

The Grand Jury of Humboldt County



**2008 – 2009
Final Report**

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GRAND JURY
COUNTY OF HUMBOLDT

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EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2475

June 17, 2009

Honorable Christopher Wilson, Presiding Judge
Superior Court of California
County of Humboldt

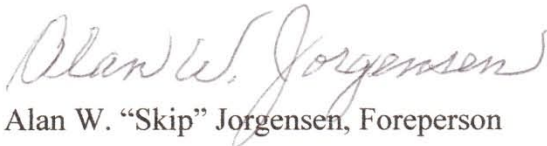
Your Honor:

The 2008-09 Grand Jury has come to the end of its term of service to the citizens of Humboldt County. Nineteen jurors from various backgrounds served faithfully and with commitment examining the work and conduct of county and city departments, special districts, and individuals who serve in our County government. Although parts of our report are critical, this jury has had the opportunity to examine and appreciate many examples of progressive and innovative work by those who serve the public and are too often underappreciated.

The year has been challenging as our Country is undergoing a change in political direction and is wrestling with an economy in turmoil with significant local impact. Noticeably fewer complaints were submitted to the Jury by the public over the past year, twenty-four as compared to the typical 50-60 complaints. This allowed the Jury to initiate seventeen internal reports including agencies which had not been reviewed in several years. The jury conducted nearly 150 hours of interviews and spent more than 7000 hours reviewing documents and preparing reports.

Just as Jurors took their work seriously, we appreciate the time and serious attention afforded the Grand Jury by those who appeared as witnesses and provided documentation. We also appreciate Court and County staff who worked in a variety of ways to accommodate the work of the Jury as well as the direct assistance of the County Counsel, and our Jury advisor, Judge John T. Feeney.

Sincerely,


Alan W. "Skip" Jorgensen, Foreperson

2008-2009 Grand Jury of Humboldt County

Officers

Presiding Judge	The Honorable John T. Feeney
Foreperson	Alan "Skip" Jorgensen
Foreperson Pro-tem	Keath North
Sergeant-at-Arms	Charles "Chuck" Taylor
Office Manager	Sue Hemmann
Recording Secretary	Carol Ann Del Biaggio
Corresponding Secretary	Jeffrey Bobbitt
Parliamentarian	Jorgen von Frausing-Borch

Members

Jeffrey Bobbitt	Eureka
Nancy Brunner	Eureka
Donny Carroll*	Eureka
Bill Christensen	Eureka
Marilyn Forsell	Hydesville
Carol Ann Del Biaggio	Ferndale
Sue Hemmann	Eureka
Bernice Huston	Blue Lake
Alan "Skip" Jorgensen	McKinleyville
Mike Kears	Eureka
Dolores C. Naish	Fields Landing
Tracy Nelson	Ferndale
Keath North	Loleta
Darrel Petersen	Eureka
Harry Pond	Fortuna
Jim Robertson	Fortuna
Charles "Chuck" Taylor	Eureka
Jorgen von Frausing-Borch	Ferndale
Jim Wingo	Fortuna

*Donny Carroll passed away during his term of service on the Grand Jury.

Committee Chairs

Administration and Finance
Cities and Districts
Health, Education, and Social Services
Jails
Law and Justice
Public Works

Marilyn Forsell
Jorgen von Frausing-Borch
Jim Wingo
Jim Robertson
Charles “Chuck” Taylor
Darrel Petersen

2008-09 Grand Jury of Humboldt County



Left to right: The Honorable John T. Feeney, Charles “Chuck” Taylor, Keath North, Dolores C. Naish, Jeffrey Bobbitt, Nancy Brunner, Jim Wingo, Bernice Huston, Marilyn Forsell, Darrel Petersen, Carol Ann Del Biaggio, Jorgen von Frausing-Borch, Sue Hemmann, Tracy Nelson, Jim Robertson, Bill Christensen, Mike Kearse, Harry Pond, Alan “Skip” Jorgensen

About the Grand Jury

A Brief History of the Grand Jury

The term Grand Jury is used to indicate a juror membership that is larger than that of a trial (petit) jury. Grand Juries originated under the Common Law of England in the 11th and 12th centuries. The first Grand Jury in the United States was impaneled by the Massachusetts Bay Colony in 1635. The Constitution of the United States did not include a provision for Grand Juries until ratification of the Fifth Amendment to the Constitution in 1791.

