



2003/2004 Grand Jury Report

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California Grand Jurors' Association

2004 Excellence in Reporting Award

Presented at the 23rd CGJA Annual Conference
October 15th, 2004 - Fairfield, California

Certificate of Merit for Excellence in Reporting

2003 Lake County Grand Jury

For preparing a March 31, 2004 article on the Grand Jury System for the Lake County Record-Bee Newspaper



Excellence in Reporting

The Excellence in Reporting Award program was founded to recognize grand juries and the media who have created positive changes in their communities by increasing awareness of the California grand jury system.

Beverly Hill

Beverly Benedict Hill, Chair
Excellence in Reporting Program

Elwood Moger

Elwood Moger, President
California Grand Jurors' Association



2003/2004 Grand Jury Report

The Honorable David W. Herrick
Presiding Judge
255 N. Forbes Street
Lakeport, Ca 95453

Re: Final Report 2003/2004 Lake County Grand Jury

Pursuant to Penal Code 933(A) it is my privilege to submit to you, the Board of Supervisors, and the citizens of Lake County this final report of the 2003/2004 Grand Jury. This Grand Jury Report demonstrates the scope of our work, and is presented with the sincere hope that these efforts will lead to meaningful changes in the areas of our public's greatest needs.

On behalf of my colleagues we thank you for your counsel and guidance throughout the year.

The success of the Grand Jury depends on the fidelity and support from elected and appointed officials and their staff. In this regard we extend our most fervent gratitude's to these dedicated public servants for their time, willingness, and patience in responding to our many inquires and request for support documents, often on short notice.

These 12 months have been a journey of learning for each of us. Through much trial and error these 19 individual personalities developed the need to listen, base determination on facts verses opinions, and develop the teamwork and spirit of commitment that allowed this jury to prevail in spite of impediments.

Juror attrition due to illness, job changes, etc., was highly detrimental to lengthy individual committee investigations, requiring consolidation within committees and reconciling tasks. Only 10 of the original 19 jurors impaneled remain for a present total of 15 jurors, which include 5 alternate jurors. All Grand Jury decisions require the concurrence of at least 12 jurors, (PC 940.), which during the last two months has required close introspection of each new project. We have prevailed through the dedication of these 15 talented individuals.

A special recognition to two devoted jurors for their personal commitment, Nancy Barsi, who returned after 5 weeks medical absence, and Bob Knutson who returned slowly but determined following a hip

replacement. A special thank you to our secretary Donna Spellman for all the reports, administration, minutes and the edit review Chair. Always “there” Sandi Damitz, our computer transcription guru and librarian. Thank you.

The members of this Grand Jury attempted to be fair and equitable to all parties in the decisions made concerning complaints against governing bodies. Each juror demonstrated an intense interest in how our government conducts business, and recognized that being a member of the Lake County Grand Jury brought a great deal of responsibility and pride.

This year passed too quickly and the jury explored, questioned and investigated a significant number of public agencies throughout the cities and county.

Although there are some negative aspects to this report, they are shared with the positives we encountered.

As Foreman of the Grand Jury I am pleased to have had the opportunity to be associated with this group of hard working, inquisitive and caring individuals, who worked well together in spite of, or perhaps because of, their differing personalities and diverse interests.

We followed the advice of Yogi Berra: “When you reach a fork in the road, take it!”

This report would be incomplete without acknowledging the attentive and supportive, almost weekly, cooperation of County Counsel, Cameron Reeves, Administrative Officer Kelly Cox, our financial guardian Kathy Barnwell, Public Service Director Kim Clymire, and a host of behind the scene county “good guys”. Thank you.

Finally, my sincere thanks to my fellow Grand Jurors for a job well done.

**“Well done is better than well said”
Benjamin Franklin**

William L. Tett, Foreman
2003/2004 Lake County Grand Jury



LAKE COUNTY GRAND JURY MISSION STATEMENT

The Mission of the Lake County Grand Jury is to perform an annual review of City and County government policy and procedure. The Grand Jury is further mandated by law to recommend ways to improve and make accountable these agencies in order that they may best serve the public interest. The Grand Jury shall inquire into the condition and management of detention facilities within the County. The Grand Jury shall also respond to all citizens' complaints and review the previous Grand Jury reports that recommend further investigation.



2003/2004 Grand Jury Report

TO: THE CITIZENS OF LAKE COUNTY

FROM: THE 2003-2004 LAKE COUNTY GRAND JURY

We have completed our year of service and have submitted the Grand Jury Final Report. It is our hope that this report will show our dedication and effort in carrying out all our responsibilities in investigating and reporting the different aspects of local governments. We have done our best to follow the Charge given us by the Honorable David W. Herrick, Presiding Judge of Lake County Superior Court.

The Final Report has been a team effort and has been approved by the members of the Grand Jury as required by the California Penal Code. We have attempted to be fair and objective in all matters and have tried, to the best of our knowledge, to give impartial solutions to the matters of civil concern.

The Lake County Grand Jury received 28 citizen's complaints for FY 2003/2004. A copy of the complaint form & procedures are included at the end of this report.

Additionally we visited government sites within the County as follows:

- Lake County Detention Facilities
- Konocti Conservation Camps
- Lake County Fire Departments
- Lake County Animal Care and satellite Holding Facilities
- Department of Health Services
- Department of Social Services
- Department of Public Works
- Department of Public Services
- Lake County Financial Services

The complaints investigated are included as separate reports. New complaints received after submission of this Jury's Final Report will be passed on to the 2004/2005 Grand Jury for review and appropriate

action.



LAKE COUNTY CIVIL GRAND JURY 2003-2004

OATH OF OFFICE

“ I DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF CALIFORNIA, AND ALL LAWS MADE PURSUANT TO AND IN CONFORMITY THEREWITH, WILL DILIGENTLY INQUIRE INTO, AND TRUE PRESENTATION MAKE, OF ALL PUBLIC OFFENSES AGAINST THE PEOPLE OF THIS STATE, COMMITTED OR TRIABLE WITHIN THIS COUNTY, OF WHICH THE GRAND JURY SHALL HAVE OR CAN OBTAIN LEGAL EVIDENCE. FURTHER, I WILL NOT DISCLOSE ANY EVIDENCE BROUGHT BEFORE THE GRAND JURY, NOR ANYTHING WHICH I OR ANY OTHER GRAND JUROR MAY SAY, NOR THE MANNER IN WHICH I OR ANY OTHER GRAND JUROR MAY HAVE VOTED ON ANY MATTER BEFORE THE GRAND JURY. I WILL KEEP THE CHARGE THAT WILL BE GIVEN TO ME BY THE COURT.” (Penal Code 911)

Geraldine R Anderson #	Frank R. Knutson
Edward D. Bocca #	Phyllis J. Lambert
Nancy L. Barsi	Nanette M. Marschall
Donald L. Clay	Jane L. McKnight
John L. Delk, Pro Tempore	George Metteer
Sandi Damitz	John H. Roddy
Betty F. Dumolt	Donna M. Spellman, Secretary
David F. Falleri	Donald G. Stewart
Henry Fierro	William L. Tett, Foreman
Jill Fierro	Gerald D. Wilson
Greg A. Gerrard	Janet M. Worswick
Philip T. Kirby	

JURORS SERVING AT END OF TERM

CARRY -OVER JURORS, 2002-2003



RESPONSIBILITIES & POWERS

The Grand Juries responsibilities and powers are expressed in Chapter 4 of the California Penal Code (PC), Sections 3060(ff) of the California Government Code (GC) and section 17006 of the California Welfare & Institutions Code (W&I).

There are four responsibilities specifically required of the Grand Jury, and a wide scope of permitted ones.

REQUIRED RESPONSIBILITIES

The Grand Jury is required by statute to inquire into the following areas. These required responsibilities all begin with “*the grand jury shall...*”

1. PC 925: “... *investigate and report on the operations, accounts and records of the officers, departments or functions of the county including those operations, accounts and records of any legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year.*”
2. PC 919(b): “...*inquire into the condition and management of the public prisons within the county.*”
3. PC 919(c): “...*inquire into the willful or corrupt misconduct in office of public Officers of every description within the county.*”
4. PC 933(a): “... *submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters.*”

Additionally;

5. PC 933(c): “*No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court...*”



LAKE COUNTY GRAND JURY 2003-2004

LAKE COUNTY GRAND JURY FINAL REPORT **Citizen Complaint's Requiring No Action**

Complaint #CO306	Jail using excessive force – No information to confirm
Complaint #CO310:	Animal Care & Control – Procedures followed
Complaint #CO311:	False arrest carried from last Jury – Out of our purview
Complaint #CO313:	Child Protective Services – Out of our purview
Complaint #CO314:	Lake County Sheriff Department – Procedures followed
Complaint #CO315:	Sheriff's Department and Courts – Our of our purview
Complaint #CO316:	Guns on school campus – Out of our purview
Complaint #CO318:	False arrest – No information to confirm
Complaint #CO319:	Jail complaint – No information to confirm
Complaint #CO324:	False arrest – No information to confirm complaint
Complaint #CO325:	Board of Corrections – No information to confirm complaint
Complaint #CO333:	Child custody court appearance – Out of our purview
Complaint #CO334:	Sexual harassment/misconduct – Victim recanted
Complaint #CO336:	Animal Care & Control carried from last July – Procedures followed
Complaint #CO338:	Judge Herrick – Unable to find support
Complaint #CO341:	Medical treatment – Out of our purview



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT AUDIT COMMITTEE

Financial Reporting Responsibility of All Districts and Departments

PURPOSE:

To better aid in the auditing process each year, it is required that reconciliation of accounts be accomplished in a timely manner; that all checks received are endorsed appropriately and cash received properly receipted and deposited.

BACKGROUND:

After reviewing the outside auditor's "County of Lake Management Report" for the past six years, the recurring recommendations of all auditing firms involved, is the timely reconciliation of bank and trust accounts with the Auditor-Controller's accounts. The other recurring recommendation is the endorsement of checks, the proper receipting of cash and the timely deposits of both.

FINDINGS:

Reconciling, though tedious, if done monthly is not overly time consuming; it is required for proper and accurate financial reporting. Deposits made in a timely fashion also net the maximum interest to the County.

RECOMMENDATIONS:

Managers must schedule time to reconcile, set an appropriate cut off time and deposit receipts daily.

REMARKS: None

RESPONSE REQUESTED: None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT FINANCE COMMITTEE

Treasurer/Tax Collector

PURPOSE:

Responding to past Grand Jury Investigations and Recommendations, and from Auditors Reports, the Finance Committee followed the activities of the office of the Treasurer/Tax Collector.

BACKGROUND:

- A. Secure and protect public funds of the county.
- B. Maintain precedent and secure investment of said funds not required for daily operation, in a manner anticipated to benefit the citizenry of Lake County.
- C. Act as cash manager and investor for a number of public agencies within the County. The pooling of public funds excludes duplication of expenses, provides cost savings through higher volume, and secures professional service providers.
- D. The office also includes duties pertaining to tax collection, fines collected through court action, pension monies, delayed compensation funds, etcetera.

The collection of property tax and interest from the investments made by the Treasurer make up a large portion of Lake County's revenue. Because of this impact on the county revenue it has been and will continue to be one of the most scrutinized of all the county offices.

