

Responses to the 2015/16 Shasta County Grand Jury

“Accountability breeds response-ability.” –Stephen Covey

SUMMARY

The grand jury's annual work includes conducting numerous investigations, some of which result in the production of reports with findings and, possibly, recommended actions. A recommended action cannot be mandated, but must be reviewed and considered by the governing bodies and elected officials to whom it is directed. By law, these findings and recommendations require responses from the governing bodies and elected officials to which they are directed. In order to ensure that these findings and recommendations have been fully responded to, grand juries may follow up to determine if the responses complied with California law.

The 2016/17 Shasta County Grand Jury determined a majority of responses to the 2015/16 Shasta County Grand Jury findings and recommendations were in compliance. However, responses from three agencies were initially out of compliance with the statutory requirements. They were: the Shasta County Board of Supervisors, the Shasta Local Agency Formation Commission, and the Shasta County Sheriff-Coroner.

Upon request, amended responses were received and are now in compliance with the statutory requirements.

BACKGROUND

Grand juries may publish reports based on investigations they undertake. These reports must include findings and may include recommendations. Findings are conclusions made by the grand jury based on the facts of an investigation. Recommendations are courses of action suggested by the grand jury to address any negative findings. California Penal Code section 933.05 mandates how local governing bodies and elected officials must respond, in writing, to findings and recommendations that fall under their jurisdiction (see Appendix). Appointed officials and department heads may be invited to respond to findings and recommendations that appertain to their work, but they are not required to submit any responses. Additionally, reports may also include commendations to highlight excellence in local governance. Entities are not required to respond to commendations they receive.

Because a grand jury is impaneled for a single fiscal year, with reports typically being released at or near the end of its term, responses to these reports are often received by the next year's grand jury. Many times, grand juries will compile, review, and report on all the responses to the previous year's grand jury reports for compliance with the Penal Code. This review process helps promote accountability of agencies and elected officials.

The 2015/16 Grand Jury reports and all agency responses are available at:

www.co.shasta.ca.us/index/gj_index/gj_reports.aspx

METHODOLOGY

The Grand Jury interviewed:

- Shasta County Board of Supervisors member
- Shasta Local Agency Formation Commission personnel
- Shasta County Sheriff's Office personnel

The Grand Jury reviewed:

- 2015/16 Shasta County Grand Jury Consolidated Final Report
- All agency responses, including "supplemental" and amended responses, to 2015/16 Shasta County Grand Jury Consolidated Final Report
- 2014/15 Shasta County Grand Jury Report – "Looking Back"
- California Penal Code section 933 et seq.

DISCUSSION

The 2015/16 Grand Jury Consolidated Final Report contained a total of 63 Findings, 66 Recommendations, and eight Commendations. For responses that failed to fully comply with Penal Code section 993.05, contact was made to request amended responses in order to bring the agencies into compliance.

Of three invited responders, only the City of Anderson Chief of Police responded. No responses were required for "Sugar Pine Conservation Camp – Partnership Matters". The Response Compliance Table summarizes compliant responses to total responses received.

Response Compliance Table			
Report Name	Agency	Findings	Recommendations
Non-Compliant			
Veterans' Lives Matter	The Board of Supervisors	11/11	11/12*
The First 72 Hours Matter	The Board of Supervisors	5/5	4/6*
No Laughing Matter	LAFCO	0/7*	7/7
Trust Matters	Sheriff-Coroner	9/9	7/10*
Compassion Matters	Sheriff-Coroner	4/4	1/2*
Compliant			
Water Matters	The Board of Supervisors	5/5	6/6
	Auditor-Controller	3/3	2/2
The First 72 Hours Matter	Sheriff-Coroner	1/1	1/1
	Anderson City Council	1/1	1/1
	Redding City Council	1/1	1/1
Words Matter	The Board of Supervisors	2/2	2/2
Trust Matters	Auditor-Controller	1/1	3/3
Numbers Matter	The Board of Supervisors	6/6	5/5
	Auditor-Controller	3/3	3/3
Public Awareness Matters	The Board of Supervisors	2/2	2/2
	Redding City Council	2/2	2/2
Compassion Matters	The Board of Supervisors	-	1/1

*Noncompliant responses

Shasta County Veterans Services Office – Veterans’ Lives Matter

An amended response from the Board of Supervisors was requested and received.