Today there are two types of Grand Juries – Criminal Grand Juries and Civil Grand Juries. Criminal Grand Juries review evidence presented by a prosecutor and make a determination whether there is probable cause to return an indictment against an individual accused of a crime. Civil Grand Juries are responsible for overseeing the operations and performance of local governmental agencies and ensuring that counties, cities, and special districts lawfully execute their duties and responsibilities.

The Constitution of the State of California mandates that a Civil Grand Jury be impaneled annually in each county of the State. Civil Grand Juries in California are a part of the judicial branch of government and function under the authority of the Superior Court.

The Grand Jury of Humboldt County

The Grand Jury of Humboldt is a Civil Grand Jury composed of nineteen citizens selected by the Presiding Judge of the Superior Court from a pool consisting of both volunteers and nominees of the Court. Grand Jurors are sworn in and formally charged with their responsibilities by the Presiding Judge.

The purview of the Grand Jury extends to all aspects of county and city government including special districts, school districts, and joint powers agencies. The Jury's primary responsibility is making recommendations for the improvement of local government.

Issues typically come before the Grand Jury in one of five ways:

- Complaints filed by citizens against a local governmental agency or official.
- Regular reviews of governmental agencies initiated by the Grand Jury on a rotating schedule established by the Jury.
- Issues brought before the Jury by individual members of the Jury.
- Issues brought to the attention of the Jury by the Presiding Judge of the Superior Court.
- Investigations that are required by state law.

All Grand Jury proceedings are conducted in secret session. Every member of the Jury and every witness appearing before the Jury are bound by this rule of secrecy. Records of Grand Jury proceedings may only be obtained by subpoena or court order.

The Grand Jury of Humboldt County publishes an annual report to the community. This report contains the results of the Jury's investigations and agency reviews and may include specific findings and recommendations. The Jury also reports on the responses of governmental agencies to findings and recommendations made by previous Grand Juries.

California Law requires that governmental agencies and/or officials respond to findings made by the Grand Jury in one of the following two ways:

- Agree with the finding
- Disagree, wholly or partially, with the finding and specify the portion of the finding with which there is disagreement, and explain the reasons for the disagreement.

California Law also requires that governmental agencies and/or officials respond to recommendations made by the Grand Jury in one of the following four ways:

- State that the recommendation has been implemented and provide a summary of the action taken.
- State that the recommendation has not yet been implemented, but will be implemented in the future, and provide the time frame for implementation.
- State that the recommendation requires further analysis and provide a detailed explanation of the needed analysis to the officer, director, or governing body of the responsible agency.
- State that the recommendation will not be implemented because it is not warranted or is not reasonable, and provide an explanation for this decision.

Service on the Grand Jury

To be considered for service on the Grand Jury of Humboldt County, applicants must meet the following qualifications:

- Be a citizen of the United States.
- Be eighteen years of age, or older.
- Be a resident of Humboldt County for at least one year immediately prior to beginning service on the Jury.
- Have ordinary intelligence, sound judgment, and fair character.
- Have sufficient knowledge of the English language.
- Not currently serving as a trial juror in any court in the state.

- Not having been discharged from service as a Grand Juror in any county of the state within the past year.
- Never having been convicted of malfeasance in office or any felony or other high crime.
- Not currently serving as an elected public official

Persons interested in being considered for service on the Grand Jury of Humboldt County should contact:

Office of the Jury Commissioner
Humboldt County Superior Court
825 Fifth Street
Eureka, CA 95501

707.269.1270
grandjury@co.humboldt.ca.us

Filing Complaints

Forms for filling complaints with the Grand Jury are available at www.co.humboldt.ca.us/grandjury.

