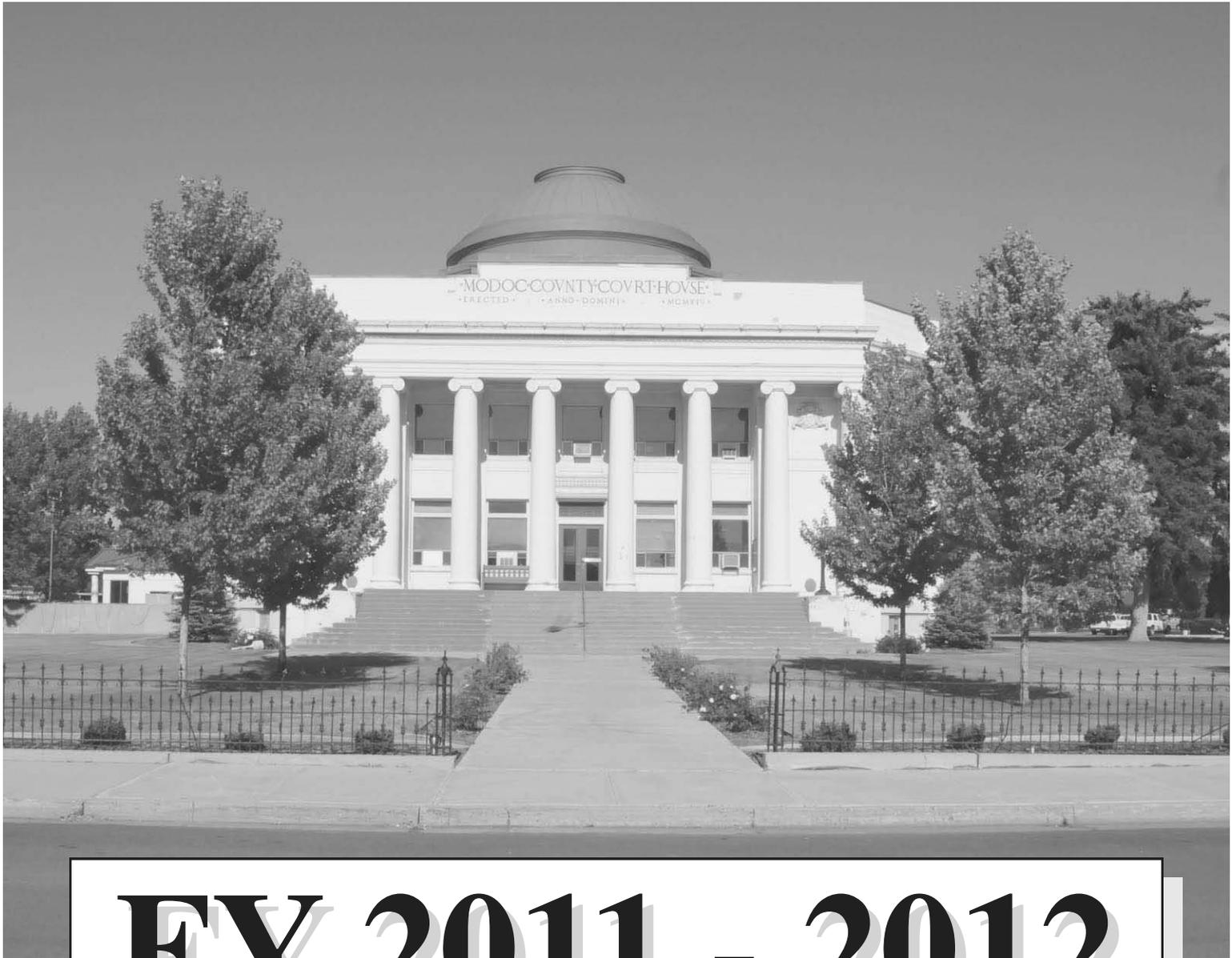




Modoc County Grand Jury Report



FY 2011 - 2012

This report, past reports and responses and other Grand Jury information may be found at the following sites:

http://www.modocsuperiorcourt.ca.gov/grand_jury.htm

This is not an official site of the Modoc Grand Jury and has neither been reviewed nor approved by the Modoc Grand Jury. For comments or information contact ModocGrandJury@gmail.us.

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Modoc County Superior Court

ROBERT A. BARCLAY JUSTICE CENTER
 205 South East Street, Alturas, CA 96101
 www.modocsuperiorcourt.ca.gov
 (530) 233-6233

FRANCIS W. BARCLAY
 PRESIDING JUDGE

LINDA OSTOJA
 EXECUTIVE OFFICER

June 30, 2012

To: Grand Jury Members

Dear Ladies and Gentlemen:

I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2011-2012 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work is clearly reflected in this year's report.

I want to specifically recognize and extend an individual thank you to Jim Massey, Jr. for his outstanding leadership as this year's Foreperson. With Jim's guidance the Grand Jury report was completed for review in early May and will be released for publication the first week of July.

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

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

Thanks once again for a job well done.

