



Fiscal Year 2021-2022

Inyo County Grand Jury

Final Report

FILED

JUL 20 2022

INYO CO. CLERK



Inyo County Grand Jury

PO Box 401
Independence, CA 93526

June 13, 2022

Hon. Stephen M Place
Judge of the Superior Court
For Inyo County CA

Dear Judge Place,

2021-2022 Grand Jury Report

It is our pleasure to present to you the Inyo County Grand Jury report for the fiscal year 2021-2022.

We fulfilled our specific duty to inquire into the management and condition of "public prisons" in the county (PC §919(b)) by visiting all the detention facilities in the County and writing a report.

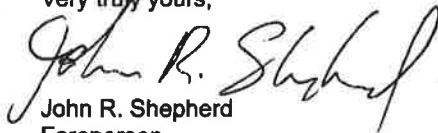
In addition to our formal reports, we did inquire into other subjects and decided either not to investigate or not to report.

Throughout the year the ten members of the Grand Jury worked well together looking for ways to benefit the citizens of Inyo County. The reports we present represent the substantial contribution by every member of the Grand Jury.

Our tasks benefited greatly by the cooperation and generosity of time of many officials of many departments and special districts of the County who will not be individually named to preserve their confidentiality. We appreciate your support and your staff, especially Alyse Canton.

Thank you for the opportunity to serve on the Grand Jury

Very truly yours,


John R. Shepherd
Foreperson.

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2021-2022 Inyo County Grand Jury

Ted Carleton

Bishop

Daniel Cutshall

Starlight

Samanta Del Giudice

Chipmunk Canyon
Foreperson Pro Tem

John Harris

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Karen Palley

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Mike Sharkey

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Introduction

In California, the grand jury system consists of 58 separate grand juries—one in each county—that are convened on an annual (July–June) basis by the Superior Court to serve a “watchdog” function, investigating and reporting on the operations of local government.

With regard to its watchdog authority, the civil grand jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records and information.

The grand jury’s fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the grand jury acts as a representative of county residents in promoting government accountability.

Serving on the Inyo Grand Jury is a privilege, a duty and an opportunity. A privilege to be trusted with the authority granted to Grand Juries in California, a duty to investigate issues thoroughly with complete objectivity, and the opportunity to serve the citizens of our County by suggesting ways to improve the efficacy and efficiency of local government.

It should be noted that the Grand Jury receives many complaints and referrals during its year of service. Each complaint is carefully reviewed. A confirmation is sent to all complainants that identify themselves explaining their complaint will be evaluated by the Jury for possible investigation. Unfortunately, in addition to its basic merits, the timing of the complaint, the number of on-going investigations, and the number of members available to investigate are also components in the decision to conduct an investigation.

The following reports represent the efforts of the ten members of the Inyo Grand Jury for the fiscal year 2021-22. We hope our findings and recommendations will lead to some incremental improvements in local government and overall benefits to the citizens of Inyo County.



2021-22 Inyo County Grand Jury Report

**Sustainability and Transparency of Home Healthcare
Services Under Northern Inyo Healthcare District**

Summary

This investigation was prompted by concerns regarding the administration and sustainability of professional home health care within the Northern Inyo Healthcare District (NIHD), which operates Northern Inyo Hospital (NIH) in Bishop. In 2018 NIHD purchased sole membership in Pioneer Home Health Care, Inc (PHHC), a nonprofit corporation providing home health care services in the Northern Inyo/Southern Mono region. This purchase gave NIHD apex executive power over PHHC. PHHC provides a valued service to citizens of the Inyo/Mono area, and it fulfills an important role for NIH. Namely, it allows NIH to discharge patients from hospital treatment into professional home health care. Prior to purchase by NIHD, PHHC operated as a separate corporate entity receiving patient referrals from NIH; at that time it was suffering from revenue shortfalls. Following the purchase, NIHD joined the leadership structure of PHHC. With the assumption of this role, NIHD acted as the de facto financial safety net for PHHC, and PHHC as a de facto subsidiary of NIHD.

Prior to the arrival of COVID relief funding, NIHD supported PHHC with cash contributions, month-to-month cash transfers, and equipment purchases. These subsidies amounted to over one million dollars and accounted for approximately a third of PHHC's income from 2018 through 2020. It is apparent to the jury that PHHC may face a challenge to its continued operation without future subsidy from NIHD. Our investigation found no subsidy or assistance attributed to NIHD in any of PHHC's publicly available documents, and less than half of the total subsidies represented in NIHD's public-facing documents. Most of the total of NIHD's budget subsidies to PHHC came from cash transfers evidently authorized by NIHD's prior Chief Executive Officer (CEO) outside of any contribution agreement. These transfers were alluded to both in email communications obtained under the California Public Records Act (CPRA) and interviews conducted by the Grand Jury but could not be fully accounted for until specific documents were obtained from NIHD by request and from PHHC by subpoena.

Given the importance of professional home health care to the patients of NIH and the Northern Inyo/Southern Mono area currently served by PHHC, the jury advises that NIHD continue to develop policies to support its home health care component in a forward-looking manner. Concerning transparency, the jury found that since the purchase, PHHC has existed in a penumbra between transparency and privacy, but there is a reasonable expectation, if not legal requirement, for transparency which emanates from NIHD as a public agency; therefore, the jury advises that NIHD and PHHC examine PHHC's transparency as a legal and de facto subsidiary of NIHD.

Background

NIHD is a special district of Inyo County that operates the Northern Inyo Hospital. PHHC has operated as a professional home health care provider for our area since 1990, first as a for-profit business, and later as a non-profit corporation beginning in 1999. As per its bylaws, PHHC provides “the care of (but not necessarily limited to) Skilled Nursing, Physical Therapy, Occupational Therapy, Speech Therapy, Medical Social Worker, and Home Health Aide to patients (especially the frail and elderly), in their home, under their physicians’ plan of care”, regardless of ability to pay, and “information, education, support and referral services to the general community.” PHHC’s 2020 Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax Form 990 states their mission as follows: “To establish and maintain comprehensive home health care services for all needy members of the communities of Inyo and Mono Counties, with special attention to the needs of the frail, elderly, and homebound.” PHHC’s area of operation covers Northern Inyo County from Lone Pine northward as far as June Lake and Benton in southern Mono County. The Grand Jury was informed that the number of patients or cases which are candidates for home health care varies from year to year, but demand for these services (measured in active or pending patient referrals) typically exceeds treatment capacity.¹ A great deal of PHHC’s income is derived from patients who are covered by Medicare.² Medicare requires that home health care be ordered by a medical doctor as a condition of coverage, among other stipulations.³ It has been the normal mode of operation for PHHC to acquire patients via referrals from NIH.⁴

PHHC’s IRS Form 990 filings, as available for download from the IRS website⁵, show that for the years 2015 through 2018 PHHC was operating with a significant negative revenue balance.

PHHC Form 990, Line 19: Revenue Less Expenses

2011	2012	2013	2014	2015	2016	2017	2018
\$57,819	\$50,731	\$26,863	\$189,602	-\$79,704	-\$123,376	-\$159,296	-\$195,481

¹ Source: in-person interviews

² Interviews and PHHC internal accounting

³ Interviews and www.medicare.gov

⁴ Interviews

⁵ www.irs.gov

Beginning in September 2017, NIHD leadership came to the aid of PHHC, first with a loan agreement of \$75,000, then a contribution of \$300,000 completed in September 2018, followed by a cash transfer of \$100,000 in December 2018. The total support through 2018 was \$475,000.⁶

2017-2018 Public Money Support of PHHC

Loan	Cash	Purchase	Total
\$75,000	\$100,000	\$300,000	\$475,000

According to NIHD documents, NIHD's legal counsel could find no security agreement or deed of trust against PHHC assets to secure the loan to PHHC⁷. The Grand Jury has not been able to identify any agreement, expectation, or contract regarding the \$100,000 contribution. The \$300,000 contribution resulted from a contractual agreement between NIHD and PHHC effective August 31, 2018,⁸ the essence of which is as follows:

- 1) NIHD becomes "Sole Corporate Member" at PHHC and has a Director on PHHC's Board.
- 2) NIHD contributes \$300,000 to PHHC.
- 3) PHHC Salaries and compensation will be adjusted to "parallel" those of NIHD.

California nonprofit corporations are required to have a president, secretary and board of directors. Membership is an optional additional layer of corporate structure, wherein the members perform certain oversight duties: at minimum these include voting on board membership and meeting at least annually. A special variant of the membership structure is the single or sole member corporation, in which the membership consists of only one person. In California this "person" may be either an individual or an organization—in this case the organization is NIHD. The sole member structure is commonly used to maintain control of a subsidiary nonprofit. Several examples of common use cases would be: a) a founder wishes to maintain control of the nonprofit they created, b) a larger nonprofit seeks to spawn a smaller subsidiary nonprofit which will operate separately, but is kept "on mission" by the larger nonprofit, and c) a smaller nonprofit at a critical financial juncture or inflection point becomes subsidiary to a larger nonprofit which presumably provides some form of assistance and oversight while allowing the smaller nonprofit to retain its corporate identity. In the third case (c), sole

⁶ An internal accounting document obtained from NIHD places the loan and the cash transfer both in fiscal year 2018, the contribution in fiscal year 2019; the dates have been reconciled from other sources.

