

CONTINUITY REPORT

REQUESTED AND INVITED RESPONSES RECEIVED TO PORTIONS OF THE CIVIL GRAND JURY REPORT OF 2017-2018

Reports responded to:

- Charlie Byrd Youth Corrections Center
- Day Reporting Center (DRC)
- Deadwood Conservation Camp
- Delphic School District
- GAP Fire
- JH Ranch Revisited
- Siskiyou County Jail

Pursuant to Penal Code 933.05, government entities may be requested or invited to respond to the findings and recommendations of a civil grand jury. It is the duty of the Civil Grand Jury to inform the public of those responses and whether they were submitted in a timely manner.

If you would like additional information on the reports herein referred to, please see the 2017-2018 Civil Grand Jury Report on the County of Siskiyou website at www.co.siskiyou.ca.us.

For ease of reading, Findings are indicated by the letter F followed by its operative number, i.e., F1 for Finding number 1. Recommendations are delineated in the same manner, i.e., R1 for Recommendation number 1 and so forth. Responses are written in *italics*.

CHARLIE BYRD YOUTH CORRECTIONS CENTER

Summary: This facility was originally built to house detained youth for a determinate amount of time. Within the last two years, this facility has undergone a major change in operations. The Siskiyou County Probation Department was requested to respond.

F1: The Grand Jury found that Charlie Byrd Youth Corrections Center is well managed and operating efficiently. The staff is well trained, the center is clean and properly maintained. By transporting youth to the Tehama County Juvenile Hall, the cost per youth is lower than full-time on-site housing.

R1: Educational and social opportunities should be continued and expanded.

F2: Youth are monitored from a centrally operated control room with oversight over the entire facility.

F3: Educational opportunities are excellent and well managed to insure juveniles are given every opportunity to improve themselves.

Response (Siskiyou County Probation Department)

We would like to thank the Grand Jury for their time and appreciate all of the feedback they provided. This is a time of transition for the CBYCC. We have fully transitioned from a detention facility to a Juvenile Day Reporting Center. There have been many challenges that we have worked through to establish the program. We are now at the point where we are working on the following:

1. *Growing and expanding programs to meet the needs of the youth in our county. This requires constant program evaluation and willingness to change what isn't working. We are also expanding opportunities to assist youth in finding employment and learning key life skills.*
2. *Beginning to identify and work towards relocating the program for the new jail project. It is imperative to the department that we maintain the program to continue to serve the youth of Siskiyou County and help them become successful adults. We are using detention at Tehama County as a last resort for youth, instead we are proactively using programs and partnerships with the schools to address youth before they are fully in the system as delinquent youth.*
3. *Meeting the needs of the youth detained in Tehama. Those that are detained pose additional staffing challenges such as transportation, officer safety (those detained have been high level and charged with violent felony crimes) and ensuring that they have no interaction with the program youth. Most recently transportation has become problematic due to multiple road closures with weather and the Delta fire. Overall, CBYCC staff has worked diligently and positively to overcome these challenges and are prepared to address more of the unexpected issues that may arise.*

DAY REPORTING CENTER

Summary: To provide awareness to the citizens of Siskiyou County, of the functions, resources and services provided by the Day Reporting Center. The Siskiyou County Sheriff's Office was requested to respond. The Siskiyou County Board of Supervisors was invited to respond.

***To date, no Response has been received from the Siskiyou County Sheriff's Office.**

F1: The width and breadth of programs offered by the DRC is impressive and the cost of operations is modest, especially when compared to keeping inmates in the jail. With woodworking, gardening, animal husbandry, bicycle restoration, and education, the center offers something for everyone.

R1: The County should continue to support the programs of the DRC.

F2: The public could be more aware of the programs being offered. Non-profit groups could have more information about services offered through the DRC.

R2: Steps should be taken to raise public awareness of the DRC and the work being done on their behalf. These may include posts to social media, submissions to local newspapers, public service announcements and other informational avenues.

Response (Board of Supervisors) *The Board agrees with the findings and recommendations. The County appreciates the time and effort the Grand Jury put into the Day Reporting Center Investigation. The Board agrees and recognizes that the Day Reporting Center serves an important role in the justice system and that it has demonstrated many benefits to local communities. The staff are to be commended for their service and commitment to the program.*

GAP FIRE

Summary: The Grand Jury's goal with the writing of this report was to bring public awareness to the citizens of Siskiyou County about the increase wildfire danger, why fire intensity may be increasing and what procedures are currently in place to address those fires. The Siskiyou County Board of Supervisors was requested to respond. The Siskiyou County Sheriff's Department was invited to respond.

F1: The Gap fire started near the top of Johnny O'Neil Ridge in the Seiad Creek watershed at 6pm on August 27, 2016 and spread quickly into the Horse Creek watershed and into the community of Horse Creek where it destroyed nine homes. The rapid expansion of the fire was due to heavy fuel loading, record level ERCs and intense down slope winds.

R1: Although nothing can be done about “intense down slope winds, the issue of “record level ERCs. due to heavy fuel loading can and should be addressed. The Siskiyou County the Board of Supervisors (BOS) is the representative voice for the citizens of Siskiyou County. We therefore, recommend the BOS take a proactive role in putting pressure on any and all legislation at the Federal and State level that addresses fire prevention in our County.

