
- Winds were reported to be 20-30 miles an hour during the fire.
- The LCFPD official indicated that dry brush and flammable landscaping facilitated the fire spread.
- Severe damage was confined to three mobile homes and a vehicle.
- There was no loss of life.
- All fire officials interviewed were satisfied with both Districts' performances and the resolution of the emergency.
- The LCFPD official stated fire probably started on the porch of mobile home unit #10, involved units #11 and #12, spreading through dry brush and destroying a vehicle.
- The investigative report stated the cause of the fire could not be definitively determined, secondary to the degree of incineration.
- Mobile home units #10 and #11 burnt to the ground; they were already totally involved when the first engine arrived.
- Neither KFPD nor LCFPD utilized bulldozers at the scene; there was no razing of debris at any time.
- KFPD and LCFPD have discussed changing the Mutual Aid Policy so that a mobile home park fire would automatically generate a mutual aid call. This change would take 2 to 3 months to effect.
- LCFPD discussed the possibility of redrawing fire district boundaries. This would necessitate agreements between the adjacent fire districts, approval by a citizen referendum and adjustment of the fire districts' tax allotments. The process would take two to three years to effect.
- Financially LCFPD expects another reduction in its funding by approximately 8% based on falling county property tax revenues.
- LCFPD cannot afford a permanent code enforcement officer but it does send someone to investigate complaints.
- Both KFPD and LCFPD representatives explained the apparent discrepancies in recorded contact and dispatch times: the dispatcher enters information

manually while initiating appropriate notifications, often doing several things simultaneously; sometimes there are slight delays in entering the data.

- Safety codes for mobile home parks are state-mandated.

### **Findings:**

- F 1. The complainant's home was burned completely to its foundation, not bulldozed.
- F 2. Dry and readily flammable landscaping increased the spread of an initially localized fire.
- F 3. Due to the absence of fire hydrants at the mobile home park, water has to be brought from outside sources in case of fire.
- F 4. Revamping fire district boundaries could markedly improve response time to out-lying areas.
- F 5. Since mobile homes are at such risk for rapid conflagration, an automatic mutual aid call could help control fire spread by increasing the number of initial responders to all mobile home fires.
- F 6. All emergency equipment arrived on scene within reasonable time from dispatch.

### **Recommendations:**

- R 1. LCFPD suggest Westwind Mobile Home Resort have its water district evaluate need for fire hydrants and place them accordingly. (F1)
- R 2. LCFPD request an inspection of Westwind Mobile Home Resort by the appropriate State agency to determine its compliance with safety codes.(F2, F3)
- R 3. LCFPD initiate plans to adjust and redraw its district boundaries with KFPD as soon as possible to increase timely and effective response to emergencies. (F4)
- R 4. LCFPD and KFPD immediately implement plans to designate that mobile home park fires be automatically dispatched as mutual aid. (F5)

### **Agency/Department(s) Required to Respond:**

- Board of Directors, Lake County Fire Protection District (R1, R2, R3, R4, R5) within 90 days
- Board of Directors, Kelseyville Fire Protection District (R3, R4, R5) within 90 days



# Lake County Sheriff

## Complaint 10-17

### Summary:

The Grand Jury can see the complainant's frustration is justified. He has been trying unsuccessfully to discover why his Lake County deputy sheriff identification badge has not been issued. After the Grand Jury intervened for the second time with multiple phone calls, the complaint has finally been resolved.

### Background:

After retiring from the Lake County Sheriff's Office (LCSO) in 2006, the complainant requested a retired law enforcement officer's card. He stated he has complied with all the department requests; LCSO confirms this. As a retired deputy he is entitled to this identification per Law Enforcement Officers Safety Act (LEOSA) but has never received it. His appeal to last year's Grand Jury resulted in the following recommendation: that the Sheriff give the man his card. It had not been done as of January 3, 2010.

A LCSO representative informed the Public Safety Committee that the application had been misfiled and that the identification card was being mailed to the complainant on February 19, 2010. Two weeks later, this same officer told the Grand Jury the card was probably mailed on February 26, 2010. Eventually, the committee was told the identification card had been issued but it had not been mailed. After additional phone calls to LCSO, the Grand Jury was informed the card was mailed February 26, 2010.

### Methodology / Procedure:

The Public Safety Committee reviewed the facts as presented in the complainant's letter. It also reviewed the law relating to retired deputy's rights: Law Enforcement Officers Safety Act and California Penal code section 12027.1a. The committee managed with difficulty to contact a representative of LCSO responsible for issuing identification badges; this took several phone messages, many of which were not acknowledged by the representative.

### Facts:

- The committee left many voice-mail messages for the LCSO contact officer over several weeks with little success in obtaining any call-backs or effective cooperation.

- California state law requires an identification card be issued to all retired law enforcement officers. LCSO never issued the identification badge as requested. (Law Enforcement Officers Safety Act).
- The complainant was entitled to this identification badge by law.
- This is a second complaint from the complainant about this unresolved problem.
- The complainant stated he felt discriminated against because of prior disagreements with department administration.
- Communication from the LCSO on this subject has been poor.
- After almost four years the identification badge was issued.
- The card was finally received by the complainant March 11, 2010.

### **Findings:**

- F1. The LCSO did not comply with the LEOA and did not give this retired deputy his ID badge.
- F2. The 2007-2008 Grand Jury investigated this complaint last year and its recommendation was not followed by the LCSO.
- F3. Numerous calls from the Grand Jury to the LCSO contact person received no response.
- F4. The complainant was given a verbal apology in late February, 2010, by LCSO and told his identification badge was in the mail. Two and a half weeks later, it still had not arrived.
- F5. The issue is now resolved to the complainant's satisfaction.

### **Recommendations:**

- R 1. It is recommended that the Lake County Sheriff's Office respond to Grand Jury requests in a timelier manner. (F2, F3)
- R 2. It is recommended that the Lake County Sheriff's Office be timely in its issuance of identification cards to entitled deputies. (F1, F4)

### **Agency/Department(s) Required to Respond:**

- Lake County Sheriff, within 90 days.

# Clearlake Police Department Oversight

## Summary:

Clearlake Police Department (CPD) is beset by difficulties: a rising crime rate, permanent vacancies plus lay-off and retention problems and a crippling budget deficit.

## Background:

The population of the City of Clearlake is estimated at 15,000 to 20,000 and serious service calls for the CPD are increasing. (Addendum A). At the time of this oversight, there were only 24 sworn officers in the police department to cover ten square miles.

The Chief of Police is appointed by the City Council.

## Methodology / Procedure:

When the Public Safety Committee arrived for its previously scheduled visit with CPD supervisory staff it was informed by a clerk that the staff member was not present. The clerk also informed the Grand Jury members that they would not be allowed access to citizens' complaints "anyway". After instructions from a legal advisor the CPD recognized the authority of the Grand Jury to review certain confidential records. During the follow-up visits, one unannounced and one scheduled, the Grand Jury was given full cooperation from CPD.

The Committee members interviewed police officers and clerical staff, veterans and trainees; they spoke with administration and patrol, field training officers as well as dispatch. All shifts had representation in the investigation. During interviews command staff provided a secure room and access to any staff on duty. Twenty people were interviewed during this oversight including several former CPD employees.

The Public Safety Committee attempted to access basic information from the CPD website also.

## Facts:

- CPD leadership claims that morale is "inner-driven" and not the concern of management, that it is the "responsibility of the individual."
- Departmental morale was reported to be historically low by a majority of those interviewed.

- Many employees, current and former, held the perception that lack of leadership contributed to the low morale level.
- Day shift staff repeatedly stated that job insecurity was the primary cause of poor morale.
- Some of those interviewed felt promotions have not been solely merit-based.
- CPD force is small and the attrition rate of new and veteran officers is high.
- At this time CPD can not offer competitive wages to its law enforcement officers. The pay also does not reflect the volume or severity of the calls CPD must handle. (Addendum A)
- Some patrol officers can no longer take their official cars home; this policy change is viewed as another lost benefit.
- As its budget shrinks the CPD has been forced to expand services for community safety, e.g., animal control and code enforcement. The Grand Jury was told the department is being “held together with band aids”, “no more cuts can be made”.
- The Grand Jury was informed there have been lay-offs with no consideration for seniority or years of dedicated service.
- Complaints of alienation surfaced over the fact that top command after taking office took over six months to introduce itself to some staff.
- Top command has not been available for “ride-alongs” with night officers stating he has family obligations. Staff has voiced resentment of apparent lack of recognition that they too have family obligations.
- Command said that in the future, if asked, it is willing to “ride-along” after hours.
- Employees mentioned they are often not aware when policies are changed or up-dated.
- The Grand Jury was informed the Community Policing Outreach Program is no longer a priority. Some staff testified that top command has said Community Policing is a waste. There is no CPD training for Community Policing.
- One former officer felt the community was not seeing police on patrol enough as official cars are frequently parked at the station rather than being actively driven on the streets.
- Cultural and ethnic sensitivity are part of required police officer training. Several officers testified to a lack ethnic sensitivity among some CPD staff in the workplace.

- Top CPD command has stated there is “zero tolerance” for racism in the department.
- The CPD webpage remains undeveloped, containing only its address and telephone number.

### **Findings:**

- F1. CPD retention, community policing, perceived favoritism and leadership’s limited presence are issues that are remedial.
- F2. There is a perceived disconnection between the command staff and employees. A perception of alienation exists in part because except in emergency situations command has been previously unwilling to “ride along” with patrol, especially during pm and night shifts.
- F3. No longer allowing most patrol cars to be driven to and from home decreases visible police presence on the neighborhood streets.
- F4. The CPD web page is an undeveloped resource. It is a highly economical venue to communicate with the public and recognize individual officer’s achievements.

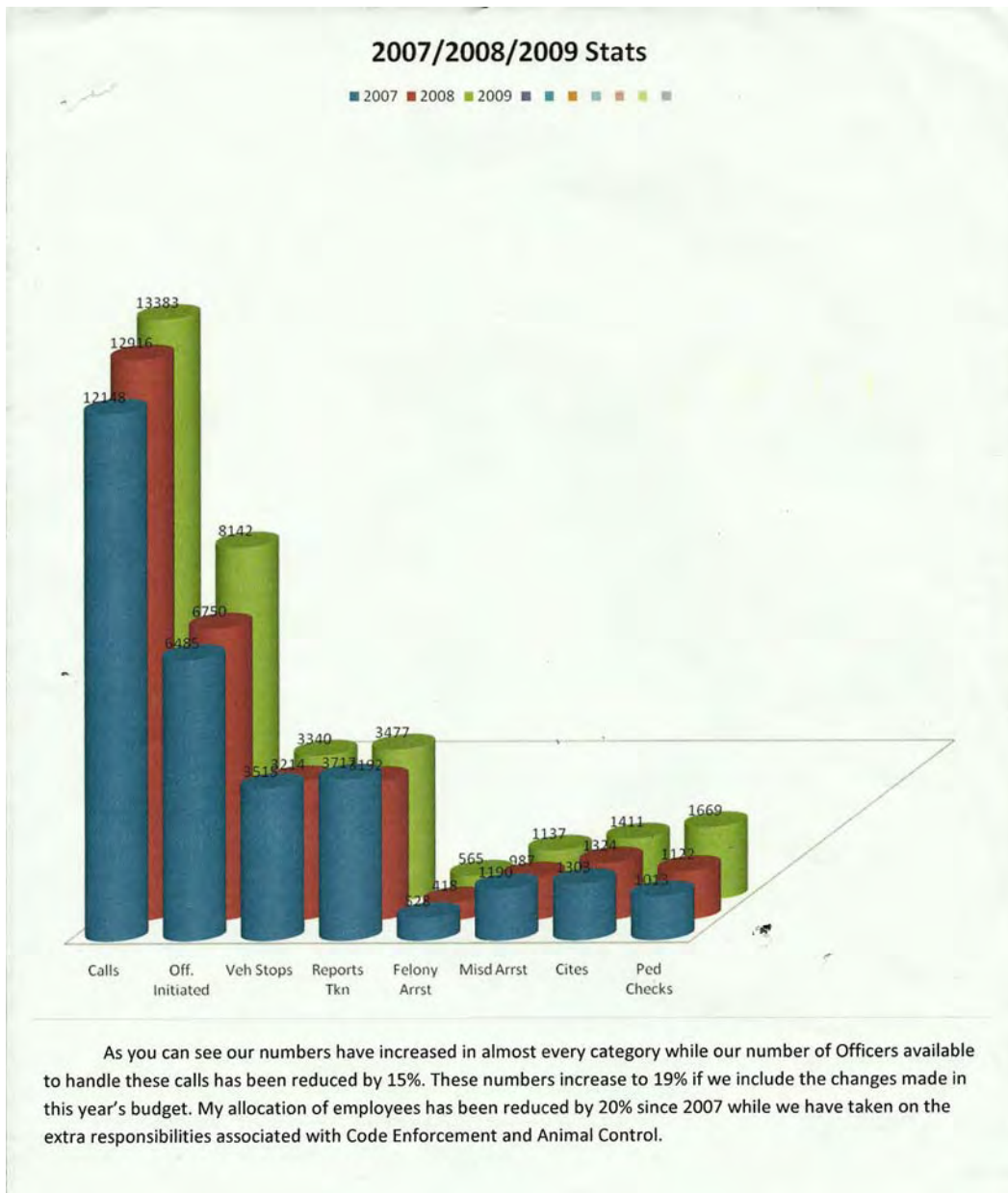
### **Recommendations:**

- R 1. Initiate increased community policing utilizing in-house training. (F1, F3)
- R 2. Develop the CPD web page to recognize the heroic efforts of law enforcement staff serving Clearlake’s citizens. (F1, F4)
- R 3. CPD leadership develop more proactive responsibility for the morale of its officers and clerical staff. (F1, F2, F3, F4)

### **Agency/Department(s) Required to Respond:**

- Clearlake Police Department via Clearlake City Council (90 days)

# Addendum A



# Clearlake Police Department Holding Facility

## Unannounced visit



### Summary:

The Public Safety Committee made an unannounced inspection of the Clearlake Police Department's inmate-holding cells. The Grand Jury Committee was very pleased with its findings: a well-kept, clean and modern facility.

### Background:

The CPD holding facility was constructed within the Police Department Headquarters on Olympic Drive in 1996. There are five, one-person holding cells. These cells are large enough for two people and used only for very short intervals, e.g. drug and alcohol detoxifications, misdemeanor citation and release procedures, and for holding inmates awaiting transport. The census is generally very low; the hold period rarely exceeds six hours. There were no inmates present during the oversight.

### Methodology / Procedure:

On January 25, 2010, the 2009-2010 Grand Jury made its mandatory, annual inspection of the holding area at the Clearlake Police Department (CPD). This was an unannounced visit by the Public Safety Committee at 9:00 on a Monday morning. Although the oversight visit was unexpected an officer was assigned within a few minutes to provide information and a tour of the holding area.

The CPD web site was accessed prior to the visit but was found to be empty of useful information. Recent Clearlake Fire Department, California Correction Standards Authority and the Lake County Health Officer inspection reports were researched for data.

**Facts:**

- The officer assigned to the Grand Jury was timely, courteous and informative.
- CPD is responsible for protecting the City of Clearlake, with an area greater than ten square miles and a population more than 15, 000 (in 2008).
- The CPD has 24 officers and is presently not filling any vacancies that occur.
- Staffing has recently been reduced by five positions (including office employees and three sworn staff) due to budgetary constraints.
- A staff officer stated the Department's biggest concern is the budget and its potential to affect the provision of services to the community.
- Other than its address and phone number there is no information at all on the CPD public web page.
- The holding facility was constructed in 1996 within the main CPD building.
- The holding area was last inspected by the Lake County Health Department in January 2010; the report listed no deficiencies.
- Clearlake Fire Department's annual inspection was made August 2008: minor deficiencies were corrected and a two year fire clearance was granted.
- The fire sprinkler system has been updated since 2008 and is to code.
- The fire extinguisher monthly check was current.
- California Correction Standards Authority inspects the facility every two years; the 2008 inspection found the facility Titles 15 and 24 compliant without recommendations.
- The daily inmate census varies from zero to six inmates, occasionally necessitating double occupancy of cells.
- When necessary inmates are transported by police car to the Lake County Corrections Facility in Lakeport for booking and incarceration; it takes an officer approximately two man-hours round trip.
- CPD can provide basic first aid. Inmates requiring more care are transported to St. Helena Hospital Clearlake, or 911 is called.
- Suicide risks are not held within the facility but sent for evaluation to the local emergency room for evaluation by a mental health crisis worker.
- There are five holding cells. Toilet facilities and drinking water are available in each.
  - a. Three general population cells have a bed, a bench, a table and a toilet/sink/water fountain unit. One of these cells has an over- sized, wheel-chair accessible door and a shower; it is American Disabilities Act compliant.