Recommendation 8: “The Grand Jury recommends the Board of Supervisors direct the County Executive Officer to ensure the Veterans Services Officer focuses on the functions of the office rather than attending non-vital community events.”

Original Response: “The recommendation has been implemented.”

Violation: California Penal Code section 933.05(b)(1) – No summary of the implemented action was included.

Amended Response: “The Board of Supervisors directed the County Executive Officer to ensure the Veterans Services Officer focuses on the functions of the Veterans Services Office rather than attending non-vital community events.”

The Amended Response was in compliance.

A Mental Health Crisis, Following the Call – The First 72 Hours Matter

Amended responses from the Board of Supervisors were requested and received.

Recommendation 4: “The Grand Jury recommends the Board of Supervisors directs Shasta County Mental Health Services to initiate an ongoing campaign to promote public awareness of current mental health services available to children and adults in Shasta County.”

Original Response: “The recommendation has been implemented.”

Violation: California Penal Code section 933.05(b)(1) – No summary of the implemented action was included.

Amended Response: “The Board of Supervisors directed the County Executive Officer to ensure that Shasta County Mental Health Services initiate an ongoing campaign to promote public awareness of current mental health services available to children and adults in Shasta County.”

Recommendation 6: “The Grand Jury recommends that by December 31, 2016, the Board of Supervisors adopts a plan with Shasta County Mental Health Services to work with Restpadd and other interested providers to locate additional facilities in Shasta County that will increase the number of inpatient psychiatric beds for adults.”

Original Response: “The recommendation has been implemented.”

Violation: California Penal Code section 933.05(b)(1) – No summary of the implemented action was included.

Amended Response: “The Board of Supervisors directed County Executive Officer to ensure the Shasta County Mental Health Services works with Restpadd and other interested providers to locate additional facilities in Shasta County that will increase the number of inpatient psychiatric beds for adults.”

Both Amended Responses were in compliance.

Shasta LAFCO – No Laughing Matter

Shasta Local Area Formation Commission (LAFCO) violated California Penal Code section 933.05(a) by failing to submit any responses to the findings. Responses from LAFCO were requested and received.

Finding 1: “Shasta LAFCO failed to take timely action over concerns regarding meeting deadlines for Municipal Service and Sphere of Influence Reviews and financial instability, resulting in a class-action lawsuit and budgetary crisis.”

Response: “The California statutes governing the preparation of municipal service reviews updating spheres of influence are directory and not mandatory. Despite this, Shasta LAFCO determined to commence a comprehensive update of spheres of influence (SOI) for all special districts within Shasta County in 2013 in the manner permitted by the applicable statutes. The plan for these updates, including the preparation of municipal service reviews (MSR) for each affected local agency, was adopted and the updates were therefore commenced before a civil lawsuit was commenced by a citizen of Shasta County alleging LAFCO non-compliance with the governing statutes. That lawsuit was dismissed soon after its filing, by agreement of the plaintiff, with no court determination that Shasta LAFCO had failed to meet its statutory obligations.

“While extraordinary LAFCO resources were expended to complete the MSR/SOI update process between 2013 and 2015, Shasta LAFCO was able to complete all such work and meet its other statutory obligations within its budget, and therefore without asking affected local funding agencies for any additional financial contributions. As a result, there was not a ‘budgetary crisis’ and Shasta LAFCO has since continued to function fully within its means, without increasing its operating budget, while performing all of its statutory functions. For these reasons Shasta LAFCO respectfully disagrees with the above stated Grand Jury finding.”

Finding 2: “Shasta LAFCO violated Government Code Section 56381(a) when it made sharp decreases to staffing in its 2015/16 budget without first finding that reduced staffing will nevertheless allow the Commission to fulfill the purposes and programs required of Shasta LAFCO.”

Response: “Shasta LAFCO did temporarily reduce staff support toward the end of Fiscal Year 2015/16, but in doing so did not violate Government Code Section 56381(a). In FY 2015/16 LAFCO’s efforts to finish its MSR/SOI update plan using an independent consultant did result in extraordinary expenses that required the Commission to minimize its activities toward the end of that year to stay within budget. However, in so proceeding Shasta LAFCO fulfilled all ‘purposes and programs’ required of this agency. For these reasons Shasta LAFCO respectfully disagrees with the above stated Grand Jury finding.”