Response (Board of Supervisors): *The Board agrees.*

The Board should and does take a proactive role in promoting legislation that addresses fire prevention in Siskiyou County; below are actions that the County has taken to be proactive.

- *Adoption of “local emergency related to imminent threat of catastrophic wildfire as declared by Resolution 14-154”*
- *Developed and continued working relationships with responsible agencies, including CALFIRE and US Forest Service.*
- *Developed and utilized a working group with the forest Service to promote projects on public lands that would address forest health, promote responsible forest management, and support salvage projects after wildfire; among other activities.*
- *Developed relationships with Congressman Doug LaMalfa, Assemblyman Brian Dahle and Senator Ted Gaines, and have worked with these elected officials to promote and support actions directed to improve forest conditions and increase resiliency to wildfire.*
- *Actively and consistently supported bills to improve forest health, and have supported on the ground projects throughout Siskiyou County.*
- *Authored letters of support for various forest health related projects both on private and public land; including supporting the much needed Craggy Vegetation Project outside of Yreka.*
- *In October 2018 Chair Haupt and Supervisor Nixon were invited to a White House meeting to discuss issues facing California, including forestry and wildfire concerns. In addition, the Supervisors had meetings with the Deputy Director of Intergovernmental Affairs for the Department of Interior; the Undersecretary of the United States Department of Agriculture; the Chief of the Forest Service and the Deputy Director of the House Subcommittee on Federal Lands; where addressing forest health and catastrophic wildfire were a central discussion topic.*

F2: Fire crews were prevented from accessing the fire from Horse Creek due to a dangerous downfall on forest road 47N77, requiring them to move to Seiad Creek Road.

R2: As the Grand Jury is unable to influence State and Federal agencies, we recommend the BOS implore the USFS and CAL FIRE to keep all access roads clear of fallen trees and other hazards.

Response (Board of Supervisors): *The Board partially agrees.*

CALFIRE does not own any roads within Siskiyou County; however they do use authorities under Public Resources Code 4290 to implement “Minimum fire safety standards related to defensible space” for all residential, commercial, and industrial building construction within state responsibility areas. Regulations included (1) road standards for fire equipment access, (2) standards for signs identifying streets, roads, and buildings, (3) minimum private water supply reserves for emergency fire use, and fuel breaks and greenbelts. CALFIRE also uses authorities under PRC 4291 to ensure that those who own, lease, control, operate, or maintain a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush covered lands, grass covered lands or land that is covered with flammable material to maintain defensible space in accordance (sic)the language as outline in 4291.

In reference to Forest Service system roads, although we agree that maintenance of roads is important, we do not have the authority to regulate Forest Service activities or maintenance of their road systems.

F3: The exact cause of the Gap fire remains unknown but is attributed to human activity as the weather was clear.

R3: Unable to find out if the investigation into the cause of the Gap Fire is ongoing, we recommend the BOS open its own investigation to find out if there may be a case for negligence or intent.

Response (Board of Supervisors) *The Board does not agree with R3.*

The County does not have the authority to open an investigation where Forest Service jurisdiction is considered. We are aware that the investigation is ongoing and that the cause for the fire has not been determined at this time.

F4: USFS states that “evacuations remained in place from August 27 until 5:30 September 7, 2016. Some local residents claim they were not notified until the next night when the fire was burning into the community and the Sheriff’s department was dispatched to facilitate evacuations.

R4: It is still not exactly clear what the methods and timelines were for evacuation notification. What is clear is that Horse Creek residents were not given ample time to evacuate. We recommend the BOS review County-wide evacuation procedures and communications protocols including the Code Red system and implement an effective plan for timely notices.

Response (Board of Supervisors) *The Board partially agrees.*

The County should routinely review its evacuation procedures to ensure procedure and communication protocols are in order. It is imperative that evacuation decisions provide as much time as possible to warn and allow residents to evacuate, the Sheriff’s Office and Siskiyou Office of Emergency Service communicate continually during an emergency event to coordinate evacuation actions and decisions. The Office of Emergency Services, local cities, law enforcement entities, and others have all done extensive campaigns to encourage residents to sign up for Code Red, which provides evacuation notices and alerts. Code Red has become a valuable tool in communicating with the public.

F5: The intensity and rapid spread of this wildfire created a traffic jam on the Horse Creek Bar Road between responding fire crews and citizens evacuating.

R5: We recommend the BOS review coordination and communication procedures between the Siskiyou County Sheriff and all fire agencies, including CALFIRE and USFS, for traffic control.

Response (Board of Supervisors) *The Board partially agrees.*

The Sheriff is an elected official who routinely coordinates with incident commanders during emergencies. The Board will encourage the Sheriff to discuss the issue at a public board meeting.

F6: There is significant Federal, State and County legislation designed to address the prevention and suppression of wildfires.

R6: We recommend the BOS do research into all the relevant legislation in order to bring more resources and funding into our County for fuel treatment and fire suppression.