- b. There are two other cells which are used for detoxification with padded floors and no benches or beds.
  - c. There is no safety cell.
- Since staff is not usually present in the holding area when there are inmates 30 minute physical checks are made; documentation of the checks showed they were performed as required.
  - A camera and microphone scan the cells and are recording at all times, regardless of census.
  - One toilet/sink/water fountain unit has carried an 'out of service' sign for approximately 30 days; the Committee was informed that the contractor is having difficulty finding parts.
  - Cell walls are bright painted cinder block with large high-visibility laminate windows.
  - Ceiling sprinklers and lights are safety covered. All lights were working.
  - The cells were in very good, clean, and intact condition.
  - The City of Clearlake is responsible for maintenance at the CPD.
  - The booking area outside the cells held first aid basics, blankets, and arrest and evaluation forms.
  - The CPD utilizes electronic locks in the sally port and throughout the building; individual cells doors have industrial dead bolts.
  - CPD has its own emergency electric generator.
  - Two interview rooms are soundproofed and monitoring can be disabled if confidentiality is needed.
  - There is one "cold" phone line, i.e. not recorded, for confidential use between inmate and attorney or clergy.
  - The CPD uses an inmate classification/evaluation form which asks medical and psychological questions; trained officer observations are included, also.
  - The evaluation form includes questions specifically targeting communicable diseases and suicidal ideation.

## Findings:

- F1. The CPD holding facility supports modern technology.
  - a. It is sight and sound monitored and recorded.
  - b. Doors and sally port entrances and exits are all electronically controlled.
  - c. Electronic locks are manually operable, if necessary.
- F2. The CPD can maintain its own electricity in emergencies.

- F3. Walls and floors are in well maintained, clean condition.
- F4. The holding facility is compliant with all required State and County regulations.
- F5. The inmate questionnaire form is a well-developed and usable assessment tool; it addresses both medical and psychological issues for determining immediate health status at arrest.
- F6. The CPD website is essentially undeveloped belying the energy and care demonstrated to the Grand Jury during its oversight.

**Recommendations:**

- R 1. The Grand Jury recommends the Clearlake Police Department design an informational web page to acknowledge individual officers' achievements, advertise the mission statement, promote community relations, etc.( F1, F2, F3,F4, F5, F6)

**Agency/Department(s) Required to Respond:**

- Clearlake Police Department via Clearlake City Council (90 days)

## Konocti Conservation Camp # 27 Oversight



### Summary:

California's overall recidivism rate for general population prisoners is approximately 80%. Konocti Conservation Camp (KCC), with its select, non-violent volunteer inmates, has a rate significantly lower by half for those who successfully complete its program. The State spends \$42,000 to \$47,000 annually maintaining each inmate incarcerated in prison. The cost for supporting an inmate at KCC is less than half that. KCC's response to fire emergencies saved the State an estimated \$2.5 million in 2009. This demonstrates a successful working relationship between the Department of Corrections and Rehabilitation and the Department of Forestry and Fire Protection.

### Background:

KCC# 27, established in 1961, is a level I minimum security camp in an isolated area of Lower Lake. The California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire protection (CAL FIRE) operate the camp jointly. Their primary function is to prepare inmates for return to society while providing inmate fire crews throughout California.

CDCR retains responsibility for the selection, supervision, care and discipline of the inmates. CAL FIRE maintains the camp and supervises fire suppression training plus conservation projects. CDCR officers accompany the fire and work crews during daily work to provide safety and security in camp and when assigned to off-campus projects. This is a low risk unlocked facility.

### Methodology / Procedure:

The 2009-2010 Lake County Civil Grand Jury inspected KCC as mandated by Penal code 919(b). Although KCC is State-run it is an inmate-holding facility within Lake County and, therefore, within the Grand Jury's purview.

The Public Safety Committee spent three hours touring administration offices, dormitories, kitchen, showers and bathrooms, as well as work, entertainment, exercise and hobby areas. It inspected the new water treatment plant, storage sheds, and machine and heavy equipment bays. Interviews with staff and many casual encounters with inmates provided a more personal view of KCC operations. The Committee was provided hand-outs, inmate-prepared displays, samples of facility food and insights into daily life.

### **Facts:**

- Inmates selected for KCC must have less than five years remaining on their sentence, have low violence potential and must be motivated. Inmates must demonstrate willingness to conform to camp expectations of behavior and work ethic.
- Inmates with useful skills, viz. welding, carpentry, plumbing, mechanics, electrical and clerical expertise are given priority.
- Inmates do most building, grounds, plumbing and electrical maintenance themselves.
- On average only the last nine months of an inmate's sentence are spent at the camp.
- Gang or race-related misbehavior is not tolerated. Staff indicated this is not an issue in KCC's small motivated inmate population.
- KCC's average cost of meals per inmate is \$2.80 a day. Most camps keep their food costs from \$1.80 to \$2.60. KCC's cost is higher due to its rural location. The kitchen crew verbalized pride in its culinary expertise.
- Inmate and staff work to keep the facility as close to self-sufficient as possible.
- A garden supplements inmate meals with fresh vegetables. Extra produce is sent to other camps weekly in season.
- The up-graded water treatment plant provides on-site training for inmates and recycled water for gardening and landscaping.
- KCC has a functioning generator and a working well.
- Camp #27 offers no on-sight medical care except first aid. Sick call is daily at 8:15 am. Emergencies are transported to the Sutter Lakeside Hospital; non-emergent medical needs are sent to the prison medical facility at Susanville. The biggest medical problem usually encountered is poison oak reaction.
- The camp inmate capacity is 118 men. KCC presently holds 110 minimum security male felons, comprising five 16-man fire crews with the remainder as support workers.

- Staff to inmate ratio is 1:16.
- Facility remains unlocked 24 hours per day. There are 6-7 routine and random roll calls every 8 hour shift and bed checks during night hours. At night the one officer on duty contacts the Lake County sheriff's office every hour, also confirming the inmate count with Susanville.
- There has been only one attempted escape in the last decade.
- KCC fire crews usually answer emergency calls in Lake, Sonoma, Napa, and Mendocino Counties but can be shipped anywhere needed.
- In 2009 KCC had 87 incident responses and 51 work (non-fire) requests; it responded to needs ranging from Santa Barbara, Colusa County, Lake Mendocino, and the Elem Indian Colony to Highland Springs.
- There is an experienced Mobile Fire Kitchen (MFK) crew which has provided high protein, high carbohydrate meals to as many as 3000 firefighters daily during major emergencies with minimal rest.
- KCC budget is scheduled around the daily census; at the time of this inspection there were no budget cut-backs from the State for the camp.
- Oversight inspections are routine, mandated from a multitude of oversight agencies: the Chief Deputy Warden's Office, management audit teams, Cal Fire, Public Health agencies, food services, Environmental Health, etc; Local, state and county investigators are seen annually, randomly, announced and unannounced. Additional research indicated KCC is compliant and within budget.
- Conservation camps are limited in offering services to the community. Inmate labor must be on federal, state, county, municipal, or district projects which do not remove jobs from the private sector (CPC 2701).
- The CAL FIRE-trained Mobile Equipment Unit (MEU) crew responds to fire lines for emergency maintenance and repair of the fire-suppression equipment.
- KCC routinely maintains and repairs vehicles and equipment in camp for CAL FIRE and county fire districts.
- CDCR at KCC has eight correctional officers, one correctional sergeant and the Camp Commander, a lieutenant. It is in the process of recruiting additional officers.
- CAL FIRE staff has ten fire crew captains, one heavy equipment mechanic, one office tech and one water treatment specialist officer plus the Division Chief.
- KCC maintains an 'Open Door Policy' to both staff and inmates for resolution of internal issues. Examples were given of its effectiveness.

- During 2009 calendar year KCC provided 27,368 hours of conservation work to local communities, 30,000 hours in emergency responses and 11,936 to federal agencies.
- During 2009, estimated cost avoidance efforts of inmate fire crews saved California taxpayers \$2,484,093.
- Inmates are paid \$1.45 to \$3.90 per hour depending on their skills. When assigned to the fire line they earn an additional \$1.00 per hour.
- Water treatment certification preparation, GED programs, mechanical and vehicle maintenance training are promoted in KCC. Education is encouraged – and facilitated – at this facility.
- Inmates may earn family visits every 30 days. A small house on camp property allows inmates to spend up to three days with their families. There are also general visiting hours during week nights.
- Most inmates qualify for sentence reduction: one day of sentence is deducted for each day worked.
- The three dormitories allow a small amount of personal space and individual lockers for inmate belongings; floors, walls, furniture were clean and well-maintained.
- Workshops and storage sheds are well-organized with appropriate and legible signage. Work bays and the kitchen were without clutter and had adequate work space.
- A new \$15,000 grant will permit replacement of the mildew-prone showers with new tile in 2010; labor will be provided by the inmates themselves.
- KCC has exercise equipment (no weight-lifting), picnic tables in a shaded area, sports equipment, a small donated library and a woodworking/laminating shop for inmate leisure use.
- There are two separate TV rooms; staff informed the Committee that this reduces tensions by supplying more inmate control over program selection.
- Community volunteers provide religious and tutoring services.
- Fire crews, MFK and the MEU from Konocti Conservation Camp are available for emergency dispatch anywhere in California, as well as other states.

## Findings:

- F1. This is an excellent program CDCR and CAL FIRE have created; useful and cost effective, safe for the community and positively affecting social change. Mutual goals and coordination between two State departments have produced a successful joint agency program.

- F2. Fire Captains, CDCR officers and inmate crews have developed a relationship of trust necessary to work together effectively in emergencies. Inmate and staff members choose to work at KCC. This mutual determination fosters trust and provides a foundation for success.

**Recommendations:**

None

**Agency/Department(s) Required to Respond:**

None



# Lake County Correctional Facility Oversight



## Summary:

The Lake County Correctional Facility (LCCF) off Hill Road is clean, bright, well-organized and functional.

This report reflects the annual mandated oversight of the Lake County Correctional Facility (LCCF) by the Grand Jury. Since all state, fire and health inspections were current and without deficiencies, the Public Safety Committee focused its attention on specific issues this year: food service, commissary policy, and telephone access and education opportunities.

## Background:

The Sheriff has oversight of LCC; although he has the ultimate responsibility, actual day to day functions are regularly delegated to a senior command level officer. Built in 1991 and upgraded in 2003, the facility has a rated capacity of 286. Each unit (pod) accommodates different classifications of inmates (level I through IV). Two correctional officers are assigned for each pod at all times. Central manned towers visually and electronically monitor the entire facility, controlling locks on all internal, external and cell doors. LCCF provides protective and administrative custody, safety cells, one maximum security and several general population pods. There is an on-site medical unit.

## Methodology / Procedure:

The Public Safety Committee was given an extensive physical tour of the facility on February 2, 2010. Previous and current years' state, county, medical, health and fire inspection reports were reviewed. All requested reports, forms, budget information and operational documentation were readily available to committee members. During the oversight several correctional staff employees and a medical staff member were questioned. Inmate interaction with correctional staff was observed and an inmate in administrative custody was interviewed.

The Public Safety Committee checked cleaned laundry, sampled prepared food, evaluated the blankets, inspected an occupied cell, observed a booking procedure, evaluated forms, requested visitation with a maximum security prisoner, checked inmates access to the phones, their money and mail, located a specific inmate's

belongings in the property room, watched activity in dayrooms, talked to the nurse, and spoke with inmates.

**Facts:**

- Annual California Standards Authority, Public Health and Fire Department inspections are routinely good: LCCF is in full compliance with all regulations.
- There are 4 correctional officer positions vacant. Retention is not a problem; vacancies reflect career advancement within the Sheriff's Department and relocations.
- Recent fire drill and joint custodial/medical emergency drill are documented.
- Routine monthly checks on fire extinguishers are inconsistent.
- Cameras monitor the entire facility from central control towers but they do not record at this time. A grant request is in process to purchase new recording equipment.
- An extensive intercom system connects all cells and other areas with the tower.
- There is a large well-lit booking area with a waiting lounge, TV, and free phones if needed.
- The entire facility is in good repair, inside and out.
- The buildings are very clean although the inmate maintenance staff receives no real training other than correctional staff's directions.
- Laundry, kitchen, booking areas, halls were clean and well organized.
- Sally port perimeter and fencing are intact. Facility armory and evidence rooms were not visited.
- A physician's assistant, a medical doctor, the county mental health nurse, and a contracted tele-psychiatrist care are available to all inmates, in addition to an in-house nurse 24 hours a day.
- Inmates have access to televisions and telephones in the dayrooms. The facility boasts a commissary and a library. Work programs (school and county projects, in-house maintenance, cooking, baking, laundry, gardening, animal control) education (General Education Degree), life skills programs (parenting and self-improvement, anger and addictions management, Alcoholics Anonymous, etc.), and religious meetings are available.
- LCCF now has a Lake Transit stop and will provide phone calls and a bus pass, if needed, for discharged inmates. Released persons may wait inside the facility in the booking lounge for pickup.

- All request forms (daily sick call, commissary request, library pass, Grand Jury complaint, and grievance) are available at the officers' station in every pod. They are available upon verbal request.
- The kitchen is operated by the Sheriff's Department. The registered dietician is not on site and not as involved in the actual diet preparation as would be expected.
- The committee was told inmates receive approximately ~3100 calories per day, but 1% milk, mayo, ketchup, etc., are counted in calorie intake. Sodium content (added salt) is not regulated.
- Meat of some kind is served daily.
- The one hot meal, the largest, is served at noon.
- The commissary mark-up (determined by the Sheriff) of ~40% is reasonable; many prices are actually lower than local retail cost.
- Commissary money is placed in an inmate welfare trust and used exclusively for the benefit, education and welfare of the inmates.
- LCCF has implemented a local vender preference policy for buying its supplies.
- Indigent inmates are not denied basic hygiene items from the commissary; others pay for purchases with personal accounts held in their names.
- Records for the commissary activity are audited in-house and again with the full LCCF audit.
- Casual phone access is not required by law; however, LCCF inmates can make collect calls on the dayroom phones. LCCF receives 45% of the gross revenue from the collect calls.
- The committee was told by LCCF administration that calls to most attorneys and the Public Defender's office are no longer blocked; this was a difficulty encountered initially with the new contract.
- There is also a system whereby families can establish a private contract with this company to allow the inmate phone use. LCCF has no financial or contractual connection with this arrangement.

## **Findings:**

- F1. Policies and procedures are comprehensive, well developed and implemented.
- F2. With a total staff of 60+ and an average daily inmate capacity of 280, LCCF does not have an automated external defibrillator (AED).
- F3. An inmate-maintained garden on jail grounds provides fresh produce in summer.

- F4. The committee noted a good working relationship between correctional and medical staff. Several officers indicated LCCF is a “good place” to work.
- F5. Changes in administration with recent in house disciplinary issues appear to have left moral intact.
- F6. An half-time employee is in charge of the kitchen; a full-time position remains vacant. It is difficult to maintain the necessary supervision in the kitchen if staffing is not optimum.
- F7. The largest meal, a hot lunch served at noon (although the menu show it at dinner time), may be more convenient for kitchen staff but does not serve the inmates well, *esp. the juvenile hall clients*.
- F8. There is a 14 hour time span between the brown-bagged dinner and breakfast – both somewhat meager in amount.
- F9. Inmates receive a prescribed number of calories but this does not reflect the actual *amount* of food served.
- F10. Although the committee was informed that financial limitations are a concern LCCF is operating within budget.
- F11. The exercise yard is small and sterile; there exists no way to facilitate large muscle exercise or even relaxation.
- F12. The majority of the 2009-2010 Grand Jury’s recommendations for LCCF require minimal expenditures.

**Recommendations:**

- R 1. The Grand Jury strongly recommends that LCCF obtain an AED immediately as it is an inexpensive but priceless life-saving tool. (F2, F11)
- R 2. The Grand Jury recommends that every effort be made to secure sufficient kitchen staffing, to fill vacant kitchen positions, and to use the registered dietician effectively. (F5, F6, F7, F10)
- R 3. It is requested that LCCF recognize the need to serve the largest, cooked meal in the evening. (F6, F7, F8, F10, F11)
- R 4. The Grand Jury suggests a larger exercise yard be developed in the available space on county land. (F10, F11)
- R 5. LCCF could consider a winter garden as a cost-effective work program and an alternative to purchasing vegetables. (F3, F8, F10, F11)

**Agency/Department(s) Required to Respond:**

- Lake County Board of Supervisors (within 90 days)
- Lake County Sheriff (within 90 days)

# Lake County Correctional Facility Oversight

## Unannounced

### Summary:

The 2009-2010 Grand Jury wondered why complaints from Lake County Correctional Facility (LCCF) are written on yellow paper, unlined paper, or even old court papers. Why are they not on the correct Grand Jury forms?