COMMITTEE ACTION:

During the past seven months the Finance Committee interviewed the Treasurer/Tax Collector, the Chief Deputy Treasurer/Tax Collector, the staff of the Treasurer Tax Collector, the County Administrator, and the Assistant County Administrator. We have spoken to two County Supervisors, reviewed the Management Report for 2003 prepared by the Certified Public Accountancy firm of Smith & Newell and reviewed Management Reports from 1998 to present.

FINDING 1:

The Oversight Committee shall “monitor the activities of the Treasurer, and cause to be performed an annual audit to determine the Treasurer’s compliance within the Investment Policy and other appropriate regulations”. This committee will include from three to eleven members as determined by the Board of Supervisors, in consultation with the County Treasurer. County Codes require the Committee shall include persons from the following categories:

- The County Treasurer, the Auditor/Auditor Controller/Finance Director
- An appointed member of the Board of Supervisors
- The Superintendent of Schools or a designee
- A representative selected by a majority of the presiding officers of the governing bodies of the school districts within the County that are required or authorized to deposit money in the County Investment Pool
- One to five bipartisan members of the public that have expertise in public finance and come from diverse economic backgrounds

RECOMMENDATION 1:

The Oversight Committee does not have authority to direct daily operations. The Grand Jury strongly recommends the Committee assume a more positive role in the monitoring and implementation of the recommendations of the Auditors.

FINDING 2:

The office of Tax Collector has been the subject of investigation for several years. Too often recommendations have been ignored creating an atmosphere of doubt. Occasionally, recommendations have not been implemented, or finally implemented then subsequently forgotten. Two examples of this lack of interest are the recommendations that Treasury Administrative Fees be based on actual expenses incurred for Treasury functions (not implemented 1998, 2000) and the balance of each trust be reconciled to detail accountability each month (not implemented 2000, 2001, 2002).

RECOMMENDATION 2:

The 2003-2004 Grand Jury agrees with the current and past findings of Smith & Newell and strongly recommends the Department make suggested changes.

FINDING 3:

Approximately 60% of the investment portfolio appears to be placed in low interest bearing securities (short term). NVEST (Mutual Funds) had a shortfall of \$428,091. according to the Investment Report September 2003.

RECOMMENDATION 3:

Reconcile this shortfall if it has not been addressed to date. Rethink low interest or short-term investments of the County Operating budget of the reported \$137,000,000 for the purpose of finding more revenue. Consider how much is paid annually to the investment counselor and how long that counselor has been retained by the County. Require Requests for Proposal (RFP) from local investment experts.

FINDING 4:

There has been a budget request of \$30,000. for equipment needed by the Treasurer/Tax Collectors office. The request was approved and written into the budget two fiscal years (2000-2002), however the purchase was not made and the money not spent. When interviewed, members of the Treasurer/Tax Collector's staff agreed that the Remittance Processing equipment was important and would increase their efficiency. The staff **did not know** of the actual request for the funds, the approval of the funds in the budget, or the failure to purchase the equipment. The County budget subsequently reflected the discontinued request by the Treasurer/Tax Collector in 2002/2003. A request was again made for equipment in 2003/2004. This time the equipment was titled Copy/Scan Check Endorser-Encoder. The purchase has not been made to date, despite a repeated budget approval.

RECOMMENDATION 4:

The Grand Jury fails to see why such an important piece of equipment, requested by the Treasurer/Tax Collector, has not been purchased and why was the request made three different years and forgotten? Requests from other County departments have been denied for lack of funds when \$30,000. has been approved for the Treasurer/Tax Collector's office and not spent. When County money is budgeted for a specific, necessary, requested item, that money should be used to enhance the profitability and efficiency of the requesting department, and ultimately the County.

FINDING 5:

During the interviews, the staff reported only four people open daily mail and remove checks sent to the County. Because of the State budget crisis the office staff will not increase in size soon and remains an area of concern for the current staff, as all mail received is not opened each day. Methods used to open mail are antiquated. The Remittance Processing equipment would help remedy the situation, obviously the reason for the budget request. Currently, mail with enclosed checks are placed in trays and remain unopened for days or even weeks.

RECOMMENDATION 5:

The lost interest on monies paid to the County is incalculable and inexcusable. Deposits should be made

daily, as is the practice in business and Government. A Bank Courier should be dispatched daily to the Treasurer/Tax Collectors department.

FINDING 6:

The County pays Wells Fargo Bank in excess of \$70,000. for banking services annually. Other banks have shown an interest in serving Lake County with decreased fees for service.

RECOMMENDATION 6:

A Request for Proposal (R.F.P.) is sent to other banks to engage their services. The transition to another banking institution may incur initial costs but eventually will prove cost effective.

FINDING 7:

Through interviews the Grand Jury found formal training and ongoing training for Treasurer/Tax Collectors staff deficient.

RECOMMENDATION 7:

Regularly scheduled training should be planned to include individual instruction. Policies and procedures relative for each position in the department should also be included.

FINDING 8:

The Treasurer/Tax collector's office held auctions for properties with tax liens, over \$4,000,000. was collected, an amount greater than anticipated.

RECOMMENDATION 8:

Further tax sales should be held, with the added possibility of Internet sales in conjunction with other Counties.

ADDITIONAL RECOMMENDATION:

The 2003/2004 Grand Jury recommends further observance of the Treasurer/Tax Collector's office by the 2004/2005 Grand Jury.

REMARKS:

Office morale is exceptionally good with staff cohesive, friendly, considerate and willing to help each

other. Budgeting problems hinders efficiency while obtaining funds to increase the size of the staff is an unknown. The Grand Jury commends this staff of dedicated people for their hard work.

RESPONSE REQUESTED:

Treasurer/Tax Collector
Lake County Board of Supervisors



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT FINANCE COMMITTEE

Clearlake Chamber of Commerce

PURPOSE:

In response to a citizen's complaint regarding mismanagement and potential monetary fraud by a Clearlake Chamber of Commerce official, the Finance Committee conducted an investigation into the funding of the Chamber of Commerce by the City of Clearlake and questioned the appropriateness of the funding of the Redevelopment Agency.

BACKGROUND:

Since July 25, 1996 allocation of funding to the Chamber has been determined annually at the discretion of the City Council during their budgeting process. The City of Clearlake and the Redevelopment Agency each budgeted \$20,000 for the year 2003, providing the Chamber of Commerce with operating capital. Following rumors of mismanagement, the City of Clearlake, as guardians of the public money, had the duty of demanding an accounting of the use of the allocated funds. An audit was requested and due to be delivered to the City by March 14, 2003, with the provision that the City would withhold any monies still owed to the Chamber if the audit was not received. The audit was not forthcoming. The amount withheld by the City of Clearlake and the Redevelopment Agency totaled \$10,000. In July 2003, the City Council adopted the 2003-2004 budget with funding for the Chamber. The funding budgeted was for the Chamber of Commerce or another entity who would provide tourism and business promotions. This background information indicated the complaint was out of the jurisdiction of the Grand Jury and better handled through the District Attorney's office. However, based on California Community Redevelopment Law, other issues were discovered by the Finance Committee that warranted review.

COMMITTEE ACTION:

The Finance Committee interviewed senior level staff from the City of Clearlake and the Clearlake City Council, officials of Lake County Government, conducted telephone and internet interviews with

attorneys versed in California Community Redevelopment Law, reviewed California Redevelopment Law Manual, reviewed 1999-2000 Grand Jury report documents and numerous news articles regarding Redevelopment Agency funding to the Clearlake Chamber of Commerce.

FINDING 1:

The Clearlake Redevelopment Agency issued a joint resolution #RA05-2003, dated September 11, 2003, to document how it would approve the funding of \$20,000 to the Clearlake Chamber of Commerce for the fiscal year of 2002-2003. The Agency's resolution does not discuss specific conditions concerning alleviation of blighting, the goals of the Development Plan or the techniques to achieve the Development Plan, which could potentially justify the Agency's funding to the Chamber of Commerce.

RECOMMENDATION 1:

Appropriate documents be prepared by legal counsel for specific projects within the Redevelopment Plan that will meet the goals of the Redevelopment Agencies' Community Plan. This is the same recommendation made in 1999 by a former City Attorney for the City of Clearlake.

FINDING 2:

In 1999 the City of Clearlake obtained advice from the California Redevelopment Association regarding the RDA's funding of any outside non-profit body. The California Redevelopment Association a lobbying consortium only represents their members, the Redevelopment Agencies of each County, and not individual citizens. It is possible that California Redevelopment Association allegiances may sway towards their paying members rather than the public at large.

RECOMMENDATION 2:

The City of Clearlake seek outside counsel's advice regarding RDA's funding to any non-profit entity. A time frame and parameter be established to fund grant monies to the Chamber strictly from general funds. Redevelopment Agency monies and Clearlake General Funds should be restricted from use for salaries or general overhead expenses of the Chamber of Commerce.

REMARKS:

Since beginning our study of the City of Clearlake and the Redevelopment Agency regarding the financial difficulties of the Chamber of Commerce, an enormous amount of work has been done to define the problems and rectify the errors. The Grand Jury commends the City of Clearlake and the Chamber of Commerce personnel involved in the ongoing process.

RESPONSE REQUESTED:

Clearlake City Council





2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT FINANCE COMMITTEE

LAFCO - Local Agency Formation Commission

PURPOSE:

To determine whether funds provided to LAFCO by Lake County, City of Lakeport and the City of Clearlake are being utilized in a manner best suited to serve the interests of local government entities and the citizens of Lake County.

BACKGROUND:

State Law established a LAFCO in each county of California and provided procedures to be followed in carrying out their duties. The law also provided funding for LAFCO's support. The funding comes from the County and any City within a County, mandated but unfunded by the State. A method to recoup such funding is provided but no such recoupment has thus far been provided by State government. This law also establishes LAFCO as a separate entity with no provision for oversight or accountability for funds provided. The opportunities for abuse are obvious.

COMMITTEE ACTION:

The Financial Services Committee of the Lake County Grand Jury has reviewed the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO Bylaws, LAFCO Policies and Procedures, past LAFCO budgets, as well as correspondence between the Lake County Administrative Officer and the LAFCO CEO. Also taken under review were various LAFCO resolutions concerning the relationship between LAFCO and the supporting entities.

FINDING 1:

Lake County LAFCO operates within the provisions of State law.

FINDING 2:

Lake County LAFCO operates within the parameters of its own bylaws, policies and procedures.

FINDING 3:

The entire State is in fiscal crisis and local governments are forced to drastically reduce expenditures, including the curtailment of out of county travel. LAFCO has increased its' budget by some 700% since 2000. This increase has been partially incurred by employing out of county consultants to do the work that could easily be handled by in-house county employees.

FINDING 4:

At a recent public hearing, excessive travel and lodging expenses were explained by the LAFCO CEO to apprise Commission members the new changes to the law since 2000; not all counties felt the need to participate.

FINDING 5:

The contract between Lake County LAFCO commission members and the CEO is heavily weighted in favor of the CEO and provides compensation far in excess of reasonable expectations.

FINDING 6:

LAFCO currently contracts with an out-of-County consultant for LAFCO Executive Officer services and also contracts with an out-of-County attorney for legal advice.