⁷ NIHD board meeting packet Aug 19, 2020

⁸ NIHD-PHHC document "Capital Contribution Agreement"

member structure is popular because it can be accomplished rapidly with minimal transitional overhead costs via an agreement and alteration of the subsidiary's bylaws, and because it provides the sole member great latitude and discretion over the extent to which the subsidiary changes its operations after the agreement. This is in contrast to a merger or whole acquisition which requires a great deal more legal and possibly regulatory overhead. Sole Member structure is sometimes adopted as an intermediary step to outright acquisition. In any of these cases, the sole member exerts control via certain special powers afforded by the rights of members under California law, as well as any related contractual agreements, and any portions of the subsidiary corporation's bylaws and articles of incorporation that pertain to members. Under the Sole Member arrangement, key powers afforded to NIHD include:

1. NIHD can veto nominees to the Board of Directors,
2. NIHD can unilaterally remove directors from the PHHC Board without cause,
3. NIHD has veto power over any changes to PHHC's governing documents, and
4. NIHD's member status cannot be revoked without NIHD's consent.⁹

It was a condition of the purchase agreement that PHHC "adjust its salary scale to parallel that of the District, basing its adjustment upon at least two salary surveys of United States Community health care systems", and "modify its employee benefits to parallel those of the District".¹⁰ Employee benefits included contributions into employee retirement accounts as a percentage of salary, at the same rate as NIH employees.¹¹ Salary adjustments were required within two weeks of the August 31 closing date, and benefits adjustments within 90 days of closing. Thus, when evaluating financials it must be remembered that the resultant increases were in effect for the latter portion of 2018.

It can be seen below that PHHC's reported total gross expenses increased by approximately 50% following purchase: a comparison of the pre-purchase year, 2017, to post-purchase year, 2019, yields an increase of 59.8%; comparing the average of 2017 and 2018 to the average of 2019 and 2020 yields a 44% increase in total expenses at PHHC. The average of these two alternate calculation methods is 51.9%.

PHHC Form 990, Line 18: Total Expenses

2017	2018	2019	2020
\$1,152,315	\$1,371,730	\$1,841,547	\$1,794,570

⁹ PHHC Amended and Restated Bylaws Aug 31, 2018

¹⁰ NIHD-PHHC document "Capital Contribution Agreement"

¹¹ Source: Interviews

The bulk of the increase in total expenses at PHHC following purchase comes from employee compensation costs, which likewise increased by approximately 50% following the NIHD/PHHC purchase agreement.

PHHC Form 990, Line 15: Salaries, Compensation, Benefits

2017	2018	2019	2020
\$958,860	\$1,081,041	\$1,497,351	\$1,531,596

The jury was informed that beginning in early 2019 PHHC repeatedly lacked funds to continue operation and pay its employees.¹² These deficits were alleviated with at least \$515,000 in direct cash transfers from NIHD to PHHC in response to requests for support from PHHC’s then-head administrator to NIH’s then-CEO, who directed the NIH CFO to complete the transfers.¹³ Other support included equipment purchases funded by NIHD¹⁴. A PHHC internal accounting summary lists NIHD support for 2019 as \$565,000. This number will be used for subsequent calculations except where otherwise noted.

Year 2019 Cash and Equipment Support of PHHC From NIHD, Per NIHD Document

Feb	Mar	Apr	May	Jul	Aug	Oct	Dec	Eqpt	Total
\$80,000	\$80,000	\$50,000	\$70,000	\$80,000	\$50,000	\$60,000	\$45,000	\$18,416	\$533,416

For the year 2020, data from NIHD and PHHC documents list cash from NIHD and pandemic-relief funding totaling \$479,917.¹⁵

Year 2020 Public Money Support of PHHC

PPP Loan	CARES Act/PRF Grant	NIHD Cash	Total
\$290,951	\$43,966	\$145,000	\$479,917

¹² Source: interviews

¹³ Interviews, NIHD accounting, CPRA emails

¹⁴ Interviews, NIHD and PHHC accounting, CPRA emails

¹⁵ NIHD and PHHC accounting

Discussion

Pattern of Deficit and Subsidy

Immediately preceding and subsequent to purchase by NIHD, PHHC has been consistently buttressed by outside funding from public sources, either from NIHD or government pandemic-relief funding.

Summary of Public Money Support of PHHC

2018	2019	2020
\$475,000	\$565,000	\$479,917

Subtracting outside public money support from PHHC's revenue balance for the past six years that are available at time of writing gives the following:

PHHC Form 990, Line 19: Revenue Less Expenses, Less Public Money Support

2015	2016	2017	2018	2019	2020
-\$79,704	-\$123,376	-\$234,296	-\$595,481	-\$594,855	-\$190,841

(Years including NIHD support in red)

Source of the Large Deficit

It was a condition of NIHD's purchase agreement that PHHC adjust its salary scale and benefits to parallel that of NIHD, based upon surveys of other community health care systems. The Grand Jury was informed that the intention of these raises was to increase retention and acquisition of practitioners (e.g. home health care nurses).¹⁶ However we also note that the raises were applied across all employee positions such that, for example, the head administrators would also receive a substantial increase in salary and benefits, commensurate with job title and number of years employed; subpoenaed documents accordingly show that the salary for the top administrator approximately doubled following the purchase of PHHC.¹⁷ The Grand Jury has not evaluated whether the stated policy for determining equivalency of staff positions at the two organizations was followed, nor the accuracy of the resultant compensations, as this was outside the practical scope of our investigation. The Grand Jury was able to discern that in partnership with NIHD leadership, PHHC conducted a search for a head

¹⁶ Interviews

¹⁷ PHHC accounting, CPRA emails

administrator. Documents indicate recruiting costs of \$43,248, and the hiring of a candidate to fill the position; this individual was terminated without severance soon thereafter. Subsequently, the head administrator at PHHC transitioned to an off-site advisory role and was replaced with an internal hire.¹⁸

“Sole Corporate Member” Rights and Responsibilities - What did we buy?

Under the 2018 contribution agreement, NIHD assumed the role of “Sole Corporate Member” at PHHC. Under California law a “member” of a non-profit corporation may be either an individual or a corporation. The law affords members certain rights to records, reports of accounting, notice and minutes of meetings, and the right to vote on matters such as appointments of directors. PHHC’s amended and restated bylaws under the contribution agreement provide that NIHD “shall be the only member entitled to exercise fully all rights and privileges of members of nonprofit corporations under the California Nonprofit Public Benefit Corporation Law, and all other applicable laws”, and that these rights will be exercised by NIHD’s Board of Directors. Additional rights gained by NIHD are specified in the contribution agreement, PHHC’s bylaws, and PHHC’s Articles of Incorporation. For the purposes of our investigation, the most salient points the Grand Jury found to result from the purchase agreement are that NIHD is entitled to:

1. access to information including records of Board activities,
2. an annual report of PHHC’s financial accounting of the prior fiscal year,
3. membership in PHHC’s board of directors,
4. the right to veto nominees or remove directors from PHHC’s board without cause,
5. the right to any PHHC assets which may remain upon dissolution of PHHC.¹⁹

The agreement does not allow NIHD to share any revenue generated by PHHC, does not make NIHD liable for PHHC’s debts, and PHHC is barred from levying or collecting assessments against NIHD as Member. NIHD Board meeting materials place NIHD at the top of PHHC’s organizational chart, and describe its member rights thusly, “These powers are the key to the district’s control over PHHC. If the District concludes that the directors are moving the nonprofit in the wrong direction, then the District could remove them and get new directors.”²⁰ This statement is consistent with the normal usage of the single member corporate structure as a mechanism for a single entity (in this case NIHD) to maintain control of a non-profit corporation.

¹⁸ Interviews, PHHC accounting, CPRA emails

¹⁹ PHHC Amended and Restated Articles of Incorporation, Article 4

²⁰ NIHD Board Meeting Packet Aug 19, 2020

The Grand Jury found that other documentation, communications and meeting reports show that NIHD leadership considered the agreement to be a “purchase of PHHC”, and finds also that the communications and practices between NIHD and PHHC immediately subsequent to the execution of the agreement bear out the notion that the NIHD CEO acquired an unusual degree of ultimate executive power and oversight of PHHC leadership.²¹ In conjunction there was an apparent expectation that NIHD would be liable for PHHC’s continued financial solvency, which is exactly what occurred. As PHHC was largely uncooperative with this investigation, and the NIHD leadership who promoted and executed the agreement are no longer employed at NIHD and thus were not interviewed, it remains unclear to the Grand Jury why policy for the continued financial support of PHHC was not stipulated in the agreement, given that one of the contractual requirements within the same agreement would predictably necessitate a 50% increase in the expenses of a corporation already posting serious revenue deficits for four years running with minimal liquid assets. At the time of the agreement, PHHC had an experienced Board of Directors, a president and head administrator who had each served many years in their positions, and the NIHD’s then-CEO, in addition to being a medical doctor also held a Master of Business Administration degree and had the counsel of NIHD’s then-Chief Financial Officer. Notably, the Grand Jury has not found evidence that post-purchase financial support by NIHD in 2019 complied with the stipulation that NIHD exercise its member power via its Board of Directors as opposed to unilateral action by its CEO. Arguably the CEO may have been acting as the appointed representative of the Board with executive power, but after review of available materials and witness interviews this distinction remains unclear. To wit, the Grand Jury was informed that current NIHD policy specifically requires any further transfers to PHHC of over \$10,000 must have NIHD Board approval. The Grand Jury was informed that NIHD has thus far not exercised its power to remove or veto directors of PHHC’s board.²² In 2020 NIHD leadership reported that legal counsel had examined all records and documents relating to its relationship with PHHC and found no agreements requiring NIHD to compensate PHHC for services PHHC provided to medical patients in the community.²³

