



**Lake County Behavioral Health Services**  
**Todd Metcalf, Director**  
PO BOX 1024, LUCERNE, CALIFORNIA 95458-1024  
P 707-274-9101 F 707-274-9192



**DATE:** July 29, 2021  
**TO:** Board of Supervisors  
**FROM:** Todd Metcalf, Behavioral Health Services Director  
**SUBJECT:** Responses to 2020-2021 Grand Jury Final Report

### **Emergency Evacuations in Response to Wildfires**

#### **Recommendations**

**R-4: AGREE**

Before the end of fiscal year '21-22, Lake County Behavioral Health Services (LCBHS) will work with clients in independent housing to develop individualized evacuation plans.

**R-5: AGREE**

Before the end of fiscal year '21-'22, LCBHS will look into the PG&E Medical Baseline Program for clients in need.

### **No-Bid Contracts**

#### **Recommendations**

**R-1: AGREE**

LCBHS has many contracted service providers. It receives a significant amount of funding from the California Department of Health Care Services (DHCS) to house individuals in skilled nursing and acute psychiatric facilities experiencing mental illness. These facilities are costly and located out of county. As has been explained to the Board of Supervisors, DHCS provides state mental health programs a pre-approved list of facilities in which the clients can be placed. There is a statewide and national shortage of beds in these types of facilities, and we are often put on a waiting list in order to secure a bed. In addition, moving mental health clients receiving treatment from one facility to another would be detrimental and disruptive to their recovery process.

**R-2: AGREE**

LCBHS will ensure Board memo verbiage justifying no-bid contracts.

### **Lake County Needs its Own Community Mental Health Facility**

**“To improve the quality of life for the people of Lake County experiencing mental illness or substance abuse by offering recovery-oriented services.”**

## **Findings**

### **F-1: AGREE**

A behavioral health facility in Lake County would not only keep clients close to home, but would be a cost savings in that individuals are not housed out of county. In addition, such a facility could be a revenue-generator for Lake County as surrounding counties could potentially utilize the facility as well, bringing money into the county.

### **F-2: AGREE**

Mendocino County will soon be opening a crisis residential facility in Ukiah. LCBHS has been in communication with Redwood Community Services, who will be the operator of the facility, to explore entering into a contract to purchase bed space for clients in need.

## **Recommendations**

### **R-1: AGREE**

LCBHS would like to change “mental” to “behavioral” health as there is a need for a behavioral health facility that would serve individuals experiencing mental illness and/or substance use disorder. LCBHS has already initiated discussions with local stakeholders around creating such a facility and funding and staffing are the current barriers.

### **R-2: AGREE**

LCBHS periodically reports to the Lake County Board of Supervisors the need for such a facility and the amount of monies spent annually to house clients out of county. LCBHS will continue to apprise the Board of Supervisors of any forward movement in the establishment of such a facility.

## **Public Safety in the Time of COVID – Inspection of the Lake County Detention and Holding Facilities**

## **Recommendations**

### **R-2: AGREE**

LCBHS, like many other county Departments, struggles with staffing shortages. When multiple crises emerge simultaneously, sometimes there will be a delay in response. LCBHS staff meets regularly with law enforcement, probation and hospital staff to ensure roles and responsibilities are clear. In addition, brain-storming around problem-solving response times is discussed.

## **Finding**

### **F-7: AGREE**

See R-2.

## **Homeless – Not Hopeless**

## **Findings**

### **F-4: AGREE**

A behavioral health facility in Lake County would not only keep clients close to home, but also would be a cost savings in that individuals are not housed out of county. In addition, such a facility could be



## Lake County Behavioral Health Services

Todd Metcalf, Director

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a revenue-generator for Lake County as surrounding counties could potentially utilize the facility as well, bringing money into the county.

### F10: NEUTRAL

LCBHS, like many other county Departments, struggles with staffing shortages. When multiple crises emerge simultaneously, sometimes there will be a delay in response. LCBHS staff meets regularly with law enforcement, probation and hospital staff to ensure roles and responsibilities are clear. In addition, brain-storming around problem-solving response times is discussed.

### Recommendations

#### R-5: AGREE

LCBHS' housing Continuum of Care facilitates the annual Point-in-Time (PIT) count. Since it is the lead organization and manages the PIT questionnaire, a question(s) regarding prior incarceration will be added for the 2022 and future PIT counts.

#### R-8: AGREE

LCBHS has a strong, collaborative working relationship with Lake County Department of Social Services. We will explore this recommendation, although we may be limited by funding streams and constraints associated with said funding.

#### R-9: See F-4.

#### R-10: NEUTRAL

A memorandum of understanding (MOU) was developed by LCBHS in 2017 addressing this. It involves law enforcement, hospitals, highway patrol, state parks and other relevant organizations. LCBHS will create a mechanism to ensure this document is reviewed and edited/updated on an annual basis (it is currently under review with all involved organizations).

#### R-11: AGREE

If such a position is created, it should be under the auspices of the housing Continuum of Care, since its purpose is to house the unhoused.

Thank you for your consideration in this matter.


**"To improve the quality of life for the people of Lake County experiencing mental illness or substance abuse by offering recovery-oriented services."**



Department of Public Works

## MEMORANDUM

TO: Lake County Board of Supervisors  
Bruno Sabatier, Chair

FROM: Scott De Leon, Director 

SUBJECT: Grand Jury Report Response

DATE: July 26, 2021

Per the request of the Administrative Office, please accept this response to the 2020-21 Grand Jury's Report, "County of Lake COVID-19 Mandate Ordinance."

