

2023 TEHAMA COUNTY GRAND JURY

FINAL CONSOLIDATED REPORT

The Tehama County Grand Jury is composed 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 Toney James

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

12/20/2023

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

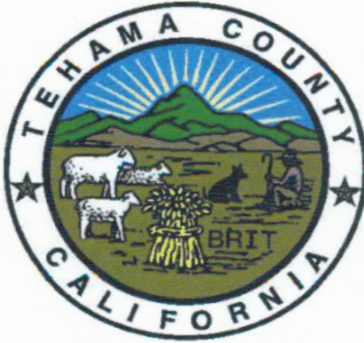
“Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”

In conformance with the aforementioned Penal Code requirement, the [current term] Tehama County Grand Jury approves and respectfully submits this report to the Honorable Judge Laura S. Woods, Presiding Judge 2023 Tehama County Grand Jury.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jim Weber".

Jim Weber
Foreperson



FINAL REPORTS SUBMITTAL/APPROVAL STATEMENT

The 2023 Tehama County Grand Jury approved this final report.

Jim Weber
Foreperson, 2023 Tehama County Grand Jury

I accept for filing the final report of this 2023 Tehama County Grand Jury.

Honorable Laura S. Woods
Presiding Judge of the 2023 Tehama County Grand Jury



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

To the Citizens of Tehama County,

The 2023 Tehama County Grand Jury is honored to present its Consolidated Final Report to the citizens of Tehama County.

The 2023 Grand Jury was impaneled on January 12, 2023. 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.

As foreperson, I am very proud of the 2023 Grand Jury accomplishments during our term. The jurors served with professionalism and credibility. While some jurors faced hardships and challenges, each and every member persevered and made very significant contributions to the sum total of our work.

We would like to thank the Honorable Judge Laura Woods, 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, Deputy County Counsel Andrew Plett, Tehama County District Attorney Matt Rogers, 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.

The entire Grand Jury expresses our appreciation for the opportunity to serve Tehama County. We will be honored to support the 2024 Grand Jury.

Respectfully,

A handwritten signature in blue ink that reads "Jim Weber". The signature is written in a cursive style.

Jim Weber
Foreperson

2023 Tehama County Grand Jury

Officers

Foreperson:	Jim Weber
Pro-Tem:	Brooklynn Burkhart
Secretary:	Brooklynn Burkhart
Sergeant-At-Arms:	Irene Fuller

MEMBERS

Zadi Baruja
Leslie Bruce
Brooklynn Burkhart
Michael Chaney
Gary Dent
Mark Dickerson
Christopher Driggers
Irene Fuller
Toney James
Angela Jonsson
Dan Martinusen
Kelly Nolan
Lauren Payne
Saxon Peters
Carrie Pray
Pam Price
Jadrian Trejo
Jim Weber
Sharon Wickenheiser

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 local government, and to detect and expose fraud and malfeasance. The civil grand jury is an inquisitorial and 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 generally from January to December.

Tehama County Grand Jury 2023

Acknowledgements

The Tehama County Grand Jury gratefully acknowledges the support, guidance and help throughout this 2023 year:

Honorable Laura Woods, Assistant Presiding Judge of the Superior Court

Andrew Plett, 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 Ampí, Administrative Assistant, Tehama County Administration

Maria Vieyra, Office Assistant, Tehama County Department of Agriculture

California Department of Corrections and Rehabilitation

California Department of Forestry and Fire Protection (CAL FIRE)

California Grand Jury Association

Tehama County Groundwater Management

Summary

The Tehama County Grand Jury convened in January, 2023. At that time a top concern for the public was a County fee assessment on their ad valorem tax bills tied to future groundwater management. This assessment, referred to as a well registration fee and established at twenty-nine cents (29¢) per acre, had been attached to some property owners's ad valorem tax bill in August 2022. There was no written notification sent to landowners prior to the fee approval by the Tehama County Flood Control and Water Conservation District (TCFC&WCD) Board of Directors (BOD) by Resolution No. 9-2022 on June 20, 2022.

In light of this public concern, the Grand Jury chose to educate themselves and investigate procedures regarding the Tehama County well registration fee, the Groundwater Sustainability Agency (GSA) management, and the Groundwater Commission (GWC). We also chose to investigate unintended consequences involving Tehama County groundwater management. Our research covered a large area of understanding involving several County departments, governing boards, and agencies. We followed the path of communication, funding and decision making from one County department to the next to better understand who and what roles were involved in managing groundwater issues and assessing associated fees. We wanted to know who was in charge, where the money came from and how it was spent.

We thank all of the dedicated and hard working Tehama County elected officials, employees and volunteers for their hard work and dedication into creating the GSA and the Groundwater Sustainability Plans (GSPs). This is challenging work, filled with triumph and disappointment. It is our desire that this report not overshadow the many years of hard work by many individuals. The Grand Jury wants all concerned to know that Tehama County is staffed with many qualified and dedicated employees, as well as numerous volunteers. The employees and elected officials that we worked with are appreciated beyond words. The volunteers have persevered for years dedicated to developing the GSPs, the GSA, and trying to develop a funding procedure for this State mandated requirement. The majority of effort in advancing this work has been exemplary. While experiencing much scrutiny, the dedicated Tehama County elected officials, employees, and their agents, continue to persevere in establishing the State's mandate regarding groundwater management and inevitable funding challenges.

Methodology

The process of developing our report consisted of conducting fourteen (14) investigative interviews, reading the posted information on department websites, reading posted newsletters, reading back agendas and minutes for many departmental meetings or committee meetings, plus minutes of Board of Directors and the Board of Supervisors meetings. We listened to the audio recordings of many of these past meetings, going back several years. We read multiple newspapers and periodical publications. We read Tehama County Codes and California Department of Water Resources (CDWR) Codes, the Tehama County General Plan, various State Codes and GSA grant applications and awarded grants instructions and stipulations. We monitored two public social media sites, listened to the public, and sought possible solutions to their concerns. Lastly, exit interviews (post investigation) were conducted to gauge the accuracy of our findings.

Background

Water management in California has historically been divided between how *surface water* and *groundwater* are handled by various legislative, judicial, and regulatory agencies. Surface water contained in streams, rivers, lakes & wetlands have long been regulated in California by the State Water Resources Control Board (SWRCB). On the other hand, groundwater, which is contained in underground aquifers, was largely unregulated by the State of California until the passage of the 2014 Sustainable Groundwater Management Act (SGMA). The California State Water Resources Agency describes:

Groundwater and surface water are essentially one resource, physically connected by the hydrologic cycle in which water evaporates, forms clouds, and falls to the ground as rain or snow. Some of this precipitation seeps into the ground and moves slowly into an underground aquifer, eventually becoming groundwater. Water law and water policy often consider groundwater and surface water as separate resources, though they are functionally interdependent.¹

Groundwater is one of California's greatest natural resources, making up a significant portion of the State's water supply, and serving as a buffer against the impacts of drought and climate change. During a typical year, groundwater makes up approximately 40 percent of California's total water supply and makes up to 60 percent during dry years. Groundwater is a major source of the State's drinking water supply. Approximately 83 percent of Californians depend on groundwater for some portion of

¹ <https://water.ca.gov/Water-Basics/Groundwater>

their water supply and many communities are 100 percent reliant on groundwater for their water needs.

Agriculture is extremely important to Tehama County's economy and it needs to be protected while our groundwater is properly managed and made sustainable for future generations. Recent data from the Tehama County Department of Agriculture indicates agricultural production increased by 26% in 2021 (\$69,166,800) from the previous year. Fruit and nut crops continued to be Tehama County's top producing commodities, with a total value increase of 36% from 2020 production. Groundwater management and associated fees have the potential to significantly impact our agricultural economy.

Sustainable Groundwater Management Act

In 2014, the California State Legislature adopted the Sustainable Groundwater Management Act (SGMA), which established a new framework for how groundwater would be managed locally to achieve long-term sustainability. SGMA requires existing local agencies to form Groundwater Sustainability Agencies (GSAs) in high- and medium-priority groundwater basins, and to develop and implement Groundwater Sustainability Plans (GSPs). GSAs are responsible for achieving long-term sustainable management of their groundwater basins and must achieve sustainable groundwater management within 20 years of implementing their GSPs².

SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. The key elements of SGMA are:

- Establishes a definition of “sustainable groundwater management”
- Requires a Groundwater Sustainability Plan for the most important (medium and high priority) groundwater basins in California
- Establishes a timetable for adoption of Groundwater Sustainability Plans
- Empowers local agencies to manage basins sustainably
- Establishes basic requirements for Groundwater Sustainability Plans

This report focuses on the County's priority groundwater subbasins as designated under SGMA.

Discussion

State mandated groundwater management and authorized groundwater access fees will be with us for years to come, and most landowners recognize this. It is the procedures and basis for fee assessments, the Tehama County GSA chose, that are in

² https://www.waterboards.ca.gov/water_issues/programs/sgma/about_sgma.html

question, and how information has been communicated by the GSA to the public regarding fees, groundwater wells and groundwater management in general.

Public Concerns

Issues voiced by landowners in public comments at various county and agency meetings and public forums include:

- Concerns over the fairness and legality of groundwater well fees being assessed³.
- Large property owners claim they are being assessed a disproportionate fee, some of whom either do not have wells on their properties, or whose properties use only a negligible amount of groundwater⁴.
- Many large landowners were assessed significant groundwater fees, yet most of these landowners' properties are outside of the subbasins the GSA is currently tasked with developing GSPs.
- Disputing whether the assessment is a fee, or in fact, a tax (requiring voter approval) as it is attached to property and the County tax bills⁵.
- Questions about the legality of being charged for water pumped from their own wells on their own property.

Large landowners voicing concerns include the timber industry and cattle ranching, whose lands fall largely outside of the GSP subbasins, and which typically use negligible, if any, groundwater. Cattle ranchers often rely on ponds and reservoirs to water their livestock. Both the timber and cattle industry are major contributors to the County economy. There is dis-satisfaction with the looming threat that the situation will

³ Proposition 218 (1996) California Constitution Articles XIII C and XIID, *officially named the "Right to Vote on Taxes Act," made several changes to the California Constitution affecting the ability of special districts and local governments to assess taxes, assessments, and fees. This proposition established the initiative power allowing voters to reduce or repeal any local tax, assessment, fee, or charge. A new category of fee was created called "property related fees and charges" and required that such fees be no more than the cost of providing the service the fee is for. Proposition 218 also established a number of other procedural requirements for levying assessments and imposing new, or increasing existing, property related fees and charges.*

⁴

https://www.appeal-democrat.com/corning_observer/bell-ranch-trustee-sues-tehama-county-over-well-fee/article_fe411b16-edde-11ed-b853-93fb284aad0b.html

⁵

<https://www.redbluffdailynews.com/2022/06/27/tehama-county-sets-fee-for-well-registration-program/>

get worse if the State of California takes over groundwater management and potentially implements even higher fees, when already many property owners struggle to pay bills.

Many property owners felt the TCFC&WCD BOD and GSA did not do enough to notify them in advance of the issuance of the Well Registration Forms. Additionally, many landowners felt they were not given sufficient opportunity to be involved in public discussions with groundwater leaders before critical decisions were made pertaining to groundwater management.

History of Groundwater Management in Tehama County

A brief overview of groundwater management in the County helps describe how the current organizations and authorities have developed.

The TCFC&WCD was formed with the passage of the Tehama County Flood Control and Water Conservation District Act in 1957. The District was established to:

"Provide for control of and disposition of storm and flood waters of the district; provide water for a present or future beneficial use or uses of lands or inhabitants within the district, including acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses."

The TCFC&WCD was given authority over the entire County in 1957 and for flood control and water conservation, this was appropriate. The 1957 Act only minimally discussed groundwater, largely in relation to managing flood and storm waters.

AB3030, known as the Groundwater Management Act, was passed in 1992 and was the guiding legislation for the County's groundwater management prior to the passage of SGMA in 2014. Under AB3030, the County created a Groundwater Management Plan (GMP) in 1996. This Plan was updated in 2012⁶. The update reflected extensive public involvement and incorporated new information and lessons learned.

The 2012 Groundwater Management Plan describes County groundwater subbasins and recharge areas, consistent with current SGMA legislation and State Bulletin 118. Bulletin 118, published by California Department of Water Resources (DWR), is the official publication that defines groundwater basin boundaries in the State⁷. The DWR used geology, hydrology and AEM Electrical Resistivity Data to define groundwater subbasins in California. These subbasins contain known aquifers, and known and potential aquifer recharge areas.

⁶

<https://tehamacountywater.org/wp-content/uploads/2020/09/ab3030-groundwater-management-plan.pdf>

⁷ The State is scheduled to update Bulletin 118 in 2025.