Were PHHC a department within NIHD, the issues of this investigation would be largely moot: PHHC’s sphere of practice would be aligned precisely with NIHD’s mission, and PHHC’s budget, administration and transparency would be contained within that of NIHD. As it stands, we find that NIHD’s contractual relationship with PHHC created a

²¹ Interviews, multiple NIHD board meeting documents, CPRA emails

²² Interviews

²³ NIHD Board Meeting Packet Aug 19, 2020

situation in which NIHD provides executive personnel and financial security to a corporation whose interests are, by definition, not precisely aligned with those of NIHD, and the role of PHHC in the operational integrity of NIHD may not be well defined. While the Grand Jury has neither found nor sought violations of policy in the purchase of sole membership in a non-profit corporation with District funds, nor in the decision to continue to provide monetary support of PHHC after purchase, it has found concerns with regard to the reasonable expectation of institutional transparency leading up to and subsequent to this purchase, including a lack of transparency in the expenditure of District funds once they were disbursed to a non-transparent corporate entity.

Transparency: Visibility of Public Funding and Expenditures at PHHC

The Grand Jury found that PHHC is ostensibly “owned” or at least controlled by a public agency, enjoys the pro-bono executive oversight and financial backing of a public agency, yet lacks the transparency that would be required of a public agency or subsidiary of a public agency.

NIHD purchased Sole Member Status in PHHC in 2018 for \$300,000, at which point NIHD became General Member of PHHC and joined PHHC’s Board of Directors. The Board, which includes the NIHD CEO, is responsible for reviewing PHHC’s Form 990 before it is filed with the IRS. Form 990, “Schedule O, Supplemental Information” is a section wherein the IRS provides great freedom for the non-profit corporation to expound at length about their activities.²⁴

Mandatory Schedule O statements can be triggered by Form 990, Part VI “Governance, Management, and Disclosure”, which contains a number of yes/no questions pertinent to the purchase of membership by NIHD.

PHHC Responses, Lines 4-8, Form 990 Part VI²⁵

Part VI **Governance, Management, and Disclosure** For each “Yes” response to lines 2 through 7b below, and for a “No” response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

²⁴ <https://www.aicpa.org/resources/article/990-schedule-o>

²⁵ Years 2017-2020 are identical

4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		No
6	Did the organization have members or stockholders?		No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		No
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a	The governing body?	8a	No
b	Each committee with authority to act on behalf of the governing body?	8b	No

From 2017 to 2020, by answering 'no' to lines 4, 6, 7, and 8, PHHC has indicated there were no changes to its governing documents (both the bylaws and articles of incorporation were restated to include NIHD), there were no members with the power to control board membership, there were no members with the power to make other reserved governance decisions or vetoes, nor were there any members at all. An affirmative answer of 'yes' to any of these questions would have triggered the requirement for a description of "the circumstances, processes, or changes, in Schedule O". In line 8 PHHC indicated that meetings and written actions undertaken by the governing body or its committees were not documented, which does necessitate an explanation in Schedule O, however none was provided. NIHD was not mentioned in PHHC's 2018 Form 990. The only evidence of the purchase is found in Schedule O, where the complete entry is as follows: "CONTRIBUTIONS = \$400,000". The number, source and nature of the contributions is opaque.

NIHD's cash transactions to PHHC cannot be found in PHHC's 2019 Form 990, which reports a fortuitous 54.5% increase in Program Service Revenue over the previous year (\$1,796,166 versus \$1,162,685, an increase of \$633,481). This accounting leaves a modest deficit in revenue less expenses of only -\$29,855 (2019 Form 990, Line 19). PHHC's total revenue for 2019 is reported as follows:

Year 2019 Form 990, Lines 8-12: Revenue

Contributions and grants	\$3,388
Program service revenue	\$1,796,166
Investment income	\$29
Other revenue	\$12,109
Total revenue	\$1,811,692

Thus the \$515,000 of cash payments recorded by NIHD, if present in this accounting, can only be contained within PHHC's program service revenue, as no other revenue

sources listed are large enough to include them. Internal accounting obtained by subpoena shows that all three of PHHC’s home health service sources of revenue, “Home Health Care”, “Hospice”, and “Personal Care Program” generated a combined \$1,258,493 in 2019. Adding the \$515,000 NIHD reports it contributed to PHHC that year to the revenue from these three service programs brings the total to \$1,773,494, only \$22,672 less than the reported total service revenue. The Grand Jury found that the contributions are not publicly visible in the 2019 Form 990, nor itemized in any publicly available documents the jury found from any source, including NIHD. Year 2019 summary accounting documents provided by PHHC under subpoena, including the Statement of Cash Flows, Balance Sheet, and Profit And Loss statements, are absent any contributions from NIHD, save a single line in the Profit And Loss account that states “NIHD Support \$565,000” with no further explanation or information given. The dollar amounts of the cash transfers and the personal communications coincident with the disbursement of these funds do not indicate that they could be payments for itemized billing of program services rendered to NIHD by PHHC. Witness testimony from both organizations, CPRA and the context of the accounting from both organizations all agree that these repeated payments, ranging from \$45,000 to \$80,000, were cash contributions transferred directly from NIHD accounts so that PHHC could make up for generalized budget deficits and continue its operations.

For 2020, \$479,917 from NIHD and pandemic-relief funding is again not visible in PHHC’s accounting of revenue sources. From 2017 through 2020, other than \$400,000 unattributed contribution in 2018, all loans, grants and contributions from NIHD and COVID-relief programs are invisible as revenue sources and, if present, can only be contained within the aggregate sum of “Program Service Revenue”. Program service revenue is defined in Form 990, Part III, Section A as: “Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization’s tax-exempt purpose”. Simultaneously, line 8, “Contributions and Grants” never comprised more than a tiny portion of PHHC’s reported budget.

Form 990, Lines 8-12: Revenue, by Year

	2017	2018	2019	2020
Contributions and Grants	\$10,216	\$3,069	\$3,388	\$3,556
Program service revenue	\$972,013	\$1,162,685	\$1,796,166	\$2,070,541
Investment income	\$59	\$111	\$29	\$1,409
Other revenue	\$10,731	\$10,384	\$12,109	\$8,140

Total revenue	\$993,019	\$1,176,249	\$1,811,692	\$2,083,646
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PHHCs public-facing documents afforded the appearance of a nearly self-sustaining enterprise, while in reality PHHC was not self-sustaining and only continued to operate through significant infusions of money from NIHD, followed by COVID-relief funding. The Grand Jury was unable to discern the nature and particulars of NIHD's support of PHHC by reviewing public documents or conducting interviews until very specific, non-public accountings were requested and received.

The answers given in response to Form 990 Part VI lines 4, 6, 7, and 8 regarding governance, management, and disclosure have been identical from the pre-purchase year, 2017, through the latest available year, 2020, and no Schedule O descriptions of sole membership governance by NIHD nor explanation of the non-documentation of meetings and actions of the board has ever been given, despite being explicitly required. If PHHC's board meetings and actions were conducted with the degree of public transparency required of NIHD, much of the cause for this investigation might have been alleviated. If outside funding from public agencies is, in fact, accounted for in PHHC's Form 990s, then the reporting methods and lack of supplementary explanations in Schedule O render them generally opaque as revenue. NIHD has been a party to this opacity from 2018 to date, both as Director and as Sole Member at PHHC. The Sole Member is required to receive thorough financial reports at least annually, and directors have legal responsibility for review and approval of PHHC's accounting prior to IRS filings.

Planning for the Future

In 2020, PHHC began receiving pandemic-relief funding in addition to support from NIHD, and reportedly accrued a significant cash surplus. While the District cannot share this revenue or recoup past expenditures from it, to the extent that the District's interests are aligned with those of PHHC, this is good news for NIHD and its constituency, as well as the many patients who benefit from the services PHHC provides. However, if past years can be taken as predictive, the position of surplus cannot be expected to continue, based on revenue from patient services alone, under the existing post-purchase operational paradigm.

NIHD's executive control over PHHC does not appear to explicitly give NIHD the power to directly control the activities and decisions of PHHC via PHHC's Board, officers, or head administrator. However, the power to remove Directors from the PHHC Board at will and control the appointment of new Directors does appear to give NIHD a broad,

overarching power in the affairs of PHHC. To what extent NIHD continues to operate as financial backstop and benefactor to PHHC remains to be seen, but the conclusion of the Grand Jury remains: the fates of the two organizations, and thus the patients served by them, remain entangled in a highly polarized power structure. In this relationship, the exertion of executive power flows only from NIHD to PHHC, and those powers are quite broad, potentially including the ability to force PHHC to terminate its operations or be subsumed by NIHD by complete purchase. In terms of financial accountability and real support, NIHD has acted as the parent organization to PHHC, and mutual agreements assure that the flow of money may proceed only from NIHD to PHHC.

