

**2019 – 2020**

**Lake County Civil Grand**

**Jury**

**Final Report**



Front Cover:

This year's Grand Jury is featuring some of Lake County's public art jewels, its murals. We see them in every community. Our artists inspire our appreciation of the rich and unique local history and special activities we enjoy from our beloved lake, from native culture to seaplanes. Our murals remind us and visitors what we love about this most beautiful, challenging place in the world.

Research tells us that communities that emphasize art have more civic and social engagement, better child welfare and even lower poverty rates. The arts have been shown to increase empathy towards others, a side effect of which is reducing social tension and discrimination.

During this Covid-19 year, we thank the art community for allowing us to include these photos and share the beauty. We especially thank the Lake County Rural Arts Initiative and its co-founder Martha Mincer. Kudos also to the following artists: Ben von Steenburgh, Michael and Violet Divine, Robert Menizzio, and Gloria De La Cruz.

Our County of Lake has 64,000 residents. Our citizens are largely comprised of resilient, resourceful, and caring members of a greater community – stretched around 100 miles of shoreline, and into our hills and valleys. In recent years, this county has experienced devastating wildfires and floods, in addition to the perennial challenges of our economy, the struggles of job creation, and the shortage of affordable housing.

Yet, even as county and city authorities endure continual budgeting and staffing issues, the governmental agencies and organizations of Lake County have demonstrated the ability to rapidly adapt to emergency situations. The many county and city departments have set the precedence of working together and learning from past experiences during a crisis. Through inter-agency cooperation, county-wide improvements have been made to the benefit of Lake County citizens facing future disaster responses.

Now we are faced with the pandemic caused by the coronavirus, Covid-19. Once again, the Lake County community has been asked to join forces to slow the spread of a potentially deadly contagion. As of this writing – after months of overwhelming citizen compliance to control the rate of local infection – the county is just beginning to implement the first of several carefully measured stages of re-opening.

The Herculean task of protecting an entire county from the threat of Covid-19 is not a minor undertaking. It requires the efforts of many in numerous positions to accomplish. As such, the Lake County Civil Grand Jury would like to dedicate this report to:

- 1) Those working in retail, keeping the stores open so people can obtain essential goods.
- 2) Neighbors checking in on – and shopping for – the elderly and vulnerable.
- 3) Medical professionals providing information, guidance, and services.
- 4) Food pantry volunteers seeing that none go hungry.
- 5) Shelter operators giving those without a permanent home a place to rest.
- 6) Post office employees who keep the mail flowing.

- 7) Food establishments, and their employees, serving those in search of a meal.
- 8) Sanitation company staff continuing to collect refuse, green waste, and recycling.
- 9) Area veterinarians making themselves available for animal and pet care.
- 10) School administrators and teachers who so quickly converted to online instruction.
- 11) Package service personnel distributing needed goods.
- 12) Home healthcare providers assisting those who cannot care for themselves.
- 13) Law enforcement keeping the peace and allowing cooler heads to prevail.
- 14) Truck, bus, and local delivery drivers taking people and products where they need to go.
- 15) Animal shelter workers and volunteers tending to their residents.
- 16) Local government employees adapting to providing services at a distance.

Many thanks and gratitude to these, and so many others, who have stepped up and gone the extra mile to keep the community functioning and staying “Lake County Strong.”

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## Superior Court of California

COUNTY OF LAKE  
255 NORTH FORBES STREET  
LAKEPORT, CALIFORNIA 95453

MICHAEL S. LUNAS  
SUPERIOR COURT JUDGE

(707) 263-2374 EXT 2232  
FAX (707) 262-1327

June 15, 2020

Dear Members of the 2019-2020 Lake County Civil Grand Jury:

Thank you for the submission of your Final Report. I have reviewed the Final Report and find it complies with governing law. The clerk of the court is directed to accept and file the Final Report pursuant to Penal Code section 933(b).

The 2019-2020 Civil Grand Jury is due notation for historical record. First, for having been the first civil grand jury known to be selected in recent history, in significant manner, by the court summoning prospective jurors to court for selection to serve on the Civil Grand Jury. Second, for being the first Civil Grand Jury in Lake County, in more than 100 years, to be forced to undertake their work through emergency conditions created by a pandemic.

The 2019-2020 Civil Grand Jury from a delayed and awkward start-up formed a working unit and has improvised, adapted and persevered to perform their tasks against impediments created by closures, sheltering in place, and physical distancing. While the civil grand juries of many other counties in the State have been unable to complete their work and are extending their terms, this Civil Grand Jury has completed their work, and, completed on time. This year, particularly, the same is a testament to the hard work, sacrifice, diligence, dedication and leadership of the volunteer grand jurors.

While there may be disagreements with findings and recommendations set forth in the Final Report, the same will promote review and dialogue directed at improving the functioning of government systems. The 2019-2020 Civil Grand Jury is to be commended for their work to improve local government and the lives of the citizens of Lake County.

Sincerely,

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

Michael S. Lunas

Presiding Judge of the Superior Court





**Civil Grand Jury 2017/2018**  
**County of Lake**  
**P.O. Box 1078**  
**Kelseyville, CA 95451**

June 20, 2020

The Honorable Michael S. Lunas  
Presiding Judge for the Civil Grand Jury  
Superior Court of California  
County of Lake  
255 Forbes Street  
Lakeport, CA 95453

Dear Judge Lunas,

In accordance with California State Law, we respectfully submit the 2019-2020 Lake County Civil Grand Jury Report.

The Grand Jury embarked on this year with a goal of looking into several matters of civil interest that have been widely discussed by many citizens and governmental groups throughout our county. The results of those endeavors are these reports. Each of the Grand Jurors has put significant time, energy, and attention into the committees that researched, investigated, and generated these reports.

It has been our great honor to continue the century and a half tradition of service that has motivated Lake County Grand Juries.

Dee M. (Russ) Schroy  
Foreman – Lake County Civil Grand Jury





**Civil Grand Jury 2017/2018**  
**County of Lake**  
**P.O. Box 1078**  
**Kelseyville, CA 95451**

**Grand Jurys Foreman's Letter to the Public**

Each year, for the past several, has brought unique and difficult challenges to our county. From the fires that have ravaged so much of our lands to the current county-wide efforts to minimize the effects of the COVID-19 pandemic, there has been a persistent draw on our mutual strength and resolve.

It might be easy to let these hurdles take all of our focus for long periods of time. However, the issues we are all concerned with existed before the new challenge arrived and they will likely be with us after we have found our way forward out of this latest peril.

It is with this in mind that your Civil Grand Jury has investigated several areas that have been of great concern to many in our county. Some of these areas have received a great deal of governmental actions as well as significant contributions from many non-governmental organizations. These have clearly helped to make Lake County a better place and continue to work towards being 'the best that we can be'.

It has been my great privilege to be a member of this year's Civil Grand Jury. It is a group of varied, dedicated, and productive people who have met to be part of Lake County's continuing service by Grand Juries. They have worked hard to build a base for future juries to stand on. I would encourage anyone who is interested in being part of this integral segment of where we live to consider becoming part of a Civil Grand Jury. It can be extremely rewarding while providing service to our neighbors throughout our county.

Russ Schroy  
Foreman



# COUNTY CIVIL GRAND JURY

## HISTORY

The institution of the Grand Jury dates back to 1170 in England. When the Magna Carta was written in 1215, of its 63 clauses the longest and most detailed is in the permanent establishment and operation of Grand Juries. They were used by some of our colonies before the American Revolution and then formalized into our U.S. Constitution in Amendment 5 of the Bill of Rights. It has been continued and used since then in several differing forms. As constituted today in the State of California, 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 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 agencies. In Lake County, the Grand Jury generally performs only civil functions.

## ORGANIZATION

The Lake County Civil Grand Jury (Grand Jury) is composed of nineteen men and women of various backgrounds chosen from throughout Lake County.

The presiding Superior Court Judge appoints a foreperson who presides over all 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 includes: Environment, Juvenile Justice, Social Services, Health, Administration, Criminal Justice, Public Works, Special Districts and Public Schools.

The Grand Jury and its committees meet several times a month. They meet with county and city officials, visit county facilities, and conduct independent research on matters of

interest or concern. The committees report to the full Grand Jury and conclusions are reached after discussion and study of issues. The Grand Jury may seek advice or request the services of the Lake County Counsel, District Attorney, Presiding Judge of the Superior Court, or State Attorney General.

## FUNCTIONS

### **Watchdog Responsibilities:**

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

1. Inspect and audit books, records and financial expenditures to ensure that public funds are properly accounted for and legally spent.
2. Inspect books and records of special districts in Lake County.
3. Examine the books and records of any nonprofit organization receiving county or city funds.
4. Inquire into the conditions of jails and detention facilities.
5. Inquire into any 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 wrong-doing within public agencies, or the performance of unlawful acts by public officials. Any complaints that fall into an area of criminal misconduct are referred to the District attorney. 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 any 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 the subject of one of the reports. According to law, the elected County officers must respond within sixty (60) days following the release of the Final Report. The Board of Supervisors and other public agency governing boards must respond within ninety (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 protection 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 not have further acknowledgement other than their complaint was received. A Complaint Form is available in the Appendix. Additional Complaint Forms may be obtained from:

Lake County Informational Portal  
County Departments  
Grand Jury  
Select 'Web site'

[http://www.lakecountycalifornia.gov/Government/Boards/Grand\\_Jury.htm](http://www.lakecountycalifornia.gov/Government/Boards/Grand_Jury.htm)

## GRAND JURY SELECTION PROCESS

The court solicits applications for the Grand Jury by several means. An Application Form is available in the

Appendix. Additional Applications may be obtained by mailing a letter with a self-addressed, stamped envelope to:

Grand Jury Coordinator  
255 North Forbes Street  
Fourth Floor  
Lakeport, CA 95453.  
(707) 263-2374 ext. 2282

Applications are also available at each Superior Court Clerk's office at the above address.

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

#### QUALIFICATIONS FOR GRAND JURORS

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

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

**A person is not legally required 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 the 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 fifteen to twenty hours a week or more.
2. Be open-minded with concern for the positions and view 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.
7. Does not pursue a personal agenda/vendetta against governmental concepts or officials.

## Responses to Findings and Recommendations

In past responses to the Final Reports submitted by the Grand Jury, the jury and general public has at times found it difficult to fully understand what has been written.

The Grand Jury submits the following format to be used in responding to the reports in the hopes all peoples reading this Final Report can fully appreciate what the county is doing. (PC §933.05). This is a format that has been used by the Board of Supervisors in responding to past reports and has worked very well.

Name or Report: \_\_\_\_\_

Finding or Recommendations #: \_\_\_\_\_

- AGREE, has been implemented
- AGREE, will be implemented within: \_\_\_\_\_
- NEUTRAL, Requires further analysis to be completed within \_\_\_\_\_
- DISAGREE, will not be implemented. Explanation: \_\_\_\_\_

## 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.

## 2019-2020 Lake County Civil Grand Jury

Name	Role	City
Dr. Fred Belka		Lakeport
Richard Blair		Lucerne
Jan Brelsford		Upper Lake
Dr. Herbert Gadbury		Lucerne
Mary Ann Bannan-Haines	Recording Secretary	Nice
Nancy Harby	Foreperson Pro Tem	Lakeport
Kim Harman		Nice
Robert Hume	Parliamentarian	Kelseyville
Judith Jones		Lakeport
Dr. Camm Linden		Lakeport
Clifford Morgan	Sergeant-at-Arms	Clearlake Oaks
John Portner		Clearlake
Dee (Russ) Schroy	Foreman	Hidden Valley Lake
Carol Vedder		Lakeport
Michael Walker		Lower Lake
David Weiss		Kelseyville







## Civil Grand Jury 2019/2020 County of Lake



### **Grand Jury Reboot: Resetting Relationships**

This informal report speaks to a project undertaken by the 2019-2020 Lake County Civil Grand Jury to reset and reestablish more congenial relationships between the Grand Jury, the public they serve, and the agencies they endeavor to assist.

#### **Premise of Project**

It is generally known that hard feelings have developed over the past several years regarding the work of the Civil Grand Jury. A palpable lack of trust and unfortunate misunderstandings have resulted in actions such as government officials publicly calling for non-cooperation with the Civil Grand Jury. As such, the goal of this project was to reduce – or even eliminate – any friction existing between entities, and return to a state of cooperation and shared purpose.

#### **Intent & Methodology**

Through this project, the Civil Grand Jury sought to foster a more positive understanding of their role and purpose among the various county and city governments, agencies, and special districts. Further, a high value was placed on the building of trust. It was determined that the best way to accomplish this task was to assemble a collection of accurate information, deliver that information in person, and work toward opening channels of constructive communication.

## **Preparation**

The Civil Grand Jury created an informational pamphlet – intentionally designed to convey their primary functions and responsibilities in a succinct and accessible fashion. This pamphlet (of which an example is attached hereafter) emphasizes the following main points:

The citizen make-up of a Civil Grand Jury

The responsibilities to inquire/investigate, report, and recommend

The duty to identify more efficient and economical ways of spending  
the public's money

The inspection authorities granted to the Civil Grand Jury

The citizen complaint process

The criteria for launching an inquiry

The historical background of Civil Grand Juries

## **Implementation**

Throughout the 2019-2020 year, members of the Civil Grand Jury visited with dozens of county departments heads, directors, and managers, law enforcement and fire district leaders, and administrators of special districts. These casual visits involved distributing the informational pamphlets, presenting an overview of the purpose and function of the Civil Grand Jury, and promoting open and friendly conversations. Additionally, those visited had ample opportunity to ask questions and offer any information felt to be of interest or useful to the Civil Grand Jury.

## **Result**

This project has been a pleasant and informative experience for the Civil Grand Jury. Each visit was met with a receptive outlook and a willingness to engage in productive exchanges. Positive feedback has been received from several departments expressing appreciation for the Civil Grand Jury's efforts to improve and repair relationships.

## **Conclusion**

It is the belief of the Civil Grand Jury that this project has been successful toward hitting the reset button on relationships with the many Lake County governmental departments, agencies, and special districts. It is hoped that all present and future interactions may proceed in the spirit of understanding, goodwill, and mutual respect – and continue to serve the best interests of Lake County and its citizens.



## LAKE COUNTY CIVIL GRAND JURY

### Informational Pamphlet

3. Examine the books and records of any non-profit organization receiving county/city funds
4. Inspect conditions of jails and detention facilities
5. Look into charges of willful misconduct in office by public officials or employees

### What about Citizen Complaints?

Sometimes the Grand Jury will receive a letter of complaint. These citizen complaints – which can be submitted by anyone – might include allegations of mistreatment by an official, suspicions of misconduct, or governmental inefficiencies or excesses. These complaints are strictly confidential!



In addition to holding complaints in confidence, the Grand Jury has the power to grant whistle-blower protections so that none need fear for the loss of a job, or their safety, when bringing potential offenses to the Grand Jury's attention.

### What is the Grand Jury?

The Lake County Grand Jury is comprised of nineteen, screened and approved, men and women of various backgrounds chosen from throughout Lake County. Generally, Grand Jurors are civically-responsible individuals who are open-minded, can work well with others, and have an interest in community affairs. This body is dedicated to serving the interests of the citizens of Lake County.



### What are the Responsibilities of the Grand Jury?

The Lake County Grand Jury is required by law to:

- 1) Look into complaints / inquire and, if necessary, investigate
- 2) Report
- 3) Recommend



### What does the Grand Jury Do?

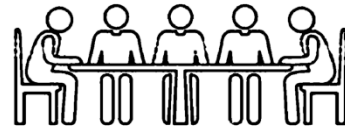
The primary task before the Lake County Grand Jury is to examine county and local government and special districts to see that their duties are being carried out lawfully. Additionally, the Grand Jury may seek to identify ways in which these duties can be accomplished more efficiently and economically.

The Lake County Grand Jury has a responsibility to meet public expectations and act in their best interest. The Grand Jury is charged with seeing that the public's money is being spent wisely. In this way, the Grand Jury can act as sword or shield – sometimes both – as an advocate for the public.

### How is This Done?

The Lake County Grand Jury is authorized to:

1. Inspect/audit the books, records, and financial expenditures of public funds
2. Inspect the books and records of special districts



### How Does the Grand Jury Determine an Inquiry?

The Lake County Grand Jury will respond to all citizens submitting complaints with an acknowledgment of receipt. From there, the Grand Jury will determine if the complaint involves government agency operations, charges of wrongdoing within a public agency, or unlawful acts by public officials. If the Grand Jury finds sufficient merit in the complaint, they may initiate an inquiry to look into the matter.

### Did You Know?

The Grand Jury is of ancient origin and has been used as an instrument of government in North America since before colonial times. Grand Juries are authorized in both the 5th Amendment of the United States Constitution and California's Constitution.