Sincerely,

Francis W. Barclay

Presiding Superior Court Judge



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

/s/ Francis W. Barclay, date 06/29/2012

Modoc County Grand Jury Roster 2011-2012

Joan Carter, New Pine Creek Terry McChesney, Alturas
 John Flournoy, Likely Sharron Molder, Tulelake
 Marlene Holland, Alturas Suzzann Northrop, Tulelake
 Ruby Jacob, Alturas Cordelia Saltzman, Adin
 Jim Massey, Jr., Tulelake Patricia Wood, Alturas
 Bob Zane, Alturas

I would like to extend a heartfelt thank you to my fellow Grand Jurors for the time, hard work, and sincere dedication they put into the 2011-2012 Grand Jury, which made it a success.

They inquired into several different issues within the scope of the Grand Jury's authority; however, time was a limiting factor as some events did not take place until well into this Grand Jury's tenure. Due to this, the 2011-2012 Grand Jury requests that the 2012-2013 Grand Jury give serious consideration to investigating nepotism, purchasing policy and procedures, and implementation of AB109.

Jim Massey, Jr. – Foreperson

Acknowledgements

The Grand Jury is extremely appreciative of the guidance and support given to us by Judge Barclay, Linda Ostoja and the rest of the Superior Court staff.

We thank Sheriff Poindexter for the use of the meeting room and staff member Sara Wright for scheduling its use.

Excellent cooperation was received from all County and special district personnel who were contacted in the course of our work.

We wish to recognize the excellent training given us by the California Grand Jury Association.

REVIEW OF THE ALTURAS POLICE DEPARTMENT

SUMMARY

The annual review of the Alturas Police Department is an ongoing and required function of the Modoc County Grand Jury.

BACKGROUND

Each year the Grand Jury Law Enforcement Committee meets with the Alturas Chief of Police to review Departmental operations.

APPROACH

On-site visit by the Law Enforcement Committee with the Alturas Chief of Police.

DISCUSSION

In meetings with the Chief of Police we discussed the following topics:

- Theft from merchants and residents is on the rise.
- Budget approval for a new 'Live Scan' machine for the Department.
- The Public Safety and Sales Tax, the PSST Committee and tax distributions back to the Department.
- Current Department staffing levels and shift coverage.
- Citizens Option for Police Services (COPS) and Vehicle Licensing Fees.
- The 911 calling and dispatch system - funding and staffing arrangements with the County. Under Section 51350 of the Government Code, the Board of Supervisors must set fees for dispatching for other agencies such as; Volunteer Fire Departments, Ambulance, Police Department, USDA-Forest Service, SV Electric and Public Works.
- Disappointment over low prosecution and conviction rates within the County.

FINDINGS

None

RECOMMENDATIONS

None

REQUEST FOR RESPONSES

None

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

REVIEW OF MODOC COUNTY SHERIFF'S DEPARTMENT

SUMMARY

The Modoc County Sheriff's Office is operating on a shoestring budget this year. The Sheriff is making repairs to the facilities using scarce, sometimes personal financing. The future of a major source of funding from VLF (vehicle license fees) is up in the air, and may end if State voters won't pass a measure to tax themselves even more. Inadequate funding has resulted in the Department being out of compliance according to the Corrections Standards Authority report. As of this writing, the number of inmates coming back to the county from State prisons is exceeding the original estimates provided by the State in the Governor's Realignment Plan (AB 109).

BACKGROUND

Each year the Grand Jury Law Enforcement Committee meets with the Modoc County Sheriff to review Departmental operations, and inspect the Jail facilities.

APPROACH

A visit was made at the Sheriff's office and jail premises.

Documents reviewed were:

- **“Adult Title 15 & 24: Minimum Standards for Local Detention Facilities”** – 2001 Revision
- Corrections Standards Authority report for the Modoc County Sheriff's Department, titled **“2010-2012 Biennial Inspection – Penal Code Section 6031”**, dated October 6, 2001

DISCUSSION

The following topics were discussed

- Vehicle License Fee (VLF) will sunset in June. New governor states he “Will put a VLF extension to vote.”
- **“Adult Title 15 & 24: Minimum Standards for Local Detention Facilities”** - 2001 Revision.
- Corrections Standards Authority report for the Modoc County Sheriff's Department, titled **“2010-2012 BIENNIAL INSPECTION - PENAL CODE SECTION 6031”**, dated October 6, 2011.
- VLF funds pay 46% of the Department's Enforcement budget. Right now, this is a topic of great concern to the Department.
- Community Watch program has been started. It is called “Rural Neighborhood Watch Program.”
- The SO continues to operate with sub-marginal staffing. The 2010-2011 Grand Jury report stated that the Sheriff's office was in non-compliance with Title 15 & 24: Minimum Standards for Local Detention Facilities, specifically regarding female deputies' onsite whenever females are in custody. The most recent review by the State Corrections Standard Authority identified this staffing shortage as an issue that is non-compliant. The SO has only one Female officer, and must operate 24/7/365 to house female inmates. Volunteer female matrons are used in lieu of paid officers.
- The Jail facilities are old, and several needed repairs were identified during the Jail review. The Sheriff and his staff are attempting to keep up with needed repairs and materials.
- AB-109, the Governor's Realignment Budget and Reorganization efforts will see an influx of inmates back to the County from State Prison facilities. Estimates of 'realignment funding' would only be guaranteed for one year, and at a reduced level from State per-day levels.

