

THOMAS D. ALLMAN
Sheriff-Coroner



Captain Randy Johnson
Administrative Services
Captain Kurt O. Smallcomb
Field Services
Captain Tim Pearce
Corrections

County of Mendocino Office Of The Sheriff-Coroner

July 9, 2012

Honorable Richard Henderson, Presiding Judge
Superior Court of California
County of Mendocino
County Courthouse
Ukiah CA 95482

RE: Response to Report of the 2011-2012 Grand Jury Report

Dear Judge Henderson:

Attached and enclosed please find my responses to the Grand Jury's report entitled:

Mendocino County Emergency Services

The Grand Jury requires the Mendocino County Sheriff's Office to respond to All Findings and All Recommendations:

Findings

I agree with Findings numbered **1, 2, 3, 4, 5, 7, 10, 12, 13, 15, 16, 17, 18, 19, 21, & 22**

I disagree partially with Findings numbered **6, 8, 9, and 11.**

I disagree with Findings numbered **14**

I neither agree nor disagree with Finding numbered **20.**

Finding #6: California National Guard personnel effectively utilized the EOC as a Command-and-Control Center during "Operation Full Court Press", a three week long multi-agency marijuana operation during the months of July and August 2011.

I agree with most of the finding and seek to clarify; The EOC was effectively utilized by the National Guard and numerous other federal, state, and local agencies as a Command and Control Center during "Full Court Press".

Finding #8: The "Gang of Five" authorized individual agency funding for a year to purchase the HAZMAT vehicle. The HAZMAT team is comprised of personnel from County fire agencies and various state agencies (CalFire/Cal

**951 Low Gap Road
Ukiah, California 95482-3734**

**707-463-5667
Fax 707-463-4689**

Trans/CHP). REHIT operates on an annual grant funding of \$278,000.

I agree partially but do not agree nor disagree with the remainder of this finding. This Finding should be referred to the REHIT Coordinator.

Finding #9: REHIT responded to 22 incidents in 2011 and 6 incidents during the first quarter of 2012.

I neither agree nor disagree with this finding as I do not collect data as to the number of incidents taken or responded to by the REHIT team in 2012. The finding should be referred to the REHIT Coordinator for comment.

Finding #10: Meth lab cleanup transportation costs will no longer be financed by the state.

I neither agree nor disagree with this finding as I have not been fully briefed on changes to the state budget regarding lab cleanup, transportation, or disposal costs. The finding should be referred to the REHIT Coordinator for comment.

Finding #11: The County paid \$228,000 in overtime pay to MCSO personnel during the Fort Bragg manhunt.

The search for the double homicide suspect in Fort Bragg cost approximately \$278,000 in overtime, \$40,000 in logistics and \$7,000 in helicopter costs.

Finding #14: The audit recommended that OES revert to staffing by the CEO's office.

I disagree with the findings of the audit. The increased efficiency of the OES Coordinator has resulted in an increase of successful grant applications, and improved relationship with the four incorporated cities.

Recommendations:

At this time the following numbered Recommendations have been implemented, **1, 2, 3, & 5.**

I cannot agree or disagree with Finding numbered **4** as Emergency Medical Services falls under the HHSA Director's scope of responsibility.

Sincerely,

THOMAS D. ALLMAN
SHERIFF-CORONER

cc: Grand Jury
County Counsel
Chief Executive Office

County of Mendocino
Grand Jury
www.co.mendocino.ca.us/grandjury

Post Office Box 939
Ukiah, CA 95482
grandjury@co.mendocino.ca.us

Tom Allman, Sheriff
Mendocino County
951 Low Gap Rd.
Ukiah, Calif. 95482

Date: May 10, 2012

RE: Report Titled: *Mendocino County Emergency Services*
Dated: March 28, 2012

Your response to the attached report by the 2011/2012 Mendocino County Civil Grand Jury is required pursuant to Penal Code §933.05 (enclosed). Penal Code §933.05 also requires that your response to the Findings and Recommendations contained in the report be in writing and be submitted within **60 days for individual responses from elected officials or agency heads** or within **90 days for governing bodies** (including such entities as school boards, city councils and the Board of Supervisors).

Penal Code §933.05(f) specifically prohibits disclosure of the contents of this report by a public agency or its officers or governing body prior to the release to the public. The report will be released to the public and posted on the grand jury website two (2) or more days after the date of this letter.

The Penal Code is specific as to the format of responses. Complete and sign the enclosed Response Form and attach any additional comments as required.

Should you have any questions after reviewing the enclosures, please contact me at **grandjury@co.mendocino.ca.us** or at the address above.

