



# Superior Court of California County of Colusa

**JEFFREY A. THOMPSON**  
PRESIDING JUDGE

532 Oak Street  
Colusa, CA 95932

**JASON B. GALKIN**  
COURT EXECUTIVE OFFICER  
CLERK OF THE COURT  
JURY COMMISSIONER

**ELIZABETH UFKES OLIVERA**  
ASSISTANT PRESIDING JUDGE

PHONE: 530-458-5149  
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## MEMORANDUM

**TO:** Governmental Officers and Interested Parties

**FROM:** Colusa County Grand Jury

**SUBJECT:** Colusa County Grand Jury 2015-2016 Final Report

**DATE:** August 8, 2016

Enclosed please find a copy of the 2015-2016 Colusa County Grand Jury Final Report.

A copy of California of California Penal Code Section 933 is attached which provides for comments in response to the Report.

## California Penal Code Section 933

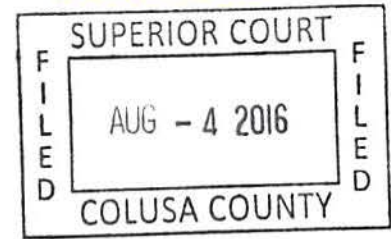
(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

**ENDORSED**



**COLUSA COUNTY  
GRAND JURY FINAL  
REPORT  
2016**

# 2015-16 Colusa County Grand Jury

Honorable Jeffrey A. Thompson, Presiding Judge  
Superior Court of California, County of Colusa  
532 Oak St  
Colusa, CA 95932

## Foreperson's Letter

I am pleased to submit the Colusa County Grand Jury 2015-16 Report.

The 2015-16 Colusa County Grand Jury had many goals that it wanted to achieve, and while being a productive year it was also a challenge.

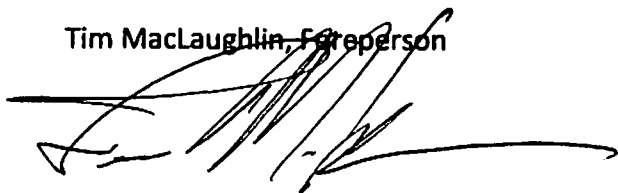
The 2015-16 Grand Jury had a very difficult time meeting its required 12 of 19 Jurors to form a quorum, and retaining members or even having them show up. By January the Grand Jury was finally able to consistently have a quorum and to lawfully engage in its voting and investigation.

I am thankful for the opportunity to serve the people of Colusa County. Most importantly I must thank the members of the Grand Jury, without their help, insight and open mindfulness along with taking time out of their busy schedules to fulfill the task at hand, this year's Grand Jury Report might not have happened. A special thanks must be given to Julie Lazarus our secretary, for always making sure the minutes were done in the most professional and timely manner.

The 2015-16 Grand Jury would also like to thank the many people that were interviewed within the county and cities of Colusa. All of the people interviewed were open and forth-coming with information needed to compile the final report.

Sincerely

Tim MacLaughlin, Foreperson

A handwritten signature in black ink, appearing to read 'Tim MacLaughlin', written over the printed name.

## **-Grand Jury Oath-**

**I do solemnly swear that I will support the Constitution of the United States and the State of California, and all laws made pursuant to and in the conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this State committed or triable within this county of which the Grand Jury shall have or obtain legal evidence. Further, I will not disclose any evidence brought before the Grand Jury, nor anything which I or any other Grand Juror may say, nor the manner in which I or any other Grand Juror may have voted on any matter before the Grand Jury. I will keep the charge that will be given to me by the court. (penal code § 911)**

## **-Final Report-**

**Each Grand Jury shall submit to the Presiding Judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the Presiding Judge of the superior court at any time during the service of a Grand Jury. A final report may be submitted for comment to responsible officers, agencies or departments, including the county board of supervisors, when applicable, upon finding of the Presiding Judge that the report is in compliance with this title. For 45 days after the term, the foreperson and his or her designee shall, upon reasonable notice, be available to clarify the recommendations of the report. (penal code § 933a)**