This report discusses work undertaken, in part, by the Community Development Department (CDD). Though I am no longer responsible for that Department, I served as Director during the time of the incident under review. Therefore, it is in the public interest that I respond.

Please note, I am only able to comment on the first Finding, as Findings two (2) through four (4) are outside of my purview.

**Finding #F1: No effective communication occurred between the Board of Supervisors, County Administration, and the designated responsible departments leading to ineffective implementation of the COVID-19 enforcement ordinance.**

☐ AGREE

☒ DISAGREE WITH EXPLANATION

While the Grand Jury's conclusion that implementation of the Ordinance was "ineffective" is understandable, it is neither fair nor accurate to attribute this to inadequate communication between your Board, Administration, and various Departments.

As COVID-19 emerged, Lake County's economy had suffered from considerable recent upset due to the compounding effects of repeated wildfires, floods and Public Safety Power Shutoffs. With many businesses already strained, draconian measures were implemented in Lake County, and around the world, in the interest of keeping people safe and promoting public health.

Your Board created COVID policies in the face of a health crisis the likes of which had not been seen in a century. Infection rates and deaths were skyrocketing around the globe, and relief measures were uncertain. Meaningful solutions seemed remote. There was no vaccine, and the only tools known to combat the virus were masks, frequent handwashing, and avoidance of people outside of one's household. There was no time to apply the usual vetting to Policies and Procedures, and no County Department had both the capacity and willingness to perform enforcement activities.

Considering these circumstances, alone, it is not surprising the Ordinance was ultimately symbolic in nature, and minimally enforced. Your Board and County Departments actions were intended to bring Lake County's communities together through education and public outreach. Enhanced enforcement of the Ordinance would have likely seeded further division.

NOTE: As with the Findings, I am only able to comment on the Grand Jury's first Recommendation:

**Recommendation #1: All future county-wide ordinances which designate multi-departmental involvement are discussed in advance with the specific departments including feasibility studies, staffing needs, training needs, and additional departmental budgeting to support the efforts. (F1)**

- ☐ AGREE, has been implemented.
- ☐ AGREE, will be implemented within (no timeframe in PC 933.05): \_\_\_\_\_
- ☐ NEUTRAL, requires further analysis to be completed within \_\_\_\_\_  
(timeframe not to exceed six months from June 20, 2021)
- ☒ DISAGREE, will not be implemented. Explanation: \_\_\_\_\_

This recommendation should be the goal for every Ordinance. However, as explained under Finding #1, above, not every situation will allow thorough (*and time-consuming*) development of every facet of a new program.

I appreciate the opportunity to respond to this report, and sincerely hope I have provided valuable context and clarification.



**COUNTY OF LAKE**

**COUNTY COUNSEL**

TO: HONORABLE BOARD OF SUPERVISORS

FROM: ANITA L. GRANT  
County Counsel

SUBJECT: 2020-2021 Lake County Civil Grand Jury Report - We the People

DATE: August 4, 2021

For your Board's consideration, I offer the following which may prove useful to you in preparing certain of your responses to the above-referenced report. Please be advised that the conduct of two members of last year's grand jury was so inappropriate in their investigation of the sewer issues of Park A which give rise to this report, that I was compelled to make a formal complaint to the Presiding Judge of the Lake County Superior Court. The Grand Jury's Code of Ethics prohibits the personal motivations and subterfuge that characterizes much of the investigation and the report. Further, simple questions to my office could have explained some of the assertions in this report. The Grand Jury is a venerable institution deserving of great respect and neither its mission nor its reputation should be besmirched by improper conduct.

FINDING 2: Repeated meetings and communications by the property owners and County departments failed to produce any discernable results or decisions over a 14-month period.'

RESPONSE: The Board of Supervisors disagrees. The County has taken resolution of Park A's claim very seriously. The engineer's report(s) frequently referred to were commissioned to aid in the County's efforts in settlement discussions. Such reports take time. Further time was necessary in order for Special Districts to comb through approximately 40 years of records in an attempt to ascertain whether a manhole on private property and for which no County maintenance had ever occurred could be considered a part of the public sewer system maintained by the Lake County Sanitation District (hereinafter, LACOSAN) Finally, the process of any potential settlement discussions was hampered by the inappropriate interference of two members of last year's grand jury. During a meeting intended to be

between the claimants and the County's third-party administrator, two members of last year's grand jury, who themselves share a familial bond, were present. They identified themselves as the friends of the claimants. It was only later that these two members identified themselves as grand jurors conducting an investigation. Whether these jurors were attempting to use their official status to assist their friends or whether these jurors engaged in subterfuge and failed to properly identify themselves as grand jurors at the outset, the conduct was wholly inappropriate and in violation of the Rules of Ethical Conduct to which grand jurors are held.

**FINDING 3:** The property owners were given, trustingly accepted, statements and implied assurances by both elected officials and senior County staff. These were, in some cases, unable to be fulfilled because of lack of knowledge of the system procedures; or in other cases by conscious decisions made not supporting those statements and assurances.