FINDINGS

- F1. A non-compliant female staffing level in the Jail continues to be an issue.
- F2. The Jail is a County building and facility, and in need of repairs, both inside and outside.

RECOMMENDATIONS

- R1. The Sheriff needs to consult with the DA's office, and the Board of Supervisors, and get a determination about the legality of the current staffing situation in the Sheriff's Office.
- R2. The Jail should be maintained in a safe and operational condition by the County Works Department. The Sheriff should assure that the Works Department be kept informed of health and safety issues related to the Jail facilities.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

Sheriff's response to Finding F1 and F2, and recommendation R1 and R2

Director, County Works Dept response to Finding F2 and recommendation R2.

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REVIEW OF THE DEVIL'S GARDEN CONSERVATION CAMP #40

SUMMARY

The Devil's Garden Conservation Camp #40 is managed under the auspices of the California Department of Corrections (CDC). CDC is responsible for the incarceration of inmates. The Camp is run in cooperation with Cal-Fire, a division of the California Department of Forestry, who schedule and manage day-to-day inmate activities.

The Camp was visited by Grand Jury members on March 6, 2012. This was an annual facilities visit and review mandated by Grand Jury guidelines.

The camp management and staff met with Grand Jury members and provided a general overview of the camp's history, purpose and a broad description of daily camp life and the work schedules performed by the inmates.

The camp performs work projects including fire hazard reduction, forest, range and watershed enhancement, and other conservation work for many agencies throughout California. The Camp has a capacity for 120 inmates.

The professional management of the camp and the well organized and disciplined activities of the camp have safely provided the local communities with 14,048 hours of conservation work, Federal agencies received 62,616 hours, BLM received 28,856 hours and the USDA-Forest Service received 30,944 hours. In addition, crews responded to 31 fires and provided 19,436 hours in fire fighting.

BACKGROUND

Members of the Grand Jury visited the Devil's Garden Conservation Camp #40 as an annual requirement mandated by Grand Jury guidelines.

APPROACH

The Grand Jury used a question and answer session with the Camp's Management and Staff. Afterwards we were taken on a full tour of the facilities. During the tour, members of the Committee were able to intermingle with members of the Camp's staff and discussed various topics.

Documents reviewed were:

- Fact sheet for the camp

- 2010 CDCR Adult Institutions Outcome Evaluation Report (recidivism rates)
- California State Auditor Report 2009-107.1 (average inmate costs report)

DISCUSSION

During the site visit by the GJ committee, the following topics were discussed:

- Roles and responsibilities of the CDC and Cal-Fire staff
- Camp objectives, management, funding and policies
- Inmate issues including: work crews and assignments, fire fighting, education, discipline, recidivism
- Camp features, including: laundry, barber shop, welding, heavy duty equipment, warehousing, wood shop and the Mobile Food Unit
- Labor force contributions to communities, service districts and conservation efforts.
- An emphasis on food, health and safety
- Availability of vocational training, books, outside education, AA and NA meetings help inmates
- Successful program completion requires inmates to develop a work ethic and take personal responsibility for their actions.
- There have been no successful break-out attempts, and low recidivism rates.

FINDINGS

F1 - According to State records, this Camp has one of the lowest recidivism rates in the System.

RECOMMENDATIONS

None

REQUEST FOR RESPONSES

None

REVIEW OF THE MODOC COUNTY AUDITOR

SUMMARY

Two meetings were held with the Modoc County Auditor, one meeting with the entire Grand Jury at the Sheriff’s Annex and the second meeting at the Auditor’s office with 9 Grand Jury members present.

The Modoc County Auditor and Treasurer are to be commended for their continued efforts to improve the practices and procedures of their respective offices. They worked together to draft a plan for this County in regards to repayment of restricted funds that were borrowed from funding sent by the State of California and the Federal Government. This debt is over thirteen million dollars.

BACKGROUND

The Modoc County Grand Jury has met with the Auditor and Treasurer for several years in an effort to determine how the deficits developed, the accounting practices used, were steps taken to stop spending monies from restricted funds, and who has the final approval in these processes.

APPROACH

The Grand Jury met with the Auditor, one meeting with the entire Grand Jury and the second meeting at the Auditor’s office with 9 Grand Jury members present.

DISCUSSION

- Background on Modoc County finances at the time this auditor was elected and took office.
- Current financial picture for Modoc County – the county is now operating with a positive balance.
- Audit for fiscal year 2010-2011 is expected to be completed and approved.

- Training on budgets and procedures has continued for department heads and is open to all interested individuals.
- Concerns with communication between Modoc County Board of Supervisors, County Administrative Officer and elected department heads have surfaced. Elected officials have written a letter that was published in the Modoc County Record. There is indication that financial decisions are made without these individuals input or representation.