The Lake County Grand Jury is part of the judicial branch of government and serves as “an arm of the court.” The Grand Jury conducts inquiries, investigates, and makes recommendations for improving systems, procedures, and methods of operations in local government.

### Contact Information:

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











## Civil Grand Jury 2019/2020

### County of Lake



## PSPS - 5 Days in October

### Summary

As Pacific Gas and Electric Company powered down thirty California counties in the fall of 2019, Lake County agencies powered up.

Lake County is in a unique position after more than five years of emergencies. From massive repeated fires to flooding, our county has become both battle-hardened and resilient. Our leaders, agencies, cities, and citizens have developed coping strategies and cooperation found in few other locales. This pays dividends even now in our coordinated response to coronavirus.

While much has been made of PG&E's fumbling and failures, county civil grand juries do not investigate private companies. We have focused instead on the ways in which Lake County leaders, departments, and residents persevered, interacted, adapted, and communicated during this man-made emergency, and to succeed at maintaining all essential services.

In essence, what did we do right?

## **Background**

PG&E's faulty and outdated equipment has caused wildfires in California over the past five years. This includes the Camp Fire in Butte County for which they've pleaded guilty and been found legally liable. PG&E initiated a new strategy - the Public Safety Power Shutoff – which became their preemptive solution to wildfires caused by downed or sparking power lines during periods of high temperature, low humidity, and high winds.

In early October, red flag warning conditions aligned to trigger the first PSPS, a multi-county event that lasted slightly more than two days, from the 9th through the 12th, turning off electricity to Lake County's 65,000 residents. With the power down, county agencies used this first event as a training exercise and as an opportunity to plan for future power shutoffs.

On October 23<sup>rd</sup>, another PSPS event began as did also the Kincaid Fire in Sonoma County, which overlapped the entire five-day PSPS, with simultaneous crises and resources diverted to the fire which had priority over the blackout response. At first winds were carrying the fire dangerously close to Lake County. Some evacuation warnings were issued on Oct. 25 to the residents of some of the Cobb Mountain areas/communities. As people prepared to flee, the high, gusting winds changed direction, shifting away from Lake County. We were spared this round of fire, but not the related blackout.

## **Discussion**

Shutdowns were designed to last only a few days, which is not what happened with the second PSPS. It began as PG&E shut the power off to 30 Northern California

counties, including Lake on Saturday, October 26, 2019. Ultimately three million customers lost utility-provided electrical power.

At first PG&E told the public that we would be in the dark for approximately two days, then weather conditions changed. The shutoff continued for three more days. Many Lake County residents were told that there would be a brief period of re-energizing, but that did not occur. Instead, the two events merged and lasted for a total of five days, October 26<sup>th</sup> to the 30<sup>th</sup>, causing widespread problems in our communities. Many businesses lost income, heating was a problem at night, food was wasted in homes, schools and restaurants, and many residents were both literally and figuratively in the dark.

Despite the five-day event our local county government departments, along with the Cities of Lakeport and Clearlake, kept services up and running with extraordinary efforts. Necessary operations continued to function because of preparation, teamwork, and creativity to overcome a host of challenges. However, one more day could have caused serious multiple failures including water, sewage, shelters, and threats to the medically fragile through no fault of our own.

PSPS communications were channeled through the Office of Emergency Services (OES) from PG&E and disseminated to the County Administrator to keep the departments informed. OES worked closely with the Sheriff's Department, and the Police departments of Lakeport and Clearlake, as well as heads of multiple essential services. However, the County Administrative Office (CAO) and many of the heads of the other departments quickly learned that PG&E's communication was spotty, inaccurate, even chaotic. In fact, PG&E's website crashed, crippling the flow of information.

The OES had regular conference calls with PG&E and pressed for current information, as did the County Board of Supervisors and other leaders. PG&E also had a representative available but wasn't embedded in Lake County as the OES

wanted. One representative telecommuted, thus not fulfilling our concerns and needs regarding the PSPS.

The OES, through the Emergency Operations Center, made sure that all stakeholders were regularly updated. The OES made unified command decisions in response to the way events were unfolding, but there were a few early missteps because PG&E was not sharing current information. PG&E's inadequate and inaccurate communications negatively impacted county responses. The Lake County Board of Supervisors with the Cities of Clearlake and Lakeport demonstrated strong advocacy on behalf of our county when it wrote a letter to the CPUC on October 31, 2019. (See attachment).

## **County and City Departments**

Decisions were made among local departments via teleconferencing and by in-person briefing. Unified decisions were accomplished with the sheriff acting with the cities and county up to twice a day. Multiple agencies were responsible for making crucial decisions as events developed. County decisions were collaborative, and usually unanimous.

In the area of public safety, the Sheriff's Department and police in the two incorporated cities of Lakeport and Clearlake utilized extended shifts to maintain order, ensuring that the maximum number of officers patrolled cities and county. Any impact to public safety was minimal.

Fire departments were in constant communication with one another. All stations had diesel generators and plenty of fuel to power them. With power, their phone lines were up and running. First responders could be reached by cell phone, by landline for those with generators, or by 911. Fire chiefs reported that calls were nonstop. All stations and areas covered each other via mutual aid. Department chiefs had regular meetings to coordinate planning, both before and during the shutoff. Fire stations had full oxygen tanks, prepared to support disabled oxygen-

dependent residents. They also could refill two types of fire extinguishers at the stations.

The County Administration Office operated in disaster mode. They coordinated with the Board of Supervisors and supported other departments in finding, funding, and installing generators. Because all departments in the county courthouse had generator power, many essential functions remained operational.

Despite this PSPS being a manmade disaster, the governor did not officially declare a disaster, thereby depriving Lake County of much-needed emergency funding. The county was saddled with unrecoverable costs, including unanticipated overtime, and generator purchase and installation.

The entire staff of the Public Services Department focused on keeping other essential departments running. They were extremely busy before and especially during PSPS events. With only a limited number of generators available, Public Services prioritized which agencies had the greatest need. Approximately ten agencies had generators installed prior to the blackout. Public Services also moved portable generators to different agencies as needed. Planning for PSPS occurred well before the actual event and was coordinated with OES and the CAO.

Only a small percentage of Lake County's electrical customers had either generators or solar battery back-up. While more have acquired these in the aftermath, it's still a minority of our community that is fully prepared for a multi-day outage.

Lake County Special Districts oversees six water districts directly. They made sure all six had generators to keep water and sewer systems running. With creative scheduling, Special Districts had just enough personnel to cover any problems with water delivery during the entire event. Special Districts asked their customers to conserve water and saw a resulting drop in consumption. With the assistance of the Public Services Department, water for all the areas served by Special Districts was

delivered to their customers without disruption. However, had the PSPS extended just one more day, there would likely have been breeches and failures. Generators, pumps, sewers, and our water supply are simply not designed to run 24/7 under this burden. There was a continuing potential for sewage overflow which would be both an environmental and public health threat.

## **Rural Effects**

A significant percentage of Lake County is rural. Many farmers, ranchers, and others live on wells. When the power goes off, so does their ability to irrigate crops and orchards, or provide water to livestock. When people on wells lose power to their pumps they also lose household water for cooking, cleaning, drinking, bathing, and basic sanitation. The loss of pump power can cause serious sewage and septic issues. Many of our residents found themselves unable to bathe or flush the toilet.

Critically, families on wells also lose the capacity to fight fires during blackouts. Turning off electricity to rural areas may have the unintended consequence of impeding firefighting. There has not been adequate conversation about this fact in our largely rural county.

## **Schools**

Without sufficient advance notice, Lake County schools suffered on several levels. For every day our schools were closed more than 9,000 public school students lost learning and food. Many families rely on the nutritious meals served to their children at school. Few schools were prepared to keep food cold for five days without adequate refrigeration. Some did pack their freezers completely full and never opened them, successfully maintaining safe temperatures. Some schools brought in freezer trucks. Highly perishable products such as milk had to be thrown away at some locations due to stringent safety guidelines.

At first there was worry that districts would lose funding due to formulas which are based on Average Daily Attendance. The California Department of Education has allowed districts affected by PSPS to recover lost financial revenue through a waiver. These monies are usually disbursed within six months. At this writing the funding is delayed but appropriated.

As one of the largest employers in the county, the Lake County Office of Education partnered with the County Administrative Office to continue meeting payroll, performing business functions, and accessing the Internet.

Repeated emergencies have forced many temporary school closures over the past five years. PSPS deprived our students of an additional seven to nine day of instruction, compounding the problem. Since the 2015 Rocky Fire, Lake County students have lost a cumulative 174 school days, and that is before the massive disruption of COVID-19. Our children have lost instruction, food, and attention to their socio-emotional needs that schools provide. Teachers and staff have lost time for planning, professional development, and Individual Education Plans.

Going forward, PG&E plans to assist temporary generation capacity at each school site and to limit blackouts in schools and cities whenever possible. The intention is to keep schools operating despite blackouts. Nothing in the education code says we can't operate without power. Conversations about how to implement schooling during PSPS events have been eclipsed by the COVID-19 crisis. That planning needs to resume.

De-energizing lines inadvertently triggered fire and burglar alarms, causing security calls from a number of schools. On a broader level, school facilities serve an important function in emergency planning. Campuses have large spaces, busses, mechanics, and food resources that can be activated on the logistics side of emergency response.

## **Public Health**

The Public Health Department addressed basic problems that PG&E overlooked. Medically fragile patients' needs were not addressed by PG&E and endangered the health of many. Power was needed to keep insulin refrigerated, oxygen tanks refilled, nebulizers running, medical devices operational, and to get meals for those who could not leave their homes. The staff worked in disaster teams of three in order to keep on top of things. The Public Health Department was essential in establishing respite stations in conjunction with outside vendors to ameliorate what was overlooked.

Public Health also made sure that the hospitals were kept open with generators. Even so, no outpatient clinics were open. They tried to encourage their customers with medical issues to use phones instead of the ER. The Public Health team was effective in planning, monitoring problems and communicating. As of now, they are aggressively planning for future events. During a PSPS, Lake County requires generators and venues for shelters in Clearlake, Lakeport, Middletown, and on the Northshore. There is also the need to address people with baseline medical needs. PG&E now has a Medical Baseline assistance program for residential customers who have special energy needs due to qualifying medical conditions.

## **Other Significant Departments**

The Social Services Department met its mandates of providing basic services for all groups: children, the elderly and the medically fragile even though their staff was reduced due to employee childcare issues. It also worked with senior centers to keep Meals on Wheels functioning.

Air Quality Management operated at 85% capacity. Emphasis was placed on giving emergency turnaround for diesel generator permits in the county. Most of

the permits were for commercial enterprises so goods and services would be available.

Animal Control had a portable generator during this event. Usual animal care was maintained using generator power, however there was no air conditioning. Water was available for normal operations, averting what could become a dire emergency. The volume of phone calls dropped significantly, but they reported a 700% increase in traffic to their Facebook page, from an average of 10,000 visits to an astounding 70,000 during PSPS.

The Lake County Library in Lakeport was not on the list of essential services, yet the staff did a yeoman's job in keeping the library open. Despite the fact that they had no generator, the library kept its regular hours for clients. All books checked out were done the old fashioned way-- by hand. The library was a place to go for residents, providing information about the PSPS for patrons unaware of the situation by posting notices on boards in the lobby. The director had his cell phone redirected to answer calls on the main library phone line. He even read the newspapers out loud to patrons to keep them informed.

### **Further Discussion**

Despite Lake County's Herculean efforts to continue services without disruption, communications were imperiled at several levels. Not only was there failure from PG&E, many of our residents lost phone service, wi-fi, and Internet. Most county departments made good use of Facebook to communicate updates on PSPS impacts. However, that was only effective for people who were able to both recharge devices and access the Internet. A significant portion of Lake County residents do not have access to the Internet, especially senior citizens. The problem is similar for Nixle alerts, which requires people to have a cell phone, email, or web access. Users must sign up in advance and have the ability to recharge their phones or computers.

Continued coordinated county and city planning is needed for the next PSPS event so that everything will run smoothly and departments can be on top of any problems that may arise. Citizen preparedness is also essential at the grassroots neighborhood level. Although there were months to prepare between the time PG&E announced their PSPS plans and when implementation actually occurred, many residents weren't ready. The cost of such preparedness was just too expensive for many.

A new complication emerged with the COVID19 pandemic. The Shelter In Place (SIP) order has made a potential PSPS event a real crisis, especially if coupled with an evacuation from a wildfire incident.

OES is currently planning for such a disaster. The OES is looking for places for shelters including schools, the fairgrounds and other areas to house people. Shelters need cleaning stations and will not be able to accommodate as many people that could be evacuated in a triple emergency- SIP, PSPS and wildfire evacuation. Evacuations will take precedence over SIP, with PSPS seriously complicating Lake County emergency preparedness during red flag events.

Lake County's leadership compensated for multiple failures during the five-day PSPS. Our local government was not only prepared, they were also flexible and resilient. County agencies remained effective even during constantly shifting circumstances.

## **FINDINGS:**

F1. Communication from PG&E was spotty and untimely making appropriate responses difficult.

F2. Neighborhoods and the general public were not adequately prepared for PSPS events.

F3. School calendars no longer include inclement weather days

F4. With the emergence of the COVID19 pandemic, the threat of a triple emergency- wildfire evacuation, shelter in place and PSPS- could unfold making effective official responses extremely difficult.

**RECOMMENDATIONS:**

R1. Establish a Public Information Officer (PIO) within the OES to improve communication. (F1)

R2. A PIO could assist neighborhoods, Home Owner’s Associations (HOAs), service organizations, and the general public to prepare for PSPS and other emergency events through regular meetings and workshops. (F2)

R3. Lost school time could be partially remediated by putting inclement weather days back into district calendars to add emergency flexibility. Districts and unions should negotiate mutually acceptable terms for schools to adapt to PSPS impacts. (F3)

R4. Even more detailed planning from the county and cities is needed to coordinate responses to simultaneous emergency situations. (F4)

**REQUEST FOR RESPONSES:**

Pursuant to Penal Code sections 933 and 933.05, the following responses are required:

The Lake County Board of Supervisors (R1, R2, R4) (90 days)

Lake County Sheriff (R1, R2, R4) (60 days)

The cities of Lakeport and Clearlake (R4) (90 days)

The Grand Jury invites the following for comments:

Lake County Superintendent of Schools	(R3)	(60 days)
Superintendent, Kelseyville Unified School District	(R3)	(60 days)
Superintendent, Konocti Unified School District	(R3)	(60 days)
Superintendent, Lakeport Unified School District	(R3)	(60 days)
Superintendent, Lucerne Elementary District	(R3)	(60 days)
Superintendent, Middletown Unified School District	(R3)	(60 days)
Superintendent, Upper Lake Unified School District	(R3)	(60 days)

## **Bibliography**

California Dept of Ed

Public Safety Power Shutoff (PSPS)

<https://www.cde.ca.gov/ls/ep/publicsafetyshutoff.asp>

PG&E Public Safety Power Shutoff (PSPS) Report to the CPUC October 26 & 29, 2019 De-Energization Event

[https://www.pge.com/pge\\_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/PSPS-Report-Letter-10.26.19.pdf](https://www.pge.com/pge_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/PSPS-Report-Letter-10.26.19.pdf)

PG&E - Apply for the Medical Baseline Program

[https://www.pge.com/en\\_US/residential/save-energy-money/help-paying-your-bill/longer-term-assistance/medical-condition-related/medical-baseline-allowance/medical-baseline-allowance.page](https://www.pge.com/en_US/residential/save-energy-money/help-paying-your-bill/longer-term-assistance/medical-condition-related/medical-baseline-allowance/medical-baseline-allowance.page)

Public officials convene to blast PG&E on shutoffs, Lake County Record-Bee, October 27, 2019

<https://www.record-bee.com/2019/10/31/public-officials-convene-to-blast-pge-on-shutoffs/>

Residents flock to resource centers during PG&E blackouts, Lake County Record-Bee, October 27, 2019

<https://www.record-bee.com/2019/10/27/residents-flock-to-resource-centers-during-pge-blackouts/>

APPENDIX

**MAP: Impact of Weekend PG&E Shutoffs**

**October, 25, 2019**

**NBC Bay Area**

<https://www.nbcbayarea.com/news/local/map-impact-possible-weekend-pge-power-shutoffs/2004248/>





October 31, 2019

President Marybel Batjer  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**Subject: Unnecessary PSPS Events and Their Impact on our Communities**

President Batjer and Commissioners:

As you are aware, no County is better able to understand the threat of wildfire and disaster than Lake County. Prior to recent weeks, we had suffered ten cumulative natural disasters in a four-year period. Those disasters threatened many things that we value. People that have trusted County and State institutions for generations to represent them well are now doubting that representation. It is our job to hold those responsible, accountable.

Lake County residents have endured enough. Natural disasters, brought in unheard of frequency in part due to nature, but largely due to human decisions made by bureaucratic systems and groups of people that may not be able to find Lake County on a map – those natural disasters were enough.

