

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SIERRA**

**In the Matter of
2016-2017 Sierra County Grand Jury**

MINUTE ORDER

HONORABLE CHARLES H. ERVIN, JUDGE PRESIDING

The County Clerk is hereby directed to file the **Sierra County Board of Supervisors response to the Sierra County Grand Jury 2016-2017 Final Report**, attached hereto.

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of an order entered on the minutes of said Superior Court of the State of California, County of Sierra, this 21st day of July, 2017.

ATTEST my hand and seal of the Superior Court of the State of California, County of Sierra, this 21st day of July, 2017.

SIERRA SUPERIOR COURT

BY [Signature] Clerk

cc: Heather Foster
Sierra County Clerk
Courthouse
Downieville, CA 95936

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



18 July 2017

Honorable Charles Ervin
Presiding Judge of the Superior Court
County of Sierra
PO Box 476
Downieville, CA 95936

Re: Response to Grand Jury reports of 2017

Dear Judge Ervin:

Pursuant to section 933.05 of the California Penal Code, we offer the following comments with respect to the above entitled reports. We also appreciate the dedication of the citizen's involved in this process, and their willingness to review and make comments with respect to the public process. For the sake of tracking purposes, our responses have been labeled by report, finding, and recommendation.

Auditor/Treasurer/Tax Collector Investigation

F2. We agree. While the county must pursuant to state law adopt a balanced budget and we do so annually, for the recent past it has been a very tight budget with no reserves and only a \$100,000 contingency. To increase spending in any kind of meaningful way, proportionate cuts must occur, additional funding located, or utilize the small contingency budget.

F3. This appears to be correct with respect to the timeline and agree. This board struggles to set fees in a reasonable level without further impacting a fragile local economy, impacting current property owners, and encouraging the few housing starts we have annually. While able to invoke mitigation fees, the county has never done so and while the school district did for a time, only one local fire district has mitigation fees in place and were only implemented after significant debate. We would support a review of fines and fees as suggested.

F4. We are unsure of what this finding refers to with respect to resource development. The duties and responsibilities of county government are controlled by the state Constitution and 29 different state codes. State law also requires the adoption of a county general plan. Additionally, Sierra County is actively involved in a number of organizations that lobby and provide information for local government. And finally, every meeting of this board is open pursuant to state law so that the public can review and comment on our operation.

R2. May or may not be implemented as this is a decision to be made by this board as we fulfill our statutory responsibilities to set an operating budget only after consideration of all demands and resources available.

R3. May or may not be implemented as this is a decision to be made by this board as we fulfill our statutory responsibilities to set an operating budget only after consideration of all demands and resources available. Additionally, the term small county in California is somewhat debatable indeed. With the lone exception of Alpine

County, every other county in California has a population over three times that of Sierra County, with neighboring Plumas County some six times greater and Nevada County thirty times greater. These are economies of scale so very difficult to compare with ours. It has been suggested that there are rural counties in California, and beyond that, a few like Sierra County, fits the term frontier much better.

R4. May or may not be implemented as this is a decision to be made by this board as we fulfill our statutory responsibilities to set an operating budget only after consideration of all demands and resources available. Such a review is informally done in nearly every agency. To expect a single employee to undertake such a practice is setting a work priority to be determined by every department manager only when directed by this board.

Investigation of Building Code Violations

F1. Beyond the knowledge of this board, and would defer to the opinion of the department manager.

F2. Likely agree. Day to day work priorities are directed by the department manager who serves at the pleasure of the board of supervisors.

F3. Partially agree. There is little doubt that a full time code enforcement officer would be helpful. Whether or not increased enforcement would cover costs is always questionable in that assessing fines is one thing, and collecting them is another. See finding F6.

F4. Partially agree. Whether or not increased enforcement would cover costs is always questionable in that assessing fines is one thing, and collecting them is another. See again finding F6.

F5. Completely agree.

F6. Completely agree.

F7. Assume this is true. No reason to doubt estimates of staff.

F8. Agree, but issue far more difficult than presented with the issue of the Loyaltan Mobile Estates. An absent owner, an issue of back taxes, and the human impacts of strict enforcement make this quite difficult. Most property owners comply with building codes due to mortgage, insurance, and personal financial equity in real estate. When an owner lacks any of the above issues, it is costly to enforce appropriate standards.

F9. Agree, and refer to findings 5 and 6.

R1. May or may not be implemented. Issue subject to prioritization in the budget process.

R2. May or may not be implemented. Issue subject to prioritization in the budget process.

R3. May or may not be implemented. Issue subject to prioritization in the budget process and workload priorities.

