

2022 TEHAMA COUNTY GRAND JURY

FINAL CONSOLIDATED REPORT



The Tehama County Grand Jury is comprised of nineteen members from the community. The jurors review and investigate local government activities within Tehama County, including county and city government, schools, and special districts; ensuring that responsibilities are carried out in a lawful manner.

Cover Photo by
Tiffany Brouns

GRAND JURY FINAL REPORT
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TEHAMA COUNTY GRAND JURY
P.O. Box 1061
Red Bluff, CA 96080

November 2, 2022

California Penal Code **§933(a)** states:

“Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”

In conformance with the aforementioned Penal Code requirement, the 2022 Tehama County Grand Jury approves and respectfully submits this report to the Honorable Matthew C. McGlynn, Presiding Judge, Superior Court of California, and County of Tehama.

Respectfully submitted,

Valerie S. Lucero
Foreperson



FINAL REPORTS SUBMITTAL/APPROVAL STATEMENT

The 2022 Tehama County Grand Jury approved this final report.

Valerie S. Lucero
Foreperson, 2022 Tehama County Grand Jury

I accept for filing the final report of this 2022 Tehama County Grand Jury.

Honorable Matthew C. McGlynn
Presiding Judge of the 2022 Tehama County Grand Jury



TEHAMA COUNTY GRAND JURY
P.O. Box 1061
Red Bluff, CA 96080

November 30, 2022

To the Citizens of Tehama County,

The 2022 Tehama County Grand Jury is honored to present its Consolidated Final Report to the citizens of Tehama County.

The 2022 Grand Jury was impaneled on December 9, 2021. We quickly learned that being on a Grand Jury for one year is a significant time commitment requiring dedication, integrity, and a willingness to consider all points of view. Service on this Grand Jury included numerous trainings, establishment of committees and officers, plenary meetings of all nineteen jurors, learning from guest speakers knowledgeable in areas of interest to the jurors, committee meetings, reviewing and responding to citizen complaints, conducting interviews, facility tours, researching, report writing, and consultation with legal advisors.

In addition to the activities outlined above, we made a commitment to work on administrative tasks as well. This included the review of the Tehama County Grand Jury manual of procedures, the development of numerous forms, the acquisition of a printer/copier and laptop computer for Grand Jury use, and an update of agencies, officials, and programs reviewed by the past ten Grand Juries. This work informed decisions regarding our areas of focus for the year and is also intended to assist future Grand Juries.

As foreperson, I am very proud of the 2022 Grand Jury accomplishments during our term. The jurors served with professionalism and credibility. While some jurors faced

hardships during the year, they persevered and made very significant contributions to the sum total of our work.

We would like to thank the Honorable Matthew C. McGlynn, for impaneling a diverse and dedicated group of citizens to make up the nineteen member 2022 Grand Jury. We extend appreciation for the support from Superior Court Executive Assistant Tracy Brown, Assistant County Counsel Andrew Plett, County Administrative Assistant Sue Ampí, and Agriculture Department Office Assistant Maria Vieyra. We would also like to thank the trainers from the California Grand Jurors Association who provided excellent information and resources.

My Grand Jury colleagues and I express our appreciation and privilege to serve Tehama County. We extend our utmost respect and support to the 2023 Grand Jury.

Respectfully,



Valerie S. Lucero
Foreperson

2022 Tehama County Grand Jury

Officers

Foreperson:	Valerie S. Lucero
Pro Tempore:	Beth Chaney
Secretary:	Jessica Cumpton
Sergeant-At-Arms:	Lorena Thomas

MEMBERS

Cindy Brown

Tiffany Brouns

Matthew Byrne

Beth Chaney

Jessica Cumpton

Margaret (Peggy) Elliott

Mari Jo Ellis

Lorin Fleming

Scott Hamelberg

Kristin King

Dianna Knight

Cody LaVine

Valerie S. Lucero

Kenneth Olsen

Aaron Sanders

Ryan Schaefer

Jessie Shields

Lorena Thomas

John Wheeler

An Overview of the Grand Jury

Background

The California Grand Jury Association describes our duty as follows:

In California, the grand jury system consists of 58 separate grand juries—one in each county—that are convened on an annual basis by the Superior Court to carry out three functions:

- Investigating and reporting on the operations of local government (which is known as the “watchdog” function a civil, rather than criminal function),
- Issuing criminal indictments to require defendants to go to trial on felony charges, and
- Investigating allegations of a public official’s corrupt or willful misconduct in office, and when warranted, filing an “accusation” against that official to remove him or her from office. The accusation process is considered to be “Quasi-criminal” in nature.

With regard to its watchdog authority, the grand jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records and information.

The Tehama County Grand Jury Manual further details our role thusly:

The statutes that describe the powers and duties of the grand jury are, for the most part, found in sections 888 through 945 of the California Penal Code.

The Civil Grand Jury

The grand jury civil investigation function includes the mandate to conduct civil investigations and audits of local governments, to ensure efficient and proper operation of all local government, and to detect and expose fraud and malfeasance. The civil grand jury is an inquisitorial and an evaluative body, a part of the machinery of government whose object is the detection and correction of flaws in government.

The primary function of the civil grand jury is the examination of statutorily designated aspects of city governments, county government, special districts, schools, local agency formation commissions, housing authorities, joint powers agencies, and non-profit agencies established by or operated on behalf of a public entity; and the determination that monies of local government agencies are handled properly and that all accounts are properly audited—in general, assuring honest, efficient government in the best interests of the people (Penal Code § 925, et seq.).

Qualifications for Grand Jury Service

- Must be a U.S. citizen
- Must be at least 18 years old
- Must be a resident of Tehama County for at least one year immediately prior to being selected
- He or she is in possession of his or her natural faculties and is of ordinary intelligence, of sound judgment, and of fair character
- Must have sufficient knowledge of the English language to communicate both orally and in writing

Selection of Grand Jurors

Grand jurors in each county of California are selected by judges of the Superior Court. In Tehama County, 200 prospective jurors are selected randomly through the Court's jury selection program. After interviews and a check to determine background, competency, and proper qualifications (Penal Code §893), 30 names are selected by the Court for the candidate pool. From the pool of candidates, names are chosen by the Superior Court Judge presiding over the grand jury to fill the final panel of 19 grand jurors.

Juror's Oath

Grand jurors take their oath of office before the Superior Court Judge presiding over the grand jury. The juror's oath of office (Penal Code §911) is as follows:

"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 thereto and in conformity therewith, will diligently inquire into, and true presentment 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, or 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."

Jurors serve for one year and in Tehama County the term is from January to December.

TEHAMA COUNTY GRAND JURY 2022

ACKNOWLEDGEMENTS

The Tehama County Grand Jury gratefully acknowledges the support, guidance and help throughout this 2022 year:

Honorable Matthew C. McGlynn, Presiding Judge of the Superior Court

Andrew Plett, Tehama County Grand Jury Legal Advisor

P.J. Van Ert, Tehama County Grand Jury Legal Advisor

Matt Rogers, Tehama County District Attorney

Tehama County Elected and Appointed Officials

Tracy Brown, Executive Assistant, Tehama County Superior Court

Sue Ampi, Administrative Assistant, Tehama County Administration

Maria Vieyra, Office Assistant, Tehama County Department of Agriculture

California Department of Corrections and Rehabilitation

CAL FIRE

California Grand Jury Association

Bringing Tehama LAFCo Up To Date

SUMMARY

Local Agency Formation Commissions (LAFCo) are important for overseeing the appropriate and efficient extension of municipal services within all 58 of California's counties. The 2022 Tehama County Grand Jury (Grand Jury) conducted an investigation into Tehama LAFCo. Our investigation focused on Tehama LAFCo's involvement with cities and special districts within the county and specifically focused on adherence to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). Interviews were conducted with LAFCo staff and Commissioners, a City Manager, and Directors and Board Members from special districts. Relevant documents related to the role, function and requirements of LAFCo were reviewed and information from all other LAFCos in the state were also considered.

The Grand Jury found Tehama LAFCo's provision of information for entities under its purview and general adherence to the requirements of the CKH Act in need of improvement. Tehama LAFCo did not have an updated Policies, Procedures and Standards (PPS) document which includes requirements of the CKH Act and how these are fulfilled. The absence of an up-to-date PPS document impacts work plans, consequent budget needs and documentation indicating adherence to the CKH Act. The Grand Jury also found that the budget process to secure funds from all available sources is lacking, as well as securing adequate funding for municipal service reviews (MSR). Tehama LAFCo had not developed contracts for staff positions which, when filled by county employees, does not present the appearance of autonomy as an agency independent of the County. It was also discovered that Tehama LAFCo Commissioners have not had formal LAFCo training, and Tehama LAFCo does not conduct regularly scheduled meetings—both of which are required of a well-functioning commission.

To address these deficiencies, the Grand Jury recommends Tehama LAFCo should:

1. create an updated PPS document;
2. generate MSRs and boundary reviews and updates, especially for special districts;
3. create links on its webpage for a directory of information on the cities and special districts;
4. secure additional funding as well as funding from the cities;
5. develop contracts for staffing;
6. conduct regularly scheduled business meetings (e.g, quarterly); and
7. take part in formal training.

(See the complete list of Findings and Recommendations in the corresponding sections of this report).

The Grand Jury acknowledges current staff and Commissioners are relatively new to their Tehama LAFCo positions and have many duties, outside of LAFCo, requiring attention. Deficiencies in adherence to the CKH Act identified in this report have languished for decades and are not a direct reflection of current staff and Commissioners. It is the hope of the Grand Jury that Tehama LAFCo works toward remedying identified deficiencies to promote better function and ensure adherence to the law governing the actions of all LAFCos.

ACRONYMS

CALAFCO	California Association of Local Agency Formation Commissions
CGJA	California Grand Jurors' Association
CGOPR	California Governor's Office of Planning and Research
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CSDA	California Special District Association
LAFCo	Local Agency Formation Commission The usage of "LAFCo," by itself, in this document refers to any and or all LAFCos in the State of California.
GC	Government Code
MSR	Municipal Service Review
PC	Penal Code
PPS	Policy, Procedures and Standards
SLGC	Senate Local Government Committee
SOI	Sphere of Influence
Tehama LAFCo	Refers to the subject entity in this report. That being the LAFCo operating out of Tehama County and having boundary jurisdiction responsibilities for cities and special districts in Tehama County

BACKGROUND

On-going drought conditions have had detrimental impacts on water availability for many communities throughout the State of California. Reduced precipitation over the last decade has left California with less water stored in reservoirs and inhibited the recharge of its aquifers. In Tehama County, drought induced groundwater deficits have led some residential wells to run dry— leaving whole communities without adequate local water supply. For example, in recent years, the Paskenta Community Services District has been reliant on the City of Corning to provide drinking water for their customers, requiring water to be hauled from approximately 20 miles away. Uncertainty about adequate water availability within Tehama County has led to concern within the community about how future water resources will be managed. Although water management is influenced by a number of federal and state water agencies, policies, and laws, most management and delivery of water to individual communities is carried out by local governments and special districts.

Special districts are independent local government units created by residents within a community to deliver specialized services not provided by city and county governments. These specialized services are essential to the health, safety, and economy of local communities. Special districts provide water and wastewater systems for more than 30 million people and 90% of California's farmland (California Special Districts Association [CSDA] 2022). Services provided by special districts also include, but are not limited to, healthcare, fire protection, sanitation, lighting, flood control, mosquito and vector control, cemetery and other vital community services (CSDA 2020, 2022). Although special districts are created at the local level, they are separate and distinct entities from county, city and other government agencies that may serve the area. All special districts have an obligation to be transparent to the constituents they serve and ensure the needs of the community are being met. One way residents can determine how well services are being provided by special districts (in addition to their potential to serve the community in the future) is through an informational report called a MSR.

A MSR is a comprehensive study designed to be an important informational tool about the provision of municipal services for the community. MSRs attempt to capture and analyze important information about the governance structures and efficiencies of special district service providers. MSRs also identify opportunities for greater coordination and cooperation between providers where possible. Specific information contained in a MSR may include analyses of city or special district growth and population projections, the present and planned capacity of public facilities, the adequacy of public services, and the agency's financial ability to provide services. In order to best serve the public, MSRs should be completed in a timely manner, typically every 5 years, and the organization responsible for ensuring MSRs are completed for special districts is LAFCo.

Located in each of California's 58 Counties, LAFCos manage the orderly growth and development of cities and special districts. LAFCos are mandated by law to streamline governmental structure, preserve agricultural lands and open spaces, promote the efficient and effective delivery of agency services, and encourage the logical formation of boundaries for city government agencies and special districts. From 1963-1985, LAFCo administered a series of complicated statutory laws and three enabling acts. Confusion over the application of these laws and enabling acts led to a number of reforms culminating in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). The CKH Act mandated greater independence and a more proactive role for LAFCo. It also clarified LAFCo's purpose and mission¹. In accordance with the CKH Act, LAFCos are required to prepare MSRs. MSRs are expected to be superb sources of basic information about special districts' operations, programs, facilities, and financing (Senate Local Government Committee [SLGC] 2010), and the Grand Jury should review MSRs for any city or special district it investigates (California Grand Jurors' Association [CGJA] 2021-2022). MSRs are used by LAFCo to adopt or update a policy document for each city and district called a Sphere of Influence (SOI). SOI's are used as important planning tools to delineate future boundaries and service areas for cities and special

¹ It is important to note that many of the resources used in this Grand Jury report can be found as resources on the CALAFCO website and/or were created with CALAFCO input. <https://calafco.org/>

districts. The first round of municipal service reviews were initially expected to be completed by January 1, 2006 (California Governor's Office of Planning and Research [CGOPR] 2003).