Sincerely,

Carol Rosenberg
2011/2012 Foreperson
Mendocino County Grand Jury

For Your Information

SUMMARY OF PENAL CODE 933.05

Penal Code § 933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the **findings** of a Grand Jury report :

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the findings, *in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.*

Penal Code § 933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond with in respect to the **recommendations** of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. *This timeframe shall not exceed six (6) months from the date of publication of the Grand Jury Report.*
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, If a finding and/or recommendation of the Grand Jury addresses **budgetary** or **personnel** matters of a county agency/department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address **all** aspects of the findings or recommendations affecting his or her agency/department.

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title : *Mendocino County Emergency Services*

Report Dated : *March 28, 2012*

Response Form Submitted By:

Tom Allman, Sheriff
Mendocino County
951 Low Gap Rd.
Ukiah, Calif. 95482

Response MUST be submitted, per Penal Code §933.05, no later than:
July 9, 2012

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- X I (we) agree with the Findings numbered:
_____ 1, 2, 3, 4, 5, 7, 10, 12, 13, 15, 16, 17, 18, 19, 21, & 22_____
- X I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
_____ 6, 8, 9, 11, 14_____
- X I neither agree nor disagree with Findings number 20.

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- X The following Recommendation(s) have have been implemented and **attached, as required**, is a summary describing the implemented actions:
_____ 1, 2, 3 & 5_____
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- The following Recommendation(s) require further analysis, and **attached as required.** is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
-

- X The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:

I cannot agree or disagree with Finding number 4 as Emergency Medical Services falls under the HHS Director's scope of responsibility.

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: ___2 plus the initial report___

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Thomas Allman

Title: Sheriff-Coroner

Signed: _____

Date: _____

MENDOCINO COUNTY EMERGENCY SERVICES

An Update

March 28, 2012

SUMMARY

Mendocino County (County) is susceptible to a variety of natural disasters. Floods, earthquakes, wild fires and tsunamis have impacted the County in the past and will continue to do so into the future. Through a coordinated effort of dedicated first responders, the County is improving its chances to meet any impending emergency. Upgrades have been made in communications, emergency equipment and training of personnel. A command-and-control center has been set up. County emergency response teams, coupled with valuable non-paid volunteers, are trained to provide emergency services.

County emergency agencies have worked together to improve emergency services throughout the County. In 2005, the "Gang of Five," comprised of leaders of various County emergency agencies, combined grant funding for their individual agencies into the single purchase of a state-of-the-art hazmat vehicle. In early 2012, the City of Ukiah, along with the assistance of other County, cities and concerned citizens, purchased a specialized robot. The robot is available for use by any County emergency agency.

METHOD

The Grand Jury (GJ) interviewed personnel from the Mendocino County Sheriff's Office (MCSO), Mendocino County Department of Transportation (MCDOT), Mendocino County Health and Human Services Agency (HHSA), the staff of a fire department and the United States Army Corps of Engineers (USACE). The GJ conducted a site visit to the Emergency Operations Center (EOC). In addition, the GJ visited the County hazardous material vehicle and the Coyote Lake Dam facility. The GJ reviewed the County Emergency Operations Plan (EOP), the Mendocino County Multi-Hazard Mitigation Plan (MHMP), a Tsunami After-Action Report, a 2011 Efficiency Audit of the MCSO and the Sheriff's written response to the audit. The GJ also reviewed the transcript of the Mendocino County Office of Emergency Services (OES) Coordinator's Tsunami presentation to the Board of Supervisors on March 12, 2012.

BACKGROUND

The 2011-2012 GJ chose to investigate how well the County prepares for an emergency. Each year brings an assortment of emergencies that require an immediate response by the County. During 2011, in addition to the usual emergencies, there were several exceptional incidents including a tsunami surge

and an unprecedented manhunt for a suspected killer in a remote coastal area.

The OES is responsible for controlling and directing the effort of emergency organization in the County. In July 2009, the MCSO took over responsibilities of the OES from the Chief Executive Officer. A sergeant, who reports directly to the Sheriff assumed the role of OES Coordinator.

When an emergency is determined, communication/coordination is established between the EOC and an on-scene Incident Commander. The EOC, located in the Sheriff's Department Training Facility in Ukiah, provides a large space equipped with communications equipment, including 10 computers with Internet access. The EOC also includes a conference room with a back-up generator.

Three important factors of dealing with emergencies are:

- Preparation before a disaster hits
- Timely, effective response once the disaster hits
- After-action evaluation

To meet these goals, the Mendocino County Board of Supervisors (BOS) approved the Multi-Hazard Mitigation Plan (MHMP) in January 2008 and the Mendocino County Emergency Operations Plan (EOP) in September 2006. The MHMP, designed to adhere to the congressional Disaster Mitigation Act of 2000, lists a number of potential disasters that the County can face:

- Dam Failure
- Earthquake
- Flood
- Landslides
- Tsunami
- Urban Conflagration
- Windstorm
- Hazardous Material Spills

The Grand Jury reviewed the following agencies to explore how they interface with OES in case of the prior eight possibilities.