### Background:

The Civil Grand Jury is mandated to oversee all facilities of incarceration within the County. Inmates and detainees may request the Grand Jury to investigate their complaints. The Public Safety Committee was assured during its annual oversight of these facilities that the appropriate forms were available for complaints.

### Methodology / Procedure:

The Grand Jury sent two members on an unannounced visit to LCCF. They asked to see Grand Jury complaint forms which are supposedly available to inmates. Although the correctional staff looked in several locations, no forms were found.

The Grand jury members also checked form availability at Juvenile Hall (JH). The results were identical.

### Facts:

- Lake County Civil Grand Jury serves the entire county.
- Grand Jury forms should be available to inmates and detainees.
- Complaint forms are not available at LCCF or JH.

### Findings:

- F1. The Grand Jury was misinformed as to complaint form availability at LCCF.
- F2. Incarcerated citizens in Lake County are denied access to the Grand Jury forms to which they are entitled.

### Recommendations:

- R 1. Grand Jury complaint forms be made available to all inmates and detainees at once. (F1, F2)

R 2. Information regarding the Grand Jury be included in the brochure distributed during booking at JH and LCCF.(F1, F2)

**Agency/Department(s) Required to Respond:**

- Lake County Sheriff's Office, within 90 days
- Lake County Juvenile Hall via County Probation Department, within 60 days

# Lake County Juvenile Hall Oversight

## Summary:

In this perennial saga, deferred maintenance, replacement and repair has taken a heavy toll on the Lake County Juvenile Hall - and its children suffer. Understanding the County's current financial situation still the Public Safety Committee is optimistic that in this upcoming fiscal year, the Board of Supervisors will heed the Lake County Civil Grand Jury and find their way to finally fund way overdue fixes. This does not mean create overly comfortable accommodations, this merely means create adequate; to bring the facility structurally up to par for the 21st century. For instance a roof that does not leak and create mold; a functional on-site kitchen; cells that are neither freezing cold nor stifling hot; and running water in the cells that flows with adequate pressure and is consistently hot and cold for washing and drinking. It is way past time to make Juvenile Hall a budgeting priority.

## Background:

Per Penal Code § 919(b), the Grand Jury shall inquire into the condition and management of the public prisons within the county. The Lake County Juvenile Hall falls under this category and the Lake County Civil Grand Jury Public Safety Committee is commissioned to perform this oversight inspection.

## Methodology / Procedure:

The Public Safety Committee collected pertinent documentation and on March 2, 2010 conducted a several hour on-site visit and tour of the complete facility to assess its structural integrity, the working environment for the personnel, and the living conditions of the detainees. The committee inspected every nook and cranny of the entire facility; reviewed request forms; interviewed the superintendent, officers and the medical program manager. The committee also observed delivery of the day's meals and snack and shared the noon meal as well as had discussion of conditions with detainees.

## Facts:

- The Lake County Juvenile Hall (Juvenile Hall) is located at 1111 Whalen Way, Lakeport, California.
- The function of the Juvenile Hall is to temporarily house, discipline, school and attempt rehabilitation of offending juveniles ages eight (8) years to nineteen (19) years of age.
- On the day of the Public Safety Committee visit, the number of detainee occupants totaled eighteen (18); sixteen (16) males and two (2) females. The "B"

wing was closed at the time due to the low census count. During our visit the committee observed one detainee in the locked holding cell for disciplinary problems.

- The current staffing is twenty (20) permanent positions consisting of the superintendent, four (4) senior correctional officers, fourteen (14) correctional officers and one (1) correctional aide. There are three (3) part-time extra needs officers who are restricted by contract to 900 hours only per year. Work shifts are twelve (12) hours, three (3) shift days in one week and four (4) shift days in the next. Two officers were reported to be on long term leave due to illness.
- The on-duty correctional officers conveyed real dedication and commitment to this profession and those to whom the committee spoke really enjoy the positions at this facility and have been at this facility many years. Some reported having experienced a reduction in pay due to current countywide economic conditions and that the low census count effect is reduced revenue for the Juvenile Hall, but still these officers plan to remain until retirement.
- The Juvenile Hall is comprised of one section, wings "A" and "B" of stucco/cement block construction originally built in 1984 and a similarly constructed section, wing "C", added in 1999.
- The Juvenile Hall facility has single, double and triple bed cement block cells with a total bed rated capacity of 40 inmates; one cell is handicapped equipped. All exterior doors are heavy security doors. All interior cell doors have magnetic window covers for security and privacy. Each cell has access to natural light via a metal security screened window. Each cell contains a combination stainless steel sink/water fountain, toilet and single iron frame beds. In addition the wings have separate male and female restrooms and there is a shower room in one wing. There is a central kitchen; a dining room; a video game area (available as an incentive); and a recreation room with a television and a bookcase with appropriate age level and subject reading material. The front entry consists of a separate visitor's reception area. There is an observation/control room equipped with a color security camera system and an intercom board; an intake/locked holding cell; a padded cell; a laundry room; a nurse's examination station (room); and numerous linen, file and equipment storage closets located within the three wings.
- Separate wooden modular (portable) buildings, added in 2003, serve as the "court" school providing two adequate sized rooms; one room functions as a classroom the other a computer lab. The school is accessed from the main building by a surround - fence and roof enclosed wooden pass-through walkway.
- The building roof leaks and the committee was advised there is a recurring odor of mold during the rainy season which can be a health threat to staff and

detainees. It was indicated to the committee that Lake County Building and Grounds have been apprised of this condition numerous times. It was further reported that roof repair is currently out for bid, although the 2009/2010 fiscal year budget provided to the committee does not reflect a line item request for roof repair or replacement.

- Pressure and temperature of the water provided to the sink/drinking fountain combination in the cells was either not hot for washing and/or not cold for drinking and the water pressure is inadequate for either.
- The committee observed some detainee graffiti (often gang related) most of which is covered or nearly covered by painting over but still some is visible - particularly on the inner side of the detainees' headboards.
- The committee was informed there are current plans for removal of a wall and large pane window which now separates the dining area from the dayroom and to replace dining table tops with dual purpose game table tops. The 2009/2010 fiscal year budget reflects a \$40,000 budget request for this proposed reconstruction project.
- The October, 2008 environmental inspection report reflects, that the heating and air conditioning continually malfunctions and additional capacity needs to be added. Interviews indicated Lake County Building and Grounds have been apprised of the heating and air conditioning failure numerous times.
- The committee was advised that there is one warped exterior door frame and the door is very heavy and difficult to open and therefore a possible security risk. However, the 2009/2010 fiscal year budget reflects a budget request of \$10,000 for replacement of the door and frame work and we were advised this work has been contracted
- The committee learned that the intercom system fails intermittently.
- The committee was told of a need to replace twelve (12) outdated radios with new radios with microphones to be compatible with the Sheriff's new bandwidth communications system.
- A new camera surveillance coverage system is needed.
- An officers' weapons storage is located in an interior lockbox just inside the facility right beside the detainee exterior admittance door - where it could be accessible to the entering detainee.
- New mattresses are being procured for the detainee cell beds.
- The committee found the nurse's examination room a decidedly cramped area, although the medical program manager did not feel this small space created a serious handicap. Tele-medical examinations and tele-psychiatry is provided by out of area physicians. The intake officer on duty performs health screening

(including dental) immediately upon admittance. Tuberculosis, HIV, diabetic, pregnancy (if suspected), and any other testing determined necessary based on the intake screening are done upon or within 72 hours of admission. Insulin checks are conducted prior to meals. Abortion services are provided, parental consent is not required (Welfare and Institution Code § 220). There is 24/7 on-call medical available. Medical confidentiality is handled on a "need to know" decision. The committee learned that there are approximately two suicide attempts each month; with most determined by staff to be "attention getting". However, it was underscored that each such attempt is always treated as a serious situation at the time of the incident.

- The Juvenile Hall kitchen is inoperable, a deficiency of several years duration. The stove needs a new fire suppression hood/vent, it has been declared unsafe by the Fire Marshall, and there are significant kitchen plumbing issues. The ware washer is not operational and the floor is in poor condition. However, the refrigerator, sink, and microwave are operational. The result of these inadequate conditions is that all meals are prepared off site at the Lake County Correctional Facility kitchen and delivered twice daily. It was reported to this committee that this decision was made primarily to accommodate the off site Correctional facility cook's hours. Meals include a cold breakfast (hard boiled eggs, cold dry cereal, juice) served around 7:30 AM. The only hot meal service is truck delivered in insulated carriers at the noon hour and served with one half-pint of cold milk per detainee. While temperatures of the delivered hot meal are taken and recorded both by transporter and the onsite Juvenile Hall staff, temperature records indicate the temperature appears to always differ between the two monitors. A cold sack meal is delivered simultaneously to be held in the refrigerator along with another one-half pint of cold milk until served by staff at the customary dinner hour of 5:30 PM. A small evening snack is also provided.
- The meal menu is prepared in advance monthly. Upon arrival the hot meal temperature is to be checked by both the delivery person and the on-site staff. Hot temperatures are to be 140°F or above and the cold temperature 40°F or below to meet prescribed food safety standards. The hot meal is served by staff to detainees confined to and eating in their cells generally within approximately ten (10) minutes of delivery and to detainees eating in dining room within 20 minutes of arrival. Staff counts, distributes and recounts eating utensils before and after each service.
- Review of the advance menu shows it is laden with starches, thus achieving the calorie standard so as to be considered nutritious, while serving to create "fullness" - at the moment. The hot meal which by the time it reached the table was only just warm appears on the menu as "dinner" but is delivered for service at the noon hour. Upon inspection, we also found the meal delivered to be served later at the dinner hour was a pathetic skimpy sack meal. Interviews

disclosed that without notice, meals quite often are not delivered in accordance with the advance menu.

- The school curriculum and testing follows that of the California Education Code and Lake County Board of Education teaching courses as found in the Lake County Unified District school systems. Detainees are administered an achievement test upon arrival and encouraged to “keep up” with their studies so as not to be behind upon release. All graduating students must pass the equivalent exit exams as their counter parts in the Lake County school systems to earn a diploma. GED preparation is available for eligible students. Provisions have been instituted for students with special needs. The computer lab is well equipped and the Lake County Board of Education provides a computer specialist for individual student/teacher learning. Foreign language courses are not available and there are no hands-on vocational subjects or training classes. Instruction hours are divided throughout the day to accommodate appropriate age level learning. Text books are the most current available and are for use in the classroom only; all studies are completed within the classroom. The school has one full time certified instructor and one part-time assistant instructor.
- There is life skills/independent living skills instruction, alcohol and other drug prevention and a social awareness program designed to promote social awareness and reduce recidivism. This may include victim awareness; conflict resolution; anger management; parenting skills; juvenile justice; self-esteem; building effective decision making skills; and other topics suitable to the needs of the detainees.
- The committee discerned that the court school instructors are dedicated and consider the educational welfare of the detainees uppermost. It was indicated to us that there is very good communication between themselves and the correctional officers. The instructors communicated that they were happy in their occupations, and have been onsite for several years. The computer lab is impressive.
- The facility has an outdoor fully fenced recreation yard equipped for various daily supervised exercise and sports activities determined by the season and weather. The committee noted there is no covered outside recreation area, restricting outdoor activity in cold, rainy and/or very hot weather conditions.
- An outdoor vegetable garden space is available for staff/detainee planting and harvesting.
- There is an on-site generator in the event of power outages and a newly replaced outside storage shed to house lawn tools and a power mower.
- Juvenile Hall is equipped with three public telephones from which detainees can make outgoing collect (only) calls.

- The committee was informed that the laundry task is awarded to a detainee as an incentive based upon good behavior.
- According to documentation received by the committee, as recently as in 2008 there was a non-denominational religious service conducted on Sunday and a Bible study one night a week. Both are no longer offered.
- The California Corrections Standards Authority (CSA) conducts a biennial inspection and report of the Lake County Juvenile Hall. The August 2008 inspection found the facility out of compliance with several Title 15 standards on that date.
- The CSA biennial Inspection of the Juvenile Hall can include a Fire Safety Inspection and a Health/Medical, Health/Environmental and Health/Nutrition Inspection. The Juvenile Hall is also subject to several other annual or bi-annual inspections such as a Lake County Building and Safety Inspection, the County of Lake Environmental Health Services Food Safety Inspection, School Programs Inspection and a Juvenile Justice Commission Inspection.
- The County of Lake Juvenile Court Judge is mandated under Welfare and Institution Code § 209 to make an annual physical inspection of the facility, make a finding whether the facility is suitable for the confinement of minors, note the findings in the minutes of the court and forward its findings to CSA.

### **Findings:**

- F1. The committee's initial impression of the facility is that it is physically maintained daily as a neat, clean and orderly environment.
- F2. Interviews did disclose some serious underlying structural issues not readily apparent to the visiting committee's "eyes". For example, the building roof leaks and the committee was advised there is a recurring odor of mold during the rainy season which can be a health threat to staff and detainees.
- F3. Water Pressure and temperature provided to the sink/drinking fountain combination in the cells was inadequate for hand washing, teeth brushing and/or drinking. These conditions prevent personal hygiene from being carried out properly.
- F4. While most is painted over, Graffiti (often gang related) is an ongoing occurrence.
- F5. There is a proposal to remove a wall/window which separate the dayroom from the eating area. While an expensive endeavor, the net effect of this project is twofold. The wall/window now requires one staff member in the eating area and one in the dayroom. Removing the wall/window allows for better use of staffing resources and in addition will open up the dayroom

- space for programming and large muscle activity during inclement weather.
- F6. Detainees complained the cells and other rooms are either stale and stifling hot in the summer or freezing cold during the winter months; and we were told they sleep in their clothes for warmth at night.
- F7. The committee was advised that there is one warped exterior door frame and door which may not lock and is very heavy and difficult to open. It could require significant force in case of an emergency. Not to replace it could therefore pose possible safety and security risks.
- F8. The committee was put at ease when informed the 2009/2010 fiscal year budget contained request of \$10,000 for replacement of the door and frame work and this work has been contracted. No work was in progress at the time of the committee visit.
- F9. The intercom system fails intermittently; the committee could find no budget line item request for intercom replacement.
- F10. Because the Sheriff's Department changed it's bandwidth of their dispatch frequency and radios, the 2009/2010 fiscal year budget reflects a budget request to replace twelve (12) outdated radios to be compatible with the Sheriff's new bandwidth communications system.
- F11. During interviews and our inspection the committee learned that a new camera surveillance coverage system has been ordered. It was to be installed immediately upon arrival. It had not yet arrived at the time of the committee visit.
- F12. The committee observed the officers' weapons storage lockbox is provided as an interior lockbox just inside the admitting door. A safer location for the weapons lockbox would be an outside-the-facility-doors location - where it would not be accessible to the detainee during the admittance process.
- F13. Staff informed and the committee observed new heavy duty cloth covered mattresses in the storage cupboards. These are to replace the vinyl covered mattresses which tear at the seams easily. It was explained the new mattresses are being obtained in incremental deliveries and will be distributed when all have arrived.
- F14. Although the medical program manager did not feel this small space creates a serious handicap, the committee found the nurse's examination room a decidedly cramped area.
- F15. The kitchen has been inoperable for the past seven years - at least; the kitchen needs a new stove vent hood, plumbing repairs and other general updating of appliances to be functional. Much is in need of repair or replacement, however, the 2009/2010 fiscal year budget reflects a budget request to replace the vent hood only.