The Grand Jury has no opinion or expectation regarding the sustainability or profitability of the various components of high quality healthcare afforded to the residents of Inyo County by NIHD. The Grand Jury's finding is that the cost to NIHD of home health care provided by PHHC increased sharply and non-transparently in 2018. The Grand Jury found that after this operational cost increase, PHHC has been substantially supported by public funds. It was found that the expenditure of public funds within PHHC lacked public accountability. When money flowed from NIHD to PHHC it entered a "black box" of spending without public accountability of its eventual fate. The Grand Jury found that although leadership at NIHD has changed since 2019, the issues of PHHC's transparency and status as a financial subsidiary of NIHD have not.

It is not the Grand Jury's intention to denigrate or diminish the tremendous benefits of professional home health care in our area, nor the entities or practitioners that have been providing them. Rather, it is the intention of the jury to promote continued, and ideally expanded, provision of professional home health care as well as to support the practitioners who provide that care. The Grand Jury supports and reiterates PHHC's mission: "To establish and maintain comprehensive home health care services for ALL needy members of the communities of Inyo and Mono Counties, with special attention to the needs of the frail, elderly, and homebound."²⁶

The Grand Jury acknowledges NIHD's mandate and proven ability to provide excellent professional healthcare to the residents of our county in a financially efficient and transparent manner. Thus the Grand Jury recommends that NIHD carefully examine existing policy and, as necessary, craft new policy around the structure, transparency, and strategic financial management of NIHD's relationship with PHHC that is in proportion to the necessity of provision of home health care services by NIHD.

²⁶ PHHC IRS Form 990 and PHHC Articles of Incorporation

Methodology

- 1) The Grand Jury conducted interviews of multiple personnel at both PHHC and NIHD.
- 2) The Grand Jury reviewed public records of both PHHC and NIHD, including NIHD meeting documentation and related materials available under the Ralph M. Brown Act, Government Code 54950.
- 3) The Grand Jury reviewed internal accounting summaries and other financial documents obtained by request from NIHD, and under subpoena from PHHC.
- 4) The Grand Jury reviewed email communications available by California Public Records Act (or CPRA) request.

Findings

F1 PHHC provides an essential health service to the people of Inyo County.

F2 Publicly available documents do not provide adequate information to evaluate the adequacy of the current business model or the long term viability of PHHC.

F3 PHHC operates essentially as a subsidiary of NIHD.

F4 Publicly available documents do not provide adequate information to effectively evaluate the financial relationship between NIHD and PHHC.

Recommendations

R1 The Inyo County Grand Jury recommends that the Northern Inyo Health District Board of Directors request the Inyo County District Attorney, or NIHD legal counsel, to review the applicability of Government Code 54950, also known as the Ralph M. Brown Act, to Pioneer Home Health Care by September 30th 2022 (F1, F2, F3, F4).

R2 The Inyo County Grand Jury recommends that the Northern Inyo Health District Board of Directors establish a policy to review and publish a quarterly report on Pioneer Home Health Care's fiscal status which includes at least a 6-month forward projection, starting with the 1st Quarter of 2023. (F2, F3, F4).

R3 The Inyo County Grand Jury recommends that the Northern Inyo Health District Board of Directors establish a policy to conduct and publish an annual review of Pioneer Home Health Care's business model and operations that evaluates its viability for the following 3 to 5 years, starting with FY 2023. (F2, F3, F4).

Request For Responses

- 1) Responses to findings **F1**, **F2** are invited from Pioneer Home Health Care, Inc.
- 2) Responses to recommendations **R1**, **R2**, **R3** are requested from Northern Inyo Healthcare District, as required by Penal Code §933.05.



Inyo County Grand Jury Report 2021-22

School Fire Safety Inspection Reporting

PREAMBLE

The Volunteer Fire Departments (VFDs) of Inyo County provide critical services to both residents and visitors. The health, well-being, and prosperity of our community is dependent on their ability to perform their duties proficiently. The rural nature of our county and the geography of our population makes for a particularly challenging environment for fire and emergency services; however the current system of volunteer fire departments works selflessly to meet that challenge. Everyone who lives, works, or visits Inyo County is well served by the firefighters, EMT's, administrative personnel and leadership of these departments. The Grand Jury was thoroughly impressed and wishes to express our gratitude to the men and women of the Inyo County fire departments for the essential services they provide us every day.

While acknowledging the strengths of the present system of special districts and volunteer fire departments, the Grand Jury is still concerned that this structure may not be sufficient or sustainable for the growing needs of Inyo County. In our interviews with VFD volunteers, leaders, and managers we were struck by the consistency of their comments to that effect. To paraphrase a typical comment - "We are OK for the moment, but I'm really worried about the next few years." The members of the Jury found this very disconcerting to say the least.

Our hope is that a future Grand Jury or a county level agency will choose to look at the larger issue of long-term sustainability of our VFD's. The objective of a Grand Jury investigation is to identify a problem, analyze the causes and offer practical, cost-effective recommendations to mitigate the issue. We believe we have done that for one specific issue: mandated fire safety inspections in schools. In this process, however, we realized that there exists a greater issue about which we weren't able to make even a preliminary assessment.

Our report includes some limited comments and observations about the larger scale issues we identified, but this Grand Jury is unable to offer more than some general suggestions for short-term improvements.

SUMMARY

Inyo County fire departments are not, at present, fully compliant with the provisions of the California Health and Safety Codes (HSC) which mandate that fire safety inspections be conducted, documented and reported annually for schools and other facilities. Fire safety inspections are an essential component of general fire prevention. National and state fire associations all emphasize that preventing fires before they can occur is by far the most effective form of fire protection which can be offered. The California HSC mandates that fire safety inspections be performed

annually for schools, hotels/motels, apartment buildings and some other specific facilities. The codes also require that fire agencies make an annual report of all inspections to their governing body or authority (e.g. City Council, District Fire Board, Board of Supervisors) and that they in turn publicly acknowledge receipt of the report. There are six volunteer fire departments which operate within special districts in Inyo County: Bishop City/Bishop Rural Fire Protection District, Big Pine Fire Protection District, Independence Fire Protection District, Lone Pine Fire Protection District, Olancho-Cartago Community Services District and Southern Inyo Fire Protection District.

This investigation focused primarily on inspections of Inyo County schools as we deemed those to be a higher priority than the "motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto" which are referred to in the HSC (HSC 17921).

There are twenty-two public and private schools in Inyo County which fall under the California state mandate for annual inspection by local fire departments. The Grand Jury has assessed the available inspection reports of Inyo County schools and found that while some inspections are being performed, there is a serious problem with the reporting of inspection results. The Grand Jury found that this portion of the code has not been satisfied for at least the last three years.

The Grand Jury recommends that all Inyo County fire departments make the necessary changes in order to become substantially compliant with the California HSC requirements which pertain to annual fire safety inspections within three years. The District Fire Boards need to improve in the following three areas:

- 1) Become knowledgeable of the applicable inspection and reporting requirements for facility inspections within their jurisdiction.
- 2) Take action to institutionalize processes to ensure inspections are performed and reported as required by the HSC.
- 3) Provide active planning, support and oversight to enable continued compliance with the HSC by their department

BACKGROUND

Ghost Ship Fire: Critical Importance of Fire Safety Inspections

The Ghost Ship fire occurred on December 2, 2016, in a former warehouse in Oakland, California, which had been illegally converted into an artist collective with living spaces. A concert was being held when the fire broke out and of the roughly 100 people in the warehouse at the time, 36 were killed. This made the Ghost Ship fire the deadliest building fire in the United States since 2003, and the deadliest ever in the history of Oakland.

While criminal charges were brought against the owners and main tenants of the building, civil lawsuits were also ultimately brought against both the City of Oakland and Pacific Gas and Electric Company (PG&E). In July 2020, the City of Oakland settled and agreed to pay a total of \$33 million to one survivor and the families of the 36 who perished in the fire. PG&E later also made a settlement, amount undisclosed. The exact cause of the fire was never determined, but it was clear that multiple electrical hazards were present, in addition to the fact that the warehouse was being used in a manner for which it was not licensed.

The ramifications of the Ghost Ship fire have been extensive in the City of Oakland, California State and even nationwide. While blame was assigned to a multitude of governmental agencies (e.g. building and safety agencies, fire departments, code enforcement agencies, police departments, etc.), it was noted by the local firefighters union that the Fire Marshal's Office had been understaffed for years and that any fire inspector, seeing the conditions of the Ghost Ship, would have shut it down immediately. If there is any one lesson which can be learned from the tragedy of this fire, it is that fire prevention by means of strict enforcement of fire safety codes is absolutely imperative. Fire safety inspections are the means by which those codes must be enforced.

Fire Department Functions

Fire departments have three primary functions: (a) fire suppression, (b) other emergency responses (primarily for medical emergencies), and (c) fire prevention. Suppression refers to putting out fires that have already started. This entails deployment of fire engines and firefighters that are highly visible to the public and garner significant attention. Interestingly, actual fire suppression accounts for only a small percentage of fire department emergency responses. Responses to medical emergency calls, which involve responses by suppression personnel and equipment, accounted for approximately 66.9 percent of all 2019 emergency responses by fire departments in California. Prevention, in contrast, involves the low profile, day-to-day work of inspecting buildings for compliance with fire safety codes, reviewing plans for new building developments to ensure compliance with fire code requirements, on-site inspections of building construction to confirm that fire safety features are being installed per approved building plans, and investigating the causes of fires that do occur.