FINDINGS

- F1. There is the continued procedure of using restricted funds without a firm commitment of repayment by the end of the fiscal year, June 30th.
- F2. Improvement has been made in accounting practices and procedures. Auditor has been diligent in following the correct practices and encouraged training for all departments.
- F3. Positive cash flow for county, some restricted funds repaid. A plan for repayment of restricted funds has been developed by the Modoc County Auditor and Treasurer. This has been accepted by County Administrative Officer to be submitted to the California State Attorney General for approval.

RECOMMENDATIONS

- R1. The repayment plan now under consideration should be carefully monitored by the Grand Jury. This plan does have “loop holes” at this time which may be corrected before acceptance. If not, those funds, which are allocated for repayment, should be audited during any dispersal.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows: From the following individual:

Modoc County Auditor

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REVIEW OF THE COUNTY ADMINISTRATIVE OFFICER

SUMMARY

The County Administrative Officer gave an overview of his financial plan for repayment of restricted monies in Modoc County in a meeting with the entire Grand Jury at the Sheriff’s Annex.

BACKGROUND

Modoc County has had a monetary deficit created by funding all Modoc County Hospital expenses and other unknown expenses for a period of at least 10 years.

APPROACH

The County Administrative Officer gave an overview of his plan to the entire Grand Jury.

This plan was for the sale of Modoc County buildings chiefly.

DISCUSSION

- Potential sale of Modoc County owned buildings.
- Deficit in the “comp time” and sick pay fund for Modoc County employees.
- Possible development of geothermal energy for county and city buildings.
- Current underfunded situation in waste management and necessary steps to bring into fiscal balance.
- Hiring practices of Modoc County, including the agreement on his particular position with the City of Alturas.

FINDINGS

- F1. The sale of Modoc County buildings did not have a specific reason or to what purpose the monies would be used.

F2. Chief Administrative Officer stated that changes have been made to the employees benefit program to allow less overtime and comp time, thus limiting Modoc County liabilities for payout at termination or retirement.

RECOMMENDATIONS

R1. Request substantiation for the reasoning behind the potential sale of Modoc County assets and disposition of those monies.

R2. Modoc County Administrative Officer to respond to Grand Jury with documentation as to changes in the overtime/comp time issue and how it will be funded.

R3. It is the consensus of the 2011-2012 Grand Jury that investigation and review of Modoc County finances must be continued by the 2012-2013 Modoc County Grand Jury.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows: From the following individual:

County Administrative Officer

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REVIEW OF THE DEPARTMENT OF PUBLIC HEALTH

SUMMARY

The Modoc County Department of Public Health was visited for an interview with the director and a tour of the facilities in January. A follow up visit was made for an interview with the director in February.

No major problems with facility or staff were found. Budget restraints seem to affect most of the county offices and be the major obstacle to survival.

AB109 could affect this department's budget as well as many other county departments. Alternative plans should be explored and close communication with other County Departments should occur.

The department director has good plans for continuity of services in place.

BACKGROUND

The Modoc County Public Health Department consists of:

- Environmental Health & Safety
- Public Health
- Behavior Health

APPROACH

Several visits were made for interviews with the director and a tour of the facilities.

Documents reviewed were:

- Organizational Charts
- Personnel Policy
- Budget
- Funding Sources Outline
- Projected Revenues Worksheet

DISCUSSION

Facts developed through interview and the review of documents are:

- Budget in place.
- Personnel policy in place.
- AB 109 - Alternate Incarceration Bill could impact department resources.
- Team approach is being applied to each case (Public Health/Behavior Health).

- Transportation budget is inadequate to supply responsibilities to outlying areas.
- Only one licensed psychologist full time and he will be retiring.
- Psychiatrist out of Ashland visits monthly but is available via Telemed.
- One psychiatric nurse, one nurse practitioner, two LVNs, one peer counselor, one registered nurse on staff full time. There is adequate clerical staff and they are shared.
- New computer system in April - Practice Management System will increase staff efficiency.
- Department is available 24/7.
- Department contracts with Lassen and Siskiyou Counties for outlying services.
- Vacant staff positions in Behavior Health.
- Facilities are adequate and well maintained. Handicapped and other parking is adequate.
- Personnel Policy does not address comp/sick time guidelines.
- A career pathway program is being developed that will encourage employees to seek higher positions, keeping valuable employees.

FINDINGS

- F1. (3) Behavior Specialists positions are not filled.
- F2. Comp/sick time accrued for employees non-regulated.
- F3. AB 109 could impact budgets for Behavior Health and Public Health.
- F4. The only psychologist will be retiring.

RECOMMENDATIONS

- R1. Fill the Behavior Specialist positions as soon as possible.
- R2. Personnel Policy needs to be specific as to comp or sick time allowed per year, when it will be lost, and how it will be paid for.
- R3. AB 109 could affect the budget for the department. A close working relationship with the Probation Department and the Sheriff Department needs to be worked out. Other alternatives should be explored.
- R4. Find replacement for Psychologist before position is vacated.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows: From the following individual:

Department Director

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REVIEW OF LAST FRONTIER HEALTH CARE DISTRICT HOSPITAL

SUMMARY

The Last Frontier Health Care District Hospital was in transition when the Special Districts Committee of the Grand Jury investigated and interviewed the administration. The administration was very cooperative and provided all requested documents.