FINDING 7:

Many other Counties have not had such extraordinary increases in LAFCO budget requirements

RECOMMENDATION 1:

That the Board of Supervisors and City Councils of Lakeport and Clearlake appoint representatives to serve LAFCO who will curtail unnecessary and wasteful expenditures of tax dollars.

RECOMMENDATION 2:

That the Board of Supervisors and City Councils request State Legislators to assist local government by rescinding **costly mandates related to LAFCO**, particularly in small rural counties such as Lake County.

RECOMMENDATION 3:

That the Board of Supervisors and City Councils recommend to LAFCO that it pursue hiring locally for it's Executive Officer and legal services, either by issuing a new Request for Proposal (RFP) for these services or negotiating a contract with the County to provide these services.

RECOMMENDATION 4:

This Grand Jury strongly recommends that the 2004-2005 Lake County Grand Jury closely monitor the development of LAFCO spending policies.

REMARKS:

Even though the Brown Act does not require it, a useful method of garnering public participation in LAFCO deliberations would be to notify the Lake County Record-Bee of the times and place of general meetings, such notices are generally printed as public service by the publisher.

RESPONSE REQUESTED:

LAFCO Board of Commissioners
LAFCO CEO
Lake County Board of Supervisors
Lakeport City Council
Clearlake City Council



COUNTY OF LAKE
LAKE COUNTY GRAND JURY
Post Office Box 1078
Kelseyville, California 95451

Governor Arnold Schwarzenegger
State Capitol
Governor's Office
Sacramento CA 95814

January 30, 2004

Re. Local Agency Formation Commission (LAFCO)

Dear Governor Schwarzenegger:

The 2003-2004 Lake County Grand Jury has been made aware of information that we feel should be brought to your attention.

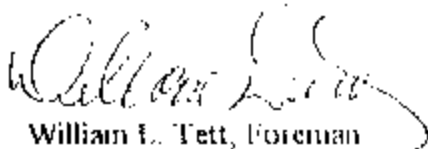
The Lake County LAFCO is an agency created by the California Legislature, but funding for their activities is mandated by state law to be provided by the County of Lake and the two cities therein (Clearlake and Lakeport). This unfounded mandate, in and of itself, places an undue burden on local government. Particularly unsettling is the fact that these local governments have absolutely no control over how LAFCO spends their monies.

In an era of fiscal crisis, where County budgets are severely limited, Lake County LAFCO has increased its budget by some 700%, over the last 3 years. The current year's LAFCO budget includes such items as "\$18,000 for Attorney Contract", following invoices of \$1,500 for Attorney Services for each month of the last fiscal year. However, no documentation appears to exist that would show what services were rendered to earn this fee.

Additionally, the Chief Executive Officer has been awarded a contract that pays him \$600 per meeting, \$65 per hour and 37 cents per mile for travel. Considering that he lives in Reseville, a single LAFCO business meeting would there by pay him \$1,000. As an interesting side note, this same person holds identical positions with 2 other Northern California County LAFCO Agencies.

To be brief, the Lake County Grand Jury finds this to be an egregious abuse of taxpayer monies. Whether or not LAFCO performs a useful function is not in question. We feel that the Cartese/Knox-Herzberg Act should be amended to provide local control over expenditures.

Respectfully,


William E. Tett, Foreman
Lake County Grand Jury



OFFICE OF THE GOVERNOR

April 23, 2004

Mr. William L. Teet
Foreman
Lake County Grand Jury
Post Office Box 1078
Kelseyville, California 95451

Dear Mr. Teet,

Thank you for taking time to write and share your concerns regarding the Chief Executive Officer of Lake County LAFCO. I appreciate hearing from fellow Californians about important issues facing our State.

California continues to thrive because of the involvement and commitment of people like you. While we may disagree on certain policies, we share the goals of improving the quality of life in our state and expanding opportunities for all Californians.

Again, thank you for taking time to write and share your comments. Your participation will help us restore the greatness of our Golden State.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger

LAKE COUNTY GRAND JURY

P.O. BOX 1078
KELSEYVILLE, CA 95451

Senator Wesley Chesbro
STATE CAPITOL
ROOM 5100
SACRAMENTO, CA 94249-0001

January 9, 2004

Re: Local Agency Formation Commission

Dear Senator Chesbro,

The 2003-2004 Lake County Grand Jury has been made aware of information that we feel should be brought to your attention.

The Lake County LAFCO is an agency created by the California Legislature, but funding for their activities is mandated by state law to be provided by the County of Lake and the two cities therein (Clearlake and Lakeport). This unfunded mandate, in and of itself, places an undue burden on local government. Particularly unsettling is the fact that these local governments have absolutely no control over how LAFCO spends their monies.

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Additionally, the Chief Executive Officer has been awarded a contract that pays him \$600./meeting, \$65./hour and 37 cents/mile for travel. Considering that he lives in Roseville, a single LAFCO business meeting would thereby pay him \$1,000. As an interesting side note, this same person holds identical positions with 2 other Northern California County LAFCO Agencies.

To be brief, the Lake County Grand Jury finds this to be an egregious abuse of taxpayer monies. Whether or not LAFCO performs a useful function is not in question. We feel that the Cortese/Knox-Hertzberg Act should be amended to provide local control over expenditures.

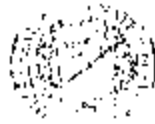
Respectfully,


William L. Tett, Foreman
Lake County Grand Jury

IFRC COMMITTEE
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UNIVERSITY OF CALIFORNIA
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California State Senate

SENATOR
WESLEY CHESBRO
SECOND SENATORIAL DISTRICT



IFRC COMMITTEE
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February 18, 2004

William L. Tett, Foreman
Lake County Grand Jury
P.O. Box 1078
Kelseyville, CA 95451

Dear Mr. Tett:

Thank you for your January 9th letter from the Lake County Grand Jury outlining concerns about the operation and expense of the Lake County Local Area Formation Commission (LAFCO). I appreciate that the Lake County Grand Jury carefully reviews the cost to local government of the LAFCO commission and their processes.

State and local agencies need to work together to both provide a reasonable legal standard for local agency integration and formation. Likewise, local agencies need to work to assure that their operation and costs are reasonable.

My experience in City and County governments in Humboldt County have taught me the need to constantly work for improved efficiency and cooperation. I will keep the recommendation of the Lake County Grand Jury in mind as local government financing is considered.

Thank you again for your efforts and those of the other members of the Lake County Grand Jury.

Sincerely,


WESLEY CHESBRO
State Senator, 2nd District

WC:bf



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT FINANCE COMMITTEE

Community Development Department

INTRODUCTION:

For the sake of space saving the following abbreviations will be used:

Community Development Department –
CDD

Major Use Permit – MUP

Assessor's Parcel Number – APN

Notice of Nuisance – NON

Timber Preserve Zone – TPZ

Department of Real Estate –
DRE

The Lake County Community Development Department is divided into three divisions: Building and Safety, Planning and Code Enforcement. The Lake County Grand Jury in the following report hopes to apprise the community of problems within the department. We understand the changes that the department has undergone over the years and believe the department is attempting to affect change in their overall policy and procedure. We hope that the following recommendations will be incorporated into the department's ongoing reorganization efforts.

COMPLAINT NUMBER 1

PURPOSE:

Investigation of Lake County CDD in response to a Citizen Complaint dated June 10, 2003.

BACKGROUND:

The complainant alleges the CDD did not follow published procedures and when made aware of the

problems, did not respond in a timely fashion. In November 2001, the Complainant's home was finalized and he was given a permanent occupancy permit. The Complainant reported deficiencies and code violations in the home resulting in the Permanent Occupancy Permit being rescinded and a temporary permit reissued in September 2003.

COMMITTEE ACTION

Between December 2003 and April 2004, the Grand Jury Committee visited the complainant's property and was given an overview of the situation, requested documents from CDD, interviewed the current Director and key members of CDD and the District 4 Supervisor.

FINDING 1:

The CDD's initial inspections did not reflect the defects resulting in four code violations. Reinspections requested by the Complainant were also in error.

RECOMMENDATION 1:

The County Building Inspectors insure a complete and correct inspection as per building codes.

FINDING 2:

Although the complainant was a major factor in extending this process, the CDD could have acted more expeditiously.

RECOMMENDATION 2:

The CDD should use all State and Local resources to resolve complaints

REMARKS:

A second complaint received from the same complainant on November 16, 2003 was found to be out of our purview. Although we recognize that there are faults on both sides, there must be policies and procedures that could be implemented or followed by the CDD alleviating similar problems in the future.

COMPLAINT NUMBER 2:

PURPOSE:

Investigation of Lake County CDD in response to a Citizen Complaint dated November 16, 2003.

BACKGROUND:

Complainant alleges CDD failed to follow-up on a Notice of Nuisance involving a retreat operating in southern Lake County without a valid Major Use Permit. It was also alleged, due to the retreat's location in a possible fire-danger area, the retreat should not be in operation without proper fire safety procedures. The complainant also states the CDD is not performing its enforcement duties within an acceptable time frame.

COMMITTEE ACTION:

Between February 2004 and April 2004, the Committee interviewed the complainant, the director of the retreat in question, viewed the retreat site, requested and received documents from CDD, interviewed the County Supervisor of District One, Director and key members of CDD.

FINDING 1:

CDD's initial (pre-complaint) correspondence with the retreat was fraught with incorrect and incomplete information. In a letter from CDD's principal planner, the Director of the retreat was informed that the site had never operated under a MUP and that such an operation was prohibited in a TPZ.

On August 26, 2003, a Notice of Nuisance was issued by the CDD to the retreat stating there was an operation of a "Commercial retreat center" without a valid MUP. This "Notice" was invalid due to the an incorrect APN for this property.

RECOMMENDATION 1:

It is critical that CDD do proper research prior to issuing any formal correspondence or official notices. This will alleviate the amount of time and tax dollars wasted in resolving disputes.

FINDING 2:

The CDD failed to follow-up on the Notice of Nuisance issued on August 26, 2003. A second NON was issued March 12, 2004 with the corrected APN, using new verbiage and superceding the first.

The first NON states: "CONDITION CAUSING NUISANCE is operation of a commercial retreat center without a valid use permit." "ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE . . . secure the required use permit for the retreat center."

The second NON states: "CONDITION CAUSING NUISANCE operation of a retreat in a zoning district where not allowed." "ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID

NUISANCE by immediately ceasing all retreat activities and sessions (April 22, 2004).”

During this 6-month period, between the first and second Notice of Nuisance, the Community Development Department realized that they could not recommend to the retreat a method to obtain its major use permit within a timber preserve zone.

Item 1: If the retreat was making all efforts to come into compliance and the CDD could not recommend a course of action to issue a MUP, why then did they issue a second and more strongly worded NON?>

Item 2: If, in the case of both NON's, as the CDD staff advised us, CDD had no plans to follow-through, why then issue the NON's at all? By doing so, this takes the teeth out of "official records". This also sends the wrong message to the public at large and the complainant in particular.

RECOMMENDATION 2:

In the 1999-2000 Lake County Grand Jury Final Report one of their recommendations states, “A NON should not be issued on property where adequate progress is being made to correct the situation”. We further recommend that a NON should never be issued without any intention of being pursued.