Decades of State and Federal policies isolating, rather than strengthening our communities in our times of need, deepening the human and economic suffering of our people, were enough.

Lake County is familiar with economic challenges, as well, and we have been able to compete despite them. PSPS events, and the ill-made decisions that brought them, are now crippling our businesses, and the human costs are both incalculable and preventable.

All of our previous hardships were more than enough to more than frustrate the sense of normalcy of countless people in our County. Now, however, our communities are facing a very particular and wholly unacceptable kind of human created disaster, and the California Public Utilities Commission has accepted, even authorized this destructive and abusive pattern.

Our 11<sup>th</sup> disaster in four years was brought not by wildfire, not by flood, but by the negligence and abuse of authority of the Pacific Gas & Electric Company and the California Public Utilities Commission. PG&E's PSPS strategy to prevent wildfire is absolutely inappropriate and unsustainable, and will not be tolerated.

With our communities facing uncertainty due to the surrounding Kincadee and Burris wildfire events, communications were limited, as some cell providers struggled to maintain service, due to inadequate backup generation. That is unreasonable and unacceptable.

Employees of some previously thriving Lake County businesses are now teetering in the face of a PSPS-created unknown, and that is unreasonable and unacceptable.

The ability of innumerable low income County residents to meet even their most fundamental needs was severely threatened by loss of work and wages. We all heard of these cases through friends and family, and we helped where we could, but where was PG&E, and where was the Commission, when rent came due, and a lack of power had left these individuals subject to undue stress, late fees, credit card debt and fear of eviction, through absolutely no fault of their own? Enough is enough.

Our County government, already faltering from the many types of disasters we have recently faced, was not spared by the PSPS. We prepared in advance and we fought with everything we had to respond once the PSPS came, spending \$672,700 on generators and installation, not to mention the organizational financial and other costs associated with loss of over 9,000 staff working hours in anticipation and during the 10/9 PSPS Event, alone, as we work to serve our constituents at a time when departments are understaffed by greater than 21%.

Lake County's fiscal crisis is well known, well publicized. Senator McGuire, Senator Dodd, Assemblymember Aguiar-Curry, our Board, and County staff have brought our financial condition to the attention of the State Legislature and your Commission. Yet, PG&E and the CPUC failed to extend an appropriate and affordable opportunity for us to prepare our residents and governments prior to hitting us with wave after wave of outages. Enough is more than enough.

So many of the people affected, so many of our friends and neighbors are anonymous in their suffering. It is not an option for PG&E's leadership and your Commission to remain anonymous while California's most vulnerable deal with the effects of your misconceptions and wrong-headed decisions. We refuse to stand by as Lake County residents continue to bear the cost. That is not an option.

PG&E's horrifically maintained electrical infrastructure has been found responsible for some of the largest wildfire events in recorded history, quite possibly including the Kincadee Fire, which in fact broke out during a PSPS. Those wildfire events caused financial devastation and tore at every fiber of social fabric in California's communities and resulted in dozens of wrong and highly preventable deaths. Yet, despite these obvious, unfathomable failures of insight from their highest leadership, your Commission has enabled the Pacific Gas & Electric Company to hold Californians hostage by initiating crippling power outages in the name of "Public Safety."

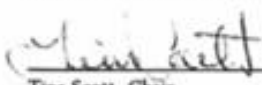
The result has been decision after decision, clearly made toward the end of protecting PG&E's own legal interests, and their own bottom line, at thoroughly unwieldy expense to California's utility rate and taxpayers. Clearly, PSPS Events are not the solution, and cannot be allowed to become our new normal.

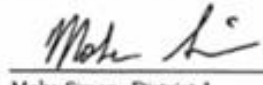
The public depends on the CPUC to stand up to abuse by our Public Utilities, and they deserve much, much better. Enough is enough, for Lake County and all residents of California.

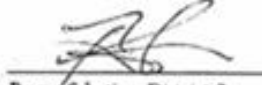
Our three entities have come together in response to a terrible humanitarian crisis in our communities, enhanced by both CPUC regulations and PG&E's implementation. Please consider this only the beginning of our response, with further recommendations and demands for shared accountability to follow. In the interim, please consider the attached small sample collecting input describing the PSPS-inflicted human suffering of our constituents.

Sincerely,

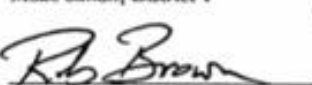
**LAKE COUNTY BOARD OF SUPERVISORS**

  
Tina Scott, Chair

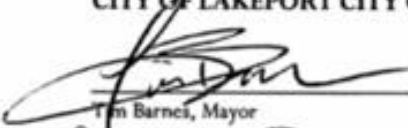
  
Moke Simon, District 1

  
Bruno Sabatier, District 2

  
Eddie Crandell, District 3

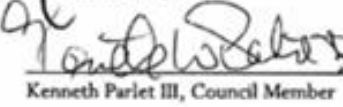
  
Rob Brown, District 5

**CITY OF LAKEPORT CITY COUNCIL**

  
Tim Barnes, Mayor

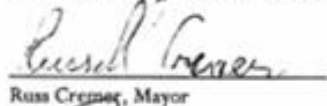
  
Mireya Turner, Council Member

  
Stacey Mattina, Council Member

  
Kenneth Parlet III, Council Member

  
George Spurr, Mayor Pro Tem

**CITY OF CLEARLAKE CITY COUNCIL**

  
Russ Cremer, Mayor

  
Joyce Overton, Council Member

  
Dirk Slooten, Vice Mayor

  
Phil Harris, Council Member

  
Russ Perdock, Council Member

Cc: Congressman Mike Thompson; Congressman John Garamendi; Senator Dianne Feinstein; Senator Kamala Harris; Governor Gavin Newsom; California State Senator Mike McGuire; and Assemblymember Cecilia Aguiar-Curry

Attachments: Exhibit A – Public Comment via Email; Exhibit B – Public Comment via Facebook

For additional comment, also see <http://www.facebook.com/lakecountycogov/videos/> and the Board of Supervisors' October 22 Item 6.7, at [http://lakecounty.granicus.com/MediaPlayer.php?view\\_id=1&clip\\_id=348](http://lakecounty.granicus.com/MediaPlayer.php?view_id=1&clip_id=348).

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## Civil Grand Jury 2019/2020 County of Lake



### **FINDING NEW SOLUTIONS TO OLD PROBLEMS: COUNTY BEHAVIORAL HEALTH SERVICES**

#### **Introduction**

The Civil Grand Jury received community complaints concerning the county's Behavioral Health Services [BHS]. This department provides a range of mental health [MH] and substance abuse services [SUD] in Lake County

The first complaint was that BHS refused to evaluate mentally ill criminal defendants in the county jail with the result that those defendants could, and did at least once, needlessly remain in the jail for months. Alternatively, the complainant suggested that the county should establish a Mental Health Court. A Mental Health court is "a form of collaborative court that provides services and treatment to defendants dealing with mental illness." (fn.1)

The second complaint referred to the Grand Jury was that BHS was said to owe the state an unexplained \$700,000. In the course of its work, the Grand Jury

discovered yet another state charge that threatened the loss of roughly half of its state funding if BHS did not hire the two psychiatrists required by federal law. It was also reported publicly that there had been a theft of patient records.

The Grand Jury decided to investigate both complaints and can report that both have been resolved to its satisfaction as have all the problems that cropped up. First, BHS has been evaluating criminal defendants in the jail since late 2019. Second, it has repaid the state \$711,805.42 to refund (or “revert”) Mental Health Services Act [MHSA] funds that had not been timely spent within the mandatory 10 years. Although it did not hire psychiatrists, BHS arranged to provide those services via telemedicine at a cost \$1,000,000 annually. Patient records have been moved to a more secure setting and there have been no reports of identity theft or other misuse of the stolen records.

In investigating these issues, the Grand Jury interviewed managers at both BHS and the Lake County Jail as well as other county and private individuals. It also reviewed government documents online and researched various legal issues.

### **Discussion**

Today’s BHS was formed when the county merged two departments in 2016. BHS has stopped providing any medication services to its clients and has no medical director. BHS, like other county departments, finds employee retention and recruitment difficult. It does not necessarily set its own salary and benefits levels. The country has centralized personnel management upon which BHS is dependent.

In a recent report to the state, it reported having served 42,457 persons in the previous year. BHS’s overall budget in FY 2019-2020 for mental health services was \$15,833,267, of which \$2,180,000 was from the county. For substance abuse services, it received \$3,032,779 with county funding of \$270,566. The bulk of its receipts were from intergovernmental transfers. (fn.2)

Funding for the mental health side of BHS is relatively generous since passage of the *Mental Health Services Act* (Proposition 63) in 2004. Substance abuse treatment funding is more challenging. Although BHS provides a range of outpatient and inpatient services, the inpatient ones are usually out of county because there is only one inpatient treatment facility in Lake County. For its substance abuse services, only perinatal services are fully government-funded so BHS employs a patchwork of public and private funds to pay for services. The agency is exploring whether to join different managed care groups.

Overall, jurors were impressed by BHS's management, services and plans. A description of the array of mental health services BHS provides can be found in its most recent Mental Health Services Act report, (fn.2) One ambitious program in the works is construction of supportive housing in Nice for mentally ill seniors in concert with the Rural Health Initiative. In recent years BHS has also developed a more advanced system for matching its clients to providers and making sure the two connect. Services are provided at BHS headquarters in Lucerne, its offices in Clearlake and at various other community sites, mostly in Middletown and Lakeport. BHS also provides services at the Probation Department's Day Center and the Lake County Jail as well as in the schools and senior centers. It has focused on reducing stigma for its clients by community education. (fn. 3)

### **\$711,805.42 Payment to the State**

The Mental Health Services Act was a 2004 initiative that mandated more and better treatment and other services for people with mental disabilities. It also created a funding mechanism for providing them—charging a 1% annual tax on taxpayers with income of \$1,000,000 or more. Because these receipts are likely to change from year-to-year, counties are allowed to maintain a “prudent reserve” to cover potential reduced tax receipts in future years. Counties are, however, required to spend moneys received within ten years or they “revert” to the state.

BHS failed to spend sums it received under MHSAs in 2005 within 10 years. As state management of the MHSAs developed over time, in 2018 state regulators

developed reporting and other financial procedures, including ones for the reversion of unspent funds. The Mental Health Services Oversight and Accountability Commission and the California Health Care Financing Department asked BHS to refund the money it had not spent within 10 years. It should be noted that the present administrator was not hired until December 2016, after the first ten years had expired. After being charged, BHS hired two people to reconstruct records and eventually determined the correct amount owed was \$711,805.42. This sum was paid in 2020. Going forward, BHS has accurately accounted for other unspent funds and has increased its annual budget to add services and amounts to avoid another reversion. Its current fund balance is \$1,222,912.

### **Refusal to Evaluate Criminal Defendants in the Jail**

The second complaint the jury investigated—that BHS was refusing to evaluate mentally disabled criminal defendants in the jail or, alternatively to care for these defendants by creation of a mental health court, is also resolved. Some aspects of the problem, however, were not within the Grand Jury’s jurisdiction. Superior Court expert witness appointments and admissions to state hospital are, therefore, described but are not otherwise addressed.

Because BHS began evaluating criminal defendants sometime in late 2019 the Grand Jury concludes that its alleged refusal to do so is moot. The fact is that today BHS participates in several of the three different county programs now in operation to evaluate mentally ill defendants.

First, under the county’s contract for medical services at the jail, the provider, Well Path, is required to evaluate and treat inmates with mental health issues from intake until release.

Second, since 2019, BHS has begun evaluating mentally ill inmates who are within 90 days of completing their sentences. The purpose is to arrange for necessary

community services, such as housing or treatment, before their release from custody. A BHS employee visits the jail once a week to prepare these evaluations.

Third, since late 2019 BHS has also evaluated and supervised mentally ill criminal defendants who are or may be eligible for a new diversion program created by legislation that went into effect in January 2020 (fn.4). These statutes exclude defendants charged with murder, involuntary manslaughter, and serious sex offenses, including rape and child molestation. What they do for other defendants who qualify for services is to postpone and, possibly, allow dismissal of the criminal charges altogether. Should the defendant satisfy the statutory criteria and successfully completes a two-year therapeutic program, the charges are dismissed and expunged. Should the mental disability be unclear before sentencing, the same plan can be established in lieu of a sentence. Again, after successful completion of the program, the defendant's criminal charges are dismissed and expunged. The legislation also specifically excused local county behavioral health departments from creating new services to accommodate this program, thereby avoiding adding unfunded obligations to county agencies.

These changes eliminated the need for a mental health court in Lake County by designating BHS to manage the diversion program. Therefore, although the county had begun looking into establishing a mental health court, the process was discontinued.

BHS began evaluating defendants for mental health diversion in 2019. As of this writing, BHS is supervising eight individuals, three assigned in 2019 and five more in 2020.

### **Other Causes for Delayed Inmate Mental Health Evaluations and Treatment**

Criminal court evaluations for other issues, such as determining whether a defendant is incompetent to stand trial, are handled by court-appointed experts, not by BHS. The Superior Court maintains its own list of qualified experts. Therefore,

those appointments are not within the Grand Jury's jurisdiction. It was reported to the Grand Jury that such expert reports can be delayed. Moreover, even after such an evaluation is completed and the court has decided that an individual must be placed in a state hospital program, bed space in state hospitals is so scarce that it can be months before placement is possible. In the meantime, the defendant remains in the jail. The Grand Jury also has no jurisdiction over state hospitals. The Grand Jury realizes these delays are unfortunate but expects that the new statutes diverting the mentally ill from the criminal system may eliminate some of these cases.

### **Theft of Confidential Records.**

Some months after there was a break-in into a record room at BHS and patient records were stolen, the incident was reported in local news. These reports caused the Grand Jury to investigate the theft. According to the Administrator, police have reported no breaches of confidentiality or use of patient information even after some months. BHS deposited records in a more secure and private area after learning of the break-in. To BHS's knowledge, there was no use or release of those records after the break-in. The Grand Jury is satisfied that the current procedures and location of patient records are secure.

### **Conclusion**

The Grand Jury concludes that the citizen complaints brought to it were meritorious at the time they were made but the problems raised that are within the jury's jurisdiction have already been resolved.

The Grand Jury wishes to commend BHS for managing difficult issues in a complex legal and regulatory system with skill and for its demonstrated concern for the community. The Grand Jury also believes Lake County is fortunate to have such capable department heads as are at BHS, Probation, and the Sheriff's Department, all of whom work very well together on behalf of people with mental illness and substance abuse.

## **Findings:**

- F-1.** Lake County has repaid all sums owed to the state for MHAS reversions.
- F-2.** Behavioral Health Services is already evaluating criminal defendants both 90 days before their release from custody and for diversion eligibility.
- F-3.** Behavioral Health Services has been supervising criminal defendants in a new mental health diversion program since 2019.
- F-4.** Lake County has decided against establishing a Mental Health Court.
- F-5.** Behavioral Health Services is not responsible for delayed release of criminal defendants from the jail.
- F-6.** Behavioral Health Services is unable to recruit as many qualified professionals as it needs or may be required to have and has, therefore, terminated some services to its patients.

## **Recommendations**

**R-1.** Behavioral Health Services should continue to monitor and evaluate whether it is in danger of incurring future MHAS reversion charges and take all steps needed to avoid another such problem. (F-1)

**R-2.** Behavioral Health Services should continue to cooperate and participate with other county agencies in designing and providing services to its target populations. (F-2)

**R-3.** Behavioral Health Services should continue to expand and explore new funding for its substance abuse services. (F-3)

**R-4.** The Board of Supervisors and county managers should review its personnel policies to allow its agencies such as BHS more flexibility in filling positions required by law. (F-6)

## **Request for Responses**

Pursuant to *Penal Code* sec. 933(c). the following responses are required:

-Board of Supervisors, R-1, R-4 (90 days)

-Behavioral Health Services (via the BOS), R-1, R-2, R-3 (90 days)

## Footnotes

1. California Courts, *Collaborative Courts, Mental Health Court*, <http://www.courts.ca.gov/5982.htm>
2. RDA, Lake County Behavioral Health Services, *Mental Health Services Act, (MHSA) Annual Update FY 2019-2020*, [mhsa.lake county ca.gov](http://mhsa.lakecountyca.gov)
3. *State Controller schedules*, County of Lake FY 2019-2020 Budget, <http://www.lakecountyca.gov/.../Financial/BudgetNew.htm>
4. *MHAS Annual Update*, supra, p. 153
5. *Cal. Penal Code*, secs. 1001.36, 1170.9









## Civil Grand Jury 2019/2020 County of Lake



### Industrial Hemp in Lake County

#### SUMMARY

The Grand Jury investigated the impacts of hemp legalization and cultivation on Lake County in terms of departments, financial ramifications, and safety. An important element of this investigation required us to distinguish between marijuana and hemp, which are the same genus and species: *cannabis sativa*.