- F16. Staff and detainees complained the food portions are small, particularly for the teenage boys. Detainees complained food most often has little if any flavor or taste - as was true of the noon meal sampled by the committee on the day of our visit. It was expressed that reopening the facility kitchen could resolve the above while at the same time, it could provide the vehicle for culinary education for interested detainees - allowing them to learn about nutrition, proper food handling and efficient, healthy, tasty food preparation - currently a missed opportunity for vocational teaching.
- F17. Staff recognized the importance of temperature controls, however, it was expressed that delivered temperature, like convenience and cost effectiveness, prohibits quality nutritious meal service to the detainees.
- F18. There is no covered outside recreation area, restricting outdoor activity in cold, rainy and/or very hot weather conditions. A viable solution would be the proposal to remove the wall separating the dayroom and the eating area to facilitate indoor physical activity during these weather extremes.
- F19. The committee was advised there is no firm commitment to allow detainees to replant the vegetable garden this coming Spring. This was felt to be an excellent outdoor activity for those detainees interested; as well as therapeutic - in that growing and preparing their own vegetables for consumption (even if only able to use the operative kitchen micro-wave at this juncture) elevated a sense of achievement and thereby "self esteem".
- F20. The committee observed a detainee currently awarded the laundry task as an incentive based upon good behavior enjoyed considerable "freedom" within the facility.
- F21. Sunday non-denominational religious services have been discontinued and a Bible study is no longer offered. The committee was told the detainees can substitute such regular services and/or instruction only with religious counseling or clergy visits and only "upon a personal detainee written request". This current policy seems to imply that the detainees are aware of the value and/or have already been exposed to the moral standards and grounding that religious services and instruction can instill.
- F22. The committee was provided a copy of a letter confirming that the non-compliance issues with Title 15 regulations reported on the August, 2008, CSA inspection report have been corrected.
- F23. The committee was informed Fire Safety Inspections occur bi-annually; the next inspection is due to occur in June 2010. Questioning and research revealed that fire drills are conducted quarterly. However, a safety concern arises in that there is no contingency plan for emergency housing in the event of a permanent evacuation.
- F24. A 2010 Inspection Summary provided to the committee reflects that the

Juvenile Justice Commission's last inspection was performed in May 2009 but Juvenile Hall administration is not in receipt of the required report from that inspection. The next Juvenile Justice Commission inspection is to be conducted in May 2010.

- F25. The 2010 Inspection Summary provided to the committee reflects that the Juvenile Court Judge's last required inspection was performed in August, 2008. However, Juvenile Hall administration is not in receipt of the requisite report from that inspection.
- F26. The summary reflects the Juvenile Judge's required inspection was to have been performed in August 2009. The committee was advised that the Juvenile Judge has been notified via email regarding this delinquent inspection. The Juvenile Judge failed to make that annual inspection and subsequent report and there is no evidence of a response to that email from the Judge to Juvenile Hall administration.

### **Recommendations:**

- R 1. The Lake County Building and Grounds follow through on the bidding for the repair or replacement of the roof on this facility. In addition Building and Grounds heed the notice from Juvenile Hall authorities and investigate the source of odor which may indicate the unhealthy presence of mold. (F2)
- R 2. The Lake County Building and Grounds find and fix the plumbing problem to ensure hot water for washing and cold water for drinking and adequate pressure for both is provided to all detainee cells.(F3)
- R 3. The Lake County Building and Grounds replace the malfunctioning heating and air conditioning unit or increase the capacity of the existing unit to ensure adequate heating and cooling and healthy ventilation of the facility.(F6)
- R 4. The Juvenile Hall administration follow through with the replacement of the exterior warped door and door frame. (F7, F8)
- R 5. The Juvenile Hall administration follow through with appropriate agency to repair or replace the failing intercom system.(F9)
- R 6. The Juvenile Hall administration closely monitor delivery of the twelve (12) new wide bandwidth radios. (F10)
- R 7. The Juvenile Hall administration closely monitor delivery of new camera surveillance coverage system that has reportedly been ordered. (F11)

- R 8. The Juvenile Hall administration relocate the officers' weapons storage lockbox to a location outside of the admitting doors to achieve safe keeping from the entering detainee.(F12)
- R 9. The Board of Supervisors make the reopening of the Juvenile Hall kitchen a budgeting priority in the 2010/2011 fiscal year. (F15, F16, F17)
- R 10. The Juvenile Hall administration commit to allowing interested detainees to replant the vegetable garden this coming Spring. (F19)
- R 11. The Juvenile Hall administration re-institute a non-denominational religious service and/or a Bible study. (F21)
- R 12. The Juvenile Hall administration and/or Sheriff's Department create a contingency plan for emergency housing in the event of a permanent evacuation. (F23)
- R 13. The Board of Supervisors request that the Juvenile Justice Commission produce their May, 2009, Juvenile Hall report and deliver it immediately to the appropriate agencies. (F24)
- R 14. The Board of Supervisors request that the Juvenile Court Judge produce the requisite August, 2008, Juvenile Hall inspection report and deliver it to the appropriate agencies. (F25)
- R 15. The Board of Supervisors request that the Juvenile Court Judge make the neglected August, 2009, annual Juvenile Hall inspection and produce and deliver the subsequent report to the appropriate agencies. (F26)

**Agency/Department(s) Required to Respond:**

- Chief Probation Officer via Board of Supervisors (90 days) (R1, R2, R3, R9, R13, R14, R15)
- Juvenile Hall Administration via Board of Supervisors (90 days) (R1, R2, R3, R4, R5, R6, R7 R8, R9, R10, R11, R12)
- Sheriff via Board of Supervisors (90 days) (R12)

## Main Court Holding Facility Oversight



Original Lake County Jail - 1876

### Summary:

Up-keep on the older building housing the Main Court Holding Facility (MCHF) in Lakeport should be a priority if staff and inmate safety is to be maintained.

### Background:

The Lake County Sheriff's Department is in charge of transporting inmates daily from Hill Road Correctional Facility to the County Court House for court appearances. Inmates are kept in the MCHF cells only temporarily. The facility also includes staging areas, a vehicle sally port, and a pedestrian bridge to the court house.

The Committee was advised that conduct of inmates is seldom a problem and that the staff endeavors to treat the inmates as it would like to be treated. There were no inmates in any of the cells during the visit although there were several in the court awaiting hearings.

Sheriff's staff stated that since the elevator often does not work as many as 28 inmates require movement up and down the stairs. Restraints must be removed and reapplied for each inmate's safety while on the staircase.

### Methodology / Procedure:

Per Penal Code 919(b) the Civil Grand Jury performed its yearly inspection of the Main Court Holding Facility in August 2009. The Public Safety Committee was given a comprehensive, detailed tour of the Main Court Holding Facility (in the old Forbes Street county jail) by an officer from the Sheriff's Department. The Committee received straight-forward and detailed answers as it inspected the entire facility.

## **Facts:**

- Recommendations by three previous Grand Juries that the existing cameras be utilized have not been implemented.
- There are six holding cells available for temporary placement of inmates, some quite large and capable of holding up to 20 inmates. MCHF can provide protective custody as needed.
- Approximately 6000 inmates are transported to and from the Hill Road Jail on an annual basis.
- There is always one staff officer for every six inmates with a minimum of two staff at all times during transport and holding.
- Female and male inmates are placed in separate cells most of which have functional toilet facilities.
- Juveniles are rarely held in this area. However, if this should occur adults and juveniles are never together in the same cell. A maximum of nine juvenile clients can be transported by van from the Juvenile Hall to MCHF. Juvenile Hall provides its own transport security staff and at least one of its staff is always in attendance when juveniles are present.
- Security cameras at this facility were not operational at the time of the Jury visit.
- Inmates are visually checked while in the holding cells at least every 30 minutes but usually more frequently since there are no cameras,
- Most cells have a toilet, a drinking fountain and a sink. When this is not the case it necessitates the movement of several inmates out of a smaller cell (4-person cell with toilet facilities) into other cells to accommodate the physical, safety and gender needs of all the inmates involved.
- The toilets and water fountains were in working condition at the time of the oversight.
- At the time of the oversight all elevators were functional.
- According to staff, the holding areas are all American Disabilities Act (ADA) compliant.

## **Findings:**

- F1. Moving inmates unshackled up and down stairwells is a cumbersome, time-consuming and potentially dangerous task.
- F2. Since the area that is now used for holding inmates served as Lake County's main jail, it has seen more than four decades of constant use and maintenance is an ongoing concern.

F3. MCHF cannot be ADA compliant if the elevator is not working.

**Recommendations:**

- R 1. The Public Safety Committee suggests that the Sheriff provide functional cameras in cells, staging areas, sally port and bridge to court house as funds become available. (F1)
- R 2. It is recommended that Buildings and Grounds perform appropriate inspections and insure sufficient maintenance of elevators keeping them in working condition at all times. (F1, F2, F3)

**Agency/Department(s) Required to Respond:**

- Lake County Sheriff (90 days)
- Lake County Building and Grounds Department via the Lake County Board of Supervisors (90 days)



# Search and Rescue Oversight



## Summary:

The Public Safety Committee is charged with overseeing county agencies which directly affect Lake County safety. Search and Rescue (SAR) does just that. This dedicated, community-oriented volunteer group exists, educates, and supports itself for the sole purpose of keeping its neighbors safe.

## Background:

Organized in Lake County during the 1970's, SAR began as the mounted Sheriff's Posse. It became the current Search and Rescue unit in 1982. The Sheriff's Department acts as liaison between the SAR volunteers and other County emergency response agencies. SAR is a nonprofit public benefit corporation operating exclusively for charitable purposes.

The unit is comprised of 35 adults and 35 Kelseyville students (K Corps). Each volunteer carries a radio and must be available seven days a week, twenty-four hours a day; individual response time is limited to 15 minutes from notification to readiness. SAR participates in 3 to 14 call-outs each year in Lake County not counting drills and exercises.

## Methodology / Procedure:

The Public Safety Committee reviewed the current SAR budget, its activities and its needs. SAR coordinators are full-time sheriff's deputies; they met with the Committee on their day off to present a short history of the training, equipment and skills involved in rural search and rescue.

The Committee had the opportunity to observe an actual 'rapid deployment' emergency call-out of SAR on Clear Lake. It observed mutual aid units arrive from Napa and Sonoma Counties bringing additional boats and divers, a 360° sonar unit and a mobile underwater camera to the recovery effort.

**Facts:**

- The Sheriff’s Department does not fund SAR. It does, however, provide coordinating liaison officers. These deputies handle their routine patrols, crisis and terrorism response, emergency services, and hostage negotiation, in addition to coordinating SAR activities.
- The SAR coordinator is trained in both rural and urban rescue techniques.
- Kelseyville High School provides an accredited class and an advisor for the K Corps.
- K Corps members are drawn from Kelseyville High School juniors and seniors with scholastic excellence.
- Many of the K Corps are certified EMTs, having trained on their own time.
- SAR has no line appropriation in the Sheriff’s budget. It is financed by interest on a trust held by the County plus other bequests, donations, and fund-raising.
- The adult volunteers are teachers, deputies, students, retired citizens, nurses, etc.; their average age is 55 years.
- There have been no serious injuries to date to any SAR members.
- Constant up-grading of rural rescue skills is required: diving, tracking, first aid, rope climbing techniques, evidence retrieval, etc.
- There exists a small mounted unit but Lake County does not have a canine unit at this time. No one is presently available in-county for rescue dog or handler training.
- SAR trains in-county with local agencies whenever possible.
- SAR is part of both a county and a state mutual aid program.
- A second emergency vehicle will be purchased this year for the unit.
- SAR utilizes local vendor preference in purchasing its equipment.

**Findings:**

- F1. SAR is a competent, well-trained citizen group, invaluable to our underdeveloped and rural county.
- F2. Both the coordinators and the volunteers are strongly committed to community service.
- F3. K Corps is a select well-disciplined and dedicated group of local students.

**Recommendations:**

None

## South Court Holding Facility Oversight



### Summary:

Simple repairs would markedly improve conditions and safety of the South Court Holding Facility (SCHF) in Clearlake. Coordination of scheduling between Public Defender, Court and Sheriff's Office could reduce delays and minimize overcrowding. Some routine practices present security issues.

### Background:

Per Penal Code 919(b), the Lake County Grand Jury annually inspects all inmate-holding facilities within county boundaries to determine the safe, appropriate and efficient treatment of the population in custody. The Public Safety Committee conducted this mandatory inspection.

The SCHF is part of the Lake County court system sharing a building with a Lake County sheriff's substation and South Lake Superior Court in Clearlake; it is an older building constructed prior to 1978. The SCHF is used for temporary holding of inmates while court is in session, not to exceed 12 hours per day. Sheriff's vans transport inmates from the Hill Road Facility in Lakeport and back daily.

Mondays and Fridays are the busiest days. Mondays, the court hears a calendar of misdemeanors; on Fridays, the court adjudicates a calendar of multiple felonies. Jury trials and long cause matters are heard the rest of the week.

### Methodology / Procedure:

The current Public Safety Committee performed the oversight inspection of SCHF on November 10, 2009. During a one-hour site tour, Lake County Sheriff personnel answered questions providing information and insight into its operating procedures. The Committee physically inspected the three holding cells, the attorney-client consultation room, an evidence area, the officers' station and the outside fenced

sally port. Court was in session but there were no inmates in holding cells nor transport vans in the sally port at this time.

**Facts:**

- There are three holding cells for inmates. Capacities are determined by the Fire Marshall and the custodial staff:
  - a. One single-occupancy isolation cell provides for protective custody and safety when appropriate. It may be used to hold overflow, also. This cell has padded walls and floor and is in good, clean condition.
  - b. A bigger, two-person cell with a bunk bed and an inactivated shower is used for holding women inmates, juveniles or overflow from general population. The cell is clean and in fair condition.
  - c. The large, general population cell contains two working toilets and a functional water fountain in a bathroom alcove; this is the only cell with working plumbing. The general population cell can accommodate 20-30 people.
- The lights in the general population bathroom alcove are not functional and there are no handicapped accommodations.
- The bathroom alcove cannot be seen from the doorway window during staff security checks.
- There are times when inmates must be shifted from cell to cell to allow use of the toilets by juveniles or women or persons in protective or administrative custody.
- Wall paint in the general population cell shows multiple gouges and scrapes made by inmates; the floor is filmed from years of use.
- Ceiling tiles in the general population cell (replaced since last year's Grand Jury visit) are newly water-stained.
- Inmates perform the cleaning of the holding facility twice a week and as needed.
- Custodial facilities built prior to 1978 are not required to comply with California Standards Authority (CSA). CSA does not make annual oversight inspections of SCHF which does not meet the following modern standards:
  - a. All the cells have light-weight, moveable, plastic chairs instead of fixed seating.
  - b. There are no cameras, convex mirrors or audio-monitoring equipment as would be expected in more modern facilities.
  - c. Cell door windows are narrow and vertical which do not conform to CSA standards.

- Light fixtures and sprinklers are safety-screened; fire extinguisher has current inspection indicated.
- There are 9 transport vans. Two are quite old and seldom used. The Sheriff's department has four new ones; they are passenger vans (occupancy ~12) rather than cargo carriers (occupancy ~8).
- Transport vans are used when needed to hold over flow population; they are parked in the outside sally port with an officer on board. Inclement weather necessitates that the vans remaining running to provide cooling or warmth to overflow inmates.
- Staff informed the Committee that inmates vandalize the passenger vehicles' interiors.
- Daily census can be as high as 35 or as low as 6.
- Staff to inmate ratio is 1:6 but there are always at least two officers. Staff is increased as needed for safety.
- An officer makes visual security checks through cell windows every 15 minutes.
- The officers' station and the evidence storage area are small, crowded and uncomfortable. Equipment and furniture are old and worn. Lighting is limited.
- Several locks and keys are institutional Folger Adams, requiring frequent repetitive wrist movements.
- Only one room for confidential meetings between attorney and client is available at SCHF. Officers estimated that at times as many as 80% of inmates do not see their public defender prior to their court appearance date.

## **Findings:**

- F1. The general population cell is usable but in unsightly soiled condition.
- F2. The general population cell has areas where inmates are not visible during routine checks due to shape of window, poor lighting and architecture.
- F3. Cell door windows have limited, potentially unsafe views of cell interiors.
- F4. Utilizing the vans as temporary holding cells is costly and a higher safety risk.
- F5. Due to the common Public Defender practice of seeing clients at the holding facility, there is often a waiting line for the single attorney-client room. Last minute consultations, even some initial consultations, must sometimes be conducted in the hallways: hearings are delayed and confidentiality is

compromised. Staff indicated clients, staff and court become irritated with this situation.

- F6. Officers' station presents crowded, undesirable working conditions.
- F7. The Folger Adams keys are ergonomically unsound.

