



Modoc County Grand Jury Report



FY 2014 - 2015

4. Potential Grand Jury Contacts – *Who do you think the Grand Jury should contact or interview about this complaint and Why?* _____

5. Your Expectations – *What result(s) do you want from the Grand Jury investigation?*

6. Attachments- *List and attach any correspondence and supporting documentation that you believe are pertinent to this complaint.*

Among the many responsibilities and authorities of the Grand Jury is the investigation of Citizens Complaints. The Grand Jury serves as a “watchdog of citizens” to ensure that all branches of local government (i.e. County of Modoc, City of Alturas, their departments, officials, staff, as well as agencies or organizations with jurisdiction within Modoc County) are being administered efficiently, honestly, and in the best interest of the public. **All complaints submitted to the Grand Jury are handled in strictest of confidence as protected by State Law.**

Signature and Date – Please sign and date your complaint below.

Signature

Print Name

Date

MODOC COUNTY GRAND JURY
205 S. East Street • Alturas, CA 96101
CITIZEN COMPLAINT FORM

Your Name: _____
 Print or type

Date: _____

Mailing Address: _____
 Street or PO Box City State Zip Code

Telephone: _____
 Home Work

1. Entity and Individuals- *Identify entity (agency, organization or department) and individuals about whom or which you are making this complaint.*

Agency, organization or department: _____ Telephone # _____

Business Address: _____

Agency Director, Manager or Department Head: _____

Staff Persons Involved: _____

2. Summary of Issues- Briefly state each separate issue for investigation, including specific dates, events, individuals involved (staff persons, officials, etc.) Attach additional sheets, if necessary.

3. Your Contacts to Date- *List the agencies and individuals contacted, showing related entity and date of conflict. Also address and telephone number for each if possible.*

meet regularly and make long term plans for infrastructure replacement.

GLOSSARY

ACSD – Adin Community Service District

BACKGROUND

The Grand Jury received a complaint that the ACSD has not been meeting very often, if at all, for months. Furthermore, the complainant claimed that the creeks and ditches were not being maintained. Because the system is old, it will someday need major overhauls, but the Board of Directors is not making provision for its replacement.

METHODOLOGY

The Grand Jury attended one of their meetings. They also interviewed some community members.

DISCUSSION

The Grand Jury found that the ACSD Board has quarterly meetings and is aware of the issues facing them.

The sewer system was constructed in the mid-1970s. The equipment is approaching the end of its serviceable lifespan. The Board has money set aside for routine maintenance, but not enough for complete infrastructure upgrade and/or replacement. They are also seeking sources of funding, including grants.

The Board stated that creek and ditch maintenance is not its responsibility. However, in the past, the ACSD requested assistance from the Intermountain Conservation Camp.

FINDINGS

- F1. The ACSD board has money set aside to work on the short term tasks needed, and they are actively maintaining the equipment that they have to accomplish those tasks.
- F2. As with every district, the infrastructure will deteriorate. The Board needs to make plans for future replacements.
- F3. The Grand Jury is aware of resources that are available through the Department of Water Resources, the State Water Resources Control, and

the Upper Pit River Watershed Alliance.

RECOMMENDATIONS

- R1. The ACSD Board should meet regularly to discuss and shape the issues facing them.
- R2. The ACSD Board and community should be aware of the long term needs of the district, and prepare for them.
- R3. The ACSD Board should seek alliances with the resources listed in F3 to facilitate the planning for future upgrades.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BECOME A GRAND JUROR

The law states grand jury applicants must have the following qualifications:

- Citizen of the United States.
- 18 years of age or older.
- Resident of state and county or city and county for one year prior to being selected.
- In possession of natural faculties, ordinary intelligence, sound judgment, fair character.
- Possess sufficient knowledge of the English language.

Beyond the legal requirements, there are more specific qualifications which are desirable for a grand juror:

- A general knowledge of the functions, authorities and responsibilities of the county and city governments and other civil entities.
- Research abilities, including complex reading capabilities, background in accessing/analyzing facts and report writing.
- Substantial background in group/committee work.
- Respect and objectivity concerning the positions and views of others.