FINDING 3:

The retreat had operated under a Major Use Permit during the years 1970 to 1985 in five-year increments. Also, we found when the site was Timber Preserved Zoned (December 1, 1981), the retreat was under a legal MUP. (See “footnote” at the end of Complaint 2 for Zoning Ordinance.)

The new operators of the retreat had not been informed by the CDD that the Major Use Permit had expired in 1985 (current CDD policy does not inform of permit expirations). The retreat continued to operate with all other permits in place until 2002 when a complaint was filed. CDD was unaware that the retreat was still in operation without **“the permit” for 17 years.** (See 60.1 Expiration)

RECOMMENDATION 3:

Due to the prior co-existence of the Timber Preserve Zone and retreat, we recommend the rescinding of the current NON and the issuance of a temporary major use permit for the retreat until a retreat designation is added to the TPZ zoning.

FINDING 4:

The South Lake County Fire Protection District completed a fire safety plan for the retreat on April 29, 2004. This report addresses areas requiring compliance in a given time frame in order to continue operation.

RECOMMENDATION 4:

The South Lake County Fire Protection District and the Retreat should continue to work together towards fire safe compliance.

REMARKS:

Due to the retreat's non-profit status and the fact it has been in operation since 1955 and had a legal Major Use Permit until 1985, we recommend the permit fees be "grandfathered" to the original permit of July 2, 1970 and waived.

Footnote: *Lake County Zoning Ordinance dated February 27, 2003, Article 59, Sec. 21-59, 59.1 states:*

***Non-conforming uses of land, buildings or structures:** Except as otherwise provided in this section, the lawful use of land, buildings or structures existing at the time of the adoption of any zoning district may be continued, although the particular use, building or structure does not conform to the regulations specified by this Chapter for the district in which the particular use, building or structure is located. No such use or building shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of adoption of this Ordinance.*

60.1 Expiration:

...If any use permitted by one of these permits is abandoned for a period of 2 years, then the permit as it relates to that use shall expire and be null and void, and any subsequent use of the property shall conform to the current regulations of the particular zoning district in which the property is located. ...

COMPLAINT NUMBER 3

PURPOSE:

Investigation of Lake County CDD in response to a citizen's complaint dated January 26, 2004.

BACKGROUND:

Complaint alleges CDD has neglected a north Lakeport subdivision for more than 20 years.

The complainant lists:

1. A pool built and not completed.
2. CDD Building Inspectors were not thorough when verifying lot lines.

3. CDD did not keep current as to project development.
4. CDD disregarded the California DRE's Desist and Refrain Order.
5. CDD allowed building prior to infrastructure completion.

COMMITTEE ACTION:

Between February 2004 and April 2004, the Committee visited the subdivision to meet with the complainant, requested and received documents from CDD, interviewed the complainant, District 4 Supervisor, the Director and key members of CDD. Throughout the investigation this Committee corresponded with the California DRE.

FINDING 1:

During the February 9, 2004 site visit, this Committee found a clear health and safety threat in the unfinished swimming pool. An **interim report** was directed to the CDD and a timely response was received. These communications may be found as an addendum at the end of this report.

During the course of the investigation it came to our attention the swimming pool, which belongs to the subdivision's Homeowner's Association, had been the focus of Environmental Health and CDD action that stopped the work. This action (red-tag) occurred in November 2000 and since that time CDD had not followed-up on the notice.

Following the issuance of the Grand Jury's interim report on April 9, 2004, the CDD issued a NON dated April 14, 2004, requiring the property's Homeowners Association to immediately finish the pool, repair the fence or demolish and fill in the pool by April 21, 2004. On April 27, 2004 no action had been taken and Notice to Abate Nuisance was issued requiring a Representative of the Homeowner's Association to appear before the Board of Supervisors on May 18, 2004. The Lake County Board of Supervisors, after discussion, voted to allow the Homeowner's Association 30 days to comply with the NON. After this 30 days, if again no action is taken, the County will abate said nuisance and lien the property for costs.

RECOMMENDATION 1:

The CDD implement a program to track abatement dates to insure similar hazardous conditions do not occur.

FINDING 2:

The CDD gave final approval of at least two homes that were nine feet off their property lines. When interviewed, the CDD staff informed us they take property lot line accuracy on **good faith**.

The **good faith** lot lines failed the aforementioned homeowners. Because of encroachments, the current

owners are facing two options. Either buy the lot encroached upon or be required to remove nine feet of their existing homes. The new owner of the adjacent lot could attach their new home to the existing homes, legal under the current subdivision report. This will be addressed further in "Finding 3".

RECOMMENDATION 2:

The Building Division of CDD no longer use **good faith** in their inspections. We strongly recommend that the County of Lake purchase the two lots needed to make the homeowners whole and use the excess land as open space.

FINDING 3:

The Grand Jury finds that a new subdivision report was not filed and approved when the new developer began building. As the original subdivision (approved July 14, 1982) was envisioned as a development of duplexes with zero setback side lot lines, single-family dwellings were constructed to the zero lines. The new developer built single-family homes from 1997 to January 2003. He then submitted a use permit for a specific plan of development in order to establish new conditions of approval for the development. In the intervening time the Planning Commission and the Board of Supervisors did not approve a plan of development. The inattention and lack of concern by the CDD allowing this project to go forward without a new approved subdivision report has put the homeowners in a difficult position.

RECOMMENDATION 3:

When a subdivision changes developers, they must be required to resubmit a subdivision report before any further building permits are issued. This would ensure the CDD and developer are in accord.

FINDING 4:

The CDD did not disregard the DRE's Desist and Refrain Order (issued July 11, 2001), which encompassed the developer's lots and projects. The CDD was not aware of the existing Order until after a lot was sold because DRE does not advise counties of desist and refrain orders. Once CDD was made aware of the Order, they contacted County Counsel for guidance. It was decided that since the buyer was paying taxes on the lot, they should be allowed to build.

RECOMMENDATION 4:

The CDD should actively review the DRE website on a monthly basis to keep abreast of citations issued to contractors. With this information CDD will be able to monitor construction within the county preventing a future quagmire. Concerned parties should also be made aware of the DRE website for contractor information.

FINDING 5:

The Grand Jury finds that most of the planned infrastructure has not been completed through two different developers. The fire department had approved narrow streets because of the planned off-street parking, which has never been constructed. The original subdivision report called for:

1. A 52 space enclosed RV storage facility.
2. A solid fence on the west side of the development to act as a noise buffer to a State Highway.
3. A recreation area, which was to include tennis, courts, swimming pool, community center and open space walkways to equal 4.3 acres.

The original infrastructure was completed and signed off by the County. The new infrastructure that was relocated to the top of the hill has not been satisfactorily completed. On-street parking, roads and drives within the subdivision are currently usable as one-way traffic. The swimming pool, as noted in Finding 1, has become a financial and health liability to the homeowners and the County. In all areas of infrastructure, the development is not in compliance with terms of the original use permit.

RECOMMENDATION 5:

Prior to further construction by any developer, all of the originally planned infrastructure should be in place. We recommend that any new developments in the County of Lake have their infrastructure in place before the first house is built.

REMARKS

Although citizens and buyers beware we find the CDD culpable in all three complaints. We recommend the CDD establish a formal Oversight and Review Committee to facilitate interdepartmental communications to review all relative permit and Notice of Nuisance activity. Programs must be available to track and notify the County and public of issues and deadlines; this will keep important information from falling through the cracks.

We recommend the 2004/2005 Grand Jury follow through with this investigation.

RESPONSE REQUESTED:

Lake County Board of Supervisors
Director of Lake County Community Development Department



COUNTY OF LAKE
LAKE COUNTY GRAND JURY
Post Office Box 1070
Kelseyville, California 95451

Telephone: 707-279-8619
Fax: 707-279-1983

RECEIVED

April 9, 2004

APR 12 2004

Mary Jane Fagalde, Director
Community Development Department
255 N. Forbes
Lakeport, CA 95453

LAKE COUNTY PLANNING DEPT.

Dear Ms. Fagalde,

The Grand Jury has decided to issue an interim report regarding an item that, in our view, is a clear health and safety threat.

On February 9, 2004 the Grand Jury's Planning and Public Works Committee visited the "Lakeside Heights Subdivision" in Lakeport, Ca. This action was taken in response to a citizen complaint regarding the Community Development Department.

During our visit we were shown the subdivision's swimming pool; the pool is half finished, half full of stagnant, standing water and has inadequate fencing to prevent children from gaining access. Further investigation into this aspect of the complaint, found the pool had been "red-tagged" by CDD in cooperation with the county's Environmental Health Division on November 11, 2000. In the years since, we found the unfinished pool and associated red tag had never been dealt with by any County Department; it had in fact 'fallen through the cracks'.

It is the feeling of the Grand Jury that this ongoing issue requires immediate attention and action, as this is a serious threat to the health and safety of the public. The Grand Jury recommends that the CDD take appropriate measures to rectify the situation before the County of Lake becomes embroiled in an unnecessary legal action.

Your response relative to this matter is requested no later than April 28, 2004.

Sincerely,

William L. Tett, Foreman
2003-2004 Lake County Grand Jury

cc: Lake County Board of Supervisors
Environmental Health Division
Lakeside Heights Homeowner's Association



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone: 707/269-2382 Lakeport 994-0285 Lower Lake

April 27, 2004

William L. Tett, Foreman
2003-2004 Grand Jury
P.O. Box 1078
Kelseyville, CA 95451

VIA FACSIMILE and US Mail

RE: Interim report dated April 9, 2004

Mr. Tett:

This letter is to inform the Grand Jury of this Department's response to the Interim Report regarding an abandoned, unfinished, inadequately fenced pool owned by Lakeside Heights' Homeowners Association at 5440 Oxford Dr., Lakeport, CA APN 029-382-01.

This Department received the Grand Jury Interim Report on April 12, 2004. On April 14, 2004 posted the property at 5440 Oxford Dr. Lakeport with a Notice of Nuisance pursuant to Lake County Code, Chapter 13, Article 1 E7 Seq. The Notice of Nuisance gave the property owner, Lakeside Heights Homeowners Assoc., until April 21, 2004, to immediately finish the pool, repair the fence and schedule a final inspection or to cancel the permit and demolish the pool by filling it in. Staff made a site visit on April 22, 2004 and no action had been taken. Staff ordered a Plant Information Guarantee (mini title report) from First American Title Company to insure that the County informed all parties of interest of any abatement actions. The Plant Information Guarantee was received on April 26, 2004, showing only the deed to Lakeside Heights Homeowners Association, recorded March 13, 1984. Today, April 27, 2004, a Notice to Abate Nuisance, giving the property owner notice to appear before the Lake County Board of Supervisors at 10:30 AM on May 18, 2004, was posted. The matter will be heard by the Board at that time, when the Board may order the nuisance abated and authorize the enforcement official to commence abatement if not completed by the property owner.

Please contact me if you have any questions.

Sincerely,

Mary Jane Pagalde
Community Development Director

C Board of Supervisors
Cameron Reeves, County Counsel



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PLANNING AND PUBLIC WORKS

Lake County Central Garage

PURPOSE:

To review the overall function and operation of the Central Garage

BACKGROUND:

The Committee found that the Central Garage had not been visited since 1999.