Response (Board of Supervisors) *The Board partially agrees.*

State CCI funding is available to local non-profit operations aimed at addressing healthy forests projects. The County Fire Warden encourages and supports local non-profit groups, such as Fire Safe Councils, to apply for and utilize these funding opportunities. Recently, the Klamath

National Forest received a large grant to complete the Craggy Vegetation Project, supported by the Board of Supervisors. Additionally, the County Fire Warden and volunteer fire entities take advantage of various grant opportunities to enhance fire suppression efforts. The Fire Safe Council of Siskiyou County has monthly meetings that are attended by local Fire Safe Councils, the County Fire Warden, CALFIRE, and the Forest Service. During these meetings there are discussions about grant funding, current and planned projects, training, current fire season status and staffing. At these meetings the Fire Safe councils are encouraged to plan projects with their local CALFIRE and/or Forest Service personnel to build cooperative fire prevention and fuel reduction projects that meet the needs of the community as well as the fire service. Lastly, in Fiscal year 2017/2018 the General County Fire received several donations including a Fire Engine, a Type 1 Fire Engine and a Flat Rack Truck; with a total estimated value of \$54,270.

F7: In spite of the legislation mentioned in F6, not enough is actually being done and two federal bills that should help prevent future wildfires, H.R.2613 and H.R.2862 have been sitting in committee for 9 months.

R7: We have attempted to find out why H.R.2613 and H.R.2862 are tied up in committee but have had no response from either our Representative or Senator. We recommend the BOS contact them to determine what can be done to get this vital legislation enacted.

Response (Board of Supervisors) *The Board partially agrees.*

County staff contacted Congressman Doug LaMalfa's office who informed us that these bills have not had any success since their introduction in 2017. However, Congressman LaMalfa's office continues to support and work on bills that allow for increased active forest management and resiliency to wildfire, and Congressman LaMalfa recently met with Secretary of Interior Ryan Zinke, and Secretary of Agriculture, Sonny Perdue during their visit to northern California to tour the Carr fire destruction and discuss forest health and wildfire issues facing California.

F8: Most professional foresters agree that "Active forest management is the most important tool in reducing greenhouse gas emissions and lowering the threat and severity of wildfires..." (Stewart 2010).

R8: Active forest management is necessary to the health and welfare of our citizens and the forest itself. If H.R.2613 can be encouraged through active involvement of our BOS, perhaps a clear path forward in how we can approach the responsible management of our County's natural resources can be obtained.

Response (Board of Supervisors) *The Board agrees.*

The Board will continue to actively support this type of legislation.

F9: There are 22 local Fire Safe Councils in Siskiyou County tasked with fire prevention (fire-safeing) on private property and, while most are very active, there is a lack of funding and coordination.

R9: The 22 local Fire Safe Councils in Siskiyou County are the only resource we have to assist private property owners in making their homes more safe from wildfire. Most of these local Councils act independently to acquire funding, buy equipment and hire workers to perform this vital task. We recommend the BOS involve the County in the Fire Safe Council of Siskiyou County with the goal of bringing all local FSCs under one organization for the purpose of efficiency. i.e.: sharing of equipment, workers and other resources, bringing paperwork, reporting, grant writing and fund raising under one roof and ensuring all local FSC's receive their fair share of such.

Response (Board of Supervisors) *The Board does not agree.*

While the Board agrees that coordination of information and sharing of resources is important, Fire Safe Councils are not within the jurisdiction of the County. The County Fire Warden will continue to encourage Fire Safe Councils to coordinate and share resource whenever possible.

DEADWOOD CONSERVATION CAMP

Summary: In accordance with State of California Penal Code 919(b), “the Grand Jury shall inquire into the condition and management of the public prisons within the county.” This conservation camp falls within the jurisdiction of a public prison. The Grand Jury inspected the camp as directed. Responses were requested from the California Department of Corrections, CALFIRE, Siskiyou County Sheriff’s Department, and Siskiyou County Board of Supervisors.

***To date, no Response has been received from the Siskiyou County Sheriff’s Office.**

F1: Deadwood is well run and provides an important service to the state at reasonable cost. The respect shown between Department of Corrections officers and CALFIRE officers was evident. The inmates do a beautiful job maintaining the grounds and the facility and the food provided in the dining area is outstanding.

R1: Keep up the good work.

Response (Board of Supervisors): *The Board agrees.*

The Board of Supervisors recognizes and appreciates the contribution that Deadwood makes not only to the County but to the State’s firefighting efforts. The County has partnered and/or utilized their services/skills on a variety of projects. The Board considers Deadwood to be a valuable county resource and encourages departments to continue to utilize their services.

Response (CALFIRE): *No response necessary.*

Response (California Correctional Center): *Our Mission strives to present a professional and respected image to inmates, peers and the communities we work with and live in. Our conservation camp staff are diligent in the jobs they perform and the opportunities the inmates receive. As a result of this dedication and focus, several of our inmates have been hired with CALFIRE as firefighters after they have paroled.*

F2: The cost of housing an inmate placed in a county jail facility has been reported to average \$70 per day. The cost per inmate in Siskiyou County is approaching \$135 per day in a facility that is filled to capacity. The cost charged to a county jail by contract to the Deadwood Conservation Camp is \$10 per day. The reason for this difference is the result of CALFIRE involvement for wildfire operations which offsets the cost. Currently there are 19 vacancies at the Deadwood Camp. Siskiyou County does not currently utilize Deadwood as an extension to the County Jail. Very few jail inmates would likely be eligible for incarceration at Deadwood, due to the nature of their sentences; however, each inmate that could be sent to Deadwood means another jail bed available for another inmate.

R2: Steps should be taken to fill vacancies whenever they occur. The fact that Deadwood resides in Siskiyou County should encourage coordination between county and state law enforcement agencies to reduce costs and provide services to the community.