Contact the Modoc County Superior Court at
205 S. East Street, Alturas, CA 96101
or call 530-233-6516 ext.1207 to learn more.

FINDINGS

- F1. SVHCD Board members did not have the proper training needed to oversee the operations of the hospital, SNF, Clinic or the ambulance.
- F2. The previous administrations were unable to adequately keep the financial records in order. Audits have not been conducted on a regular basis, and employer taxes were not consistently paid. These factors have contributed to the current fiscal crisis.
- F3. Financial reports have been insufficient for the Board to make informed decisions.
- F4. No audit has been provided since FY 2011. Lack of this critical information regarding the financial status has contributed to the current crisis.
- F5. The cheapest option was selected when investing in the required medical software. Numerous problems have arisen that might have been avoided had the staff had training in its use and the availability of technical support.
- F6. Minutes of the Board meetings are lacking sufficient detail to accurately record actions taken by the Board.
- F7. Parts of the pre-employment drug screening policy adopted October 30, 2014, did not fit SVHCD.
- F8. Insufficient time has passed to see if the new Board and administration will be able to institute policies that close the gap on the District's indebtedness and in sure its ability to survive.

RECOMMENDATIONS

- R1. SVHCD Board members should attend board training on a regular basis.
- R2. The Board needs to be sure that the administrative positions are filled with competent personnel.
- R3. The administration must provide accurate and timely financial documents at each regular monthly meeting.
- R4. The Board needs to require that the CEO bring the audits up-to-date as soon as possible.

- R5. The Board and administration should provide training and support for the staff members who use the new software.
- R6. The Chairman of the Board needs to assure that the Board meeting minutes reflect motions, votes and whether an action/policy passed or not. In addition, the minutes should be approved by the Board and signed. (Brown Act)
- R7. The Board should adopt a pre-employment drug screening policy that fits the District's situation.
- R8. The Grand Jury recommends that the 2015-2016 Grand Jury continue to investigate whether the new leadership of SVHCD has implemented effective strategies that are leading to financial recovery.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individual:

The CEO of SVHCD: Respond in writing to F1 and R1, F3 and R3, F4 and R4, F5 and R5, F6 and R6, and F7 and R7.

From the following governing body:

SVHCD Board of Directors: F1 and R1, F2 and R2, F4 and R4, F5 and R5, F6 and R6, and F7 and R7.

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LOCAL GOVERNMENT - ADIN COMMUNITY SERVICE DISTRICT

ADIN COMMUNITY SERVICE DISTRICT

June 12, 2015

SUMMARY

The Adin Community Service District has an aging sewer system. The 2014-2015 Grand Jury recommends that they

DISCUSSION

The Surprise Valley Health Care District (SVHCD) provides a critical access hospital, a provider-based rural health clinic, a distinct-part skilled nursing facility (SNF) and a basic life-support ambulance service to residents who reside in Ft. Bidwell, Lake City, Cedarville and Eagleville. SVHCD is the largest employer in the valley. SVHCD receives funds from a tax assessment on the residents who live in its service area.

During the Modoc Grand Jury investigation it quickly became apparent that there was concern throughout Surprise Valley about the future of the District. The Grand Jury learned that the lack of job training for management and the lack of training for Board members have led to a slow decline in employee morale and in their trust of the leadership provided by the administration and by the Board. These and other factors have contributed to the current situation.

Mismanagement of the SVHCD has been evident for at least the past five years. Not enough financial information was presented to the Board, and audits were not kept current. Consequently the SVHCD Board made some uninformed decisions. As a result poor practices ensued, such as continued payment of insurance benefits for former employees, overstaffing, and employment of undocumented immigrants. Some employees felt that the Board was micro-managing and began to distrust the Board's management decisions. Many employees felt that the Board wanted to "shut down" the hospital, which made for very tense situations. The Board members themselves were stressed.