The Committee found the hospital, clinic, and long term care facilities clean and in decent repair considering the age of the facility. All personnel interviewed were well qualified and motivated to provide good healthcare to the community.

Due to the transition efforts some things were not consolidated. Another review by the 2012/2013 Grand Jury would be helpful. Plans for the new hospital should be reviewed as well as the process for the acquisition of property.

BACKGROUND

The Modoc Medical Center now known as the Last Frontier Healthcare District Hospital was visited by the Special Districts Committee of the Grand Jury as a routine review as per Grand Jury protocols. A tour of the facilities was conducted as well as sits down conversations with the Administrator and Risk Manager.

APPROACH

The administration was interviewed as well as a complete tour of facilities. Documents reviewed were:

- Response to the Grand Jury Final Report 2010
- Health Tech Hospital and Swing Bed Mock Survey Results
- Health Tech Clinic Mock Survey Results
- Modoc Medical Center Organizational Chart

DISCUSSION

The Modoc Medical Center has recently become the Last Frontier Healthcare District Hospital as they convert from a County Hospital to a Special District Hospital. When we reviewed this hospital and clinic, things were still being transferred. Some information developed is as follows:

- Transition from a county owned to a special district hospital/clinic in process.
- They are looking into E-Health Technology.
- The administration maintains a web page for community information and knowledge.
- They have CT (CAT scan) capabilities, no MRI.
- They have contracted for outsourced billing.
- They are working on development of flood plains plans for the purpose of insurance pricing.
- The hospital building is not seismic compliant as funds are not available at this time. Plans are being developed to erect a new hospital facility.
- 37% Medical, 35% Medicare, 2% private insurance, 50% write off billings.
- They only post in house for most positions.
- Currently, there is no full time Clinic Manager on premises during clinic hours.
- They manually distribute medications.

FINDINGS

- F1. In house job opportunities posted in hallway of administration.
- F2. Billing contracted from outside the county.
- F3. Routine supply items in the Clinic are not being managed well.

RECOMMENDATIONS

- R1. Always post job openings in newspaper and post openings in more public place (like the lobby).
- R2. Conduct a cost/analysis of billing procedures - local hire vs. contract. Local jobs should be preferred. Training should be provided and overall management of unit should be monitored.
- R3. Hire a full time clinic manager to be responsible for all aspects of clinic operations.
- R4. Since things are still in transition at the hospital it is requested that the

2012/2013 Grand Jury revisit and review procedures and progress at the hospital.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Hospital Administrator
- Risk Manager

From the following governing boards:

- Board of Directors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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REVIEW OF SURPRISE VALLEY HEALTH CARE DISTRICT HOSPITAL

SUMMARY

The Surprise Valley Health Care District (Hospital and Clinic) located in Cedarville, California was visited by the Special Districts Committee originally as part of a routine contact. During the first interview it was apparent there were issues between the Board of Directors and Administration, issues with employees, and some procedural issues. Also, a citizen complaint was received regarding conflict of interest between a local physician and a member of the Board of Directors.

As a result, the Administration, Board of Directors and local physician were interviewed and documents were reviewed which included: Medical and Board By-Laws, Position Descriptions, recent Hospital Audits, Physician/Board Member agreement, organizational chart, personnel manual, misc. letters from attorneys, Board Agendas and minutes. This also included listening to the audio of Board Meetings on line.

It was our goal to help delineate procedures to avoid personality conflicts and make suggestions to enhance the performance of everyone. All individuals interviewed were positive toward the hospital and keeping the doors open and to function to their best abilities toward that aim.

We found all personnel qualified and interested in the best interests of the hospital and community. Administration was very helpful in providing information, as was the Board of Directors. We believe the diversity of Administration and the Board of Directors is a positive direction for the community. All need to step back, stay positive, and consider what is best for the hospital and the community.

GLOSSARY

CTN - UC Davis Health System and the California Telehealth Network. Established by UCD for rural community health groups. This program is funded by the US Department of Commerce's Broadband Technology.

BACKGROUND

The Surprise Valley Health Care District consists of the Surprise Valley Community Hospital and the Surprise Valley Clinic. They serve four towns and two Native American groups in Surprise Valley - Ft. Bidwell, The Warner Mountain Indian Health Program, Lake City, Cedarville, the Cedarville Rancheria and Eagleville. They maintain a volunteer ambulance service. Laboratory, Radiology and Physical Therapy services are available.

The Cedarville Hospital was closed in March 1981 by Mercy Hospital of Redding under their management contract with the approval of the Board of Supervisors of Modoc County. During the next two years, the residents of Surprise Valley worked to form a Hospital District. Their efforts were supported by donations from the

citizens of the Valley. In January 1985, the Hospital District reopened the Clinic as a PL 95-210 Rural Health Clinic. On April 16, 1986 the hospital doors reopened for business, operating as a non-profit hospital.