Based on the comprehensive analyses and valuable information present in MSRs, the Grand Jury was hoping to find information on how well positioned special districts in Tehama County will be to adequately serve the community in response to important factors like drought. Initial inquiries made by the Grand Jury into the Tehama LAFCo yielded few results. While expecting some information to be found on special districts and MSRs in Tehama County on the [Tehama LAFCo website](#), as of April 2022 none were found. A general internet search also yielded no results and the Grand Jury was unable to find any reference to MSRs conducted on special districts or cities in Tehama County, nor a listing of all special districts located in the county, even though this information was readily available for other counties within the State (APPENDIX A). This is unfortunate as contemporary MSRs may help to identify issues facing or to be faced by special districts in Tehama County. For example, with the current extreme drought, more special districts (or even cities) may be faced with water delivery issues like those experienced by the Paskenta Community Services District. Or, other special districts may be behind in rate hikes such as that faced by the Mineral Sanitation District² (Pace Engineering 2019). Tehama LAFCo can and should play a significant role in analyzing and forecasting issues and conditions potentially affecting all special districts in Tehama County and especially smaller independent special districts since Tehama LAFCo will have better access to County wide data and financial resources necessary to complete comprehensive MSRs. Additionally, based on the Tehama LAFCo meeting calendar posted online prior to the initiation of this investigation, the last Tehama LAFCo meeting was held in November of 2019. The initial lack of information available on the Tehama LAFCo website describing their jurisdictional responsibilities in Tehama County prompted the Grand Jury to open an investigation of Tehama LAFCo. The investigation's primary focus was to be on Tehama LAFCo's adherence to the requirements of the CKH Act.

METHODOLOGY

Between April 14, 2022 and July 14, 2022, members of the Grand Jury conducted a total of eight interviews with Tehama LAFCo staff and Commissioners, a City Manager, and Directors and Board Members from several special districts. Documents secured during these interviews include:

1. the introduction section of the Tehama LAFCo PPS document;
2. current budget tables from Tehama LAFCo, the City of Corning and Corning Healthcare District;
3. finalized MSRs and SOIs for Capay Fire District, the City of Red Bluff and the City of Corning;

² No change to sewer rates had been enacted in over a decade and the district was considered remiss in that regard because rates should have been increasing annually in accordance with the Consumer Price Index.

4. an Emergency Water Services Agreement between the City of Corning and Paskenta Community Services District;
5. 2014-2017 Tehama LAFCo meeting minutes; and
6. a self-produced MSR by Corning Healthcare District.

The Grand Jury also reviewed and drew heavily from information and documents presented on websites of California Association of Local Agency Formation Commissions (CALAFCO), California Grand Jurors' Association (CGJA), California Special Districts Association (CSDA), and the other 57 LAFCos in the state of California (See APPENDIX A). A number of documents are listed in the REFERENCES section of this report, however they are not an all-inclusive list of documents reviewed for this investigation. Five Exit Interviews were also conducted between September 12 and September 23, 2022.

DISCUSSION

The Grand Jury opened an investigation of Tehama LAFCo in early April of 2022. It revealed a number of deficiencies including:

1. a lack of knowledge by Tehama LAFCo Commissioners about current LAFCo responsibilities, specifically the governing laws of the CKH Act;
2. the absence of an up-to-date PPS document which outlines how LAFCo is administered as required by the CKH Act;
3. a lack of adherence to the requirements of the CKH Act related to budget formulation and funding sources;
4. the absence of contracts for LAFCo staff;
5. The inadequacy of performance of SOI reviews, updates and MSR creation; and
6. a lack of knowledge surrounding LAFCo Commission appointment.

(These topics are discussed in detail in Sections 1.0 - 6.0 below.)

1.0 LAFCO GENERAL ADHERENCE TO THE CKH ACT

Tehama LAFCo staff assert the Commission is in full compliance of the law governing LAFCo responsibilities. They assert that LAFCo actions are solely driven by applications received from other entities or are "project driven" as evidenced by the audio file of the [June 8, 2022 Tehama LAFCo meeting](#), and based on the functions noted in the Cover Letter from the California State Assembly Committee on Local Governments *Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000*, dated December 2021. The [Cover Letter](#) on page 4, states that:

"Local Agency Formation Commission (LAFCos) have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes

and to adopt Spheres of Influence for local agencies. Among the purposes of LAFCoS are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies.”

The Grand Jury agrees that the statement above captures the primary function of LAFCo. However, reacting only on a project application does not mean that LAFCo has no other responsibilities, requirements or mandates. Changes reflected in the CKH Act also provide LAFCos with the ability to be proactive in the determination of adequate municipal services and SOIs rather than simply reactive (CGOPR 2003). Also, the [CALAFCO](#) website notes that the CKH Act mandates greater independence and proactive role for LAFCo.

2.0 POLICIES, PROCEDURES AND STANDARDS (PPS)

Tehama LAFCo staff provided the Grand Jury with a copy of the introduction section of its PPS document and acknowledged that it is estimated to have been drafted around 1990, ten years prior to the passage of the CKH Act. Given the extensive changes to LAFCo’s role following the passage of the CKH Act, the existing Tehama LAFCo policy document would no longer be considered up-to-date, in compliance, nor procedural guidance. First and foremost, the policy document lacks reference to the current CKH Act, let alone outline new requirements of the CKH Act. Guidance provided on the CALAFCO website states “...As LAFCos implement the changes of Cortese-Knox-Hertzberg Act, it is important that they revisit their existing policies and procedures, and ensure that they comply with the mandates of the Legislature” (CALAFCO 2001). To ensure LAFCo’s up-to-date compliance or procedural guidance with the mandates of the CKH Act, it is recommended that LAFCo includes information on the process by which it will conduct service reviews or MSRs within its written policies and procedures (CGOPR 2003). Further examples of requirements of the CKH Act, which may need to be addressed in an updated PPS document include:

1. budget preparation (GC §53681);
2. factors considered for MSR and SOI preparation (GC §§56425 and 56430);
3. definitions for when MSR or SOI reviews or updates are required or considered “necessary” (GC §§56425 and 56430);
4. contracting procedures for LAFCo personnel and space (GC §56380);
5. contributions, expenditures and lobbying disclosures (GC §§56700.1 and 56300(c)); and
6. maintenance of information on websites, and forms required for submission to the Commission (GC §§56300(e) and (f)).

Some of these topic areas will be discussed further below, but this is not intended to be an all-inclusive list of topics to be included in an updated PPS document to guide LAFCo’s execution of its responsibilities.

As evidenced in the audio file from the [June 8, 2022 Tehama LAFCo meeting](#), Tehama LAFCo acknowledges their policy document is in need of an update. Justification for any government entity to maintain up-to-date policy documents should, by any criteria, be self-evident.

3.0 BUDGET FORMULATION AND SOURCES

Before 2001, state law required each County government to pay 100% of the LAFCo budget in its county. Based on the recommendations of the Commission on Local Governance for the 21st Century, (2000), the CKH Act (GC §56381) requires funding of LAFCo by the groups represented on the Commission. Cities, counties and special districts with representation on the Commission were each to pay one-third of the LAFCo's budget. Where there is no independent special district representation on the LAFCo (which is currently the case for Tehama LAFCo) the county and cities are to equally pay half of the budget. Statutory formulas allocate the cities' share among the cities and the independent special districts' share among the districts. These calculations must be done annually and the county auditor is required to allocate and collect the cost from among the funding agencies. [Many](#) considered this new formula to be a more equitable way of paying for LAFCos (SLGC February 2002).

One hundred percent of the current Tehama LAFCo budget is provided by the county through the General Fund. No "split" funding is coming in from the cities for the Tehama LAFCo budget, as required by the CKH Act. Tehama LAFCo meeting agenda documents from 2019 do indicate that obtaining funding from the cities was raised. However, resolution was not reached. During the June 8, 2022 discussion of the 2022-2023 Tehama LAFCo budget, at least one Commissioner was unaware that cities were not already contributing to the Tehama LAFCo budget. While Tehama LAFCo staff lead that budget discussion, LAFCo staff do not decide funding allocation apportionments. The CKH Act GC §56381(b)(4) outlines methods to approve alternative budget apportionments. This process requires majority votes from the board of supervisors and a majority of the cities representing a majority of the total population of cities in the county (See GC §56341(b)(4) for complete language). GC §56381 also requires that all LAFCos create and adopt their own budget. To properly create a budget, LAFCos must therefore have an understanding of the true costs associated with their operation. With the passage of the CKH Act, LAFCos were expected to consider the magnitude and cost to perform the new requirements of the CKH Act, such as five-year SOI review and updates, MSRs and other obligations. These new tasks were expected to require substantial increases in research time, staff analysis and public hearing preparation (CALAFCO 2001). Budget authority does give each LAFCo the ability to reevaluate the manner in which they conduct business and to assess whether they wish to make changes such as contracting work, relocating office space and the number of staff persons. Budget adoption deadlines were established: May 1 for a preliminary budget and June 15 for a final budget.

The Tehama LAFCo budget, as presented in the adopted 2021-2022 Tehama County Budget is \$4,200 (APPENDIX B). This budget value of \$4,200 did not change for 2022-2023 based on the [Tehama LAFCo meeting held June 8, 2022](#). This Tehama LAFCo budget is one of the lowest in

the State of California. This is not unexpected since Tehama County ranks 41st of 58 Counties by population (APPENDIX A). However, only 16% of LAFCos (approximately nine to ten) have an annual budget below \$50,000. Mono County is identified as an extreme example, with an adopted budget of \$10,869 for FY 2018-2019 (California Strategic Growth Council 2018).

Almost 75% (approximately \$3,100) of the current Tehama LAFCo budget of \$4,200, is pre-allocated. The annual budget available to conduct Tehama LAFCo business and responsibilities outside of fee collection is only about \$1,000. About half of the current budget, or \$1,900, is allocated to CALAFCO membership dues. A 2019 Tehama LAFCo Meeting Agenda Packet discussing and supporting the payment of increased membership fees for CALAFCO describes CALAFCO as: "... our statewide organization that educates and advises LAFCo's and our government partners on all matters related to LAFCo, land use, growth and as well as other issues. CALAFCO also supports a standing Legislative Committee that monitors, evaluates and responds to legislative proposals that may affect LAFCo's."

4.0 CONTRACT FOR LAFCO STAFFING

A LAFCo is not a county department or county agency thus, the county has no authority over LAFCo (Senate Governance and Finance Committee 2013). Although located in each of the 58 counties, LAFCos administer state programs. Even though LAFCos are located in individual counties, to demonstrate autonomy from county governments, GC §56380 of the CKH Act states, "The commission shall make its own provision for necessary quarters, equipment, and supplies as well as personnel. The commission may choose to contract with any public agency or private party for personnel and facilities." The current Tehama LAFCo staff are employees of Tehama County; however, Tehama LAFCo does not have a contract with Tehama County for the use of their staff. The absence of a contract between Tehama LAFCo and Tehama County for county officials serving as Tehama LAFCo staff does not meet the requirement of this section of the CKH Act. Appointing an Executive Officer and Legal Counsel, as well as contracting their work, is expected to alleviate any perception of LAFCo not being independent from the county (Commission on Local Governance for the 21st Century 2000). An example of a contract prepared by Inyo LAFCo is included in this report as APPENDIX C.

5.0 SPHERE OF INFLUENCE (SOI) AND MUNICIPAL SERVICE REVIEWS (MSR)

A sphere of influence (SOI) is a planning boundary potentially outside of an agency's legal boundary, such as the city limit line, that designates the agency's probable future boundary and service area. SOIs are described by the CKH Act as an important tool for "planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities." Factors considered in a SOI review focus on current and future land use, the current and future need and capacity for service, and any relevant communities of interest. As per GC §56425(e)

“...In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.”

As a prerequisite for a SOI update, the LAFCo must conduct a MSR (CSDA 2020). Specifically, GC §56430 mandates that a MSR shall be conducted in advance of the SOI update. The requirement for MSRs arises from the identified need for a more coordinated and efficient public service structure to support California’s anticipated growth. MSRs provide LAFCo with a tool to comprehensively study existing and future public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl and ensuring that critical services are provided efficiently. Effective January 1, 2001, GC §56430 initially required LAFCo to write statements of determination for nine topic areas. In 2008, required determinations for MSR’s were amended by the legislature to include five required determinations and one optional determination. In 2011, with the passage of SB 244 (Wolk) one additional MSR determination was added. The most recent list is as follows:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI.
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery as required by commission policy.

The MSR must be comprehensive, covering all the agencies which provide the identified service or services within the designated area and must be conducted before a LAFCo considers the update or establishment of a SOI, or in conjunction with that process. These changes gave LAFCos the ability to now be proactive in the determination of adequate municipal services and

SOIs. The requirement to undertake MSR and make specified determinations is one of the most significant modifications to the role and responsibilities of LAFCo in the enacting legislation since the 1960's (CGOPR 2003).

For more than 30 years, state law required LAFCos to adopt a SOI for each city and special district in its county. The Commission on Local Governance for the 21st Century (2000) noted that while the law required LAFCos to periodically review and update their SOI, there was no specific statutory schedule for these revisions. The CKH Act, beginning with GC §56425, requires the LAFCo to establish and maintain SOIs for all local agencies within its jurisdiction and adds a schedule for review and update (SLGC 2002). GC §56430 requires that a MSR shall be conducted in advance of the SOI update.

Tehama LAFCo has not completed SOI updates and associated MSR reviews on all special districts in Tehama County as required by the CKH Act.

GC §56425(g) states "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." ³

Tehama LAFCo has jurisdictional boundary responsibility for three cities and 33 Special Districts. Of these, MSR and updated SOIs are only available for the following:

1. one MSR for a grouping of Cemetery Districts (Dated 2014/2015);
2. one MSR/SOI for Capay Fire District (Dated 2015);
3. one MSR/SOI for the City of Corning (Dated 2005); and
4. one MSR/SOI for the City of Red Bluff (Dated 2008).