#### BACKGROUND

The federal government legalized industrial hemp on Dec. 20, 2018, as part of the Federal Farm Bill of 2018. It included provisions sufficient to legalize hemp as a legitimate agricultural crop. The Congressional summary of H.R.5485 - Hemp Farming Act of 2018 explains the changes that would eventually impact Lake County. This bill legalizes industrial hemp that has a tetrahydrocannabinol (THC, the psychoactive component of marijuana) concentration of no more than 0.3 percent by removing it from schedule I of the Controlled Substances Act. States and Indian tribes may regulate the production of hemp by submitting a plan to the Department of Agriculture (USDA). The bill also makes hemp producers eligible for the federal crop insurance program and certain USDA research grants. (Public Law No: 115-334 (12/20/2018) Agriculture Improvement Act of 2018).

After the USDA redefined legal hemp, further regulation was delegated to the states. California chose a minimal regulation response. Hemp was accepted as a legitimate agricultural product and a state permit requirement was enacted. Governor Newsom signed SB153 into law on October 12, 2019, going into effect on January 1, 2020. Its purpose was to “bring California’s hemp laws up to date with the 2018 Farm Bill and strikes outdated state statute language that conflicted

with the expanded definition of hemp that includes extracts, derivatives, and cannabinoids from the non-intoxicating flowers and leaves.” (Vote Hemp)

When the state delegated further regulation to the county level it created local difficulties. All 58 California counties, including Lake County, had to consider how to adapt to the sudden change in hemp’s legal status.

Neighboring counties enacted a moratorium to enable time to develop local regulations but Lake County chose to accept hemp as a legitimate crop and enacted an ordinance to regulate it through the Department of Agriculture. The ordinance provided for the need to obtain a permit to grow as well as the necessity to adhere to various zoning and environmental requirements.

On September 10, 2019 the Industrial Hemp Ad Hoc Committee was formed to develop county industrial hemp regulatory scheme. It included members of the Lake County Board of Supervisors (BOS), the Agriculture Department, the Community Development Planning Department, Code Enforcement, the Farm Bureau, County Counsel, and representatives from the hemp and marijuana growing communities.

Subsequently there have been conflicts in terms of seeds, cross pollination and lack of regulations which have created conflict between those who are growing marijuana cannabis and hemp cannabis.

## **METHODOLOGY**

Information was gathered from published internet sources as well as live interviews with Lake County department personnel, citizens having a stake in the enacted regulations, representatives of both the hemp and marijuana growers associations as well as members of public safety departments. The Grand Jury researched the county’s proposed regulations for Agriculture and Zoning. We researched Measure C authorizing the county to impose a tax on marijuana per square footage, Article 72’s cultivation ordinance, Cal Cannabis within the California Department of Food and Agriculture (CDFA), Hemp License Criteria List, and the hemp permit application.

## DISCUSSION

Lake County government recognized the desirability of having the emerging commercial hemp industry make a significant contribution to the financial well being of the county. In early April of 2019, the BOS decided against implementing a hemp moratorium like neighboring counties, in order to kick start Lake County's advantage in generating hemp revenue. On September 10, 2019, the Board amended specified sections of Article 1 Chapter 3 of the Lake County code relating to agriculture and plant protection pertaining to industrial hemp.

During both individual interviews and discussions at meetings of The Industrial Hemp Ad Hoc Committee significant issues emerged. Lake County needed regulations that would allow enforcement without being a financial drain on fiscal resources. The committee wrangled with issues including crop destruction of non-compliant THC percentages, grading, environment, setbacks, and water. The associations representing both the hemp and marijuana growers were most concerned with the problems of seed feminization and unintentional cross pollination. Cross- pollination could cause the THC content of marijuana to decrease. In the case of hemp if the THC content exceeds 0.03 per cent it becomes an illegal crop. In both cases the crop value is lessened or destroyed.

Interviews with employees of the agricultural department brought two issues to the committee that were directly related to industrial hemp cultivation. Initially, the current fee charged for the permit (\$500.00) was sufficient to cover the minimal regulations already in place. However, it just covered estimated actual costs and does not sufficiently cover the proposed update of regulations. The second issue resulting from the permit process was that the additional workload interfered with the completion of other necessary tasks normally done by the department as they had inadequate staffing for these increased responsibilities.

A question we encountered repeatedly is why are farmers growing hemp in Lake County in the first place? They are not growing for fiber, because that requires large acreage on flat land which appears scarce. Other purposes could include: feminized seeds, Cannabidiol (cbd) oils, topicals, edibles, smokable flowers, and textiles.

## **AGRICULTURAL REQUIREMENTS/ENFORCEMENT**

The Lake County Industrial Hemp ordinance was passed by the Lake County Board of Supervisors on March 25, 2020. The ordinance went into effect as of April 24, 2020. ([Lake County Hemp Ordinance](#)) All land use regulations applicable to commercial agricultural activity also apply to the cultivation of hemp and marijuana. These uses relate to but are not limited to the use of water resources, proper zoning, grading, maintaining correct permits and allowing access for inspections. Further regulations established property line setback at 200 feet. Growers voiced concern that regulations seemed to be unevenly enforced when issuing those permits already in use and that illegitimate growers would continue to present a problem.

The Industrial Hemp Ad Hoc Committee, composed of representatives from Lake County Government, Hemp Growers Association, Marijuana Growers Association, with input from the public, held several meetings. They reached a set of agreed upon regulations. The most important issue, cross pollination, was resolved by requiring all pollen producing cultivation to take place in a greenhouse with air filtration to prevent contamination. This solution was accepted by both hemp and marijuana growers. The crop is to be tested within 30 days of harvest by the Agriculture Department or a certified laboratory to assure that it does not exceed the legal THC limit of 0.3 per cent. If a hemp crop fails to test as a legitimate harvestable crop it will be destroyed as required by regulation. A bond must be posted to cover the cost of crop destruction should it be necessary. The bond value varies depending upon the size of the cultivated plot.

The final regulation accepted with some reservation, was that the holder of the permit and all employees must have a background check. In Lake County this is carried out by the Sherriff's department. The Sheriff's Department undergoes the service for background checks. The fee expense of \$152.00 is charged at the time of application and paid by the applicant.

Enforcement appeared to be problematic. Initial applications require an inspection with marked boundaries identified on the land. There is no language in the current or proposed Hemp regulations that requires open access for later compliance inspections. This leads to unintended consequences. There may be illegal marijuana grows hiding under the Hemp permit. This increases the problem of cartels in the county for marijuana grows, emerging poppy cultivation, and human trafficking victims used to staff grows.

## **FINDINGS**

F1. The initial fee permit of \$500.00 represented the minimum costs to cover the processing. The new regulations presented to the Board are a significant increase in workload for the Agriculture Department: administrative, personnel, and incidental costs. When enacted, there is potential to cause a financial loss to Lake County.

F2. The regulations require that hemp cultivated for seed production must be carried out in a greenhouse equipped with air filtration because it is necessary to pollinate the plants to get seed production. This solution was accepted by both hemp and marijuana growers. Failure to control this issue causes a loss of value for the marijuana crop and can result in the hemp crop failing the THC content limit of 0.3 percent.

F3. The inspection requirement for accessing the property references both the initial inspection and THC content inspection.

F4. The administration of permit issuances and inspection is divided between two departments. Hemp is regulated by the Agriculture Department and Marijuana is regulated by the Planning Department. They are not considered legal grows without the correct permits.

F5. During this investigation there emerged an impression that there was little exact understanding of the costs of general administration, personnel or other incidental costs related to the issuance and maintenance of the permitting process.

## **RECOMMENDATIONS**

R1. The Agriculture Department as well as all other involved departments having regulatory authority regarding industrial hemp cultivation be directed to conduct a cost analysis. This information should flow to a central source for data analysis and action before presenting to the Board of Supervisors. This would permit fair adjustment of fees to cover costs administration. (F1.) (F5.)

R2. To be an effective solution Lake County needs to develop and make available to interested growers the minimum greenhouse structure and air filtration equipment requirements necessary to obtain a permit to grow. (F2.)

R3. The application should clarify access to crop property to satisfy regulatory requirements. Such access is to be scheduled during customary business hours or by appointment. (F3.)

R4. Consideration should be given to combine the appropriate sections that deal with hemp and cannabis from the Agriculture Department and Planning Department together under one department. Having a single regulating entity would serve to localize and coordinate the necessary expertise and eliminate a redundancy of effort and possible costs. (F5.)

### **REQUEST FOR RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

Board of Supervisors	R1, R2, R3, R4	(90 days)
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### **INVITED RESPONSES**

Lake County Sheriff	R1	(60 days)
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## Civil Grand Jury 2019/2020



### County of Lake

## Assessing the Homelessness in Lake County

### SUMMARY

The Civil Grand Jury committee's goal was to investigate the scope and services of homelessness in Lake County and determine the impact on its various county resources. This report focused on county agencies, budgets, law enforcement and community health all serving the homeless.

### BACKGROUND

In recent years, homelessness in America has grown at an alarming rate at federal, state and local levels. The main causes of homelessness in Lake County are the same as in the rest of California: mental illness, substance abuse, financial reversals, domestic abuse, fires, lack of housing, unemployment, and choices. A large percentage of money spent on homeless support services originates from the US Department of Housing & Urban Development (HUD).

## **METHODOLOGY**

The Grand Jury committee became aware of the complex nature of serving the homeless population. The committee began by researching general conditions affecting the homeless as well as the basic services provided to them. There are many different agencies and community resources involved. Initially, community groups and services were identified. We focused on their involvement and how they coordinated and worked with the various county departments. For completion, the committee steered through homeless issues via background researching, interviewing multiple individuals, and attending relevant interagency meetings. A formal observation was conducted at the Point In Time (PIT) Count, the annual homeless census required by the US Department of Housing and Urban Development.

## **DISCUSSION**

There are many ways in which Lake County services and agencies interact and collaborate for the betterment of serving the homeless population. The following services and agencies involved include: Lake County Veterans Services, New Digs Rapid Rehousing, North Coast Opportunities (NCO), Behavioral Health Department, Lakeport Senior Center, Lake County Sheriff's Department, Superintendent of Middletown School District, Hope

Harbor Warming Center, Project Restoration, food kitchens and the Emergency Shelter Covid 19. These various services and agencies are committed to continue serving the homeless population. (While several of these are not governmental operations, and therefore normally outside the purview of a Civil Grand Jury, it is believed that providing the information on how these groups support – and interact with governmental departments – will be of interest and benefit to the citizens of our county.)

## **Homeless Count**

The homeless count was conducted by the Continuum of Care Agency in collaboration with other agencies and many volunteers. This was tabulated on January 27, 2020 as required by HUD each year and is completed in one day. The one day Point in Time Count (PIT) found 572 homeless residents of Lake County. Meanwhile, Partnership Health, who serve MediCal individuals for medical and dental needs, record every time individuals report they are homeless. Partnership Health recorded 3,370 self-reported homeless people in 2019. This is a startling difference in numbers between the two counts.

## **Project Restoration**

Project Restoration (PR) is a non-profit organization that collaborates with other agencies in working with homeless clients. They use a format of 16 domains of care and service to help and assist with the homeless clients. These include the following:

1. Shelter: PR identifies what constitutes a safe place to live, helps find housing a client can afford either on their own or with a roommate, and identifies eligibility for housing programs.
2. Transportation: PR finds ways to help a client get to and from medical appointments and help the client complete application forms for local transportation programs.
3. Legal: PR identifies any legal issues and potential assistance needed for the client.
4. Advocacy Activism: PR is motivated to organize a local interest group. They advocate for raising awareness of issues, causes and needs of people who are currently experiencing homelessness.

5. Family, Personal, and Peer Relationships: PR investigates if there are family members the client would like assistance in reconnecting with. They also explore finding a faith community if the client desires this.
6. Reproductive Health: A plan for the client's sexual health is targeted and assistance with finding appropriate birth control is offered.
7. Official Identification and Vital Records: PR helps the client obtain necessary documents. They help a client get a photo California ID or driver's license, a social security card, a birth certificate, and establish proof of income.
8. Education and Employment: PR helps a client further their education by completing their high school through the Graduate Equivalency Degree (GED) or enrolling in community college courses. They also assist with job resumes and job applications.
9. Mental Health: PR assists clients in finding a particular support group or mental health counselor when requested or advised.
10. Food and Nutrition: PR helps a client access healthy food and find free meals and/or food pantries around the lake.
11. Provider Relationships: PR explores a client's ease in accessing health care. They offer accompaniment to medical appointments for comfort and understanding aspects of their health care needs.
12. Medication and Medical Supplies: PR helps the client get medical equipment that helps manage chronic conditions.
13. Health Management: PR offers help in accessing health insurance and obtaining a primary care provider. They assist the client in making doctor appointments. They also include appointments and dates for World Wide Healing Hands, a group that comes to the county and gives flu shots in December with follow-up in February and March.
14. Substance Use Disorder: PR refers clients to local sources for addiction assessment and connection. This helps the client learn about how drugs or alcohol may affect chronic conditions presented.
15. Benefits and Entitlements: PR helps the client apply for health insurance, assess qualifications for additional income and offer the use of a payee to help with sustainable housing.

16. Other: PR identifies any other issues that are necessary for the client to move forward.

## **Homeless Funding**

A large percentage of money spent on homeless support services originate from the US Department of Housing & Urban Development (HUD). Federal monies are dispersed from HUD and sent to each state. Amounts are dispersed to each county based on the number of identified as homeless. In previous years there has been a vast difference between the PIT count and the count from Partnership Health (private health insurance company), that does affect the amount of money coming into Lake County dedicated to remediating homelessness. The Department of Social Services General Relief (GR) funds are also able to help many homeless with housing, employment, and cash if they fill out proper applications. But there is a limited amount that they can do for so many homeless people.

## **Housing the Homeless**

Housing the homeless is difficult due to lack of affordable housing, lack of employment, mental health problems, and substance abuse issues. Therefore, collaboration is imperative between different involved agencies in finding solutions. Housing and employment need to be considered together in the collaboration process. This appears to be the direction our

local agencies have been going. Homelessness will continue unless there is sufficient housing/shelter available. Lake County housing prices are increasing rents reflective of the market.

Currently there are two warming centers, Hope Harbor and Hope Center. Also, located in Clearlake is the Roomkey Program. This serves the elderly, people

with serious medical issues, and families with children to shelter. They are able to stay in donated hotel rooms.

Hope Harbor is located in the old Record Bee building in Lakeport. The name has been changed to Emergency Shelter-Covid 19. The Lake County Medical Officer requested this shelter during the Covid 19 pandemic. Initial funding was accessed from private NGO resources previously saved, and further funding has been received from other grants. This has allowed care for a portion of our homeless population to continue during the health emergency.

The shelter can house 40 people inside and 25 people outside in their own vehicles. At the time of the interview with the manager, they still had vacancies for more people. With donations from individuals, groups and businesses, the shelter is able to provide shelter for approximately 50 people. There is a shower trailer available along with a washer/ dryer for clients to use. The restrooms are available for people housed there.

There is no coming and going of the clients because of the Covid-19 virus. Essential trips are allowed only for medical appointments and prescriptions. Hired staff work here instead of volunteers. The shelter helps people who want to kick drugs and alcohol addictions by setting them up with local available services. They also help people fill out long form applications for low income housing and help them with steps to find jobs.

The shelter manager said that Lake County is a model that other countries aspire to follow. Authorities are trying to support the effort by steering homeless people to the shelter. Some of the food donations come from local restaurants, food banks and churches. The food pantries are critically important in identifying and serving this fragile community.

The second warming center, Hope Center, is newly established and located in Clearlake. It is run under the auspices of the Lake Ministerial Association. They provide meals and are run solely by non-paid volunteers.

## **Education of the Homeless**

The Grand Jury committee members obtained information from Middletown Unified School District Administration. Homeless children are identified by the frontline people in the schools: bus drivers, office staff, secretaries, custodians, counselors and teaching staff. Since children are the future, breaking the cycle of Homelessness is critical to help them become self-sufficient adults. Clearlake previously had a transitional housing facility for the younger homeless (ages 18-23 years). This program provided the chance for children to finish school and move on to college. Unfortunately Safe House is now closed due to lack of funding and staff. Whereas all districts have a 'homeless coordinator/liaison' individual, only Lakeport District has a completely dedicated one. In the other districts this function is taken on by individuals with other on-going responsibilities.

## **Food for the Homeless**

The Grand Jury members spoke with the administrator of the Lakeport Senior Center. Food is the most important thing they provide clients in the Senior Center. The center is serving an essential population, but not many homeless seniors come for meals. Application help is given to the seniors who need affordable housing, but the waiting lists are long.

In order to serve this senior population, donations in the form of money, clothing, used items and fundraisers help supplement the funds given to

the senior center. They are given funds from the Area Agency on Aging for the two food programs. During the 2018 fire, the Senior Center was used as an informal warming center, charging phones, restrooms, etc.