## 2015-16 Colusa Grand Jury

Tim MacLaughlin, Foreperson\*

Jeannette Dennis, Pro-tem\*

Julie Lazarus, Secretary\*

Araceli Alcaraz

Michael Claeys

David Condrey

Marilyn Davison\*

Kevin Dennis

Rosa Enciso

Helen Fink

Joni Kelley

Michael Kisling

Elaine Martens

Sara Mendenhall

Brenda Morton

Michelle Pineda

Cathleen Pitts

Beverly Walls

(\*) 2014-16 Grand Jury

## Your Grand Jury

Many people along with the current Grand Jury ask "what is the Grand Jury"? I myself asked this question two years ago when I was summoned. In the County of Colusa you are summons to be on the Grand Jury. More and more counties are moving towards this style due to the lack of citizens volunteering for such position. Every county in the State of California is required to swear in a Grand Jury each year. It is a part of the governmental process, and being made up entirely of random citizens throughout said county, it acts as an independent body watching over all elected officials and local government agencies. It is the eyes and ears of the people for the people.

Persons selected for Grand Jury service must make a commitment to serve a minimum a period of one year. Grand Jury members receive a nominal compensation for meetings.

Those selected that are able to make this commitment are sworn in by the Presiding Judge. New grand jurors are invited and encouraged to attend two-day training for new grand jury members. The training takes place in Sacramento or Redding and is presented by the California Grand Juror's Association. The CGJA teaches positive change through respect and proper procedures of investigation.

Being on the Grand Jury isn't an honor or a privilege it is just something that the individual citizen is asked to do. And yet at the same time you are entrusted to act as a trustee of the people of your county. It is a very interesting part of government procedure.

Because of the confidential nature of a Grand Jury's work, much of it must be done in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appeal to or fill out a complaint form will be handled in an entirely confidential manner. No one may be present during sessions of the Grand Jury except those specified by law, and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror and the manner in which a grand juror may have voted on a matter. By law it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings inevitably will impair or even destroy the effectiveness of Grand Jury efforts.

The Grand Jury may examine all aspects of county and city government and special districts to ensure that the best interest of the County's citizens is being served. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by county and city government to determine whether more efficient and economical programs may be employed. Most Grand Jury "watchdog" findings are contained in reports describing problems encountered and making recommendations for solutions.

# Colusa County Grand Jury

## Complaint Form

P.O. Box 715 Colusa Ca, 95932

### **My Concern/Complaint is about:**

Give a brief summary of the problem; i.e., agency involved, person(s) involved, dates, etc.

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### **Complainant:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Signature: \_\_\_\_\_

**All Communications with the Grand Jury are Confidential. Anonymous submission will not be considered.**



# 2015-16 Colusa Grand Jury Safe Haven

## Summary

Safe Haven is a facility where individuals find an accepting, caring, non-clinical atmosphere where he or she can feel a sense of belonging. It provides a safe, non-judgmental place for people to gather and participate in a number of projects and programs offered by Safe Haven and the Behavioral Health Department.

## History

In 2004 Prop 63 was passed imposing a 1% tax on income over 1 million dollars. These funds go towards preventive services and direct services for children, transitional age youth, adults and older adults who are identified as being severely emotionally disturbed or severely mentally ill.

The Safe Haven Drop-In center first opened in 2008. The Primary purpose of the drop-in center is to empower mental health consumers through education and peer support. The Drop-in center provides a safe social environment for people with mental illness.

Safe Haven teaches empowerment in times of crisis and social alienation due to the stigma attached to mental health. No referral is required and no fees are charged to the guest. The center provides its guests with person to person support, problem solving assistance and resource information.

## Approach

The Colusa County Grand Jury had several members tour the facility, they were greeted by the director who gave an in depth tour and was able to answer all question. The tour consisted of the entire building. Everything was neat and clean and well organized, whether it was the director's office, craft room, kitchen or the private counseling room.

The Colusa County Grand Jury also spoke with the volunteers, they were forth coming with information and happy to share the day to day activities that take place at Safe Haven. Volunteers work through the Workforce Education and Training (WET) program. The WET program is run by the Colusa County Behavioral Health Department. The WET program provides a payment via stipends to the volunteers once the person has cleared background checks as with any other county employee would have to do.

## **Findings**

None.

## **Recommendations**

R; 1 For the Safe Haven director and WET volunteers to continue the work that they are doing.

## **Response;**

None

## 2015-16 Colusa Grand Jury City of Colusa

The Colusa County Grand Jury conducted interviews with the City of Colusa Council members and the upper management staff. These interviews were not prompted by any complaints by the citizens or employees of the city but rather just a general concern for the City of Colusa and its current health.