Consistency between excerpts from Tehama LAFCo's own planning documents and language in the CKH Act and associated guidance documents issued by the State, suggest that Tehama LAFCo was aware of the new requirements to proactively review and update SOIs and complete MSR.

The MSR for the city of Red Bluff was completed in 2008, and specifically states the following on Page E-1 of the Executive Summary:

"LAFCo operations are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. A requirement is the preparation of a municipal service review (MSR) prior to, or concurrent with, an SOI update. The MSR is an assessment of the ability of local government agencies to effectively provide services. The MSR evaluates and addresses future growth, municipal service, and infrastructure needs over the next 15 to 20 years. State law requires that MSR be reviewed and updated every five years in conjunction with a review of the city's SOI."

In Addition, on Page 1-1, Bullets 2 and 3 state that LAFCo is required to:

³ Year discrepancies in this Section of the report (e.g., 2006 vs 2008), are a result of time extensions subsequently provided by amendments to the CKH Act.

- “update spheres of influence at least once every five years”
- “initiate periodic reviews or sub-regional service reviews at least every five years to determine local government service needs and adequacy”

Page 1-2 goes on to identify when that five year review and update schedule was to begin:

“Any SOI adopted prior to December 31st, 2000 must be reviewed and updated, as necessary, originally at least by January 1st, 2006. The legislature subsequently extended the deadline by 3 years. Some updates may simply involve an affirmation of the existing SOI boundaries or some modifications to the SOI to achieve consistency with the CKH Act. Government Code section 56430 states that municipal service reviews must be conducted prior to, or concurrent with, those updates. All municipal service reviews were to be completed by January 1st, 2006 however a three-year extension has been provided.”

The language below is from the LAFCo Municipal Service Review Guidelines prepared by the Governor’s Office of Planning and Research in 2003 which reads as follows:

“Any SOI adopted prior to December 31, 2000 must be reviewed and updated, as necessary, but at least by January 1, 2006. Some updates may simply involve an affirmation of the existing SOI boundaries or some modifications to the SOI to achieve consistency with the CKH Act. GC §56430 states that municipal service reviews must be conducted prior to, or concurrent with, those updates. Therefore all municipal service reviews must be completed by January 1, 2006.”

Despite the above referenced documentations of the requirements for MSR creation and SOI updates for all cities and special districts, Tehama LAFCO asserts full compliance with GC §§56425 and 56430. Tehama LAFCO's contention rests entirely on 1) the “as necessary” clause of GC §56425(g) and 2) their insistence that the pre-2000 SOIs have associated pre-2000 MSRs.

Tehama LAFCo staff provided the Grand Jury with excerpts of the readings of the CKH Act prior to finalization. The excerpts demonstrate the “as necessary” clause in GC §56425(g) was added during the third reading. Tehama LAFCo staff use this clause addition to suggest the legislative intent of SOI review and update is discretionary. Aside from the fact that the arguments forwarded by Tehama LAFCo staff contradict language used by Tehama LAFCo in past documents, this Grand Jury looked at the evolution of the CKH Act language and other CKH Act guidance documents to determine the merits of Tehama LAFCos arguments. This analysis is presented in subsections 1-3 below.

1. The original language of CKH Act which discusses the schedule of SOI review and update is GC §56425(f). This section reads as follows: “... upon determination of a sphere of influence, the commission shall adopt that sphere, and shall review and

update, as necessary, the adopted sphere not less than once every 5 years.” (California State Assembly Committee on Local Government 2001).

Regarding the legislative intent of the CKH Act, a survey was conducted in 2002 by the Senate Local Government Committee entitled *Taking Their Pulse:How The LAFCOs Implemented AB 2838 (Hertzberg, 2000)*. The document notes the CKH Act, beginning with GC §56425, requires the LAFCo to establish and maintain SOIs for all local agencies within its jurisdiction and adds a schedule for review and update (SLGC September 2002). As summarized on the Senate Governance and Finance Committee website, the survey found ...”Less than half of the LAFCOs have schedules for meeting the 2006 deadline for revising the spheres of influence for cities and special districts” <https://sgf.senate.ca.gov/committeissuesnewreporttakingtheirpulsehowthelafcosimplem-entedab2838hertzberg2000>. With this survey, this Grand Jury notes that a “by 2006” deadline is implied (i.e., CKH Act passed in 2001, SOI review and update required not less than once every 5 years, thus first deadline = 2006).

2. Additionally, as reiterated from above, an excerpt from the LAFCo Municipal Service Review Guidelines prepared by the Governor’s Office of Planning and Research in 2003 reads as follows:

“Any SOI adopted prior to December 31, 2000 must be reviewed and updated, as necessary, but at least by January 1, 2006. Some updates may simply involve an affirmation of the existing SOI boundaries or some modifications to the SOI to achieve consistency with the CKH Act. GC §56430 states that municipal service reviews must be conducted prior to, or concurrent with, those updates. Therefore all municipal service reviews must be completed by January 1, 2006.”

The creation of the LAFCo Municipal Service Guidelines document was also mandated by the CKH Act through the following language.(GC §56430(d)) “Not later than July 1, 2001, the Office of Planning and Research, in consultation with commissions, the California Association of Local Agency Formation Commissions, and other local governments, shall prepare guidelines for the service reviews to be conducted by the commission's pursuant to this section ” (California State Assembly Committee on Local Government 2002).

[CALAFCO](#) is described on its website as follows:

“The California Association of Local Formation Commissions (CALAFCO) is a 501(c)3 non-profit founded in 1971. CALAFCO serves as an organization dedicated to assisting member LAFCos with educational, technical and legislative resources that otherwise would not be available. The Association provides state-wide coordination of LAFCo activities, serves as a resource to the Legislature and other bodies, and offers a structure for sharing information among the various LAFCos and other governmental agencies.”

This Grand Jury notes that the California Governor's Office of Planning and Research is also using the same implied deadline of 2006 for the MSR creation and SOI update.

After the passage of the CKH Act, CALAFCO created a document entitled "REINVENTING LAFCO Changes Made by the Cortese-Knox-Hertzberg Act A Primer for Commissioners" in 2001 (CALAFCO 2001). With regard to the purpose of the creation of MSRs, the document states ... "Fundamental to the ability of a LAFCO to fulfill the legislative intent of Cortese-Knox-Hertzberg is possession of a broad and detailed understanding of the functions of local agencies within the LAFCO's jurisdiction" (CALAFCO 2001). The document goes on to specify that the MSR is a new component of LAFCO law (CALAFCO 2001).

3. Finally, with respect to the requirement of SOI updates, in 2005 the CKH Act GC §56425 was amended by AB 1746 (Assembly Local Government Committee). This Assembly Bill as per the Senate Governance and Finance Committee website "extends the deadline for LAFCos to update their spheres of influence to January 1, 2008..." <https://archive.senate.ca.gov/sites/archive.senate.ca.gov/files/committees/2017-18/sgf.senate.ca.gov/2005significantlegislation.html>.

The documents and legislative history presented above demonstrates the requirement of the CKH Act for LAFCos to update all SOIs that were in place prior to the passage of that Act in 2001, even if these updates simply affirm the existing SOI and that a MSR must be created in advance of these updates. The deadline for that was 2008. It is further noted that the concept of a MSR is a new requirement for LAFCo with the creation of GC §56430 language in the CKH Act. So new in fact, that the Code had to call for the development of Guidelines to implement the Code. Based on the evidence, the Grand Jury concludes the argument presented by Tehama LAFCo staff that SOI updates for all pre-2000 SOIs are not required or that pre-2000 MSRs somehow exist are invalidated.

Although it was noted that preparing the initial round of MSRs was challenging for some LAFCos and the special districts in their counties (SLGC 2010), by 2016 most LAFCos had completed at least one full round of MSRs for all cities and special districts in their respective counties. In testimony provided to the Little Hoover Commission by the CALAFCO in August of 2016 (CALAFCO 2016), the executive director stated that

"[a] recent poll of LAFCos regarding MSRs found that most LAFCos have conducted at least one, if not two, complete rounds of SOI updates and, as a result, one or two rounds of MSRs." The sample size for the poll included 26 LAFCos diverse in size, budget, staffing and type: urban, suburban and rural. The poll's findings indicate that "among these 26 LAFCos, the number of independent special districts subject to review ranged from nine to 105 ... an MSR had been conducted on 1,058 of them at some point in the last 10 years. This is an average completion rate of 92 percent and does not account for all of the municipal services provided by cities that must also be reviewed."

The Grand Jury conducted its own analysis on the other 57 LAFCoS in California. Budget documents, policy documents, MSRs and SOIs, LAFCo websites, and more were searched for evidence indicating that SOIs were, and are, being updated and that supportive MSRs were proactively created in adherence to the criteria outlined in the CKH Act. APPENDIX A was created for our analysis and includes the following for all 58 counties:

1. population data;
2. a description of evidence found to indicate if MSRs are being proactively produced and SOIs being reviewed and updated; and
3. a web link to evidence found.

While arguments have been made whether the CKH Act language is directory as opposed to mandatory, it remains that the actions called for in the CKH Act are obligatory and required. Our analysis reflects that most LAFCos acknowledge this requirement and that more than 95% of LAFCos are compliant with MSR creation and SOI updates; however, Tehama LAFCo is not. Even if the scope of the analysis is narrowed to the eight counties closest in population to Tehama County, or the seven counties in geographic proximity to Tehama County, we still see an 88% and 100% LAFCo compliance rate respectively. Overall, this analysis suggests that current Tehama LAFCo's inaction to complete at least one full round of MSR creation and SOI review and update, is inconsistent with the actions taken by the LAFCos in 55 of the 58 counties in California, as well as the interpretation made by the Senate Local Government Committee, the California Grand Jurors' Association, the California Association of LAFCos and the California Special Districts Association. As for Shasta County (one of the counties in geographic proximity to Tehama County), as noted in their responses to Findings and Recommendations in the 2015-2016 Shasta County Grand Jury Report, Shasta LAFCo agreed to complete all required MSR and SOI updates in conjunction with the dismissal of a civil lawsuit brought forward by a private party alleging Shasta LAFCo non-compliance with the governing statutes (i.e., not completing said MSR and SOI updates). In their responses, Shasta LAFCO also indicated they remain committed to five year MSR/SOI updates as... "...a matter of sound public policy."

Aside from having an administrative record documenting the completion of a first round of MSR creation and SOI update, the Grand Jury deems it just as important that there be documentation showing whether subsequent SOI updates were deemed necessary or not. Slide 25 of a CALAFCO LAFCo training presentation on the Napa LAFCo [website](#) indicates the "as necessary" clause from GC §56425(g) be detailed in local LAFCo policy. Administratively it may be difficult to determine if a SOI update is deemed unnecessary without analysis accomplished through an updated MSR. To assist in this determination, a CALAFCO link is provided as an example of a checklist from the Yolo [LAFCo](#) to document whether a subsequent SOI update was deemed necessary or not. While this does not diminish the requirement for the first full round of MSR creation and SOI update, it will assist to address whether subsequent SOI updates were deemed necessary during subsequent five year review and update cycles.

The Grand Jury also recognizes that current Tehama LAFCo staff may argue that the creation of MSR and SOI updates are cost prohibitive, since the 2008 MSR and SOI for the City of Red Bluff was totaled at approximately \$60,000 - \$70,000, as stated at the [June 8, 2022 Tehama LAFCo meeting](#). The Grand Jury suspects this MSR and SOI to have been so costly due to the amount and complexity of the information required for that particular report. However, MSRs for special districts may cost substantially less. Inyo LAFCo in Inyo County has ascertained through information secured from Executive Officers of LAFCos from other counties, that the cost for special districts is estimated at \$5,000 per MSR (APPENDIX D). This suggests creation of MSRs and associated SOI updates and reviews (especially for the special districts in Tehama County) are not likely cost prohibitive if scheduled and budgeted for over time. Again emphasizing the new requirements for MSRs to support SOIs, MSR guidelines prepared by the Governor's Office of Planning and Research in 2003 recommends that LAFCos develop a five-year schedule of MSRs in order to ensure that all required MSRs are completed in a timely manner. LAFCos do have flexibility in scheduling these reviews, including identifying which services will be reviewed, whether similar services will be reviewed at the same time and what service areas, or geographic regions, will be reviewed within an individual MSR.

6.0 COMMISSION MAKE-UP, FAMILIARITY WITH LAFCO GOVERNING LAW, AND "WILLINGNESS" TO BE INTERVIEWED BY THE GRAND JURY.

Upon obtaining the names of Tehama LAFCo Commissioners, each was called or emailed to set-up an interview in April 2022. At least three of the Commissioners were initially reluctant to be interviewed, as they admittedly had little knowledge of LAFCo or awareness of their appointment to Tehama LAFCo Commission. At that time (April 2022), Tehama LAFCo had not held a meeting since late 2019, contributing to the lack of knowledge of LAFCo business and Commission appointments. The Grand Jury acknowledges the majority of Tehama LAFCo Commissioners are relatively new to their Tehama LAFCo positions and have many duties outside of LAFCo requiring attention.

During interviews conducted with current Tehama LAFCo Commissioners there was a near universal lack of awareness, or knowledge or acknowledgement of the CKH Act and its mandated requirements for LAFCo. A major reason given for initial reluctance to be interviewed (especially by LAFCo Commissioners) was admitted unfamiliarity with current LAFCo responsibilities. Only one current Tehama LAFCo Commissioner had attended a CALAFCO Workshop where LAFCo training is provided.