**RESPONSE:** The Board of Supervisors disagrees with this finding. The language of the finding itself indicates a bias for the property owners/claimants who were identified by two members of last year's grand jury as their friends. Certainly, assurances were given that the claim would be thoroughly reviewed and considered. When a claim is presented that requires a considerable look backward as to records, maps, and documentation, it can be a long and arduous process. Further, while the claimants may believe the solution is a simple one, this is an issue of a sewer lateral situated on private property that has never been considered to be part of a public sewer system or maintained by the Lake County Sanitation District (hereinafter, LACOSAN) in approximately forty years. County taxpayers are entitled to expect a thorough review in these circumstances given the potential attendant costs that would accrue.

**FINDING 4:** The property owners were misguided into submitting a claim with the County despite the property owners' several statements of not wishing to do so. The citing of 'gift of public funds' [sic] was utilized incorrectly as the California State Constitution adds the explanatory language that when the main beneficiary of public funds is a public domain (such as our Lake that all commenting Supervisors stated was their greatest concern), any secondary benefit to an individual shall not be considered cause for prohibition.

**RESPONSE:** The Board of Supervisors disagrees with this finding. It is a gift of public funds to undertake an obligation on private property that has not been LACOSAN's responsibility for 40 years without evidence of a responsibility to do so. It strains credulity to consider that a claim involving a sewer lateral on private property must become the obligation

and liability of LACOSAN because of spills that have historically been the obligation of the private property owner. Further, it is conclusionary at best for the grand jury to determine that LACOSAN must assume responsibility for what they have believed to be a private lateral because there is a public purpose and the private purpose is merely incidental. An accurate review of the circumstances belies such an easy answer. Absent facts to support LACOSAN's responsibility, such an obligation simply cannot be undertaken. The settlement of an invalid claim is a gift of public funds. Claims must be presented to a local public agency for all claims seeking money or damages. A claim was the appropriate action here. In the written statement to the Board when the claimants presented their complaint to the Board in open session, the claimants stated their maintenance of what they considered to be a sewer line could not continue at their expense and potential legal risk. The dollar amount of their sewer bills were noted but claimants stated they were not demanding compensation at this time, if resolved locally. The claimants also noted a negative impact to property values and damage to future investment. In the tort claim filed with the County, the claimants noted as their damages "the cost of maintaining a public sewer line" and a decrease in property value. Tort claims requirements apply to damage to real and personal property. The claim was filed and accepted as an appropriate tort claim by the third-party administrator for liability claims as well as by Public Risk Innovation, Solutions and Management (hereinafter, PRISM), the which was formerly known as the California State Association of Counties-Excess Insurance Authority. PRISM is a public entity which provides a risk-sharing pool for public entities and works to control losses and prepare for property, casualty and employee benefit exposures. The County of Lake has been a member for almost fifty years. PRISM will refuse to accept a claim that does not fall within the Tort Claims Act. Again, this claim was accepted.

**FINDING 5:** Responsible County staff failed to ensure legal aspects of the claim procedure were being consistently followed by the retained out-of-county service handling claims.

**RESPONSE:** The Board of Supervisors disagrees with this finding. It should be noted that there appears to be some intention in the report to characterize the third-party administrator for liability claims in a vaguely denigrating manner as a "retained out-of-county service. The County, as do the majority of public agencies which are members of PRISM, utilize the services of third-party administrators for liability matters. Those administrators are vetted and selected by PRISM and made available to the members. While it is true that no formal denial of the claim at issue here



was served within 45 days as it should have been, that is because efforts were being made to find a mutually acceptable resolution. Records over a 40-year period were being located and reviewed and discussions were continuing. The claimant was not negatively impacted as a result. The claim was deemed denied by operation of law on the last day of the 45 days and a denial by operation of law affords a claimant two years to file suit. The denial by operation of law extends the period of time within which a claimant may file suit to two years. However, a six-month rejection notice could be filed at any point prior to the running of that two-year period should resolution with the claimants be determined to be fruitless.

**FINDING 6:** Multiple procedural mistakes were made in the processing/notification to the citizen regarding this claim.

**RESPONSE:** The Board disagrees with this finding in part. Although the law provides that a claim shall be acted on within 45 days after the claim has been presented, the law further provides the time period within which to act may be extended upon mutual agreement. In the instant case, the review of the efficacy of the claim required diligent research into a 40-year history from the time LACOSAN accepted a sewer system to which the claimants' sewer lateral connected. LACOSAN had never expressly accepted this lateral into the system and had never done so tacitly. LACOSAN performed no inspections, maintenance, or repair of this lateral situated on private property. The time to locate and review decades of records took considerable time. Further time was taken to obtain a review from an engineer. Simply denying the claim provides the claimants with six months to file legal action and would have quickly resolved the matter at the claim stage. However, instead, great care was taken to consider thoroughly any basis for LACOSAN's responsibility for this sewer lateral. The third-party administrator should, procedurally have obtained a written understanding with the claimants to extend time; they did not do so. However, it is important to note that the rights of the claimants were not and are not prejudiced by that omission.

**FINDING 7:** The initial 3<sup>rd</sup> [sic] party engineering report, despite early assurances, was not made available to the property owner for six months after it was completed. (April 2021).

**RESPONSE:** The Board of Supervisors disagrees. The engineering report was solicited and prepared to aid the County in assessing the exposure to litigation generated by the claim. After an initial draft was prepared, LACOSAN located additional records relevant to the claim, thus generating an

additional report.