During a routine contact per Grand Jury Protocol, it was discovered that some issues were Administration and Board of Director issues, employee issues, procedural issues, and a conflict of interest issue between a physician and a Board Member.

APPROACH

The Special Districts Committee toured the hospital and clinic and had a question and answer period with Administration on October 13, 2011, and another on November 30, 2011 which included the Board President. On December 13th, all Board Members and physician involved were interviewed.

Several documents were reviewed which include:

- Medical and Board By Laws
- Personnel Manual
- Position Descriptions
- Agenda/Minutes of Board of Directors Meetings
- Audio listening on line of Board of Directors Meetings
- Misc. letters from legal
- Pay Position Report
- Recent Hospital Audits
- Code of Conduct Policy
- Newspaper Articles
- Profit & Loss Statements
- Memorandum of Understanding between Board Member and Physician.

DISCUSSION

• This was a general review of the hospital per Grand Jury standards and as a result of the citizen complaint. Facts in evidence include:

- Currently (11-1-2011 to 10-31-2012) licensed by the State of California. Not accredited.
- Non Profit organization.
- They do not use registry personnel. Local hires and new grads.
- 50% Medicare, 15% medical, 35% private pay/write off.
- CT capabilities but no MRI.
- Medication dispensing done by up to date machine.
- Facilities appeared clean and in good repair.
- Web pages maintained for community information.
- Electronic medical records.
- Participating in CTN e-Health Technology.
- Looking for a grant writer.
- They have 26 beds, 4 general acute beds, and 22 beds authorized for skilled nursing.
- A formal citizen complaint was filed with the Grand Jury regarding conflict of interest between a board member and physician in the community.
- Administrator and Administrative Assistant/Human Resource person are in a combined office.
- Only two fax machines. One located in Nurse’s station is for confidential medical information and one located in the hall for standard information.

- Administration and Board of Directors having issues regarding conflict of interest, and authority.
- Employee grievances at issue regarding complaints and salaries.

FINDINGS

- F1. It was found that some items on the state audit have not been completed. (Statements such as “will be done.....”)
- F2. Fax machine problems arise as many people have access to the machine in the hallway. Administration has not received some important documents.
- F3. Efforts by some employees to form a Union have failed, but there are still grievance issues.
- F4. Administrator and Administrative Assistant/Human Resource person share a combined office which does not allow for some confidentiality for the administrator.
- F5. Issues regarding pay scales and pay to employees.
- F6. Board of Directors meetings are often contentious with infighting between some Board members and Administration and/or employees.
- F7. There are conflicts regarding the agenda and who can put things on the agenda and who controls the meetings.
- F8. There are conflicting procedures as to who should do the minutes.
- F9. The Medical By Laws and the Board By Laws are conflicting and outdated.
- F10. There are issues regarding who has the authority to contact legal for opinions.
- F11. There are some nepotism issues.
- F12. Organization chart leaves out the Board of Directors as the authority over the Administrator.
- F13. The Administrator relies on “teamwork” rather than relying on her own authority and responsibility.
- F14. After investigation through interviews and reviewing of documents, it was determined that there is no legal conflict of interest as there is no financial gain by the Board Member, although the appearance of conflict interest still persists in the community. The hospital area consist of approximately 1500 in population which should be enough to support two doctors. The doctor should be permitted to submit his application for hospital privileges (without the \$350 fee which is not in Medical By Laws).

RECOMMENDATIONS

- R1. Send evidence that all state audit deficits have been completed.
- R2. Obtain new fax machine to be located in the administrator’s office for any confidential information.
- R3. An employee grievance committee should be established; comprised of 1 employee from each department with an elected chairperson who will communicate results and requested action to the Administration. A locked grievance box will be put in the break room.
- R4. Arrangements should be made for a separate office for the Administrator to allow for confidentiality of conversations and actions.
- R5. A third party CPA should review pay scales and payroll issues and provide recommendations to Administration.
- R6. At the table where Board of Directors sits for the meeting, only the Administrator should be included. All others should be in chairs as part of the public meeting.
- R7. The agenda should be the responsibility of the board secretary. The board secretary should send drafts of agenda to other board members and

administration prior to the 72 hour posting. It should be posted by the administration after final draft is compiled, 72 hours prior to meeting.

- R8. The position description of the Administrative Assistant/Human Resources provides for their responsibility in taking of the minutes and maintaining a file of the minutes for regulatory agencies that may visit.
- R9. The Medical By Laws and Board By Laws should be reviewed and up dated.
- R10. The Board By Laws state that legal advice is obtained by the Board of Directors. Therefore, no one should contact legal unless the Board has authorized by a majority vote.
- R11. This is a small community and nepotism issues are bound to occur. However, to avoid the appearance of impropriety in this case and to protect all employees, the procedures for issuing checks should be revised to include two signatures, the Administrator and the Board President.
- R12. A new organizational chart should be produced with the Board of Directors at the top having authority over the Administrator per present By Laws and common law.
- R13. The Administrator should be provided with additional and complimentary training in her role of Administrator.
- R14. It is recommended that the Board of Directors and the Administration put this issue behind them and concentrate on the betterment of the hospital and community.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individual:

Hospital Administrator

From the following governing bodies:

Board of Directors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

REVIEW OF THE DEPARTMENT OF SOCIAL SERVICES

SUMMARY

The Social Services Department was visited for an interview in December 2011. Present were the County Administrative Officer, Fiscal Officer, Supervisor, and Eligibility Program Manager.