Some believe the County groundwater subbasin boundaries are based on arbitrary lines drawn on maps in relation to Interstate five (I-5); they are not. The Red Bluff and Corning subbasins were divided into East and West inventory units for administrative purposes in the 2012 GMP, but the physical subbasin boundaries were not changed.

It is important to note the East and West mountain regions of the county are not part of the groundwater subbasins or recharge areas described in the County Groundwater Management plan (GMP) or in the State Bulletin 118. The GMP states:

The Mountain Regions noted in Sections 243 and 244 are not considered to be "groundwater basins". However, these areas do contain groundwater in useable quantities. The groundwater occurs in the fractures or joints that constitute the secondary porosity of the rock (granitic, metamorphic, and some sedimentary rocks), in the interstices that constitute the primary porosity of sedimentary rocks, or in the primary porosity of small deposits of stream material, terraces, colluvium, or alluvium.

Figures 1 and 2 (below) from the 2012 GMP depicts the County groundwater subbasins and shows the East and West mountain areas fall well outside of groundwater subbasins and recharge areas.

Figure 1. From Tehama County Groundwater Management Plan 2012 (figure 8). Map of groundwater subbasins

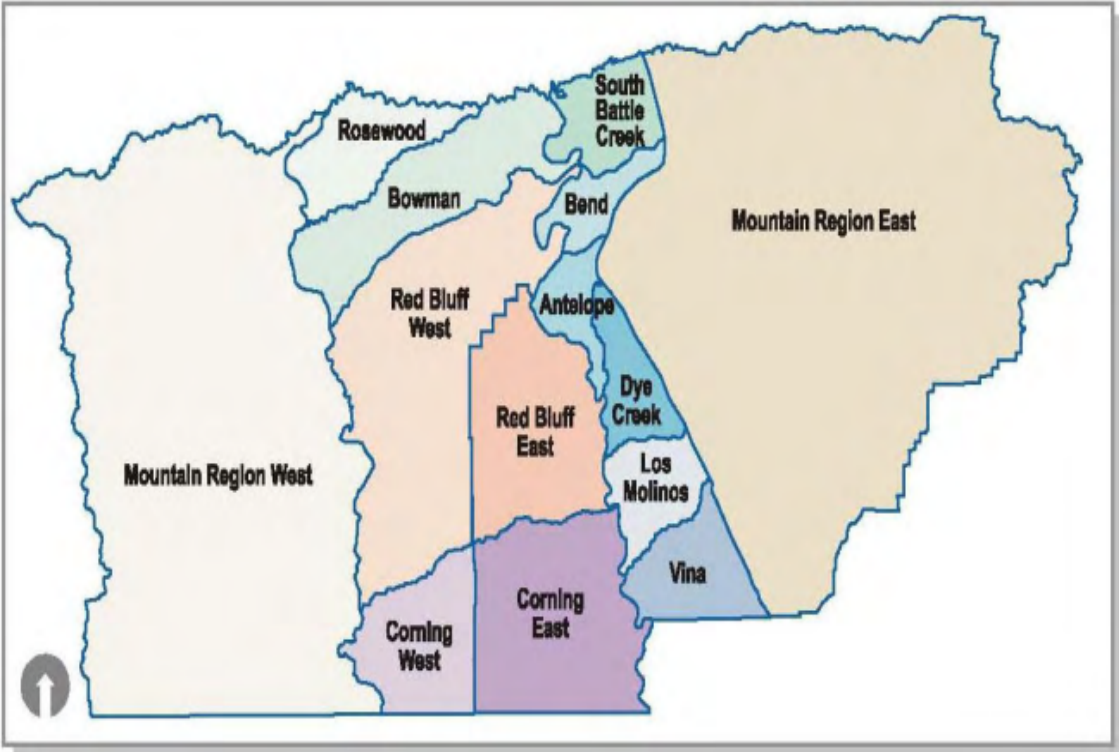
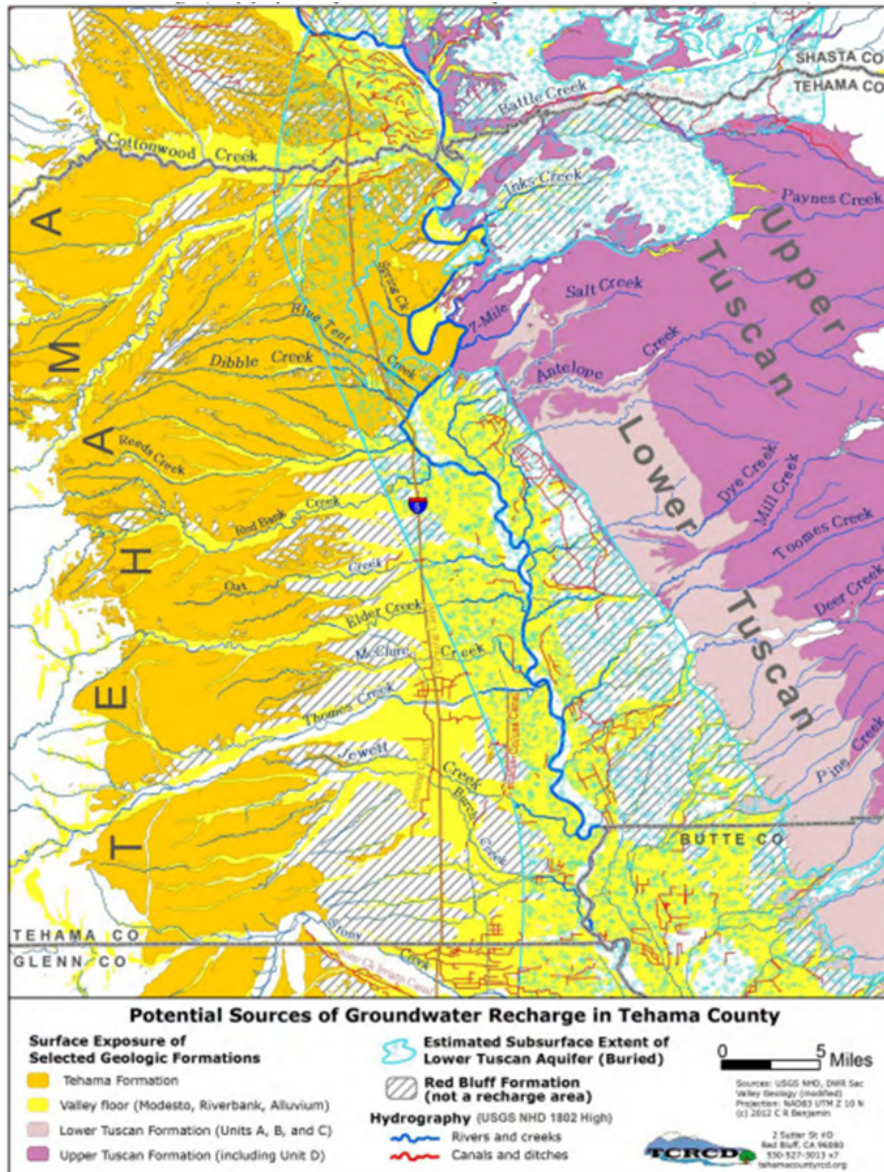


Figure 2. From Tehama County Groundwater Management Plan 2012 (figure 12); Map of groundwater recharge areas (light blue)



The passage of SGMA created new management direction for medium and high priority subbasins, however AB3030 is still the guiding legislation for groundwater management elsewhere in the county.

In accordance with SGMA, the County established the GSA to develop Groundwater Sustainability Plans (GSPs) for the priority groundwater subbasins. However, the GSA was given authority over the entire county, not just the priority groundwater subbasins. While some of the 2012 Groundwater Management Plan was brought forward into the GSPs, important geology/hydrology discussions describing why

the western and eastern mountain regions of the county aren't groundwater subbasins or recharge areas were excluded or minimized.

While the GSA is part of the TCFC&WCD, depending on which document one reads, the GSA is the County BOS, the TCFC&WCD BOD, or the Deputy Director of TCFC&WCD. The Tehama County BOS serves as the BOD for the TCFC&WCD. The GSA did not have County-wide authority until Ordinance No. 2118 was created and passed by the TCFC&WCD Board of Directors in May of 2022. Shortly thereafter, Resolution No. 9-2022 was passed, assessing the well registration fee County-wide.

Well Registration Form

For many landowners, opening their tax bill or receiving the Well Registration Form (WRF) was their first awareness of groundwater fees or well registration requirements. The GSA's well registration fee was placed on the ad valorem tax bills in August of 2022, and the taxes were mailed by November 1st, 2022. The first payment was due on Dec. 10th, with the second tax payment due by April 10th, 2023. The WRF was not mailed until January 3rd of 2023.

When the Grand Jury asked why the WRF was mailed months after the fee was approved and assessed, the answer given was that the GSA was broke. Yet over \$60K was paid out by the GSA between August and November 1st of 2022 per County accounting records. There were no indications from public meeting records or Grand Jury interviews that additional funds were requested for mailings. The assessment fee and the WRF appear to have been developed separately, yet are discussed by County officials as if they are one and the same. In January of 2023 landowners received a Well Registration Form in the mail, with no explanation of the 29¢ per acre fee assessment, nor any mention of this fee being assessed for the next three years. This miscommunication has created on-going frustration and confusion to many landowners around the County.

The wording of the WRF was perceived as a threat by many landowners⁸, as there was no explanation or clarification as to why their property could be adversely affected, nor an explanation or clarification as to why "Failure to properly register wells may result in increased well fees". During one of the Grand Jury interviews, it was pointed out by the interviewee, that the chosen wording (in italics below) was used as encouragement to motivate the landowner to act soon, rather than used as a threat. The introduction to the Well Registration Form reads:

⁸ Based on public comments from GWC and TCFC&WCD BOD meetings audio recordings, TC 2023 Grand Juries own members reactions, news media reports and the Feb. 8th 2023 public outreach meeting.

Antelope, Bend, Bowman, Corning, Los Molinos, Red Bluff, South Battle Creek
(See reverse for continuation of form)

Tehama County Groundwater Sustainability Agency Well Registration Form General Information

*To properly adopt, implement, and administer the Basin's Groundwater Sustainability Plans (GSPs), the Tehama County Groundwater Sustainability Agency (GSA) has determined that it needs to obtain the following information from all owners **and users** of groundwater extraction wells within the GSA Area. As a result, the GSA requires all owners **and users** of groundwater extraction wells to register with the GSA no later than March 31, 2023. Please complete this form carefully, to the best of your ability, and contact the GSA for assistance if needed. **Failure to properly and completely register could adversely affect your property as the information in the form will be used in the implementation of the GSPs and periodic updates. Failure to properly register wells may result in increased well fees.** Completed forms should be mailed to: Tehama County Flood Control and Water Conservation District 1509 Schwab Street Red Bluff, CA 96080. For questions or assistance in completing this form, please consult the Tehama County GSA website (<https://tehamacountywater.org/gsa/>) to view a sample well registration form. Further inquiries can be directed to Justin Jenson, Deputy Director of Public Works – Water Resources at jjenson@tcpw.ca.gov or 530-690-0700 ext. 201*

“Users” were not a part of this inquiry process. Only landowners (or property owners) were mailed registration forms, but not all landowners were assessed a fee. Property owners that had not heard of this fee through other channels were outraged. Those that had heard of it were also outraged, as were the property owners being charged as much as \$30,000.00, and more, per year on property that had no wells at all⁹.

Through conducting interviews, the Grand Jury learned that the County cannot charge for something that is not known. The County doesn't know how many wells there are so they could not charge by well. The GSA is tasked with generating its own funding but they have to know where and how many wells exist before wells can be the criteria for charging a fee. This leaves Assessor Parcel Numbers (APN's), acres or individual landowners as a basis for charging fees.

Well Fee Assessment

Until recently, the Tehama County Groundwater Commission (GWC), made up of 11 members of the community and public officials, had both decision-making authority and advisory roles, but now the GWC serves only in an advisory role to the TCFC&WCD BOD and the GSA. The GWC is considered to be the expert(s) in the

⁹ [TCFC&WCD BOD 09/19/22](#)

County regarding management and use of groundwater¹⁰. In 2021 the GWC created an ad-hoc committee to explore funding options for the GSA to begin implementing SGMA. However, the ad-hoc committee and the GWC could neither decide nor agree on an appropriate funding procedure.

In October 2021, the ad-hoc committee was put on hold, and the GWC's decision making duties were turned over to the County Counsel Office and a Public Works Department representative, with the groundwater consulting firm, Luhdorff & Scalmanini Consulting Engineers (LSCE), serving in an advisory role. In January 2022, The funding ad-hoc committee was reconvened and in February the proposed 29¢ well fee assessment was presented to the GWC. With the recommendation from the Commission, the TCFC&WCD BOD approved the fee by Resolution No. 9-2022 on June 21, 2022 to be paid annually for a three year period.