Having a home address is necessary for being on the Meals on Wheels program. This program delivers meals to seniors along the North Shore of Clearlake.

## **FINDINGS**

F1. There is a dramatic under-counting of the homeless population in Lake County, this may equal a difference of approximately 2,500 homeless people.

F2. There are insufficient numbers of warming centers and beds for the homeless population during the winter months.

F3. There is a severe lack of low income housing available in Lake County.

## **RECOMMENDATIONS**

R1. In order to adequately serve the number of homeless in Lake County, identified centralized locations around the lake might possibly be looked into to make the broad variety of services more accessible. (F2, F3)

R2. There needs to be more warming centers throughout Lake County, during the winter months. Explore the possibility of using vacant buildings/properties and also searching for monetary grants to assist in this. (F2)

R3. Lake County Board of Supervisors and other possible agencies would benefit by looking into alternate forms of housing. This could include: tiny homes, refurbishing closed down motels, small resorts and vacant housing that can be turned into apartments. Also condemned buildings could be turned into housing and also identifiable tax default properties. Upcoming grants and funding should be explored for housing opportunities. (F3)

R4. Coordination between several governmental and NGO groups could refine the actual number of homeless in Lake County. While federal standards still stipulate the PIT count as the formal number, having a unified estimate from Continuum of Care, PIT, Partnership Health Plan and LCOE could provide county and city governance as well as NGO service organizations a more accurate means to determine types and amounts of necessary services. (F1)

## REQUEST FOR RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses

as follows:

Board of Supervisors days)	(R1, R2, R3)	(90
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The following are invited to respond:

Continuum of Care days)	(R1, R2, R4)	(60
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Lake County Office of Education days)	(R4)	(60
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Partnership Health Plan days)	(R4)	(60
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HUD RELEASES 2019 ANNUAL HOMELESS ASSESSMENT REPORT

[https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_20\\_003](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_003)

The McKinney-Vento Homeless Assistance Act

<https://nche.ed.gov/mckinney-vento/>

# Homelessness in Lake County PIT Count vs. Health Care

The **Point In Time Count (PIT Count)** is the official number of persons experiencing homelessness accepted by the federal government. The PIT Count is required by HUD (Department of Housing and Urban Development) every two years in each county. It happens each January on one day. This year that day will be January 27, 2020.

While there are ZERO homeless service providers in Lake County that believe the number of people experiencing homelessness is going down, the official January 2019 count was 372—down from 612 in Jan 2018.

Important figures from the 2019 data include a rise in female and Native American homelessness and a drop in homeless children. In 2018 more than 100—about 1 in 6—of the homeless residents counted were children. 2019's count found only 22 youth without a home out of 372 total—closer to 1 in 16. Compare this to Partnership Health Plan data.

Of the 612 Total from the JAN 2018 PIT Count there were 504 Adults interviewed and 108 Children included. Here is the breakdown by community:

Clearlake/the Oaks/Lower Lake: 319 Total - 293 Adults, 26 Children

Kelseyville: 17 Total – 14 Adults, 3 Children

Lakeport : 76 Total - 54 Adults, 22 Children

Lucerne: 47 Total - 36 Adults, 11 Children

Middletown: 51 Total - 46 Adults, 5 Children

Nice/Upper Lake: 47 Total - 39 Adults, 8 Children

**Partnership Health Plan (PHP)** is the primary provider of health insurance for those with low income and for people experiencing homelessness in Lake County. They insure a total of 38,354 people in Lake County. Our population is 64,665.

From January 2019 through November 2019 three thousand, three hundred and seventy individuals (unique, unduplicated) people insured by PHP sought medical care and described themselves, or were described by their parents, as “homeless,” “camping,” “living in a car,” “living on the streets,” “place to place,” or “friend to friend (couch surfing).” Of the 3,370 SIX HUNDRED and SEVENTY are under the age of 18. Or... 20%, 1 out of 5, much closer to 2018 PIT ratio.

Age	Male	Female	Total	Percent
0-5 y.o.	124	106	230	7%
6-12 y.o.	113	114	227	7%
12 - 18 y.o.	98	115	213	6%
19 - 21 y.o.	79	99	178	5%
22 - 44 y.o.	962	667	1629	48%
45- 64 y.o.	488	330	818	24%
65+	42	33	75	2%
<b>Total</b>	<b>1906</b>	<b>1464</b>	<b>3370</b>	<b>100%</b>

# Hope Harbor

Warming Center  Lakeport, California

The Hope Harbor Warming Center in Lakeport provides a hot dinner, warm bed, and breakfast for any of our Lake County neighbors in need. We are open from December through March.

## **In the 2018-19 Season:**

- The Warming Center provided 1,800 meals and 1,200 bus passes to our guests.
- Guests ranged in age from 5 to 80 years.
- Our guests have lived in Lake County for an average of 15 years.
- Over 80 volunteers served our guests.

## **We need help for the 2019-20 Season!**

- Meal preparation and service
- Sleeping bag donations
- Intake/Registration personnel
- Center staff aides
- Tax deductible donations can be made at our web site

## **Contact us for more information:**

Hope Harbor Warming Center

**Address** | c/o Kelseyville United Methodist Church

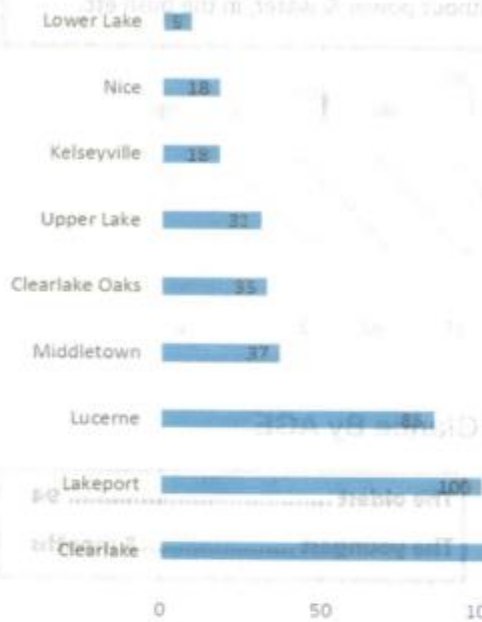
P.O. Box 446 • Kelseyville, CA 95451

**Web** | [www.hopeharborlakecounty.com](http://www.hopeharborlakecounty.com)

**Facebook** | @LMAWarmingCenter

# Lake County, CA January 2020 Point In Time Results at a Glance

## PIT Count By City



**Total # People Counted..... 572**

**Total # Surveys..... 332**

**Total # Observations.....43**

**Male.....295**

**Female..... 199**

**Gender Refused/Other..... 30**

**Veterans ..... 41**

### Social & Community

<b>Average # of Years in Lake County.....</b>	<b>17.98</b>
<b># who reported FAMILY in Lake County .....</b>	<b>207</b>
<b>Experiencing homelessness due to DV .....</b>	<b>50</b>
<b>Have you been served by Foster Care.....</b>	<b>82</b>
<b>First time homeless.....</b>	<b>182</b>

### Health

**Question #16: ongoing health problems such as diabetes, cancer or heart disease?**

<b>Yes.....</b>	<b>130</b>
♦ <b>Diabetes .....</b>	<b>25</b>
♦ <b>Heart Disease .....</b>	<b>22</b>
♦ <b>Cancer .....</b>	<b>9</b>

### The Fires

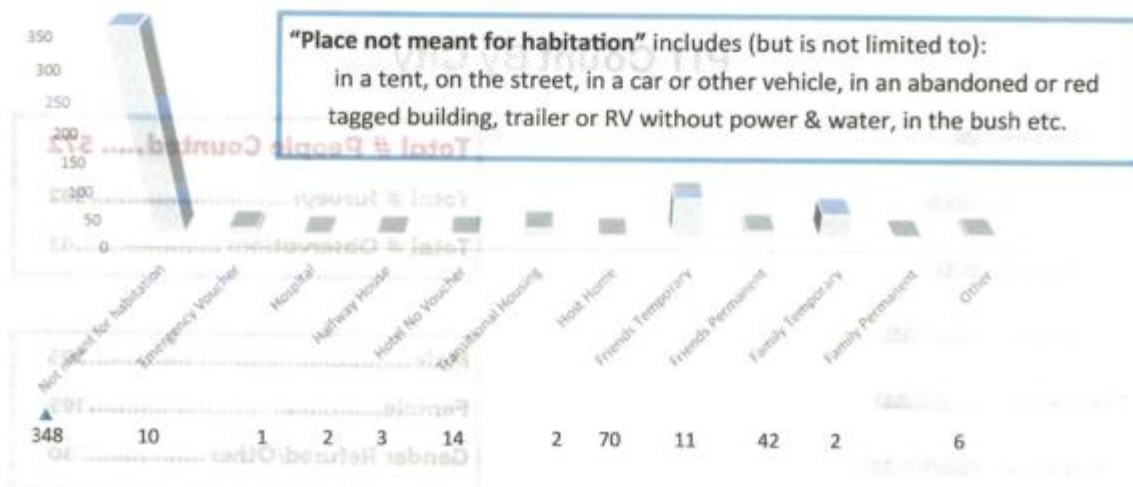
**Question #27 asked, "Did any of the Lake County or other fires make you homeless?"**

**177 people (out of 332 survey) answered YES.**

**Did a specific fire cause you to be homeless? (107 out of 177)**

- ♦ **Mendocino Complex..... 38**
- ♦ **Valley Fire ..... 33**
- ♦ **Sulphur Fire .....18**
- ♦ **Clayton Fire.....7**
- ♦ **Rocky/Jerusalem..... 6**
- ♦ **Pawnee..... 1**
- ♦ **Other (S.R., Camp etc)..... 4**

## Where did you sleep last night?



## January 2020 PIT Results at a Glance By AGE

By Age	Male	Female	Total
Under 18	18	11	29
18-24	24	14	38
25-55	186	130	316
Over 55	60	39	99

The oldest ..... 94

The youngest ..... 5 months

6% of those counted are under the age of 18.

### Contrast Our PIT Count data with Partnership Health Plan (PHP).

PHP data is for 2019 and includes people who:

- 1) have PHP insurance
- 2) sought medical care Jan—Nov 2019 in Lake County
- 3) identified their address as homeless, camping, living in car, on the streets, place to place or had “homeless” diagnosis from provider.

Age	Male	Female	Total	Percent
0-5 y.o.	124	106	230	7%
6-12 y.o.	113	114	227	7%
12 - 18 y.o.	98	115	213	6%
19 - 21 y.o.	79	99	178	5%
22 - 44 y.o.	962	667	1629	48%
45- 64 y.o.	488	330	818	24%
65+	42	33	75	2%
<b>Total</b>	<b>1906</b>	<b>1464</b>	<b>3370</b>	<b>100%</b>

The PHP numbers above represent individuals and are unduplicated.



# A Continuum of Housing Interventions



## LIFE SAVING

- Outreach, intake, and assessment in order to identify service and housing needs (as self identified) and provide a link to the appropriate level of both
- Emergency shelter to provide an immediate and safe alternative to sleeping on the streets

**Emergency Room / Hospital**  
(1 day to length of hospital admission)  
Intake and assessment  
Identify health/addiction issues  
Trust building

**Emergency Shelter**  
(1 day to 3 months)  
Intake and assessment  
Trust building

**READY to make life changes**  
**NOT** ready to make major life changes

We presently have no low/no barrier homeless shelters in Lake County, Santa Fez, Utah and Populaca do do if client does not consider Lake County home. Change may not be needed if health and social skills stabilized

## LIFE CHANGING

- Transitional housing with supportive services to allow for the development of skills that will be needed once permanently housed

**Recovery Facility**  
(1 month to 3 months)  
Address addiction before wrap around service

**Respite House**  
(1 month to one year)  
Complex health and social need  
Goal setting  
Wrap around service  
Capacity building

**Transitional Residence**  
(3 months to one year)  
Primarily social domains needed  
Goal setting  
Wrap around service  
Community Building  
Capacity building

Health and social skills stabilized →  
Not truly ready for change

Choose appropriate transitional response



## LIFE SUSTAINING

- Supportive housing to provide individuals and families with an affordable place to live with services as needed
- Can be permanent but is not always

**No Place Like Home/Rapport Rehousing**  
Low barrier tenant selection practices that prioritize vulnerable populations and offer flexible, voluntary, and individualized supportive services

**Low Income Housing**  
Tenants meet application guidelines and standards

**Sober Living Environment/Group Home**  
Will always need support environment whether it is because of addiction, mental health or disability or other permanent reality

**Vocational Subsidized Communal Living**  
Includes housing and vocation on site, for example a religious order that produces olive oil

**Habitat for Humanity**  
Work to own  
Tiny Homes

Choose appropriate long term housing model based on realistic assessment of clients needs and capacity



## LIFE GIVING

- Permanent, non subsidized housing that supports the community through taxes and appropriate levels of utilization

**Non Subsidized Rental**  
Client is brought to place of stability that allows for renting an apartment or home at fair market value

**Non-subsidized Communal Living**  
Kibbutz model

**Home Ownership**  
Secure employment or personal resource that allows for purchase of property

Many homeless models assume that the client will always need support, but it is possible to move beyond Permanent Supportive Housing into housing that fully participates and gives back to the community without relying upon community agencies.

# Continuum of Housing in Lake County



## LIFE SAVING

Emergency shelter to provide an immediate and safe alternative to sleeping on the streets

- **Emergency Room / Hospital** (1 day to length of hospital admission) Intake and assessment. Identify health/addiction issues. Trust building.
- **Hope Harbor Warming Center** December to March only. 1st 24 people. 5:30pm to 7:30am.
- **Centworks Temporary Homeless Assistance** Up to 16 consecutive calendar days in a motel in a 12-month period.
- **Lake Family Resource Center Freedom House** Client must have experienced recent intimate partner domestic violence, dating violence, stalking, or sexual assault.
- **Department of Veteran Affairs** Client must have general or honorable discharge. No beds in Lake County but Lake County Vets may qualify for bed in Santa Rosa.



## LIFE CHANGING

Transitional housing with supportive services to allow for the development of skills that will be needed once permanently housed

- **Recovery Facility** Alcohol & Substance Use Disorders Lake County Behavioral Health can place their clients experiencing homelessness seeking sobriety into inpatient facilities.
  - Hill Top
  - Utah Recovery Center
  - Thule House
- **Respite House** Facility where clients focus on specific health issue for stabilization or healing.
  - Project Restoration (currently one house only with ten beds. 2nd house anticipated in 2020)
- **Transitional Residence** (3—18 months)
  - The Nest (18-25 & parenting)
  - Safehouse for Clearlake Youth (high school youth with good grades)
  - Freedom House (Domestic Violence)
  - Hope Center (Anticipated open June 2020)



## LIFE SUSTAINING

Supportive housing to provide individuals and families with an affordable place to live with services as needed. Can be permanent but is not always. May be voucher or housing unit.

- **Housing Vouchers**
  - **California Permanent Homeless Assistance (PHA)** (1/1/17)
  - **California Housing Support Program (CHSP)**
  - **New Day, North Coast Opportunities** must have resided in Lake County for 12 months, based on VISDAT score
  - **Lake County College Students Housing Assistance Program** anticipated for Fall of 2020
  - **AA12** for youth aging out of Foster Care
  - **HUD/VASH** general or honorable discharge only
  - **Section 8**, no Lake County vouchers available
- **Low Income Housing**
  - 11 facilities in Clearlake, 2 in Keseyville, 4 in Lakesport, 1 each in Nice, Lucerne, Middletown and the Oaks. All have waiting lists up to two years. 9 of these facilities are for seniors only.
  - **Senior Living Environment/Group Home** Private pet required.
  - **Vocational Subsidized Communal Living** None in Lake County. People Services center there. Tiny Homes Anticipated summer of 2020.



## LIFE GIVING

Permanent, non subsidized housing that supports the community through taxes and appropriate levels of utilization

- **Non Subsidized Rental** Client is brought to place of stability that allows for renting an apartment or home at fair market value
- **Non-subsidized Communal Living** Robotic model, Shared Housing
- **Home Ownership**
  - Secure employment or personal resource that allows for purchase of property
  - **Habitat for Humanity** Families and individuals in need of decent, affordable housing apply for homeownership with their local Habitat for Humanity.
  - The applicant's level of need.
  - Requires sweat equity.
  - Their ability to repay a mortgage through an affordable payment plan.
- **Rural Communities Housing, Development Corporation** Income must not exceed 80% of median income guidelines for the county, \$33,550 or a single person family on a sliding scale to \$59,400 for a seven person family.
- **Mutual Housing** Must have at least 2 years of stable and dependable income with an expectation that income will continue. Must have enough income to stimulate a mortgage and pay the monthly mortgage payments, which include property taxes and insurance.
- **ROCHC** provides a construction foreman that will order materials, instructs you and your volunteers in construction skills, and oversees the project. (Egn Rosenthal receives technical assistance and instruction in the various skills required. The technical work is subcontracted, but most is done by the families as a group.)







