



**COUNTY OF LAKE
BOARD OF SUPERVISORS**

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August 25, 2020

The Honorable Michael S. Lunas
Presiding Judge of the Superior Court
255 North Forbes Street
Lakeport, CA 95453

RE: Response to the 2019/2020 Civil Grand Jury Final Report

Dear Judge Lunas:

Pursuant to Penal Code Section 933 et seq., the Board of Supervisors submits this response to the FY 2019/2020 Civil Grand Jury's Final Report.

Our Board's responses are presented in the same sequence as the Recommendations appear in the Grand Jury's Final Report. We have provided responses to all items for which the report indicated a response was required by the Board of Supervisors.

Where applicable, responses from County Department Heads are likewise attached.

The oversight role played by the Civil Grand Jury is tremendously valuable in ensuring just governance within the State of California. The Lake County Board of Supervisors appreciates the commitment made by each member of the FY 2019/2020 Civil Grand Jury to dutifully execute their civic role in a manner consistent with State Law.

While our Board was unable to ultimately agree with every Recommendation made by the Grand Jury, we nonetheless value the general intention of the members to ensure Lake County residents are well served by their local government. Our Board shares that goal, and we seek to continually improve our services, within resource limitations.

RESPONSE TO CIVIL GRAND JURY RECOMMENDATIONS

"GRAND JURY REBOOT: RESETTling RELATIONSHIPS"

No response was required, but we do appreciate the Civil Grand Jury's efforts to improve relations with local government agencies and the public.

“PSPS – 5 DAYS IN OCTOBER”

R1. Establish a Public Information Officer (PIO) within the OES to improve communication.

AGREE, has been implemented.

Explanation: During times of disaster, the Lake County Sheriff's Office's (LCSO) PIO typically serves as an integral part of our Emergency Operations Center. Additionally, the County PIO is made available, and the Administrative Office works hand-in-hand with other emergency response personnel, to ensure the public is appropriately informed.

R2. A PIO could assist neighborhoods, Home Owner's Associations (HOAs), service organizations, and the general public to prepare for PSPS and other emergency events through regular meetings and workshops.

AGREE, has been implemented.

Explanation: As noted by Sheriff Martin in his response, County Office of Emergency Services (OES) and Administrative Office staff have attended community workshops and meetings to discuss emergency preparedness and response, and done additional outreach via Social Media. Further, the Countywide Public Safety Power Shutoff (PSPS) Committee, which receives significant support from County Administrative Office personnel, has broadcast meetings with critical PSPS response information via Facebook and ZOOM over the past year.

R4. Even more detailed planning from the county and cities is needed to coordinate responses to simultaneous emergency situations.

AGREE, has been implemented.

Explanation: Public Information has recently been released by the LCSO, Health Services Department and Department of Social Services, detailing how emergency response and sheltering will differ in the context of COVID-19, for example, and many internal discussions and exercises were conducted to prepare for overlapping emergencies in 2020.

“FINDING NEW SOLUTIONS TO OLD PROBLEMS: COUNTY BEHAVIORAL HEALTH SERVICES”

R1. Behavioral Health Services should continue to monitor and evaluate whether it is in danger of incurring future MHSA reversion charges and take all steps needed to avoid another such problem.

AGREE, has been implemented.

Explanation: Behavioral Health Director, Todd Metcalf, indicates MHSA reporting and three-year planning are now current, and regularly monitored by MHSA compliance and fiscal staff. Our Board expects past issues will not recur.

R2. Behavioral Health Services should continue to cooperate and participate with other county agencies in designing and providing services to its target population.

AGREE, has been implemented.

Explanation: Our Board finds there has been considerable collaboration between all County agencies with responsibilities to serve those with Mental, Behavioral Health and Substance Use Disorders. Hope Rising has importantly augmented those efforts, and the Board and County Department Heads have been very active partners.

R3. Behavioral Health Services should continue to expand and explore new funding for its substance abuse services.

AGREE, has been implemented.

Explanation: Our Board recognizes and appreciates that Lake County Behavioral Health Services has been very active in pursuing funding opportunities to facilitate expansion of programs. Peer Support centers are now available throughout the County, for example, as a result of this important work, and Behavioral Health Director, Todd Metcalf, indicates efforts to expand services will continue.

R4. The Board of Supervisors and County managers should review its personnel policies to allow its agencies, such as BHS, more flexibility in filling positions required by law.

AGREE, has been implemented.

Explanation: Our Board supported a Comprehensive Classification and Total Compensation Study in 2019, at the recommendation of a County Administrative Officer-led Committee, to address problems such as this, and the effects of personnel rules are continuously monitored by the Human Resources Director, CAO, and others.

“INDUSTRIAL HEMP IN LAKE COUNTY”

While our Board was not required to respond to the Findings of this report, we do wish to comment on F5, which suggests the Grand Jury’s investigation revealed there was, “Little exact understanding of the costs of general administration, personnel or other incidental costs related to the issuance and maintenance of the permitting process.”