FINDING 8: The initial engineering report was revised based on ‘new information’ [sic] supplied by the County. This was completed in January 2021. Eight of the ten items of ‘new information’ were deemed unsupported by documentation.

RESPONSE: The Board of Supervisors disagrees. This is clearly the opinion of the grand jurors who investigated this complaint, but it should be noted again that those jurors either have a personal relationship with the claimants or misrepresented that they had such a relationship. LACOSAN staff determined the information discovered to be both germane to the issues at hand and significant to ongoing discussions to resolve the claim.

FINDING 9: The revised report was made available to the property owners simultaneous to [sic] the initial report.

RESPONSE: The Board of Supervisors agrees. Both the initial report and the subsequent report which considered additional information were to be read together and were provided together.

FINDING 10: Four months after the issue had been extensively discussed in an open Board of Supervisors meeting, it was then - multiple times - brought back to the Board in closed sessions (in December 2020) under two California Government Code references - one of which (i.e., “significant exposure to litigation”) does follow procedures expected in review/discussion of any filed claim- and the second (i.e. “threat of litigation”) being incorrect and potentially misleading to the Board members.

RESPONSE: The Board of Supervisors disagrees with this Finding. The item involving Park A was on the closed session agenda for all three meetings of the Board of Supervisors in December of 2020. Each time it references significant exposure to litigation and the statutory basis for that significant exposure, the filing of a claim by Park A. The filing of the claim is a precursor to litigation and considered as significant exposure to litigation as a result. In the instant case, although money was not requested, damages were identified in the claim to include a decrease in their property value. Further, the claim identifies damage in the form of sewer back-ups and alleges the County’s responsibility for that damage. Both the County’s third-party liability claims administrator and PRISM, which ultimately determines whether a claim is a proper subject under the California Tort Claims Act, accepted this claim. While it is true that if action is not taken on a claim within 45 days, that claim is deemed rejected by operation of law on the last day, the claimant then has two years within

which to file legal action. That two years to file is available to a claimant *because* a claim was duly filed and not formally rejected. Moreover, in the instant case, efforts toward resolution were continuing. If these efforts are unsuccessful, it is the practice of the County to trigger the usual six-month statute of limitations for filing suit by sending a notice of rejection. This is permissible even after the claim was deemed rejected by operation of law. The contention by the grand jury that significant exposure to litigation based upon a claim could not exist once the claim was denied by operation of law ignores the fact that the Board could still take action on the claim despite that denial, particularly where, as here, efforts at resolution were still being made.

FINDING 11: The Board members were not informed that there had separately been an initial report and then a subsequent revision; nor did they know the circumstances (additional County inputs) leading to the revision and supplemental conclusions.

RESPONSE: The Board disagrees. Without disclosing confidential closed session matters, that finding is wholly and completely incorrect. Further, no Board could or would disclose closed session discussions

FINDING 12: A County department initially failed to provide to the Grand Jury documents, which, per the California Penal code, the Grand Jury has the right and responsibility to inspect.

RESPONSE: The Board disagrees. The Grand Jury does not have an unfettered right to documents prepared and created consequent to a determination of legal liability. The Grand Jury does not have a right to intrude upon attorney work product or attorney-client privilege. Further, the Grand Jury was informed that the information would be available after discussions with the claimant were concluded.

FINDING 13: County Counsel initially advised the County department to not provide the documents pending a review. If such a review was actually accomplished, no results of that review were provided to the Grand Jury by either County Counsel or the County department.

RESPONSE: The Board disagrees. County Counsel did advise the department not to provide the documents while attempts to resolve the claim were being considered. Further, County Counsel was very aware that responding to the grand juror making the request that the document was not available at that time would generate a very strong reaction for a number of reasons. Prior to any final resolution by the County and/or the claimants, the claimants were provided with the documents. The Grand Jury has no

authority to intrude into pending litigation and to advocate for the claimants as their friends and then to attempt to intimidate the third-party administrator by “surprising” them with the information their presence was consequent to a grand jury investigation.

FINDING 14: By eight months after the extended Board meeting presentation and the required submission of a claim by the County, the only ‘compromise’ [sic] proposal proffered to the property owners had all responsibility assigned to Park A for financing and work based on a complicated set of criteria and including potential assistance that would be in violation of County departmental rules (*ergo*, [sic] unlikely to actually be approved.

RESPONSE: The Board disagrees. That is a complete misstatement of the circumstances and the County’s efforts to resolve this matter.

RECOMMENDATION ONE: The Board of Supervisors should direct responsible County departments to fulfill their commitments to ensure the safety of the Lake.

RESPONSE: Despite efforts to mischaracterize events to the contrary, that is presently being done and so, has already been implemented.

RECOMMENDATION TWO: Commitments from elected official to the public, even implied ones, should be based on practical procedural realities and a willingness to ensure those commitments are met.

RESPONSE: Although an implied commitment seems amorphous, elected officials in Lake County do keep their commitments to the public and so, has already been implemented.

RECOMMENDATION THREE: A procedural review and periodic inspections should be conducted of the retained out-of-county arbiter service to ensure full compliance to the California Government Code laws as pertains to claims against the County. As claims are filed with the Board of Supervisors, their responsibility for proper handling does not go away by assigning the task to a staff department.