First attempts to set up interviews also revealed uncertainty as to which individuals were appointed to Tehama LAFCo Commission. Specifically, two of those initially contacted were unaware of their appointment on the Commission and a third Commissioner believed they had resigned. This uncertainty is further evidenced by the publicly available audio file of the [June 8, 2022 Tehama LAFCo meeting](#). During this meeting, an absent Commissioner is reapproved to be an Officer of the Commission without their knowledge. The Grand Jury discovered that this

Commissioner was not aware of their appointment to the Commission even six days after the June 8th public meeting. The Grand Jury also learned, through attempts to set-up interviews, that the Public Member Commissioner had resigned about a year prior to the onset of the Grand Jury investigation. This was unknown to Tehama LAFCo staff since the name and contact information for this individual was secured through Tehama LAFCo with the understanding that the contact information was legitimate for the Public Member LAFCo Commissioner. Tehama LAFCo staff indicate that a resignation letter from this individual is not on-file. Therefore, as a formal resignation has not been recognized, the individual's appointment to the commission remains in effect. The three year hiatus without a Tehama LAFCo meeting (i.e., a three year gap since Commission membership was reaffirmed) likely contributed to this miscommunication. As evidenced by the audio file of the [June 8, 2022 Tehama LAFCo meeting](#), Tehama LAFCo does not hold regularly scheduled meetings, but merely calls a meeting only if a "project application comes in". This single meeting trigger simply does not conform with other proactive responsibilities of Tehama LAFCo or assist in maintaining commission cohesiveness and awareness of membership. The Grand Jury also experienced push back from a Commissioner to be interviewed. This resistance to be interviewed required intervention by the Grand Jury Foreperson and the Grand Jury legal advisor to ultimately obtain an interview. The series of events starting with questions relating to Commission appointment, then reluctance to be interviewed due to an admitted lack of awareness of LAFCo responsibilities, then outright refusal to be interviewed at all, led the interview to be delayed by at least 2 months. Once in the interview, the Commissioner indicated they conceded to the interview only as a "favor" to the legal advisor. Overall, these actions suggest lack of awareness of California Penal Code §933.5:

"A Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission."

And §933.05(e):

"During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental."

Further, this Commissioner professed a false belief that Grand Jury members in Tehama County applied for their positions on the Grand Jury. This demonstrates that LAFCo Commissioners in Tehama County would benefit from formalized Grand Jury training.

If Tehama LAFCo was being run as an efficient government entity there would be no uncertainty surrounding Commission membership and members of the Grand Jury would not have experienced any resistance to inquiries or impedance of their investigation.

FINDINGS

- F1** Tehama LAFCo Commissioners and staff were unaware of who is on the Commission as regular members or alternates. This makes it difficult to have a cohesive, well-functioning Commission.
- F2** Tehama LAFCo does not have an updated set of written PPS which include procedural requirements of the CKH Act. The absence of an up-to-date policy document to guide LAFCo activities may result in a failure to properly execute responsibilities.
- F3** Funding splits for the annual Tehama LAFCo budget is not secured from the cities in Tehama County as required by the CKH Act, resulting in the full burden of Tehama LAFCo funding solely on the county.
- F4** Tehama LAFCo does not have a contract with county employees for LAFCo staffing as required by the CKH Act (GC §56380). The lack of a contract results in the inability for Tehama LAFCo to provide the appearance of autonomy from the County.
- F5** Tehama LAFCo has neither completed nor plans to complete at least one full round of SOI reviews and updates and accompanying MSRs (as called for by GC §§56425 and 56430 of the CKH Act) on all 33 special districts in Tehama County.
- F6** No information on special districts in Tehama County can be found through the Tehama LAFCo website resulting in members of the public having no consolidated electronic access to information on special districts in the County.
- F7** Having no formal LAFCo training, Tehama LAFCo Commissioners are not adequately prepared to fully implement the requirements of the CKH Act.
- F8** Tehama LAFCo does not hold regularly scheduled meetings resulting in lack of continuity of LAFCo business, LAFCo business being superseded by other Commissioner responsibilities and general loss of tracking of Commission appointments.
- F9** Some Tehama LAFCo Commissioners seem unaware of their legal requirement to cooperate with Tehama County Grand Jurors, resulting in unnecessary delays to Grand Jury timelines for completing interviews and writing reports.

RECOMMENDATIONS

- R1** By April 1, 2023 Tehama LAFCo Commissioners and staff names should be listed and maintained on the Tehama LAFCo website to confirm Commission appointment.

R2 By April 1, 2023 Tehama LAFCo Commissioners and staff should implement a regular meeting schedule, at least quarterly, to help all participants remain aware of current issues, updated legal responsibilities and Commission appointments.

R3⁴ By April 1, 2023 Tehama LAFCo Commissioners and staff should revisit and redraft their PPS document to ensure they comply with the mandates, requirements and timelines of the CKH Act. Tehama LAFCo should define timelines and include criteria for when review and updates of SOIs and creation of accompanying MSRs are required to be completed.

R4 By April 1, 2023 Tehama LAFCo Commissioners should resume discussions to attempt to secure funding splits from the cities in Tehama County as required by the CKH Act.

R5 By April 1, 2023 Tehama LAFCo Commissioners should develop contracts annually with the County or others for Tehama LAFCo staffing consistent with GC §56380, such as the example provided in APPENDIX C.

R6 By April 1, 2023 Tehama LAFCo should develop annual work plans that outline schedules for the proactive reviews and updates of SOIs and production of MSRs, consistent with the CKH Act, as well as any other expected work in the given fiscal year. These work plans should put an emphasis on the completion of MSRs and SOI review and updates for special districts.

R7 By April 1, 2023 Tehama LAFCo should annually develop budgets and seek adequate funding to allow accomplishment of annual work plans called for in Recommendation 6. MSRs and SOIs should be scheduled and budgeted over time to reduce the burden of costs.

R8⁵ By April 1, 2023 Tehama LAFCo should have updated information on their webpage which provides a complete inventory (i.e., special district name, service(s) provided, contact information, etc.) of all the special districts in the County, as well as links to all updated SOIs and MSRs that have been completed and should reference the CKH Act.

R9 By April 1, 2023 Tehama LAFCo Commissioners should be required to have Grand Jury training and have subsequent refresher training at some interval to be determined.

R10 By July 1, 2023 Tehama LAFCo should develop checklists, such as those created in Yolo County, to document when MSR and SOI reviews are conducted and if SOI updates are found to be deemed necessary or not.

⁴ The Grand Jury was presented in September 2022 with draft work products addressing R3 and parts of R8. This effort took place subsequent to Grand Jury interviews and we commend Tehama LAFCo staff for proactively making an effort to address deficiencies identified in the interview process.

⁵ The Grand Jury was presented in September 2022 with draft work products addressing R3 and parts of R8. This effort took place subsequent to Grand Jury interviews and we commend Tehama LAFCo staff for proactively making an effort to address deficiencies identified in the interview process.

R11 By October 18, 2023 Tehama LAFCo Commissioners and staff should begin attending Annual CALAFCO Conference Workshops. The 2023 conference will be held on October 18-23, 2023.

R12 By January 1, 2024 all Tehama LAFCo Commissioners and staff should receive formal training in the requirements of the CKH Act.

REQUIRED RESPONSES

Pursuant to Penal Code §§933 and 933.05, the following response is required:

- Tehama LAFCo shall respond to Findings 1-9 and Recommendations 1-12 within 90 days of this report.
- Cities of Red Bluff and Corning shall respond to Finding F3 and Recommendations 4 and 7 within 90 days of this report.
- Tehama County Board of Supervisors shall respond to Finding F3 and Recommendations 4 and 7 within 90 days of this report.

Responses to be sent to:

Honorable Matthew C. McGlynn, Presiding Judge of the Superior Court, 1740 Walnut Street
Red Bluff, CA, 96080

REFERENCES

California Association of Local Agency Formation Commissions(CALAFCO). *Reinventing LAFCo-Changes Made by the Cortese-Knox-Hertzberg Act. A Primer for Commissioners*. March 2001. <https://CALAFCO.org/resources/cortese-knox-hertzberg-act/LAFCo-reinvented>

California Association of Local Agency Formation Commissions (CALAFCO). *State of California Little Hoover Commission Hearing on Special Districts*. Written Testimony Prepared by Pamela Miller, Executive Director. August 25, 2016.

California Grand Jurors' Association. 2021-2022 *Grand Jurors' Training Manual*. Revised March 2021.

California Governor's Office of Planning and Research. *LAFCo Municipal Service Review (MSR) Guidelines*. August 2003.

California Special Districts Association. SD 101 Training. Presented by: California Special Districts Association, Neil McCormick, Chief Executive Officer(neilm@csda.net), February 2022.

California Special Districts Association. *Special District Laws Reference Guide*. 2020

California State Assembly Committee on Local Government. Honorable Patricia Wiggins, Chair. *Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000*. Revised July 2001.

California State Assembly Committee on Local Government. Honorable Simon Salinas, Chair. *Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000*. November 2002.

California State Assembly Committee on Local Government. Honorable Cecilia M. Aguiar-Curry, Chair. *Guide to the Cortese–Knox–Hertzberg Local Government Reorganization Act of 2000*. December 2021.

<https://CALAFCO.org/sites/default/files/documents/CKH%20Guide%20Update%202021.pdf>

California Strategic Growth Council. *Creating Sustainable Communities and Landscapes Recommended practices and tools for local collaboration on climate-smart growth*. October 2018.

<https://CALAFCO.org/resources/reports-white-papers/CALAFCO-white-paper-creating-sustainable-communities-and-landscapes>

Commission on Local Governance for the 21st Century. *Growth Within Bounds: Planning California Governance for the 21st Century*. Susan Golding, Chair. January 2000.

<https://CALAFCO.org/sites/default/files/resources/GrowthWithinBounds.pdf>

Pace Engineering. *2019 Wastewater Rate Study for Tehama County Sanitation District No. 1 Mineral*. Funded by State Water Resources Control Board. December 2019.

tcpw.ca.gov/wp-content/uploads/2020/12/03-mineral-rate-study.pdf

Senate Governance and Finance Committee. *50 years of LAFcos. A Guide to California's Local Agency Formation Commissions*. 3rd Edition. December 2013.

<https://CALAFCO.org/sites/default/files/resources/50%20Years%20of%20LAFCo%20-%20A%20Guide%20to%20LAFCos.pdf>

Senate Local Government Committee. *Taking Their Pulse: How The LAFcos Implemented AB 2838 (Hertzberg, 2000)*. September 2002.

Senate Local Government Committee. *What's So Special About Special Districts? 3rd ed.* Sacramento CA. February 2002.

Senate Local Government Committee. *What's So Special About Special Districts? 4th ed.* Sacramento CA. October 2010.

Yuba LAFCo. *Policies, Standards and Procedures*. May 2013.

APPENDIX A--Bringing Tehama LAFCo Up To Date

Evidence of Awareness of/Adherence to Sphere of Influence/Municipal Service Review Requirements of the CKH Act of 2000 by County.

County	Population 1	Rank by Population 1	Example of Evidence	WebLink to Evidence
Alameda	1,661,584	7	Alameda LAFCo Website	https://alamedaLAFCo.org/cycle-1/
Alpine	1,159	58	Not Available	Not Available
Amador	39,023	46	Municipal Services Review Findings Final August 2008 Amador Local Agency Formation Commission	https://www.amadorgov.org/home/showpublisheddocument/5587/635368875919070000
Butte	223,344	27	Policies and Procedures Section 3.4	https://static1.squarespace.com/static/600886efd4535b44c90320be/t/60663bab853cd04ab4890cdb/1617312683773/Policies+%26+Procedures+-Revised+5-6-2010.pdf
Calaveras	45,828	44	Municipal Service Review (MSR) And Sphere of Influence (SOI) Plan Public Cemetery District Services Adopted August 15 2005 LAFCo Resolutions 2005-11 and 2005-12 Local Agency Formation Commission of Calaveras County	https://www.calaverasLAFCo.org/uploads/1/1/4/5/11454087/jbcmemetery_district_report_adopted_copy.pdf
Colusa	21,491	50	Colusa LAFCo Website MSR and SOI Adoption	https://www.colusalAFCo.org/msr--soi-adoption.html
Contra Costa	1,147,788	9	Contra Costa LAFCo Website --Understanding LAFCo	https://www.contracostaLAFCo.org/understanding-LAFCo/
Del Norte	27,692	49	City of Crescent City Municipal Service Review & Sphere of Influence Update Adopted January 28, 2019 Del Norte Local Agency Formation Commission	http://www.delnorteLAFCo.org/wp-content/uploads/2019/09/Crescent-City-MSR-SOI-ADOPTED-January-28-2019_final.pdf
El Dorado	190,345	29	El Dorado LAFCo Website see Policies and Guidelines Section 4.2	https://www.edLAFCo.us/files/e8d7e26ac/El+Dorado+LAFCo+Policies+%26+Guidelines.pdf
Fresno	990,204	10	Fresno LAFCo Website	https://www.fresnoLAFCo.org/MSR.asp

APPENDIX A--Bringing Tehama LAFCo Up To Date

Evidence of Awareness of/Adherence to Sphere of Influence/Municipal Service Review Requirements of the CKH Act of 2000 by County.