The Grand Jury has concerns over this funding approach, in consideration of California Water Code Section 10730(a), which states:

A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimis [2 acre feet per year or less] extractor unless the agency has regulated the users pursuant to this part.¹¹

The Grand Jury questions whether the above criteria has been met with the well fee assessment.

The GWC and TCFC&WCD/GSA BOD chose the Prop 218 Resolution path to the fee assessment because it was the easiest to implement¹². Under Prop 218 it was not required that landowners be contacted in writing prior to imposing fee assessments. Rather, public meetings, posters and news media were sufficient to meet Proposition 218 requirements. The GSA did the minimum required by State Law¹³.

The GWC and the TCFC&WCD BOD chose "acreage" as the measure to assess fees to support the GSA. The fee was not assessed to all landowners, but rather, assessed only to APN's that would generate the revenue cover the estimated \$1.68 WRF mailing cost (according to Grand Jury interviews). The purpose of this fee was to document all of the wellheads within the county, whether operating or not, not just within the priority subbasins where GSPs were being developed. The fees collected

¹⁰

<https://tehamacountywater.org/wp-content/uploads/2022/05/Ordinance-2118-Rules-for-Adoption-of-GSA-Regulations.pdf>

¹¹ [WAT Div.6 Part 2.74](#)

¹² <https://tehamacountyca.ig2.com/Citizens/FileOpen.aspx?Type=1&ID=2834&Inline=True>

¹³ In order to receive groundwater notifications landowners need to sign up annually by going to <https://tehamacountywater.org/gsa/> and sign up on the "Interested parties list" per Prop 218. Interested parties may also access all county meetings, times, places and agendas plus audios of past meetings by going to the Tehama County Meeting Portal at this link <https://tehamacountyca.ig2.com/Citizens/Default.aspx> .

countywide were intended to cover the costs for identifying wells within the priority subbasins.

The well registration fee was assessed initially on a per-acre basis over a three-year period. However the fee resolution was amended by Resolution No. 3-2023 on June 9, 2023. The TCFC&WCD BOD recognized, ostensibly, the inequity of the assessed fee and initiated dropping the 2nd and 3rd year for those who had submitted Well Registration Forms by the deadline¹⁴. This amendment still left large landowners paying inordinate fees.

During the process of developing the well registration funding method, \$634,000 was borrowed from the County Road Department to fund the GSA. These fund transfers (borrowing) fall within the TCFC&WCD, and each transaction is approved by the BOD and any borrowing has to be approved by a 4 to 5 vote of the BOD. At one of the BOD scheduled meetings, a member of the BOD commented that these internal transfers (to fund the GSA) could not go on, and it was stated the borrowed funds would be repaid through grants. Grants come with very specific stipulations as to what can and cannot be paid for with grant funding. An excerpt (below) from a GSA grant describes these funding stipulations; notes 2, 4 and 9 of the ineligible costs are highlighted for emphasis:

***a) ELIGIBLE PROJECT COSTS.** The Grantee shall apply State funds received only to Eligible Project Costs in accordance with applicable provisions of the law and Exhibit B, "Budget". Eligible Project Costs include the reasonable costs of studies, engineering, design, land and easement acquisition and associated legal fees, preparation of environmental documentation, environmental mitigations, monitoring, project construction, and/or any other scope of work efforts as described in Exhibit A. Reimbursable administrative expenses are the necessary costs incidental but directly related to the Project included in this Agreement.*

***Costs that are not eligible** for reimbursement include, but are not limited to the following items:*

- 1. Costs associated with the formation of a GSA(s).*
- 2. **Costs**, other than those noted above, **incurred prior to the award date** of this Grant.*
- 3. Costs for preparing and filing a grant application.*
- 4. **Operation and maintenance costs**, including post construction performance and monitoring costs.*
- 5. Purchase of equipment that is not an integral part of a project.*
- 6. Establishing a reserve fund.*
- 7. Purchase of water supplies.*
- 8. Monitoring and assessment costs for efforts required after project construction is complete.*
- 9. **Replacement of existing funding sources for ongoing programs.***

¹⁴ [TCFC&WCD BOD 09/19/22](#)

We are concerned that use of grant revenue to pay for ineligible costs (e.g. reimbursing the County Road Department for borrowed funds) would jeopardize the \$15 million in recently awarded groundwater grant funding.

Evaluating GSA and Auditor Figures

As of July 19, 2023, there are 37,407 taxable APN's that include both occupied and vacant lands in the County. This figure was reported to the State Board of Equalization (BOE). Per County Direct Charge Tax Code 50360 records, 12,767 APNs were assessed a well registration fee in FY 22/23, with a secured amount of \$360,183.66¹⁵. In FY 23/24, 10,146 APNs were assessed the fee for a second year, with a secured amount of \$280,098.50. This indicates that only 2,621 APNs were recorded as having completed a well registration the first year. These 2,621 APNs were not charged the fee again after the first year.

The Grand Jury was informed that 25,208 WRFs were mailed, and 6,581 completed forms were returned by April 30, 2023. The forms could cover more than one APN, so a total count of APNs with completed WRFs could not be provided. From interviews, we learned that not all APNs were assessed but only those with sufficient acreage to cover the cost of mailing a WRF. We learned that as of October 2023, completed WRFs received after the initial April 30th deadline were still being logged in order to update the tax rolls. However, as described above, all but 2,621 APNs were assessed the fee for a second year in FY 23/24.

There is a big difference between the 37,407 taxable APNs and the actual 12,767 APNs originally assessed in FY 22/23¹⁶. It is unclear what criteria beyond mailing costs were used to assess 12,767 APNs and not the balance of 24,640 APNs reported to the BOE, since Resolution 9-2022 indicates the fee applies to *“each legal parcel in the Tehama County Groundwater Sustainability Agency”*.

At the March 20, 2023 TCFC&WCD BOD meeting, GSA boundaries were discussed and it was stated that currently the mandate (WRF) is countywide, and that removing 10,000 APNs that are outside the GSP subbasins would increase the financial burden on the 37,000 remaining APNs to cover the cost of the program. This would indicate a total of 47,000 APNs, which is more than the County total taxable APNs. The figures provided to the GWC, the TCFC&WCD, and the landowners are questionable in their accuracy, and seemingly change across conversations.

It is confusing when discussing wells, acreage, landowners, property owners, and APNs. A WRF may cover more than one APN, and a landowner may have several APNs assessed and not others. Here we are dealing with registration forms mailed, some forms returned, fees assessed, and some fees paid and others unpaid...which collectively equals nothing tangible. So how many agricultural and how many domestic wells are there?

¹⁵ For the actual Tax Year 2022, APN fee payment totals were \$354,682.38

¹⁶ [TCFC&WCD BOD 05/16/22](#)

The stated purpose of this fee is to “assure landowner access to groundwater”. Yet the term “access” is undefined and it is unclear what it implies. If a property owner owns their land, they likely own their well, and own their pump, so why wouldn’t they have access to groundwater? Resolution No. 9-2022 requires the registration of all wells and imposes a fee to support this process. Resolution No. 9-2022 states:

BE IT FURTHER RESOLVED that the Board of Directors hereby finds that the amounts set forth herein are reasonably necessary to recover the costs of providing the services described therein, and that the costs imposed by such fees are fairly apportioned so that charges allocated to any payor will bear a fair and reasonable relationship to the payor’s burdens on or benefits from the services performed by the Tehama County

Groundwater Sustainability Agency. The Board of Directors further finds that these fees are imposed for a **specific government service** provided directly to the payor that is not provided to those not charged, and do not exceed the reasonable cost to the County of providing the service.¹⁷

Is it fair and reasonable to charge some land owners nothing, yet others over \$30,000 to pay for the costs of processing the registering of wells countywide, even though a property may have no wells at all? For example, there are a number of APNs, or large landowners, in the western and eastern mountainous areas with limited access to groundwater, or without wells whatsoever, and well outside the priority subbasins. It has been reported in Grand Jury interviews that hours and hours have been spent to help large landowners find wells on their property by using Google Earth and by following overhead power lines. Why is this necessary if the information submitted on the WRF is according to the “honor” system, no matter how many acres, wells, or APN’s are actually owned. In all likelihood, hours and hours are not spent helping small landowners to find their well (s), which ostensibly points to the registration fee program as more about revenue generation, and less about well discovery and documentation.

There are extensive misunderstandings related to miscommunication between the public and official county actions, stemming from inconsistencies when discussing assessed APNs, acreage, numbers of wells, and so on, in regard to assessment of well registration fees. Property owners have repeatedly stated the expectation that they be mailed information regarding fees on their property. This needs to be respected, even though Prop 218 does not require it. The Prop 68 grants provide funding for community outreach. We recognize that public meetings play an important role for conducting County business. However, it is also clear these have not been sufficient to fully inform the public and to address their concerns regarding GSA activities, particularly well registration fees.

¹⁷

<https://tehamacountywater.org/wp-content/uploads/2022/09/Resolution-No.-9-2022-GSA-Administrative-Fee.pdf>

Consulting Firm Role

The consulting firm of Luhdorff & Scalmanini Consulting Engineers (LSCE) describes themselves as “Leaders in Groundwater Consulting and Engineering”¹⁸. LSCE’s work appears in most facets of the county groundwater decision making, the upward reporting for State compliance, and in the upcoming groundwater well access regulations. They provided the template for the WRF and cost estimates that are being used to help build the fee structure. They have served an instrumental role in developing the County GSA funding mechanisms and are working on a fee structure for the GSA’s groundwater access plan. They produced the GSPs for the County to submit to the State for approval.

That said, four of the five GSPs submitted for approval have recently been rejected by the State as “incomplete” and raises concerns with the Grand Jury. In reviewing the GSP summaries for the four (4) subbasins we noticed they are mostly duplicates of each other¹⁹. As of the date of this Grand Jury report, The fifth GSP is still under review by the DWR. Regardless of the State’s review outcome of the remaining GSP, the Grand Jury is concerned whether there is effective contractual recourse when LSCE’s deliverables are rejected by the State. We are also concerned whether the GSA is providing sufficient contract oversight; and whether there are sufficient in-house technical resources to adequately review and identify contract work (GSPs) that is not meeting DWR requirements.

LSCE has been paid over 2.4 million dollars for their work including a vast scope for the preparation, coordination, submission, adoption, finalization, and publication of the GSPs, and they were recently awarded \$15 million in additional groundwater sustainability related contracts for the next three years²⁰. It appears to the Grand Jury that all contracts for SGMA implementation have been awarded to the same consultant, effectively putting all the county’s eggs in one basket, so to speak. While there is certainly an argument for efficiency with this approach, it also runs the risk of reduced competition, potentially contributing to excessive fees and perhaps quality, or performance issues. We recognize there is a high demand for these types of services, however we still expect a best value approach for the county, which includes the basic principle of best quality services at the least cost be upheld, and that groundwater related contract awards and their implementation reflect this.

The consulting contract for the Development of Groundwater Sustainability Plans awarded to LSCE and executed in June 2020, including the full scope of work for the subject GSP(s), includes a very detailed and exhaustive listing of tasks and subtasks, in some cases ostensibly repetitive and overlapping between tasks, but very amply funded. Therefore, the Grand Jury can find no indication that the approval and acceptance of the GSPs by the State is not included in LSCE’s scope of work.

¹⁸ <https://lsce.com/>

¹⁹ <https://tehamacountywater.org/gsa/>

²⁰ 11/7/2023 BOS meeting (audio)

Lake Red Bluff and Antelope Subbasin Recharge

The Red Bluff Diversion Dam was completed in 1964 to provide irrigation water as part of the Sacramento Canals Unit of the Central Valley Project. When the Diversion Dam gates were “closed” (down position) the Sacramento River would rise 10 to 12 feet and create what was known as Lake Red Bluff. The lake extended north of the Diversion Dam approximately 6.4 miles and included approximately 15 miles of shoreline. The Diversion Dam and surrounding area fall within the Antelope Subbasin, which covers 19,100 acres, and is one of the high priority subbasins whose GSP was deemed incomplete by the DWR.

Concerns over impacts to fish migration ultimately led to the decommissioning of the dam in 2013. Beginning in 2009, the dam was kept “open” year round to allow fish passage, causing Lake Red Bluff to permanently drain. The Final Environmental Impact Statement (FEIS) for the Fish Passage Improvement Project (dam decommissioning) found there was a shift in groundwater flow when the gates were down (gates in), allowing the formation of Lake Red Bluff.