## Civil Grand Jury 2019/2020 County of Lake



### Tax Default Auctions

For the past several months there has been a great deal of attention and consternation, both officially as well as through normal media and social media, paid to an issue centering around how Lake County is managing the tax default situation and its perceived effects on the cities and other tax distribution areas. This attention has caused numerous people to weigh in without first having complete understanding of the matter at hand. The urge to place blame is understandable, along with the desire for a quick panacea to cure long-standing revenue generation needs at both county and city levels.

It is in the best interest of the entire county to bring clarity to the situation and a realistic look at the facts. This examination will be broken into four areas: the actual tax default property situation; the original complaint letter references to the job duties of the treasurer/tax collector (page 2 and 3 of attached); the Teeter Plan; and the floated concept of a lawsuit to try to attain certain specific goals in these arenas.

1.) The default property situation. The ‘facts and figures’ cited in the original letters to multiple governance groups are not accurate. They are based on data obtained from a singular secondary source. This data was not properly vetted for either accuracy or applicability to the actual problem.

- a) All numbers – both quantities and dollar values – are ‘moving targets’. They do see minor changes weekly but for the purposes of understanding some assumptions (which have been corroborated from multiple independent sources), they are the best way to reach such

broad based understanding.(Access dates for this report are noted at the end of this report.)

- b) There has been a long-term issue of tax default properties not being offered for auction, but it is NOT 12,500 such properties county-wide as stated in the initial letter. There are two ways to look at the actual number of tax default properties in the county. The first is via a specific list “by parcel number/by name/by address/by city – township - area” in which there are (at the time of this being written) 4,699 such default properties in the county. A second method takes the same quantity as this, but then includes properties that do not have specific addresses, or accessibility, or existing services such as water hook-ups. When viewed with those aspects included, there are currently 5,448 default properties.
- c) With either of these quantities, the corresponding tax amount value of the tax default properties county-wide is \$4,161,551 which is including ad valorem and direct assessments (but excluding costs, penalties and interest). This is significantly different (less) than the \$18.3 million cited in the original complaint letter.
- d) The original complaint letter cites 2,024 tax default properties in the City of Clearlake alone. This also is inaccurate. Using the criteria from “b” above, there are either 1,332 properties or 1,483 properties in default in the city of Clearlake. Either way the corresponding tax amount is \$1,655,356 including ad valorem and direct assessments (but excluding costs, penalties and interest).
- e) County-wide, the number of tax default properties had remained rather flat for a number of years – only in the last several years seeing an uptick from taxpayers having a more difficult time paying their current taxes in a timely manner possibly due to increases in school bonds and fire fees. This ‘uptick’ has been averaging approximately 325 new default properties per year.

2.) The job performance of the Treasurer/Tax Collector. The citing of a specific elected official as ‘negligent, willfully failing to perform official functions, breached fiduciary responsibilities’ by the issuers of the original complaint letters was inappropriate, lacked any real understanding of the on-going realities of

management of that official's office, and was made without any direct face-to-face contact to try to generate such understanding in the generation of such accusations.

- a.) There are multiple functions performed by the Treasurer/Tax Collector's office that provide the largest basis for incoming revenue to the county and proportionally to the school districts, cities, and special districts. Consistently fulfilling these primary functions is absolutely critical to maintaining tax generated funding back into all areas of the county.
- b.) Tax Default auctions are not among the several primary and critical functions to insure best possible funding return to all areas of the county.
- c.) Staffing levels, as in so many county departments, have been low for several years.
- d.) A fully trained, and dedicated (meaning not to be 'pulled off' to assist in other areas) staff member to deal with tax default auction preparation could process between 200 to 250 properties per year. Just to 'keep up' with the quantity of new defaults and make some inroads into the built up backlog would require two such fully dedicated – and non-transferrable – members of staff.
- e.) If two such staff were able to properly process 500 properties per year to the point of auction, it is important to note that state-wide, just prior to the actual auction occurring, approximately 50% of those properties are 'withdrawn' by owners paying their delinquent tax bills at the last moment. Of the remaining – approximate – 250 properties, history/experience shows that about 75% actually get auctioned off and 25% see no interest/activity.

- 1) As one stated goal of the original complaint was to facilitate 'blight reduction', it is important to note that the 'withdrawn' properties are unlikely to see any significant investment/upgrading/improvements. For the properties that do get successfully auctioned off there is a reality throughout the state that title insurance firms are reluctant to issue title insurance for the first full year on a property auctioned off as this is the period under

state law during which the original owner can file a challenge with the courts.

- 2) Based on interviews it became obvious that some or much of this issue has been driven by a limited number of real estate investors/developers who are interested in, and focusing on, a few specific properties that appear eligible for auction.

f.) The overall performance of the Treasurer/Tax Collector appears to comport well with managing the most important priorities that service all aspects of the county. This includes the prioritizing of those secondary activities which require delay or postponement based on the reduced staffing levels and turnover rates affecting not only this department but many others throughout the county. The citizens of Lake County are being as well serviced by the Treasurer/Tax Collector's office as can be reasonably expected.

3.) The Teeter Plan. The Teeter Plan was first developed and utilized in California in 1949. It was designed as a means for counties to utilize either existing fund reserves or short-term borrowing to provide to the cities and special districts the amount of taxes they should have received, but did not, due to property tax delinquencies. These delinquent amounts, plus any fines or interest, would be returned fully to the county when the delinquency was paid/cleared. It is critical to note that these actions were on delinquent tax amounts and not on default tax amounts. Default properties/taxes were not intended to be part of the plan. Very few counties utilized the Teeter Plan until 1993 when the federal government, and then the state government, started using "TRAN" (tax revenue anticipation notes) as a means of having spendable finances in advance of expected receipt of the actual funds. The Teeter Plan was then quickly adopted by many counties – including the County of Lake. Over the course of years, and spanning economic downturns such as the 1998 tech downturn, the downturn following 9-11, and the 2008 housing crisis, many of the Teeter Plan counties found they had been too aggressive in forward financing and could not successfully recover funds already advanced to their cities. Some of these counties saw situations develop in which the growing debt due to Teeter Plan payments became so large that state approval for special debt bond issuance was necessary to stop the financial drain. Several of these counties saw significant degradation of their credit ratings because of this.

- a) Lake County has consistently maintained, utilized, and managed its Teeter Fund. Payments have been made to the cities and to the special districts each year – on time – for those missing revenues on delinquent property taxes. Over the past several years those payments have amounted to between 32% and 40% of the property tax contributions to the cities and special districts.
- b) The Teeter Fund is managed by the Controller/Auditor – not by the Treasurer/Tax Collector.
- c) There are County Departments who have been ‘making noises’ about the supposed improper operation of the Teeter Plan. These departments cannot – in any way - benefit from any change in Teeter Plan management. It is, and has always been, strictly for the benefit of the cities and special districts.
- d) There is no plan – nor was there ever intended to be such a plan – to expand Teeter Plan payments to include default property taxes.

4.) The floated concept of a lawsuit to try to attain certain specific goals. As of this writing, no formal action has been filed with the court. This concept has been advanced to the local media and into social media only. It has made a notable uptick in commentary – and concern – on both platforms. The basis of the concept is ~1,000 city of Clearlake properties to be put on the auction block by November or face the lawsuit. This goal is virtually impossible to achieve and would have limited effect.

- a) As noted in section 2.b) above, a properly trained clerk can process 200 to 250 tax default properties to the condition of auction in a year. With only seven months until November, it would take between seven and nine fully trained and dedicated clerks to achieve such a goal. With current staffing of the Treasurer’s/Tax Collector’s office at approximately seven people, this would 100% utilize all staff to the exclusion of significantly more important responsibilities: The Tax Collector collects nearly \$80 million annually on behalf of the county, our two incorporated cities, five school districts, and over 25 special districts, court fees, and other county information processing fees.
- b) If an anticipated auction of 1,000 properties was achieved, then with an expected 50% being withdrawn prior to the actual auction, and a ‘hoped for’

sales rate in auction of 75% of the remaining properties, the amount of money generated would be:

- 1,000 properties out of 1,332 possible in Clearlake = 75%
- 75% of \$1,655,300 (see 1.) d. above) = \$1,241,500
- 87% being covered by withdrawal or auction sale
- The effects of penalties and interest can range from ~60% to ~80%
- Revenue generated – and properly sent to the state – from this would be between \$1,728,000 and \$1,944,000
- When these funds are returned to the county they are mandated to be divided (these are all approximate percentages. The funding formulas are in constant movement) in the following manner:
  - 40% to the school districts. (This does not mean any additional funds actually go to the schools. As Lake County receives more for our schools than our property tax contribution justifies, any ‘additional’ funds only serve to offset a portion of those extra funds allocated by the state.)
  - 20% to the county
  - 20% to the cities (split by population weight). For Clearlake this would be ~75% of the city designated funds or an amount between \$259,000 to \$292,000. This amounts to approximately 1.1% of their ~\$23,500,000 budget expenditures.
  - 20% to Special Districts.
- Legal fees on such a lawsuit would consume a most significant portion of the potential revenue.

- Inadequate construction capabilities exist to accommodate such a large number of properties needing improvement/repair/replacement in regards to ‘blight’ reduction.
- Real Estate professionals believe the introduction of so many properties into the city market that quickly via a large-scale property auction would have a destabilizing and depressing effect on housing prices and sales opportunities.

The Grand Jury believes the elected officials in the City of Clearlake, after being presented with a concept, entered into this with the correct intentions of maximizing the potential funding available for their city. However, the incorrect numbers cited to them and the exaggerated effects of certain programs and possibilities created a belief in financial possibilities that could not, with proper vetting and understanding, be supported. A clearer understanding of the facts can allow them to refocus their talents and efforts into areas that can produce more tangible results across a wide swath of government responsibilities for the citizens that elected them.

The goal of the Lake County Civil Grand Jury in this matter is to accurately define this situation and its supporting background, and then to have the door closed on the turmoil that has surrounded this issue. It is not to cast any further aspersions or look to point blame.

These are uniquely demanding times for Lake County’s citizens – as for everyone in the nation - and they/we are very much in need of our elected leaders working together in a unified and cooperative manner to accomplish the best we can in this unprecedented challenge.

## Findings:

- F1. There has been a sizable ‘backlog’ of property tax default parcels for a number of years.
- F2. The size of the above referenced backlog was stable at ~4200 for most of that time but is now growing by ~325 parcels/year.
- F3. The processing of default properties into the condition for auction has – by virtue of staffing limitations – been relegated to a ‘delay’ status in favor of completion of higher priority and greater fiscal impact items by the Treasurer/Tax Collector.
- F4. It would take two completely dedicated (meaning non-transferrable to other priorities at any time) and well trained staff in the Treasurer’s/Tax Collector’s office to handle year-to-year growth of the number of default parcels and reduce the backlog. Cost to the county to accomplish this would be offset by the revenues from a ~500/year tax auction with expected ‘withdrawals’ and final sales.
- F5. Data was transferred from a staff position inside of the County Administration Office to a staff position inside of the City of Clearlake that was not properly vetted for accuracy, applicability to the over-riding issue, and not passed by the appropriate elected official ultimately responsible for that data.
- F6. The Teeter Plan has been utilized and managed by the Controller/Auditor and is making the expected contributions to the cities and special districts.
- F7. A group of elected city officials issued written ‘claims’ against a county-wide elected official and distributed these claims to multiple governmental groups (both inside of Lake County and in Sacramento.) It occurred that there was a ‘leakage’ of these claims to the local press and social media without performing a reasonable set of fact checking nor any sourcing of second and third party independent corroboration of the data and the assumptions upon which those claims were based.

- F8. Communications between elected city officials and elected county officials are sometimes strained and occasionally non-existent. (Notation: Civil Grand Juries do not have purview over non-governmental/non-profit organizations. The important contributions made by this group are significant in the probation management arena and it was determined that their efforts/activities are worthy of highlighting to the citizens of Lake County.)

Recommendations:

- R1. County Administrative Office review and enact enhanced controls over data dissemination to departments not normally utilizing such data and to any non-county public or private entities. (F5)
- R2. Two dedicated and trained staff members should be added to the Treasurer/Tax Collector office to focus exclusively on the tax default auction process. This will stop expansion of those default quantities and – over time – reduce the backlog. This is in full recognition of current ‘open’ positions in the department but is in addition to those positions. (F1, F2, F3, F4)
- R3. All elected city officials and elected county officials should exercise extreme prudence in making disparaging claims (be they in public or to other governmental agencies) against the performance or motivations of any other elected official. If such claims are to be made, multiple/independent verifications of information/data supporting such claims should be fully explored. (F7)
- R4. A regular and scheduled meeting of representatives of the Clearlake (elected) city council, representatives of the (elected) Lakeport city council, and representatives of the (elected) Lake County Board of Supervisors should be instituted. The purpose of this meeting will be to bring matters of mutual concern to light and explore proactive and cooperative means of addressing these concerns. (F8)

Request for Responses:

Pursuant to Penal Code section 933(c), the following responses are required:

Lake County Board of Supervisors/CAO (R1, R2, R4) (90 days)

Lake County Treasurer/Tax Collector (R2) (60 days)

Lakeport City Council (R4) (90 days)

Clearlake City Council (R4) (90 days)

The Grand Jury *invites* the following individuals/groups to comment:  
(Please note: many of those listed below had no part of this issue. The Grand Jury feels it may be beneficial to the citizens of Lake County to see the comments or opinions for those who wish to share them from all of our critical elected officials regarding this recommendation.)

Lake County Board of Supervisors (R3) (90 days)

Lakeport City Council (R3) (90 days)

Clearlake City Council (R3) (90 days)

Assessor/Recorder (R3) (60 days)

County Clerk/Auditor-Controller (R3) (60 days)

District Attorney (R3) (60 days)

Lake County Sheriff (R3) (60 days)

Lake County Tax Collector/Treasurer (R3) (60 days)

Lake County Superintendent of Schools (R3) (60 days)

Data/text sources:

- Lake County Financial Management System – segment designated “Megabyte Property Tax System”, accessed March 6, 2020
- Lake County Data Base System – Segment designated “Tax Collector’s Office - Parcels with Power to Sell”, accessed March 5, 2020
- AB 349, California Legislative Record, 1949 – Archived (Original Teeter Plan Legislation)
- Lake County Budget - Teeter revenue distributed to Clearlake is account 840.99-19. The Teeter revenue account is 411.10-10. Program designator GM270L accessed March 9, 2020.



## City of Clearlake

14050 Olympic Drive, Clearlake, California 95422  
(707) 994-8201 Fax (707) 995-2653

November 20, 2019

Lake County Grand Jury  
Attn: Foreperson  
PO Box 1078  
Kelseyville, CA 95451

Dear Foreperson:

**RE: REQUEST FOR INVESTIGATION INTO NEGLIGENCE AND WILLFUL OMISSION TO PERFORM OFFICAL FUNCTIONS BY LAKE COUNTY TREASURER/TAX COLLECTOR**

The City of Clearlake is investing significant energy and resources in implementing our strategic plan, namely making the City a cleaner, safer place. There are many facets to achieving this vision, which we feel is in part being currently obstructed by the Lake County Treasurer/Tax Collector Barbara Ringen.

The City is extremely concerned about the lack of recent required tax auctions and the continued increase in tax defaulted properties in the City of Clearlake. Based on information provided by the Assistant Treasurer/Tax Collector the City has roughly 3,652 of 14,191 total parcels that have delinquent taxes. Approximately 2,024 properties have been in tax default five years or more, automatically qualifying them for tax sale and further triggering a legal obligation on the Tax Collector to bring them to auction. Some properties have been in default since 1981! This is not simply a Clearlake problem, other areas of the County suffer from the same staggering numbers of defaulted properties, with a county-wide total of 12,500 properties in tax default (15% of total county parcels). The total defaulted amount currently due is \$18.3 million county-wide with \$8.3 million of the outstanding debt currently eligible for sale.

The owners of over 25% of Clearlake's properties are not currently paying their taxes or have a delinquency. This leads to tremendous blight and blocks reinvestment. The main tool that local governments have to compel compliance with municipal ordinances is the power of liens and ultimately tax sales. Unfortunately, the sole responsibility for selling tax defaulted properties rests with the County by and through, here the elected Tax Collector. As we clean up our City and place liens on properties for abatements, unpaid bills, etc., we get little if any help from the Tax Collector in placing those properties up for sale. This results in a breakdown in the City's ability to collect on debts, hampers redevelopment of many valuable properties that have significant interest from investors, encourages continued blight, creates properties that are an attractive nuisance draining City resources and generally cause a threat to public health, safety, and welfare.

type of approach will never make a positive impact in the number of tax defaulted properties within the City of Clearlake, let alone the entire County. Many counties commit to regular tax sales or hold tax sales as needed to ensure the inventory of defaulted properties is as low as possible. As an example, Riverside County determined that holding regular tax sales even caused a measurable reduction in new property owners defaulting.