Glenn	28,060	48	Municipal Service Review And Sphere Of Influence For Glenn County Cemetery Districts Elk Creek Cemetery District German Cemetery District Marvin-Chapel Cemetery District Newville Cemetery District Orland Cemetery District Willows Cemetery District Glenn Local Agency Formation Commission December 2015	https://www.countyofglenn.net/committee/local-agency-formation-commission/resources
Humboldt	136,101	35	Alderpoint County Water District Municipal Service Review Adopted January 2009 Prepared by: Humboldt County LAFCo For Updating the Sphere of Influence Report	https://humboldtLAFCo.org/msr-soi-reports/
Imperial	180,580	30	Guide To The Policies, Standards and Procedures To Implement The Cortese-Knox-Hertzberg Local Government Reorganization Act Of 2000 (2013 Edition) Imperial Local Agency Formation Commission (LAFCo).	https://www.icLAFCo.com/assets/icLAFCo-policy-manual.pdf
Inyo	17,930	52	Inyo County FY 2022-2023 Budget	https://www.inyocounty.us/sites/default/files/2022-05/05_23_22%20-%20LAFCo%20Packet%20-%2005_11_22.pdf https://www.inyocounty.us/sites/default/files/2020-07/LAFCo%20Directory%202020_1.pdf
Kern	892,458	11	Kern County Special District Sphere-of-Influence Review Questionnaire	https://www.kerncounty.com/home/showpublisheddocument/8237/637829275162970000
Kings	151,090	33	Local Agency Formation Commission Of Kings County Municipal Service Reviews For Cities And Community Districts Prepared By: Jerry C. James, LAFCo Senior Staff October 5, 2007 Adopted October 24, 2007 By LAFCo Resolution No. 07-05 2007	http://www.kingsLAFCo.com/Documents/2007%20KC%20MSR%2010-24-07%20plus%20resolution.pdf
Lake	64,276	40	Lake LAFCo Website	https://www.lakeLAFCo.org/adopted-service-reviews-and-spheres-of-influence.html
Lassen	30,600	47	Lassen LAFCo Website. Policies and Bylaws Tab. Section 3.4e	https://www.lassenLAFCo.org/policies-and-bylaws.html

APPENDIX A--Bringing Tehama LAFCo Up To Date

Evidence of Awareness of/Adherence to Sphere of Influence/Municipal Service Review Requirements of the CKH Act of 2000 by County.

Los Angeles	10,040,682	1	2005 Local Agency Formation Commission Of Los Angeles County 2005. Los Angeles County Sanitation Districts Municipal Service Review, Prepared By LSA Associates, Inc., May 2005	http://laLAFCo.org/wp-content/uploads/documents/msr/MSRwithApp.pdf
Madera	155,925	32	Madera LAFCo Website	https://www.maderacounty.com/government/madera-LAFCo/LAFCo-municipal-service-reviews
Marin	259,441	26	Marin LAFCo Website	https://www.marinLAFCo.org/municipal-service-review-and-sphere-of-influence-updates
Mariposa	17,319	53	Mariposa LAFCo Website. See Policies and Procedures Chapters 12 and 13	https://www.mariposacounty.org/226/Policies-Procedures-and-Standards
Mendocino	87,110	38	Mendocino LAFCo Website. See Studies Tab	https://www.mendocinofacounty.org/municipal-service-reviews
Merced	273,661	24	Merced LAFCo Website. See MSR TAB	https://www.LAFComerced.org/MunicipalServiceReviews/
Modoc	8,853	56	Modoc LAFCo Website	https://www.modocLAFCo.org/adopted-municipal-service-reviews.html
Mono	14,395	54	Mono LAFCo Website	https://monocounty.ca.gov/LAFCo/page/LAFCo-documents
Monterey	432,977	21	Monterey LAFCo Website	https://www.co.monterey.ca.us/government/government-links/LAFCo/studies-maps
Napa	138,572	34	Napa LAFCo Website. See Studies Tab	https://www.napa.LAFCo.ca.gov/s_municipal_reviews.aspx
Nevada	99,417	36	Nevada LAFCo Website Current Policies page 18-24	https://www.nevadacountyca.gov/DocumentCenter/View/24485/Current-Policies-amended-July-19-2018
Orange	3,170,345	3	Orange LAFCo Website	https://ocLAFCo.org/how/msr/
Placer	391,799	22	Placer LAFCo Website	https://www.placer.ca.gov/2721/Municipal-Service-Reviews
Plumas	18,844	51	Plumas LAFCo Website	https://www.plumasLAFCo.org/msrs-and-soi-updates.html
Riverside	2,437,864	4	2005 Riverside County Local Agency Formation Commission Municipal Service Review For The Western Riverside County Area, Prepared By LSA Associates, Inc., May 2005	http://LAFCo.org/wp-content/uploads/documents/msr-2005-2013/Western%20Riverside%20County%20MSR%20Final%20Draft%20May%202005.pdf
Sacramento	1,537,948	8	Sacramento LAFCo Website	https://sacLAFCo.saccounty.gov/MunicipalServiceReviews/Pages/default.aspx
San Benito	61,547	42	San Benito County LAFCo Website	https://www.cosb.us/home/showpublisheddocument/1350/637205551212000000

APPENDIX A--Bringing Tehama LAFCo Up To Date

Evidence of Awareness of/Adherence to Sphere of Influence/Municipal Service Review Requirements of the CKH Act of 2000 by County.

San Bernardino	2,162,532	5	San Bernardino LAFCo Website	https://sbclAFCo.org/service-reviews/
San Diego	3,323,970	2	2021 San Diego Local Agency Formation Commission Policies Section L-102	https://www.sdlAFCo.org/home/showpublisheddocument/3042/63776457760660000
San Francisco	874,784	12	San Francisco LAFCo Website	https://sfgov.org/LAFCo/general-policies-and-procedures
San Joaquin	751,615	15	San Joaquin LAFCo Website. Service Review Policies	https://www.sjgov.org/docs/default-source/local-agency-formation-commission-documents/policies-and-procedures/application-submission/service-review-policies.pdf?sfvrsn=c01b84b5_2
San Luis Obispo	282,517	23	San Luis Obispo LAFCo Website 2021-2022 WorkPlan Attach B	https://www.sloLAFCo.comhttps://www.sjgov.org/docs/default-source/local-agency-formation-commission-documents/policies-and-procedures/application-submission/service-review-policies.pdf?sfvrsn=c01b84b5_2/files/2299b86e5/C-2-+2021+Annual+Report+and+2022+Proposed+Work-Plan+%28Recommend+Review+and+Approve%29.pdf
San Mateo	765,623	14	San Mateo LAFCo Website	https://LAFCo.smcgov.org/municipal-service-reviews-sphere-influence-updates-other-studies
Santa Barbara	444,895	19	Municipal Service Review And Sphere Of Influence Update Lompoc Area Report To The Santa Barbara Local Agency Formation Commission, February 2005	http://www.sbLAFCo.org/docs/02-03-05/Item10_Municipal_Service_Reviews_for_Lompoc_Area.pdf
Santa Clara	1,924,379	6	Santa Clara LAFCo Website	https://santaclaralAFCo.org/cities-and-special-districts/service-reviews/first-round/2004-countywide-fire-service-review
Santa Cruz	273,170	25	Santa Cruz LAFCo Website	https://www.santacruzLAFCo.org/wp-content/uploads/2019/10/5a.0-Work-Program-Staff-Report-FINAL.pdf
Shasta	179,267	31	Shasta LAFCo Website. See FAQs Tab	http://www.shastaLAFCo.org/
Sierra	2,898	57	Sierra LAFCo Website. See LAFCo Policies and Procedures Quick Link	https://www.sierracounty.ca.gov/DocumentCenter/View/18/LAFCo-Policies-and-Procedures-?bidl=
Siskiyou	43,516	45	Siskiyou LAFCo Website	https://www.co.siskiyou.ca.us/LAFCo
Solano	444,538	20	Solano LAFCo Website. See Studies Tab	https://www.solanoLAFCo.com/studies.htm
Sonoma	496,801	17	Sonoma LAFCo Website. See Cities and Districts Tab	https://sonomaLAFCo.org/cities-and-districts
Stanislaus	546,235	16	Stanislaus LAFCo Website. See Municipal Service Reviews and Spheres of Influence Tab, under Information Tab	https://www.stanislausLAFCo.org/service_reviews.shtm
Sutter	96,315	37	Sutter LAFCo Website	http://www.sutterLAFCo.org/uploads/1/1/4/5/11454087/policies_and_procedures_sutter_adopted_5.9.19_with_i

APPENDIX A--Bringing Tehama LAFCo Up To Date

Evidence of Awareness of/Adherence to Sphere of Influence/Municipal Service Review Requirements of the CKH Act of 2000 by County.

				oc.pdf
Tehama	64,176	41	Not Available	Not Available
Trinity	12,541	55	Trinity LAFCo Website. See Municipal Service Review Tab, under Projects Tab	https://www.trinityLAFCo.org/municipal-service-reviews/
Tulare	463,955	18	Tulare LAFCo Website. See MSR Tab	https://LAFCo.co.tulare.ca.us/msr/
Tuolumne	54,147	43	Not Available	Not Available
Ventura	845,599	13	Ventura LAFCo Website, Cities and special districts Tab	https://www.venturaLAFCo.ca.gov/ventura-county-cities-boundary-sphere-of-influence-maps/
Yolo	218,774	28	Yolo LAFCo Website. See MSR/SOI, Under Studies Tab	https://www.yoloLAFCo.org/studies
Yuba	77,524	39	Yuba LAFCo Website. See SOI Tab, under More Tab	https://www.yubaLAFCo.org/spheres-of-influence.html
1 https://www.california-demographics.com/counties_by_population				

APPENDIX B—Bringing Tehama LAFCo Up To Date

BUDGET UNIT: 2079	UNIT TITLE: L.A.F.C.O
TEHAMA COUNTY CALIFORNIA	FUNCTION: PUBLIC PROTECTION
STATE OF CALIFORNIA	ACTIVITY: OTHER PROTECTION
EXPENDITURE DETAIL	FUND: GENERAL FUND
SCHEDULE 9 2021-2022	

ACCOUNT	TITLE	ACTUALS 2019-20	ACTUALS 2020-21	REQUESTED 2021-22	RECOMMENDED 2021-22	ADOPTED 2021-22
53120	COMMUNICATIONS	0	0	100.00	100.00	100.00
53200	MEMBERSHIPS & DUES	0	1,899	1,900.00	1,900.00	1,900.00
53220	OFFICE EXPENSE	1,075	0	0.00	0.00	0.00
53240	PUBLICATION/LEGAL NOTICES	0	0	1,000.00	1,000.00	1,000.00
53290	EMPLOYEE TRAVEL/TRAINING	0	0	1,200.00	1,200.00	1,200.00
Total - SERVICES & SUPPLIES		1,075	1,899	4,200	4,200	4,200
Total - L.A.F.C.O		1,075	1,899	4,200	4,200	4,200

APPENDIX C. Bringing Tehama LAFCo Up To Date

Example of Contract between LAFCo and the County

AGREEMENT BETWEEN THE COUNTY OF INYO AND THE INYO LOCAL AGENCY FORMATION COMMISSION FOR THE PROVISION OF SERVICES

INTRODUCTION

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 et seq., hereinafter referred to as "Act") governs Local Agency Formation Commission operations, policies, and procedures; and

WHEREAS, Government Code § 56384 requires Inyo Local Agency Formation Commission (hereinafter referred to as "Inyo LAFCO") to appoint an Executive Officer and Legal Counsel, and Government Code § 56380 allows Inyo LAFCO to contract with any public agency or private party for personnel and facilities; and

WHEREAS, Inyo LAFCO has the need for the services of the County of Inyo (hereinafter referred to as "County"), and in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The County shall provide to Inyo LAFCO, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

Services and work provided by the County under this Agreement will be performed by County employees or other County contractors in a manner consistent with the requirements and standards established by applicable federal, state, and county laws, ordinances, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement.

When County performs work or services under this Agreement, County may have such work or services performed either by its own employees or, upon approval by Inyo LAFCO, by one or more of County's contractors. County will have such work or services performed by employees or contractors who are qualified to, and capable of, doing such work. County has the right in its sole discretion to determine which employee(s) are qualified and capable, and to determine which employee(s) of those which are deemed qualified and capable, are to actually perform the work and services under this Agreement. Inyo LAFCO has no right to designate, or require the work or services to be performed by a particular County Department, class of County employees, or particular employee(s). Further, County need not obtain Inyo LAFCO's approval prior to or after incurring any travel and/or per diem, or overtime expenses in performing work or services under this Agreement.

2. TERM.

The term of this Agreement shall be from July 1, 2021 to June 30, 2022 unless sooner terminated as provided below.

APPENDIX D. Bringing Tehama LAFCo Up To Date

Estimate of Municipal Service Review Costs for special districts presented by Inyo LAFCo on Page 4 of their 2020-2021 Proposed Budget.

them in FY 2020-2021, but this is the most practical place in the LAFCO budget to cut expenses, everything else is required.

The City of Bishop is requesting that the shared amount be \$5,000 for FY 2020-2021. This would require dipping into the fund balance to ensure Inyo LAFCO meets its obligations under 56381(a) and staff is not recommending it. For the 2014-2015 FY the LAFCO Commission lowered the contribution amount from \$11,000 to \$5,000. This was repeated for FY 2015-2016 and 2016-2017. Staff and the commission at that time thought it wise to use the fund balance to lower the annual cost for the City and County during difficult economic times. When the budget was being prepared for 2017-2018 staff found that the fund balance ran out and Inyo LAFCO was facing a deficit of \$5,081. Current staff and the commission did not agree with this strategy and increased the shared amount to \$15,000 to fund FY 2017-2018 and re-stabilize the fund balance. This has worked and Inyo LAFCO now has a healthy estimated fund balance of \$53,821 going into FY 2020-2021.

Staff also believes that the fund balance should continue to be grown as it is likely that Inyo LAFCO will be required to conduct Municipal Service Reviews (MSRs). According to estimates provided by other LAFCO's Executive Officers the current amount needed conduct MSRs is about \$5,000 per district. Inyo LAFCO includes twenty-seven community service districts and twelve municipal water companies this would result in a cost of \$135,000 for the community service districts and \$60,000 for the municipal water companies. If the commission chooses to not grow the fund balance, at the very least, it should not be reduced by using it to lower the annual cost to run Inyo LAFCO properly.

Adoption of the annual budget for Inyo LAFCO requires adoption at a noticed public hearing by a three-fifths vote. Amendment of the adopted budget requires a four-fifths vote of the Commission.

Expenditures

Applications

Although there are no known applications on the horizon, staff recommends including funding in case one is submitted. If no applications are submitted, these funds will not be utilized – no revenues or expenses will be incurred.