R4. This recommendation appears to be in conflict it that it gives opposing arguments which is exactly the debate we face.

R5. May or may not be implemented. Issue subject to prioritization in the budget process and workload priorities.

R6. May or may not be implemented. Issue subject to prioritization in the budget process and workload priorities. In addition, the district attorney is independently elected pursuant to the state Constitution and prosecutorial decisions are not under the control of this board.

R7. May or may not be implemented. Issue subject to prioritization in the budget process and workload priorities. In addition, the district attorney is independently elected pursuant to the state Constitution and prosecutorial decisions are not under the control of this board.

Section comment: This board appreciates all the recommendations of the grand jury and with unlimited funds, all would or could be implemented. Unfortunately this board is tasked with funding the most important of priorities serving the public and would suggest it would be far more enlightening if grand juries would consider proposing a budget offset or identifiable funding source for the board to consider when suggesting a request with a cost attached.

Sheriff's office day-only holding facility

F1. Agree.

F2. Disagree. The sheriff, like the county district attorney, is a constitutionally independently elected official and other than providing a budget and staffing level, the sheriff has the discretion to assign staff as he sees fit. Sworn personnel can be assigned to other duties, or the sheriff can seek differing staffing levels with the overall cost of those positions the preview of this board. Suggesting anything that even suggests a negative impact to public safety is not a finding, but an opinion, and not one shared by this board.

F3. Disagree. While this issue has been considered, there are significant engineering and maintenance costs with relocating radio and telephone communications systems out of county. In addition, there would be a loss of personnel with more knowledge of local landmarks and geography and the loss of personnel living within the local community. While there may come a time that this is a most practical option, this board does not believe that time is now in the best interests of overall county services.

F4. Partially agree. This is an issue that most agencies and locales deal with and is clearly tied to the overall county budget and priorities.

R1. This board in consultation with the sheriff will make decisions with respect to the use of the Wayne Brown Correctional Facility but sees no immediate change in the status quo for the foreseeable future. We agree that increased use of video conferencing should be a part of any negotiation with that facility, however, that is an issue that Nevada County completely controls and we have no authority to demand any increase in that use but would encourage the sheriff to seek that goal.

R2. Will be considered if requested by the sheriff, and prioritized as a part of the overall budget process.

R3. See the response to F3. Additionally, sheriff can either reassign sworn personnel to communication duty as needed or can ask to decrease the number of sworn staff and increase non sworn. This is an issue that is closely tied to the county budget process which is a basic responsibility of a board of supervisors. We agree that the use of sworn staff in the dispatch facility is not optimal; however, legally sworn staff can do both assignments where non sworn staff cannot which gives the sheriff a bit more ability to assign staff as needed during peak timeframes.

R4. This board would consider such a proposal if presented by the sheriff. We would add, however, that such a requirement could have a negative impact on hiring. While it is commendable that the grand jury supports the compensation of the sheriff's employees, it is practically difficult to isolate one agency in county government to reward while ignoring all others. We are aware of the periodic resignation of


agency personnel and would recommend that the sheriff consider conducting independent exit interviews to determine why employees leave the agency.

We appreciate that the grand jury acknowledged the 'delicate' nature of the Sierra County economy. A county that was created in times of a resource based economy (gold, then timber) has struggled to find a new economy on which to thrive. Our geography, vast public lands, CEQA and other regulations, and the wishes of residents, all impact the ability to find a viable future. Those areas of Sierra County adjacent to the Nevada state border likely have the best opportunity for the future, but also the downside of impact on the residents of those areas as the Reno metropolitan area attempts to spread to the west and up against our common border.

Once again, this board appreciates the work and effort of all involved as members of the 2016-2017 Sierra County Grand Jury. For some time, this board has recognized that many grand juries make recommendations with financial demands but rarely or ever offer a firm solution for adequate funding or offer up a current program to be cut or curtailed to pay for the new suggested priority. That would be helpful, and is what this board painfully faces during our annual budget preparation as we struggle to make the very best decisions we can in balancing priority against priority in the best interests of all.

Sincerely,

SIERRA COUNTY
BOARD OF SUPERVISORS

By: 
PETER W. HUEBNER
Chair

Lee Adams
District No. 1
P.O. Box 1
Downieville, CA 95936

Peter W. Huebner
District No. 2
P.O. Box 349
Sierra City, CA 96125

Paul Roen
District No. 3
P.O. Box 43
Calpine, CA 96124

Jim Beard
District No. 4
P.O. Box 1040
Loyalton, CA 96118

Scott A. Schlefstein
District No. 5
P.O. Box 192
Loyalton, CA 96118