**Recommendations:**

- R 1. The Grand Jury recommends that County Building and Grounds Department or State Administrative Office of Courts (AOC) perform repair of ceiling leaks and restore wall paint, floors and lighting to original condition in general population cell. (F1)
- R 2. The Grand Jury asks Sheriff's Department to consider updating officers' station, maximizing space, efficiency and lighting when funding allows. (F2)
- R 3. The Grand Jury recommends Sheriff's Department request convex mirrors for appropriate placement. (F2, F3, F4, F5)
- R 4. The Grand Jury recommends County Building and Grounds or AOC phase-out institutional Folger Adams locks and keys as soon as funds are available. (F7)
- R 5. Recognizing that court needs are important but inmate and officer safety is paramount, the Grand Jury recommends, again, that the Sheriff eliminate vehicles as holding areas. (F4)
- R 6. It is recommended that the Sheriff have California Occupational Safety and Health Administration inspect this facility. (F1, F2, F6, F7)

**Agency/Department(s) Required to Respond:**

- Lake County Sheriff - (90 days) (R2, R3, R5, R6)
- Lake County Building and Grounds via the Board of Supervisors - (90 days) (R1, R4)

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## Water Drainage Complaint 9-11

### Summary:

This is a complaint regarding alleged water drainage intrusion from Konocti Unified School District (KUSD) land onto private property.

### Background:

The complaint maintains that the owner of a neighboring property is responsible for the annual flooding of his land.

The complainant's parcel of land is adjacent to undeveloped acreage. This adjacent acreage has a seasonal creek and a natural seasonal marshy area within its boundary. A portable building, a playground and parking lot are at the far upper end of this neighboring property.

An earthen embankment (berm) next to complainant's property and a shallow ditch have been constructed by parties unknown. The ditch appears ineffective in draining the natural boggy feature.

### Methodology / Procedure:

After accepting the complaint, the Public Services Committee reviewed the assessor's parcel map of the complainant's neighborhood, ascertaining who actually owned parcels. Committee members walked outside the southern perimeter of the complainant's property line to observe the natural terrain of the area and observe any improvements. On 2/19/10, a representative of KUSD was present to conduct a tour of the public land.

### Facts:

- A representative of the KUSD stated the district has met several times with the complainant.
- There is minimal development on the approximately 4.3 acres of KUSD property south of the complainant's. The development is at the extreme southern edge, the farthest point from the complainant's property line, and is a single portable school building.
- Bordering the complainant's parcel, the KUSD property has a swale, i.e. a natural land feature which holds seasonal water, allowing water to gradually percolate.

### Findings:

- F1. Water drainage issues are not within the purview or expertise of the Grand Jury.
- F2. This complaint requires professional consultants with knowledge of surface water and sub-surface drainage.

**Recommendations:**

None

**Agency/Department(s) Required to Respond:**

None

# Clearlake City Parks Oversight

## Summary:

The City of Clearlake Public Works Department maintains 36 acres of parks with a park staff of zero. Yes, zero. All park workers were laid off due to budget constraints. The department utilizes workers from other divisions to keep up with the parks maintenance. The 2009/2010 Grand Jury Public Services Committee conducted an elective oversight of all Clearlake City Parks. The committee toured parks and found the overall health of the parks was good and has improved steadily. The committee's objective was to gather information about the health and future of the city parks.

## Background:

The city government of Clearlake operates its own City parks. Clearlake City parks are a valuable part of the recreation for Lake County citizens and tourists. There are a lot of special events held in the city parks. Friday Night Farmers' Market, the 4th of July Celebration and Worm Races, Art Shows, Hot Rod Show, and a carnival are some special events scheduled this year. There are eighteen fishing tournaments scheduled in 2010, an increase from the past few years. The increased number of fishing tournaments was attributed to fewer algae in the lake.

At one time inmates from Lake County Correctional Facility were used to augment park workers. This arrangement has ended because there are not enough jail inmates at this time who qualify for work detail. Volunteers are a big part of keeping the parks clean. Twice a year there is a volunteer clean up scheduled. The City Council plants flowers and there is community involvement according to the director. The public uses the parks in Clearlake at night especially in the warm weather. A grant was applied for with PG&E for park lights.

Dogs are allowed in the city parks on leash only. The city is planning for dog parks or dog exercise areas in the future. Parts of Redbud and Highlands Parks have dog areas now.

There are three city parks in Clearlake: Redbud Park, Austin Park, and Highlands Park.

## Methodology / Procedure:

The Public Services Committee toured the Clearlake City Parks on October 14, 2009, and March 18, 2010.

Committee members met with the parks management of Clearlake City Parks on March 18, 2010.

## ❖ Redbud Park

14665 Lakeshore Drive

### **Facts:**

- Redbud Park is 15 acres located on Lakeshore Drive.
- The park has a picnic area, a ball field, a clubhouse, a fishing pier, and restrooms.
- The park has a large parking area.
- The park had three launching ramps, one of which is dedicated to Mike Thompson, Representative from California's first district.
- The park has barbeque pits.
- There are metal and wooden tables and benches.
- The park has some trees and grass.
- There was a large open area with a gazebo that was donated by the Kiwanis Club.
- The restrooms were unisex and clean.
- The restrooms had no paper towels.
- Redbud Park hosts Friday Night Farmers' Market, June - September.
- A plan is to turn Redbud into an actual harbor. A grant is being applied for this purpose.
- Vandals have broken the concrete tables behind a restaurant near the park entrance.
- The wooden pier surface is uneven and difficult for handicapped access.
- The replacement of the wooden pier and concrete tables are dependent on funding availability.
- Previously park workers were assisted by county jail workers.

### **Findings:**

- F1. The park is mainly used for family picnics and boat launches.
- F2. The wooden pier needs to be upgraded for safety reasons and to be ADA compliant.
- F3. Due to California's economic problems, state grant fund availability is questionable.
- F4. The increased number of fishing tournaments can be also attributed to the strong marketing efforts of the Clear Lake Chamber of Commerce.

- F5. Full time supervision of county jail workers is not available due to city park staff shortages.

**Recommendations:**

- R1. Monitor availability of grant funding to repair and improve the park. (F3)  
R2. Schedule with the county jail for inmate use when staff is available to supervise. (F5)

❖ **Austin Park**

14077 Lakeshore Drive

**Facts:**

- Austin Park is 20 acres located on Lakeshore Drive.
- The park offers swimming, tennis courts, a picnic area, a ball field, skateboarding park, playgrounds, and bathrooms.
- There are trees, grass, metal and wooden tables and benches.
- There are barbeque pits.
- The park has two separate playgrounds.
- One playground has three slides; the other has six swings and toddler toys: one plane and one train.
- The skateboard/BMX park is closed during school hours.
- The skateboard/BMX park is used for skateboarding or BMX riding on alternate days of the week.
- A dozen young people were using the park for BMX riding during one visit.
- Free helmets are available for kids who want to use the park facility. These are donated by the community and can be obtained from the Clearlake Police Department located across from the park.
- Vandalism in the skate park is a larger problem during the spring and summer months.
- The beach is large and rocky.
- One bathroom had running water.
- The inside of one bathroom had graffiti.
- There is another unisex bathroom.
- This area had been plagued by arson.
- Lakeshore Drive runs through the park.

- The crosswalk is situated in the middle of a block.
- The crosswalk is marked with signs.
- A Hot Rod Show is scheduled for May 2010.
- A small stage is available for performances.

**Findings:**

- F6. The remnants of graffiti old and new show the anti-graffiti effort is ongoing.
- F7. With the new style crosswalk signs, the crosswalk is now well marked during the daylight hours. This helps reduce accidents and near accidents.
- F8. Free helmets are a great idea and reduce the number of injuries in the park.
- F9. The playground areas and the restrooms were clean and functioning.

**Recommendations:**

- R3. The crosswalk would benefit with better lighting for nighttime safety. (F7)

**❖ Highlands Park**

14365 Lakeshore Drive

**Facts:**

- The park is one acre on Lakeshore Drive.
- The park has a picnic area.
- The park has trees but no grass.
- There is one barbeque pit.
- There is one area defined by a stone wall with two benches that are very old.
- There was one porta-potty that was clean.

**Findings:**

- F10. The park gives a nice view of the lake.
- F11. The park has no children’s play area.

**Recommendations:**

None

**Agency/Department(s) Required to Respond:**

- Clearlake Public Works Department via Clearlake City Council (90 days)

# Lake County/City Area Planning Council Oversight

## Summary:

The Lake County/City Area Planning Council (Lake APC) coordinates the transportation resources necessary for Lake County residents and visitors. California Department of Transportation (Caltrans); California Highway Patrol; Community Development Departments for County of Lake, City of Lakeport, and City of Clearlake; Lake County Public Works Department and city engineers are involved in APC decisions. Road improvements, bus service and long range transportation planning are examples of items the APC discusses at each monthly meeting.

## Background:

The Grand Jury performed an oversight of the Lake APC. The website for the Lake County/City Area Planning Council describes their functions as follows:

The Lake County/City Area Planning Council (APC) is the Regional Transportation Planning Agency (RTPA) for the Lake County region. The RTPA was established in 1972 by a Joint Powers Agreement after the Transportation Development Act (TDA) was passed. The Council consists of eight members - two board members from the Lake County Board of Supervisors, two council members from the City of Lakeport, two council members from the City of Clearlake, and two at large citizen members appointed by the Board of Supervisors.

Initially the duties of the RTPAs were to administer TDA locally which was to ensure appropriate local transportation choices were made with the 1/4 cent of the State sales tax. Over the years, RTPA duties have gradually expanded. In 1997 Senate Bill 45 became law and further increased the duties and responsibilities of the RTPAs relative to the State Transportation Improvement Program (STIP). The STIP is a five-year list of transportation projects that is approved by the California Transportation Commission (CTC).

Lake APC also manages the call boxes in Lake County by administering the Service Authority for Freeway Emergencies (SAFE) program. Funds to administer the program are received through an annual registration fee of one dollar per registered vehicle paid to the Department of Motor Vehicles.

The APC board members do not have any set length of term of office. Annually Chair and Vice-Chair are appointed during the first meeting of the year. Then, appointments to the Executive Committee are made. Finally, a delegate and alternate are appointed to represent Lake APC on the California Association of Councils of

Governments (CalCOG). CalCOG is a statewide association representing regional planning agencies.

The website for Lake APC ([www.lakeapc.org](http://www.lakeapc.org)) may have the agendas and minutes of the monthly meetings held by the Lake APC and LTA. In addition there are documents on the Regional Transportation Improvement Program, Safe Routes to School Plan and even a map with the location of the highway call boxes.

### **Methodology / Procedure:**

The Grand Jury attended the February and March APC meetings. The Lake APC meeting follows the monthly LTA meeting. The members of the Lake APC are also the members of the LTA board.

### **Facts:**

- The meeting location varies each month between the offices of the board members.
- The agendas were not posted on the Lake APC web site prior to the February meeting. They were available prior to the March meeting.
- Agendas are posted at the meeting location prior to the date of the meeting.
- Agendas were available at the door.
- Times for public input are available during the meetings but no one from the general public was there to provide input.
- Lake APC contracts Dow & Associates to provide professional services and administration.
- The cost of the services provided by Dow & Associates for fiscal year 2009/2010 was \$133,594.
- The contract with Dow & Associates was renewed in 2009 for the period July 1, 2009 through June 30, 2012.
- The California Department of Transportation (Caltrans) participates in the monthly APC meeting by teleconference or attendance.
- The Lake APC meetings adjourn to the Policy Advisory Committee to allow a representative from Caltrans District 1 to become a voting member.
- At the end of the meeting, the Policy Advisory Committee adjourns back to the Lake APC to vote on recommendations by the Policy Advisory Committee.
- Lake APC publishes and mails a newsletter to the residents of Lake County about the local transportation system.

## **Findings:**

- F 1. The Information Technology (IT) department is responsible for updating the Lake APC website.
- F 2. The public is welcome at the meeting to address issues related to the APC's jurisdiction.
- F 3. The day-to-day business of the APC is performed by the contracted administrator as directed by the board of directors.
- F 4. The presence of Caltrans allows for issues of concern to be immediately presented to them for investigation and action.
- F 5. The winter 2010 newsletter tells of the funding cuts that will impact the road maintenance, bus services and long range road improvements of Lake County. This and past newsletters are available on the Lake APC website.

## **Recommendations:**

- R 2. Post the meeting location and agendas on the Lake APC website prior to the actual meeting date.

## **Agency/Department(s) Required to Respond:**

- Lake County/City Area Planning Council (90 days)
- Information Technology Department via the Board of Supervisors (90 days)



# Lake County Parks Oversight

## Summary:

Lake County is full of amazing parks and recreational opportunities. In September 2009 through March 2010, the Public Services Committee conducted an elective oversight of Lake County Parks. The committee toured parks and met with the director of the County Public Services Department. Parks and Recreation is a division of this department. The Public Services Department has a staff of fifty. Fifteen staff members are Parks and Recreation Division employees who maintain 475 acres. Nine are full time, four are extra help, and two are On the Job Training (OJT) workers. The committee's objective was to gather information about the health and future growth of the county's parks. The City Parks are covered in another oversight report. State and National Parks are not within the jurisdiction of this Civil Grand Jury.

## Background:

The County Public Services Department operates the county parks, and the city parks are operated by the cities of Clearlake and Lakeport. All County Parks are Americans with Disabilities Act (ADA) compliant, some are more accessible than others based on site specifics.

The following information is from the outline supplied by the Department:

The Parks and Recreation Division includes twenty-three County Parks consisting of 260 acres. The Fiscal Year 09-10 budget is \$2,811,296. Amenities include five ball fields, two tennis courts, eleven playgrounds, five boat launching facilities, eleven restrooms, one swimming pool, eight picnic areas, four clubhouses, over five miles of underground sprinkler systems, six pump houses, nine paved parking lots and two unpaved parking lots, trees, turf, and shrubs, and three maintenance buildings.

Current Capital Improvement Projects:

- ❖ Hammond Park in Nice is 12 acres with restrooms, ball fields, playground equipment, picnic facilities, trails, wetlands, skate park, etc. Engineers' estimate is 3.4 million dollars; the current budget is \$552,000. The department is applying for a grant to build a skate-park at this site. There also may be room for a BMX track at this park.
- ❖ Install a playground and bathroom at Hinman Park in Nice.
- ❖ Improve the recently acquired Clark's Island in Clearlake Oaks as a sustainable green space.
- ❖ Lucerne 3rd Avenue Plaza lakefront improvements. Improvements include landscaping, parking and a pier with covered picnic area and boat slips. Approximate budget is 1.2 million dollars. This will use Land of Water

Conservations and Roberti Z-berg, and Harris Park Bond Grants funds. These are park bond funds authored by Senators Roberti, Z-berg and Harris and are used for capital improvements to local and state parks.

- ❖ Harbor Village improvements are completed and include the purchase, remodeling and landscaping of four cottages next to Lucerne Harbor County Park that were turned into art cottages that are being used by local artists.
- ❖ Lucerne Harbor restroom remodel and new playground equipment installation.
- ❖ Riviera Park Construction. Project includes development of four acres of Kelseyville Unified School District property to include ball fields, playground equipment, restrooms, and parking. This is located at the elementary school. The budget is \$300,000.
- ❖ Triangle Park improvements. This is a small medium strip in Nice on Highway 20 and Manzanita Avenue that was being neglected and covered with weeds. The Parks Division took it over and landscaped it.
- ❖ Ridgeline Trail Project. This is part of the Countywide Master Trails Plan that the department is creating and will cover the entire County. See the website at [konocitrails.com](http://konocitrails.com).
- ❖ Mt. Konocti 1700 plus acres acquisition. Continue to improve the park as the newest addition to the county park system, with trails, signage, restrooms, parking, benches, recycling cans, etc.
- ❖ Construct a new park in Middletown on Highway 29 in front of the proposed new Senior Center and Library.

### **Methodology / Procedure:**

Three members of the committee toured city and county parks on September 16, 2009. Two members of the committee toured other city and county parks on October 14, 2009, December 2, 2009, December 4, 2009, January 31, 2010, February 12, 2010 and February 17, 2010. The January 31st visit was at night to evaluate the lighting of the parks with lights and determine the safety of the parks after dark. The County Parks toured were: Rodman Slough, Alpine, Lucerne Harbor, Lucerne Clubhouse, Lucerne Creek Park, Hinman, Keeling, Pioneer Park, Middletown Trailside Nature Preserve, Middletown Pool/Tennis, Lower Lake Park, Nylander Park, Clearlake Oaks Beach, Nice Beach, Upper Lake, Lakeside, Kelseyville, and Highland Springs Recreation Area.