Essentially, groundwater emanating from the Sacramento River, and therefore Lake Red Bluff, percolate more or less down and radially (away) from its banks when the lake was full, creating a backwater condition, and thereby effectively recharging in part, the Antelope groundwater subbasin. Conversely, when the gates were in the raised (gates out) position, groundwater levels lowered and flowed towards the Sacramento River (absent Lake Red Bluff), thereby drastically changing the recharge effectiveness of the Sacramento River into the Antelope subbasin. The following is from the FEIS:

Groundwater in the immediate vicinity of Lake Red Bluff is greatly affected by the annual filling of the lake. As discussed in Section 3.3.1, the filling of Lake Red Bluff coincides with the gates-in period from May 15 through September 15 of each year. This change in the surface elevation of the Sacramento River, which subsequently becomes Lake Red Bluff, corresponds to a change in the groundwater hydraulic gradient as evidenced by groundwater elevation measurements conducted during the gates-in and gates-out periods.

Groundwater monitoring under the FEIS was focused on the immediate vicinity of the dam, primarily looking at groundwater movement near the Pactiv property on the west bank of the Sacramento River above the dam. However numerous local wells in the subbasin have run dry in recent years since decommissioning of the Diversion Dam.

Currently, in review of the Antelope Subbasin GSP, the DWR described several problems with lack of specificity in defining undesirable results and minimum thresholds as well as actions for managing the subbasin.

Their review noted:

The lack of specificity in what the GSA is managing the Subbasin to avoid (i.e. undesirable results) is especially problematic considering current and projected conditions. The Subbasin has the highest concentration of reported dry wells in California (based on dry wells per square mile), experiencing 40 dry wells in the 29.8 square mile Subbasin, according to the Department's Household Dry Well Reporting System.

The DWR further noted:

The GSA has not explained how it determined the current and projected well outages in the Subbasin are not considered undesirable results, even though those conditions appear to meet the definition of an undesirable result provided in the GSP (i.e., wells were below the necessary minimum required amount of supply to meet the beneficial use).

...the GSP establishes minimum thresholds based on managing the Subbasin to allow historic rates of decline to continue, or become more severe, and would avoid reaching undesirable results by setting minimum thresholds below projected groundwater conditions. Further, the minimum thresholds will not be reached for over 90 years, and it does not appear these values were selected to avoid undesirable results.

Lastly:

The GSP does not sufficiently identify and propose management for current conditions including the chronic lowering of groundwater levels and degraded water quality. The GSP does not establish sustainable management criteria that considers effects on the full range of known beneficial uses and users of groundwater. Instead, the GSP claims that no management is needed to maintain sustainability and does not propose projects or management actions to arrest declines in groundwater levels or to address constituents of concern in the Subbasin.²¹

²¹ Ca DWR Statement of Findings for Antelope Subbasin GSP - see bibliography.

Findings

F1. Inequitable Fees

The Grand Jury finds the procedures for assessing well registration fees to support the GSA and to inventory the County's wells is inequitable and inconsistent in its implementation and administration.

F2. Inadequate Communication from the GSA

The Grand Jury finds the GSA outreach program was inadequate for broadly informing landowners (large and small) across Tehama County, and therefore ineffective in communicating the status of planned official actions related to implementation of groundwater management.

F3. Internal Department Debt Repayment

The GSA borrowed \$634,000 from the Road Department in FY 22/23 while developing the well registration funding plan²². During interviews and recorded meetings it has been stated that repayment would be made from grants, or would come from future landowner fee assessments. The former is an unauthorized use of grant funds, the latter an inappropriate assessment to property owners.

F4. The GSA Extended It's Authority Beyond Groundwater Priority Subbasins

The priority groundwater subbasins designated under SGMA are the boundaries where the GSA's authority ought to be limited. The GSA did not have authority over the entire county until the TCFC&WCD BOD passed Ordinance No. 2118 in May of 2022.

F5. Accountability for Approval of GSPs

The consulting fees paid for preparation and submission of the GSPs should include the follow-on corrections, resubmittal, approval and acceptance by the State, as outlined in the scope of services of the consulting contract between the County and LSCE.

F6. Antelope Subbasin Groundwater Sustainability Plan is Incomplete

Many groundwater wells within the Antelope Groundwater Subbasin have gone dry apparently as a result of the decommissioning of the Diversion Dam. The GSA appears not to have taken into consideration public information regarding the effects the Diversion Dam had on groundwater recharge in the Antelope Subbasin, both during and after its decommissioning, when drafting the Antelope Subbasin Sustainability Plan.

²² From accounting records: Account 603 is GSA and Account 604 is Road Dept or Levee.

Recommendations

R1. Return Well Registration Program Fees

The TCFC&WCD BOD should abandon Resolutions 9-2022, 4-2023, and all other Resolutions, Ordinances or other declarations pertaining to the GSA's current 29¢ per acre well registration program fee. Fees assessed and collected under this current well registration fee program should be returned to the landowners.

R2a. Improve Public Communication

We recommend the GSA provide mailed communication detailing SGMA-related fees and assessments to all affected landowners, and that printed communication include the web addresses to obtain further information, and allow sign-up for the "Interested Party List".

R2b. Maintain Public Outreach Program

We recommend the GSA continue public meetings and related outreach programs for groundwater management related actions, as had been done previously.

R3. Debt Repayment Strategy

We recommend that the TCFC&WCD identify a repayment plan to reimburse the \$634,000 borrowed in FY-22/23 from the road department to fund GSA activities. The repayment plan should not rely on unauthorized use of grant monies, nor inequitable landowner fees, particularly on properties that are not within the priority groundwater subbasins.

R4. Align GSA Authority with SGMA Groundwater Subbasins.

The Grand Jury recommends the BOS re-evaluate, and amend or abolish Ordinance 2118, and restrict the GSA area of authority to the priority groundwater subbasins defined under SGMA, and described in DWR Bulletin 118.

R5. Enforce the Contract Scope for the GSP Consulting Services

The Grand Jury recommends the BOD direct their staff to have the consultant revise and update the GSPs as indicated in the State DWR review letters, and in accordance with their consulting contract with the TCFC&WCD, at no additional fee.

R6.a Research Dry Well Correlation to Diversion Dam Decommissioning

The Grand Jury recommends the TCFC&WCD, in cooperation with the County Environmental Health, research the dry well areas in the Antelope Subbasin. The question should be answered whether there is a correlation between dry wells in the Antelope subbasin and decommissioning of the Diversion Dam. This research should cover an appropriate period of time before and after the decommissioning, as well as a representative radius of influence from the dam and Lake Red Bluff.

R6.b Install Additional Groundwater Monitoring Wells

The Grand Jury recommends the GSA install additional groundwater monitoring wells for the Antelope Subbasin to better track groundwater fluctuation in the dry well affected area(s) and provide a more robust database for dry well remediation.

R6.c Develop Wastewater Master Plan (WWMP)

The Grand Jury recommends the TCFC&WCD, in cooperation with the County and its departments, initiate the development of a master plan for the adoption and implementation of a wastewater collection, treatment, and discharge system(s) in and around the Antelope subbasin. This will help to reduce nitrates and other constituents (of concern) emanating from existing septic systems, and contribute to improved water quality in the Antelope subbasin.

R6.d Develop Groundwater Recharge Program

The Grand Jury recommends the GSA initiate the planning and implementation of a groundwater recharge program for the installation of recharge ponds and related support systems at suitable locations within and around the Antelope subbasin.

R6.e Incorporate Recommendations into Antelope GSP

The Grand Jury recognizes the State's recent determination that the Antelope subbasin GSP is "incomplete". We recommend the GSA take appropriate steps to address deficiencies as required by the State, and use this opportunity to incorporate, to the extent practicable, the recommendations R6.a through R6.d as part of the revisions of the Antelope subbasin GSP due to the State by April 23, 2024.

Required Responses

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

- Board of Supervisors of the County of Tehama shall respond to Finding F4, and Recommendation R4.
- Board of Directors of the Tehama County Flood Control and Water Conservation District shall respond to Findings F1, F2, F3, F5 & F6; and Recommendations R1, R2a & 2b, R3, R5 and R6.a through R6.e.

Responses to be sent to:

Honorable Laura Woods, Presiding Judge of the 2023 Grand Jury
1740 Walnut Street, Red Bluff, CA, 96080

Tehama County Continuum of Care (TCCoC) Update

The Tehama County Continuum of Care (TCCoC) is a collaboration of organizations that provide assistance to local residents who are experiencing or at risk of experiencing homelessness. In 2018 the TCCoC created a 10 year plan to end homelessness which also included a 5 year plan benchmark. Members of the 2023 Tehama County Grand Jury conducted inquiries with 2 members of the TCCoC from March through May 2023. The Grand Jury sought out information to examine progress on the TCCoC's goals regarding a permanent housing shelter, mobile crisis services, and transitional housing.

An important source of homeless relief in the County is done through the grass-roots organization Poor and the Homeless (PATH). PATH provides outreach services to the unsheltered population in encampments and other places not meant for habitation. Services include meeting basic needs such as food, water, clothing. Also the housed community benefits from other services such as trash pickup and informal fire prevention through fire fuel by weed-eating and general clean up.

In September 2022, the City of Red Bluff designated a portion of Samuel Ayers Park as a location where unsheltered folks could camp without harassment instead of camping in unapproved spots throughout the City of Red Bluff. The City of Red Bluff has been maintaining the restrooms and grounds at Samuel Ayers park to facilitate this effort. A City Council member has been heading up the effort and meeting with the campers at this area weekly and in partnership with PATH's Street Outreach team, making sure that the campers there have access to services and that the area stays clean and sanitary.

Mobile Crisis Services, another public assistance organization, includes access to the Tehama County Health Services Agency (TCHSA) mobile health clinic. It's an RV customized for providing basic health services, behavioral health and substance use recovery screenings. Connections to ongoing health care were expanded for people experiencing unsheltered homelessness in March 2023, when the mobile health clinic began offering weekly services specifically targeted to serving the unsheltered population. On the first and third Tuesdays of each month, the mobile clinic is available at Samuel Ayers Park, the location of one of the largest encampments in the county, and on the second and fourth Tuesdays, the mobile health clinic is located at the PATH Day Center, where many people experiencing homelessness receive other supportive service.

Year round sheltering is planned through a one stop Navigation Center which is projected to be completed by March 2024. \$6,000,000 has been gained from grants and will pay for construction of **PATH Plaza Navigation Center**. The center was established as a "gateway" to accessing temporary housing services. The PATH Plaza Navigation Center will serve as both a one-stop service center and year-round overnight emergency shelter. The Plaza will be an overnight shelter, have day services, mail, showers, computers, clothes, device charging, shuttle system, food, water, and allows

for pets. It will have a classroom design with computers, a couple of private offices for meetings for VA, mental health, and other agencies.

Transitional Housing Beds are available for men through PATH. Their Transitional Housing project has increased measurably over the last few years. Regarding women and children, PATH was able to purchase the Sale Orchards property. PATH has been renting one of the houses on that property for over a decade to provide transitional housing to women and children. The Sale property was put up for sale and PATH was in danger of losing that facility. However, Homekey funds made it possible for PATH to purchase the entire property, which included that house as well as 2 additional houses on the property, preserving 12 beds and adding an additional 10+ beds for single adults.

Empower Tehama opened a 4 unit, 16-bed transitional housing facility for survivors and their children who were experiencing homelessness due to domestic violence. Affordable and sustainable housing is being addressed through the construction of the Olive Grove Apartments in Corning. Olive Grove is made up of 15 Permanent Supportive Housing (PSH) units for people with serious mental illness who are homeless, or at risk of homelessness, as well as 16 standard low-income affordable units. The Olive Grove units are partially funded through the Mental Health Services Act.

Permanent Affordable Housing remains an area of need. Two housing projects in Red Bluff are being developed utilizing Section 8 housing vouchers to develop affordable housing. The Bluffs project will include 15 PSH beds and 25 beds dedicated for people exiting homelessness. The Palm Villas project will include 25 PSH beds and 35 traditional affordable housing units for low-income households. Both projects will have project-based Section 8 housing vouchers attached to units to ensure people with very low and no income will be able to access housing.

Commendations to the community members who worked together to get the property granted for the Homeless Plaza project, to the County for providing the Grant funds to build the project, and to PATH who stepped up to help run the Homeless Plaza. Additionally, the City of Red Bluff waived the building fees of \$200,000.00 for the Homeless Plaza project.

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)

To fulfill the requirement to inquire into the detention facilities in Tehama County, teams of two to five Grand Jury members toured the following detention facilities between May and October 2023. 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

On May 26, 2023, four members of the Grand Jury toured the Salt Creek Conservation Camp #7. The Camp Commander from the California Department of Corrections and Rehabilitation (CDCR) and Camp Chief of the California Department of Forestry and Fire Prevention (Cal Fire), along with members of their respective staffs, presented the overview of the camp purpose, functions, capacity and staffing. Grand Jury members were provided an opportunity to ask questions and were led through the camp to tour all major aspects of the camp operation.

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

On September 6, 2023, five members of the Grand Jury toured the Tehama County Juvenile Detention Facility. The Interim Chief and Deputy Chief Probation Department Officers, presented the overview of the facility’s purpose, functions, capacity and staffing. Grand Jury members were provided an opportunity to ask questions and were led through the facility to tour all major aspects of its operations.