Response (Board of Supervisors): *The Board partially agrees.*

*The Board will encourage the Sheriff to take advantage of opportunities to place County inmates at Deadwood. However, as noted in the report, there are a few inmates that qualify for placement. In addition, there are other program requirements, some which could have fiscal implications, that must be considered as part of any placement decision. *

Response (CALFIRE): CALFIRE has provided contact information to the Siskiyou County Administrative Officer and a California Department of corrections and Rehabilitation(CDCR) representative to communicate and discuss the details of housing Siskiyou County inmates at a State conservation camp.

Response (California Correctional Center): Even though CDCR does not currently have a contract with Siskiyou County, we would be more than willing to hold discussions with the Siskiyou County District Attorney and Sheriff's Department to discuss setting up a contract for the area.

Inmates who are eligible for placement at a conservation camp will be assigned to one of 18 Northern conservation camps. Only about two (2) percent of the inmate population can be cleared for camp, due to physical and medical restrictions. However, those that cannot be cleared as fire fighters can be go as special skills.

F3: There are no onsite medical facilities at the camp. Fire teams are well trained in emergency medical treatment and normally take care of minor injuries. Those requiring additional care are transported to advanced medical facilities as needed.

R3: Deadwood staff should look into ways to better equip inmates to handle life on the outside. The Siskiyou County Day Reporting Center in nearby Yreka makes this type of training a priority.

Response (Board of Supervisors): *The Board disagrees.*

Because Deadwood is operated by the State of California and not the County, the Board is unable to comment on operational findings and recommendations related to programs or services offered.

Response (CALFIRE): The CDCR is responsible for the health and welfare of all inmates assigned to Deadwood Camp.

Response (California Correctional Center): *Currently, CCC and Deadwood Camp offer multiple vocational and rehabilitative programs. By providing these programs, our inmates are receiving the tools they need to reintegrate into society. CCC has also established correspondence and face to face programs at all 18 Northern conservation camps to allow inmates to earn a General Education Diploma, "GED" and college education. We continue to explore new programs and expand on our established programs to provide further opportunities for our inmates.*

F4: Deadwood could place more emphasis on training inmates to handle the responsibilities of life outside of prison.

R4: The size of the staff and inmate population should require a dedicated onsite medical facility or station to deal with injuries that do not require evacuation to an advanced care center.

Response (Board of Supervisors): *The Board disagrees.*

Because Deadwood is operated by the State of California and not the County, the Board is unable to comment on operational findings and recommendations related to on-site medical services.

Response (CALFIRE): *Deadwood Camp provides numerous training opportunities for inmates to learn and develop skills necessary to be successful in life outside of prison. The following examples are skills that may be learned while assigned to Deadwood Camp are: wildland firefighting, automotive repair, metal fabrication, woodworking and landscaping.*

These skills are reinforced by establishing a strong work ethic that prepares individuals for life outside of prison.

Response (California Correctional Center): *CDCR inmates are subject to rigorous medical standard evaluations prior to placement in our conservation camp program. All conservation camp staff are required to stay current in Cardiopulmonary Resuscitation “CPR” and First Aid training. Automated External Defibrillators “AEDs” are on site and in each crew bus for use in the field. Over-the-Counter medications are available to each inmate at designated times., special request, and even through purchase at canteen. Nurses and medical providers are available 24 hours a day via telephone from CCC. A weekly bus schedule provides transportation for inmates back and forth to CCC for medical and dental appointments. Urgent and emergent needs are met as they would be inside of the institution in that, urgent and emergent services are provided by outside care providers.*

DELPHIC SCHOOL DISTRICT

Summary: A citizen’s complaint brought issues of interest to the Grand Jury. An investigation ensued and the following is a result of that investigation. The Delphic Elementary School Board was requested to respond to all recommendations. The County Clerk was requested to respond to F3 and R3. ***To date, no Response has been received from the Delphic Elementary School Board**

F1: All board members are related to each other and live on the same property.

R1: While it is not illegal for board members to be related, voters within the Delphic School District boundaries who find this objectionable should strive to elect new board members.

F2: Boundaries of Delphic School District are very small (about seven square miles). 58 of the 60 enrolled students live outside of the district boundaries.

R2: Parents and the School Board should explore ways to increase boundaries or negotiate with another district to possibly merge districts.

F3: School Board members are all on the same election cycle.

R3: The District and the Siskiyou County Clerk’s office need to work together to address the staggering of elections for board seats.

Response (Siskiyou County Clerk): *As the report states, the Delphic School Board consists of a three member Board, which do have staggering terms. With the November 2016 election cycle all three Board Members Positions were open to candidate filing; which could give the impression that all Board Members have the same election cycle; however, two positions were for full-term positions with terms ending in 2020 and one position was for a short-term with a term ending 2018.*

For the November 2018 election, there is only one position up for election and that is for full-term position for term ending 2022. The remaining two members will not be up for election until 2020.

F4: It appears that the School Board did not act upon information shared by parents and staff concerning allegations of employees behaving in an inappropriate manner towards students and/or adults.

R4: The School Board needs to act immediately upon any and all concerns brought to their attention concerning student and/or staff safety and well-being. In accordance with the Brown Act regarding confidentiality in closed session, the Board should find a way to inform concerned parties that their complaints have been addressed.

F5: School Board members list the school phone number in lieu of individual contact information. The school takes messages and passes them on to the correct board member.