RESPONSE: This is already implemented, although there is no County arbiter service. This report addresses an unusual situation covering decades where great care has been given to thorough consider the claim at issue. Great care

must also be taken to safeguard the interests of the County taxpayer and insure that claims and all the obligations and liabilities that accompany such claims are not simply accepted because a claimant and their friends believe that is the appropriate solution.

RECOMMENDATION FOUR: County staff, when dealing with claims, should provide the Board members with accurate and complete information to allow them to make informed and deliberative decisions.

RESPONSE: That continues to be implemented and requires no action.

RECOMMENDATION FIVE: County departments and staff should be directed to comply with legal requests, and ‘best practices,’ [sic] and fulfill commitments in the utilization of publicly financed documents.

RESPONSE: That continues to be implemented and requires no action.



# COUNTY OF LAKE

## County Library

1425 North High Street  
Lakeport, California 95453  
Telephone (707)263-8816

Christopher Veach  
County Librarian

## MEMORANDUM

**To:** Lake County Board of Supervisors

**FROM:** Christopher Veach, County Librarian <sup>CV</sup>

**DATE:** 7/16/2021

**RE:** Grand Jury Report 2020-2021

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On page 131 of the Grand Jury Report there were statements made about the wages of Library employees.

At present, Library Assistants start at \$14.00 an hour. Right before the implementation of the salary study Library Assistants started at \$13.09 per hour. At no time were Library Assistants paid less than minimum wage.

While Library Assistants are offered on the job training, they are not offered library science classes.

To: Board of Supervisors

From: Rob Howe, Chief Probation Officer

Date: July 1, 2021

Subject: Response to the 2020-2021 Grand Jury Report

The 2020/21 Grand Jury Final Report had the following Requests for Responses from the Probation Department.

**PUBLIC SAFETY IN THE TIME OF COVID – INSPECTION OF THE LAKE COUNTY  
DETENTION AND HOLDING FACILITIES**

**R1 (page 107) -- “Due to the exceptional facility and programs, the County should continue to contract with Tehama County for detaining troubled youths.”**

☒ **AGREE, has been implemented.**

☐ **AGREE, will be implemented within 90 days.**

☐ **NEUTRAL, requires further analysis to be completed within:**

☐ **DISAGREE, will not be implementing. Explanation**

Explanation:

The Lake County Probation Department has no plans to terminate our contract with Tehama County for juvenile ward placement.

**R2 (page 107) -- “Using Probation offices as school resource officers should be encouraged by the County’s School districts”**

☒ **AGREE, has been implemented.**

☐ **AGREE, will be implemented within 90 days.**

☐ **NEUTRAL, requires further analysis to be completed within:**

☐ **DISAGREE, will not be implementing. Explanation**

Explanation:

The decision to contract with the Probation Department for School Resource Officer services lies with the school districts. The Probation department has had long standing relationships and contracts to provide such services and will always be open to those discussion with any of the school districts that are interested.

## **HOMELESS – NOT HOPELESS**

**R4 (page 181) – “The Probation Department should remove its property from Elijah House so that the facility’s housing capacity could be increased.”**

☐ **AGREE, has been implemented.**

☐ **AGREE, will be implemented within 90 days.**

☒ **NEUTRAL, requires further analysis to be completed by December 20, 2021**

☐ **DISAGREE, will not be implementing. Explanation**

Explanation:

The housing capacity and square footage of the building used is outlined in the County’s contract with Elijah House. If the Board decides to amend that contract and increase Elijah House’s available space, Probation would, of course, be willing to remove any property or equipment necessary.





## LAKE COUNTY SHERIFF'S OFFICE

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Corrections  
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Patrol/Investigations  
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**Brian L. Martin**  
*Sheriff/Coroner*

August 10, 2021

Honorable Michael S. Lunas  
Presiding Judge  
Lake County Superior Courts  
255 N. Forbes Street  
Lakeport, CA 95453

To the Honorable Judge Michael S. Lunas,

I am writing this letter in accordance with Penal Code Section 933.05 as a response to the June 20<sup>th</sup>, 2021 final report from the Lake County Civil Grand Jury. I want to thank the Court for its role in facilitating this process, and to express my gratitude and appreciation for the Grand Jurors who dedicated many hours to provide this important service to our community. I welcome the opportunity to have oversight and feedback regarding the Sheriff's Office operations. My dedicated staff and I constantly strive to improve the professional services provided by this agency to the people of Lake County.

I had multiple interactions with members of the Grand Jury during the previous year, including multiple interviews with members, exchanges of numerous emails, and various interactions with members of the Grand Jury during public events. The commitment of this Grand Jury was evident in their efforts to investigate and report on governmental activities. I appreciate their efforts, and commend their service.

In response to the 2020-2021 Grand Jury Report, the Lake County Sheriff's Office respectfully submits the following responses:

### **Name or Report : EMERGENCY EVACUATIONS IN RESPONSE TO WILDFIRES**

Recommendation #R-1: The Sheriff - or his designee(s) – should investigate how to achieve greater compliance with, and confidence in, future evacuation orders so as to reduce potential injury to both residents and sheriff's deputies and other first responders. At the very least, the Sheriff's Office should communicate prior to an emergency that residents refusing to evacuate when so ordered remain behind at their own risk. (F-4, F-5).