Fire prevention functions within a fire department are usually managed by a local Fire Marshal. Inyo County does have an individual who is designated as the county "Fire Marshal", but this is a position in name only. There are no actual responsibilities associated with the job title.

LAFCO and the formation of a Special District

In theory, LAFCO (the Inyo Local Agency Formation Commission) creates a special district in order to delegate authority over community services to the citizens themselves. LAFCO was created in 1963, and defines its role as “to ensure the orderly formation of local government agencies, to preserve agricultural and open space lands and to discourage urban sprawl.” Inyo County has six volunteer fire departments within special districts: Bishop, Big Pine, Independence, Lone Pine, Olancho-Cartago and Southern Inyo. With the exception of Bishop, all the fire departments are responsible for protection of unincorporated areas within Inyo County. There are other fire protection agencies, which are not special districts, working in the county (i.e., National Forest Service, CalFire, BLM Fire Program). All these agencies have mutual aid agreements with the volunteer fire departments. However, the primary responsibility for fire protection within a particular district lies with the local volunteer fire department.

Fire Board Oversight and Functionality

In Fire Protection Districts—or Community Service Districts—a board of trustees is elected by residents of the district to govern the operation of the district fire department. A fire board usually consists of five residents who are responsible for overseeing the policies and daily procedures of their district fire department. The board manages the annual budget and plays an important role in resource development. Ideally, board members would have some experience or knowledge of fire department operations, but there are no actual requirements aside from residence within the district. In certain circumstances (i.e., Bishop), a city council or county executive board may appoint special district board members. The primary function of a fire board is to supervise the fire department and ensure that it is fulfilling its mandate to serve district residents in the areas of fire protection and emergency medical needs.

School Safety Inspections

Fire and safety inspections of schools are an essential part of identifying serious fire hazards and mitigating them before an event occurs. When these inspections are not performed regularly, it significantly raises the likelihood of a fire disaster occurring.

The Grand Jury conducted a targeted investigation of the six fire departments in Inyo County. The investigation focused on Fire Safety inspections of schools and on the mandated annual reporting requirements which are set forth in HSC 13146 (See *Appendix #3*). The Grand Jury also strove to evaluate the overall health of the Inyo County Special Fire Protection Districts and their fire departments.

Requirements for Compliance with California HSC

There are five basic elements necessary for a fire department's performance of its required annual inspection and reporting obligations under HSC 13146 are as follows:

1. Written policies and procedures: Fire departments should have written policies and procedures in place that set forth: (a) how an inspection program is to be carried out, (b) staff responsibilities, (c) the specific inspection data that must be gathered and available for retrieval, (d) how performance of inspections is to be measured and reported, and (e) oversight and management processes for the inspection program. The Grand Jury found that most VFDs have written policies and procedures, but they do not have step by step instructions for the performance of inspections.

2. Building Inspection List: Fire departments need to have an up-to-date list of all the buildings within their jurisdiction that must be inspected annually. In order to compile such a list, fire department staff may review parcel lists, walk through neighborhoods to update the list, and review building permits or tax information to identify owners of apartment buildings.

3. Inspection Process: Building inspections are typically carried out by a collaboration between certified fire prevention inspectors and experienced firefighters. In some fire departments, engine company firefighters conduct most inspections, though in others they are assigned to carry out only simple, routine inspections and prevention personnel carry out the more complex inspections where a higher level of expertise is required. Fire safety inspectors require specific training and the inspector should be a National Fire Protection Association "Certified Fire Inspector I" at a minimum. The Grand Jury found that as of 2022, four of the six fire departments have trained inspectors for their district. In the case of Big Pine this involves a contract with CalFire to perform inspections.

Current Inspection Capabilities	
District	Capability
Bishop	Fire Prevention Officer on Staff
Big Pine	CalFire on Contract
Independence	None
Lone Pine	Trained Volunteer
Olancho	Trained Volunteer
So. Inyo	None

4. Record keeping and data retrieval: Accurate records must be maintained of all inspections completed, including date of inspection, building category and building address. (e.g., school, hotel, apartment building). These records need to be

organized and maintained in a manner that allows fire departments to monitor performance of their annual inspection obligations, identify inspections yet to be done, monitor follow up when deficiencies are identified, and report to management and administrative authorities on compliance. The standard in most fire departments is to store inspection data in electronic databases. Departments can easily access inspection reports and follow-up on past citations, progress in correcting deficiencies and whether a re-check is required.

Fire departments' inspection reports completed in the field have, in the past, been filled out on paper. Paper field reports are either filed manually or maintained only in paper form, or data from the field reports is entered into an electronic database to allow storage, retrieval and analysis.

The Grand Jury is pleased to learn that most departments are moving toward the use of electronic tablet devices such as iPads for field reports.

5. Funding for Inspections: HSC 13146 (b) provides that the facility being inspected can be charged a fee for the inspection by the inspecting agency, but the fee cannot exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Fire Department Staffing

The Grand Jury assessed all staffing for the local VFDs:

Inyo County Fire Districts (approximate) Staffing						
	Bishop	Big Pine	Independence	Lone Pine	Olancha	So. Inyo
Total Staff	34	51	32	51	12	7
EMT's	0	11	6	12	3	0
Board	5	5	3	5	4	5

The Grand Jury's conclusion is that Bishop, Big Pine, Independence and Lone Pine have adequate staffing and a full fire board for their district (Independence currently has only three members on their board, but there are plans to rectify this). The areas of concern are the two south county VFDs: Olancha-Cartago (in Olancha) and Southern Inyo (in Tecopa). Both of these districts are maintaining boards with close to the required number of members, however recruiting staff for the VFDs is a serious challenge. Southern Inyo, in particular, is responsible for a very large district (5500 square miles) and both districts have small and geographically dispersed populations.

Fire Department Funding

Local fire departments receive funding from a number of sources including property taxes, assessments leveled by the Districts, bonds, grants and donations. Funding details for the six fire departments can be found in Appendix #2. On average, with the exception of Big Pine, revenues have generally exceeded expenses. Reserves, however, vary widely between departments. Fire equipment is expensive and a failure or breakdown of a major piece of equipment could have a severe financial impact on any of the VFD's

Although "funding" was cited often as a problem in all departments, interviewees strongly emphasized that deficient funding has not caused them to not respond, delay a response, or in any way fail to provide critical services in a timely manner. In general, interviewees' comments about funding focused on increased demand for services, additional administrative tasks, and expanding responsibilities for fire services over time.

METHODOLOGY

The Grand Jury researched the inspection policies and procedures in six special districts as follows

- Bishop City/Bishop Rural Fire District
- Big Pine Fire District
- Independence Fire District
- Lone Pine Fire District
- Olancho Community Service District
- Southern Inyo Fire District

1) Documents

During its investigation, the grand jury reviewed numerous documents, including:

- The current By-Laws and any other documents which authorize and direct the management and oversight of each Fire District within Inyo County.
- Minutes from each Fire district's last four Board Meetings
- Reports, investigations, or any other documents related to structure fire responses for each of the six Fire Districts in the last 12 months.
- State Fire Marshall Inspection Guide
- Senate Bill No. 1205
- The Fire Protection District Law of 1987
- Title 24 History: The California Building Standards Code

- Government Code- Gov Title 2. Government of the State of California [8000 - 22980] (*Title 2 enacted by Stats. 1943, Ch. 134.*)
- Sections 13146.2, 13146.3 and 13146.4 of the CA Health and Safety code
- Governments Working Together *A Citizen's Guide to Joint Powers Agreements*
- Revenues and Responsibilities: An Inventory of local tax power (second edition)
- Inyo County Property tax assessment
- Office of the state fire marshal regulated occupancies: authority, responsibility, inspection frequency, ability to modify regulations, locally ability to charge an inspection
- Prevention Protocol Fire and Life Safety Guidelines for Schools
- Inyo County EOP Emergency Operations Plan

2) Interviews

The Grand Jury interviewed personnel from the following Inyo County agencies:

- Each of the six Fire/Special Districts
- Building Department
- Risk Management Department
- County Counsel's Office
- District Attorney's Office
- CalFire
- School Administration
- Education staff
- Auditor's Office

DISCUSSION

California state law requires that all fire departments and districts in the state ("fire departments") conduct annual safety inspections of "all public and private schools, hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, within their jurisdictions" (sometimes referred to in this report as "mandated annual inspections"). A state law (SB 1205) which became effective as changes in HSC 13146 in January 2019, requires all fire departments to submit Annual Reports to their governing bodies or administering authorities (e.g., city council, fire district board, board of supervisors) regarding their compliance with the state's mandate for annual fire safety inspections.

The Grand Jury undertook a compliance review of the six Inyo County fire departments for the years 2019 through 2022 to determine whether their mandated annual

inspections of schools were conducted as required. Each local VFD is responsible for these prevention inspections of all schools within their special district. The Grand Jury was only able to locate Big Pine safety inspection reports for 2022. For the period in question, the Grand Jury found substantial non-compliance among all the fire districts departments. It was apparent to the Grand Jury that some fire departments were making significant efforts to comply with the requirements of HSC 13146.4 & 13146.3, but none were currently in substantial compliance.