R5: School Board members, at a minimum, should have individual voice mailboxes set up through the school. Board members should continue to maintain their individual e-mail addresses.

F6: The School Board knowingly violated the Brown Act in regard to closed session.

R6: All School Board members must attend the next scheduled Small School District Board training session re: the Brown Act.

JH RANCH REVISITED

Summary: The Grand Jury received numerous complaints on the impact the operations of the JH Ranch have on the citizens of Scott Valley. The Siskiyou County Board of Supervisors was requested to respond to R4 – R8. The Siskiyou County Administrative Office was requested to respond to R5. ***To date, no Response has been received from the Administrative Office.**

F1: Exemption Status:

Questions have been raised about the tax exemptions JH Ranch receives.

JH Ranch's properties have a religion based "welfare" exemption from Siskiyou County property taxes. An organization may claim a welfare exemption in California by obtaining a federal 501(c)3 status and providing additional documentation to the county including a description of their qualifying activity. JH Ranch states that it is a faith based organization.

The County Assessor, Treasurer and Counsel's offices have verified JH Ranch's qualifications for the welfare exemption. Although it took a number of attempts, JH Ranch eventually provided the required Irrevocable Dedication Clause and the necessary language in their statements to qualify both their developed and their adjoining empty parcels. (An Irrevocable Dedication Clause states that the property is irrevocably dedicated to purposes qualifying for the exemption.) For an empty parcel a statement is required, in essence, to state that they use the land for activities associated with their primary qualifying purpose – in this case spiritual walks and/or solitude. The Grand Jury found that the County has done a thorough job of verifying JH Ranch's welfare exemption status.

F2: Fiscal Impact

Property and sales taxes are important sources of discretionary revenue for the County and are crucial in addressing local priorities. (The "Economic Contribution" section below uses financial information submitted by JH Ranch which combines the Scott River Lodge and Ranch operations so the tax totals stated here must also be combined.)

Property Taxes

For tax year 2017-18 JH Ranch's French Creek exempted holdings have an assessed value of \$7,726,274. The Scott River Lodge has an assessed value of \$3,855,972. The combined exempted value is \$11,582,000. This is the third largest welfare exemption in Siskiyou County after Fairchild Medical Center in Yreka and Mercy Medical Center in Mt. Shasta. The property tax loss to the County due to the JH Ranch tax exemptions is about \$115,820. JH Ranch pays approximately \$3,700 in other property taxes such as parcel taxes. Net loss to the County due to JH Ranch tax exemptions is about \$112,000 annually.

The proposed Plan Amendment currently being considered by the Planning Department does not appear to have any property tax consequences as the additional seven parcels are already tax exempt.

JH Ranch is also exempt from paying the transient occupancy tax (paid by entities that provide lodging such as motels). It pays no federal or state income taxes and is not required to obtain a business license.

Sales Taxes

Sales taxes collected within a county by the state can be sent directly to the county (1.00%) and cities (0% – 0.5%) or indirectly through sales tax funds returned to local governments for specific purposes and programs. These state redirected taxes can amount to an additional 2.25%. The sales tax calculated here assumes the maximum combined rate of 3.25% (given Siskiyou's 7.25% county rate for JH Ranch's location). Some goods are taxed at different rates or are excise based (gas for example) which requires a different estimation approach and is accounted for here. Not all tax rate changes coincide with the calendar year, but the assumption here is that they do. Therefore a maximum tax payment is estimated.

The portion of sales and excise taxes contributed by JH Ranch to local government is estimated to be \$6,900 on taxable purchases of \$209,000.

F3: Economic Contribution

Questions have been raised about JH Ranch's economic contribution to the community.

JH Ranch provided summary financial data for 2017 to allow the GJ to make a brief description of the economic impact on the Siskiyou County economy. (The GJ was limited in its ability to verify JH Ranch provided data.) The financial data provided combined both the Ranch and the Scott Valley Lodge activities; this description will also combine those two operations. These contributions include local payroll and locally purchased goods and services. Some additional fiscal and financial contribution can be attributed to expenditures that remain local for additional spending cycles (sometimes called "multiplier effects") but these effects often diminish rapidly. The estimation of net economic impact is complex and beyond the scope of this report.

JH Ranch reported a payroll of \$865,450 which included 17 full time and 18 seasonal employees. They reported \$349,450 spent on local services and an additional \$416,350 on the purchase of goods (both taxable and non-taxable). Most of JH Ranch's employees are housed on site and in the summer are fed on site which may affect the local economic impact of employee compensation. The portion of expenditures that remains local is likely to be larger than in other counties due to the number of independent local vendors. It may be reduced by the county's proximity to Oregon - a tax-free state - if use taxes are not collected.

JH Ranch makes local charitable donations (food and college scholarships) of about \$9,000 per year.

F4: Local Impacts

There is no doubt that the growing JH Ranch operation has had negative impacts to residents in the area in terms of traffic volume, noise and road safety. JH Ranch has made some efforts to minimize the impacts but the size and nature of the operation limits what it can realistically do.

At the start of each 2 week session JH Ranch brings guests in from out of state by flying them to Sacramento and then driving them to the guest ranch in three chartered busses arriving at night. They depart the same way, also leaving at night. During their stay they take excursions for off-

site activities. There are commercial deliveries, the daily traffic of JH Ranch employees, and ongoing construction related traffic. The impact is felt by everyone along the route. On a county road that is used by pedestrians, bicyclists, and equestrians French Creek Road can become crowded and at times hazardous. Noise levels from on-site music and activities have also been a local concern.