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

On September 15, 2023, two members of the Grand Jury toured the Tehama County Jail. A Lieutenant from the Sheriff's staff presented the overview of the facility's purpose, functions, capacity and staffing. Grand Jury members were provided an opportunity to ask questions and were led through the facility to tour all major aspects of its operations.

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

On October 11, 2023, five members of the Grand Jury toured the Ishi Conservation Camp #18. The Camp Commander from CDCR and the Camp Chief of Cal Fire presented the overview of the camp purpose, functions, capacity and staffing. Grand Jury members were provided an opportunity to ask questions and were led through the camp to tour all major aspects of the camp operation.

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 therefore.

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 therefore.

Send all responses to:

The Honorable Laura S. Woods
Presiding Judge of the 2023 Tehama County Grand Jury
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 2023 final report for all elected officials.
2. Within 90 days of issuance of the 2023 final report for governing bodies of a public agency.

Glossary of terms and acronyms

ad-hoc	A committee created to solve a particular problem e.g. Funding Committee
Ad valorem	Property tax assessment
AEM	Airborne Electromagnetic; the DWR uses AEM surveys towards identifying groundwater aquifer structure
APN	Assessor Parcel Number
BOE	State Board of Equalization.
BOS	County Board of Supervisors
BOD	Board of Directors
Bulletin 118	State publication defining groundwater basin boundaries and describing current known conditions
De minimis	When used by the DWR, it is defined as using less than two (2) acre feet of water a year
DWR	(California) Department of Water Resources
EH	(Tehama County) Environmental Health Department
EIS	Environmental Impact Statement
FY	Fiscal year. The Tehama County twelve month fiscal year begins July 1st of a given year and ends June 30th the following year.
GMP	(Tehama County) Groundwater Management Plan
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan

GWC	(Tehama County) Groundwater Commission
LSCE	Luhdorff and Scalmanini Consulting Engineers
Pactiv	An out of business wood fiber plant in Red Bluff
SGMA	Sustainable Groundwater Management Act
Subbasin	Geographic areas delineating groundwater boundaries as designated by DWR Bulletin 118
TCFC&WCD	Tehama County Flood Control and Water Conservation District
WRF	Well Registration Form
WWMP	Wastewater Master Plan

References

US EPA. 2008. Final Environmental Impact Statement (FEIS) Fish Passage Improvement Project at the Red Bluff Diversion Dam, Tehama County, CA (CEQ# 20080198); Review and Response. US EPA Region IX, 75 Hawthorne St., San Francisco, CA.

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State of California, Department of Water Resources. 2023. Statement of Findings Regarding the Determination of Incomplete Status of the Sacramento Valley Basin - Antelope Subbasin Groundwater Sustainability Plan.

California Grand Jurors' Association. 2022-2023 Grand Jurors' Training Manual, Revised March 2022.

Tehama County Flood Control and Water Conservation District. 2012. Coordinated AB 3030 Groundwater Management Plan 2012. Retrieved from <https://tehamacountywater.org>

Continuity: Responses To The 2022 Tehama County Grand Jury Report

The 2023 Tehama County Grand Jury (Grand Jury) reviewed all the the responses and findings and recommendations from the 2022 Grand Jury Final Consolidated Report for compliance with the law. All responses were found to be compliant and will be noted at “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 2022 Grand Jury requested responses to recommendations from one report. Responses to those recommendations are listed in the following tables.

TEHAMA COUNTY LOCAL AGENCY FORMATION COMMISSION

Recommendations : 12

R 1. By April 1, 2023 Tehama LAFCo Commissioners and staff names should be listed and maintained on the Tehama LAFCo website to confirm Commission appointment.
Response to Recommendation: The recommendation has not yet been implemented, but will be implement in the future and no later than April 1, 2023. ADEQUATELY ADDRESSED: YES
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.
Response to Recommendation: The recommendation has been implemented; LAFCo has calendared a schedule of regular meetings on the second Wednesday of every month at 2 p.m. for 2023 In the Tehama County Board Chambers. LAFCo concurs that it should not go two to three years without holding a meeting. ADEQUATELY ADDRESSED: YES
R3. 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 SOi's and creation of accompanying MSR's are required to be completed.
Response to Recommendation: The recommendation requires further study, there is a current working draft. However, the scope of the draft's contents may need to be expanded based on new state legislation and the Grand Jury's recommendations. A Final Draft will be presented to the Tehama LAFCO no later than July 1, 2023. ADEQUATELY ADDRESSED: YES
R4. By April 1, 2023 Tehama LAFCo Commissioners should re!sume discussion to attempt to secure funding splits from the cities in Tehama County as required by the CKH Act.
Response to Recommendation: The recommendation requires further study, there was a funding

agreement reach through negotiation and discussion by LAFCo members in 2019 during an agenezed meeting. It will take some time to study other LAFCo agencies funding negotiations and enforcement processes. A funding proposal will be presented to the Tehama LAFCo no later than July 1, 2023.

ADEQUATELY ADDRESSED: YES

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.

Response to Recommendation: The recommendation requires further study, it appears that Tehama LAFCo currently complies with CKH Act GC's 56380, 66384, 56375(k) and judicial law. However, Tehama LAFCo will analyze the CKH Act further and study the possibility of a contract, which is an option, as the commission may choose to contract with any public agency or private party for personnel and facilities, pursuant to CKH Act GC 56380. CKH Act GC 56384 states "(a) The commission shall appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer." The courts have already ruled on a Planning Director as LAFCo Executive Officer, finding no conflict of interest thereby allowing the dual role per the courts have already ruled on a Planning Director as LAFCO Executive Officer, finding no conflict of interest thereby allowing the dual role per CKH Act GC 56380 and CKH Act GC 56384; Case No. 6729SIERRA VALLEY DEVELOPMENT COMPANY, LLC, a California Limited 10 Liability Company and JOHN K. 11 GULLIXSON, 14 BOARD OF SUPERVISORS OF SIERRA 15 COUNTY AND SIERRA COUNTY. Furthermore, CKH Act GC 56375 Powers subsection (k) allows LAFCo the discretion to appoint or contract personnel as it states "To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission." LAFCo officially appointed the Tehama County Planning Director on January 14, 1987. A study item will be agenezized at a regular scheduled LAFCO me€ting no later July 1, 2023. ADEQUATELY ADDRESSED: YES

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

Response to Recommendation: The recommendation requires further study to determine what an appropriate definition of "as necessary" is, which is what would trigger a review and/or Sphere of Influence update (Section 2,Page 6 Grand Jury Report). Currently as the state statue reads -The term "as Necessary" removes any requirement to update spheres of influence on a specific time frame after 2008 thereby in the Grand Jury's opinion (Section 2,Page 6 Grand Jury Report) necessitating a "definition for when MSR or SOI reviews or updates are required or considered "necessary" (CKH Act GC 56425 and CKH Act GC 5630). If the CHK Law and Stature was clear, a definition would not be required. In fact, the Legislation, while crafting and adopting CHK laws, stated at a May 4, 2005 hearing that "as statutes go into effect, local officials often discover problems or inconsistencies in the language of the law". A plausible definition for "as necessary" could include- At the point and time the status quo of a City or Special Districts Sphere of Influence Boundary is changed. During this analysis, staff will still accept and process any application for a Sphere of Influence update pursuant to CHK Gov. Code 56017.2(b) Application means any of the following-(b) states-A request for a sphere of influence amendment or update pursuant to section 56425.

A study item will be agendized at a regular scheduled LAFCO meeting no later July 1, 2023.
ADEQUATELY ADDRESSED: YES

R7. By April 1, 2023 Tehama LAFCo should annually develop a budget and seek adequate funding to allow accomplishment of annual work plans called for in Recommendations 6. MSR's and SOI's should be scheduled and budgeted over time to reduce the burden of costs,

Response to Recommendation: The recommendation requires further study to determine what adequate funding post Grand Jury precipitated analysis reveals. The analysis will include whether or not it is appropriate for LAFCo to spend public funds on updating other independently funded agencies Spheres of Influence, which would trigger a Municipals Service Review on an as necessary basis or whether it would be considered a gift of public funds. Currently, as the state statue reads -The term "as Necessary" removes any requirement to update spheres of influence on a specific time frame after 2008 thereby in the Grand Jury's opinion (Section 2, Page 6 Grand Jury Report) necessitating a "definition for when MSR or SOI reviews or updates are required or considered "necessary" (CKH Act GC 56425 and CKH Act GC 5630). If the CHK Law and Stature was clear, a definition would not be required. In fact the Legislation while crafting and adopting CHK laws states at a May 4, 2005 hearing that "as statutes go into effect, local officials often discover problems or inconsistencies in the language of the law".

A plausible definition for "as necessary" could include- At the point and time the status quo of a City or Special Districts Sphere of Influence Boundary is changed. If this is determined to be an appropriate definition, then a city and/or special district will submit an application with a fee to update their Sphere of Influence based on an actual change to the size and/or shape of their current Sphere of Influence rather than an arbitrary review of a boundary line that will not move from its current state.

During this analysis, Staff will still accept and process any application for a Sphere of Influence update pursuant to CHK Gov. Code 56017. 2(b) Application means any of the following-(b)states-A request for a sphere of influence amendment or update pursuant to section 56425.

A study item will be agenized at a regular scheduled LAFCO meeting no later than July 1, 2023.
ADEQUATELY ADDRESSED: YES

R8. By April 1, 2023 Tehama LAFCo should have updated information on their webpage which provides a complete inventory (i.e. special district name, service9s) provided, contract information. Etc.) of all the special districts in the County, as well as links to all the updated SOI's and MSR's that have been completed and should reference the CKH Act.

Response to Recommendation: The recommendation requires further study to determine what level of information will be placed on the LAFCo webpage and what information will be provided through links to other resources already available on the internet. Tehama LAFCo only receives about 4 to 5 phone calls a year and about 5 to 6 emails a year, which justifies its current budget and resource a/location. The current information on the website along with the names of the LAFCo commissioners and staff may be adequate and meet the needs of the public based on the low public demand.

A study item will be agenized at a regular scheduled LAFCo meeting no later July 2023.
ADEQUATELY ADDRESSED: YES

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.

<p>Response to Recommendation: The recommendation requires further study to determine what form, if any, a Grand Jury Training would take place and if it is warranted and required by law. These elements of the study will be presented to the Tehama LAFCo prior to July 1, 2023. ADEQUATELY ADDRESSED: YES</p>
<p>R10. By April 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 SOU updates are found to be deemed necessary or not.</p>
<p>Response to Recommendation: The recommendation requires further study to determine what form, if any, would meet the organization needs of Tehama LAFCo. A study item will be agendaized at a regular scheduled LAFCo meeting no later July 1, 2023. ADEQUATELY ADDRESSED: YES</p>
<p>R 11. 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.</p>
<p>Response to Recommendation: The recommendation requires further study to determine what form of training is most appropriate and feasible given individual's health concerns related to COVID and the various strains still evolving. LAFCo 101 training is readily available online and could be beneficial. A study item will be agendaized at a regular scheduled LAFCo meeting no later July 2023. ADEQUATELY ADDRESSED: YES</p>
<p>R12. By January 1, 2024 all Tehama LAFCo Commissioners and staff should receive formal training in the requirements of CKH Act.</p>
<p>Response to Recommendation: The recommendation requires further study to determine what form of training is most appropriate and feasible given individual's health concerns related to COVID and the various strains still evolving. LAFCO 101 training is readily available online and could be beneficial. A study item will be agendaized at a regular scheduled LAFCo meeting no later July 2023. ADEQUATELY ADDRESSED: YES</p>

BOARD OF SUPERVISORS COUNTY OF TEHAMA

Recommendations: 2

<p>Recommendation 4: "By April 1, 2023, Tehama LAFCo Commissioners should resume discussions to attempt to secure funding splits for the cities in Tehama County as required by the CKH Act."</p>
<p>Response: Pursuant to Penal Code section 933.05(b)(2), the recommendation has not yet been</p>

implemented, but will be implemented in the future. It is unlikely that the implementation will occur by the April 1, 2023, date as this response is not due until after that time, but the City will diligently work towards implementation (engaging in discussions with LAFCo) soon thereafter.
ADEQUATELY ADDRESSED: YES

Recommendation 7:
"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."

Response:
Pursuant to Penal Code section 933.05(b)(3), the recommendation requires further analysis, as the actions requested would be taken by the LAFCo Commissioners and not the City. The City certainly is willing to engage in discussions with LAFCo, as stated in response to Recommendation 4. However, the City has no control over LAFCo's actions in developing a budget and seeking adequate funding and therefore cannot implement or represent that it will implement this Recommendation. The City is supportive of LAFCo's efforts to conduct a study regarding securing adequate funding and it is our understanding that further analysis will be completed within six (6) months.
The City of Red Bluff appreciates this opportunity to respond to relevant portions of the 2022 Tehama County Grand Jury Final Report
ADEQUATELY ADDRESSED: YES

CITY OF CORNING

Recommendations: 2

Recommendation 4:
"By April 1, 2023 Tehama LAFCo Commissioners should resume discussions to attempt to secure funding splits for the cities in Tehama County as required by the CKH Act."