The former administrator resigned in July 2014. SVHCD's Board requested assistance from Modoc Medical Center (MMC). MMC agreed to allow their CAO to contract with SVHCD to serve as interim CAO for three months, one day per week to help with finances and administration. Many employees interpreted his presence as a way for MMC to either take over the hospital or to close it down completely.

SVHCD used funds from the Vesper Society to engage AKT, CPAs and Business Consultants, to analyze the District's organizational and financial situation. AKT found that SVHCD was over-staffed in some areas and lacked

sufficient funds to continue at the present level. The results of this analysis helped guide some changes made in personnel, salaries and administration. Employees were also asked to help with problem solving. They volunteered to take a 10% pay cut, and the Board accepted their offer. In July 2014, the Department Heads and Management Team recommended closing the Clinic one day a week. All parties appeared to be working toward solutions.

To comply with federal mandates, SVHCD started using a software program that would combine all medical and financial records. In order to save money, the economical option selected, at a cost exceeding \$400,000, did not include technical support and training. When the staff encountered problems, there was no one to offer advice. Switching to this program on June 1, 2014, before the end of the fiscal year, caused additional problems. Both employees and former Board members have mentioned the transition to this software as a major problem facing the District.

In order to continue receiving support from MMC, the SVHCD Board adopted a pre-employment drug screening policy, based on MMC's policy. The Leadership Team did not implement it because it had not been revised to fit SVHCD's situation; therefore total compliance would be impossible. Furthermore, while the Board claimed to have adopted the policy, the current CEO points out that the minutes show no record of a vote.

The rural health districts of the region have agreed to form a Joint Power Interstate Authority (JPIA). As proposed, each district will maintain its fiscal autonomy, but share resources, such as expensive medical equipment, billing services, Information Technology services and more. This is projected to be an effective cost saving measure for all four districts: Mayers Memorial Hospital District of Fall River Mills, Lake Hospital District of Lakeview, MMC and SVHCD.

During this Grand Jury's tenure, the entire SVHCD Board resigned, and as of April 6, 2015, five new board members have been appointed. The former Board resigned one at a time so the District could continue to function. As each Board member resigned, a new member was appointed in his/her place. As of June 1, 2015, the Board has elected officers and has begun the task of governing the District.

all new employees and to all staff at least every two years.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

The Superintendent of MJUSD: Respond in writing to F1 and R1, and F3 and R3.

The Superintendent of SVJUSD: Respond in writing to F1 and R1, and F3 and R3.

The Superintendent of MCOE: Respond in writing to F3 and R3.

The Superintendent of TBJUSD: Respond in writing to F3 and R3.

The President of the Certificated Union of MJUSD: Respond in writing to F2 and R2.

The President of the Certificated Union of SVJUSD: Respond in writing to F2 and R2.

The President of the Classified Union of MJUSD: Respond in writing to F2 and R2.

The President of the Classified Union of SVJUSD: Respond in writing to F2 and R2.

From the following governing bodies:

The School Board of MJUSD: Respond in writing to F1 and R1.

The School Board of SVJUSD: Respond in writing to F1 and R1.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury. investigations.

**BECOME A GRAND JUROR,
CONTACT THE
MODOC COUNTY SUPERIOR COURT**
205 S. East Street, Alturas, CA 96101
Phone 530-233-6516 ext.1207
www.modocsuperiorcourt.ca.gov

LOCAL GOVERNMENT - SURPRISE VALLEY HEALTH CARE DISTRICT

SURPRISE VALLEY HEALTH CARE

June 12, 2015

SUMMARY

The investigation of the 2014-2015 Grand Jury showed that there is a high level of concern over the ability of the Surprise Valley Health Care District to survive. The lack of accurate fiscal information, including up-to-date audits, has contributed to the current financial crisis. In spite of the friction between various factions, all parties appear to genuinely be working toward finding solutions. The Grand Jury recommends that the Board attend trainings to enhance their ability to handle the District and that they ensure they have competent personnel on all levels of management. The Grand Jury also recommends that the Administration seek and provide training for personnel who use the new medical records software.