Finding 3: “Shasta LAFCO has not updated its fee schedule since 2013, leaving the possibility that it is not charging sufficient fees for its services.”

Response: “Shasta LAFCO has not changed its fee schedule since 2013 but there is no reason to conclude that Shasta LAFCO is not charging sufficient fees for its services. Shasta LAFCO is updating its fee schedule, as stated in the Recommendation 3 response below. For these reasons Shasta LAFCO disagrees partly with the above stated Grand Jury finding.”

Finding 4: “Shasta LAFCO has failed to take advantage of additional revenue sources by not charging for Municipal Service or Sphere of Influence Review updates.”

Response: “Shasta LAFCO cannot charge members for Municipal Service Review and Sphere of Influence Updates but has added pre-application agreement charges as an additional revenue source. For these reasons Shasta LAFCO respectfully disagrees with the above stated Grand Jury finding.”

Finding 5: “Shasta LAFCO has exposed itself to potential future risk of litigation by adopting its current five year plan to conduct Municipal Service and Sphere of Influence Review updates without consideration of recent instability of the Executive Officer position.”

Response: “A new Municipal Service Review and Sphere of Influence Update schedule is in effect as of July 1 2016. However, it should be kept in mind, as further explained in the response to recommendation R5, that Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) updates are not mandated by statute. For these reasons Shasta LAFCO respectfully disagrees with the above stated Grand Jury finding.”

Finding 6: “Shasta LAFCO is not fulfilling its purposes and programs due to severe budgetary restrictions, partially because it has failed to sufficiently explore and act on all cost saving opportunities.”

Response: “LAFCO no longer faces severe budget restrictions, as evidenced by completing FY 2015-16 operations under budget, and as confirmed by the Fiscal Committee is operating under budget for the first quarter of FY 2016-17. Shasta LAFCO is also pursuing costs savings in areas such as shared space. On October 1 2016 Shasta LAFCO moved their offices to the SRTA building. For these reason, and because even during recent budget challenges Shasta LAFCO has continued to fulfill its purposes and programs, LAFCO respectfully disagrees with the above stated Grand Jury finding.”

Finding 7: “Shasta LAFCO’s actions violate its own Policies & Procedures, because their policies and procedures have not been updated to reflect their actual practices.”

Response: “Policies & Procedures are being updated, see response to recommendation 7 below. This finding is unclear for lack of specificity as to purported ‘violations’ and for this reason Shasta LAFCO disagrees the above stated Grand Jury finding, but it intends to proceed to review the agency’s policies and procedures for update where appropriate.”

All seven Submitted Responses were in compliance.

Shasta County Sheriff’s Office – Trust Matters

Amended responses from the Sheriff were requested and received.

Recommendation 1: “The Grand Jury recommends the Sheriff’s Office clears all old outstanding items in the Sheriff’s Trust Administration Fund and the Inmate Bank of America Account by December 31, 2016.”

Violation: California Penal Code section 933.05(b)(2) – No timeframe for implementation of the action was included with the original response.

Response (amendments *italicized*): “Partially agree. This recommendation conflicts with Recommendation R2 in that the recommendation to clear the backlog of cases involving cash (which is held in a Sheriff’s Trust Administration Fund) and property held in evidence is recommended to be implemented by June 30, 2017. Notwithstanding that discrepancy, the Sheriff’s Office *has been working on clearing the non-evidence related items in this Sheriff’s Trust Admin Fund and all adjusting entries were identified before December 31, 2016. A request for relief of accountability has subsequently been submitted to the Auditor-Controller’s Office to clear up the affected accounts; upon final approval the adjusting entries should be made by the end of February 2017.* Old outstanding items noted in the Bank of America reconciliation continue to show *in the Keefe Commissary System and Jail support staff started a dialog with Keefe to work on clearing these reconciling items; this process has now been moved to staff in the Sheriff’s Accounting Administration who will be working with Keefe to post adjusting entries in the Keefe system to clear up outstanding items within the Keefe software by the close of the current 2016-2017 fiscal year.*”

Recommendation 3: “The Grand Jury recommends the Auditor-Controller and the Sheriff’s Office initiate a process to reconcile the activity and balances between *Sirron* and *ONESolution*, and ensure that ongoing monthly reconciliations of the new process occur by December 31, 2016.”