Response:
Pursuant to Penal Code section 933.05(b)(2), the recommendation has not yet been implemented, but will be implemented in the future. It is unlikely that the implementation will occur by the April 1, 2023 date as this response is not due until after that time, but the City will diligently work towards implementation (engaging in discussions with LAFCo) soon thereafter.
ADEQUATELY ADDRESSED: YES

Recommendation 7:
"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."

Response:
Pursuant to Penal Code section 933.05(b)(3), the recommendation requires further analysis, as the actions requested would be taken by the LAFCo Commissioners and not the City. The City certainly is willing to engage in discussions with LAFCo, as stated in response to Recommendation 4. However, the City has no control over LAFCo's actions in developing a budget and seeking adequate funding and therefore cannot implement or represent that it will

implement this Recommendation. Further analysis will be completed within six (6) months. On a related point, the City of Corning coordinated and paid for a Municipal Services Review (MSR) in the later part of 2022. The responsibility for preparation of the MSR is statutorily the responsibility of LAFCo, not the City. In effect, the City is presently already financially contributing to the responsibilities of LAFCo.

The City of Corning appreciates this opportunity to respond to relevant portions of the 2022 Tehama County Grand Jury Final Report.

ADEQUATELY ADDRESSED: YES



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7029

February 14, 2023

The Honorable Matthew C. McGlynn
Presiding Judge, Tehama County Superior Court
1740 Walnut Street
Red Bluff, CA 96080



Subject: "Bringing Tehama LAFCo Up to Date".

Dear Judge McGlynn:

The City Council of the City of Corning ("City") would first like to thank the Tehama County Grand Jurors for all of their hard work and dedication, as well as the courtesy and professionalism shown in completing their work. The City is aware of the time and effort that goes into these reports and the City is sincerely appreciative to those individuals.

As required under Penal Code Section 933(c), the City would like to offer the following response to the report titled, "Bringing Tehama LAFCo Up To Date":

Finding 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.

Response:

Pursuant to Penal Code section 933.05(a)(1), the City agrees with the finding.

Recommendation 4:

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

Response:

Pursuant to Penal Code section 933.05(b)(2), the recommendation has not yet been implemented, but will be implemented in the future. It is unlikely that the implementation will occur by the April 1, 2023 date as this response is not due until after that time, but the City will diligently work towards implementation (engaging in discussions with LAFCo) soon thereafter.

Recommendation 7:

"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."

Response:

Pursuant to Penal Code section 933.05(b)(3), the recommendation requires further analysis, as the actions requested would be taken by the LAFCo Commissioners and not the City. The City certainly is willing to engage in discussions with LAFCO, as stated in response to Recommendation 4. However, the City has no control over LAFCo's actions in developing a budget and seeking adequate funding and therefore cannot implement or represent that it will implement this Recommendation. Further analysis will be completed within six (6) months.

On a related point, the City of Corning coordinated and paid for a Municipal Services Review (MSR) in the later part of 2022. The responsibility for preparation of the MSR is statutorily the responsibility of LAFCo, not the City. In effect, the City is presently already financially contributing to the responsibilities of LAFCo.

The City of Corning appreciates this opportunity to respond to relevant portions of the 2022 Tehama County Grand Jury Final Report.

Sincerely,



Robert Snow, Mayor
City of Corning



CITY OF RED BLUFF

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

February 21, 2023

The Honorable Matthew C. McGlynn
Presiding Judge, Tehama County Superior Court
1740 Walnut Street
Red Bluff, CA 96080

RECEIVED
FEB 27 2023

BY. _____

Re: 2022 Grand Jury
Response to Findings and Recommendations

Dear Judge McGlynn:

The City Council of the City of Red Bluff ("City") sincerely thank the Tehama County Grand Jurors for all their hard work and their thoughtful presentation of findings and recommendations. The City is aware of the time and effort that goes into these reports and the City is grateful to those individuals for their dedication to our local communities.

As required under Penal Code Section 933(c), the City would like to offer the following response to the report titled, "Bringing Tehama LAFCo Up To Date":

Finding 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.

Response:

Pursuant to Penal Code section 933.05(a)(1), the City agrees with the finding.

Recommendation 4:

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

Response:

Pursuant to Penal Code section 933.05(b)(2), the recommendation has not yet been implemented, but will be implemented in the future. It is unlikely that the implementation will occur by the April 1, 2023, date as this response is not due until after that time, but the City will diligently work towards implementation (engaging in discussions with LAFCo) soon thereafter.

The City is aware that a LAFCo meeting is scheduled for April 12, 2023, and will endeavor to bring these discussions forward at that time.

Recommendation 7:

“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.”

Response:

Pursuant to Penal Code section 933.05(b)(3), the recommendation requires further analysis, as the actions requested would be taken by the LAFCo Commissioners and not the City. The City certainly is willing to engage in discussions with LAFCO, as stated in response to Recommendation 4. However, the City has no control over LAFCo’s actions in developing a budget and seeking adequate funding and therefore cannot implement or represent that it will implement this Recommendation. The City is supportive of LAFCo’s efforts to conduct a study regarding securing adequate funding and it is our understanding that further analysis will be completed within six (6) months.

The City of Red Bluff appreciates this opportunity to respond to relevant portions of the 2022 Tehama County Grand Jury Final Report.

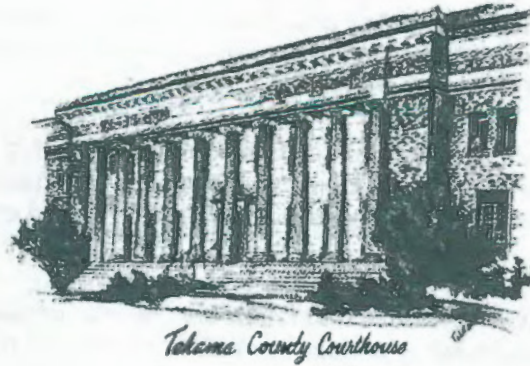
Sincerely,



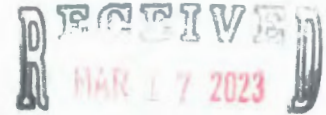
Kris Dieters
Mayor
City of Red Bluff

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



Gabriel Hydrick
Chief Administrator



BY:

February 1, 2023

Honorable Judge Matthew C. McGlynn, Presiding Judge
Tehama County Superior Court,
1740 Walnut St. Red Bluff, CA 96080

Re: Response to Grand Jury 2022 Report

Honorable Judge McGlynn,

The Tehama County Board of Supervisors has received and reviewed the 2022 Grand Jury Report. The County extends our appreciation to the members of the Grand Jury for their efforts and time to learn of and investigate the issue and render findings and recommendations.

This letter is offered to fulfill the request of a response to the Grand Jury's findings and recommendations regarding Tehama County LAFCO.

Pursuant to Penal Code section 933.05, the County has responded in a timely fashion. The Board of Supervisors has reviewed the responses and will refer to them as applicable.

Grand Jury Subject: Bringing Tehama LAFCo Up to Date

Findings

F3. The Board of Supervisors disagrees partially with the Grand Jury's findings as a funding agreement was reached in 2019 with the cities. The agreement was reached as a result of negotiations under an agendaized LAFCo meeting.

Recommendation:

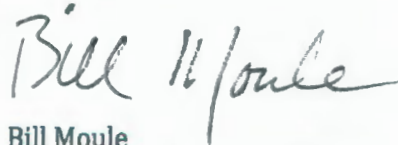
R4 By April 1, 2023 Tehama LAFCo Commissioners should resume discussions to attempt to secure funding splits from the cities in Tehama County as required by the CKH Act.

Response The Board of Supervisors find that further study and time is needed to study other LAFCo agencies funding negotiations and enforcement processes. A funding proposal will be presented to the Tehama LAFCo no later than July 1, 2023.

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.

Response The Board of Supervisors find that LAFCo does develop annual budgets and seek funding adequate for accomplishment of annual work plans. To help in the reduction of the burden of costs, LAFCo does not schedule plans and reports unless needed.

Sincerely,

A handwritten signature in black ink that reads "Bill Moule". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Bill Moule
Tehama County Board Chairman



**TEHAMA COUNTY
LOCAL AGENCY FORMATION COMMISSION**

444 Oak Street Rm "I"
Red Bluff, CA 96080
Phone (530) 527-2200 Fax (530) 527-2655

January 23, 2023

Honorable Judge
Matthew C. McGlynn Presiding Judge
Tehama County Superior Court,
1740 Walnut St. Red Bluff, CA 96080

RECEIVED
JAN 27 2023

BY:

RE: 2022 Grand Jury
Response to Findings and Recommendations

Dear Judge McGlynn,

Pursuant to Penal Code § 933 (c), the Tehama LAFCo presents the following responses to the findings and recommendation contained with the 2022 Grand Jury Report which pertain to the Tehama LAFCo operations.

Findings-

F1. Tehama LAFCo Commissioners and staff were unaware of who is on the commission and regular members of alternates. This makes it difficult to have a cohesive, well-function Commission.

Response to Finding: Tehama LAFCo agrees with the finding.

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 property execute responsibilities.

Response to Finding: Tehama LAFCo agrees with the finding.

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

Response to Finding: Partially disagree; there was a funding agreement reached through negotiation and discussion by LAFCo members in 2019 during an agenized meeting.

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.

Response to Finding: Disagree; a contract is optional as the commission **may** choose to contract with any public agency or private party for personnel and facilities, pursuant to CKH Act GC § 56380. CKH Act GC§ 56384 states “(a) The commission **shall appoint an executive officer** who shall conduct and perform the day-to-day business of the commission. If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer. “The courts have already ruled on a Planning Director as LAFCo Executive Officer, finding no conflict of interest thereby allowing the dual role per CKH Act GC§ 56380 and CKH Act GC§ 56384; Case No. 6729SIERRA VALLEY DEVELOPMENT COMPANY, LLC, a California Limited 10 Liability Company and JOHN K. 11 GULLIXSON, 14 BOARD OF SUPERVISORS OF SIERRA 15 COUNTY AND SIERRA COUNTY.

Furthermore, CKH Act GC§ 56375 Powers subsection (k) allows LAFCo the discretion to appoint or contract personnel as it states “To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.” LAFCo officially appointed the Tehama County Planning Director on January 14, 1987.

F5. Tehama LAFCo has neither completed nor plans to complete at least one full round of SOI reviews and updates and accompanying MSR’s (as called for by CHK Act GC§ 56425 and GC§ 56430 of the CKH Act) on all 33 special districts in Tehama County.

Response to Finding: Disagree, The Grand Jury uses a term of “one full round of SOI review and updates and accompanying MSR’s” as a way to measure Tehama LAFCo’s performance. This is a fictional term. Rounds of SOI review and updates does not exist in the CKH Act Government Code and there is no basis as a requirement and/or standard in the CKH Act Government Code to complete a full round of SOI reviews, updates, or anything else. TC LAFCo follows the Government code as specifically adopted in the CH. Policies should not be confused for binding regulations, especially when they are almost 20 years old even if they did appear in Office of Planning and Research Publications and/or CALAFCo (501(c)3 non-profit), which is what is referenced in the Grand Jury Report. These forms of information are subject to interpretation and local application based on CKH Gov. Code Section 56301 “Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.” In fact, rather than referencing 2003 and 2006 policy publications, a more recent publication from 2013 “ 50 years of LAFCo’s: a guide to LAFCo’s California Local Agency Formation Third Editions published by the Senate government and Finance Committee (signed by Lois wolk Chair)” indicates on Page 14 section “13-What’s a “municipal service review? Before LAFCo’s adopt or update a sphere of influences, they conduct municipal service reviews.” Since 2000, LAFCo’s must conduct a MSR, which is a study prepared before LAFCo updates a city or special district’s sphere of influence. In a MSR, LAFCo can review all of the agencies that provide the

public services within the study area. MSR's raise questions and important issues getting people talking. **The CKH act requires LAFCo's to update, as necessary, the local government's spheres of influence every 5 years. Logically, LAFCO's must also update MSR's before revising a SOI. See Attachment A.**

The state legislature never intended for LAFCo's to be constrained by time limits for its MSR and SOI updates as indicated in its CHK Gov. Code section 56301, which is noted above and specifically gives local LAFCo's the right to conduct their business based on Local conditions and circumstances, which is why the State Legislature crafted the language adding/using the term "as Necessary" after the third reading of the Law. In the original law, there was no flexibility and the term "as Necessary" was not present. Please see Attachment B-First reading of the Law and the Third reading of the Law. Furthermore, as indicated in the Grand Jury's report, this term "as Necessary" removes any requirement to update spheres of influence on a specific time frame after 2008 thereby in the Grand Jury's opinion (Section 2, Page 6 Grand Jury Report) necessitating a "definition for when MSR or SOI reviews or updates are required or considered "necessary" (CKH Act GC§ 56425 and CKH Act GC§ 56430). If the CHK Law and Stature was clear, a definition would not be required. In fact, the Legislation, while crafting and adopting CHK laws, stated at a May 4, 2005 hearing that "as statutes go into effect, local officials often discover problems or inconsistencies in the language of the law", please see Attachment C.