In addition to schools, annual inspections are required for all hotels, motels, lodging houses and apartment houses. (HSC 13146.2) With the exception of Bishop, we found little to indicate these inspections were being conducted or reported and we did not attempt to evaluate the overall level of compliance. (See table in Appendix 3)

Fire Department School Inspections and Reports

While the Grand Jury was unable to locate reports on inspections, we believe that in Bishop, Lone Pine, Round Valley* and likely Big Pine schools have been inspected. The Grand Jury believes the lack of comprehensive inspections and reporting are a consequence of severely limited staff resources, difficulty finding volunteers, the requirement for specialty training, and funding constraints.

Required Inyo County School Inspections					
		Inspections Documented			
District	Required Inspections	2019	2020	2021	2022
Bishop	11	N/P	N/P	N/P	N/P
Blg Pine	4	N/P	N/P	N/P	Yes
Independence	3	N/P	N/P	N/P	N/P
Lone Pine	4	N/P	N/P	N/P	N/P
Olancha	0	N/P	N/P	N/P	N/P
So. Inyo	1	N/P	N/P	N/P	N/P

N/P = Not provided to the Grand Jury

Round Valley School is not in an Inyo Fire District; therefore inspections are the responsibility of CalFire. While inspections were conducted, no written reports were available at the school or from CalFire.

Inspection Fees and Reimbursements

During the course of this investigation the Grand Jury has learned that, while fees can be collected for inspections, only Bishop has chosen to do this. Most of the VFDs feel that it would be an unfair burden to their community. If a VFD is unable to perform mandated inspections they can request support from CalFire. CalFire will perform inspections of commercial buildings, at the request of a VFD, for a fee of \$285/hour billed to that business. BFD charges \$150/hour for inspections billed to the business.

Sustainability of the VFD System

While investigating the performance of health and safety inspections, the Grand Jury has found that all of the VFDs report working close to the limits of their capacity. Funding is generally adequate to meet current service demands, but there aren't surplus resources which could be devoted to additional fire safety inspections. Interviewees report several long-standing issues that plague these departments: (a) lack of funding for expanding or improving services, (b) scarcity of volunteers and qualified EMTs (Emergency Medical Technicians), (c) insufficient communication within departments, between departments, and with the state or county, (d) lack of standards and uniformity in the performance of duties, and (e) inadequate guidance or oversight by elected fire boards. These issues negatively affect the ability of the fire departments to perform the essential functions for which they were created.

Opportunities

The Grand Jury believes that a key to improved efficiency and successful compliance with state mandates is improved communication within all aspects of the VFD system. Open communication is a critical element in the efficacy and sustainability of any public agency. The VFDs act as independent entities but are linked both by mutual aid agreements and their shared mission to serve the residents of Inyo County. Fire department leadership regularly meets to discuss operational subjects, training, and related issues. The Grand Jury suggests that these meetings could be expanded and become an even greater tool for the dissemination of information, exchange of experiences and the effort to ensure uniformity of practice.

The Grand Jury also suggests a regularly scheduled electronic or in-person meeting of district board representatives would be very beneficial. There is a great range of

experience and knowledge among board members. It would be beneficial for these separate boards to have an opportunity to exchange information and learn from one another. The Boards certainly share common problems, perhaps there are some common solutions as well.

Communication between the individual VFDs and outside entities (e.g., CalFire, State Fire Marshal's Office, Inyo County) is also of critical importance. CalFire, in particular, works closely with the VFDs in many parts of Inyo County. While they are ultimately responsible to ensure that the mandated inspections and reporting takes place, there are a number of ways a VFD can fulfill these responsibilities: perform the inspections themselves, contract CalFire to perform them, contract an outside agency/company to perform them, etc.

The Grand Jury believes that there are multiple opportunities for beneficial cooperation and sharing of resources among the fire districts. The Grand Jury suggests they:

- 1) Develop a mechanism by which information regarding changes in HSCs, legislative acts and administrative requirements impacting the fire service be communicated directly to the VFDs and their governing boards.
- 2) Centralize a method of identifying and applying for grants which could provide funding for on-going operations, special projects and upgrading or replacing equipment.
- 3) Organize a system for sharing of volunteers who possess special training which is only required infrequently (e.g., safety inspections).
- 4) Develop successful approaches to increase volunteerism (e.g., using volunteers for jobs which do not involve firefighting duties)

FINDINGS

- F1** Fire Safety inspections have not been conducted in all schools in Inyo County as required by the HSC section 13146.3
- F2** Fire Safety inspection reports by Inyo County Fire Agencies and subsequent formal acknowledgement by their administrative authority have not been issued as required by HSC 13146.4

RECOMMENDATIONS

- R1** The Inyo Grand Jury recommends that the Board of Directors of any district using CalFire to perform inspections under HSC 13146 require a formal report be submitted to the Board within 30 days of the inspection. (F2)
- R2** The Inyo Grand Jury recommends that each Fire/CSD District Board require a comprehensive briefing by the Fire Chief on the requirements and potential impact on the District of HSC 13146 no later than December 31st, 2022. (F1, F2)
- R3** The Inyo Grand Jury recommends that each Fire/CSD Board of Directors develop a plan by March 31, 2023, to achieve substantial compliance with HSC 13146 within three years. (F1, F2)
- R4** The Inyo Grand Jury recommends that each fire department Fire/CSD District Board of Directors put in place a written policy that sets forth the process for (1) maintaining a comprehensive list of all buildings within its jurisdiction for which annual inspections are required under Sections 13146.2 and 13146.3 of the California Health & Safety Code, (2) keeping such a list updated on an annual basis, and (3) completing and reporting on all mandated annual inspections by no later than March 31, 2023 (F1, F2)
- R5** The Inyo Grand Jury recommends that each fire department Fire/CSD Board of Directors instruct the fire chief to publish the fire department's Annual Report on the public website of the administering authority for each fire department no later than January 31, 2023 (and annually thereafter). (F1, F2)
- R6** The Inyo Grand Jury Recommends that each fire department Fire/CSD District Board of Directors require their Fire Chief to submit the status of all mandated inspections as a part of the annual budgeting process starting with the 2023/2024 budget cycle. Any inspections which are not completed within the mandated period should be carried on subsequent Board agenda(s) until resolution is approved by the Board. (F1, F2)
- R7** The Inyo Grand Jury recommends The County of Inyo County Office of Education begin reviewing fire inspection reports for the schools within its jurisdiction annually starting with the 2023/2024 school year. (F1)

COMMENDATIONS

- C1** The Grand Jury commends the successful Fire Cadet Program which is implemented in the BPVFD. Educating and nurturing interest in the VFDs during high school helps to increase the number of volunteers in the future. This program also fosters greater community involvement in the VFDs which is critical for their long-term success.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Bishop Fire Protection District/ Fire Board	F1-2	R1-6	90 Days
Big Pine Fire Protection District/ Fire Board	F1-2	R1-6	90 Days
Independence Fire Protection District/ Fire Board	F1-2	R1-6	90 Days
Lone Pine Fire Protection District/ Fire Board	F1-2	R1-6	90 Days
Olancha/Cartago Fire Protection District / Fire Board	F1-2	R1-6	90 Days
Southern Inyo Fire Protection District/ Fire Board	F1-2	R1-6	90 Days
County Office of Education	F1	R7	90 Days