On October 2, 2009 members of the committee visited the County of Lake Public Services Department, Parks and Recreation Division. The office is located at 333 Second Street, Lakeport. The director of the Public Services Department had a prepared outline ready for the Grand Jury Committee meeting as well as a copy of a memorandum from the Director to the Board of Supervisors on the subject of the Mt. Konocti Property Acquisition, brochures, and pamphlets for members. Much of the discussion was about

the acquisition of Mt. Konocti. The director said he wanted total transparency with regard to the Mt. Konocti acquisition and to this end had many meetings with the public as well as radio interviews and talks at clubs and civic organizations.

Committee members attended a workshop held at Lower Lake Historic Schoolhouse Museum on January 23, 2010. The public actively participated in the planning of county parks at this workshop. Participants included local businesses, community organizations, and National Park Service.

On January 14, 2010 the committee attended the Middletown Area Town Hall (MATH) meeting where the new park in Middletown was discussed and community members were asked to form an advisory board. On February 18, 2010 the committee attended the Middletown Park Advisory Meeting.

In March the director responded via e-mail to the committee's queries about the progress of the current projects.

### **All County Parks: Facts/Findings:**

1. All County Parks visited were well maintained and clean.
2. The Lake County Recreation guide was last revised in 2001. It is incorrect and in need of updating. The Director said the guide is currently being revised.
3. Most bathrooms visited were clean, had metal fixtures, no toilet seat covers, no soap, and no means to dry hands.
4. The major reason for lack of soap and towel dispensers in restrooms is ongoing vandalism that destroys fixtures easily knocked off walls and fixtures other than stainless steel.
5. More County Parks workers are needed to keep the parks as well maintained as they are presently. One county parks worker said he worked parks from Upper Lake to Clearlake Oaks.

### **Mt. Konocti Acquisition: Facts/Findings:**

1. The sale of Mt. Konocti to the county closed escrow as of November 2009.
2. The Mt. Konocti acquisition includes 1520 acres, contiguous to an existing 821 acres of public lands managed by the Bureau of Land Management (BLM)
3. The director wrote grants and contacted California Senators regarding the purchase of Mt. Konocti.
4. The public has donated approximately \$63,000 for the purchase of Mt. Konocti. The entire amount of donations went toward the actual purchase price of 3.8 million dollars.

5. The County has pursued the acquisition in two phases. The first phase was completed with 2008's purchase of the 176 acre Buckingham Peak portion of the property. The second phase entailed the acquisition of the 1,344 acres at a cost of 2.6 million dollars.
6. The Geysers geothermal supplied 3.5 million dollars in unanticipated one-time royalty revenues toward the funding for the acquisition of Mt. Konocti. Public donations through September 2009 have been applied to the purchase, allowing the Geothermal Funds to be redirected to the purchase of other properties.
7. The acquisition includes the Black Forest, Wright Peak, South Peak, and Buckingham Peak.
8. The ultimate goal is to link the County and BLM land with Clear Lake State Park, making it possible to develop hiking trails from Clear Lake State Park to the top of Mt. Konocti.
9. Buckingham Peak communications tower license agreements currently generate gross revenue in excess of \$100,000 annually.
10. \$104,000 per year is the projected revenue from AT&T, T-Mobile, and other companies for the use of the telecommunication tower facilities on Buckingham Peak. This money will go into the Parks Division and be used for Mt. Konocti road improvements, and other capital improvements such as signs, tables, benches, etc.
11. The County Parks Department is working with BLM on a property exchange program worth three to four hundred thousand dollars.
12. The Department is looking at providing broadband Internet services for the county utilizing the existing towers on Mt. Konocti in the future.
13. The land acquisition of Mt. Konocti will become a County Park for day use only.
14. The goals are to balance between protection of resources and recreation uses, and to address management of invasive species, fire and emergency services management, and soil erosion.
15. Native flora and fauna preservation should be a high priority for the park.
16. The mountain is scheduled to open to the public in the spring of 2010. Earlier use will be by special permit only. This is to give the County time to complete the Development of the Master Management Plan.
17. The park will be for hiking only, no mountain bikes or off-road vehicles.
18. The trip to the top is three miles. (Six miles round trip.)
19. Possible consideration is one day per month open up the road to the top for vehicles to accommodate handicapped or elderly individuals.
20. Mt. Konocti Park is a fantastic addition to the county park system.

## **Rodman Slough**

Off Highway 20 on the Nice Lucerne Cutoff

### **Facts/Findings:**

1. The slough consists of 40 acres for bird watching, fishing, and hiking.
2. The Slough is contiguous to the Wetlands Project and will be a part of it. The Wetlands Project is a Department of Public Works project.
3. The slough has the largest Blue Heron rookery in Northern California.
4. There are picnic tables scattered throughout the park.
5. There were clean benches on two of the five trails investigated for a short distance.
6. There is easy lake access at some points; at other points, access is very difficult.
7. There are nice trails for walking, hiking, and bird watching.
8. The car parking area is large and unpaved.
9. The water of the slough and picnic tables are an easy walk from the car parking area.
10. There is a Heritage Tour Sign giving the biology of the region, information about warm water fish and waterfowl.
11. Toilet facilities were portable only. (Porta-potties)
12. A citizen interviewed said they came to Rodman Slough often to de-stress and eat lunch away from the office.
13. Garbage cans were scarce and difficult to find.

## **Alpine**

5985 Highway 20, Lucerne

### **Facts/Findings:**

1. Alpine Park is one acre with a swimming area and fishing pier.
2. The small swimming area, adjacent to a rocky beach, is designated with blue pylons.
3. There is a children's playground with a slide.
4. There was a working drinking fountain.
5. Some of the benches face the lake for picnics with a lake view.
6. There were lots of tree-shaded areas with lush green grasses.

7. There were some muddy puddles from the watering system in the open lawn area.
8. There were sidewalks with streetlights adjacent to the park.
9. There was a Heritage Tours Sign giving information about Clearlake with a map, ecology and history tidbits.

### **Lucerne Harbor**

6225 East Highway 20, Lucerne

#### **Facts/Findings:**

1. Lucerne Harbor Park is two acres with a boat ramp, a fishing pier, a picnic area, a children's playground, and a designated dog play area. It is a harbor for boats.
2. At night, the park was mostly unlit with some lights at the harbor and pier.
3. There were working drinking fountains.
4. The beach had some sand, was nice, and had a "No Life Guard on Duty" sign.
5. The bathrooms were spotless, a model except for no soap and no way to dry hands.
6. Lots of boats and boat trailers in the parking lot made the Boat Launching Facility seem well used.
7. The dog area is the only area dogs are allowed in the park. Dogs must be licensed and on leash. There were bags provided for dog feces. There is a bench facing the children's playground provided inside the dog area.
8. Adjacent to the dog area is the children's playground with a view of the lake.
9. The children's playground had swings, a slide, tumbling apparatuses, and other various climbing structures.
10. There is only one bench in the children's area, and it is too low to the ground for many older citizens to use easily. This makes it difficult for grandparents to supervise grandchildren.
11. The children's playground had a broken tumbler apparatus. A citizen said it had been broken for two hours.
12. A citizen complained that friction on the slide caused sparks when children go down the slide.

### **Lucerne Clubhouse**

6319 East Highway 20, Lucerne

#### **Facts/Findings:**

1. The Lucerne Clubhouse sits on one acre that includes a swimming beach area, a picnic area, and barbeque pits.
2. The Clubhouse had an abandoned look with broken windows, boarded up doors, and bars on windows.
3. There was a gravel picnic area with two barbeque pits and three benches.
4. The benches face a chain link fence between the benches and the lake.
5. Past the chain link fence was a nice beach with a shaded area.
6. The Clubhouse demolished in February 2010 and the amenities will be moved to other county parks.

### **Lucerne Creek Park**

6238 9th Avenue, Lucerne

#### **Facts/Findings:**

1. Lucerne Creek Park is new and not in the County Recreation Guide.
2. It is new, stylish, and in the process of being developed.
3. The park follows the creek for a couple of blocks leading to the Senior Center.
4. There was a nice enclosed bench and two wavy benches.
5. There were no bathroom facilities.
6. Thirty ornamental trees will be planted in the park. Additional landscaping is planned.

### **Hinman Park**

3494 Highway 20, Nice

#### **Facts/Findings:**

1. Hinman Park has sidewalks with walkway lights, three picnic tables, three benches, 3 barbeque pits, and a large wooden gazebo.
2. The park was well lit at night with bright lights in the park and the restrooms.
3. The park was very green and landscaped nicely.
4. Hinman Park is new since 2008. It does not have the amenities described in the Lake County Recreation Guide. Those amenities are a playground and a T-ball field.
5. There are no bathrooms.
6. The county has plans to further develop Hinman Park including adding bathrooms and playground, but not the T-ball field.

7. The installation of the restroom and playground depends on being awarded a Proposition 84 Grant that the department recently submitted to the State.

### **Keeling Park**

1000 Lakeshore Boulevard, Nice

#### **Facts/Findings:**

1. Keeling Park has a boat ramp, benches, eight picnic tables, barbeque pits, and a pier.
2. It also has a swimming area delineated with blue pylons. A sign is posted that states there is no lifeguard.
3. Keeling Park has one of the nicest children's playgrounds the committee saw. The sign in the corner of the playground read, "Playground by Miracle Playgrounds for ages 5 - 12"; this sign clearly states the playground rules.
4. There was good bench placement for adults to supervise children in the playground.
5. There was a large grassy area with benches close by the playground.
6. It has a working water fountain.
7. The woman's bathroom had no privacy. The door did not lock; the bathroom had one large stall with two toilets. The stall did not have a working lock either. The committee learned that vandals took the separating partition between the two toilets.
8. The county plans to do work in the park, including renovation of the bathrooms.

### **Pioneer Park**

5250 Third Street, Kelseyville

#### **Facts/Findings:**

1. Pioneer Park is located behind the former Justice Court.
2. Pioneer Park is dedicated to Elvin Saderlund.
3. The park's landscaping is currently being updated with new sod.
4. A shingled structure, the former jail cells, is still on site.
5. The park has a nice picnic area with barbeque pits.
6. The park is clean and the garbage cans were not overflowing.
7. The bathrooms were clean and working. The men's bathroom did not lock. The woman's bathroom did lock.
8. No dogs are allowed.

## **Middletown Trailside Nature Preserve**

21435 Dry Creek Cutoff, Middletown

### **Facts/Findings:**

1. Middletown Trailside Nature Preserve was found to be a jewel of a park by the Grand Jury committee members especially due to the summer art display.
2. There is a spacious open parking area with no designated parking spots.
3. There are trashcans and three bag dispensers for dog feces bags. The dispenser was empty on the first visit. The committee was informed the dispenser was empty because vandals have taken the bags and thrown them all over the park. Park workers have had to pick them up until it was decided to not fill the dispenser.
4. The dog bag dispensers were full on several subsequent visits.
5. There is a building containing two bathrooms, one for men and one for women, with pit toilets that are clean. The bathrooms have no water.
6. There was a tank behind the bathrooms that was not hooked up to anything. It is a holding tank for water used to clean the restrooms.
7. No water or electrical exists at the park because of the costs that would be entailed to get utilities to the site.
8. There is a large grass picnic area to the left of the parking lot.
9. The marked trails were immaculate and well-maintained bark paths that circle the park. They are wide and can be used by wheelchairs.
10. People, horses, dogs and natural wildlife share the trails and paths.
11. There are many trees, grasses, and the park provides a natural setting for the public's enjoyment.
12. The park has many benches and tables scattered throughout with only short distances between resting places.
13. Grand Jury Committee members toured the park during the 7th annual EcoArts: Lake County Sculpture Walk that showcases various artists' works.
14. This exhibit is temporary and part of the annual EcoArts Exhibit, which is the only free long-term art exhibit in Lake County. The exhibit usually runs from early June through mid October.
15. The current exhibits were fascinating. The artistic sculptures were named and some had descriptive stories.

## **Middletown Pool/Tennis**

20962 Big Canyon Road, Middletown

### **Facts/Findings:**

1. Middletown Pool/Tennis Park is small and compact covering about one acre.
2. There is a large paved spacious parking lot shared with Middletown High School, Middletown Middle School, and the Middletown Unified School District office.
3. There is a small children's playground that is in good order.
4. There is a wading pool and a regular sized pool that were closed.
5. The pool is open from mid June until the end of September.
6. There is no access to the bathrooms as they are in the pool area.
7. The tennis courts next to the pool are in good condition, open to the public year round, and are also used by the high school tennis team.

### **Lower Lake Park**

16375 Second Street, Lower Lake

### **Facts/Findings:**

1. Lower Lake Park is a one-acre park with one large communal barbeque pit, and 28 benches under a shelter. It is ideal for public gatherings and family picnics.
2. The Lower Lake Community Center is adjacent to the park.
3. Across from the covered picnic area, is the children's playground. The four swings looked new. Everything looked to be in good working order.
4. There is not much grass and few trees.
5. On the other side of the park are the restrooms and four benches that had a roof over them.
6. The bathrooms with no sinks or faucets were clean.

### **Nylander Park**

12483 Foothill, Clearlake Oaks

### **Facts/Findings:**

1. Nylander Park is a new park not in the Lake County Recreation Guide.
2. The Grand Jury Committee members met with a park employee who walked them through the park and showed them the Visitor Information Center that was under construction.
3. There is an arched rock wall.
4. There is an area with a lighted curving pathway that encircles picnic tables and benches.

5. The park is well lit at night with many bright lights.
6. There is a children's playground with two slides and five swings. These are new and in good order.
7. There are Porta-potties now, but the restrooms will be in the Visitor Information Center when it is completed.

### **Clearlake Oaks Beach**

12684 Island Drive, Clearlake Oaks

#### **Facts/Findings:**

1. Clearlake Oaks Beach Park is one acre with swimming, fishing, and boat launching facilities.
2. The park is sparsely lit at night with lights on the pier, outside and inside the restrooms.
3. The beach is large and rocky.
4. The swimming area is ringed off with floating balls.
5. The picnic area has stone tables and benches in a grassy area with a few trees.
6. There is a pier with two benches.
7. The restrooms were clean.

### **Nice Beach**

647 Lakeshore Drive, Nice

#### **Facts/Findings:**

1. Nice Beach is a one-acre park with lake swimming.
2. The beach was small and gravelly.
3. There was a wooden pier without access.
4. There were no tables, chairs, or barbeque pits.
5. The beach was mostly gravel with some grass.
6. There were no restrooms.
7. There was one garbage can that was tipped over.
8. The buildings in need of paint were locked and boarded up.
9. The beach looked as if it were closed and no longer in use.

### **Upper Lake Park**

575 East Highway 20, Upper Lake

#### **Facts/Findings:**

1. Upper Lake Park is eight acres with restrooms, a fenced in playground, a picnic area with five barbeque pits, a softball field, and two enclosed tennis courts.
2. The park sign was attractive and easy to find.
3. The park has a large parking area that is paved and lined.
4. The grounds were well kept with green grass and trees.
5. The restrooms were clean with wheelchair access.
6. The children's playground was in good shape. It had swings and a complex children's slide in good repair.
7. The picnic area had ample stone tables.
8. The picnic area had a gazebo.
9. The walkways were paved.
10. There were two water fountains, one for the handicapped.
11. The tennis courts had a sign listing the usage rules.
12. The ball field was Little League sized, had bleachers and was enclosed.
13. The park had animal burrows that could be dangerous.

## **Lakeside Park**

1985 Park Drive, Lakeport

### **Facts/Findings:**

1. Lakeside Park is 53 acres on Park Drive near Kelseyville.
2. The park has two boat ramps, two restrooms, a picnic area, three softball fields, lake swimming, playgrounds, fishing, and horseshoe pits.
3. One parking lot is unpaved. The other parking lot next to the lake was paved and had marked parking spaces including handicapped spaces.
4. The softball fields have bleachers.
5. Trees surround the picnic area with barbecue pits.
6. The children's playground is well kept with play apparatus in good condition. It has painted benches for supervising play.
7. There are four horseshoe pits.
8. The grounds are well kept with ample trees.
9. Dogs are permitted and there is a dog feces bag dispenser with bags and close trash cans.
10. The swimming area and launching facility has signs warning of possible quagga mussel infestation.