In 1980 the greater Scott Valley community developed a set of guidelines for future development in their area. The Scott Valley Plan was adopted into County Code in 1980 – before JH Ranch began guest ranch operations but after the original campground was well established. The Plan states as one of its goals that “all uses of the land shall occur in a manner that is compatible with other existing and planned land uses”. The language may not be specific enough to preclude a guest ranch but it could easily be argued that JH Ranch’s size exceeds the spirit of the document.

The County does not currently have a noise ordinance.

R4: Increased congestion and loss of what all of us consider an earned right to the quiet enjoyment of our local environment is a statewide phenomenon. It is not likely to decrease in the foreseeable future. That does not mean that nothing can be done about it. There are likely few legal remedies which mean that personal responsibility will play an important part. Everyone that uses these roads must attempt to mitigate their impact by obeying speed limits and slowing down further when sharing the road with a horse or pedestrian.

The County should adopt an enforceable noise ordinance as has been done in many other California counties.

The County Road Department should install additional speed limit and “Share the Road” signs on French Creek Road. The occasional visit by law enforcement might also help.

JH Ranch should find ways to further reduce noise and traffic levels.

Response (Board of Supervisors): *The Board partially agrees.*

The Board agrees that all users of the road should obey traffic laws and be courteous to others using the road. Public Works has posted the roads as needed for law enforcement to cite traffic law violators. Public Works is not inclined to install “Share the Roads” as these signs are typically used to alert vehicle traffic to frequent or heavy bicycle use on particular road sections. The Board also agrees that the County should consider adopting a noise ordinance.

F5: Staffing

Employee turnover has been an issue in the Community Development Department as a whole and has had a particularly large impact in the Planning Department. The problem is most noticeable among department heads and skilled positions where it is common for employees to leave after just a year or two of service. These positions often remain vacant for months. This turnover has caused a loss in morale and productivity for many years. It can take a number of months for a planner to come up to speed on existing projects which causes both existing and new applications to get delayed. There are members of the community who have waited years for their applications to be processed and have grown frustrated by having to work with so many different Planning and CDD directors in Siskiyou County.

At the time of this report’s submission the County has been without a Community Development Director and senior planner for many months. It also has no building inspectors – both having left for pay related reasons. The prospects for finding replacements for these positions appear bleak. This is due in large part to labor market conditions for community development professionals. Following the economic downturn from 2008 to 2013 many professionals left the

field, or retired, leaving a general supply shortage. At this point the compensation offered in Siskiyou County cannot compete with most other counties.

The County's recruitment efforts appear to be reasonable. They include postings on many government job websites, publication in the Sacramento area, and the use of private recruiters.

Siskiyou County has always attempted to fill positions through promotion from within. This has many benefits including drawing new employees from the larger labor pool that exists for entry level positions but also has some drawbacks.

R5: The GJ recommends that the pay and benefits packages for these positions be reviewed and made more competitive. While understanding that promotion from within is an effective solution in many situations, there must be a balanced approach when filling skilled positions such as those in the planning field. It is important that knowledge gained from experience in other settings and from formal professional training and education be a part of the mix.

Response (Board of Supervisors): *The Board agrees.*

Finding qualified and experienced candidates for all vacancies in the County is a priority, but has proven to be very challenging over the past five or so years. In response, the County is systematically going through the process of evaluating and increasing salaries to be more competitive. In the past year, the County has increased salaries for approximately 35 job classifications to help address high vacancy rates. In addition, it converted to an electronic recruitment/application system and implemented several strategies that have resulted in robust recruitment and retention effort.

F6: Fees For Service

Fees for services provided by the Planning Department to applicants are very low in comparison to most other counties in the state and fall far short of the true cost of providing major services to applicants. The Department estimates the costs for some major services run ten times what the fixed fee recovers. For example, the cost of doing a California Environmental Quality Act (CEQA) review can exceed \$10,000 and the flat fee that the County charges is about \$1,000.

This has been a policy that the Board of Supervisors (BOS) strongly supports despite periodic requests from the Community Development Department for increased fees. Their rationale is that recovering the cost of these services would discourage business development and in turn reduce future tax revenue generation. It is reported that this also stems from their general belief that "less government is better".

In a Grand Jury survey of the ten California counties closest to Siskiyou (Del Norte, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Butte), all but Trinity incorporate some form of full cost recovery into their fee schedule. Many of these counties have similar economic characteristics to Siskiyou.

Siskiyou County's largest cities - Yreka and Mt. Shasta - also implement full cost recovery for similar major services.

An additional benefit of a material commitment to the application and review process would possibly be that applicants would take the process more seriously – a notable lacking in some of the efforts put forth.

R6: It makes market sense that service fees could deter development by adding to its cost. It would have the most impact on those organizations that have the least available resources. However, there is a valid concern that general taxpayer subsidies for private development are not appropriate when applied in this indiscriminant form and when more equitable and efficient methods of encouraging development are available. These alternatives include economic

development corporations, Small Business Administration loans, and the various organizations that support non-profits through grant funding.

The additional revenue that full cost recovery could generate would be rather small – estimated by the Planning Department to be around \$100,000 per year. However, given the difficulty with budget limitations that this county is currently experiencing it would seem reasonable that the County take another look at their current policies. From an accounting and public transparency perspective it is always helpful for expenses to match up with revenue.