AGREE, will be implemented within: Staff at the County Office of Emergency Services consists of 2 employees; an Emergency Services Manager, and an Office of Emergency Services Specialist. As of the issuance of this Grand Jury Report and this response, the Specialist position is vacant with the recent resignation of the incumbent who held the position for just under 4 years. The current Emergency Services Manager has indicated his intention to retire at the end of October, 2021. Recruitment efforts for replacements for both positions are currently underway. This recommendation will become one of the many tasks assigned to the new staff once hired.

Ongoing outreach and education is crucial for communities which are prone to disaster. Lake County Emergency Responders, as well as the residents of Lake County, have become very experienced with evacuation procedures of the past several years. Since the deadly Valley Fire of 2015, Lake County has had an exceptional track record of safety with only one fatality related to wildfires that occurred on August 13, 2018 when Draper City (UT) firefighter Matt Burchett was killed in the line of duty in a remote section of the Mendocino National Forest near the Mendocino County line. His death was completely unrelated to any evacuation efforts or protocols. Similarly, there have been no major injuries sustained by residents of Lake County during numerous wildfire events. Much of this is attributable to the practices and protocols already in place, our continuous expansion of notification and messaging systems, as well as the unfortunate familiarity that Lake County residents have with wildfire evacuation response. We have been fortunate with this safety record and will continue to look for ways to improve safety for our communities.

Recommendation # R-2: If the EOC phone cannot practically be utilized as a consistent information portal for the public 24 hours/day during declared emergencies, another phone line (such as 3-1-1) should be designated for emergency information and be made available by the County, perhaps manned by CERT team members. (F-11-, F-12).

NEUTRAL, Requires further analysis to be completed within 6 months.

311 systems are frequently used to handle non-emergency municipal service needs or complaints, such as potholes, neighborhood issues, concerns regarding garbage collection, etc. 311 is more common in large cities.

211 is active, and has been used in Lake County to support our COVID-19 response. They have been building a database of local resources, based on information provided by DSS, Health Services, Behavioral Health, OES and others. Given the CMAT process has occurred since that work was substantially done, there may be some updating needed.

During a wildfire event, we have the ability to transmit information for the 211 system and may do so to augment our existing information systems that are typically used during an event (e.g. Nixle/Everbridge; LCSO Facebook Page; County Facebook page).

Operationally, the staffing of the EOC is frequently determined by the nature and characteristics of the emergency itself. Currently, the County is under multiple declarations of emergency, including a drought emergency in which the EOC has been activated in a virtual manner and meets on a weekly basis. During the COVID-19 EOC response, the EOC was activated in a similar manner. The mere existence of a declared emergency and activation of the EOC is not sufficient to staff the EOC full time, much less on a 24-hour a day basis. The individualized

needs arising from the nature of events will dictate the staffing levels. The primary mission of the EOC is the response to mitigation and recovery efforts of the event. Information dissemination is accomplished by many avenues, including media releases, social media updates, and public meetings. If an event doesn't require 'round the clock staffing for response and mitigation support, people are able to get information during the hours that the EOC is not staffed from these other sources. We will explore the option of utilizing CERT members to field phone calls within the next 6 months.

Recommendation # R-6: The Sheriff should consider providing bilingual communications universally to the public during emergencies.

AGREE, has been implemented. Communication with all of our communities is important. Communicating in the language most frequently used by the affected community members is equally important. We have taken efforts to improve our communications with the Spanish speaking members of our community. Most recently, this can be seen in our literature and video presentations related to Zonehaven.

Recommendations # R-7. The OES Manager should update the AFN Annex of the County's Emergency Operations Plan from its 2017 edition.

AGREE, will be implemented within 30 days. The OES Manager has been tasked with this, and it estimates it will be completed within this time frame.

**Name or Report: PUBLIC SAFETY IN THE TIME OF COVID. INSPECTION OF THE LAKE COUNTY DETENTION AND HOLDING FACILITIES 2021.**

Recommendation # R-1: The County and Sheriff's Office consider formal periodic on-site group training for correctional officers to increase their understanding of the manifestations and management of mental disorders.

NEUTRAL, Requires further analysis to be completed within the following year. Every Deputy Sheriff-Corrections receives training as part of their academy training. These topics are covered in training regarding recognizing mental issues, suicidal thoughts, or drug use, initial receiving of inmates, inmate orientation and classification, use of physical restraints, searching and securing inmates, accompanying medical staff, suicide prevention, and more. Analysis to be conducted will include identifying funding sources, ensuring staff availability, and identifying course curriculum that conforms to BSCC standards.

Recommendation # R-2: The Sheriff's Office and Behavioral Health examine whether additional mental health workers could provide more comprehensive psychological treatment of the inmates.

AGREE, has been implemented.

Several years ago, the Community Corrections Partnership allocated funding for this very purpose. Monies from AB 109 Realignment were identified and earmarked to hire additional mental health staff with the intent of providing services. Recruiting qualified and willing staff has proven challenging, and this money often goes unused. As Sheriff, I agree that additional mental health workers would be beneficial. Attracting, hiring, and retaining qualified mental health staff is outside the Sheriff's Department's area of responsibility.

Recommendation # R-3: The County should negotiate a higher hourly rate for correctional officers and aides in accordance with the Class & Comp survey findings and supplement their health-care benefit costs on a par with the patrol officers.

NEUTRAL, Requires further analysis. Negotiation of wages and benefits is not the responsibility of the Sheriff's Office. The County of Lake is the employer, and determines wages and benefits. The Sheriff's Department is one of many departments that works within the County government system to provide services. While I support compensating employees fairly, any direction to make increases in wages and benefits would come by way of the labor negotiation process, and require the approval of the Board of Supervisors.