11. The fishing piers have benches.
12. The restrooms have no towel dispensers.

### **Kelseyville Park**

5270 State Street, Kelseyville

#### **Facts/Findings:**

1. Kelseyville Park is three acres on State Street in Kelseyville.
2. There is a large well-placed sign with the park's name.
3. The paved parking lot area had four marked handicapped spaces.
4. The park has restrooms, a playground, a picnic area, and a basketball court.
5. The park boundaries are fenced.
6. The basketball court has two benches.
7. The restrooms are clean and well kept.
8. In the men's restroom there are no privacy doors on the toilet stalls. In two stalls there was no toilet paper. There was no towel dispenser and no soap.
9. The woman's restroom had only one toilet.
10. The children's playground was in good shape with benches around the play area for supervision.
11. There were six barbeque pits with benches.
12. There was one large barbeque pit with covered benches.
13. The landscaping was well done, but the grass needed cutting.
14. There were three trashcans.

### **Highland Springs Recreation Area**

3600 East Highland Springs Road, Kelseyville

#### **Facts/Findings:**

1. Highland Springs Recreation Area is operated by Lake County Water Resources and owned by Lake County Watershed District.
2. The park has a picnic area, a beach, and a disc golf course.
3. The recreation area is organized around a reservoir.
4. There are no lifeguards.
5. The lake is for non-motorized boats only.
6. The parking area is unmarked.
7. There are horse trails; the horses are not allowed off the trails.

8. There is a large grassy area.
9. The park has barbeque pits.
10. The restrooms were dirty.
11. There was a non-operable drinking fountain. There was no potable water.
12. Both restrooms had graffiti and were in need of paint.
13. The grounds were well manicured with some trees.
14. There were molehills on the grounds.
15. The benches and tables were wooden. The tables were in poor shape. Some tables were piled together.
16. The area is closed from 9 PM to 6 AM.

### **Middletown Park (to be named later)**

21268 Calistoga Street, Middletown

#### **Facts/Findings:**

1. The new park will be adjacent to the new Library/Senior Center.
2. The park is in the planning stages as of March 2010.
3. A community park advisory committee has been formed and will have regular meetings.
4. The community members who attend the meetings will have input into how the park is designed and what amenities will be present in the finished park.
5. The department has applied for a park bond #84 grant to construct the park and awards are to be made in the fall of 2010. If the department is successful and receive grant funds, construction may start in the spring of 2011.
6. The park will enhance the appearance and use of the new Library/Senior Citizen complex.
7. The park is a "vest-pocket" park, more of a plaza than a park.
8. A gazebo is being considered for the park.
9. One vision for the park is to hold farmer's markets and street fairs.
10. The park could be the starting or finishing point for parades.

#### **Recommendations:**

- R1. Provide more garbage cans at Rodman Slough.
- R2. Print revised Lake County Recreation guide by 2011 tourist season.
- R3. In Alpine Park, Lucerne fix landscaping to reduce formation of puddles.

- R4. Provide hand sanitizer or some kind of hand cleaner in bathrooms.
- R5. Make repairs at Lucerne Harbor children's playground.
- R6. Provide at all county park children playgrounds signs that clearly state playground rules.
- R7. Give high priority to the renovation of Keeling Park's bathrooms.
- R8. Make more county parks dog friendly.
- R9. Attend to the animal burrows at Upper Lake Park to make the park safer.
- R10. The tables in Highland Springs Recreation Area need to be removed and replaced.

**Agency/Department(s) Required to Respond:**

- Park and Recreation Division via the Board of Supervisors (90 days)
- Lake County Water Resources via the Board of Directors of Lake County Watershed District (90 days)

**Bibliography:**

- Lake County, California. Lake County Public Services Department. Recreation Guide. California: MAX Design Studio, 2001.



# Lakeport City Parks Oversight

## Summary:

Lakeport City Parks are a valuable part of the recreation for Lake County citizens and tourists. The City wants to avoid charging fees for the use of its parks even in the current economy. Library Park is well known for its Summer Concert in the Park series. Library Park also has other events including the seaplane event usually held in September. The biggest use of Library Park is mothers with small children. Westshore Pool is open to the public in the summertime only. Westside Community Park is still under development but is used now for soccer games.

The committee toured parks and found some areas that can be improved, but the overall health of Lakeport City Parks is good. The committee's objective was to gather information about the health and future of the city parks.

## Background:

The city government of Lakeport operates its own parks. There are three parks in Lakeport. The Lakeport City Parks are: Library Park, Westshore Pool, and Westside Community Park. Mulberry Park is an undeveloped area that was given to the City of Lakeport. The donor requested that it be left in a natural state. It is green space with some improvements such as the planting of native species and minor walking paths lined with bark and a watering system.

Lakeport City Parks Department maintains the city parks with a permanent staff of one. There are three workers from the One-Stop-Program that help with park maintenance. The Trowel and Trellis Club helps the park system with planning, donations of plants and planting.

## Methodology / Procedure:

In September 2009 through March 2010 the Public Services Committee conducted an elective oversight of Lakeport City Parks. The Lakeport Parks were toured on September 16, October 14, December 4, 2009, and January 31, 2009.

Grand Jury Committee members met with the management of Lakeport City Parks on March 12, 2010.

## ❖ Library Park

222 Park Street, Lakeport

### Facts:

- Library Park is three acres with docks, boat ramps, two playgrounds, a picnic area, a gazebo, and swimming in the lake.

- Dogs are allowed on leash.
- The park has sodium vapor area lights.
- The single woman's bathroom door opens outward and is too difficult to close thereby rendering the lock unusable. The parks worker went to check the lock when told about the problem. It had not been fixed on a second park visit.
- The single bathrooms have cold water only and are fairly clean.
- The garbage cans were empty and there was no litter on the ground.
- The outdoor drinking fountain and shower do not work.
- Playground rules were displayed.
- The toddler enclosure has good sturdy fencing with a well-engineered lock mechanism that is adult friendly but not child friendly.
- The toddler enclosure has appropriate playground toys. One is broken. A parks worker stated that they were waiting for a bolt to repair the broken riding toy. This was found to be fixed on a second park visit.
- The accumulation of animal feces (mostly duck and other birds) on the esplanade is a problem. This is cleaned two or three times a week with a blower and water.
- The main bathrooms are closed from 6 PM to 8 AM. The committee was told that they are closed at night due to vandalism and graffiti.
- The main woman's bathroom has three stalls that were clean. The sinks have only cold water activated by push buttons that were too hard to push.
- The men's bathroom floor was badly stained in areas.
- There were benches and tables.
- The sprinklers were erratic and water pooled in places.
- There was a round concrete and tile enclosure filled with dirt and cigarette butts. This was formerly a fountain that became a liability when diapered children used it for a wading pool and used diapers were left in it. It next became a planter but the plants were destroyed.
- The Carnegie Library now houses offices, which pay rent to the city.
- The Third Street and Fifth Street Launching Facilities had clean restrooms with working water.

## Findings:

- F1. Library Park is a draw for tourists and residents alike looking for a nice place for a picnic or a place to launch a boat.

- F2. Because there is no fee for using Library Park or boat launching tourists tend to use the park and spend money at the businesses around the park.
- F3. The park lighting is very dim with many shadows. It is not economically feasible at this time to replace the sodium lights with solar lights which would be brighter.
- F4. The single woman's bathroom door does not offer privacy to a user because the door cannot be secured.
- F5. The toddler enclosure has a latch that keeps toddlers from entering or leaving without supervision.
- F6. The shower and drinking fountain near First Street were inoperable.
- F7. The sprinklers are set to turn on between midnight and 4 A.M. Nighttime use of sprinklers saves water because less water evaporates due to the sun. Water from the lake may clog the filters and plug the sprinklers. Water from the lake is metered and payment is made to Yolo County.
- F8. The fountain was removed because it became a health hazard.
- F9. The concrete and tile enclosure was unsightly.
- F10. Overall, the park was clean and family oriented.

### **Recommendations:**

- R1. Investigate new lighting technology, including solar. (F3)
- R2. Install handles inside single restrooms near First Street to pull the doors shut. (F4)
- R3. Repair drinking fountain and shower. (F6)
- R4. Improve appearance of the concrete and tile enclosure by planting flowers or other plants year round. (F8, F9)

### **❖ Westshore Pool**

250 Lange Street, Lakeport

#### **Facts:**

- The park is ½ acre with a swimming pool and a picnic area.
- The pool is located at Clearlake High School just past Terrace Middle School.
- A large concrete area surrounds the pool.
- The pool is open from late June through late August.
- Public swimming is available Monday thru Friday, 12 PM- 5 PM.
- The pool was covered when the committee was there.

- The entire park is fenced with chain-link fencing.
- A fee is charged to use the park. The following fees were applicable on the date the committee toured:
  - \$3.00 for 2 yrs. to 17 yrs. old
  - \$4.00 for 18 yrs. & older
  - \$2.00 for seniors
  - Buy 8 entries, get 2 free \$24 (save \$6) 2 yrs. to 17 yrs.
    - \$32 (save \$8) 18 yrs. & older
    - \$16 (save \$4) seniors
- A U.S. certified swim team, the Lake County Channel Cats, practices at the pool.
- Swimming lessons are available for a \$60.00 fee.
- Picnic area is within the fenced-in area.
- The picnic area has tables and benches.
- The picnic area does not have any barbeque pits.
- End-of-school parties are held at the pool.
- Pool staffing is seasonal and part-time.
- All pool staff must have CPR certification and be trained in First Aid.

### **Findings:**

- F11. One must pay to use the picnic area because the picnic area is within the fenced-in area.
- F12. The pool was closed when the committee visited; therefore, the committee was only able to view the pool and picnic area through the fence.
- F13. The high school used to have a swim team that used the pool and contributed to the park system by paying rent.
- F14. Mendocino College had swim classes at the pool and paid rent at one time.
- F15. High school and college swim classes might provide a larger number of summer staff candidates.
- F16. Most of the fee for swimming lessons goes to the swimming instructors.

### **Recommendations:**

- R5. Encourage the high school and college to have swim classes at the Westshore Pool again. (F13, F14, F15)

### **❖ Westside Community Park**

Parallel Drive and Westside Park Road, Lakeport

**Facts:**

- The park is 55 acres and is under development.
- The Master Plan for the Westside Community Park is available at city hall.
- The parking area is paved with lined parking spaces.
- There are designated handicapped parking spaces.
- The park is fenced and well landscaped.
- There are two well-kept soccer fields with goals.
- The park has many benches.
- There is a water fountain.
- There are ample trashcans.
- There is one handicapped accessible porta-potty that is always at the park. Additional porta-potties are brought in for special occasions such as soccer games.
- When the Soccer League asks for additional porta-potties, the league pays for them.
- The wash-up facility on the side of the porta-potty has soap.
- Areas are under construction. (See attached master plan.)
- On a subsequent visit, there was trash scattered around.

**Findings:**

- F17. The park has much potential and is a beautiful family oriented park.
- F18. Development of Westside Community Park is contingent on grant funding becoming available.
- F19. The local community uses the park.
- F20. A fenced-in dog park and exercise area is nearby, owned by the city, but not part of the park. This area may have to be moved in the future.

**Recommendations:**

- R6. Ensure a dog park and exercise area becomes a permanent part of the park (F19).

**Agency/Department(s) Required to Respond:**

- Lakeport Public Works Department via Lakeport City Council (90 days)



# Lake Transit Authority Oversight

## Summary:

Lake Transit Authority (LTA) is a Joint Powers Authority between Lake County and the cities of Lakeport and Clearlake created in 1996 to provide public transit services in Lake County. LTA contracts with a private company to provide bus service to the county, including dial-a-ride and fixed/flex route service. All buses are equipped with wheelchair lifts and bicycle racks.

## Background:

In July 2007, the county contracted with Paratransit, a private, non-profit company, to provide bus service covering Lake County and providing transportation to Calistoga and Ukiah, in Napa and Mendocino Counties respectively. The current contract with Paratransit expires June 30, 2010. The agreement provides LTA with the option to extend the agreement for up to five one-year terms. The option term pricing is negotiable up to the percentage increase in the California Consumer Price Index (CPI) for the most recently concluded calendar year. In 2009, the CPI actually decreased 0.31%.

Lake Transit Authority is required to apply for, accept and utilize funds from any source for public transit purposes, including Transportation Development Act Funds, State Transit Assistance Funds, and Section 18 Funds available through the Federal Transportation Act

## Methodology / Procedure:

The Public Services Committee conducted an elective oversight of the Lake Transit Authority. The 2007-2008 Grand Jury last conducted an oversight in March 2008. Members of the 2009-2010 Grand Jury Public Services Committee rode two different bus routes within the county on August 12, 2009. Members of the committee also visited the Lake Transit facility in Lower Lake on September 2, 2009, where they met with Paratransit management personnel and were given further information regarding employees, training, shifts, routes, conditions of buses, etc. The committee attended Lake County/City Area Planning Council (APC) and LTA meetings in February and March of 2010. At the February meeting, the committee obtained the LTA quarterly report for 2009/10.

## Facts:

- Paratransit agrees to comply with the CPI decrease and reduce its fixed monthly, hourly and shelter cleaning rates by 0.31%.
- LTA passed an amendment to extend the contract with Paratransit for one year.

- LTA employs an independent contractor (LTA Transit Manager) to perform administrative tasks.
- The contract with the independent contractor provides for part time administration for the 2009/10 fiscal year. (1200 hours estimated)
- LTA Transit Manager duties include monitoring, evaluating, and recommending changes as needed to the transit services in Lake County.
- As of March 2010, there are 22 service vehicles. This includes five small conversion vans, eight medium cutaway vans and nine large transit coaches.
- Ridership for December 2009 was 24,939 riders. This number declined to 23,527 for January 2010.
- The transit hub at Rays/Wal-Mart has issues with safety and security. Most of the problems occur between 3:00 pm and 7:00 pm after school hours. Occasional problems occur due to intoxicated riders.
- Drivers are employed by Paratransit Services and belong to the Teamsters Union.
- There are eight routes, with the most recent modification done in August 2009.
- Multiple trips are made to Calistoga per day.
- Multiple trips are made to Ukiah per day.
- The buses have commercial advertising on the outside of the vehicles. LTA contracts with a private company to provide advertising services and splits the revenue 50/50.
- There is a projected decline in advertising revenue of 22% for the 2010/2011 fiscal year.
- Projected revenues are \$1,640,922 and projected expenses are \$2,025,379 resulting in a projected deficit of \$384,457 for the 2010/2011 fiscal year.
- Two used buses from Nevada County were obtained at no cost to be used in the Calistoga and Ukiah bus runs.
- Plans to add fifteen to twenty shelters were discussed in March 2010.
- The passengers deposit coins for the fare into an automatic receptacle.
- The bus drivers call out the stops and the passengers can pull a cord to request a stop.
- With prior arrangements, drivers pick up and drop off passengers at unmarked stops.
- All fixed route service buses have special provisions for wheel chairs and motorized chairs; these chairs are fastened and secured so that they do not accidentally move.

- The buses observed by the committee members had security cameras.
- New drivers have received training in Cardio Pulmonary Resuscitation (CPR).
- Some sections of the routes were crowded while other sections had few or no riders.
- There is a bus stop at the Lake County Correctional Facility, but no special after-hours transportation is provided to the facility.

**Findings:**

- F1. Ridership for the second quarter of the fiscal year 2009/10 declined from previous years after showing steady growth.
- F2. Bus routes are evaluated by the Transit Manager and changed to provide better service.
- F3. Service reductions may be necessary with the declining ridership and budget cuts. If necessary, public hearings will be held.
- F4. Clearlake Police and Transit Management are working together to alleviate the problems at the Rays/Wal-Mart Hub.
- F5. The buses currently used on the Calistoga and Ukiah bus routes will be at the end of their service life this fiscal year.
- F6. Drivers do not make change; exact fare is required to ride the bus.
- F7. Detailed information regarding routes, fares, reservations, and holiday service can be obtained from Lake Transit Riders Guides, online at [www.laketransit.org](http://www.laketransit.org) or by telephone at 263-3334 or 994-3334.

**Recommendations:**

None

**Agency/Department(s) Required to Respond:**

None



# Middletown Public Library/Senior Center Project Oversight

## Summary:

A new library, a new senior center, and a new park will grace downtown Middletown soon. The county and the Board of Supervisors have been working on this project for about 10 years. The physical structure of the present Middletown Library is small. It is an L-shaped, one-story older stucco building, which is attractive and well maintained. The county is recommending that it house the sheriff's substation that was originally going to be part of the new complex.

## Background:

The Public Services Committee conducted a discretionary oversight of the Middletown Branch of the Lake County Library from August 2009 through January 2010.

The Chauncey Gibson Library was dedicated in March of 1930. Mr. Gibson offered a new fireproof building to be erected on a lot furnished by Middletown citizens. Mr. Gibson chose the present location on Calistoga Avenue. Plans were drawn up and the stucco library with stone fireplace was built. An addition was added years later as an apartment for the librarian; it is now used as storage. The library is still too small and boxes of books are stacked on the floor.