COMMITTEE ACTION

The Planning and Public Works Committee visited the Central Garage on December 4, 2003. The Public Works Director and Central Garage Supervisor greeted the Committee at the Central Garage located at 1825 S. Main and Campbell Lane, Lakeport. They presented the Committee with overall procedures, policies, operations and budget information.

FINDING 1:

Routine maintenance on the County vehicle fleet is performed at the Central Garage. Major repairs are sub-contracted due to cost efficiency.

FINDING 2:

Most heavy equipment, maintenance and repair are completed at the Central Garage by County mechanics.

FINDING 3:

Some minor work is still performed on Sheriff Vehicles.

RECOMMENDATION 1-3:

None

FINDING 4:

Due to budget constraints the Central Garage is currently staffed with one lead mechanic and three heavy equipment fleet mechanics (in 1992 the staff was 11 mechanics). Considering the reduced workload through sub-contracting, the maintenance crew is understaffed.

RECOMMENDATION 4:

We recommend the Public Works Director attempt to find funding to hire additional manpower.

FINDING 5:

Due to increased traffic on South Main and Campbell Lane, heavy equipment and other vehicles have problems **safely** entering and exiting the Central Garage facility. The Public Works Director discussed with the Committee his concerns about needing a safer location.

RECOMMENDATION 5:

Public Works Director should take immediate action to relocate the Central Garage to mitigate this safety situation.

REMARKS

The Lake County Grand Jury applauds the staff of the Central Garage for their expertise and dedication to their job.

RESPONSE REQUESTED:

Public Works Director
Lake County Board of Supervisors



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Lake County Office of
Education

PURPOSE:

Investigation of Lake County Office of Education in response to a Citizen Complaint dated December 12, 2003.

BACKGROUND:

The complainant alleges the administrative and supervisory staff failed to follow set policies regarding response time to complaints, altering payroll documents without complainant's knowledge or concurrence, failure to supply ergonomically correct furniture for an industrial injury and denial of paid leave. The circumstances of this complaint date back to early 2000 and continue to the present.

COMMITTEE ACTION:

Between March and May 2004, the Lake County Grand Jury Public Services Committee interviewed the Complainant, the Lake County Superintendent of Schools, Human Resources Director, requested further information from the Office of Education and visited the LCOE Clearlake Community School.

FINDING 1:

The Grand Jury found that at the time of the investigation, complaints made to supervisory or administrative staff were not perceived correctly due to the lack of an official Grievance Claim Form. In fact, grievances made as far back as 2001 had not been acknowledged or resolved. Upon the suggestion of this Grand Jury the LCOE now has a clearly framed Grievance Claim Form and procedure.

RECOMMENDATION 1:

The Grand Jury recommends that LCOE Administration make every effort possible to insure grievance claims of any sort be investigated and answered fully according to Section XVII, Grievance Policy and Procedure of the LCOE Personnel Policy Manual dated July 1, 2000.

FINDING 2:

The Grand Jury finds the Supervisory staff in fact altered complainant's time sheets. However, the complainant states this was done without his/her knowledge or concurrence yet the administration claims employee was informed. Both parties agree that the time sheets were in fact altered. This is in direct violation of California Government Code.

RECOMMENDATION 2:

The Grand Jury recommends when there is a conflict of this nature, disputed time sheets must be returned to the employee for possible correction after a verbal resolution is found.

FINDING 3:

The Grand Jury finds that the Complainant filed a Workman's Compensation Claim for Carpal Tunnel Syndrome on March 29, 2001; surgery followed. On October 4, 2001, the LCOE called an Ergonomic Specialist to make an evaluation of the Complainant's workstation. At that time, it was decided an ergonomic workstation was needed.

On May 12, 2004, on a site visit, the Grand Jury found the workstation delivered shortly after the first injury was a metal stand. The LCOE Administration informed us the packing containers noticed by visiting members was the new ergonomic computer workstation. This workstation was purchased for the Complainant and would be fitted by the ergonomic specialist.

Due to the delay of providing a proper workstation following the first injury, the Lake County Office of Education may have contributed to the Complainant's second injury.

RECOMMENDATION 3:

To avoid future aggravation of injuries suffered by employees, the LCOE might consider prioritizing and expediting claims.

FINDING 4:

The Grand Jury finds that Complainant was denied requested leave under the Federal Family Leave Act.

The Complainant had sick time accrued which was used toward workman's comp doctor appointments as suggested by the Administrator: "...please be reminded to schedule future doctor's visits and physical therapy appointments after your work schedule"...

Pursuant to Education Code 45191: The industrial accident leave of absence is to be used in lieu of employee's entitlement to sick leave.

Section 4600 of the Labor Code stated: The worker will be entitled to receive temporary disability indemnity for each day of lost wages. If a worker goes for treatment and must miss time from work, the worker should not be assessed sick leave, but, rather, should be paid at the temporary disability rate for the time lost.

Although a new decision by the State Supreme Court alters the above codes, it is our understanding the complainant's initial injury falls under the auspices of the codes in place at the time of the injury.

Regarding the written comments of the complainant's Administrator, there is no basis for requiring employees to use personal time for work related doctor and physical therapy appointments.

RECOMMENDATION 4:

Given the state law in place at the time of the injury, the Grand Jury recommends the LCOE review and adjust sick leave hours where required. We further recommend the LCOE follow their own and government regulations.

REMARKS:

The Grand Jury believes that this complaint has not been addressed by the LCOE in a professional, timely and competent manner. Therefore, we recommend that the LCOE review their policy and procedure manual. Intimidating behavior has no place in government.

RESPONSE REQUESTED:

County Superintendent of Schools
Lake County Board of Supervisors



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Lake County Vector Control

PURPOSE:

Investigation of Lake County Vector Control District (formerly Mosquito Abatement) in response to a Citizen Complaint dated October 24, 2003.

BACKGROUND:

Citizen Complaint alleges: ongoing theft and vandalism of District property, due to a lack of security and civil misconduct by a District employee. Complainant stated, "I am truly appalled that the county wants to turn a blind eye to the criminal activities using taxpayer money". Additionally management and the District Board of Trustees' mishandling of the allegations have resulted in misuse of taxpayer dollars and interdepartmental conflict. It was also the Complainant's belief that District records would support the allegations.

COMMITTEE ACTION:

In January 2004, the Committee interviewed all available past and present employees and the Board of Trustees. We also examined pertinent documents and forms.

FINDING 1:

Vector Control does not have a charter, set of bylaws or an employee policy standards handbook.

RECOMMENDATION 1:

By the end of fiscal year 2004 the District Board of Trustees, in conjunction with County Counsel, should formulate a set of bylaws or charter outlining the mission statement, procedures and practices for

this District. In addition, in conjunction with District Management, develop an addendum to the existing County employee handbook, tailored to the needs of the District.

FINDING 2:

After interviewing those involved, this Committee found two documented instances of gross employee misconduct as alleged in the complaint, which were addressed with discipline by management. We also found other minor abuses had been dealt with verbally by management. Management is prohibited by federal law from discussing disciplinary action taken.

RECOMMENDATION 2:

We recommend that District Management closely review Rule 1300 (Suspensions, Demotions and Dismissals) of the County of Lake Personnel Rules Handbook.

FINDING 3:

District paperwork could not support Complainant's allegations regarding reporting of overtime and vehicle use. Further, we had difficulty reconciling spray usage, employee time sheets and equipment record keeping.

RECOMMENDATION 3:

The Grand Jury recommends that Management establish daily records to provide for more accurate employee time accountability, as well as precise reporting of pesticide application. We strongly recommend the time sheets be reconcilable to pesticide application logs, mileage, vehicle and equipment logs to enhance employee time accountability in the field. We also recommend that logs on vehicles and equipment inventory be updated biannually.

and Jury strongly suggests the following as minimums to implement these recommendations:

1. Service Request sheets should have a reference number, or some type of identification with a duplicate, to be used as a tracking system.
2. Ability to cross-reference time sheets and service request sheets.

Due to attrition and the use of temporary help, we recommend that these record keeping practices be implemented by the end of fiscal year 2004, facilitating a smooth and orderly transition of new employees.

FINDING 4:

There are long standing unresolved personal conflicts

RECOMMENDATION 4:

The District Board of Trustees should direct Management to attend training courses in personnel management and conflict resolution. We further suggest that anger management classes be available as needed for employees.

FINDING 5:

Building security has been repeatedly breached at both District facilities.

RECOMMENDATION 5:

Both facilities will be secured and maintained to eliminate theft, vandalism and insurance risks.

FINDING 6:

For two years there has been a vacant seat on the Vector Control District Board of Trustees.

RECOMMENDATION 6:

Vector Control Board of Trustees should direct Lake County Board of Supervisors to actively seek and appoint a new member.

REMARKS:

Though this investigation began with a citizen's complaint, we realized the Grand Jury had not reviewed the overall operation of the Vector Control District in approximately eight years.

The District was established in 1947 as "Mosquito Abatement". In July 1995, the name was changed to "Vector Control". At that time, the District employed 12 people augmented with summer help. Due to budget constraints the current staff is at six. Even with the reduced number of employees, we found that the district maintains a high level of efficiency and effectiveness. There is continuing mandated education of employees to apprise them of new procedures and vectored health threats to Lake County.

The efficiency of this district has been further enhanced through impressive in-house building, vehicle and equipment maintenance and upgrades by district personnel. Financially, the district has helped to control costs through non-matching grant acquisition and its ongoing refusal to partner with LAFCO.

Although we listed the findings that need addressing, we commend the dedication, effectiveness and

expertise of the Vector Control District.

RESPONSE REQUESTED:

Lake County Board of Supervisors

Lake County Vector Control Board of Trustees



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Lake County Recycling Programs

INTRODUCTION:

Less than 10% of household refuse is actually garbage. Single Stream Recycling is now available to most residents of Lake County. Information on recycling is available to residents in the form of flyers, brochures and newsletters through the individual sanitation services and the Waste Management Division of the Public Services Department.

According to the Public Services Director, with the newly established Single Stream Program, Lake County should expect to bring the percentage of solid waste recycling to 60% in 2004 which is 10% above the State AB939 mandated goal of 50%. Citizens of Lake County through the efforts of their Public Services Department are to be commended for their commitment to recycling.

South Lake Recycling Center

PURPOSE:

To determine degree of South Lake Refuse and Recycling Center, LLC compliance with County of Lake contract, State recycling mandates and review overall operation of recycling center.

BACKGROUND:

It was determined that since its inception on May 19, 1992, the privately operated county recycling program contractors had not been visited by the Grand Jury to ascertain their compliance with contractual obligations (the handling and disposal of freon, site signage and single stream recycling).

COMMITTEE ACTION:

On November 20, 2003, the Public Services Committee made an unannounced visit to the recycling facility at 16015 Davis Street, Clearlake, CA.

FINDING 1:

Freon extraction and disposal are handled at the contractor's St. Helena facility in Napa County. This satisfies the contractor's obligation

FINDING 2:

All other recyclable items waiting shipment were properly stored.

FINDING 3:

Signage at the recycling center was found to be legible, well placed and lent itself to the safe operation of the site.

FINDING 4:

The center was found to be neat and clean. The employees were well informed, courteous and helpful.

RECOMMENDATION:

None.

REMARKS:

South Lake Recycling is currently developing a separate recycling facility on their property adjacent to the Eastlake Landfill, to be used in the recycling of construction and demolition debris including mobile homes and paving material. It will also be used in the processing of green waste into composting materials.