Staff will accept and process any application for a Sphere of Influence update pursuant to CKH Gov. Code 56017.2(b) Application means any of the following-(b) states-A request for a sphere of influence amendment or update pursuant to section CKH Act GC§ 56425, please see Attachment D.

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.

Response to Finding: Tehama LAFCo agrees with the finding.

F7. Having no formal LAFCo training, Tehama LAFCo Commissioners are not adequately prepared to fully implement the requirements of the CKH Act.

Response to Finding: partially agree, City Councils, Board of Supervisors, Committee, Commission members of large and small organizations retain qualified staff to recommend actions regarding a broad range of topics and issues encountered during a jurisdiction's operation; acouple days of workshops and/or trainings will never compare to staff experience and training gained on a daily basis over many years.

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.

Response to Finding: Partially disagree, LAFCo has calendared a schedule of regular meetings on the second Wednesday of every month at 2 p.m. for 2023, In the Tehama

County Board Chambers. LAFCo agrees that it should not go two to three years without holding a meeting.

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.

Response to Finding: Disagree, this statement is subjective, and not measurable. According to CKH Act GC§ 56331.4. "While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority." This section does not require the abstention of any member on any matter, nor does it create a right of action in any person.

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.

Response to Recommendation: The recommendation has not yet been implemented, but will be implement in the future and no later than April 1, 2023.

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.

Response to Recommendation: The recommendation has been implemented; LAFCo has calendared a schedule of regular meetings on the second Wednesday of every month at 2 p.m. for 2023 In the Tehama County Board Chambers. LAFCo concurs that it should not go two to three years without holding a meeting.

R3. 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 SOI's and creation of accompanying MSR's are required to be completed.

Response to Recommendation: The recommendation requires further study, there is a current working draft. However, the scope of the draft's contents may need to be expanded based on new state legislation and the Grand Jury's recommendations. A Final Draft will be presented to the Tehama LAFCO no later than July 1, 2023.

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

Response to Recommendation: The recommendation requires further study, there was a funding agreement reach through negotiation and discussion by LAFCo members in 2019 during an agenized meeting. It will take some time to study other LAFCo agencies funding negotiations and enforcement processes. A funding proposal will be presented to the Tehama LAFCo no later than July 1, 2023.

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.

Response to Recommendation: The recommendation requires further study, it appears that Tehama LAFCo currently complies with CKH Act GC's 56380, 56384, 56375(k) and judicial law.

However, Tehama LAFCo will analyze the CKH Act further and study the possibility of a contract, which is an option, as the commission may choose to contract with any public agency or private party for personnel and facilities, pursuant to CKH Act GC 56380. CKH Act GC 56384 states "(a) The commission shall appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the executive officer is subject to a conflict of interest on a matter before the commission, the commission shall appoint an alternate executive officer." The courts have already ruled on a Planning Director as LAFCo Executive Officer, finding no conflict of interest thereby allowing the dual role per the courts have already ruled on a Planning Director as LAFCO Executive Officer, finding no conflict of interest thereby allowing the dual role per CKH Act GC 56380 and CKH Act GC 56384; Case No. 6729SIERRA VALLEY DEVELOPMENT COMPANY, LLC, a California Limited 10 Liability Company and JOHN K. 11 GULLIXSON, 14 BOARD OF SUPERVISORS OF SIERRA 15 COUNTY AND SIERRA COUNTY.

Furthermore, CKH Act GC 56375 Powers subsection (k) allows LAFCo the discretion to appoint or contract personnel as it states "To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission." LAFCo officially appointed the Tehama County Planning Director on January 14, 1987.

A study item will be agendized at a regular scheduled LAFCO meeting no later July 1, 2023.

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

Response to Recommendation: The recommendation requires further study to determine what an appropriate definition of "as necessary" is, which is what would trigger a review and/or Sphere of Influence update (Section 2, Page 6 Grand Jury Report). Currently as the state statute reads -The term "as Necessary" removes any requirement to update spheres of influence on a specific time frame after 2008 thereby in the Grand Jury's opinion (Section 2, Page 6 Grand Jury Report) necessitating a "definition for when MSR or SOI reviews or updates are required or considered "necessary" (CKH Act GC 56425 and CKH Act GC 5630). If the CHK Law and Statute was clear, a definition would not be required. In fact, the Legislation, while crafting and adopting CHK laws, stated at a May 4, 2005 hearing that "as statutes go into effect, local officials often discover problems or inconsistencies in the language of the law".

A plausible definition for "as necessary" could include- At the point and time the status quo of a City or Special Districts Sphere of Influence Boundary is changed.

During this analysis, staff will still accept and process any application for a Sphere of Influence update pursuant to CHK Gov. Code 56017.2(b) Application means any of the following-(b) states-A request for a sphere of influence amendment or update pursuant to section 56425.

A study item will be agendaized at a regular scheduled LAFCO meeting no later July 1, 2023.

R7. By April 1, 2023 Tehama LAFCo should annually develop a budget and seek adequate funding to allow accomplishment of annual work plans called for in Recommendations 6. MSR's and SOI's should be scheduled and budgeted over time to reduce the burden of costs,

Response to Recommendation: The recommendation requires further study to determine what adequate funding post Grand Jury precipitated analysis reveals. The analysis will include whether or not it is appropriate for LAFCo to spend public funds on updating other independently funded agencies Spheres of Influence, which would trigger a Municipals Service Review on an as necessary basis or whether it would be considered a gift of public funds. Currently, as the state statute reads -The term "as Necessary" removes any requirement to update spheres of influence on a specific time frame after 2008 thereby in the Grand Jury's opinion (Section 2, Page 6 Grand Jury Report) necessitating a "definition for when MSR or SOI reviews or updates are required or considered "necessary" (CKH Act GC 56425 and CKH Act GC 5630). If the CHK Law and Statute was clear, a definition would not be required. In fact the Legislation while crafting and adopting CHK laws states at a May 4, 2005 hearing that "as statutes go into effect, local officials often discover problems or inconsistencies in the language of the law".

A plausible definition for "as necessary" could include- At the point and time the status quo of a City or Special Districts Sphere of Influence Boundary is changed. If this is determined to be an appropriate definition, then a city and/or special district will submit an application with a fee to update their Sphere of Influence based on an actual change to the size and/or shape of their current Sphere of Influence rather than an arbitrary review of a boundary line that will not move from its current state.

During this analysis, Staff will still accept and process any application for a Sphere of Influence update pursuant to CHK Gov. Code 56017.2(b) Application means any of the following-(b)states-A request for a sphere of influence amendment or update pursuant to section 56425.

A study item will be agenzized at a regular scheduled LAFCO meeting no later than July 1, 2023.

R8. By April 1, 2023 Tehama LAFCo should have updated information on their webpage which provides a complete inventory (i.e. special district name, service9s) provided, contract information. Etc.) of all the special districts in the County, as well as links to all the updated SOI's and MSR's that have been completed and should reference the CKH Act.

Response to Recommendation: The recommendation requires further study to determine what level of information will be placed on the LAFCo webpage and what information will be provided through links to other resources already available on the internet. Tehama LAFCo only receives about 4 to 5 phone calls a year and about 5 to 6 emails a year, which justifies its current budget and resource allocation. The current information on the website along with the names of the LAFCo commissioners and staff may be adequate and meet the needs of the public based on the low public demand.

A study item will be agenzized at a regular scheduled LAFCo meeting no later July 2023.

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.

Response to Recommendation: The recommendation requires further study to determine what form, if any, a Grand Jury Training would take place and if it is warranted and required by law. These elements of the study will be presented to the Tehama LAFCo prior to July 1, 2023.

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

Response to Recommendation: The recommendation requires further study to determine what form, if any, would meet the organization needs of Tehama LAFCo.

A study item will be agenzized at a regular scheduled LAFCo meeting no later July 1, 2023.

R11. By October 18, 2023 Tehama LAFCo commissioners and staff should begin attending Annual CALAFCo Conference Workhops. The 2023 Conference will be held on October 18-23, 2023.

Response to Recommendation: The recommendation requires further study to determine what form of training is most appropriate and feasible given individual's health concerns related to COVID and the various strains still evolving. LAFCo 101 training is readily available online and could be beneficial.

A study item will be agendized at a regular scheduled LAFCo meeting no later July 2023.

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

Response to Recommendation: The recommendation requires further study to determine what form of training is most appropriate and feasible given individual's health concerns related to COVID and the various strains still evolving. LAFCO 101 training is readily available online and could be beneficial.

A study item will be agendized at a regular scheduled LAFCo meeting no later July 2023.

Sincerely,



LAFCo Acting Chair
Bill Moule

Cc: Tehama County Grand Jury's, P.O. Box 1061 Red Bluff, CA 96080

Attachments:

A Thru D

10. Where can I get a copy of the Cortese-Knox-Hertzberg Act?

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 starts with Section 56000 of the California Government Code. The California Assembly Local Government Committee publishes the Guide to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in print copy and on their website: <http://alcl.assembly.ca.gov/publications>. A print copy costs \$12 and may be purchased from:

Assembly Publications
c/o Office of the Chief Clerk
State Capitol, Room 3196
Sacramento, CA 95814

11. Where can I get more information about LAFCOs?

The best place to start is with your LAFCO's executive officer or staff. You can usually find LAFCO's telephone number in the government pages of your telephone book, or use the Internet to find the LAFCO in your county.

Also, if you are interested in attending a LAFCO meeting, most LAFCOs meet every month, or every other month. Agendas are publicly posted online and at their office. Another place to get good information is from the California Association of Local Agency Formation Commissions (CALAFCO). The directory on CALAFCO's website lists the names and phone numbers of the LAFCO executive officers: www.calafco.org.

12. What's a "sphere of influence?"

Sphere of influence (SOI) is a term that means the plan for the probable long-term boundary and service area of a city or special district, given population projections and future service needs. It's a planning tool used by LAFCOs to help determine if future annexations make sense. In effect, a sphere of influence tells landowners, residents, and public officials where the LAFCO thinks a city or district will "grow" in the future. All boundary changes must be consistent with spheres of influence.

13. What's a "municipal service review?"

Before LAFCOs adopt or update spheres of influences, they conduct "municipal service reviews." Since 2000, LAFCOs must conduct a MSR, which is a study prepared before LAFCO updates a city or special district's sphere of influence. In a MSR, a LAFCO can review all of the agencies that provide the public services within the study area. MSRs raise questions and important issues, and get people talking. The CKH Act requires LAFCOs to update, as necessary, the local government's sphere of influence every five years. Logically, LAFCOs must also update MSRs before revising a SOI.

Date of Hearing: April 5, 2000

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
John Longville, Chair
AB 2838 (Hertzberg) - As Amended: February 28, 2000

SUBJECT : Local agency formation commissions.

SUMMARY : Comprehensively revises the Cortese-Knox Local Government Reorganization Act of 1985 (Act). Specifically, this bill :

- 1) Transfers the authority to conduct proceedings subsequent to local agency formation commission (LAFCO) approval or disapproval of changes of organization or reorganization from counties and other designated public agencies to the LAFCO.
- 2) Authorizes any city to annex noncontiguous territory that constitutes a state correctional training or correctional facility upon approval by a LAFCO.
- 3) Deletes the provision that currently allows a city or district to provide new or extended services outside its jurisdictional boundaries by contracts or agreements between public agencies without written LAFCO approval.
- 4) Requires that notice of proceedings by a LAFCO shall be given in electronic format on a website provided by the LAFCO.
- 5) Requires a LAFCO to provide written notice of any proposed reorganization that may affect school attendance to the countywide school district and each school superintendent whose district would be affected.
- 6) Requires a LAFCO to provide mailed notice to all registered voters and owners of property within 300 feet of the exterior boundary of property that is the subject of a LAFCO hearing.
- 7) Defines "landowner" or "owner of land" as any person shown as the owner of land on the most recent assessment roll being prepared by the county at the time a LAFCO adopts a resolution of application except where that person is no longer the owner.
- 8) Requires that notices of LAFCO hearings be published at least

20 days prior to the date of the hearing.