At the September 17<sup>th</sup> Lake County Board of Supervisors meeting, City staff were told that the Tax Collector would hold a tax sale in March of 2020, but would only be selling 300 properties. The Tax Collector did promise to include the City of Clearlake in the process of selecting properties that would be included in the upcoming sale. While no timeline for submittal was initially offered, upon the request of the City Manager, the Tax Collector provided a deadline of October 25, 2019 to provide a list of priority properties. On October 23, 2019 the City Manager sent a list of 166 properties, or approximately 10% of those currently eligible for sale within the City. Staff have heard indirectly that about 27 of those properties would be included in the March sale. This is less than 2% of the City's prioritized properties.

Perhaps most importantly, California law states that for every property eligible for tax sale, the Tax Collector is required to offer it for sale within four years. Additionally, the property shall be offered every six years thereafter if it isn't sold. There are 4,243 properties county-wide and 1,121 within the City of Clearlake that were not offered for sale in violation of various provisions of applicable law. Just under 60% of the properties that are in tax default are not in compliance with state mandates to dispose of the property through auction and remedy the tax debt. The Tax Collector has made no significant effort to remedy this situation, nor has offered a cohesive plan to do so in the future, and each year goes by with additional violations and continued neglect of official duties by the elected Tax Collector. By either refusing or failing to initiate tax default foreclosures as required by the tax code, the Tax Collector is effectively responsible for leaving thousands of residential and commercial properties within the City's borders off the tax roll and in severely dilapidated conditions posing imminent threats to public health, safety, and welfare. In essence, the Tax Collector has abandoned a core function of responsibility, which is to collect taxes, resulting in harm to both the City of Clearlake and further to Lake County. The Council believes that the Lake County Grand Jury, and other agencies with some oversight, owe it to our tax paying public and local voters to do anything within the Office's power to remedy a situation where an elected Tax Collector has abandoned their core responsibilities.

Clearly the March 2020 tax sale will not provide any real progress towards the reduction of tax defaulted properties in the City or County, which leads us to the need for a long-term solution. The lack of communication from the Tax Collector's office, previous history of inaction, continued violation of the law, and unrestrained growth of the problem, have led the City Council to consider all available options, including this request for investigation or further official inquiry.

The Council has sent a letter to the Lake County Board of Supervisors requesting they take a variety of actions; however, we believe that even more needs to be done.

In summary, we believe the Lake County Tax Collector has been:

1. Negligent in her duties;
2. Has willfully failed to perform her official functions;
3. Failed to perform functions as required by law; and
4. Breached fiduciary duties to the electorate/citizens of Lake County by failure to take action on thousands of tax delinquent properties that could otherwise be tax producing properties on the tax roll.

All of this results in what appears to be a complete disregard for the life, health, safety and welfare of residents by permitting thousands of properties to remain in disrepair and be harbors for criminal activity and ongoing fire and security threats. The Tax Collector is effectively the only impediment to bringing thousands of properties into compliance with the law, safe and productive uses and tax generating status.

The City understands that the Treasurer/Tax Collector is an elected official, however we believe the California Lake County Grand Jury has a level of oversight and responsibility over some functions of this local office that justify and warrant an official investigation. We hereby request the Lake County Grand Jury investigate the claims included within this letter against the Lake County Tax Collector. Further, the City Council requests that this request be forwarded to other appropriate enforcement and/or oversight agencies that share authority to review this matter as the Grand Jury's Office deems appropriate and necessary. The City is prepared to provide any additional information we have access to in order to help facilitate this investigation.

Sincerely,

  
Russell Cremer, Mayor

  
Dirk Slooten, Vice Mayor

  
Joyce Overton, Councilmember

  
Phil Harris, Councilmember

  
Russell Perdock, Councilmember

CC: Lake County Treasurer/Tax Collector – 255 N. Forbes Street, Lakeport, CA 95453  
Lake County Board of Supervisors – 255 N. Forbes Street, Lakeport, CA 95453







## Civil Grand Jury 2019/2020 County of Lake



### SUCCESS AND PROGRESS FOR POST-CONVICTION CRIMINAL JUSTICE IN LAKE COUNTY

#### Introduction

At the end of a criminal case, if the defendant is convicted, he or she is sentenced. Various outcomes are possible—imprisonment, probation, or community service are some alternatives. The Grand Jury has investigated some of them--the local jails, the Probation Department and Mendocino Lake Alternatives, a nonprofit that locates and supervises a defendant's community service. (Note: Non-governmental/non-profit organizations do not normally fall under the purview of a civil grand jury. It was decided that the important and beneficial role that they play for our county would be of interest to our citizens.)

The Grand Jury is required by law to inspect all four of the jails located in the county every year. We inspected the Lake County Jail, the Clearlake City Jail, the holding cells at the court in Lakeport and the Konocti Conservation Camp in Lower Lake. Because some juvenile offenders are housed there, we also inspected the Tehama County Juvenile Hall. Two of these facilities--the Tehama County Juvenile Hall and the Conservation Camp-- were so exemplary, we describe them below in some detail. We also discuss

numerous citizens' complaints we received about the Lake County Jail and an inmate's death at the jail in 2019.

## **SCOPE OF GRAND JURY INVESTIGATION**

At the outset, the jury decided to investigate services for children and youth in Lake County. It was thought that there was a lack of them that could be contributing to subsequent delinquency, gang membership or drug abuse. The Probation Department supplied a positive response to this concern. The problem, it turned out, was not a lack things for kids to do but poor communication with the public about the many resources already in place.

Because the jury had learned of problems defendants alleged they had had with signing up for probation or for community service, it also reviewed the Probation Department and Mendo Lake Alternatives, a small nonprofit that secures and supervises sentenced defendants' community service placements.

In summary, the Grand Jury concluded that managers of the Probation and Sheriff's Departments (and Behavioral Health Services which is described in a separate Grand Jury report) are exceptionally capable. They work well together, and their collaboration and cooperation benefit the county and the inmates and probationers in their care and custody. Mendo Lake Alternatives is only in Lake County part-time but does a good job with a small staff. Altogether, post-conviction services to the courts and defendants are adequate to serve the ends of criminal justice, public safety and support the rehabilitation of criminal defendants and juvenile wards.

Nevertheless, the Grand Jury also learned that Probation and the county jail are very thinly staffed. Their deputies and employees are underpaid and Probation's sworn deputies, have heavy caseloads. Both departments have difficulty hiring and retaining employees. To address this issue for these and other county employees, Lake County has undertaken a wage survey in recent years. Employee representatives of Probation and the Sheriff's Departments had been negotiating with the county for better pay and benefits based on that survey when the Covid-19 shutdown interrupted those negotiations. Their future is uncertain.

## **THE PROBATION DEPARTMENT**

The Probation Department states its mission “is to continually improve the quality of community life by enhancing public safety, by assisting victims with restoration and by offering the hope of a more productive lifestyle for offenders.” It has a budget this year of \$5,130,285, with a net cost to the county of \$2,077,053. It employs 38 probation officers plus administrative staff to supervise 1100 adults and 266 minors on probation. In addition to its main office adjacent to the Sheriff’s Department, it operates the Day Reporting Center at the county’s former Juvenile Hall. It places and supervises juveniles in foster care when needed. As noted above, the department sends some juvenile offenders to the Tehama County Juvenile Hall in Red Bluff when for more structured supervision.

The Probation Department also manages state AB 109 or “realignment” funding to the county. It accounts for and allocates funds received from the state to local agencies to support services that “replace” what the state used to spend on prisons. The state complied with court orders, including from the U.S. Supreme Court, to reduce its state prison population. The state’s prisons were so overcrowded, they constituted cruel and unusual punishment under the Eighth Amendment to the U. S. Constitution. (fn.1) So called “lower level” state prison inmates were transferred out of state prisons to local county jails. Such defendants are now sentenced to jail instead of state prison and may stay in a local jail for years.

In 2019-2020 the state disbursed the county’s share of the so-called realignment funds disbursements to Lake County under the Community Corrections Partnership Fund established by the Performance Incentives Act of 2009 (SB678). These disbursements which are distributed to more than one county department are managed by the Probation Department. The monthly payments from the state ranged in 2019-2020 from a low of \$240,000 to \$1.9 million a month. (fn.2)

## **ACTIVITIES FOR CHILDREN AND YOUTH IN LAKE COUNTY**

One issue that had concerned jurors at the outset was their belief that there are very few activities for children and youth in Lake County. They wondered whether that contributed to delinquency and parents moving out of county to more attractive locations for families. The jury quickly learned that they were mistaken. The Probation Department, working with other county departments and community organizations, has developed a great many programs for children and youth but, the jury also learned, those programs and activities were not effectively publicized.

Although the department satisfied jurors' concerns about youth activities, the Probation Department, on its own, after hearing from jurors, went to its governing board and arranged for a community education campaign. Whether this has begun is unknown. It may have been delayed by the Covid-19 shutdown. The plan included going to the local schools to talk up these programs but the schools and all county departments and community programs are closed, so group activities for kids are also off limits. The jury assumes the activities will resume when the county is re-opened.

When jurors met with Probation, they also raised problems defendants encountered with the department. Defendants are on their own to sign up. They travel from court to the Probation Department to sign up for services. There seems to be some problem with directions and instructions for signing up for services. One individual claimed no one was available in Probation's offices to sign him up. It may be that he went to the wrong office. The Chief Probation Officer was unaware of any instance when there was not coverage in his office. However, Mendo Lake Alternatives, the agency that arranges for community service, is not open every day but is in the same building as Probation. The jury surmised that there was probably some confusion for defendants distinguishing the Probation Department from Mendo Lake Alternatives.

## **THE DAY REPORTING CENTER**

The department's Day Reporting Center offers programs in concert with county Behavioral Health Services, such as parenting classes, drug and alcohol counseling, language instruction, budgeting and vocational classes for those on formal probation or with special needs. Although the Grand Jury was scheduled to visit the Day Center, it became impossible because the Covid-19 shutdown began just as the jury planned to visit. The jury has reviewed various reports and applications about the center and is confident that it has been effective. It relies on current evidence-based practices. Administrators express confidence and pride in this newer addition to the department's assignments.

In conclusion, the jury finds that the Probation Department is a very well-managed agency; its philosophy and programs are up to date; and it is clear that the department is devoted to our local community welfare.

## **II.**

### **MENDO LAKE ALTERNATIVES**

Mendo Lake Alternatives is a small agency with a staff of only four, including the director, his wife and two clerks. It is open part-time in both Lake and Mendocino counties so its hours in Lake County are limited. Its board consists of judges and other representatives from both Mendocino and Lake Counties. Its director, a former Lakeport Chief of Police has headed the agency for many years. His wife developed community placements.. To encourage local businesses or other organizations to supervise community placements, the agency not only tries to match up the defendant with a suitable placement but also provides liability insurance to the employer

## **Defendants' Confusion**

According to both Probation and the head of Mendo Lake Alternatives, the courts and the defendants' attorneys are responsible for instructing defendants about the particulars of signing up for probation and community service. Defendants are then on their own to sign up. There is no probation officer assigned to the court. Although jurors felt this might be helpful, the department, with only 38 officers to supervise more than 1000 probationers, claims it lacks enough deputies to also staff the courts. Mendo Lake Alternatives is very hands on—it follows up with no shows and does its best to encourage everyone they do sign up to timely complete required hours. The agency contacts or locates each person who is behind on service time to urge him or her to complete their hours.

The confusion for defendants seems to be that both the Probation Department and Mendo Lake are in the same building. Although there is signage, it seems that it is not enough to some prospective clients to the right agency. The jury suggests that better signage distinguishing the two separate agencies would be helpful.

In summary, jurors concluded that both the Probation Department and Mendo Lake Alternatives are well run and effective. The managers were impressive in many ways. Jurors were particularly impressed with their concern for their clients. Despite having limited staff, both agencies' managers were creative, efficient, and worked well with sister agencies, especially with Behavioral Health Services and the Sheriff's Department. In fact, the jurors felt that Lake County is fortunate to have such effective management in all three of these departments.

### **III.**

#### **JAIL INSPECTIONS**

The Grand Jury is required by Penal Code section 991 to inspect all four “prisons” in Lake County---the Lake County Jail, the City of Clearlake Jail, the court holding cells in the basement of the county building on Forbes Street in Lakeport and the Konocti Conservation Camp in Lower Lake. It also inspected the Tehama County Juvenile Hall where the Lake County Probation Department places some wards.

The Grand Jury found that, except for the Lake County Jail, which had some shortcomings that are currently being corrected, all the facilities were clean, well maintained, adequately staffed, and working well. Two of them --the Konocti Conservation Camp and the Tehama County Juvenile Hall--are outstanding and deserve a detailed description.

#### **KONOCTI CONSERVATION CAMP**

Konocti Conservation Camp #27 (CC27) is located off State Route 29, between Lower Lake and Kelseyville. It is a joint operation of the California Department of Corrections and Rehabilitation (CDCR) and the Department of Forestry and Fire Prevention (CalFire). The facility is designed to accommodate 100 inmates; however there are currently only 67 inmates assigned. The state is having trouble filling prison firefighter positions due to court decisions and AB109, the Public Safety Realignment Act, which reduced the state prison population due to overcrowding. Many otherwise qualified prisoners who could be placed at conservation camps are now sent to local jails.

For inmates to be considered for work crews at CC27, they must have at least five years remaining on their sentence and must be selected and trained at the California Correctional Center near Susanville. Most inmates selected for the camp are serving time

for drug, alcohol, or property related offences. Once they are assigned to a crew and complete their training, they are paid \$2.45 per day but more skilled inmates can earn up to \$5.12 per day. When inmates are assigned to an emergency incident, they earn an additional \$1.00 per hour.

There are currently 43 Conservation Camps within California. There are three of them for women. The primary mission of CC27 is to provide inmate fire crews throughout the state for fire suppression. In addition to fire suppression, inmate hand crews are utilized throughout Lake, Mendocino, Yolo, Colusa, Napa and Sonoma counties for community service projects and conservation programs.

Many other services are provided by inmates within CC27. An inmate crew operates a Cal Fire Mobile Kitchen Unit (MKU). This unit prepares thousands of meals for firefighting personnel. Inmate crews also work in a mobile equipment maintenance facility responsible for maintaining Cal Fire vehicles.

All inmates are housed in open dormitories which are well maintained by inmate staff. Meals are prepared by inmate cooks in the dining hall. Inmates requiring medical or dental attention are bussed by CDCR to the Susanville State Prison for treatment. Any emergency care is provided by Sutter Lakeside Medical Facility in Lakeport.

There are Alcohol /Drug programs available on site for the inmates. Pre-release programs, DMV assistance and G.E.D. programs are also available. Community volunteers provide spiritual services and program support 4 days per week. The staff at CC27 encourages inmates to better themselves while at their facility to have a more successful life upon release. The return rate of Conservation Crew inmates back to state prison is estimated to be less than 2%.

## **TEHAMA COUNTY JUVENILE HALL**

In addition to supervising adults and juveniles in the community, the Probation Department has also placed five to seven juvenile offenders in custody in the Tehama County Juvenile Hall. Although this placement is expensive—costing Lake County up to

\$380,000 a year-- it offers more services and costs less than other options, including reopening the local juvenile hall which is now being used by the Probation Department for its Day Reporting Center.

The Red Bluff facility serves five northern California counties including Lake County. The most serious issue with this program is its distance from Lake County. It is a six-hour round trip. Getting youths to and from court hearings and maintaining their family ties is challenging. Probation officers drive to Red Bluff to pick up wards for court appearances and then drive them back afterwards and then make another trip back to Lake County. Maintaining the young people's family ties is problematic. Probation has tried a variety of transportation arrangements to keep wards in touch with their families. Sadly, many families choose to not make the trip.

The facility's building is eleven years old and is in excellent condition with an attractive decor. Jurors spoke with every Lake County ward. None had any complaints except one young man who thought he should get his snack earlier in the evening, Jurors visited the classroom, an activity center with pool tables and other game tables and another room called the Makerspace with musical instruments, computers and a variety of art supplies. Jurors spoke with staff including managers, guards, and the teacher. They were uniformly professional, relaxed, and confident. The food was good. (Jurors were served the same lunch as the wards.) Discipline was thoughtful and age appropriate. (*See*, the attached facility brochure) There is a medical clinic in a nearby county building plus there are regular doctor's visits onsite. Dental care is also provided either in Red Bluff or in Lake County.

## **THE LAKE COUNTY JAIL**

As noted in the introduction to this report, the Grand Jury discovered some problems at the Lake County Jail, Lake County's main detention facility. The most serious one was, of course, an inmate death in 2019. The Grand Jury learned of the death in news reports and then followed up with the jail and the District Attorney.