On Friday, January 16, 2004 we visited the contractor's non-public South Lake Recycling single stream facility on Kugelman Street in Lower Lake. We found the facility to be clean, well maintained and well organized.

RESPONSE REQUESTED:

None.

Timberline Recycle Center

PURPOSE:

To determine degree of Timberline Disposal Company, Inc. compliance with County of Lake contract and State recycling mandates. Review overall operation of recycling center.

BACKGROUND:

It was determined that since its inception on May 19, 1992, the privately operated county recycling program contractors had not been visited by the Grand Jury to ascertain their compliance with contractual obligations (the handling and disposal of freon, site signage and single stream recycling).

COMMITTEE ACTION:

On November 21, 2003, the Public Services Committee made an unannounced visit to the recycling facility at 230 Soda Bay Road, Lakeport, CA.

FINDING 1:

While Freon is being extracted from appliances at the site, there is no contract between Timberline and the subcontractor performing the extraction. There is no accountability for the final disposition of the Freon.

RECOMMENDATION 1:

To comply with the County and state mandates, we recommend that Timberline enter into a contract, in cooperation with the County Public Services Department, for Freon disposal that insures a tracking system.

FINDING 2:

All other recyclable items waiting shipment were properly stored.

RECOMMENDATION 2:

None

FINDING 3:

Signage at the recycling center was found to be insufficient.

RECOMMENDATION 3:

See Remarks.

FINDING 3:

Due to the limited space available at this facility, traffic congestion between pedestrians; personal and sanitation vehicles lead to an unsafe environment.

RECOMMENDATION 4:

See Remarks.

REMARKS:

Timberline Disposal Company is currently developing an additional 5-acre adjacent parcel. This expansion should address the problems cited in Findings 3 and 4. Larger available storage will make possible the separation of recyclables and posting of adequate signage. The increased area will also allow Timberline to separate public access spaces from sanitation vehicles.

The planned creation of a left-hand turn lane into the facility off Soda Bay Road will fulfill a contract obligation and create a safer environment.

RESPONSE REQUESTED:

Public Services Department



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Eastlake Landfill

PURPOSE:

The Public Services Committee was interested in reviewing all operational aspects of the Lake County Eastlake Landfill site.

BACKGROUND:

The Committee determined that the Eastlake Landfill had not been visited in quite some time.

COMMITTEE ACTION:

On October 2, 2003, members of the Public Services Committee made an unannounced visit to the Eastlake Landfill. The interim site manager met the Committee. While touring the facility, significant problems concerning public safety were noted. The Committee brought these concerns to the full Grand Jury and it was decided that the issuance of an interim report was warranted. The resulting report was directed to the Public Services Director and a response was received in a timely manner. These communications may be found as an addendum at the end of this report.

The Committee revisited the Eastlake Landfill in mid January 2004 and verified that the necessary steps had been taken to resolve the safety issues.

In November 2003 the County and the Committee were made aware of a sulfate leak at the Eastlake Landfill. In order to become better educated about the sulfate "plume", the Committee attended a meeting of the County Diversion Task Force, which is made up primarily of County and City government officials and waste contractors. At the meeting the Committee learned that some steps had already been taken toward resolving the problems and options were being looked at for a final solution.

FINDING 1:

Safety issues of concern were addressed through signage and on ground separation of different classes of vehicles.

RECOMMENDATION 1:

The Committee recommends that safety remain foremost in the operation of the Eastlake Landfill.

FINDING 2:

The Committee finds that the sulfate leak is being addressed with all possible speed.

RECOMMENDATION 2:

None

FINDING 3:

The Committee finds, after investigation, that contaminated ground water (due to the leak) filtration by outside means would cost the County approximately 1.4 to 2.4 million dollars initially and \$8,000.00 to \$8,500.00 per month. Constructing an onsite treatment plant would cost plus or minus \$200,000.00.

RECOMMENDATION 3:

After reviewing information provided by the Public Services Department, we recommend the installation of a County owned, onsite filtration system as the most efficient and cost effective method of maintaining ground water standards.

REMARKS:

The Grand Jury commends the Public Services Director and staff, members of the County Diversion Task Force and employees of the Eastlake Landfill for their diligence and cooperation in assuring that Lake County's waste management systems are in compliance with State standards and public concern.

Further, the Grand Jury appreciates the Public Services Department's timely action regarding the interim report on safety issues.

RESPONSE REQUESTED:

None



October 10, 2003

Mr. Kim Clymire
Public Service Director
County of Lake, CA 95453

Dear Sir:

Greetings from the members of your Lake County Grand Jury.

On a recent visit to the County of Lake Eastlake Landfill, members of our Public Services Committee were quite impressed, for the most part, with its smooth operation, cleanliness and the graciousness of its employees. We did find, however, two areas that we feel to be sufficient safety concerns.

We visited the site at approximately 2:30 pm on Thursday, October 2, 2003. After introducing ourselves to the employees and speaking with them, we made our way to the dumping (tipping) area. We then watch the tipping process in operation.

Almost immediately we were aware of the fact that there were large commercial haulers, smaller contractors, private tippers and county equipment all in a relatively small area. They were all working closely with no ground safety person present.

During our earlier conversation with Mr. Miller (the temporary onsite supervisor) the topic of safety had come up and we were informed that ground safety personnel were not always available. He told us that at times, the heavy equipment operators would attempt to direct traffic from the cabs of their machines. Actually, watching large commercial end-dumpers operating within feet of private pick-up trucks was quite disturbing. We believe that the lack of a full time safety person observing and directing traffic and other safety matters is unsafe and unacceptable.

We also noted that the equipment fueling area lacked the appropriate safety signage. We are aware that the tank had been relocated to its current location earlier that day, however, the lack of signage is a significant safety issue.

Therefore, we recommend that a way be found immediately to provide a full time safety person on the ground to direct traffic, segregate large commercial vehicles, smaller private vehicles and coordinate other safety issues as required. We also recommend that appropriate safety signage be posted around the fueling site without delay.

It is our opinion that these are safety items and must be addressed as quickly as possible. Please respond to the Grand Jury regarding these safety measures as soon as possible.

Respectfully,



William L. Tett, Foreman
2003-2004 Lake County Grand Jury



COUNTY OF LAKE
Public Services Department
333 Second St.
Lakeport, CA 95453
Telephone (707) 262-1618
FAX (707) 262-0973

KIM KEVIN CLYMIRE
Director
CAROLINE C. CHAVEZ
Deputy Director

October 31, 2003

Lake County Grand Jury
P.O. Box 1078
Kelseyville, CA 95451

Dear Grand Jury Members:

Thank you for your letter dated October 10, 2003, that I received on October 27, 2003, regarding your safety concerns at our Eastlake Sanitary Landfill. Your letter stated that your Public Services Committee visited the landfill site on October 2, 2003, at approximately 2:30 pm and were generally impressed with a smooth operation, cleanliness of the site and the graciousness of the employees, but found two areas that were of sufficient safety concerns. I understand that upon the Committee's arrival at the tipping area, they became immediately aware that there were large commercial haulers, smaller contractors, private tippers and county equipment, all working in a relatively small area with no ground safety personnel present, and secondly, that the fueling area for the landfill equipment, was not properly signed.

Your observations were correct and a result of the fact that we had recently completed installing a new groundwater protection liner in the canyon, had moved the fuel tank and were in the process of burying garbage at the mouth of the canyon. In addition, as a result of being short staffed, safety was further compromised by not having ground personnel directing traffic.

In order to help alleviate those problems, I am happy to report that I recently filled a vacant position by hiring a very competent and impressive Landfill Supervisor, Michael Joel. He starts work on Monday, November 3, 2003, and is anxious to do all he can to insure that we are operating the safest landfill site possible. He will be monitoring disposal operations closely for safety, including reviewing all signage. I am also in the process of hiring an additional employee to help improve operations. Our tipping area has moved away from the mouth of the canyon since your Committee's visit and is much wider, eliminating the unsafe confined tipping area.

I hope this information is helpful to you and addresses the Committee's safety concerns. If you have additional questions or would like to discuss this matter further, please feel free to contact me. Thank you again for your interest in and help with the Public Services Department.

Sincerely,

Kim K. Clymire, Public Services Director

cc: Lake County Board of Supervisors
Caroline Chavez, Deputy Director, Michael Joel, Landfill Supervisor



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Northshore Fire Authority

PURPOSE:

To determine feasibility of the proposed Joint Powers Authority (JPA) relative to the four fire districts along the north shore.

BACKGROUND:

In an atmosphere of budget cuts and deficits, information was received about a proposal to combine all Northshore Fire Districts under one chief. This would include Clearlake Oaks, Lucerne, Nice and Upper Lake.

COMMITTEE ACTION:

On January 8, 2004, members of the Committee visited and interviewed Jim Robbins, Fire Chief of the Lucerne Fire District.

FINDING 1:

Each District would maintain subordinate Chief Officers under one Fire Chief.

FINDING 2:

The administrative and operational needs of each District guided by one Chief will benefit employees as well as the public.

FINDING 3:

Districts will benefit from the shared training, equipment and personnel.

RECOMMENDATIONS:

The Grand Jury recommends that the JPA go forward with all speed and diligence.

REMARKS:

A previous Grand Jury came to this same conclusion.

This Grand Jury received a handout from the Northshore Fire Authority with information explaining what the Joint Powers Authority involves and hopes to accomplish. Our review of the plan found it to be effective and workable. We commend the Fire Chief of the Northshore JPA Fire District for his effort in spearheading this project.

RESPONSE REQUESTED:

None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

County of Lake Detention Facilities

Hill Road Correctional Facility

The Grand Jury is required to inquire into the condition and management of all detention facilities within the County pursuant to Penal Code 919b.

COMMITTEE ACTION:

On September 4, 2003, 15 members of the Grand Jury visited the Hill Road Correctional Facility to review current conditions of the facility.

FINDING 1:

Officers introduced to the Grand Jury were professional and courteous.

FINDING 2:

The jail facility was clean and well maintained.

FINDING 3:

Neighboring counties are renting approximately 30 beds from the Hill Road Facility.

FINDING 4:

The capacity of the facility is 244 beds. On the day of the visit there were 204 inmates.

FINDING 5:

The Jail Commander's interaction with inmates was firm but respectful, polite and courteous.

FINDING 6:

Medical personnel are on site at all times. If higher-level medical care is required, on-call medical assistance is available from Sutter Lakeside Hospital.

FINDING 7:

Due to budget constraints, six personnel positions were unfilled.

RECOMMENDATIONS:

None

REMARKS:

At the time of the Grand Jury visit, a section of the jail roof had been leaking and was undergoing repair.

RESPONSE REQUESTED:

None

Lake County Juvenile Detention Facility

BACKGROUND:

On October 16, 2003, 15 members of the Grand Jury visited the Lake County Juvenile Detention Facility to review current conditions. Due to the fact the wards were in class, it was decided to make a second visit.

COMMITTEE ACTION:

On December 18, 2003, the Committee made an unannounced visit to the Lake County Juvenile Detention Facility to interview the wards.

FINDING 1:

The female wards' donated undergarments were unsatisfactory.

RECOMMENDATION 1:

The Grand Jury recommends that the Administration allocate funding to provide adequate and appropriate undergarments for the female population.