### **HOMELESS -- NOT HOPELESS**

Recommendation R-1: All First Responders within Lake County should consider collecting individualized longitudinal data on their interactions with the homeless and referrals for services.

NEUTRAL, Requires further analysis to be completed within the next 6 months. Analysis will include discussions with the other emergency services agencies within the county to discuss our ability to track such information, a centralized method and repository for such information, methods to prevent duplicative reporting, ensuring that we don't inadvertently discriminate against people due to their status, and metrics to be used to identify what status information we seek to identify.

As covered in this report as in multiple previous Grand Jury Reports, staffing levels remain low at the Sheriff's Office. This translates to fewer deputies completing more work that is required by law. Demands for services by law enforcement are always increasing. Many tasks are required by law, such as the upcoming Racial Identification and Profiling Act (RIPA) reporting that is being implemented this year, or mandated child abuse reporting, or mandated domestic violence reporting, or mandated reporting of communicable disease deaths, and many others. As additional requests for services come in, the ability to perform the tasks associated with said tasks must be evaluated. Many requests for worthy causes come to the Sheriff's Office on an almost daily basis. Deciding whether or not we are able to perform the tasks to accomplish them is rarely a reflection of the worthiness of the request; it is usually a reflection of our ability to perform those tasks while simultaneously providing statutorily required tasks and duties, and accomplishing the services we already provide. Simply put, our capacity to perform the tasks required of us frequently, and unfortunately, precludes us from engaging in non-mandated activities.

Per the Sheriff's Department policy, the position of Homeless Community Liaison (Policy #462) exists within the department. This assignment has remained unfilled for the entirety of my term in office. It will continue to remain unfilled for the foreseeable future, and until we have adequate staff to support such extra assignments. As it stands at the time of the writing of this response, we no longer have school resource officers assigned, we no longer have anyone assigned to full time drug investigations or marijuana enforcement, our gang task force is operationally defunct, and we have deputy sheriffs assigned to positions that don't require a peace officer due to our high vacancy rate.

We will discuss establishing some sort of reporting and tracking system, but realistically, our needs to focus efforts in areas where legislatively mandated tasks require our attention will take priority. This response is not intended to minimize the importance of this issue, but to provide a realistic expectation of actions that may or may not occur as a response to this report.

Recommendation R-10: Behavioral Health should clarify and communicate its crisis-response protocols to law enforcement and fire/EMS agencies in the County so that all parties know what to expect when dealing with relevant urgent/emergent situations.

AGREE, will be implemented within 6 months. Several years ago, the Lake County Law Enforcement Chief's Association along with the Behavioral Health Department created a protocol for response to people in crisis. Within the last 2 months, the entities have been working to update the protocol and we expect it to be completed shortly.

Recommendation R-14: The County and the Cities of Lakeport and Clearlake should form a task force to devise a workable and coordinated method of determining the true costs to law enforcement and fire/EMS agencies of responding to emergency calls pertaining to the homeless so that limited resources could be allocated and targeted based on a factual understanding. This would be an expansion of R1.

NEUTRAL, Requires further analysis to be completed within the next year. To be effective, such a task force will require participation from not only both cities and the county, but also participation from the various fire districts. The Sheriff's Office will participate in such a task force, but is not adequately staffed to take on the task of forming the task force.

Respectfully submitted,



Brian L. Martin  
Sheriff-Coroner  
Emergency Services Director  
County of Lake

**MEMORANDUM**

**TO:** Lake County Board of Supervisors  
Bruno Sabatier, Chair

**FROM:** Crystal Markytan, MA  
Director, Lake County Department of Social Services

**DATE:** July 30, 2021

**SUBJECT:** 2020-21 Grand Jury Response

**“EMERGENCY EVACUATIONS IN RESPONSE TO WILDFIRES”**

The Lake County Department of Social Services appreciates the opportunity to respond to the following Recommendations from the Grand Jury.

***Recommendation # 3: The Department of Social Services should consider consolidating and centralizing the available lists of the elderly and disabled from all sources into one regularly-updated master list that could be linked to the County’s GIS system and to the Sheriff’s new Zonehaven database – and be made available to first responders during emergencies. (F-6, F-9, F-13)***

**DISAGREE, will not be implemented.**

**Explanation:**

LCDSS recognizes the importance of notifying senior and disabled persons of evacuations in their area. For many years, IHSS Social Workers have called senior and disabled persons on their caseloads who are living within an evacuation zone to ensure they were aware of the evacuation order. Social workers also work with clients on an ongoing basis to identify evacuation options and ensure that clients have a plan of action if they are notified of an evacuation order. Social Workers are not First Responders and cannot personally assist their clients to evacuate.

Last fire season, DSS began sending the IHSS caseload list, stratified by level of need, to be uploaded on the county’s Geographic Information System (GIS). However, it was learned that the use of the GIS was not practical for First Responders as it was not as accessible in the field as previously thought. This year, the list has been further refined by limiting it to those individuals who require evacuation by ambulance and/or have other specific and validated reasons evacuation assistance is required. A very small fraction of the individuals receiving In Home Support Services are on the evacuation assistance list since actual evacuation support cannot be guaranteed to even the most debilitated. The list is now uploaded to the Zonehaven evacuation management system for Lake County.