Other issues the jury investigated were brought to the Grand Jury by citizen complaints from jail inmates, These were investigated by contacting jail supervisors and Sheriff

Martin, reviewing the law, state regulations and various documents produced by the jail in response to document requests. All of them are, to the extent they are within the jury's jurisdiction, already resolved or are in the process of being resolved. Some progress has been stalled by the Covid-19 shutdown; the jury is confident it will resume once the pandemic restrictions are lifted.

The jail is managed by Lake County Sheriff Brian Martin. It is regulated by the state Board of State and Community Corrections (BSCC) which inspects the jail every two years primarily for its compliance with state rules under the Code of Regulations, title 15. The most recent inspection occurred in December 2018.

### **THERE ARE TOO FEW CORRECTIONS OFFICERS STAFFING THE JAIL.**

There are 41 corrections officers plus supervisors currently assigned to the jail. The recommended minimum number of corrections officers is 55.(fn.3) More are needed both to properly supervise inmates but also to prevent employee burn out. The officers at the jail work long shifts. At night, there are only five deputies on duty, only one of whom is free to monitor or assist inmates. In the daytime, one deputy manages two different areas and must constantly move back and forth between them between locked doors. This officer must also check any inmate in seclusion (solitary confinement) every 15 minutes, serve meals to two different areas separated by locked doors. The jail is monitored from above via video feed. One officer covers several different areas on screens. Several years ago, the Grand Jury recommended, and the jail agreed, that the video monitoring should be conducted by at least two deputies at the same time. This year, only one deputy was on duty.

Because there are so few deputies, if another one calls in sick or otherwise misses a shift, there are no substitutes. The officer finishing his or her shift must then remain on duty without prior notice for up to 12 hours. This scenario is not rare.

The jail's inmate programming--vocational training, religious services, literacy and English language classes and the like-- is limited because there are too few officers to transport and supervise inmates to classes and services. The state prisons have a richer array of programs to offer inmates. This is significant because some jail inmates would once have been sentenced to prison instead of jail and could have taken advantage of more programs.

Jail supervisors agree that the need for more staff is their biggest problem. Without more officers, it is difficult for the jail to retain deputies, especially because working conditions and wages are better in nearby counties. Some new hires stay for the training and experience and then move on after a short time on the job.

When the sheriff was asked how these county employees manage on low wages and expensive benefits, he conceded that it is hard or impossible for someone with a family to survive on one the corrections officer's salary in Lake County. Salaries and benefits are decided at the county, not the department, level. The Grand Jury concludes that to maintain decent working conditions and improve retention, the staff salaries at the jail should be increased and benefits improved.

The jury notes that the jail is constructed in such a way that there is a space set aside in each pod for a deputy to supervise inmates. When the jury visited the jail, there was no deputy in any of them. The deputies they saw traveled in pairs and did not interact with inmates. Nevertheless, the jail was relatively quiet during the inspection and exceptionally clean. To jurors, it seemed worrisome, however, necessary it may be, to leave inmates on their own to such a degree.

### **SOME ASPECTS OF THE JAIL ARE NOT UP TO CODE**

The jail is approved to hold 286 inmates but, from time to time, it exceeds that number. Because the courts are closed by the Covid-19 orders, recently, there were only 158 inmates there. BSCC did not cite the jail for overcrowding in its last inspection, except for some cells designed for single occupancy had been converted to two-man cells.

Under state regulations, every inmate should have his own bed and mattress. At the jail, most inmates sleep in bunk beds. However, when there are not enough beds available, the jail provides “boats” on the floor. These “boats” are canoe-like plastic containers with bedding. The jail was cited for using the “boats” in its last BSCC inspection but continues to use them. There was, in fact, a large stack of them in a hallway the day jurors inspected the jail.

The jail is required by regulation to have a minimum of one toilet and sink for every ten inmates. It does not always provide that to the inmates’ distress. This overcrowding was the source of many citizen complaints the Grand Jury received. In fact, in one complaint, all 26 inmates in one pod signed the complaint.

One culprit is a former multi-purpose room that was converted to a dormitory. Inmates complained to the Grand Jury that there were 18 men using one bathroom and one sink. One man complained that he was forced to prepare food he purchased at the jail commissary in that bathroom.

Grand jurors discussed this issue with jail supervisors several times. They were pleased to learn, shortly before this report was completed, that there is construction underway to build another unit to replace the former multi-purpose room. Unfortunately, construction was interrupted by the Covid-19 shut down but will resume once restrictions are lifted.

To date, only one inmate at the jail tested positive for corona virus. All staff tested negative. Weekly testing is ongoing and disinfecting and other safety practices are being followed diligently.

## **THE 2019 INMATE DEATH**

On November 16, 2019, a 66-year old inmate was discovered to have died while in custody. The matter was referred to an established review process. In a report dated April 20, 2020, Lake County District Attorney reported that the inmate died “due to a medical condition Lymphocytic Polioencephalitis of the midbrain with a contributing factor of voluntary ingestion of heroin.” She went on to conclude that there was no

criminal or other contribution to the death by the Sheriff's personnel or other inmates although her report noted that inmates reported seeing the deceased inmate and two others "partying" with drugs before the death was discovered.

The Grand Jury accepts these findings but questioned several aspects of it, specifically the jail's ability to stop the smuggling of heroin and other drugs into the jail and whether more treatment is needed for addiction. It focused on whether the Sheriff had considered offering medically assisted treatment for opioid addiction (MAT).

## **INTERRUPTING THE SMUGGLING OF DRUGS INTO THE JAIL**

The presence and use of drugs in local jails is not just a local problem. To some extent, it is true that it is virtually impossible to keep them out of jails and prisons. Sheriff Martin and Captain Taylor, the jail supervisor, explained that although it is difficult to control the problem, they said they have had success with a new technology, body scanning. The jail has a body scanner that can scan the interior of a prisoner's body. The scan pinpoints the presence of drugs which may have been swallowed or inserted by an incoming inmate before arriving. They said sometimes individuals are paid to be arrested so they can deliver drugs to jail inmates. Once discovered by the scanner, the drugs can be removed or excreted. They also said that the scanner can be helpful in stopping visitors from delivering drugs. With the Covid-19 restrictions, visiting and programming conducted by civilians or pastor have been canceled thereby eliminating that source of drugs in the jail, at least temporarily.

## **TREATMENT OF OPIOID ADDICTION IN THE JAIL**

Physicians now claim that the best treatment for people addicted to opioids is medication, such as suboxone. MAT or "medically assisted" treatment, is available in some California county jails but not in Lake County. Sheriff Martin explained that he did not pursue funding for it several years ago because what was offered was only funding for two years. Whether funding would be available after two years was uncertain. To invest in what is an intensive and expensive program was risky and too expensive for Lake County at the

time. However, when an inmate has an active and filled prescription, the jail will dispense suboxone or other drugs to that inmate. Other drug treatment is offered such as Alcoholic and Narcotics Anonymous which call for abstinence. However, due to COVID-19 restrictions eliminating visitation at the jail, some programs have been suspended and are unavailable.

## **INMATE COMPLAINTS**

The Grand Jury received numerous citizen complaints about the jail from inmates, including one from all 26 inmates housed in the same pod. The most frequent complaints were about overcrowding. Also of concern were two confirmed complaints that supervising deputies at the jail had interfered with medical care by either cancelling medical appointments or refusing to schedule them. With respect to medical treatment, there were numerous complaints from inmates about how difficult it is to schedule an appointment. There were also complaints about the sufficiency of meals and the grievance procedures, as well as a few complaints about access to a law library and issues with the commissary. Because the commissary program was being totally revamped, the jury did not pursue complaints about it. The Grand Jury investigated all the other complaints. Some were quickly resolved.

--Some complaints asserted that there was not enough food being provided. Because the state sets the rules for food at the jail this issue was not within the jury's purview. 4000 calories a day for adult men did seem quite low, especially younger ones. Inmates who claimed they had lost too much weight were found by the jail's medical staff and during grievance procedures not to have lost excessive weight. The jury reviewed monthly menus and the kitchen facilities and decided the food at the jail was wholesome and well-prepared on site, although there did seem to be a preponderance of varieties of turkey meat—turkey bacon, turkey burgers, etc.—for protein.

--Other inmates complained that they did not have access to a law library. Jail policies restrict access to the jail's online law library to inmates who are represented by attorneys because they can present their legal questions to their attorneys. Those without attorneys have much more time available to them to conduct legal research. This policy seemed reasonable to the Grand Jury. The most vociferous of the inmate complainants, it turned out, had an attorney.

--Although, there were also several substantive complaints about the quality of medical care, the Grand Jury was unable to follow up on them. This was because many of the complainants ultimately took their cases to court by filing petitions for a writ of habeas corpus or even sued the county. Jurors did not have time review all the court's files before the Covid-19 shutdown of the courts to ascertain exactly what matters the court considered. The complaints received included a claim that an inmate's leg was amputated because of inadequate medical care; a supervisor denied an inmate treatment of an infected spider bite; and another supervisor refuses to schedule appointments for pain management.

--Inmates also complained generally that it was difficult to schedule medical appointments. Supervisors responded that inmates frequently cancelled visits and then wanted to re-schedule them. Supervisors were content with the responsiveness of medical staff

## **JAIL MEDICAL SERVICES.**

The county has contracted for jail medical services budgeted at a cost of \$2,234,088 with a net cost \$1,785,188. More than \$488,000 of expense was paid by "realignment funds" from the state. The contract provides for 24-hour physician availability, by telephone if no doctor is on site, on site physician assistants and nurses, plus a full range of ancillary services, including medication and psychiatric services. If need be, inmates are transported to local hospitals for care that is not available at the jail. The contract is funded in part by the realignment funds administered by the Probation department. The jail received \$448,900 for jail medical services.

The Sheriff informed the jury that 60% of jail inmates needed mental health treatment.

The jury questioned whether mental health services for discharge planning under the jail's medical contract duplicated services currently being provided to jail inmates by county Behavioral Health Services. The Sheriff denied that they did not because Behavioral Health Services' work concerned service needs in the community after release from custody.

## **FINDINGS:**

F1. The Probation Department has not yet followed through on its promise to better inform the public about available programs and activities for children and youth in Lake County.

F2. The Probation Department has recommended renewing the county's contract with the Tehama County Juvenile Hall for another two years. The Board of Supervisors makes approvals for such requests.

F3. The Sheriff's Department is striving to bring the Lake County jail into compliance with state facility standards under the CCR Title 15 regulations. It can continue those efforts, especially by providing enough toilets, sinks and bathing areas to comply with the state's standards.

F4. There is not enough programming for inmates at the Lake County jail because there are not enough corrections officers to transport and supervise them even if there were more activities available.

F5. Both the Probation and Sheriff's Departments have difficulty recruiting and retaining employees because the county's wages are too low and the benefits are too expensive.

F6. The Probation Department and Mendo Lake Alternatives need improved signage to direct new clients to the appropriate location.

F7. The Sheriff's Department is taking steps to control the smuggling of heroin and other illegal drugs into the county jail. These will continue in earnest after the COVID-19 restrictions on visitation are lifted.

## **RECOMMENDATIONS:**

R1. The Probation Department should do more to inform the public about available programs for children and youth in Lake County. (F1)

R2. The Board of Supervisors should renew the contract with the Tehama County Juvenile Hall for two more years. (F2)

R3. The Sheriff's Department should continue efforts to comply with state regulations by completing construction and other efforts to ensure the Lake County jail has enough toilets, sinks and bathing facilities. (F3)

R4. The Sheriff's Department should provide beds and mattresses to all inmates and stop using "boats". (F3)

R5. The Board of Supervisors may fund the full complement of 55 corrections officers for the Lake County jail to promote safety and better programming for inmates and to relieve correctional officers from excessively long work shifts. (F5)

R6. The Board of Supervisors may reevaluate wages and benefits for correctional officers to encourage their retention. (F5)

R7. The Probation Department and Mendo Lake Alternatives should redo their signage to better direct clients to appropriate services. (F6)

R8. The Sheriff's Department should continue to take vigorous action to control the smuggling of heroin and other illegal drugs into the county jail. (F7)

## **REQUESTS FOR RESPONSES:**

Pursuant to Penal Code sec, 933c, the following responses are required:

Board of Supervisors                      R 1, 2,5, 6 and 7 –                      (within 90 days)

Sheriff's Department                      R 3, 4, and 8—                      (within 60 days)

The following are invited to respond:

Mendo Lake Alternatives                      R 7—                      (within 60 days)

## **FOOTNOTES**

1. *Brown v. Plata*, 563 US 493 (2011)
2. State Treasurer, California Community Corrections Partnership, Performance Incentives Act of 2009 (SB 678) Lake County
3. Interview Lake County Sheriff, May 18, 2020

Grand Jury Appendix



7. Other Specialized Training: \_\_\_\_\_

**LEGAL QUALIFICATIONS**

- |                              |                             |  |                              |                             |   |
|------------------------------|-----------------------------|--|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | I am a US Citizen and at least 18 years old.   | <input type="checkbox"/> Yes | <input type="checkbox"/> No | I have been convicted of malfeasance in office or a felony. |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | I will have been a resident of Lake County for at least 1 year by next July 1.                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No | I am presently serving as an elected public officer.        |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | I am in possession of my natural faculties, of ordinary intelligence, of sound judgment, and fair character. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | I understand the spoken and written English language.       |

8. List any organization(s) in which you are presently and/or have been active over the past five years.

Name of Organization	Purpose	Duties	Dates
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. Prior County Grand Jury Service: Yes \_\_\_\_\_; County: \_\_\_\_\_ Year(s): \_\_\_\_\_  
Prior Federal Grand Jury Service: Yes \_\_\_\_\_; No: \_\_\_\_\_

10. An appointment to the Lake County Grand Jury generally demands attendance at Grand Jury plenary sessions, an assignment to two committees, regular attendance at committee meetings, and extensive investigative duties. If appointed to the Lake County Grand Jury, how many hours each week can you devote to these responsibilities? \_\_\_\_\_

11. Do you have a disability or illness which would have to be accommodated in order to allow your full participation in Grand Jury activities? \_\_\_\_\_ If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Do you currently hold a civic elective position (school board, commission, etc.)? \_\_\_\_\_  
If yes, please list the identity of the agency, position held and term of expiration date. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Why would you like to serve on the Grand Jury?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. What departments of County or City government or County/City services, if any, do you believe warrant closer scrutiny, and why?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Are you or your spouse now, or have you ever been employed by a governmental body or agency, and if so in what capacity?: \_\_\_\_\_

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

Pursuant to Penal Code Section 903.2, I understand an investigation that will include a criminal record check will be conducted to help determine my eligibility to serve as a Grand Juror. I further understand that if my name is drawn as a Grand Juror or as an alternate, I may be required to attend grand jury training; if I am seated as a Grand Juror, I will be available to attend grand jury meetings and devote the required time to complete grand jury work for one year, from July through June. I further understand that if my name is drawn as an alternate, I will remain available for one year to serve as a member of the grand jury if called upon.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_  
(Please insert date signed)

Signature: \_\_\_\_\_  
(Please sign your name here)

**For statistical records, please mark appropriate boxes.**

Age Range; specifically:  18-25  26-34  35-44  45-54  55-64  65-74  75 and over

Gender:  Male  Female

Race or Ethnicity:  American Indian or Alaskan Native  
 Asian  Black or African American  
 Hispanic/Latino  Native Hawaiian or other Pacific Islander  
 White (Anglo)  Other Race or Ethnicity (Please state \_\_\_\_\_)  
 Decline to Answer

Place of Residence by Supervisorial District:

District 1  District 2  District 3  District 4  District 5

**Grand Jury Complaint Form**



**COUNTY OF LAKE**  
**LAKE COUNTY GRAND JURY**  
**P.O. BOX 1078**  
**KELSEYVILLE, CALIFORNIA 95451**

**COMPLAINT FORM**

**WHEN COMPLETED – MAIL THIS FORM TO THE ABOVE ADDRESS**  
**ALL COMMUNICATION TO THE GRAND JURY ARE CONFIDENTIAL**

This complaint should be submitted after all attempts to resolve a situation have been explored unsuccessfully.

Person or agency your complaint is about

Name and Title

Organization

Address

Telephone

My complaint is (be as precise as possible, providing dates, times, and names of individuals involved. Describe more specific instances instead of making broad statements. Attach any available photographs, correspondence or documentation which pertains to this complaint. Use extra sheets as necessary.)

Other persons or agencies you have contacted about this complaint.

Describe the action you wish the Grand Jury to take.

Using additional sheets provide any further information you feel may be helpful in an investigation.

COMPLAINANT:

Name (please print)

Telephone

Address:

City:

State:

Zip Code:

Signature:

Date:

*Your confidentiality will be vigorously protected. All complaints will be acknowledged promptly.*  
Please read additional instructions attached.