Violation: California Penal Code section 933.05(b)(2) – No timeframe for implementation of the action was included with the original response.

Response (amendments *italicized*): “Partially agree. The reconciliation is the responsibility of the Sheriff’s Office; *however the Auditor-Controller’s Office has advised they will provide assistance if needed. Sheriff staff have implemented a process to reconcile monthly the activity between Sirron and ONESolution to document that the amounts transacted in Sirron match the amounts transacted in ONESolution.*”

Recommendation 10: “The Grand Jury recommends the Sheriff’s Office assigns specific management personnel by September 30, 2016, to be responsible for the oversight of all aspects of assets held under asset forfeiture and in evidence.”

Violation: California Penal Code section 933.05(b)(3) – No timeline for further analysis to be completed (not to exceed six months from the date of publication) was included.

Response (amendments *italicized*): “Partially agree. Current management is assigned oversight of these functions, however, *it is noted that oversight by specified title was not established. After further review the assignment of this oversight responsibility has been updated to specify that the*

Lieutenant of Major Crimes is responsible for the oversight of all aspects of assets held under asset forfeiture and in evidence.”

All Amended Responses were in compliance.

Shasta County Coroner’s Office – Compassion Matters

An amended response from the Sheriff was requested and received.

Recommendation 2: “The Grand Jury recommends the Shasta County Sheriff’s Office and Shasta County Board of Supervisors secure funding specifically for a digital, portable x-ray machine for the Coroner’s Office by December 31, 2016.”

Violation: California Penal Code section 933.05(b)(3) – No timeline for further analysis to be completed (not to exceed six months from the date of publication) was included.

Response (amendments *italicized*): “*Disagree. Further study was needed to evaluate the cost effectiveness of the purchase, maintenance, and training for a new x-ray machine verses [sic] contracting with a portable x-ray service. Portable x-ray services are already being provided as needed through a third party service. Informal price quotes for a replacement were obtained for the analysis and the cost for x-ray services by an outside vendor is known based on actual experience. Factoring both cost and operational concerns into the analysis, the Sheriff’s Office has concluded that the better business decision is to continue utilizing the third party service provider and as such the Sheriff disagrees with the need to secure funding for a new x-ray machine.*”

The Amended Response was in compliance.

FINDINGS

- F1. The Shasta County Board of Supervisors’ responses to three Recommendations were noncompliant, requiring additional time and resources to be spent by both the Board and the Grand Jury to resolve the issue.
- F2. LAFCO failed to respond to all seven Findings, requiring additional time and resources to be spent by both LAFCO and the Grand Jury to resolve the issue.
- F3. The Shasta County Sheriff-Coroner’s responses to four Recommendations were noncompliant, requiring additional time and resources to be spent by both the Sheriff’s Office and the Grand Jury to resolve the issue.
- F4. Ultimately, all responses to the 2015/16 Shasta County Grand Jury reports were in compliance.

RECOMMENDATIONS

The Grand Jury recommends:

- R1. The Shasta County Board of Supervisors ensure its initial responses to any future Shasta County Grand Jury reports are compliant with California Penal Code section 933.05.

2016/17 Shasta County Grand Jury

- R2. LAFCO ensure its initial responses to any future Shasta County Grand Jury reports are compliant with California Penal Code section 933.05.
- R3. The Shasta County Sheriff-Coroner ensure his initial responses to any future Shasta County Grand Jury reports are compliant with California Penal Code section 933.05.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following responses are required:

From the following governing bodies (within 90 days):

- Shasta County Board of Supervisors: **F1 and R1**
- Shasta Local Agency Formation Commission: **F2 and R2**

From the following elected governmental officer (within 60 days):

- Shasta County Sheriff-Coroner: **F3 and R3**

INVITED RESPONSES

The Grand Jury invites the following responses:

From the following governmental officials (requested within 60 days):

- Shasta County Executive Officer: **F1 and R1**
- Shasta Local Agency Formation Commission Executive Officer: **F2 and R2**

APPENDIX

California Penal Code section 933.05(a):

(a) For the purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

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

California Penal Code section 933.05(b):

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

2016/17 Shasta County Grand Jury

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

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

Released: June 26, 2017