The County should do its own survey of cost recovery methods used by other California county planning departments – including their analysis of development impacts - and adopt policies that are in line with California standard practices. If there is evidence of adverse impacts to development by these fees then the County should consider offering other types of inducement targeting the smaller businesses and organizations most affected. Once again, targeted inducements have greater transparency and efficiency. The survey should be made public and any decisions concerning County policy should be discussed in a public venue.

The GJ requests that the survey and public discussion take place by December 1, 2018.

It should also be noted that while the principle of “less government” is useful to keep in mind, it is only applicable after the full responsibilities of government are executed.

Response (Board of Supervisors): *The Board partially agrees.*

As a general matter, County fees for services related to property development cannot exceed the cost of providing the service for which the fees were collected. As part of the Board’s process to establish fees, departments, to the best of their ability, are required to conduct cost studies and then present the actual cost of providing various services to the Board. The Board must then decide where to set those fees balancing a number of competing factors. Such competing factors include 1) the Board’s desire to maximize cost recovery for services, while still ensuring that citizens may rightfully have access to services without burdensome costs; and 2) the Board’s desire to see activities subject to fees provide economic or other community benefits, while still being cognizant of the limits of available discretionary tax revenues to subsidize such fees. Reduced fees also represent a public policy tool that can promote public safety by encouraging compliance by those who could not afford to comply should a service be available only at full cost. The Board will continue to be cognizant of the constructive property development cost recovery and transparency concerns raised in the report when setting fees for services.

It is worth noting that many small rural counties struggle with providing services at a reasonable cost, not only because they face tighter budgets, but also because their lower population densities result in small pool of service applicants, and as a consequence they are unable to recoup costs through the low-cost, high volume model utilized by some of their urban or suburban counterparts.

F7: Code Enforcement

Over the years there have been numerous letters written by the County to JH Ranch or its attorneys demanding that they comply with code and occupancy requirements. (One of these letters was written by the Director of Community Development at the request of the 2008 GJ report.) The letters have often threatened legal action. To date there has never been any citation or legal action taken by the County in response to a non-compliance issue at JH Ranch.

There are various reasons for this. Like most counties, the preferred method to resolve code violations is to issue a “Notice of Violation” and ask that the owner fix the problem. Most violations are corrected within a stated time limit. If the violation is not resolved then the

County has the option to issue an administrative or criminal citation. In Siskiyou County it can take 3-6 months to issue a citation. The County does not often resort to either type due to the time and effort involved and their limited effectiveness in getting compliance. With a maximum fine of \$100 recovered from the owner (when it is prosecuted as an infraction) there simply isn't much of an incentive for the property owner to comply. The issuance of a citation, and its prosecution as an infraction, does not compel an owner to correct a violation – it only compels the owner to pay the fine. Although escalating fees are an option included in the County Code, that option is rarely pursued. The County would argue that using the Department's limited resources to achieve compliance from those willing to comply is far better than trying to get compliance from those willing to ignore the law and suffer the consequences.

Another issue raised by the Community Development Department is described as a “don't ask permission, ask forgiveness” attitude that illustrates the numbers game that is played by many property owners. There are so few code enforcement officers in such a large county that the “numbers” are on the property owner's side. This same expression was used by JH Ranch to describe their approach during prior years.

R7: The County should make full use of escalating fees if for no other reason than to assess their effectiveness.

Response (Board of Supervisors): *The Board agrees.*

Although Recommendation 7 uses the term “fees”, the Board interprets Recommendation 7 to refer to administrative fines based on the paragraphs that proceed the recommendation. While the Board agrees that escalating fines can be an effective tool in obtaining compliance in cases where violators are unwilling to voluntarily abate code violations; here, Planning Department staff, in recognition of the complexities of the underlying disagreement with JH Ranch over the limitations of its 1993 zoning approval, and based upon the applicant's expressed desire to come into conformance, are attempting to address code compliance issues through a voluntary amendment to JH Ranch's Planned Development District zoning or development plan.

However, the Board supports use of administrative fines as a code compliance tool when appropriate. In July 2018, the Board took action to amend the County Code to simplify and streamline the code enforcement process, decrease the time for violators to abate violations, establish a framework for maximizing the corrective effect of fines on violators and authorize use of hearing officers to hear and decide administrative code enforcement matters.

F8: Moving Forward

The recent changes in JH Ranch's management and their efforts to resolve outstanding permits and code violations are positive signs as is the County's intentions to get a new Plan Amendment in place. A tentative agreement on how CALFIRE's 4290 road requirements might be met and JH Ranch's stated intentions to begin the engineering work on that project are also steps forward. Overall, this may present the best opportunity in many years for the County and JH Ranch to get a plan amendment completed and bring some degree of closure to the Scott Valley community.

R8: Provided that all sides in this issue are willing to compromise in the spirit of community, the GJ recommends that a PDPA based on JH Ranch's March 2018 proposal be completed subject to the following conditions and recommendations:

JH Ranch

JH Ranch must respect the rural nature of the community they live in. Your neighbors chose this location for the same reason you did.

JH Ranch has stated that, even if the PDPA currently under consideration is approved, it may seek further expansion in the future through rezoning. In exchange for the County's acceptance of the 53 person occupancy expansion in the PDPA, JH Ranch should pledge publicly that it will not seek any future expansion of its operations in the vicinity of French Creek.