Mr. Gibson died before the completion of the building and his death left the library with no endowment. In May of 1930, the Middletown Gibson Library Association was formed as a non-profit corporation.

Sometime in the 1950's the senior citizens were given permission to use the building in exchange for taking care of the grounds and keeping the library open at least one day each week.

The branch will be moving to a building that is in the planning stage and which will be built on a lot across Highway 29, approximately two blocks from the present location. Loconoma Valley High School is a functioning continuation school presently located on that lot. According to school district officials, Loconoma Valley High School will be relocated to the main Middletown campus. The new library building will be shared with The Middletown Senior Center.

The fiscal year 99/00 annual report of the Library Advisory Board recommends that money be set aside to build a new library in Middletown. In August 2000, at final budget hearings, the Board of Supervisors appropriated \$150,000 of general fund monies toward the eventual construction of a combined Middletown Library/Visitor Center/Sheriff Substation. In August 2001, 1.3 million dollars of geothermal revenues were committed to the project. During 2002, the previous geothermal commitment was reduced by \$55,000. Middletown property across from the Middletown District Office

was acquired at a cost of \$256,000 to be used for the library project. This property is now designated for a new elementary school and is to be transferred from the county to the school district in return for the Loconoma Valley property plus \$60,000. In 2003, geothermal fund revenues were reduced again. There was \$4,913 in expenses related to the Middletown property, and general fund commitment increased \$200,000. At the beginning of 2004, funding consisted of the carryover of \$609,459 geothermal monies plus \$350,000 of general fund monies totaling \$959,459. The Board of Supervisors approved modifying the project description to include a senior center instead of a visitor center at the request of the Middletown seniors. In 2005, geothermal revenue funding decreased to \$564,372 and general fund revenue increased \$165,071 resulting in total available funding of \$1,079,443. In 2006, geothermal funding carryover of \$564,372 was increased by \$900,000 for total geothermal revenue of \$1,464,372. The general fund commitment of \$515,071 plus an additional \$30,000 brought the total general fund commitment to \$545,071. This resulted in total available funding for 2006 of \$2,009,443. During 2007, an additional \$200,000 of geothermal funding was separately appropriated for the senior center portion, bringing the total appropriations to \$2,209,443. In 2008, an additional \$900,000 of geothermal funding was separately appropriated for the senior center, bringing the total available funding to \$3,109,443.

At the beginning of 2009, general funding was reduced by \$66,980 and replaced by \$26,980 funded by the Indian Gaming Special Distribution Fund (SDF), earmarked for that portion of the facility to be occupied by the Sheriff's substation. Another \$40,000 by the Indian Gaming SDF is designated for the Library portion. The remaining \$3,042,587 of appropriations reflects a carryover of \$2,564,272 of geothermal funding and \$478,315 of general fund monies. An additional \$95,000 of geothermal revenue is appropriated to fund improvements to a vacant county-owned parcel to create a public parking lot adjacent to the new Library/Substation/Senior Center. This brings the total funding to \$3,109,567 appropriated for the Library/Sheriff Substation/Senior Center.

Beginning in the 2009/2010 fiscal year, an architect has been working on plans for the facility. Planners determined that enough space to accommodate a sheriff substation was not economically feasible. The county will be recommending that the old Middletown Gibson Library be utilized as the substation and the \$26,980 of SDF money be used to remodel it.

The design for the new building has not been finalized. There have been several public meetings asking for input. The architect will work with the builder to be determined by the county bidding process. When asked about the opening date of the new library, the estimate given was two to three years from now.

The county hopes to extend library hours and hire more staff in spite of state budget cuts. Donations are a big part of the library budget. A donation close to \$25,000 has been received for library furnishings such as tables, chairs, and shelving. There have been donations for DVDs and books also. A donation of \$40,000 is designated for

the Indian Native Collection. A committee will purchase items, especially books, for the collection.

Eight to ten new computers for the Middletown site will be purchased from the regular library budget. In 99/00, the Library received grant money from The Bill and Melinda Gates Foundation for computers and printers. The library has applied for another grant from the foundation for the new project.

### **Methodology / Procedure:**

The Public Services Committee toured the Middletown Gibson Library and interviewed the librarian August 12, 2009, and again December 2, 2009. The Middletown Unified School District Superintendent was interviewed on December 2, 2009. The committee interviewed the Lake County Library Director on January 13, 2010. Members of the committee attended the Middletown Area Town Hall meeting on January 14, 2010 where the County Administrator gave a presentation regarding the Middletown Library and Senior Center building. On January 15, 2010, the committee received requested financial and chronological background information from the County Administrator's office.

### **Facts:**

- The current library has no parking lot; visitors must park on the street.
- There is no designated handicap-parking place.
- A ramp is available for disabled visitors with wheelchairs.
- One librarian and one volunteer staff the Library.
- For public use, right after entering the front door, there is a Library Catalog Computer for accessing the Library's catalogue. This catalogue identifies how many copies of a book, CD, or DVD are in stock, how many copies are available, and where the copies are located.
- A current library card is necessary to order materials from Lake, Sonoma or Mendocino Counties directly from the Library Catalog Computer.
- A current library card is necessary to order materials and renew books from any computer with an Internet connection.
- A current library card is necessary to download Audio Books directly to a computer from the Internet at [www.lake.ca.us](http://www.lake.ca.us).
- The library has two Public Access Computers. These are computers provided for public use and provide access to the Internet. Computer time is free; there is a charge for printing. The charge is ten cents per page.
- Public Access Computers provide approximately 1 million books to readers in all three counties.

- The library has two Public Access Computers. During one committee visit to the library, both computers were off-line. On another visit, they were working and the committee used one to access the Internet.
- There is a selection of VCR cassettes and DVDs for loan.
- The children's reading room contains a table, chairs, and adequate free space.
- Middletown Library's open hours are limited to Tuesday through Friday 1 PM to 6 PM, and Saturday 10 AM to 3 PM.
- The Senior Citizens Center now occupies a small building on Central Park Road.
- The new Library/Senior Citizen building will house the Library on one side and The Middletown Senior Citizens' Center on the other side. Both will share the lobby and restrooms.
- The Library will have approximately 5500 square feet. The Senior Center will be approximately 4100 square feet and the common area will be approximately 1000 square feet.
- Five different architectural firms competed for the design of the project.
- Escrow has not been finalized for the property transfer with MUSD.
- The architecture firm that was hired to design the new building is from San Rafael, CA.
- The plans for the new library have not been finalized as of February 2010.
- The Library has a schematic floor plan.
- The Project does not have a published overall budget.
- The Project does not have a published timeline, i.e. project log.

### **Findings:**

- F1. Parking spaces close to the present Library are usually available.
- F2. The space in the main room of the Middletown Gibson Library is well organized to house many books.
- F3. The main Gibson Library room has a large window providing comfortable ambient light.
- F4. The Public Access Computers are located in a small, cramped space.
- F5. The librarian is friendly and knowledgeable. The librarian puts in extra hours to keep up with work that cannot be completed during open hours.
- F6. Running a library with only one staff member is difficult.
- F7. Limited library hours can be inconvenient to the public.

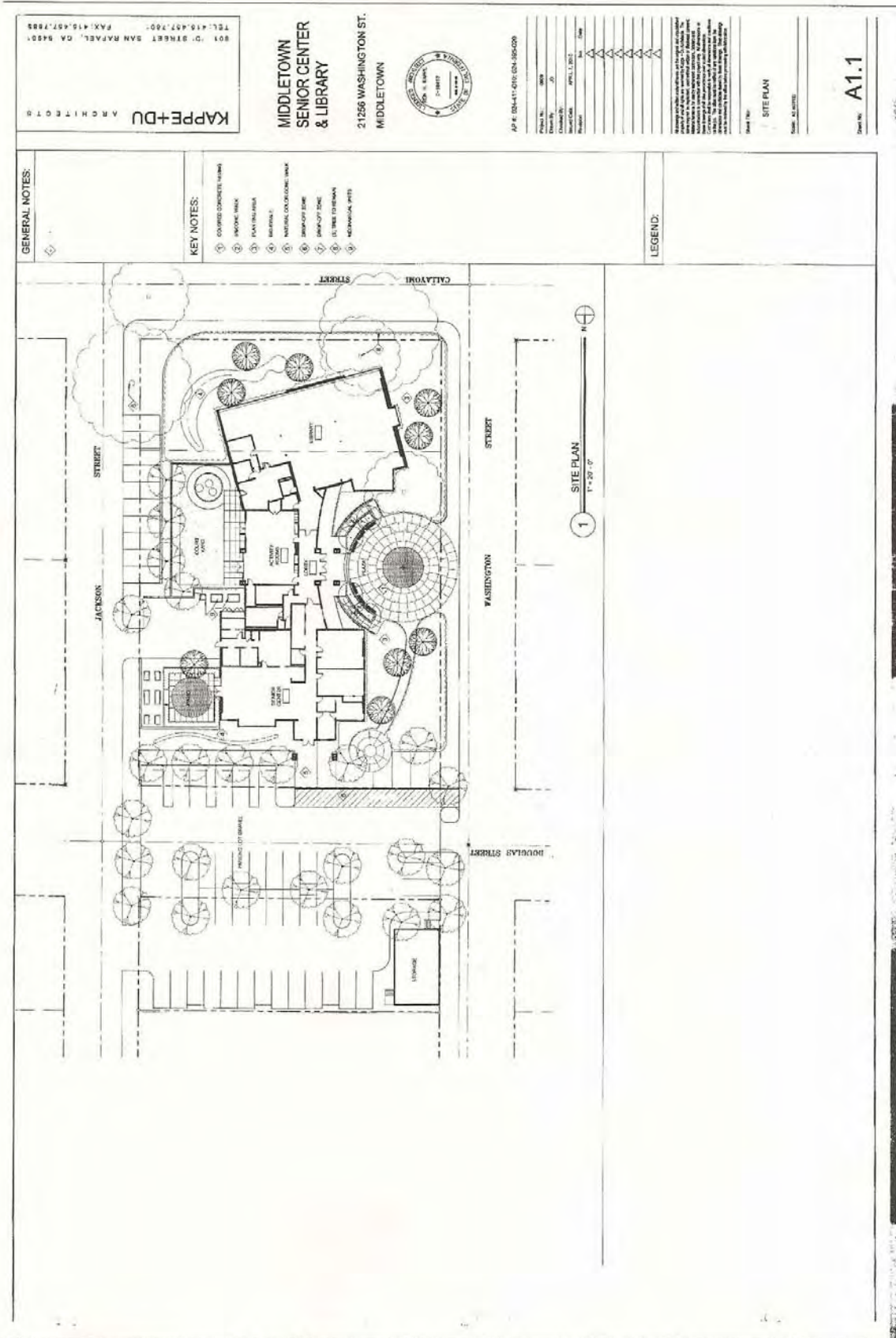
- F8. Additional personnel, either volunteer or paid, to assist the librarian will be necessary in the new larger library.
- F9. The new Library/Senior Center and park will be a great addition to Middletown by providing a focal point for community.
- F10. The senior citizens have been a part of this library's history and it is appropriate for them to share the new complex.
- F11. The new complex will provide much needed space to both the library and the senior citizens' center.
- F12. The sheriff's substation in the old library building will provide better access to the public.
- F13. The sheriff's substation's closer proximity to the park and building complex will help discourage crime in the area.
- F14. The overall Project cost estimate is not available to the public.
- F15. The overall Project timeline is not available to the public.
- F16. The schematic floor plan raises questions of code compliance.
- F17. Opening date of the Complex is probably too optimistic.

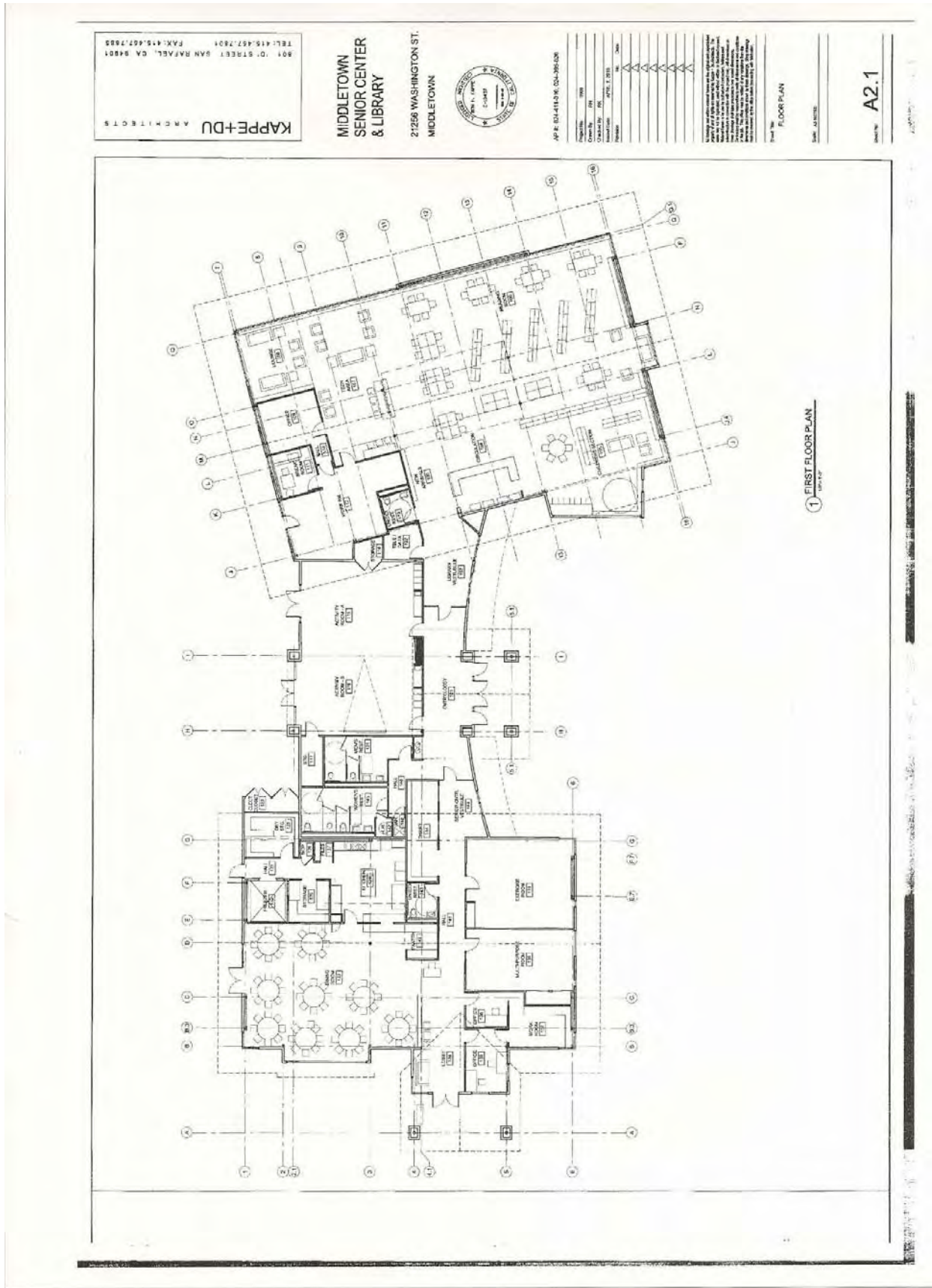
### **Recommendations:**

- R 1. Increase library staffing. (F5, F6, F7, F8)
- R 2. Increase librarian's paid hours to include time after the library closes. (F5)
- R 3. Increase library hours to include weekday mornings and later Saturday hours. (F7)
- R 4. Encourage volunteer help from the public. (F6, F8)
- R 5. Enlist library volunteers from the senior center. (F7, F9, F11)
- R 6. Locate the sheriff's substation in the Gibson Library Building. (F12, F13)
- R 7. Submit schematic floor plan to The County Building Division of the Community Development Department for a preliminary plan check. (F16)
- R 8. Creation of an overall Project log including history, decisions made and total costs. (F14, F15)

### **Agency/Department(s) Required to Respond:**

- Lake County Library via Board of Supervisors (90 days)
- Community Development Department, Building Division via Board of Supervisors (90 days)







**Lake County Grand Jury  
5250 Second Street  
Kelseyville, CA 95451**

**Contact information:**

**Telephone 707-279-8619**

**Fax 707-279-1983**

**To obtain complaint forms online:**

**<http://www.co.lake.ca.us/Residents/Law/complaints.htm>**