This was a Grand Jury routine visit. All present were very cooperative, provided requested information, and appeared well qualified.

- The Social Services Department handles:
- Food Stamp Program
- MediCal/MedicAid Program
- GA/IA - General Assistance Program
- CPS/APS (Child Protective Services/Adult Protective Services/Foster Care)
- Public Guardian Program
- CMSP Program (County Medical Program)

Facilities are adequate and well maintained.

AB 109 could affect this department’s budget. Alternative plans and close communication with other affected county departments should occur.

BACKGROUND

The Social Services Committee met with the County Administrative Officer, Fiscal Officer, Supervisor and the Eligibility Program Manager for an interview. This was a routine Grand Jury interview per protocols. Everyone was very cooperative and informative and provided information as requested.

AB109 could affect this department’s budget. Alternative plans and close communication with other affected county departments should occur.

APPROACH

Documents reviewed were:

- Organizational Chart
- Department Budget
- County Nepotism Policy
- County Personnel Allocation List
- County Conflicts of Interest Policy
- Case Load Worksheets

DISCUSSION

Facts in evidence were:

- Electronic capabilities have been updated. New computer system connected to State information.
- Organizational chart of staff members showed director position unfilled as well as several other positions.
- Good accessibility in parking lots, facility, and handicapped for clients.
- Security evident for staff and clients.
- Files are being converted to electronic files.
- Comp/Sick time unregulated.
- Some employees appear to have a heavier workload than others.
- AB 109 could affect this department’s budget.

FINDINGS

- F1. Social Services have had an Interim Director for approximately the past 4-5 months. Her last day with Modoc County is March 7, 2012. As of that date, it does not appear that there is a permanent director to fill the vacancy. The department has hired two eligibility workers/ specialists. They are currently being trained. This will ease the stress of the other eligibility workers by distributing the caseloads more evenly.
- F2. Not all files are converted to electronic files yet.
- F3. AB 109 could affect this department’s budget.

RECOMMENDATIONS

- R1. Hire permanent Director of Social Services and other positions that remain unfilled.
- R2. Finish converting all files to electronic files.
- R3. AB 109 could affect this department’s budget. Alternative plans should be explored and close communication with other county departments should occur.

RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

Social Services Director

County Administrative Officer

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929

requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

REVIEW OF BREACH OF CONFIDENTIALITY

SUMMARY

Members of the Grand Jury take an oath of confidentiality in all their dealings except for the information contained in their final report. This is to protect the integrity of the Grand Jury and those talking to the Grand Jury that they are assured of confidentiality.

The 2010/2011 Grand Jury confidentiality was breached with the release of three documents to a media source without approval.

On November 28, 2011, members of the 2011/2012 Grand Jury met with the District Attorney to request an investigation into possible Penal Code violations regarding Grand Jury confidentiality. Another request was made on January 24, 2012.

BACKGROUND

The 2010/2011 Grand Jury sent written requests to three different government entities requesting action/investigation into possible Penal Code violations involving restricted funds.

In October 2011 facsimiles of all three letters appeared in a local media source.

Information was received in November 2011 as to the possible source of the breach of confidentiality.

On November 28, 2011, members of the 2011/2012 Grand Jury met with the District Attorney to request an investigation into possible Penal Code violations regarding Grand Jury confidentiality. The request was repeated in another meeting with the District Attorney on January 24, 2012.

APPROACH

Documents reviewed were:

- The media source containing the three facsimiles
- Penal Code Sections relating to Grand Jury Oath and Confidentiality
- California Grand Jury Training Manual 2011
- Modoc County Grand Jury Procedures Manual

DISCUSSION

Members of the Grand Jury take an oath of office and in doing so, they are sworn to secrecy for life. All material not in the final report remains confidential.

FINDINGS

- F1. Three 2010/2011 Grand Jury documents were released to a media source.
- F2. Breach of Confidentiality may impact future Grand Jury investigations.

RECOMMENDATIONS

- R1. The District Attorney should investigate for any Penal Code violations.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:
From the following individual:
Modoc County District Attorney

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**REVIEW OF THE PURCHASE OF VEHICLES/
DEPARTMENT OF HEALTH SERVICES**

SUMMARY

The purchasing policy for Modoc County, code 3.24, states that sealed bids are required for all purchases over \$10,000. The sealed bid policy is outlined and sealed bid contracts must be awarded by the Board of Supervisors. It is important that we give local vendors the opportunity to bid on county items. This makes Modoc County stronger as fees and taxes go to Modoc County.