GLOSSARY

CAO – Chief Administrative Officer

CEO – Chief Executive Officer

DON – Director of Nursing

FY – Fiscal Year

GJ – Grand Jury

MMC – Modoc Medical Center

SNF – Skilled Nursing Facility

SVHCD – Surprise Valley Health Care District

BACKGROUND

The SVHCD Board upheaval was brought to the attention of the Grand Jury by the news media. Various members of the county urged the Grand Jury to initiate an investigation.

METHODOLOGY

The Modoc Grand Jury interviewed members of the Board of Directors; former and current staff members, including the current CEO and the Director of Nursing; the CAO of Modoc Medical Center; and some Surprise Valley residents. The GJ also reviewed documents provided by interviewees.

METHODOLOGY

The Grand Jury interviewed the County Superintendent of Schools and the Superintendents of each of the other three school districts: Modoc Joint Unified School District (MJUSD), Surprise Valley Joint Unified School District (SVJUSD), and Tulelake Joint Unified School District (TBJUSD). Each district submitted copies of its Board policies regarding procedures for dealing with suspected or confirmed substance use by employees. The Grand Jury was invited to attend Board meetings, in particular those dealing with adopting drug policies.

DISCUSSION

All the superintendents supplied the GJ with documentation of their drug policies. All four school districts have drug and alcohol free campuses. While two of the districts, MCOE and TBJUSD, require pre-employment drug testing, none of them have a random drug testing policy for school employees.

Pre-employment drug screening is in place in two of the districts: MCOE and TBJUSD. The screening has eliminated some applicants from being considered for employment. No drug screening is required for school volunteers, although fingerprinting, background checks and Board approval is the norm for those who volunteer frequently.

When MJUSD started the process of adopting a pre-employment drug screening policy early in 2015, their lawyer informed them that this is now a negotiable issue. Both employee unions must agree to it before it can be instated.

Random drug testing

Only bus drivers must submit to random drug testing, as required by California law. This is handled by the Department of Motor Vehicles (DMV) and the California Highway Patrol (CHP), not by school administrators.

None of the districts have random drug testing for employees because that would entail an agreement between employee unions and the School Board.

All four districts have procedures in place, as required by California Education Code, for dealing with employees under the influence while on duty, at a school function, or on school property.

Consequences and reinstatement of teachers is governed by Education Code and the California Commission on Teacher Credentialing, while consequences and reinstatement of other employees is determined by Board Policy.

Notification of Driving under the Influence of an Intoxicant (DUII) or possession of a controlled substance during off-duty hours: Both the DMV and law enforcement entities report bookings of this nature to employers. For schools, both the site administrator and the district superintendent are notified.

Training employees to spot substance use/abuse is required by insurance companies, not by California Education Code. However, it is not on the list of annual instruction, and none of the districts conduct it yearly. Keenan Safe Schools, the insurer, provides videos for its mandatory trainings.

FINDINGS

- F1. Because neither MJUSD nor SVJUSD has a Board Policy requiring pre-employment drug screening, it is more likely that children may be exposed to a school employee with a controlled substance abuse problem.
- F2. Because pre-employment drug screening has become a negotiable issue in the recent past, it is essential for the employees’ unions to sign off on a pre-employment drug screening policy.
- F3. Due to the common recreational use and abuse of drugs, employee training on identifying controlled substance abuse should occur often to inform new employees and refresh the memories of long-term employees.

RECOMMENDATIONS

- R1. Both MJUSD and SVJUSD should adopt a board policy requiring pre-employment drug screening as an added measure to keep children safe.
- R2. The Grand Jury urges the Classified and Certificated Unions of both Districts to act quickly to confirm their support of a pre-employment drug screening policy.
- R3. The Grand Jury urges all four Districts to provide controlled substance abuse awareness training

FINDINGS

- F1. The State Fire Marshal requires annual inspection of fire extinguishers. The Sheriff's Department is currently compliant.
- F2. Material Safety Data Sheets are up-to-date but the binder needs further organization.
- F3. The Sheriff's Department has insufficient female officers to be in compliance with Title 15, Section 1027 of the County Code.
- F4. With the development of a new jail, Modoc County will be in compliance with the State correctional facility regulations. By the fall of 2015, the Sheriff plans to submit a grant request for jail construction to the Board of State and Community Corrections. The Sheriff is working with a consultant to develop a final detailed plan and budget to submit with the grant.
- F5. As recommended the 2013-2014 Grand Jury, the County Board of Supervisors toured the County jail in September 2014.