Annual Audit

Inyo LAFCO's cost for the annual mandated agency audit is project to be **\$2,700**. Inyo LAFCO is currently processing a letter of engagement with Clifton Larson Allen to continue to provide this service. The amount for Clifton Larson Allen's services will go up after this year. Staff is recommending that Inyo LAFCO continues with three-year contracts for this service as it gives a lower overall price.

This amount will not change under any budget scenario.

LAFCO Meetings

CRIMINAL JUSTICE: DETENTION FACILITY REVIEWS

Pursuant to California Penal Code (CPC) section 939.9 “A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as its own the recommendation of another grand jury unless the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.” Pursuant to CPC section 919(b) “The grand jury shall inquire into the condition and management of the prisons within the County.”

The California Attorney General issued an opinion (No. 18-103, dated March 10, 2022) stating that the term “public prisons” in CPC section 919(b) includes “local detention facilities,” defined as facilities that confine prisoners for more than 24 hours. A county or city jail is a typical example of such a local detention facility. The Attorney General has concluded that each grand jury must inquire into the “local detention facilities” located within their county—but the CPC does not require the jury to conduct an investigation or write a report about the inquiry. In fact, a report cannot be written on an inquiry; instead, a full investigation is needed so all the facts can be verified. (CPC 939.9)

Previous Grand Juries in Tehama County have submitted reports that included statements regarding conditions of the facilities and recommendations based on their jail inspections. This Grand Jury will not be providing such a report based on an interpretation of CPC section 939.9, which prohibits the Grand Jury from making such statements and recommendations without first conducting a full investigation. Nonetheless, this recent interpretation of the CPC does not prohibit the Grand Jury from having access to jails and custody facilities, or launching a formal investigation if the circumstances call for one. However, it does stop Grand Juries from making statements or “findings,” which make up the vast majority of what a Grand Jury normally reports on after inspecting these facilities.

To fulfill the requirement to inquire into the detention facilities in Tehama County, teams of five to seven Grand Jury members toured the following detention facilities between March and July 2022. The teams also interviewed the warden or jail commander in charge of the facility, as well as other staff members at the site.

Salt Creek Conservation Camp #7
10655 Round Valley Rd, Paskenta, CA
96074

Ishi Conservation Camp # 18
30500 Plum Creek Rd, Paynes Creek, CA
96075

Tehama County Juvenile Detention Facility
1790 Walnut St, Red Bluff, CA 96080

Tehama County Jail
502 Oak St, Red Bluff, CA 9608

How to Respond to Recommendations Contained in this Grand Jury Report

Pursuant to California Penal Code §933.05, the person or entity responding to each Civil Grand Jury finding 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.

The person or entity responding to each Grand Jury recommendation shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implementation action. This implementation is from the governing body of the public agency.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
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 the 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 the publication of this Grand Jury Report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Send all responses to:

The Honorable Matthew C. McGlynn
Presiding Judge of the Superior Court
1740 Walnut St.
Red Bluff, CA 96080

Responses to the Grand Jury Final Report are due as follows:

1. Within 60 days of issuance of the 2022 final report for all elected officials.
2. Within 90 days of issuance of the 2022 final report for governing bodies of a public agency.

CONTINUITY: RESPONSES TO THE 2021 TEHAMA COUNTY GRAND JURY REPORT

The 2022 Tehama County Grand Jury (Grand Jury) carefully reviewed all of the responses to the findings and recommendations from the 2021 Grand Jury Final Report for compliance with the law. All responses were found to be compliant (refer to “How to Respond to Recommendations Contained in this Grand Jury Report”) and will be noted as “adequately addressed” in tables below. The complete text of these reports can be accessed at the following website: www.co.tehama.ca.us/grand-jury.

The 2021 Grand Jury requested responses to recommendations from five reports. Responses to those recommendations are listed in the following tables.

Response from The City of Red Bluff: “It is unknown what the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee intend to review during the current year. However, the City will respond and cooperate with all reasonable requests from the Grand Jury.”
ADEQUATELY ADDRESSED: YES

City Government Committee: *The Use of Public Funds to Mitigate the Effects of COVID-19* **Recommendations: 4**

<p>Recommendation 1: The Grand Jury recommends that the City of Red Bluff engage in a community needs assessment to determine the strengths, challenges and risks the city experiences, from which a strategic and implementation plan should be developed to guide city planning.</p>
<p>Response from The City of Red Bluff: “The recommendation has not yet been implemented, but is currently a work in progress. The City of Red Bluff is working on a General Plan update, which incorporates a community needs assessment, to develop the General Plan. The City of Red Bluff anticipates that the General Plan update will be complete in late 2022 or early 2023 with the adoption by the City Council.” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 2: The Grand Jury recommends that city administrators take an active role in the oversight of the small business loan program.</p>
<p>Response from The City of Red Bluff: “The recommendation has not yet been implemented but is a work in progress. Unfortunately, the small business loan program has stalled due to numerous problems. To date, no monies have been distributed to businesses.” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 3: The Grand Jury recommends that the City of Red Bluff Administrator consider working collaboratively with other rural California communities to address rural equitability by advocating with local State Assembly and Senate Representatives. It is further recommended that city administrators work with the Tehama County Board of Supervisors to address these inequities.</p>
<p>Response from The City of Red Bluff: “The recommendation has been implemented. City staff will continue to work with Tehama County Administration, local State Assembly, and Senate Representatives to address rural equitability.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: “Although a response from the Board of Supervisors is not required, the Board of Supervisors agree with this recommendation and</p>

welcomes the opportunity to work collaboratively with the new city manager to address rural equitability.” ADEQUATELY ADDRESSED: YES
Recommendation 4: The Grand Jury recommends that the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee continue to review the use of public funds intended to mitigate the effects of COVID-19, as some projects will continue until 2024.
Response from The City of Red Bluff: “It is unknown what the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee intend to review during the current year. However, the City will respond and cooperate with all reasonable requests from the Grand Jury.” ADEQUATELY ADDRESSED: YES

**County Government Committee: Tehama County Public Works Department (TCPWD)
Recommendations: 5**

Recommendation 1: The Grand Jury recommends that the TCPWD implement LIDAR surveying technology that identifies roadway issues within Tehama County and implements data-driven reports in a timely manner. It is also recommended that TCPWD research and identify additional funding streams through grants or contracts.
Response from TCPWD: “Agree: TCPWD is incorporating the recommendation.” ADEQUATELY ADDRESSED: YES
Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and the TCPWD response committing to incorporate the recommendation.” ADEQUATELY ADDRESSED: YES
Recommendation 2: The Grand Jury recommends that TCPWD develop and implement a written safety policy for emergency evacuations. The safety plan policy will be shared with emergency first responder agencies within Tehama County. The safety plan policy will be provided to the 2022 Grand Jury for review and posted on the Tehama County website.
Response from TCPWD: “Agree: TCPWD is incorporating the recommendation.” ADEQUATELY ADDRESSED: YES
Follow up from TCPWD: “There are two alternative routes west of the washout that provide for fire safety egress, and a consultant evaluating secondary access needs within the county. The alternative routes from Red Bluff to Reeds Creek Elementary School are as follows: The southerly route is 30 minutes and the northerly route is 40 minutes versus the Reeds Creek Road route of 13 minutes. The alternate routes include gravel roads that are in good condition.” (see attached maps)
Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and the TCPWD response committing to incorporate the recommendation.” ADEQUATELY ADDRESSED: YES
Recommendation 3: The Grand Jury recommends that TCPWD prioritize implementation of the property domain and environmental studies for the Reeds Creek Road washout repair process. The TCPWD to identify a timeline for the process to begin and report to the 2022 Grand Jury.
Response from TCPWD: “Agree: TCPWD has entered into an on-call agreement with a right of way consultant to assist TCPWD with right of way acquisition. TCPWD is evaluating proposals for an on-call agreement for environmental services to assist TCPWD with the environmental review and permitting process. TCPWD will develop a schedule and provide it to the 2022 Grand Jury.”

ADEQUATELY ADDRESSED: YES

Follow up: The Board of Supervisors authorized \$1.5M in COVID money for the project on July 19, 2022. On August 2, 2022 the Board of Supervisors determined “this is an emergency and authorized the Director of Public Works to complete the project by any means necessary (Force Account, meaning, we can do the work with County forces rather than competitive bidding).” The anticipated completion of replacing the road in its original alignment along with the creek bank stabilization is November 30, 2022. Environmental agencies agree with the emergency nature of the project and are cooperating.

Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and is supportive of the steps taken by the TCPWD as outlined in the department response.”

ADEQUATELY ADDRESSED: YES

Recommendation 4: The Grand Jury recommends that TCPWD temporarily reinforce Reeds Creek Road washout until such time as permanent repairs can be completed. It is also recommended that Tehama County Board of Supervisors make an onsite visit to the Reeds Creek washout site.

Response from TCPWD: “Agree: TCPWD is evaluating temporary versus permanent repair options for the Reeds Creek Road washout. It should be noted that considerations regarding a temporary repair include: - a temporary repair will be costly, likely on the same order of magnitude as a permanent repair - a temporary repair may limit permanent repair options if the temporary repair is incorporated into the permanent solution -funding and environmental constraints limit TCPWD’s ability to timely perform temporary repairs.”

ADEQUATELY ADDRESSED: YES

Follow up: “There is no information regarding the Grand Jury’s recommendation that the Board of Supervisors make an onsite visit to the Reeds Creek Road washout site.”

Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and is supportive of TCPWD evaluating temporary versus permanent repair options as outlined in the department response.”

ADEQUATELY ADDRESSED: YES

Recommendation 5: The Grand Jury recommends that by 3-1-2022, TCPWD implement LIDAR surveying technology within Tehama County. 2022 Grand Jury to follow up regarding implementation of this process.

Response from TCPWD: “Agree: TCPWD entered into an agreement with a consultant as approved by the Board of Supervisors on January 4, 2022. Initial information was transmitted to the consultant and a kick-off meeting with TCPWD and consultant project staff was held February 1, 2022. The schedule provides for performance of services through October 2022 with a presentation planned for the Board of Supervisors in November 2022.”

ADEQUATELY ADDRESSED: YES

Response from The Board of Supervisors: The Board of Supervisors “concur with the commitment by TCPWD to implement LIDAR surveying technology with presentation planned for the Board of Supervisors in November 2022.”

ADEQUATELY ADDRESSED: YES

**Criminal Justice Committee: Tehama County Jail
Recommendations: 3**

<p>Recommendation 1A: The Grand Jury recommends adding a category to the next annual budget that would allow for emergency repairs.</p>
<p>Response from Tehama County Sheriff: “We agree with the Grand Jury about this issue. The County has contingency funds set aside for these type(s) of emergency repairs. The Sheriff’s budget is used to provide services to the people and for public safety. Emergency repairs to structures owned by the county fall within the Facilities Maintenance Program. As in past years, the Grand Jury have identified many areas of Sheriff’s facilities in disrepair and these issues have been presented to the Board of Supervisors with little to no action taken.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors concur with the recommendation. “It is the current and past practice for funds to be budgeted annually with the Maintenance of Structure account of the Jail’s budget unit (106-2032-53180).” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 1B: The Grand Jury recommends that jail administrators immediately compile a list of contractors for needed repairs.</p>
<p>Response from Tehama County Sheriff: We agree with the Grand Jury, “we have several vendors on contract that provide ongoing maintenance of our facilities and operations. However, when faced with a substantial repair, there is an ever-evolving contractors list and a bid process that is controlled by the County. Funds for projects like these are controlled by the County.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors concur with the recommendation. “It is the current and past practice of the Tehama County Purchasing Department to maintain a list of contractors and vendors.” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 2: The Grand Jury recommends exploring a bond initiative to address the funding shortfall for the new jail facility.</p>
<p>Response from Tehama County Sheriff: “We appreciate the Grand Jury recommendation of exploring a bond initiative to fund the new Jail Facility. With the rising inflation rates and cost of living increases already inflicted on our citizens, we cannot support a new tax initiative to fund this project. Especially when this project could have been easily completed if the Board of Supervisors would have acted on it in a timely manner. The Jail Expansion Project is the result of a needs assessment report, completed at significant expense, identifying this project as the foundation for public safety and the overall health of our County. This project is the responsibility of the Chief Administrator, “under the general administrative direction of the Board of Supervisors.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors “appreciates the Grand Jury’s recommendation. At this time the Board of Supervisors will not initiate a bond initiative to fund the new jail facility.” ADEQUATELY ADDRESSED: YES</p>

**Special Investigations – In-Home Supportive Services (IHSS) Public Authority
Recommendations: 3**

<p>Recommendation 2: Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.</p>
<p>Response from Tehama County IHSS Public Authority: “We agree that the agendas and minutes have been posted online at tehamacountyihsspa.com, and agree that due to not having our website updated it did appear as though the committee had not met since March 2020. We have been able to offer a video meeting option, via Zoom, to ensure the committee should safely meet. The website has been updated to reflect this. However, we recently lost a member of the committee and are actively recruiting so we can have quorum.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and is supportive of the steps taken by the Director as outlined in response.” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 4: Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.</p>
<p>Response from Tehama County IHSS Public Authority: “We agree with this recommendation. We are actively recruiting for quorum and once achieved we will provide video options as needed for safety, or in person as allowed by Public Health.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors “concur with the commitment by the Director to recruit for a quorum and is supportive of the steps that will be taken by the Director to allow for the meetings to take place.” ADEQUATELY ADDRESSED: YES</p>
<p>Recommendation 6: Meeting should be rescheduled as soon as they can be done safely per County and Public Health guidance.</p>
<p>Response from Tehama County IHSS Public Authority: “We agree with the recommendation, and believe that due to our website not being updated, it did not accurately reflect that meetings had been held since March 2020. We have updated our website. As of December 2021, we lost a board member and are actively recruiting for quorum. We will resume meetings as soon as quorum is achieved.” ADEQUATELY ADDRESSED: YES</p>
<p>Response from The Board of Supervisors: The Board of Supervisors “concur with the recommendation and is supportive of the steps taken by the Director as outlined in the response.” ADEQUATELY ADDRESSED: YES</p>



CITY OF RED BLUFF

555 Washington Street, Red Bluff, California 96080
(530) 527-2605; Fax (530) 529-6878
www.cityofredbluff.org



January 19, 2022,

Judge Todd Bottke
Superior Court of California County of Tehama
1740 Walnut Street
Red Bluff, CA 96080

RE: 2021 Grand Jury Report Response to Findings and Recommendations
Use of Public Funds to Mitigate the effects of COVID-19

Dear Judge Bottke:

Pursuant to Penal Code § 933(c), the City Council of the City of Red Bluff present the following responses to the findings and recommendations contained in the portions 2021 Grand Jury Report which pertain to the to the City of Red Bluff.