Purchases were placed on the agenda on February 14, 2012 at the regular meeting of Modoc County Board of Supervisors for a Toyota Camry XLE Hybrid to be used by Drug and Alcohol department and for a Toyota RAV 4, 4X4, to be used by the Mental Health department. These were replacement vehicles for high mileage vehicles that are no longer considered safe for long distance travel.

The purchases outlined above were not made according to County policy.

BACKGROUND

The Grand Jury was informed there was an issue regarding the purchase of vehicles by the Department of Health Services during an unrelated interview.

Modoc County purchasing policy delegates the County Administrative Officer as purchasing agent for the county with all department heads designated as assistant purchasing agents. As specified in Sect. 3.24.040 (A-F), (H), and (J).

Members of the Board of Supervisors and the County Administrative Officer were aware of the purchasing procedures, but the department head involved in the purchase of the Toyotas was unaware of these purchasing procedures.

APPROACH

Interviewed two members of the Board of Supervisors, the Chief Administrative Officer, the Deputy Director of Health Services, and the manager in a car dealership located in a neighboring county.

Reviewed:

- Purchasing Procedures, section 3:24 of the County Policies
- Documentation of purchase of Toyota's by Department of Health Services
- Evidence of other vehicles, same specifications

DISCUSSION

Facts developed were:

- Deputy Director was unaware of any county purchasing policies.
- Deputy Director researched vehicles via Consumer Reports (needs included good mileage, safety features, performance and repair history).
- Deputy Director requested price quotes on Toyota Web Page with specifications and only had one quote sent back and one phone call response.
- Deputy Director notified local vendor of request by phone but specified Toyota product only would be considered.
- Deputy Director has been in place since 1998.
- Deputy Director consulted with Director regarding the purchase of vehicles.
- Deputy Director stated that no sealed bids were ever sought in the past.
- Replaced vehicles (1) went to the DA office (2) used for local transport.
- New Toyota vehicles must be serviced in Redding.
- County Administrative Officer approved vehicle purchase under the 3.24.060 (E) Patented or Proprietary purchase.
- County Administrative Officer has knowledge of purchasing procedures.
- County Administrative Officer is designated as the Purchasing Agent for the County.
- County Administrative Officer was aware that there were no sealed bids as required.
- Department Heads act as Assistant Purchasing Agents.
- County Administrative Officer stated that purchasing procedures were known and explained to purchasing assistants.
- Sealed bids were not obtained for the two Toyotas purchased by the Department of Health Services.
- Section 3.24.070 of the County Purchasing Policies state that sealed bids for purchases over \$10,000 shall be obtained.
- Section 3.24.090 spells out exact procedures for obtaining formal bids.
- Section 3.24.090 (2) spells out local vendor preference.
- No County controlled fleet program.
- The Board of Supervisors approved the line item for the purchase of

- automobile.
- The Board of Supervisors did not participate in any sealed bid process.
- County Administrative Officer acknowledged "a motion to approve" was his responsibility.
- The Board of Supervisors was informed at the February 12, 2012 meeting that the local vendor was not invited to submit a sealed bid.
- The Board of Supervisors approved the line item for the purchase of the automobiles.

FINDINGS

- F1. The sealed bid procedure was not followed. (Sec. 3.24.070), (Sec.3.24.090). The Board of Supervisors did not question the sealed bid procedures; rather accepted the County Administrative Officer's motion to approve without questioning the lack of written bids.
- F2. Local vendor preference was not given. (Sec. 3.24.090)
- F3. The purchase of the Toyota vehicles is not accepted under the 3.24.060 (E) Patented or Proprietary purchase.
- F4. There is no county wide fleet program for scheduled maintenance and control of county owned vehicles.

RECOMMENDATIONS

- R1. The Board of Supervisors review and adhere to all purchasing policies of Modoc County. The Board of Supervisors advise County Administrative Officer and all assistant purchasing agents of the same.

- R2. Preference should be given to local vendors so that taxes and fees remain in Modoc County.
- R3. A specific manufacture of automobiles cannot be specified under the sealed bid procedure 3.24.060 (E) Patented or Proprietary purchase because other vehicles with similar specifications exist.
- R4. The Board of Supervisors should appoint a specific person(s) to be accountable for routine maintenance on all county vehicles. Periodic review of these records should take place.
- R5. Request the 2012-2013 Grand Jury follow up on all county purchasing procedures.

REQUEST FOR RESPONSES

Pursuant to the Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Chief Administrative Officer
- Director of Health Services

From the following governing bodies:

- Board of Supervisors

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Modoc County Grand Jury
205 S. East Street, Alturas, CA 96101
Citizen Complaint Form

Your Name: _____ Date: _____
Print or type

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

Telephone: _____
Home Work

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

Agency, organization or department: _____ Telephone # _____

Business Address: _____

Agency Director, Manager or Department Head: _____

Staff Persons Involved: _____

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

Is this complaint already in litigation? Yes No

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

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

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

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

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

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

Signature

Print Name

Date