FINDING 2:

Some wards over 18 years of age are not allowed to attend school.

RECOMMENDATION 2:

The Grand Jury recommends that any person incarcerated in juvenile hall, regardless of age, should be allowed to further their education.

FINDING 3:

The kitchen facility at Juvenile Hall is not being used. This is a repeat Grand Jury finding.

RECOMMENDATION 3:

The Grand Jury recommends that the kitchen be reopened and integrated with a Regional Occupational Program (ROP). This will provide learning job skills, building self-esteem and being a responsible and productive person in our society.

REMARKS:

On our second visit, we were given full access to the children without any supervision from the staff. We picked at random six wards (3 boys and 3 girls) to interview. These children spoke very highly of the staff. The Grand Jury commends the staff of the Juvenile Hall for their dedication and loyalty to our community by making better citizens of the children in spite of budget constraints.

RESPONSE REQUESTED:

Steven Buchholz, Chief, Probation Department
Lake County Board of Supervisors

Konocti Conservation Camp #27

BACKGROUND:

The Konocti Conservation Camp #27, off Highway 29, was opened in April 1961. The California Department of Forestry and Fire Protection (CDF) and the California Department of Corrections (CDC) joined to provide inmate fire crews for fire suppression activities in the Sonoma, Lake, Napa and Mendocino County areas. Konocti Camp operates both a Mobile Kitchen Unit and a Mechanic's Support Unit.

The majority of inmates are laborers; skilled inmates consist of mechanics, clerks, cooks, plumbers, welders, carpenters and electricians. Inmates are selected and trained at California Correctional Center near Susanville and then assigned to the Konocti Conservation Camp. In order to be placed at the Camp, inmates cannot have any sex related offenses, escape, arson, or high violence potential. Most inmates are serving time for alcohol or drug related offenses spending the last of their sentence at the Camp.

A minimum security 110-man facility is staffed by seven Correctional Officers, one Correctional Sergeant and one Correctional Lieutenant (Camp Commander) from CDC and ten Fire Crew Captains, one heavy Equipment Mechanic, one Office Technician and one Assistant Chief (Division Chief) from CDF. Camp is open dormitories, a dining hall staffed with inmate cooks and supervised by CDC staff providing around-the-clock, seven-day-a-week supervision of inmates while in Camp.

In the first eleven months of the 2003 calendar year, inmates responded to approximately 105,000 hours of emergency fires and floods saving taxpayers \$2,327,220.00 year to date. Additionally, the Camp Inmates have provided 20,152 hours of project and conservation work to local communities, 135,192 hours for State Agencies and 13,992 hours for Federal Agencies.

COMMITTEE ACTION:

On December 4, 2003, members of the Grand Jury met Robert Brisco, Camp Commander for the California Department of Corrections and Mark Reina, Division Chief for the California Department of Forestry and Fire Protection. A presentation was given explaining the Camp's purpose and function prior to touring the facility.

Tour included dorms, workshops, recreation and food service areas concluding with a professionally prepared luncheon by the inmate kitchen staff.

FINDING 1:

Cooperation of the two agencies was evident.

FINDING 2:

Facility was neat, clean and well maintained.

FINDING 3:

Facility was secure, continuously monitored and an obvious benefit to the County and community residents.

FINDING 4:

Facility is capable of handling another fire crew.

RECOMMENDATIONS:

Provide the means necessary to accommodate another fire crew (16 inmates per crew).

REMARKS:

The Konocti Conservation Camp is one bright spot in an otherwise dark and problematic corrections system. Inmates learn job skills they can use on the outside and learn about community service by raising monies for local Special Olympics programs. Furthermore, inmates donate handcrafted items such as jewelry boxes, burl wood clocks and pen plaques to the victims of crimes' annual auction.

The Grand Jury wishes to compliment the Konocti Conservation Camp staff and inmates on their success.

RESPONSE REQUESTED:

None

Southlake Courthouse Holding Facility

BACKGROUND:

South Superior Court has a holding cell for persons awaiting court appearances. The facility accommodates approximately 20 persons. In addition, there are several individual cells. We were given a tour and explanation of the policies and procedures of the facility.

COMMITTEE ACTION:

On Friday February 27, 2004, three members of the Public Safety Committee met a Deputy of the Lake County Sheriff Department at the Holding Facility.

FINDING 1:

Cells were clean and recently painted; some graffiti was noted.

RECOMMENDATION:

None

FINDING 2:

Broken tiles in one corner of the ceiling appear to have been caused by a previous water leak.

RECOMMENDATION:

Replace tiles and paint ceiling.

RESPONSE REQUESTED:

Sheriff Rod Mitchell

Clearlake Police Department Holding Facility

BACKGROUND:

Appointment was made and nine Grand Jurors went to the Clearlake Detention Facility located at the Police Department Headquarters.

COMMITTEE ACTION:

On September 15, 2003, members of the Grand Jury arrived at 10:00 am to meet with Chief Chalk. Receptionist said the Chief was busy but knew we were in the waiting area. After 22 minutes, Chief Chalk met us at the door in civic clothes and escorted us to a holding area. He then gave a thumbnail sketch of himself, his staffing and budget problems as we moved through the jail area. Questions were asked but responses seemed vague.

FINDING 1:

Jail was clean and cell area was well organized.

FINDING 2:

We had little time to see other parts of the jail and had to reschedule another visit.

FINDING 3:

Chief Chalk appeared to be under a lot of stress.

RECOMMENDATIONS:

The Grand Jury felt Chief Chalk was preoccupied and discourteous to the Grand Jury. Better communications to visitors should have been provided.

REMARKS:

When meetings are scheduled, either meet on time or explain to visitors why there is a delay.

RESPONSE REQUESTED:

Chief Chalk
Clearlake City Council

Main Courthouse Detention Facility

BACKGROUND:

The detention facility at the County Courthouse is used only for holding inmates appearing in court.

COMMITTEE ACTION:

Members of the Public Safety Committee inspected the facility on October 16, 2003.

FINDINGS:

The facility is clean and well maintained and operated in accordance with Sheriff's Department policies and procedures.

RECOMMENDATIONS:

None

REMARKS:

None

RESPONSE REQUESTED:

None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Clearlake Police Department

PURPOSE:

Investigation of the Clearlake Police Department in response to a Citizen Complaint dated December 11, 2003, regarding an alleged assault on his brother-in-law.

BACKGROUND:

Citizen Complaint alleges: The victim originally called the police on November 25, 2003 to report a stolen boat he did not own. The complainant said victim was hallucinating about the boat because of the alleged beating received when he was assaulted or robbed by unknown assailants. He further alleges that the police ignored the obvious injuries of the victim.

COMMITTEE ACTION:

Interviews of Chief Chalk of Clearlake Police Department and the officers involved and witnesses that Complainant furnished to the Grand Jury.

FINDING 1:

The Clearlake Police Department followed proper procedures the night of the alleged assault.

RECOMMENDATION 1:

None

FINDING 2:

The Clearlake Police Department's 911 tape of November 25, 2003 indicates the victim had fallen and not been assaulted.

RECOMMENDATION 2:

None

FINDING 3:

No information found of a boat being removed from the address or of robbery and assault.

RECOMMENDATION 3:

None

RESPONSE REQUESTED:

None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

County Dump Amnesty Days

PURPOSE:

Acting on a citizen's complaint dated March 12, 2004.

BACKGROUND:

Dump amnesty days are done by cities and counties as a way of enlisting citizen support in cleaning up the community. The citizen was concerned about waste of tax payers monies on this activity.

COMMITTEE ACTION:

Wrote a letter to the Public Services Department Supervisor asking for information about Amnesty Days and on May 7, 2004 determined the following.

FINDING 1:

Any citizen can ask for an amnesty day.

FINDING 2:

Public Services Department along with the Board of Supervisors approves the day.

FINDING 3:

No direct tax payer monies are involved except for original fees agreed upon by contractor and County which allows for these Amnesty Days.

RECOMMENDATION:

Found no waste of taxpayer money and actually to the contrary. Amnesty Days benefit everyone in the community by eliminating unsafe and unsightly areas.

REMARKS:

Continue with the present policy.

RESPONSE REQUESTED:

None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT PUBLIC SERVICES COMMITTEE

Sheriff Department Overtime

PURPOSE:

To respond to a citizen complaint relating to excessive overtime use by the Sheriff's department.

COMMITTEE ACTION:

Interviewed the Sheriff on Friday, May 7, 2004 relating to overtime use.

FINDING 1:

Patrol overtime is generated by court-mandated appearances.

FINDING 2:

Jail employees are at a staffing level that increases overtime due to any sick, vacation, holidays or training days.

FINDING 3:

Workman's Compensation has and can significantly increase overtime in all departments (Sheriff has two supervisor level employees on workman's comp).

RECOMMENDATION:

None

RESPONSE REQUESTED:

Lake County Sheriff





2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT HEALTH AND SOCIAL SERVICES COMMITTEE

Victim-Witness Program

PURPOSE:

The Lake County Victim-Witness Program has not been reviewed by recent Grand Juries. Because of a letter addressed to the Lake County Record Bee, the Health and Social Services Committee was interested in the purpose and operation of the Program. The letter stated citizen's misunderstanding and lack of knowledge of the purpose of the Victim-Witness Program.

BACKGROUND:

As stated in the Grand Jury Manual "the Health and Social Service Committee is responsible for monitoring and investigating those agencies... that deal with health, welfare and similar activities."

COMMITTEE ACTION:

Aware of the community's interest and need for further knowledge of the program, the committee visited the office of the Victim-Witness Program and interviewed Director Michael Blakey and his assistant.

FINDING 1:

Mr. Blakey started the Program in 1984 with "A chair and a yellow notepad sharing a small office." The present office employs 11 professionals serving the needs of over 1400 clients a year. These vulnerable, damaged clients are guided and advised throughout the long, painful legal process and beyond, if necessary, by this dedicated county office. Due to the ability of staff counseling and legal agreements, 90% of cases do not reach the courtroom.

FINDING 2:

For 20 years Mr. Blakey has organized and operated the Victim-Witness Program **without utilizing any county monies.** All expenses are covered by non-matching fund grants initiated by Mr. Blakey. The Victim-Witness Program pays for the counseling of clients as well as costs to crime victim's families such as funeral costs and emergency living expenses.

FINDING 3:

Victim-Witness clients are most vulnerable and defenseless. They include abused children and adults, victims of violent crimes and the families of violent crime victims. Clients are consulted, provided needed medical and financial assistance as well as "By your side" assistance throughout the legal process with complete confidentiality.

FINDING 4:

Hosted by the Lake County District Attorney's Office, Mr. Blakey presents an extensive workshop entitled "Beyond Awareness" to appropriate professionals. The seminar lasts three days and covers all aspects of the Victim-Witness Program, with a number of well-qualified professionally recognized speakers.

FINDING 5:

The Victim-Witness Program professionals are concerned for the safety and confidentiality of their clients. As the office is further than a city block on a steep hill from the County Court House, there is concern about the transfer of clients to and from the office and courts. Mr. Blakey has done a survey on housing the office in the courthouse adjacent to the District Attorney's offices. This would facilitate meetings between the two offices. He has also studied the possibility of closed circuit television testimony of witnesses. This would minimize the trauma of abuse victims and would also eliminate any court disruptions.