The capacity of First Responders to assist in evacuation is extremely limited. After consulting with the Sheriff’s Department, DSS has determined that any individual placed on the evacuation assistance list will not be notified. Knowledge of inclusion

on this list may lead to a false sense of security. The evacuation assistance list will provide First Responders with the locations of those individuals who are most in need of assistance but that assistance cannot be assured. If assistance is available, it would be to mitigate loss of life. Individuals may be faced with leaving behind pets and belongings. It is our goal to encourage our clients to make evacuation plans in order to prevent complacency and reliance on assistance that may or may not be feasible during an actual evacuation.

According to the US Census, over 25% of our county population is elderly or disabled. While creation of a Master List is a good idea in theory, the logistics necessary to assist the number of people who self-identify as needing help would be overwhelming. It would not be possible for DSS staff to validate the need for assistance of those outside of DSS caseloads and the number of requests would almost certainly surpass the ability of First Responders to assist.

***Recommendation #4: County government departments serving the elderly and disabled and AAA/Senior Centers should consider assisting their clients or encouraging their clients' families/caregivers to create an individualized evacuation plan. (F-6, F-8, F13)***

**DISAGREE, will not be implemented.**

**Explanation:**

DSS staff will continue to call elderly and disabled IHSS clients who are under an evacuation order to alert them of an active evacuation. Evacuation plans and disaster readiness are topics of discussion at intake and during annual reassessments. Each Senior Center is independently operated with its own board of directors and client list. DSS does not have a list of seniors receiving services through senior centers who are not also on the Meals on Wheels list. Those receiving Meals on Wheels services are included in the notification calls.

***Recommendation #5: County government departments serving the elderly and disabled, as well as law-enforcement agencies, should confirm that they can currently access the PG&E Medical Baseline Program list or else submit a NDA to permit access. (F-7, F-13)***

**DISAGREE, will not be implemented.**

**Explanation:**

Not applicable, DSS does not have access to the PG&E Baseline list. The additional volume that would be generated by including citizens on this list for check in calls would be beyond our capacity as described above.

**MEMORANDUM**

**TO:** Lake County Board of Supervisors  
Bruno Sabatier, Chair

**FROM:** Crystal Markytan, MA  
Director, Lake County Department of Social Services

**DATE:** July 30, 2021

**SUBJECT:** 2020-21 Grand Jury Response

**“HOMELESS NOT HOPELESS”**

The Lake County Department of Social Services appreciates the opportunity to respond to the following Recommendations from the Grand Jury.

***Recommendation #6: The County should make a concerted effort to arrange for the availability of Section-8 housing. (F-6, F-7, F-8)***

**DISAGREE, will not be implemented.**

**Explanation:**

There is no county owned or managed “Section-8 Housing” in Lake County. The Section 8 Housing Choice Voucher (HCV) program works by issuing a voucher to a program participant for rental assistance to pay rent in existing housing units in the county. Participants can rent any home in the county that meets the HUD requirements for affordability and living standards. The participant locates their own housing, we inspect the property and if approved, they enter into their own agreement with the property owner.

There is a HUD determined cap to the amount of funding Lake County receives from HUD for the program. HUD uses a calculation to determine average Per Unit Cost (PUC) based on the number of vouchers under a lease at the beginning of each month and the amounts of those rents. This calculation determines the funding for future months. In the current climate with rents at never-before-seen amounts, this is a real problem. The program must balance the number of vouchers in use at any time without going over the available funding from HUD which is difficult if not impossible. Although the usage of the number of vouchers issued to Lake is at 81%, the usage of the funding we are issued from HUD for rental assistance is at 97%.

The PUC for April of 2020 was \$579.52, the PUC for April of 2021 was \$660.72. This illustrates the problem of using historical data to fund current rents. The money does not stretch far enough to plan to issue additional vouchers in meaningful numbers.



***Recommendation #7: Subsidized housing that can be made available and affordable for homeless residents should be prioritized by the County for the most frequent users of public services (high-cost, high-need) so as to stabilize the neediest – and most costly – individuals. The Bakersfield approach would be a useful model. (F-3, F-6, F-7, F8)***

**DISAGREE, will not be implemented.**

**Explanation:**

DSS does not administer any subsidized housing or public housing. It is agreed that low income, subsidized housing is desperately needed in Lake County.

***R-8: Targeted supportive services from Behavioral Health and Social Services should continue post-housing to improve housing retention rates and reduce the staffing logistics and cost burdens on the two hospitals, the first responders, and the Jail. (F-3, F-4)***

**AGREE, has been implemented.**

**Explanation:**

DSS contracts the Housing Disability Advocacy Program (HDAP) out to North Coast Opportunities. This program includes ongoing housing support and case management for those formerly homeless with a disability. The case management includes the technical support needed to walk through the process of applying for the Social Security Disability program.

Also through DSS, and following the Housing First model, the Housing Support Program (HSP) provides housing stabilization, interim housing and rental assistance for homeless CalWORKs families. Financial assistance continues for 6 months and case management is provided for a year. Again, services for this program are contracted to North Coast Opportunities.

The Department of Social Services in partnership with Adventist Health, applied for the initial Homekey funding opportunity through the state of California. The subsequent award was used to complete construction on Hope Center, in Clearlake. The Center provides shelter and intensive services for those homeless individuals ready to make a change.