INVITED RESPONSES

- CalFire

GLOSSARY

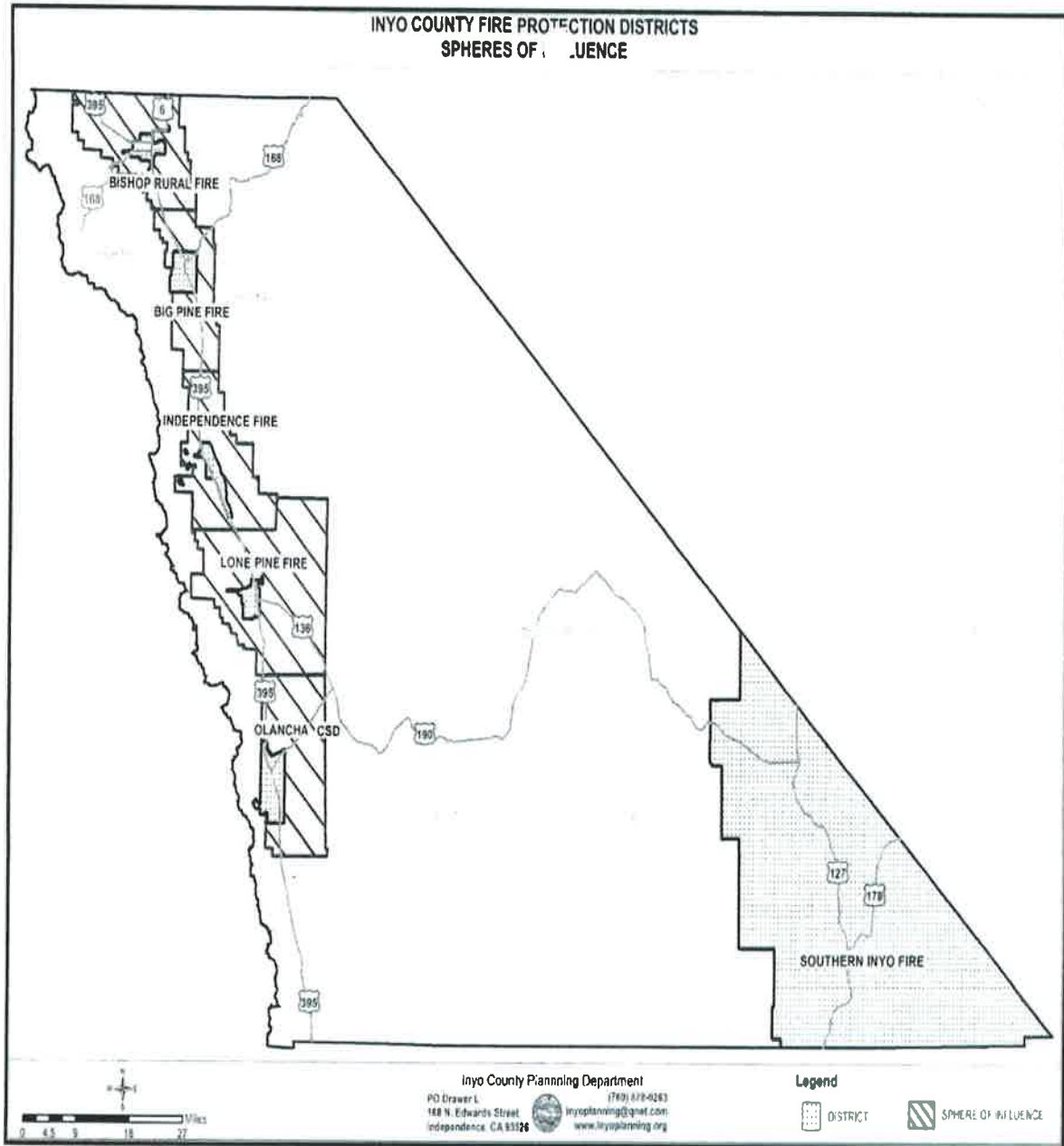
BLM-Bureau of Land Management
BPVFD-Big Pine Volunteer Fire District
BVFD-Bishop Volunteer Fire District
CalFire - California Department of Forestry and Fire Protection
CSD-Community Service District
EMS- Emergency Medical Services
H&S-Health and Safety
HSC-Health and Safety Code
ICFD- Inyo County Fire Department
ICGJ-Inyo County Grand Jury
IVFD-Independence Volunteer Fire District
LPVFD-Lone Pine Volunteer Fire District
MUA-Mutual Aid Agreement
NFPA-National Fire Protection Agency
OCFD-Olancha Community Service District
PNP-Policies and Procedures
SB-Senate Bill
SIVFD-Southern Inyo Volunteer Fire District
VFD-Volunteer Fire Department

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- California State Regulations
- California State Fire Marshal Code
- CSDA's Guide to Special District Laws and Related Codes
- Fire and Life Safety Guidelines for Schools
- Improving fire department communications(2020)
- Inyo County Emergency Operations Plan
- Inyo Joint Powers Agreement
- Inyo Mutual Aid Agreements
- OEHS Safe School Inspection Guide
- Policies and Procedures for VFD/CSD
- The Metamorphosis of Special Districts: Current Methods for Consolidation, Dissolution, Subsidiary District Formation and Merger
- U.S. Fire Administration/California Fire Loss/Fire Department Profile www.usfa.fema.gov/data/statistics/states/california.html
- 2021-22 Inspection Template Guide

APPENDIX

#1 Map of Inyo County Fire Districts



#2 Funding for VFD's

Inyo Fire Districts - 5 Year Average - Revenue vs Expense		
District	Revenue (\$K)	Expense (\$K)
Bishop	395	information not available
Big Pine	428	465
Independence	297	266
Lone Pine	524	433
Olancha	237	205
Southern Inyo	131	134

#3 Health and Safety Code Sections 13146.2, 13146.3, and 17921(b)

California Health and Safety Code Section 13146

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.

(B) The chief building official of the city, county, or city and county, or the official's authorized representative.

(2) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in paragraph (1) or (4).

(3) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(4) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

(b) A fee may be charged pursuant to the enforcement authority of this section but shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(Amended by Stats. 2019, Ch. 31, Sec. 7. (SB 85) Effective June 27, 2019.)

13146.1.

(a) Notwithstanding Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city, county, or city and county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal, by June 30 of each applicable year pursuant to subdivision (b), that inspections of jails or places of detention, therein, shall be conducted by the chief, or the chief's authorized representative, and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to fire and life safety adopted by the Board of State and Community Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

(d) The State Fire Marshal, or the State Fire Marshal's authorized representative, who performs an inspection pursuant to subdivision (a) may charge and collect a fee for the inspection from the local government. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

(Amended by Stats. 2019, Ch. 31, Sec. 8. (SB 85) Effective June 27, 2019.)

13146.2.

(a) Every city, county, or city and county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire

Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.

(b) A city, county, or city and county fire department or district providing fire protection services that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or city and county fire department or district providing fire protection services, sufficient to pay the costs of that inspection.

(c) A city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for structures subject to subdivision (b) of Section 17921, such as plan review, construction consulting, fire watch, and investigation, may charge and collect a fee from the owner of the structure in an amount, as determined by the city, county, city and county, or district, sufficient to pay the costs of those related fire and life safety activities.

(d) The State Fire Marshal, or the State Fire Marshal's authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

(Amended by Stats. 2019, Ch. 31, Sec. 9. (SB 85) Effective June 27, 2019.)

13146.3.

(a) A city, county, or city and county fire department or district providing fire protection services shall inspect every building used as a public or private school within its jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and the State Fire Marshal's authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

(b) A city, county, or city and county fire department or district that, or the State Fire Marshal or the State Fire Marshal's authorized representative who, inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection in an amount sufficient to pay the costs of that inspection.

(Amended by Stats. 2019, Ch. 31, Sec. 10. (SB 85) Effective June 27, 2019.)

13146.4.

(a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and

13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

(Added by Stats. 2018, Ch. 854, Sec. 1. (SB 1205) Effective January 1, 2019.)

13146.5.

The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or district providing fire protection services, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code.

(Amended by Stats. 1980, Ch. 118.)

13146.6.

If the governing body of a city, county, or city and county fire department or district providing fire protection services relies on an all-volunteer fire department for the provision of fire protection services pursuant to Sections 13145, 13146, 13146.2, and 13146.3, they may do so through one of the following methods:

(a) They may request the State Fire Marshal to enforce the building standards and other regulations of the State Fire Marshal, in accordance with paragraph (4) of subdivision (a) of Section 13146.

(b) They may request another city, county, or city and county fire department or district providing fire protection services that has regular full-time members of a regularly organized fire department to enforce the building standards and other regulations of the State Fire Marshal.

(Added by Stats. 2019, Ch. 31, Sec. 11. (SB 85) Effective June 27, 2019.)

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.

(B) The chief building official of the city, county, or city and county, or the official's authorized representative.

(2) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in paragraph (1) or (4).

(3) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(4) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

(b) A fee may be charged pursuant to the enforcement authority of this section but shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(Amended by Stats. 2019, Ch. 31, Sec. 7. (SB 85) Effective June 27, 2019.)

California Health and Safety Code Section 17912

(a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and

repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

#4 Preliminary list of Schools requiring inspections

Preliminary list of schools requiring inspections under HSC 13146

<u>Bishop</u>	<u>Big Pine</u>	<u>Independence</u>	<u>Lone Pine</u>	<u>Olancho</u>	<u>Southern Inyo</u>
Jill Kinmont Boothe School	Big Pine Elementry	Owens Valley Elementary School	IMACA Lone Pine Pre School	None	Death Valley Unified Shoshone High
Palisade Glacier High School	Big Pine State Pre School	Owens Valley High School	Lo-Inyo Elementary School		
Bishop Union High School	Big Pine High School	Owens Valley Middle School	Lone Pine High School		
Bishop Elementary School			MT. Whitney Pre School		
Discovery Poinr Pre School					
Grace Luthern Christian Day School					
Home Street Middle School					
ICSS – Bishop State Preschool					
IMACA Clarke St. Pre School					
IMACA Elm St. Pre School					
Rainbow Connection					

#5 Preliminary list of Lodgings needing inspections

Preliminary list of lodgings requiring inspections

<u>Bishop</u>	<u>Big Pine</u>	<u>Independence</u>	<u>Lone Pine</u>	<u>Olancha</u>	<u>Southern Inyo</u>
Best Western Bishop	Big Pine Motel	Courthouse Motel	Best Western	Lemon House Inn Motel	The Inn at Death Valley
Bishop 395 Inn	Big Pine Resort Cottages	Independence Inn	Boulder Creek	Olancha RV Park/Motel	The Ranch at Death Valley
Cielo Hotel	Bristlecone Motel	Mt Williamson Motel	Cozy Muir Cottage	Ranch Motel and Cabins	Panamint Springs Resort
Comfort Inn	Starlight Motel	Ray's Den Motel	Dow Villa	Rustic Oasis Motel	Stovepipe Wells Hotel
Creekside Inn		Winnedumah Hotel	Lone Pine Budget Inn		Furnace Creek Resort
Days Inn			Mount Whitney Motel		Delight's Hot Springs Resort
Elms Hotel			Portal Motel		Villa Anita in Death Valley
Keough Hot Springs resort			Quality Inn		1940's Miner's Cabin
Mountain View Motel			Timberline Motel		Shoshone Inn
Super 8			Whitney Portal Hostel		Shoshone RV Park
The Hostel CA					
Thunderbird Motel					
Town House Motel					
Travelodge					
Trees Motel					
Vagabond Inn					



Inyo County Grand Jury Report 2021-2022

Detention Facilities

Public Prisons and Jails in Inyo County

Penal Code 919 (b) orders that every California Grand Jury “shall inquire into the conditions and management of the public prisons within the county.” It is not clear if the statute applies to all jails operated by cities or counties or only to prisons which are operated by the state. Inyo County Grand Juries have traditionally taken the approach of applying the statute to all jails within Inyo County. Until recently, this applied to four places of incarceration; the Owens Valley Conservation Camp, which is a state prison, Inyo County Jail in Independence, Inyo County Juvenile Detention Center also located in Independence, and the Bishop Police Jail. The last two are now unused or barely used as will be explained.