The Industrial Hemp program was in a formative stage at the time of the Grand Jury’s report, and State regulations requiring separation of certain duties among various County departments have presented challenges in administering the program. As the Report indicates, Lake County’s Hemp Ordinance was passed April 24, 2020. Nonetheless, all relevant departmental stakeholders and members of the Board of Supervisors have been very actively engaged in working through any and all barriers, and considerable progress has been made.

Now, we will directly address the Civil Grand Jury’s Recommendations:

R1. The Agriculture Department as well as all other involved departments having regulatory authority regarding industrial hemp cultivation be directed to conduct a cost analysis. This information should flow to a central source for data analysis and action before presenting to the Board of Supervisors. This would permit fair adjustment of fees to cover costs [of] administration.

AGREE, has been implemented.

Explanation: Fee adjustments were brought forth by the Agriculture Department and approved on August 4, based on their most recent analysis.

Under State Law (California Food and Agriculture Code Section 81000 et seq., and California Code of Regulations Section 4900 et seq.), the office of the Agricultural Commissioner is the only County agency authorized to contract with the California Department of Food and Agriculture to enforce hemp regulations.

Additional and important context is lent by Sheriff Brian Martin's Response to this Report. A copy is attached to our Board's Response, for your reference.

R2. To be an effective solution, Lake County needs to develop and make available to interested growers the minimum greenhouse structure and air filtration equipment requirements necessary to obtain a permit to grow.

AGREE, has been implemented.

Explanation: While the Civil Grand Jury did not invite the Agricultural Commissioner to directly respond, our Board reached out to Commissioner Hajik, and he noted this recommendation has been implemented. Our Board would certainly support further efforts to make the public aware of these requirements.

R3. The application should clarify access to crop property to satisfy regulatory requirements. Such access is to be scheduled during customary business hours or by appointment.

AGREE, has been implemented.

Explanation: Per the Agricultural Commissioner.

R4. Consideration should be given to [combining] the appropriate sections that deal with hemp and cannabis from the Agriculture Department and Planning Department together under one department. Having a single regulating entity would serve to localize and coordinate the necessary expertise and eliminate a redundancy of effort and possible costs.

DISAGREE, will not be implemented.

Explanation: See R1. Certainly, there is overlap in the scope of the Hemp and Cannabis programs; a crop failing the THC threshold for hemp would effectively be an insufficiently permitted Cannabis grow, for example. Our Board recognizes the regulating agencies collaborate, when appropriate, and expects those efforts will only become more effective, over time, as this new program continues to develop.

“ASSESSING THE HOMELESSNESS IN LAKE COUNTY”

R1. In order to adequately serve the number of homeless in Lake County, identified centralized locations around the lake might possibly be looked into to make the broad variety of services more accessible.

AGREE, has been implemented.

Explanation: As acknowledged by the Civil Grand Jury's Report, housing assistance for those experiencing homelessness is administered, in part, by the Continuum of Care, which is administered by Lake County Behavioral Health Services (LCBHS). LCBHS

has offices around the County, in Clearlake, Clearlake Oaks, Lucerne and Middletown, and referrals to services are made through each of these offices.

Additionally, it is important to recognize Homelessness is a community concern that only intersects, in part, with the work of County agencies. Through our Departments, we continue to be receptive to partnering with Elijah House, Hope Rising, Pastor Shannon Kimball-Auth and Adventist Health, the Hope Harbor Warming Center, and the many other local stakeholders doing commendable work to meet the needs of those without permanent housing.

R2. There needs to be more warming centers throughout Lake County, during the winter months. Explore the possibility of using vacant buildings/properties and also searching for monetary grants to assist in this.

AGREE, has been implemented.

Explanation: Our Board and Lake County Behavioral Health Services regularly evaluate opportunities to enhance homelessness services, within resource limitations. Please also see R1.

R3. Lake County Board of Supervisors and other possible agencies would benefit by looking into alternate forms of housing. This could include: tiny homes, refurbishing closed down motels, small resorts and vacant housing that can be turned into apartments. Also condemned buildings could be turned into housing and also identifiable tax [defaulted] properties. Upcoming grants and funding should be explored for housing opportunities.

AGREE, has been implemented.

Explanation: See R1 and R2.

R4. Coordination between several governmental and NGO groups could refine the actual number of homeless in Lake County. While federal standards still stipulate the PIT count as a formal number, having a unified estimate from Continuum of Care, PIT, Partnership Health Plan and LCOE could provide county and city governance as well as NGO service organizations a more accurate means to determine types and amounts of necessary services.

AGREE, has been implemented.

Explanation: See R1 and R2. Homeless Point-In-Time counts occur on an annual basis, and community partnerships, including those described, are leveraged to identify the most accurate count possible. As Behavioral Health Director, Todd Metcalf, indicates in his Response (attached), the transient nature of homeless populations presents challenges, but concerted and collaborative effort is undertaken each year.

“TAX DEFAULT AUCTIONS”

R1. County Administrative Office review and enact enhanced controls over data dissemination to departments not normally utilizing such data and to any non-county public or private entities.

DISAGREE, will not be implemented.