### Public safety

The Colusa Police department has 9 officers, which is the most officers in recent years. However the department is still below the recommended number of 12 officers.

The City of Colusa Fire department has two full time employees and a large number of volunteers that make up the departments force.

City Hall has been operating on a 4 day work week for the last several years, this has worked well for the city and helps keep cost down.

### Infrastructure

The city currently has six employees to deal with streets, curbs & gutters, trees and parks. About two years ago the city started a pavement overlay and will continue for about ten years, this project is partly funded via the gas tax, and however this tax is declining.

One of the primary concerns the Grand Jury had was the health of the city's trees. The City of Colusa has a large number of very large trees. These trees in recent years have been weakened by the ongoing drought and the lack of 'deep' watering due to the sparse rain fall. This has allowed for the trees to be less disease tolerant. Other concerns included basic tree maintenance, tree replacement. Most all tree trimming and removal is outsourced.

### Growth and expansion

The city has two annex tracts of land for new housing development. One being the River Bend Estates, this would increase Colusa population and the city would be at the mercy of governmental regulation to provide additional services and affordable housing. The other is "The Crossing" located across from the fairgrounds. The City of Colusa has also annexed in the Walnut Ranch subdivision and soon the State park. The city has also modernized and increased its sewer capacity to match that for the future development.

This summer will also mark the start of a new boat launch facility in downtown Colusa. Council members have been working hard on acquiring the funds and permits over the last four years.

This new Launch facility will help increase tax revenue for the city, and make the city of Colusa a destination again to sportsman and boaters from outside the area.

City council members and the Intern city manager do solicit out of town business to come to Colusa.

### **Losses and expenses**

In the last two years the City has had losses due to suits against the City. These suites have eaten up a large amount of the City of Colusa's budgets. The major law suit was over the River Bend Estates, the council members wished to have an environmental study done to protect the city of Colusa and a developer fought against them. While the City has insurance to pay for the suits the city must pay for the litigation.

One very large expense the City has is the Police Department. As small as it is the Police Department takes a huge amount of money to run. Roughly 40-48% of the city's budget goes towards the Police Department. This is mainly due to the state mandated "Pers" contribution. The Grand Jury looked into other cities larger and smaller and found similar scenarios with funding Police Departments. Citizens may ask, why have police departments, why not let the Sheriff's department handle all the calls? The citizens would still be paying the same for extra staffing and patrolling of the Sheriff's Department.

Cal-Pers is also a huge drain on the city's budget. Since the downturn in the economy Cal-Pers has lost a large amount of its income investments. Due to these losses the city has had to increase its contribution to Cal-Pers.

2015 also marked the first year that the State of California has kept all of the Indian Gaming Funds. Since the City of Colusa has a direct connection with the local casino funds being reimbursed to the City from the State. With these funds no longer available there is just another hole in the budget.

Resale tax is also a huge loss to the City's budget. Many of the citizens shop outside of the City or for that matter the County. This is a double or triple loss for the City and its citizens. First and foremost the loss of resale tax, along with the loss of gas tax, then the need for services in the term of private business declines. This equals more vacant store fronts, less property tax, fewer employed people spending even less money locally. All Council members are in for putting a measure on the ballot for an increase in sale tax. Although the increase will go into the general fund, they are ear marked for public safety.

## **Income**

Tax income is the primary source for income, whether it is property tax, resale tax or a use tax. Yet even with all the tax being generated, the city is still just barely able to make a budget. 2016 the City is looking to increase the sale tax rate to help offset the cost of public safety, primarily the Police Department. The increase in the sale tax will bring the local sales tax up to the City of Williams tax rate. Although all Council Members voted in favor of the increase it may not be sufficient to balance the budget and help with public safety.

## **Council Members**

The Council members as a whole demonstrated that they had an interest in the governmental process, volunteering, problem solving and a understanding that their individualism is important but also to be able to function as a organizational body for the betterment of the community.

Colusa has a working governmental system which is open and following the rules of their government. They are very open for public involvement in the city government. They deal with situations that come to their attention in a responsible and timely manner. Their jobs are difficult due the lack of revenue and government mandates. They budget the best they can to deliver services to the citizens, they protect the assets to the best of their abilities, they try to insure that the government of the city runs in a efficient manner and they respect the efforts of the staff that supports them.

## **Findings**

**F1,** The City Infrastructure will continue to fall into disrepair due to the lack of employees in the maintenance department.