- 9) Declares the intent of the Legislature that each LAFCO establish written policies and procedures, including lobbying disclosure and reporting requirements and forms to be used for submittals to the LAFCO, and provides that if a LAFCO has not adopted written policies and procedures by July 1, 2001, any actions taken by that LAFCO may be voidable.
- 10) Adds the preservation of open-space and agricultural lands and the efficient provision of government services to the stated purposes of a LAFCO.
- 11) Requires a LAFCO, when considering a request to form a new government entity, to make a determination as to whether existing agencies can feasibly provide the needed services in a more efficient and accountable manner.
- 12) Adds two additional positions to a standard LAFCO, to be filled by presiding officers or legislative body members of independent special districts selected by an independent special district selection committee.
- 13) Requires a LAFCO to make the rezoning by a city of any territory proposed for annexation a mandatory precondition to any such annexation, and requires that the approval of an annexation be consistent with the planned and probable use of the property based on a review of the general plan and rezoning designations.
- 14) Authorizes a LAFCO to enter into an agreement with the LAFCO of an adjoining county to establish procedures for considering proposals that may affect either or both counties.

15) Authorizes a LAFCO to require establishment of a community growth plan for an unincorporated area or to review the consistency of a proposal within a city's general plan when a proposed action would require the extension of critical services.

16) Prohibits a LAFCO from approving proposals that would enable the change in use of existing prime agricultural lands or open-space lands where feasible alternatives exist elsewhere that are not prime agricultural lands or open-space lands dedicated or otherwise restricted to open-space use.

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Page 3

- 17) Repeals the current requirement that LAFCO facilities and expenses be provided by the county board of supervisors only, and instead requires those expenses to be provided by cities, counties, and special districts.
- 18) Requires that the signatures on a petition presented to a LAFCO be verified by the county election official, and that costs of verification be provided for in the same manner and by the same agencies that bear those costs for an initiative petition in the same jurisdiction.
- 19) Authorizes a LAFCO to waive petition fees in the public interest and to request a loan from the Controller for specified petition proceedings for an incorporation.
- 20) Requires a LAFCO to appoint an executive officer and legal counsel, authorizes the appointment of staff, and provides for alternatives in cases of conflict of interest.
- 21) Requires a LAFCO to review and update the spheres of influence it establishes for local agencies within the county not less than once every five years.
- 22) Requires a LAFCO to obtain written statements from existing districts specifying the functions or classes of services provided and establish the nature, location, and extent of functions or services provided by existing districts before approving a sphere of influence or a sphere of influence including a special district.
- 23) Requires LAFCO to conduct service reviews of municipal services prior to the preparation or update of spheres of influence.
- 24) Requires LAFCO approval for any extension of "backbone" (water supply, sewer, wastewater, or roads) infrastructure to previously undeveloped or underdeveloped lands. In the case of cities, LAFCO shall approve a finding of general plan consistency. In unincorporated areas, LAFCO shall either approve a special district sphere of influence amendment (if applicable) or a community growth plan.
- 25) Establishes criteria for determining whether a proposal for an extension of "backbone" infrastructure has the potential

**Assembly Bill 2838 First Reading
SOI Update LAW originally intended to
mandate a review and update of SOI's
every 5 yrs.; No Question or Flexibility**

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for causing significant effects on the orderly extension of government services, as follows:

- a) A residential development of more than 500 units;
- b) A shopping center of business employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space;
- c) A commercial office building or buildings employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space;
- d) A hotel or motel development of more than 500 rooms;
- e) An industrial, manufacturing, or processing plant or industrial park planned to house more than 1,000 persons occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor space;

Assembly Bill 2838
SOI Update LAW Origin
Third Reading

ASSEMBLY THIRD READING
AB 2838 (Hertzberg)
As Amended May 18, 2000
Majority vote

LOCAL GOVERNMENT 5-2 APPROPRIATIONS 14-7

Ayes: Longville, Corbett, Kuehl, Thomson, Torlakson	Ayes: Migden, Alquist, Aroner, Cedillo, Corbett, Davis, Kuehl, Papan, Romero, Shelley, Thomson, Wesson, Wiggins, Wright
Nays: Kaloogian, Thompson	Nays: Campbell, Ackerman, Ashburn, Brewer, Maldonado, Runner, Zettel

SUMMARY : Revises the Cortese-Knox Local Government Reorganization Act of 1985 (Act). Specifically, this bill :

- 1) Transfers the authority to conduct proceedings subsequent to local agency formation commission (LAFCO) approval or disapproval of changes of organization or reorganization from counties and other designated public agencies to LAFCO.
- 2) Authorizes any city to annex noncontiguous territory that constitutes a state correctional training or correctional facility upon approval by a LAFCO.
- 3) Permits a city or district to provide new or extended services outside its jurisdictional boundaries by contracts or agreements between public agencies without written LAFCO approval only when the services are already being provided by a public service provider and when the proposed level of service is consistent with the existing actual or planned level of service.
- 4) Requires that notice of proceedings by a LAFCO shall be given in electronic format on a website.
- 5) Requires a LAFCO to provide mailed notice to all registered voters and owners of property within 300 feet of the exterior

boundary of property that is the subject of a LAFCO hearing.

- 6) Defines "landowner" or "owner of land" as any person shown as the owner of land on the most recent assessment roll being prepared by the county at the time a LAFCO adopts a resolution of application except where that person is no longer the owner.
- 7) Requires that notices of LAFCO hearings be published at least 21 days prior to the date of the hearing.
- 8) Declares the intent of the Legislature that each LAFCO establish written policies and procedures not later than January 1, 2002, including lobbying disclosure and reporting requirements and forms to be used for submittals to LAFCO.
- 9) Adds the preservation of open-space and agricultural lands, the efficient provision of government services, and the provision of housing to persons and families of all incomes to the stated purposes of a LAFCO.
- 10) Requires a LAFCO, when considering a request to form a new government entity, to make a determination as to whether existing agencies can feasibly provide the needed services in a more efficient and accountable manner.
- 11) Adds two additional positions to standard LAFCOs not currently including independent special district representatives, to be filled by presiding officers or legislative body members of independent special districts selected by an independent special district selection committee.
- 12) Requires a LAFCO to make the rezoning by a city of any

territory proposed for annexation a mandatory precondition to any such annexation, and requires that the approval of any annexation for a period of two years be consistent with the planned and probable use of the property based on a review of the general plan and rezoning designations, unless a substantive change has occurred that necessitates a departure from the rezoning.

- 13) Authorizes a LAFCO to enter into an agreement with the LAFCO of an adjoining county to establish procedures for considering proposals that may affect either or both

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counties.

- 14) Authorizes a LAFCO to require establishment of a community growth plan for an unincorporated area or to review the consistency of a proposal within a city's general plan when a proposed action would require the extension of critical services.
- 15) Directs a LAFCO to guide proposals that would enable a change in use of existing prime agricultural lands or open-space lands towards feasible alternatives elsewhere that are not prime agricultural lands or open-space lands dedicated or otherwise restricted to open-space use.
- 16) Requires that LAFCO facilities and expenses be provided by cities, counties, and special districts, as specified.
- 17) Requires that the signatures on a petition presented to a LAFCO be verified by the county election official, and that costs of verification be provided for in the same manner and by the same agencies that bear those costs for an initiative petition in the same jurisdiction.
- 18) Authorizes a LAFCO to waive specified petition fees in the public interest and to request a loan from the Controller for specified petition proceedings for an incorporation.
- 19) Requires a LAFCO to appoint an executive officer and legal counsel, authorizes the appointment of staff, and provides for alternatives in cases of conflict of interest.
- 20) Requires a LAFCO to review and update the spheres of influence it establishes for local agencies within the county not less than once every five years, as necessary.
- 21) Requires a LAFCO to obtain written statements from existing districts specifying the functions or classes of services provided and establish the nature, location, and extent of functions or services provided by existing districts before approving a sphere of influence or a sphere of influence including a special district.
- 22) Requires LAFCO to conduct service reviews of municipal services prior to the preparation or update of spheres of influence.

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- 23) States legislative intent that LAFCOs should review any proposed extension of "backbone" (i.e., water supply, sewer, wastewater, or roads) infrastructure to previously undeveloped or underdeveloped lands for consistency with the purposes of the Act.
- 24) Requires each application to a LAFCO from a city to include steps taken to increase density within existing territory.
- 25) Deletes the provisions creating the Special Commission on Los Angeles Boundaries.
- 26) Requires that proceedings for a reorganization that includes the detachment of territory from a city or city and county and the incorporation of that territory as a city be conducted in accordance with procedures otherwise prescribed for the incorporation of a city.
- 27) Requires that expenditures and contributions for political

**Assembly Bill 2838 Third Reading
SOI Update Law now includes "as necessary"
because Legislators decided the review &
update of SOI's needed to be flexible.**

Date of Hearing: May 4, 2005

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Sim?n Salinas, Chair

AB 1746 (Committee on Local Government) - As Introduced: March
3, 2005

SUBJECT : Local government reorganization.

SUMMARY : Makes several minor and non-controversial changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Specifically, this bill :

- 1)Deletes the requirement that all subject agencies consent in writing to a waiver of protest proceedings in order for a local agency formation commission (LAFCO) to waive proceedings:
 - a) With respect to uninhabited territory, if all the owners of land within the affected territory have given written consent, and
 - b) With respect to inhabited city and district annexations or detachments, or both, if LAFCO has provided written notice of its proceedings to all registered voters and landowners within the affected territory and has received no written opposition.
- 2)Permits the filing of written protests by any owner of land or registered voter within inhabited territory or any owner of land within uninhabited territory concerning territory that is the subject of a proposed change of organization or reorganization, rather than territory proposed to be annexed or detached.
- 3)Makes technical changes to certain mailed notice requirements.

EXISTING LAW governs the procedures for the formation, change of organization, and reorganization of cities, counties, and special districts.

FISCAL EFFECT : None

COMMENTS :

AB 1746

Page 2

- 1)As statutes go into effect, local officials often discover problems or inconsistencies in the language of the law. Each year, local officials approach the Legislature to correct those problems. These minor problems do not warrant separate bills, particularly since, according to the Legislative Analyst, in 2001-02 the cost of producing a single bill was \$17,890.
- 2)In the past, the Assembly Local Government Committee has responded by combining several of these minor topics into an annual "omnibus bill." This is an expeditious and relatively inexpensive way to respond to multiple requests. Since AB 720, Chapter 388, Statutes of 2001, which was specifically intended as a clean-up to AB 2838 (Hertzberg), Chapter 761, Statutes of 2000, the massive reform of the Cortese-Knox-Hertzberg Local Government Reorganization Act, the Assembly Local Government Committee has focused its omnibus bill efforts on LAFCO-related issues, most recently with AB 3077, Chapter 355, Statutes of 2004. The Committee hopes to carry on this practice by addressing a number of minor and non-controversial, but still necessary, issues relating to LAFCOs with AB 1746. The bill will be amended as it moves through the legislative process and local LAFCOs and others bring proposals and issues to the Committee. All proposals are thoroughly vetted by a large number of stakeholders. Any proposal that provokes any controversy or opposition will be rejected for inclusion in AB 1746, or removed from the bill if already a part of it.

Support

CA Association of Local Agency Formation Commissions

Opposition

None on file

Analysis Prepared by : J. Stacey Sullivan / L. GOV. / (916)
319-3958

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ATTACHMENT D

"Agricultural lands"	56016. "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.
"Annexation"	56017. "Annexation" means the inclusion, attachment, or addition of territory to a city or district.
"Applicant"	56017.1. "Applicant" means a local agency or person or persons that submits an application, as defined by Section 56017.2.
"Application"	56017.2. "Application" means any of the following: (a) A resolution of application or petition initiating a change of organization or reorganization with supporting documentation as required by the commission or executive officer. (b) A request for a sphere of influence amendment or update pursuant to Section 56425. (c) A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133. (d) A request by a public agency for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56134. 56018. [Repealed by Stats. 2011, Ch. 300]
"Board of directors"	56019. "Board of directors" means the legislative body or governing board of a district.
"Board of supervisors"	56020. "Board of supervisors" means the legislative body or governing board of a county.
"Certificate of completion"	56020.5. "Certificate of completion" means the document prepared by the executive officer and recorded with the county recorder that confirms the final successful completion of a change of organization or reorganization.
"Certificate of filing"	56020.6. "Certificate of filing" means the document issued by the executive officer that confirms an application for a change of organization or reorganization has met submission requirements and is accepted for filing.
"Certificate of termination of proceedings"	56020.7. "Certificate of termination" or "certificate of termination of proceedings" means the document prepared by the executive officer and retained by the commission that indicates that a proposal for a change of organization or reorganization was



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 whether 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 2023 Tehama County Grand Jury received, reviewed and acknowledged several complaints. All complaints were treated with the utmost respect toward the citizens of Tehama County.