RECOMMENDATIONS

- R1. Continue with annual inspection of fire extinguishers and maintain compliance with all State-mandated regulations.
- R2. Finalize the organization of the Material Data Safety Sheets Binder.
- R3. Restructure the annual budget to request adequate funding for recruitment, hiring, training and employment of sufficient female officers to staff the jail.
- R4. Continue working with the consultant to develop detailed plans and the budget needed to secure grants and sufficient County funding to construct a new Jail.
- R5. The Board of Supervisors should continue annual visits to the County jail.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individual:

Modoc County Sheriff: Respond in writing to F1

and R1, F2 and R2, F3 and R3, F4 and R4.

From the following governing body:

County Board of Supervisors: Respond in writing to F5 and R5.

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EDUCATION COMMITTEE - DRUG TESTING IN SCHOOLS

DRUG TESTING IN SCHOOLS

June 12, 2015

SUMMARY

The 2014-2015 Grand Jury interviewed the Superintendents of all four school districts of Modoc County to ascertain if there is random drug testing of employees. The investigation revealed that random drug testing of employees is not in place in any of the Districts because it has to be negotiated with the employee unions. However, two of the Districts do have pre-employment drug screening. The Grand Jury recommends that the other two Districts take all the necessary measures to institute a pre-employment drug screening policy as soon as possible. Furthermore, the Grand Jury urges all four Districts to provide controlled substance abuse awareness training to all employees at least every two years.

GLOSSARY

GJ – Grand Jury

MCOE – Modoc County Office of Education

MJUSD – Modoc Joint Unified School District

SVJUSD – Surprise Valley Joint Unified School District

TBJUSD – Tulelake Joint Unified School District

BACKGROUND

The Grand Jury received a citizen's complaint that some public school teachers appear to be interacting with students while under the influence of a controlled substance. The citizen wanted to know if the schools have a random drug testing policy in place for school employees at all levels. This citizen and the Grand Jury wanted to assure the safety of Modoc County school children.

**LAW ENFORCEMENT COMMITTEE -
DEVILS GARDEN CONSERVATION CAMP**

DEVIL'S GARDEN CONSERVATION CAMP

June 12, 2015

SUMMARY

The Grand Jury is mandated to annually tour and inspect this State operated facility located in Modoc County according to 919(a)(b) of the California Penal Code. The buildings, grounds and several of the rehabilitation projects are in compliance with the State-mandated policies and procedures.

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**LAW ENFORCEMENT COMMITTEE -
MODOC COUNTY JAIL**

MODOC COUNTY JAIL

June 12, 2015

SUMMARY

The 2014-2015 Grand Jury interviewed the Sheriff and inspected the County jail facility. After reviewing the findings, the Grand Jury recommends that the Sheriff continue to pursue seeking funds needed to construct a new jail and to provide adequate female officers at the County jail.

GLOSSARY

CAO – Chief Administrative Officer

GJ – Grand Jury

BACKGROUND

The State of California mandates an annual review and inspection of the County jail facilities by the Modoc County Civil Grand Jury. The Modoc County jail is a Type II facility which is responsible for inmates pending arraignment, during their trial and sentencing. The main concerns were the non-compliance issues raised by the previous Modoc County Grand Jury reports pertaining to the outdated and deteriorated condition of the county jail facility.

METHODOLOGY

The Grand Jury interviewed the Sheriff and departmental staff. On September 11, 2014, the GJ interviewed the Sheriff and was given a guided tour of the County jail facility. On March 12, 2015, the Sheriff met again with the Grand Jury to provide an update and additional information on the Jail project. In addition, the GJ interviewed the Modoc County CAO. Both departments provided documents that were reviewed by the GJ.