Shelters/Disaster Response Team (DRT)

The County may activate the Disaster Response Team (DRT) during emergencies. The DRT primary purpose is setting up emergency shelters. The team is comprised of a DRT Coordinator, assigned to HHSA, who works with HHSA volunteers to assist any County residents in need of emergency shelter. Once activating a shelter site, DRT will stay on site until relieved by Red Cross personnel, who then assume responsibility. During the huge Mendocino County Lightning Complex Fire of 2008, shelters were set up at Willits High School, Fort Bragg High School, Point Arena High School, and at Ukiah Junior Academy.

Redwood Empire Hazardous Incident Team (REHIT)

REHIT is headed by an Operations Chief and composed of personnel from various state and county emergency response teams. In 2005, county agencies combined grant money to purchase a state-of-the-art HAZMAT vehicle for \$265,000. Carried onboard the HAZMAT vehicle is an additional \$250,000 worth of the latest HAZMAT equipment. This includes protective clothing, decontamination equipment and a small lab, used to identify chemical composition on site. In recent years, REHIT has responded to Freon leaks, a helicopter crash scene, numerous fuel spills and meth lab cleanup.

Fire Districts/CalFire

There are 21 fire agencies in the County. Larger fire agencies include salaried fire fighters, EMT and HAZMAT personnel. Smaller fire agencies consist of a fire chief and a roster of volunteers. These volunteer fire districts also provide emergency and ambulance services in rural communities. There are large portions of the County that do not have an assigned fire agency. State funded CalFire augments the County fire fighting capability with the deployment of various aircraft but operates only during the dry, summer months (June thru mid-October). The remainder of the year, there is little or no fire coverage in the outlying areas.

Emergency Medical Services (EMS)

In 1994, Mendocino County joined with Napa and Sonoma Counties to form the Coastal Valleys EMS Agency. The agency, headquartered in Santa Rosa, is responsible for the planning, operation and evaluation of the County EMS system. In that role, Coastal Valleys EMS Agency is to ensure that designated EMS responders are properly certified, conduct periodic ambulance inspections and monitor response times in emergencies. Through recent grant funding, EMS has purchased laptop computers to assist in monitoring patients en route to hospitals. Currently, there is a temporary head of EMS. There has been a reduction in funding with funds shifted to OES and law enforcement.

FINDINGS

1. At the time of this report, the OES Coordinator primarily works alone. Currently, an intern provides occasional assistance.
2. The OES Coordinator has other assigned duties, including being a member of the MCSO Search and Rescue Team, Mutual Aid Coordinator and as Communications Leader.
3. The OES Coordinator is pro-active in providing information concerning OES. He has arranged with all five county radio stations to broadcast public service messages in regards to emergency services. On March 12, 2012, the OES

- Coordinator spoke before the BOS to promote tsunami awareness. The BOS named the week of March 25-31, 2012 as "Tsunami Preparedness Week".
4. The OES Coordinator has proven proficient in grant writing. Currently, the County has secured four grants totaling approximately \$400,000 a year.
 5. The EOC was not used during the March 2011 tsunami surge in which Noyo Harbor suffered substantial pier damage.
 6. California National Guard personnel effectively utilized the EOC as a Command-and-Control Center during "Operation Full Court Press", a three-week long multi-agency marijuana operation during the months of July and August 2011.
 7. The GJ learned that the telephone emergency warning system, "Reverse 911", has proven to be effective in emergencies. In 2011, the County paid \$35,000 to contract for this service. There are plans to submit a formal Request for Proposal for this service beginning 2013-2014.
 8. The "Gang of Five" authorized individual agency funding for a year to purchase the HAZMAT vehicle. The HAZMAT team is comprised of personnel from County fire agencies and various state agencies (CalFire/Cal Trans/CHP). REHIT operates on an annual grant funding of \$278,000.
 9. REHIT responded to 22 incidents in 2011 and 6 incidents during the first quarter of 2012.
 10. Meth lab cleanup transportation costs will no longer be financed by the state.
 11. The County paid \$228,000 in overtime pay to MCSO personnel during the Fort Bragg manhunt.
 12. In early 2012, a proposed Assembly Bill, AB1863, requested the State reimburse Mendocino County for costs involved in the Fort Bragg manhunt. The bill would also ensure that emergency funds be made available to rural areas for such incidents in the future.
 13. An audit, paid through MCSO, questioned whether there was a need for a sergeant's position to staff the OES.
 14. The audit recommended that OES revert to staffing by the CEO's office.
 15. Countywide communications have vastly improved over the past few years. Seven microwave towers, located within Mendocino County, have replaced the older and ineffective "repeater system" that made communications with the south coast difficult and problematic.
 16. By January 2013, all emergency agencies will have to adhere to the federally mandated "narrow banding" of all frequencies within Mendocino County. The narrowing of the band could cut down effectiveness 10% to 25%.
 17. In 2012, the County purchased four tsunami-warning sirens from the National Oceanic and Atmospheric Administration Office. These sirens will be placed in low-lying areas susceptible to tsunamis. Two sirens are to be installed at Noyo Harbor and one at Point Arena by May 2012. The fourth siren, partially funded by the City of Fort Bragg, will be installed later in the Pudding Creek Area of Fort Bragg.
 18. Each spring, the counties of Mendocino, Humboldt and Del Norte participate in a coordinated "Live Code" exercise, which simulates an impending tsunami. Other agencies involved include the California Emergency