**F2,** The City Infrastructure will continue to fall into disrepair due to the lack of funds.

**F3,** The City Council has in recent years laid a valuable foundation for growth.

**F4,** The City Council budgets its funds very well, while providing basic needs to the citizens of Colusa.

## **Recommendations**

The Grand Jury could come up with many recommendations for the City, however these recommendations would require implementing a "new policy" or the possibility of hiring more employee's or sub contracting out work. The Grand Jury would love to say, "repave Sioc st now" but this and other recommendation's would cost money and it's money the City just doesn't have.

The City's Council members have shown the Grand Jury they can make the funds they spend, go a very long ways. They also demonstrated that they very much wish for more citizens to attend and participate in the basic functions of their local government.

**Response**

None

# 2015-16 Colusa Grand Jury East Park Reservoir

## Summary

In 2012 the Bureau of Reclamation began transferring ownership of East Park Reservoir and Stony Gorge Reservoir to the Orland Water Users Association of Glenn County. At which time the Orland Water Users Association entered into agreement with Colusa County to manage the recreation and day use of East Park reservoir. The Bureau of Reclamation contributes to the law enforcement but that will soon cease. The county continues to improve East Park Reservoir but cannot show a profit in the management.

2014/15 budget was \$104,000 and income from East Park matched that. The budget for 2015/16 was increased to \$158,000. There are 2-3 full time employees, 138 designated campsites and day use area. In June of 2016 the county is expecting a grant of \$1,000,000 from the State for a boat ramp, extended parking lot, garbage and toilet facilities at Rattlesnake Point area.

There is online reservation available at *VisitColusaCounty.com* for the campsites which require a reservation, and for easy payment of general camping camp sites. Season passes are also available for day use, and currently all county residents receive 50% off all fees.

The Grand Jury sees this as being a strong generator of resale tax and other sources of income for Colusa's Cities and the County, and providing an avenue to make "Colusa" a destination. The Grand Jury urges the County to continue to improve the amenities at East Park/Stony Ford Reservoir.

## Background

A basic function of a California Civil Grand Jury is "act as the public's watch dog by investigating and reporting upon the affairs of local governments." (*McClatchy Newspapers v. Superior Court (1988) 44 Cal.3d 1162, 1170.*)

The institution having primary responsibility for governing the public affairs of Colusa County is the Colusa County Board of Supervisors. The Board is established by state law and has legislative, executive and quasi-judicial responsibility and authorities.

An investigation by this Grand Jury into the board's actions of the county's business is entirely consistent with the basic purpose of a California Civil Grand Jury.

## Approach

Interviews were conducted with Colusa County Public Works Department Director and Assistant Director, in the management role of East Park reservoir.

## **Findings**

**F; 1. The County saw the benefit of keeping East park/Stonyford reservoir open and available to the public.**

**F; 2. The risk of taking over such a task and investment has already proven to be paying off.**

## **Recommendations**

**R; 1. The County continues the improvements at East park/Stonyford reservoir.**

**R; 2. The County continues to install more campsites that can be reserved.**

## **Response**

**None**



# 2015-16 Colusa Grand Jury Colusa County Jail

## Summary

Seven members of the Grand Jury conducted an inspection of the Colusa County Adult Facility as authorized by 919(a) and 919(b) of the California Penal code. Each year all Grand Juries are required to perform an inspection of the county's jail facility. During the inspection interviews were conducted with the Sheriff, Jail Supervisor and two of the current inmates.

## Introduction

The Grand Jurors met with the Sheriff and Supervisor. The sheriff discussed the upcoming plans for the new jail that will be built behind the current facility and connected via a secured hallway. The current facility has 96 beds and had no vacancy at time of the inspection. The tour started at the intake process where inmates are brought in for fingerprints, drug testing, and medical history. The Jurors then proceeded to the housing wing of both male and female wings.

The inmates have many services available to them while in incarcerated. A recreation area, classroom, nurse's stations and, a foreign language service.

Colusa County Behavior Health Department services inmates for mental health needs and assessments. Colusa County Office of Education supplies teachers for education.

The grand jurors interviewed a male and female inmate. Both answered questions pertinent to the jail and treatment. Both stated the staff at the jail treats inmates with respect, answered their question all the while maintaining a professional attitude.

## Findings

None

## Recommendations

None

## Response

None