Explanation: Much Property Tax data is a matter Public Record. Requests for such information are governed by and processed in accordance with the California Public

Records Act (Government Code § 6250 et seq.). “Enhanced controls” could frustrate the intent of CPRA.

R2. Two dedicated and trained staff members should be added to the Treasurer/Tax Collector office to focus exclusively on the tax default auction process. This will stop expansion of those default quantities and – over time – reduce the backlog. This is in full recognition of current ‘open’ positions in the department but is in addition to those positions.

DISAGREE, will not be implemented.

Explanation: Our Board is very concerned about the backlog of Tax Defaulted Properties, and fully supportive of adding resources to focus exclusively on responding to this issue.

It is important to note Ms. Ringen is an Elected Official, and thus directly accountable to the registered voters of Lake County; therefore, whatever additional help is proposed or offered must be accepted by Ms. Ringen.

Two Administrative Office staff members have provided considerable support in addressing the Tax Defaulted Property backlog. Two members of our Board and Administrative staff also continue to seek to partner with Ms. Ringen to problem solve a network of longstanding and complex concerns.

Given budgetary constraints, our Board finds additional Position Allocations are neither prudent nor necessary at this time, as multiple positions remain open. These could readily be Reclassified to focus exclusively on Tax Defaulted Properties, should Ms. Ringen exercise existing County policies and procedures.

R4. A regular and scheduled meeting of representatives of the Clearlake (elected) city council, representatives of the (elected) Lakeport city council, and representatives of the (elected) Lake County Board of Supervisors should be instituted. The purpose of this meeting will be to bring matters of mutual concern to light and explore proactive and cooperative means of addressing those issues.

DISAGREE, will not be implemented.

Explanation: It is not within the autonomous authority of our Board to implement this Recommendation. However, collaboration and communication with City governments and other local partners in matters of mutual interest is among our highest priorities, as reflected in our Vision 2028 statement.

“SUCCESS AND PROGRESS FOR POST-CONVICTION CRIMINAL JUSTICE IN LAKE COUNTY”

This report and its Recommendations touch on areas that are subject to Labor Negotiations.

As we have repeatedly expressed, our Board greatly appreciates the dedication of our Law Enforcement officers and other staff that support public safety functions, and the County is committed to negotiating future Agreements through the proper channels, in good faith.

Therefore, prior to responding to the Grand Jury’s specific recommendations, it is important that we state, for the record, the County and the labor groups representing Law Enforcement staff are currently operating under agreed upon Memoranda of Understanding, and the County is not at impasse in Labor Negotiations with any group.

No aspect of these answers should be interpreted to constitute an offer on behalf of the County, as neither the Grand Jury's Report nor this Board's Response constitutes an appropriate forum for Labor Negotiations.

However, our Vision 2028 long-term planning document places a premium on the well-being of our citizens, specifically cites Public Safety as a matter of high priority, and expresses our commitment to developing and appropriately compensating our workforce.

COVID-19 has brought further fiscal uncertainty and challenges to local governments all over the United States, but the County of Lake remains committed to facing and seeing beyond our immediate challenges, and striving toward the future imagined by Vision 2028.

Additionally, our Board directs any readers of this Response to also review relevant sections of Sheriff Brian Martin's own Response (attached).

With that said, here are informational responses, as appropriate, to the Grand Jury's Recommendations:

R1. The Probation Department should do more to inform the public about available programs for children and youth in Lake County.

DISAGREE, will not be implemented.

Explanation: Our Board finds the Probation Department has done an admirable job of promoting their many programs. We are also committed to assisting in amplifying those messages and activities, where possible.

R2. The Board of Supervisors should renew the contract with the Tehama County Juvenile Hall for two more years.

AGREE, will be implemented when the Contract comes forth for renewal.

R5. The Board of Supervisors may fund the full complement of 55 corrections officers for the Lake County Jail to promote safety and better programming for inmates and to relieve correctional officers from excessively long work shifts.

DISAGREE, will not be implemented.

Explanation: The Lake County Board of Supervisors has long been committed to funding as many Deputy Sheriff – Corrections, positions as appropriate, within resource limitations. Current Position Allocations reflect consideration of Public Safety as one of the very highest priorities of local government, but also the very serious fiscal uncertainty and constraints we continue to navigate.

R6. The Board of Supervisors may reevaluate wages and benefits for correctional officers to encourage their retention.

AGREE, has been implemented.

Explanation: As this is subject to Labor Negotiations, no further comment will be made at this time.

R7. The Probation Department and Mendo Lake Alternatives should redo their signage to better direct clients to appropriate services.

DISAGREE, will not be implemented.

Explanation: Decisions on matters such as appropriate signage are made at the Departmental level, and not imposed by our Board. If Chief Probation Officer Rob Howe and his team find this is an appropriate matter of priority, within budgetary constraints, our Board will support his decision.

This concludes the Board of Supervisors' response to the 2019/2020 Civil Grand Jury Final Report.

Sincerely,

LAKE COUNTY BOARD OF SUPERVISORS

Moke Simon
Chair of the Board

cc: 2019-2020 Civil Grand Jury Foreperson
2020-2021 Civil Grand Jury Foreperson