DISCUSSION

During the September 2014 interview with the Sheriff, information regarding the recommendations made by the 2013-14 Grand Jury was provided. The annual facility and fire extinguishers inspections have been completed. A binder with Material Safety Data Sheets is in the process of completion.

The jail inspection revealed that the facility, constructed in the 1960's, is antiquated, greatly deteriorated and lacks adequate work areas and space for holding high-risk inmates. Notable were the condition of the cook stove, dripping wash basin faucets, and leaky roof. Repair for locks and replacement keys are no longer available.

California Department of Corrections guidelines now require increased square footage per inmate. As a result the dormitory style that was acceptable during the era when the jail was built is now inadequate. The facility, which was constructed to house 74 inmates, can now legally hold only 43 inmates.

The Sheriff continues to pursue funding for construction of a new jail facility through grants and request for increased annual County budget. A site has not yet been identified. The Sheriff is working with a consultant to create a design that complies with governmental requirements.

Understaffing remains an issue. Modoc County Sheriff's Department is staffed by six field officers and one sergeant to patrol 4200 square miles. The County jail is also understaffed and continues to be out of compliance in regard to female officers. There are currently only two female correctional officers on staff. At least one female officer must be on duty whenever there are one or more female inmates in custody (Title 15, Section 1027).

The Sheriff continues to coordinate with the County Board of Supervisors and other County Staff to resolve budget requests for additional staff and for the funds to construct a new jail facility. A design, a budget and a site for the jail is needed in order to submit grants.

Superior Court of California

County of Modoc

ROBERT A. BARCLAY JUSTICE CENTER

205 South East Street, Alturas, CA 96101

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(530) 233-6516 ext. 1207

FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

June 30, 2015

To: Grand Jury Members

Dear Ladies and Gentlemen:

I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2014-2015 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

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

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

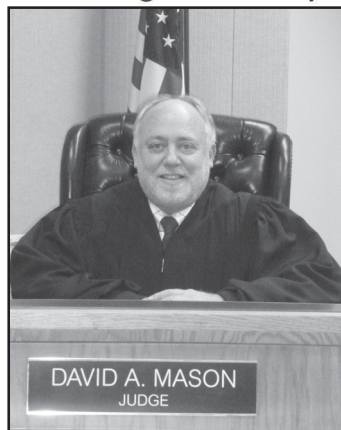
Serving as a Grand Juror is not an easy task and I commend each and every one of you for your sincere effort and commitment to addressing the complex, varied and sensitive issues presented to you.

Thanks once again for a job well done.

Sincerely,



David A. Mason
Assistant Presiding Judge



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



David A. Mason, Assistant Presiding Judge

Date: June 12, 2015

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MODOC COUNTY GRAND JURY ROSTER 2014 - 2015

Stephen Blair, Alturas
Betty Brown, Alturas
Clinton Davis (Foreperson), Adin
Richard Westman, Alturas
Debi Moore, Alturas
Jackie Walton, Alturas
David Brooks, Alturas
Kay Antunez de Mayolo, Eagleville
Marietta Campbell, Tulelake
Linda Massey, Tulelake
Stacey Hafen, Alturas

LETTER FROM FOREPERSON

I would like to thank this year's Grand Jury for proving that it is possible for a diverse group of citizens to work in unity toward a common goal. Each year a new group of individuals volunteers to participate in the process of investigating County entities. Although the members of the panel change each year, the task remains the same.

One of our goals as a Grand Jury was to facilitate better cooperation and communication between County departments. We are pleased to have seen some progress in this area.

I want to encourage you as a citizen to become involved in this democratic process. It is a rewarding experience, which leads to personal growth and better knowledge of how our County functions.

Sincerely,

Clinton J. Davis

Foreperson

ACKNOWLEDGEMENTS

The 2014-2015 Grand Jury would like to thank the following:

Honorable Judge David Mason

Sheriff Mike Poindexter for the use of the Annex

Department Heads

California Grand Jury Association

Ronda Gysin, Court Executive Officer

Sheriff's Office accommodating staff

Board of Supervisors

All those who appeared before the Grand Jury