JH Ranch must complete the 4290 modifications as required by CALFIRE or as preempted by the County. This is a life and death issue.

Neighbors

The anti-JH Ranch signage should be removed. It degrades the rural experience and community tone in ways similar to traffic noise. At this point they do not serve any valuable purpose.

County

The occupancy limits stated in the March 2016 PDPA proposal should be adopted with the following provisions:

1. That it specify clearly the maximum number of guests and the maximum number of employees that can be housed within the planned development to prevent shifting of employees into adjacent housing in order to increase the guest count over time. This must be legally enforceable.
2. That it specify the number of “transition nights” (2) in which the occupancy is allowed to grow beyond the base level.
3. That it specify any seasonality or program descriptors for which occupancy limits apply.
4. It should not allow outdoor concerts or similar special events. It is the premise of the Ranch that it operates as a spiritual and contemplative environment. That is part of the self-declared basis of its religious welfare exemption. To deprive others in the area of a similar quiet enjoyment of their neighborhood would be inappropriate.
5. Given the sizable annual tax break JH Ranch receives from the County, the County should not accept financial responsibility for any of the 4290 road improvements.

Response (The Board of Supervisors): *The Board partially agrees.*

The county continues to seek compliance with all County Codes and agrees that resolution of the matter is needed. While the Board appreciates the recommended conditions of approval, it is cognizant that when the County makes binding determinations which directly affect the legal rights of individuals, it is imperative that the Board follow a process traditionally associated with the judicial process and which is set forth in its County Code. The Planning Department will include the Grand Jury’s recommendations in the record with the other public commentary it receives when the project comes before the Planning Commission.

It is important that the public understand that any amendment to the zoning or to the Development Plan for JH Ranch’s Planned Development District will come before the Planning Commission for a public hearing, and thereafter, upon the Commission’s recommendation, the matter will come before the Board of Supervisors for a public hearing. These public hearings will be publicly noticed. During these public hearings, concerned citizens have the opportunity to appear before decision makers and voice their opinions, concerns, and suggestions about the proposed project. Those who cannot attend these hearings can still be heard by sending correspondence to the attention of the Planning Commission Executive Secretary or to the attention of the Clerk of the Board prior to the Commission’s and Board’s respective public hearings. This public hearing process is meant to ensure fairness to everyone and to allow everyone to both be heard and to understand and appreciate how the Commission, alternately, the Board, reaches its decision.

The county Public Works Department has not made any commitments or entered into any agreements to make road improvements for the proposed project. However, it will continue to work with all parties to ensure the road sections are safe for all users.

SISKIYOU COUNTY JAIL

Summary: The Grand Jury elected to visit and inspect the Siskiyou County Jail and report its findings and recommendations. The Siskiyou County Board of Supervisors and the Siskiyou County Sheriff's Department were requested to respond. ***To date, no Response has been received by the Siskiyou County Sheriff's Department.**

F1: The existing jail does not meet the needs of the county and affects law enforcement's ability to enforce laws and maintain safety. The need to expand capacity beyond the physical limitations of the current jail facility cannot be overstated. Inspections and visits dating back many years have identified similar deficiencies in jail operations directly related to design versus adjusted capacity. It is evident that a larger, better, and more expandable jail facility is desperately needed. The only practical solution currently on the table to deal with this problem is the proposed conversion of the Juvenile Center to an adult detention facility.

R1: The Siskiyou County Civil Grand Jury recommends the proposed juvenile center conversion be further explored, developed, and implemented if practical.

Response (Board of Supervisors): *The Board agrees.*

The County has taken action to move forward with construction of a new jail. In November 2018, the County expects to receive authorization from Board of State Community Corrections to advance to the next phase. The Board has developed a funding plan in anticipation of state approval to move forward with the construction project. This year alone, the County has set aside in excess of \$2,500,000 to fund the project.

F2: Medical doctors on site (the jail currently has two) do not currently perform body cavity searches on site. This creates additional costs for transportation and hospital fees.

R2: Pursuant to California Penal Code §4030 et seq., on site qualified medical personnel should perform body cavity searches at the jail facility.

Response (Board of Supervisors): *The Board disagrees.*

It is the Board understanding that jail has one physician that provides medical care to inmates. Further, it understands that the jail is not aware of any body cavity searches that have been performed in the past 25 plus years. As such, there have been no physician or transportation costs associated with body cavity searches. The Board is not in a position to opine on this issue and will leave the decision on whether to transport inmates to the local hospital or have the physician conduct the search on site to the medical decision makers.

F3: An arrestee processed at the County jail is often released onto the streets regardless of where they were arrested in the county. This places a burden on the arrestee, who has no way to return to their home. Local resources must then be utilized to accommodate those who live in other areas.

R3: Siskiyou County residents released from jail should be assisted in being returned back to their community, to alleviate the burden on the City of Yreka. This could be accomplished by contacting individual or public transportation. Using vouchers and placing a designated bus stop at the jail location could simplify arrangements. Ways to assist those living outside the county should be explored in a manner that does not place an additional cost burden on the County.

Response (Board of Supervisors): *The Board agrees.*

The Board recognizes release of jail inmates from the County jail has impacts on the City of Yreka. The County is open to discussing those concerns with the City and finding ways to mitigate impacts.