RESPONSE TO FINDINGS

F1. Available funds were not automatically awarded to rural counties/communities. Funding is distributed from the state as a reimbursement. The City of Red Bluff determined that any expenditures would be a financial risk and did not move to implement project plans until the State of California issued formal notice that reimbursements were guaranteed.

Response to Finding F1: The City agrees with the finding. The City determined that waiting for funding and approved funding uses is/was the prudent way to proceed.

F2. The City of Red Bluff does not have a strategic or implementation plan that can be used to prioritize projects for funding allocations.

~The City of Red Bluff is an Equal Opportunity Provider~

Response to Finding F2: The City Disagrees with the finding. The City has a Grant Management Plan which is presented to Council approximately every quarter. The Plan has been presented to council on May 18, 2021, August 17, 2021, and January 4, 2021.

F3. The City of Red Bluff collaborated with other communities under a Memorandum of Understanding with the County of Tehama to administer a small business loan program with the contracted assistance of long-standing, non-profit economic development, and job training entities.

Response to Finding F3: The City agrees with the finding.

F4. The small business loan program did not begin reviewing applications until July 2021; sixteen months after the Shelter in Place was declared.

Response to Finding F4: The City agrees with the finding.

F5. Administrators for the City of Red Bluff could not articulate the intentions or timelines for the small business loan program for which they had invested.

Response to Finding F5: The City disagrees with the finding. As of the June 24, 2021 Grand Jury meeting, City staff noted that the intentions of the small business loan program were stated in the MOU with the County.

RESPONSE TO RECOMMENDATIONS

R1. The Grand Jury recommends that the City of Red Bluff engage in a community needs assessment to determine the strengths, challenges and risks the city experiences, from which a strategic and implementation plan should be developed to guide city planning.

Response to recommendation R1: The recommendation has not yet been implemented but is currently a work in progress. The City is working on a General Plan Update, which incorporates a community needs assessment, to develop the General Plan. The City of Red Bluff anticipates that the General Plan Update will be complete in late 2022 or early 2023 with the adoption by the City Council.

R2. The Grand Jury recommends that city administrators take an active role

in the oversight of the small business loan program.

Response to recommendation R2: The recommendation has not yet been implemented but is a work in progress. Unfortunately, the small business loan program has stalled due to numerous problems. To date, no monies have been distributed to businesses.


R3. The Grand Jury recommends that the City of Red Bluff Administrator consider working collaboratively with other rural California communities to address rural equitability by advocating with local State Assembly and Senate Representatives. It is further recommended that City administrators work with the Tehama County Board of Supervisors to address these inequities.

Response to recommendation R3: The recommendation has been implemented. City staff will continue to work with Tehama County Administration, local State Assembly, and Senate Representatives to address rural equitability.

R4. The Grand Jury recommends that the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee continue to review the use of public funds intended to mitigate the effects of COVID-19, as some projects will continue until 2024.

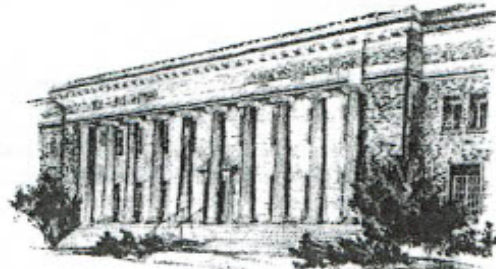
Response to recommendation R4: It is unknown what the 2022 Tehama County Grand Jury Continuity Committee and City Government Committee intend to review during the current year. However, the City will respond and cooperate with all reasonable requests from the Grand Jury.

Respectively submitted,


Kris Deiters, Mayor
City of Red Bluff

Board of Supervisors
COUNTY OF TEHAMA

District 1 – Bill Moule
District 2 – Candy Carlson
District 3 – Dennis Garton
District 4 – Bob Williams
District 5 – John Leach



Tehama County Courthouse

Gabriel Hydrick
Chief Administrator

March 1, 2022

Honorable C. Todd Bottke
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: Response to Grand Jury 2021 Report

The Tehama County Board of Supervisors has received and reviewed the 2021 Grand Jury Report. We thank the members of the Grand Jury for their service to the community by providing a thorough investigation and thoughtful findings and recommendations.

The Grand Jury has requested a response from the Board of Supervisors to recommendations in four areas:

- County Government – Reeds Creek Road, Tehama County Public Works
- Criminal Justice – Tehama County Jail
- Special Investigations – In Home Supportive Services Public Authority
- Special Investigations – The Role and Authority of Tehama County Supervisors

In addition, the report included Tehama County Audit & Finance and Tehama County Juvenile Justice but no responses were required.

On December 21, 2021 the Board of Supervisors took action to acknowledge receipt of the Final Report. On January 11, 2022 each department reviewed or investigated presented their proposed responses or corrective actions to the Board of Supervisors.

Pursuant to Penal Code 933.05, each Tehama County department identified for a required response has responded in a timely manner. The Board of Supervisors has reviewed those responses and will refer to them as applicable. They have been attached to this letter for your convenience.

727 Oak Street, Red Bluff, CA 96080 • (530) 527-4655 • Fax (530) 527-3764

CITY GOVERNMENT – CITY OF RED BLUFF

Recommendation:

- R3. The Grand Jury recommends that the City of Red Bluff Administrator consider working collaboratively with other rural California communities to address rural equitability by advocating with local State Assembly and Senate Representatives. It is further recommended that city administrators work with the Tehama County Board of Supervisors to address these inequities.

Response:

- R1. Although a response from the Board of Supervisors is not required, the Board of Supervisors agree with this recommendation and welcomes the opportunity to work collaboratively with the new city manager to address rural equitability.

TEHAMA COUNTY PUBLIC WORKS Department (TCPWD) – REEDS CREEK ROAD

Findings

- F1. – F5. The Board of Supervisors concur with the Grand Jury's findings.

Recommendation:

- R1. The Grand Jury Recommends that the TCPWD implement LIDAR surveying technology that identifies roadway issues within Tehama County and implements data-driven reports in a timely manner. It also recommended that TCPWD research and identify additional funding streams through grants or contracts.

Response:

- R1. The Board of Supervisors concur with the recommendation and the TCPWD response committing to incorporate the recommendation.

Recommendation:

- R2. The Grand Jury recommends that TCPWD develop and implement a written safety policy for emergency evacuations. The safety plan policy will be shared with emergency first responder agencies within Tehama County. The safety plan policy will be provided to the 2022 Grand Jury for review and posted on the Tehama County website.

Response:

- R2. The Board of Supervisors concur with the recommendation and the TCPWD response committing to incorporate the recommendation.

Recommendation:

- R3. The Grand Jury Recommends that TCPWD prioritize implementation of the property domain and environmental studies for the Reeds Creek Road washout repair process. The TCPWD to identify timelines for the process to begin and report to the 2022 Grand Jury.

Response:

- R3. The Board of Supervisors concur with the recommendation and is supportive of the steps taken by the TCPWD as outlined in the department response.

Recommendation:

- R4. The Grand Jury Recommends that TCPWD temporarily reinforce the Reeds Creek Road washout until such time as permanent repairs can be completed. It is also recommended that the Tehama County Board of Supervisors make an onsite visit to the reeds Creek Road washout site.

Response:

- R4. The Board of Supervisors concur with the recommendation and is supportive of TCPWD evaluating temporary versus permanent repair options as outlined in the department response.

Recommendation:

- R5. The Grand Jury Recommends that, by 3-1-2022, TCPWD implement LIDAR surveying technology within Tehama County. 2022 Grand Jury to follow up regarding implementation of this process.

Response:

- R5. The Board of Supervisors concur with the commitment by TCPWD to implement LIDAR surveying technology with presentation planned for the Board of Supervisors in November of 2022.

CRIMINAL JUSTICE – TEHAMA COUNTY JAIL

Findings

- F1. – F2. The Board of Supervisors concur with the Grand Jury's findings.

Recommendation:

- R1A. The Grand Jury recommends adding a category to the next annual budget that would allow for emergency repairs.

Response:

- R1A. The Board of Supervisors concur with the recommendation. It is the current and past practice for funds to be budgeted annually within the Maintenance of Structure account of the Jail's budget unit (106-2032-53180).

Recommendation:

- R1B. The Grand Jury recommends that jail administrators immediately compile a list of contractors for needed repairs.

Response:

- R1B. The Board of Supervisors concur with the recommendation. It is the current and past practice of the Tehama County Purchasing Department to maintain a list of contractors and vendors.

Recommendation:

- R2. The Grand Jury recommends exploring a bond initiative to address the funding shortfall for the new jail facility.

Response:

R2. The Board of Supervisors appreciates the Grand Jury's recommendation. At this time the Board of Supervisors will not initiate a bond initiative to fund the new jail facility.

SPECIAL INVESTIGATIONS – IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Findings

F1. – F11. The Board of Supervisors concurs with the Grand Jury findings.

Recommendation:

R2. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.

Response:

R2. The Board of Supervisors concur with the recommendation and is supportive of the steps taken by the Director as outlined in the response.

Recommendation:

R4. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance, and the website updated within 90 days.

Response:

R4. The Board of Supervisors concur with the commitment by the Director to recruit for a quorum and is supportive of the steps that will be taken by the Director to allow for the meetings to take place.

Recommendation:

R6. Meetings should be rescheduled as soon as they can be done safely per County and Public Health guidance.

Response:

R6. The Board of Supervisors concur with the recommendation and is supportive of the steps taken by the Director as outlined in the response.

SPECIAL INVESTIGATIONS – THE ROLE AND AUTHORITY OF THE TEHAMA COUNTY SUPERVISORS

Findings

F1. The Board of Supervisors strongly agrees with the Grand Jury's finding.

F2. The Board of Supervisors disagrees with the Grand Jury's finding.

F3. The Board of Supervisors strongly disagrees with the Grand jury's finding.

Recommendation:

R1. The Tehama County Board of Supervisors will place on their agenda within 60 days of publication of this report, a motion to publicly censure the supervisor of District 2 for actions taken in violation of the Boards Policy and the County Code of Conduct.

Response:

R1. The Board of Supervisors strongly disagrees with the recommendation. An item was placed on the January 11, 2022 Board of Supervisor's meeting agenda to discuss the proposed responses and corrective actions. No action was taken by the Board of Supervisors to publicly censure the Supervisor of District 2.

Recommendation:

R2. The Tehama County Board of Supervisors will offer the Supervisor of District 2 an opportunity to publicly apologize for their action within 60 days of the publishing of this report.

Response:

R2. The Board of Supervisors strongly disagrees with the recommendation. At the January 11, 2022 meeting, Supervisor of District 2 had the opportunity to address the Board.

Recommendation:

R3. All members of the Tehama County Board of Supervisors will review the Tehama County Code of Conduct and the Tehama County Policies within 90 days of the publication of this report, signing a statement verifying as done.

Response:

R3. The Board of Supervisors agree with the recommendation and all five supervisors have signed a form acknowledging that they have reviewed, became familiar with and will comply with the provisions of the rules, policies, and MOUs. Further action was taken by the Board of Supervisors to also require all Tehama County department heads and elected officials to review the rules, policies, and MOUs and sign the acknowledgement form.

In closing, the Board of Supervisors have reviewed all of the responses and is committed to work with staff to meet their goals. Again, the Board of Supervisors would like to express its appreciation to the members of the 2021 Grand Jury and offer our recognition of the extraordinary commitment required to serve as a member of the Grand Jury.

Sincerely,



Candy Carlson
Board Chairwoman



**COUNTY OF TEHAMA
DEPARTMENT OF PUBLIC WORKS**

9380 San Benito Avenue
Gerber, CA 96035-9701
(530) 385-1462
(530) 385-1189 Fax

Road Commissioner
Surveyor
Engineer
Public Transit
Flood Control & Water
Conservation District
Sanitation District No. 1

February 4, 2022



The Honorable Judge C. Todd Bottke
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: 2021 Grand Jury Report,
Response by Tehama County Public Works Department

Dear Judge Bottke:

The Tehama County Public Works Department (TCPWD) received the 2021 Grand Jury Report and provides the following response:

Findings:

F1 – F5. Agree: TCPWD generally takes no exception to the findings.

Recommendation:

R1. The Grand Jury recommends that the TCPWD implement LIDAR surveying technology that identifies roadway issues within Tehama County and implements data-driven reports in a timely manner. It is also recommended that TCPWD research and identify additional funding streams through grants or contracts.

Response:

R1. Agree: TCPWD is incorporating the recommendation.

Recommendation:

R2. The Grand Jury recommends that TCPWD develop and implement a written safety policy for emergency evacuations. The safety plan policy will be shared with emergency first responder agencies within Tehama County. The safety plan policy will be provided to the 2022 Grand Jury for review and posted on the Tehama County website.

Response:

R2. Agree: TCPWD is incorporating the recommendation.