RECOMMENDATIONS:

The Grand Jury recommends that the Board of Supervisors extend every possible assistance in finding a new location for this valuable program. We further recommend the 2004-2005 Grand Jury follow through on a plan to move the Victim-Witness Program to a better location in the Lake County Courthouse.

RESPONSE REQUESTED:

None



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT HEALTH AND SOCIAL SERVICES COMMITTEE

IHSS - In-Home Supportive Services

PURPOSE:

In response to the 2002-2003 Lake County Grand Jury's Final Report recommendation that "... the 2003-2004 Grand Jury follow through with this investigation to assess the implementation status of the Public Authority and it's effect, if any, on the provision of IHSS services to the county residents", the Health and Social Services Committee has conducted a follow-up inquiry into the Lake County's In-Home Supportive Services program, including the Public Authority and Public Registry.

BACKGROUND:

Quoting the Lake County Social Service Department Report 2003. "In-Home Supportive Services (IHSS) programs are designed to provide domestic and personal care services to low-income aged, blind and disabled persons who, without these services, would be unable to remain in their homes. IHSS can include assistance with bathing, dressing, meal preparation, laundry, shopping or transportation.

"The IHSS Public Authority (PA) was created to enhance services to the IHSS providers and recipients. The PA serves as the employer of record for IHSS providers, establishes a registry of qualified IHSS providers that can be referred to IHSS recipients who need assistance finding a qualified provider and provides access to training for both IHSS recipients and providers."

As of March 2004, there were approximately 1900 authorized IHSS recipients in the County, cared for by approximately 1800 paid providers. Four social workers are assigned to the program – one who handles all intake and three who handle the ongoing caseload and on-site follow-ups, although none of the three is assigned specific cases. With these numbers, IHSS is clearly the largest employer in Lake County. This is not surprising as Lake County has the second highest percentage of seniors of all Counties nationwide.

COMMITTEE ACTION:

The committee reviewed the previous 5 years of Lake County Grand Jury Final Reports; perused published reports and media coverage concerning IHSS experiences throughout California; attended monthly meetings of both Lake County Social Services Advisory Board and the Lake County IHSS Advisory Board; met with the Director of Lake County Social Services, Public Authority Coordinator and Public Authority Specialist; interviewed the Directing Attorney of the Senior Law Project and the Chairperson of the Social Services Advisory Board; visited the IHSS offices and reviewed their policies, procedures, handbooks and operations.

FINDING 1:

County consumers, both elderly and disabled, require the security of having in-home healthcare workers whose backgrounds have been verified, who have been properly trained and who are regularly monitored by on-site visits. IHSS workers deserve a compensation package that provides a decent wage for a difficult and demanding job and the health coverage and benefits that free them up to concentrate on the needs of their clients.

RECOMMENDATION 1:

None

FINDING 2:

The Small Hill audit report of Lake County's complex IHSS funding mechanism, commissioned by the IHSS Advisory Board in 2003 to clarify and research Federal and State cost funding for Lake County's IHSS program.

Small Hill's report concluded that "Lake County's financial stability would be minimally compromised by a modest increase in IHSS wages to \$9.50 per hour and \$.60 per hour for health benefits. These increases from \$6.75 to \$9.50 were built into the initial AB1682 and are realigned in the same way. For this reason, the initial wage increases would be outstanding over the standard 20 month period and then returned to the County. It should be mentioned that this initial funding lag would be offset by economic benefits and reduced cost pressures represented by the influx of increased revenue to the County as a whole. The temporary, one-time costs may properly be seen as an "investment", as well as a cost. The actual one-time cost to the County of \$1.8 million in wages and benefits would, in fact, trigger additional State and Federal payments to County employees of over \$8 million annually."

RECOMMENDATION 2:

None

FINDING 3:

The IHSS Advisory Board is made up of a cross section of dedicated professionals, practicing caregivers, current clients and social service-minded community leaders. Their mission is to report to the Board of Supervisors information concerning the implementation of the IHSS programs, whatever problems may be occurring and how best to solve them. They are appointed by the Board of Supervisors and serve 2-year terms.

RECOMMENDATION 3:

None

REMARKS:

We recommend the Board of Supervisors review and strongly consider the IHSS Advisory Board recommendation on salary. It is an important tool of self-reliance for the elderly and disabled of our community.

RECOMMENDATION:

The 2004-2005 Grand Jury check on the progress of the IHSS Public Authority registry and attend the IHSS Advisory Board meetings.

RESPONSE REQUESTED:

Lake County Board of Supervisors



2003/2004 Grand Jury Report

LAKE COUNTY GRAND JURY FINAL REPORT GOVERNMENT SERVICES COMMITTEE

Lake County Animal Care and Control Holding Facilities

PURPOSE:

At the recommendation of the 2002-2003 Grand Jury, this Grand Jury continued its investigation of Animal Control pursuant to Penal Code Section 925.

BACKGROUND:

Upon reviewing the 2002-2003 Grand Jury's findings and Recommendations, we found the new director had addressed all 15 findings.

COMMITTEE ACTION:

On October 14, 2003 the Committee made an unannounced visit to the Lakeport and Clearlake Animal Control Holding Facilities.

FINDING 1:

Although the Clearlake Holding Facility for animals is temporary, it was found to be inadequate and unsafe.

RECOMMENDATION 1:

That a new location and holding facility in Clearlake should be found and implemented immediately.

ADDITIONAL RECOMMENDATION:

The Grand Jury recommends that the 2004-2005 Grand Jury follow-up on Recommendation 1 and that

all subsequent Grand Juries inspect the Animal Control facilities on an annual basis pursuant to Penal Code Section 925.

REMARKS:

We find the new Director of Animal Care and Control to be capable, well trained and enthusiastic about her position. We commend the Department in its efforts to improve the conditions of the animals in Lake County.

RESPONSE REQUESTED:

Lake County Animal Care and Control
Lake County Board of Supervisors

LAKE COUNTY GRAND JURY FINAL REPORTS

COUNTY AGENCY	1990 ~ 1991	1991 ~ 1992	1992 ~ 1993	1993 ~ 1994	1994 ~ 1995	1995 ~ 1996	1996 ~ 1997	1997 ~ 1998	1998 ~ 1999	1999 ~ 2000	2000 ~ 2001	2001 ~ 2002	2002 ~ 2003	2003 ~ 2004
Government & Financial														
Administrative Officer									X					
Assessor - Recorder				C	X						C	X	X	
Auditor / Controller	X	X	X			X	X	X						
Board of Supervisors								X						
Code Enforcement									C	C				
County Clerk														
County Counsel													X	
Financial Admin/Budgets			X						X					
Independent Auitors	X				X			X						
Information Technology								X	X					
LAFCO														X
Marketing Dept / Visitors Center	V					X		X	X					
Personnel					X				X					
Purchasing								X						
Registrar of Voters					X									
Risk Management					X									
Treasurer / Tax Collector	X							X	X		C	X		X
Cemetery Districts	V	X	X			X	X	X				X	CX	
Citizen Advisory Boards														
Community Development			X			X	X							CCC
Economic Development						X								
Grand Jury		X												
Hospital Districts		V	C		C V			X				X		
Housing Development														C
Redevelopment														
Water Districts	C	X		C	X	C					C			
City of Clearlake							X		C X	C				C
Clearlake Chamber of Commerce								C						C
City of Lakeport							C		C					
Lakeport Chamber of Commerce									X					
Public Defender														
District Attorney														
Superior Court						X	X	X					X	
Traffic Court														

C=Citizen Complaint V=Site Visit X=Inquiry

LAKE COUNTY GRAND JURY FINAL REPORTS

COUNTY AGENCY	1990 ~ 1991	1991 ~ 1992	1992 ~ 1993	1993 ~ 1994	1994 ~ 1995	1995 ~ 1996	1996 ~ 1997	1997 ~ 1998	1998 ~ 1999	1999 ~ 2000	2000 ~ 2001	2001 ~ 2002	2002 ~ 2003	2003 ~ 2004
Health, Schools & Safety														
Alcohol & Other Drugs										X				
Adult Protective Services													C	
Child Protective Services					X			X	X		X			
Environmental Health						X	X						V	
In Home Support Services														X
Health Services		X						X					V	
Mental Health													CCV	
Public Health			X											
Senior Centers								X						
Social Services	V	V	V	X	C V	X		X	X					
Veterans Services	V													
School Districts/Office of Educ.	V				XX									CC
Kelseyville Unified School District				C V										
Konocti Unified School District		X		C V	X		V			C		X	X	
Lakeport Unified School District														
Lucerne Unified School District					V									
Middletown Unified School District				V								X		
Upper Lake Unified School District														
Hill Rd Correctional Facility	V	V	V	C V	V	V	V	V	V	V	V	C V	VCCC	VCCC
Juvenile Hall		V	V	V	V	V	V	V	V	V	V	V	V	V
Konocti Conservation Camp #27												V	V	V
South Lake Court Holding Facility														V
Main Court Holding Facility														V
Clearlake Police Holding Facility														V
Clearlake Police							V			C V	V	V	V	C
Lakeport Police	V	V	V		V			C						
Office of ER Services						X		X					X	
Sheriff / Coroner					XX			X		C		C	C	
Probation Department					X			X						
Clearlake Oaks Fire District							V							
Kelseyville Fire District			V										C	
Lakeport Fire District					V									

C=Citizen Complaint V=Site Visit X=Inquiry

LAKE COUNTY GRAND JURY FINAL REPORTS

COUNTY AGENCY	1990 ~ 1991	1991 ~ 1992	1992 ~ 1993	1993 ~ 1994	1994 ~ 1995	1995 ~ 1996	1996 ~ 1997	1997 ~ 1998	1998 ~ 1999	1999 ~ 2000	2000 ~ 2001	2001 ~ 2002	2002 ~ 2003	2003 ~ 2004
Lakeshore Fire District		V		V										
Lower Lake Fire District				V										
Lucerne Fire District				V			V							
Nice Fire District				V			V	V					C	
South Lake Fire District		C	C X		C C			X	X	C		X	X	
Upper Lake Fire District				V										
JPA (Joint Powers Authority) Fire														X
Public Works & Public Services														
Agricultural Comm			C				X							
Vector (Mosquito Abatement) Ctrl														C
Air Quality Mgmnt						X	X							
Animal Care and Control	V	V	V C	V	V	V	V					C X	X	VCCV
Planning & Building Inspection	X		C	C				C						CC
Public Services					X			X	X					
Buildings & Grounds					X									
Libraries	V	X			X									
Museums	V													
Parks		X												
Bradley Mercury Mine			V	V	X			V						
Calpine Geothermal Fields	V X	V	V X	V X	C X	X	X						V	
Clear Lake Dam													V	
Homestake McLaughlin Mine	V	V X		V			X	V	V					
Taylor Planetarium & Observatory														
Sanitation / Waste Water	V	V	C V	C V	V X									
Solid Waste		X			C V	X							C	VX
Recycling Centers														VXV
Public Works		C	C		X									
Flood Control	V X			V	X	C	C	C						
Survey / Grading / Engineers	X				C									
Roads					X		C	C	C	X		X		
Airport					X									
Central Garage	V			V	X									V
Transit Authority									X					

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