Management Agency and the West Coast Tsunami Warning Center. The scheduled date in 2012 was March 28.

19. An after-action report of the March 2011 tsunami reported there were several minor glitches involving inter-agency communication regarding road closures along Highway 1.
20. The local EMS Agency is mandated by the State to implement and enforce the provisions of the safety code in order to promote effective and efficient pre-hospital care. This is accomplished by providing certification and accreditation in monitoring training programs and investigating complaints. Funding has been a long-standing problem.
21. The Emergency Operations Plan (EOP), completed in 2006, is outdated.
22. Debris from last year's Japanese earthquake/tsunami is expected to wash ashore along the Mendocino coastline in 2013. There is no state or federal funding for cleanup costs.

RECOMMENDATIONS

The GJ recommends that:

1. The BOS approve a full time assistant position to the Office of Emergency Service Coordinator. (Findings 1-2)
2. Retain the position of Office of Emergency Service Coordinator under the direction of the MCSO. (Finding 13-14)
3. Utilize the Emergency Operations Center during any emergency. (Finding 5-6)
4. The BOS provide sufficient funding to the Emergency Medical Service to perform mandated training, certification, public education, and preparedness of emergency personnel. (Finding 20)
5. The Emergency Operations Plan, approved by the BOS in 2006, be updated. (Finding 21)

DISCUSSION

Earthquakes are a constant threat to the County. Of primary concern is the Cascadian Subduction Zone, located off the northern Mendocino Coast and extending northward to the Canadian border. Geologists feel there is a strong chance for a potential 8.0 earthquake/tsunami to be generated from this fault zone within the next 50 years.

Small fault lines are found close to the Coyote Dam site, which is administered/managed by the U.S. Army Corps of Engineers (USACE). To monitor seismic activity at the dam site, USACE has installed two earthquake-

detecting devices (accelerator graphs) referred to as seismic monitoring stations. One is located along the bottom and another at the top of the 160 feet high, 3,500 feet-long, earth-filled dam. Any reading of 5.0 on the Richter scale activates a warning signal/siren at the dam as well as the nearby administration building. There has never been a 5.0 reading at the dam, completed in 1959, whose primary function is flood control.

Recent tremors of 5.0 or above have been determined in the upper reaches of the Hayward Fault.

The most notable emergency faced by the County in 2011 was one not found in any mitigation handbook. This was a manhunt conducted in rugged terrain outside the City of Fort Bragg for the suspected murderer of two victims. MCSO requested outside assistance to track the suspect. Over 40 county, state and federal law enforcement agencies responded to join in the 36-day manhunt.

While many aspects of emergency services are improving, there are still numerous concerns facing the County:

1. The absence of a second access road in Brooktrails in case of a large wildfire
2. State funding for the transportation of meth lab cleanup is becoming non-existent
3. Cutbacks in pay and hours worked may result in fewer DRT workers
4. Numerous dams in the county are aging and are in need of repair:
 - a) Mill Pond (1885)
 - b) Van Arsdale (1907)
 - c) Mendocino Middle (1908)
 - d) Mendocino Three Upper (1915)
5. Local fire agencies are incurring financial/personnel problems (e.g., the fire station in Willits needs replacing but lacks the financing)
6. Off-season wildfires pose a problem without local CalFire presence
7. Financial inadequacies are facing county ambulance providers

REQUIRED RESPONSES:

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County CEO (All Findings; All Recommendations)

Mendocino County Sheriff (All Findings; All Recommendations)

Mendocino County Office of Emergency Services: (All Findings; All Recommendations)

Mendocino County Office of Health and Human Services Agency (Findings 8-10, 19-20; Recommendation 4)