Recommendation:

R3. The Grand Jury recommends that TCPWD prioritize implementation of the property domain and environmental studies for the Reeds Creek Road washout repair process. TCPWD to identify timelines for the process to begin and report to the 2022 Grand Jury.

Response:

R3. Agree: TCPWD has entered into an on-call agreement with a right of way consultant to assist TCPWD with right of way acquisition. TCPWD is evaluating proposals for an on-call agreement for environmental services to assist TCPWD with the environmental review and permitting process. TCPWD will develop a schedule and provide to the 2022 Grand Jury.

Recommendation:

R4. The Grand Jury recommends that TCPWD temporarily reinforce the Reeds Creek Road washout until such time as permanent repairs can be completed. It is also recommended that the Tehama County Board of Supervisors make an onsite visit to the Reeds Creek Road washout site.

Response:

R4. Agree: TCPWD is evaluating temporary versus permanent repair options for the Reeds Creek Road washout. It should be noted that considerations regarding a temporary repair include:

- a temporary repair will be costly, likely on the same order of magnitude as a permanent repair
- a temporary repair may limit permanent repair options if the temporary repair is incorporated into the permanent solution
- funding and environmental constraints limit TCPWD's ability to timely perform temporary repairs

Recommendation:

R5. The Grand Jury recommends that by 3-1-2022, TCPWD implement LIDAR surveying technology within Tehama County. 2022 Grand Jury to follow up regarding implementation of this process.

Response:

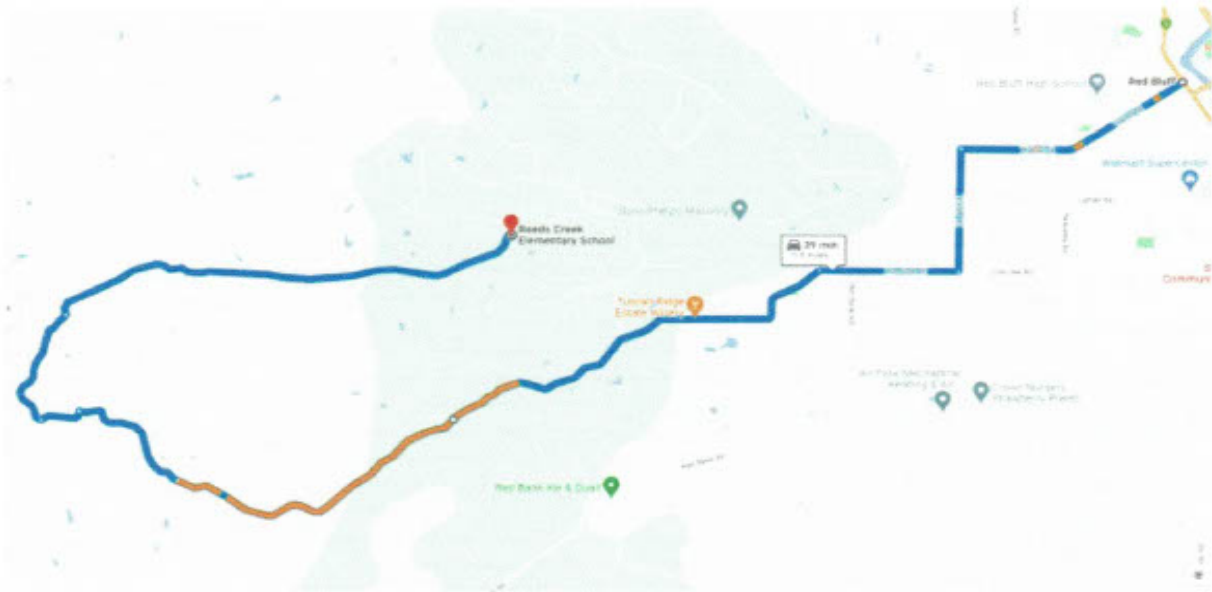
R5. Agree: TCPWD entered into agreement with a consultant as approved by the Board of Supervisors January 4, 2022. Initial information was transmitted to consultant and a project kick-off meeting with TCPWD and consultant project staff was held on February 1, 2022. The schedule provides for performance of services through October 2022 with a presentation planned for the Board of Supervisors in November 2022.

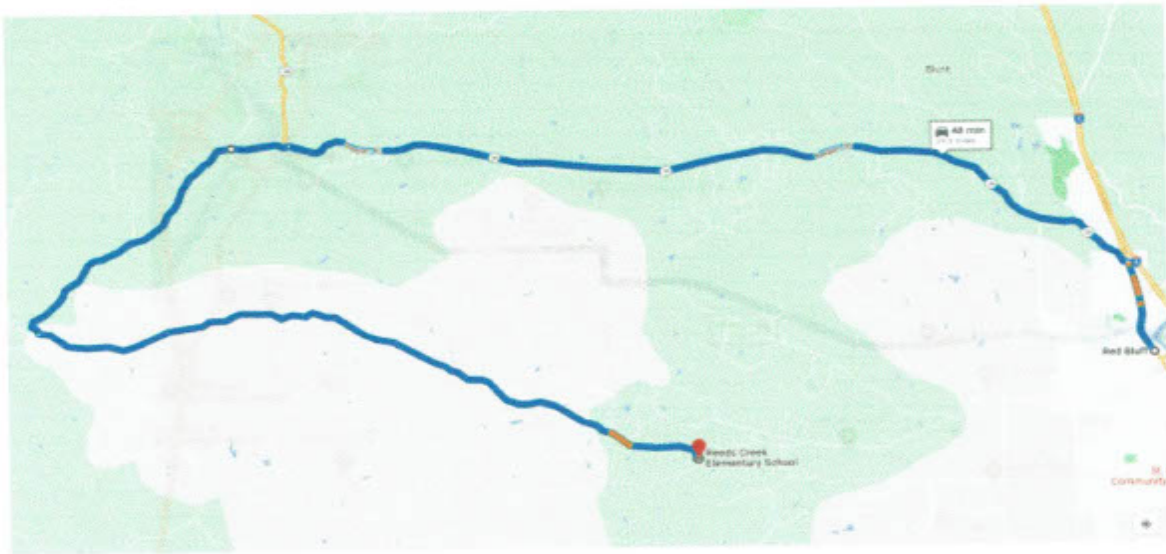
Please do not hesitate to contact me at 530-385-1462 ext. 3005 or jsimon@tcpw.ca.gov if you have any questions.

Sincerely,



James N. Simon, P.E.
Director of Public Works, Tehama County







TEHAMA COUNTY SHERIFF'S OFFICE

Dave Hencratt, Sheriff-Coroner

Mailing Address: P.O. Box 729, Red Bluff, CA 96080

Main Office: 22840 Antelope Blvd., Red Bluff, CA 96080

Jail/Dispatch: 502 Oak St., Red Bluff, CA 96080

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(530) 529-7900 / (530) 528-7614 FAX

December 27, 2021

Tehama County Grand Jury 2021
P.O. Box 1061
Red Bluff, CA 96080



The Honorable C. Todd Bottke
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080

Re: Tehama County Sheriff's response to 2021 final report

Dear Honorable Judge Bottke:

As always, let me start by thanking the members of the Grand Jury for their arduous work and dedication this past year; I have received and have thoroughly reviewed the 2021 Tehama County Grand Jury Final Report. I am pleased to respond to the following items as requested by the Grand Jury.

F-1. We're aware of the damaged security window and immediately addressed the need to repair it with County Administration. The Chief Administrator failed to recognize the urgency of this matter and the safety risk it posed to our employees and inmates.

The window was damaged on March 30, 2021. The repair was completed on September 14, 2021. We agree the delay in this repair was unacceptable and argued this point continuously with the County during the process. After lengthy delays, a local vendor did the work. It should be noted payment to the vendor was delayed until December 06, 2021, when the County released the funds so the vendor could be paid \$13,659.55.

F-2. We are in complete agreement with the Grand Jury. The initial funding for the New Jail Facility was granted in 2015. Throughout the following years the project has experienced many setbacks. These setbacks are the result of the Chief Administrator's indecisiveness and the Board of Supervisors inability to come together and focus their attention on this project. The Chief Administrator appeared to be focused on other projects of his choosing. The construction costs for this project have risen dramatically and it will be hard pressed to complete given the current (reported) status of the County's financial situation.

R-1A. We agree with the Grand Jury about this issue. The County has contingency funds set aside for these type(s) of emergency repairs. The Sheriff's budget is used to provide services to the people and for public safety. Emergency repairs to structures owned by the county fall within the Facilities Maintenance Program. As in past years, the Grand Jury have identified many areas of Sheriff's facilities in disrepair and these issues have

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TEHAMA COUNTY SHERIFF'S OFFICE

Dave Hencratt, Sheriff-Coroner

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(530) 529-7900 / (530) 528-7614 FAX

been presented to the Board of Supervisors with little to no action taken.

R-1B. We agree with the Grand Jury, we have several vendors on contract that provide ongoing maintenance of our facilities and operations. However, when faced with a substantial repair, there is an ever-evolving contractors list and a bid process that is controlled by the County. Funds for projects like these are controlled by the County.

R-2. We appreciate the Grand Jury recommendation of exploring a bond initiative to fund the new Jail Facility. With the rising inflation rates and cost of living increases already inflicted on our citizens, we cannot support a new tax initiative to fund this project. Especially when this project could have been easily completed if the Board of Supervisors would have acted on it in a timely manner. The Jail Expansion Project is the result of a needs assessment report, completed at significant expense, identifying this project as the foundation for public safety and the overall health of our County. This project is the responsibility of the Chief Administrator, "under the general administrative direction of the Board of Supervisors."

Our response to the Grand Jury's Findings and Recommendations are blunt and "to the point." These findings are serious issues that we have brought to Administration and the Board of Supervisors in the past.

I am hopeful that with a new Chief Administrator, he or she will be better able to work with our Public Safety Experts to quickly resolve future issues and move the construction of the new Jail Facility to completion.

I would like to thank the Grand Jury for their service and attention to a variety of issues affecting our community. We have experienced unprecedented staffing issues because of low pay and the inability to be competitive. We continue our dedication to meeting the needs of the community and the Office of the Sheriff/Coroner.

Sincerely,

A handwritten signature in blue ink, appearing to be "D. Hencratt", written over a horizontal dashed line.

Dave Hencratt
Sheriff/ Coroner

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Mailing Address: P.O. Box 1515, Red Bluff CA 96080
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January 11, 2022

The Honorable Judge C. Todd Bottke
Judge of the Superior Court
1740 Walnut Street
Red Bluff CA 96080

received
JAN 14 2022

SUBJECT: Response to Tehama County Grand Jury
Regarding a Complaint about Mismanagement of
The In-Home Supportive Services Public Authority Advisory Committee

Dear Judge Bottke:

We have received and studied the results of the in-depth investigation of the Public Authority, and appreciate the time and energy it took the members of the Grand Jury of Tehama County to complete the investigation.

Tehama County Public Authority agrees with the findings F1-F18 and will implement each recommendation given as explained below.

R2: We agree that the agendas and minutes have been posted online at tehamacountyihsspa.com, and agree that due to not having our website updated it did appear as though the committee had not met since March 2020. We have been able to offer a video meeting option, via Zoom, to ensure the committee could safely meet. The website has been updated to reflect this. However, we recently lost a member of the committee and are actively recruiting so we can have quorum.

R4: We agree with this recommendation. We are actively recruiting for quorum and once achieved we will provide a video option as needed for safety, or in person as allowed by Public Health.

R6: We agree with the recommendation, and believe that due to our website not being updated, it did not accurately reflect that meetings had been held since March 2020. We have updated our website. As of December 2021, we lost a board member and are actively recruiting for quorum. We will resume meetings as soon as quorum is achieved.

Thank you again for your diligence and thorough review of this program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Hawkins", is written over a circular blue stamp.

Laura Hawkins, M.S., MBA, SSGB, CHC
Ex-Officio Executive Director, Public Authority

LEROY M. ANDERSON
Auditor-Controller



KRISTA K. PETERSON
Assistant Auditor-Controller

TEHAMA COUNTY AUDITOR-CONTROLLER

12/16/2021

The Honorable Judge C. Todd Bottke
Judge of the Superior Court
1740 Walnut Street
Red Bluff, CA 96080



Re: 2021 Grand Jury Commendation


Honorable Judge Bottke:

I am in receipt of your 2021 Tehama County Grand Jury Final Consolidated Report.

Having read the section regarding the Tehama County Audit Report submitted by the Audit Committee, I would like to take the opportunity to thank the Audit Committee for their thorough review and stated response to prior year findings, and especially their commendation for implementation of corrective actions.

Additionally, I would like to thank all the Grand Jury members for their service and diligence in investigating and reporting.

Respectfully,



LeRoy M. Anderson
Tehama County Auditor-Controller



TEHAMA COUNTY GRAND JURY
P.O. Box 1061
Red Bluff, CA 96080

Tehama County Citizen Complaints
How to File a Complaint

Any Tehama County citizen may address the Grand Jury to express concerns regarding all levels of misconduct of local officials or employees of inefficiencies in local government. Complaints can be submitted by completing a Grand Jury Complaint Form. Complaints are treated as confidential. The Grand Jury is NOT REQUIRED to investigate any or all complaints, but may choose which to investigate as part of its watchdog duties.

Complaint forms can be obtained as follows:

Via the Superior Court of California County of Tehama website:
<https://www.co.tehama.ca.us/grand-jury>, then click on Complaint Form.

By calling (530) 527-3946, press "1", to leave a message with your name and address for a form to be mailed to you.

Citizens may also pick up a form at the Superior Court, 1740 Walnut St.
Red Bluff, CA 96080.

Complaints must be in writing, signed, dated and addressed to:

TEHAMA COUNTY GRAND JURY
P. O. Box 1061
Red Bluff, CA 96080

The 2022 Tehama County Grand Jury received, reviewed and acknowledged several complaints. All complaints were treated with the utmost respect toward the citizens of Tehama County.