While the code requires Grand Juries to inquire into all prisons, it does not require a formal report about any of them. Your Grand Jury did inquire into each: this is a brief summary of our observations and findings.

Owens Valley Conservation Camp (Prison)

The only prison in our County is the Owens Valley Conservation Camp which is operated by the California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection commonly referred to as CalFire.

By definition, only felons go to state prisons, and some felons are now incarcerated locally in county jails.

For the most part, only nonviolent and non-sexual offender prisoners are sent to one of the Conservation Camps usually after proving their good behavior for some time in regular prisons and volunteering to serve in a setting which has strict standards of good behavior and involves a lot of hard and sometimes dangerous work fighting fires. Occasionally when a violent offender is sent to the Camp, he is not released or paroled here, but is transported elsewhere before release. There are now 36 Conservation Camps down from 44 in the state. Our Conservation Camp Number 26 is designed to hold 132 inmates, but because of fewer and shorter prison sentences throughout the state, was down to only 62 prisoners at the time of our inspection on Dec. 13, 2021. Some prisoners do things other than fighting fires such as cooking, laundry, maintenance and repair.

The prison Camp is staffed by a Correctional staff of a lieutenant, a sergeant and eight officers. CalFire is staffed by ten captains, three battalion chiefs and a division chief.

The prison, including dorms, offices, work buildings, cafeteria, laundry, grounds and recreational area was clean and well maintained. The food which we sampled for lunch

was copious and very good. We were told the food is just like that served to firefighting crews when they are serving in that capacity.

The local prison is without walls or fences and has a public road running through it. Although escape would be comparatively easy, it has very few attempted escapes and a very low rate of recidivism. There have been no escapes from our prison in the last five years.

The Camp provides fire crews which operate locally and throughout the state as needed. A fire crew consists of 17 prisoners and a Fire Captain who travels by bus. We presently have three fire crews, down from five crews a few years ago. In 2021, up to our December visit, these crews devoted 37,133 hours to fighting fires.

The local Camp also performs many services to our community such as cleanups, weed control and fire prevention at parks, Tri-County Fairgrounds, Laws Museum area, public buildings, campgrounds, landfills and other places. In 2021, prisoners provided 72,704 hours of community service, labor worth hundreds of thousands of dollars.

We believe this prison and its management of Correctional and CalFire personnel provide great service to our state and local areas.

Inyo County Jail

The Inyo County Jail, located in Independence, is a 99-bed facility operated by the Inyo County Sheriff's Department primarily with Correctional Officers who are not sworn deputies. Because of fewer jail sentences and shorter jail sentences in the last few years, the jail inmate population has averaged only about 50 in the last year.

At the time of our inspection on April 18, 2022, the jail interior, exterior, grounds and parking area all appeared clean, well-kept and well ordered.

Fire safety inspections of the jail are performed regularly by CalFire since the local fire department does not take on this responsibility.

Several functions are fulfilled by the inmates such as laundry, general duties, janitorial and much of the food preparation.

The cost to house a prisoner over the last year was \$222.00 per day. Pre-Covid, it was \$157.00 per day. The cost goes down as the inmate population goes up.

According to the jail's senior administrative staff, the number of the inmates suffering from diagnosable psychological issues, as opposed to those caused by temporary drugs or mental lapses at the time of their arrests, has increased greatly in recent years.

There used to be only one or two inmates at a time who appeared to have permanent serious mental health problems; now it is 30% or 40% of the jail population that have permanent mental health problems. Some prisoners refuse their prescribed medications and cannot be forced to take medication. A nurse can in an emergency give a shot to someone experiencing a particularly violent or dangerous episode.

Some larger counties have psychiatric wards staffed by doctors and nurses and mental health care professionals. Our county jail lacks the budget for this option. This mirrors a widespread issue of lack of mental health facilities in our society in general and rural counties in particular.

Inmates do get the benefit of Alcoholics Anonymous, Narcotics Anonymous, Anger Management Classes, Parenting Classes and Wild Iris Art Classes for domestic violence offenders. One newer program is called MRT, or Moral Recognition Training designed to help prisoners deal with their emotions and recognize the effects of their actions. It is an intense three-month program for which the inmate must volunteer. It is helping at least some of its graduate inmates to remain offense free after release.

Many of the inmates have the use of computer tablets. Their use is restricted and is a privilege which the inmates can use to entertain and improve themselves.

We asked about deaths, especially murders or suicides in the Inyo County Jail and were informed that there has not been one death in our jail in at least ten years.

A widespread problem in current society is a lack of job applicants for many jobs in many fields. This is true for correctional officer opportunities in Inyo County. Even though a correctional officer, with only a high school education, can start at \$55,000 to \$60,000, there are few applicants for open slots. Recent advertisements for these positions did not draw a single person to even take the basic agility test.

There are currently no GED classes or occupational training available to inmates. Correctional staff believe that without education, mental health services, occupational training and placement help, the jail will continue to function as a revolving door for inmates. The Sheriff's department and correctional staff are deeply concerned about this issue, but feel they are largely powerless to address the situation

Juvenile Detention Facility

The Inyo County Probation Department handles all juvenile referrals from law enforcement agencies.

Inyo County has a juvenile detention facility in Independence which was reclassified in 2016 to a 96-hour holding facility. It is well maintained and inspected regularly by the Board of State and Community Corrections. It is currently used as a Probation

Department office in South County where juveniles can meet with their probation officers.

This facility was costing as much as \$2,000,000.00 per year to staff and maintain as recently as 2016 when it was still used as a detention facility. At that time it had an average daily population of two or three juveniles, and only 14 all year. It took a minimum of 12 full time employees to keep a juvenile in custody 24 hours a day, seven days a week. Inmate population had declined drastically due to new incarceration guidelines and philosophies for juvenile offenders. All staff was kept when the facility ceased housing juveniles. They were reassigned so that they might provide a greater and more effective impact on the juveniles and their families in the community.

When a juvenile is detained or arrested, he/she is referred to the Inyo County Probation Department. The Department then makes a decision as to how best to handle the situation. They have wide latitude as to how to proceed.

Through the development of the Probation Department early intervention program, mentoring and counseling services, the Probation Department has contact with approximately 150 juveniles and their families per month in schools and in the community.

Most offenders are counseled and released. Ninety percent of first offenders do not have further law enforcement contact. Some are put on 6-month informal probation during which time they and often their families receive counseling and mentoring. The Department provides in-school and after school services.

There are currently 49 youth under supervision in Inyo County. Only half of these are wards of the Court. When we have a juvenile offender who must be incarcerated, he/she is sent to a juvenile detention facility with whom Inyo County has an agreement. Presently, Inyo County uses either the Tuolumne facility in Sonora, CA, or a detention facility in South Lake Tahoe. Which facility is used for placement depends on winter road closures as well as transportation regulations which require two people to transport a juvenile. It costs Inyo County \$125.00 per day to house a juvenile offender in Tuolumne versus \$190.00 per day in South Lake Tahoe.

As of April 4, 2022, our county had only one juvenile in custody who is currently housed at the Tuolumne facility.

In order to encourage visits with the detainee, Inyo County provides the family with motel rooms and a gas card if requested.

Even though we do not have a currently used Juvenile Detention facility in Inyo County to inspect at this time, we decided that our citizenry would like to know why and to hear of the progress that has been made on keeping our Juveniles out of detention and out of trouble while saving significant amounts of money for our County.

Bishop Police Department Jail

The jail at the Bishop Police has long been on the list of jails inspected annually by the Grand Jury, but it is no longer being used.

The Bishop Police station is sometimes manned by only one person. It is impossible for that person to perform his/her other duties while doing the required inspection every 30 minutes of an inmate in the jail. Therefore, all arrestees are held just long enough to be booked in Bishop and then transported immediately to the Inyo County Jail in Independence.

Even the alcohol offense tank is no longer in use at the Police Station. Offenders are either cited and released or transported to the County Jail. Again, since your Grand Jury no longer has a Bishop Police jail to inspect, we thought our citizens would like to know of this new development.