2008-2009 Grand Jury Report

Citizen Complaints

This final report of the 2008-2009 Grand Jury of Humboldt County is organized into three sections. This first section provides a summary of the actions taken on the formal complaints that were filed with the Jury. The 2008-2009 Grand Jury investigated 23 new complaints from local citizens and continued the investigation of one complaint originally filed with the 2007-2008 Grand Jury. Upon completion of its investigations, the 2008-2009 Grand Jury found that 17 of these complaints did not merit specific action or recommendations by the Jury. The remaining seven complaints either resulted in the Jury's initiating new investigations or contributed to investigations already in progress.

Investigations Not Resulting in Formal Reports

In this second section of the report, the Grand Jury lists the County agencies and/or other community issues it reviewed or investigated during its 2008-2009 term and for which the Jury concluded it would not issue formal reports. These agencies and/or issues are:

- Adult Probation
- County Airports
- County and Eureka City Parks
- County Roads and Bridges
- County Vehicle Fleet
- Eureka Utility Tax
- Home Schooling
- Leased County Facilities
- Loleta School Bonds
- Neighborhood Marijuana Growing
- Ombudsman Program
- Public Guardian
- Public Health
- Public Welfare
- Recycling and Hazardous Waste

Continuing Investigations

There were two additional investigations begun by the 2008-09 Grand Jury that were not complete at the time this report was published. These investigations will be referred to the 2009-2010 Grand Jury.

Investigations Resulting in Formal Reports

In the third and final section of this report the Grand Jury presents a series of individual reports on the agencies it reviewed during its 2008-2009 term and found that there were significant issues and/or problems associated with the agency that should be specifically brought to the attention of the community. Reports on reviews that are mandated by state law regardless of the results are also included in this section.

Grand Jury Report 2009-AF-01 Humboldt County Assessor's Office

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Assessor** shall respond to Findings 1, 2, 3, 4, 5, and 7 and to Recommendations 1, 2, 3, and 5.
- The **Humboldt County Board of Supervisors** shall respond to Finding 6 and Recommendation 4.
- The **Humboldt County Counsel** shall respond to Finding 7 and Recommendation 5.
- The **Humboldt County Community Development Services Director** shall respond to Finding 7 and Recommendation 5.

Background

As part of its responsibility to periodically review County agencies under its jurisdiction, the 2008-2009 Grand Jury of Humboldt County conducted a review of the Humboldt County Assessor's Office. The review was conducted in the time period beginning in August of 2008 and ending in March of 2009.

The County Assessor is an elected official responsible for the discovery, valuation, and assessment of all taxable property located within the County. The Assessor's Office is located on the third floor of the Humboldt County Courthouse and when fully staffed includes thirty-two employees.

In conducting this review, representatives of the Grand Jury interviewed the Assessor, current and former employees of the Assessor's Office, and other individuals knowledgeable of county operations. In addition, Jury members reviewed documents and other resources available through the California Assessors' Offices' Web site, which includes links to the fifty-eight counties in California.

Report

The California Revenue and Taxation Code is the primary resource used by the Assessor's Office when establishing a value on real and/or personal property. Real property is assessed, or reassessed, when there is a change of ownership or significant physical modifications are made to the property. These modifications include new construction as well as additions to, or

remodeling of, existing structures. The appraised value of real property is determined by the initial value, the purchase price, and the value of modifications to the property, as established by financial records of an improvement project contractor. Personal property is subject to annual appraisal and includes items such as boats and aircraft as well as furniture, equipment, and supplies used in the operation of a business. The total Secured Assessment Units in Humboldt County for 2008-09 are estimated at 75,250. In 2008-09 it is projected that 9,150 Business/Personal Property Assessments will be performed. The total property tax roll value for all assessed property in the County is estimated at \$10.7 billion.

A standard two percent increase is applied to the base value of real property in the County on an annual basis, unless the State Board of Equalization determines that the California Cost of Living Index indicates the increase should be less than two percent. Since the 1970s a value of less than two percent has been applied on four occasions.

An appeal process is available to property owners who wish to contest the assessed value of property. Appeals are heard by an Appeals Board consisting of three individuals appointed by the Board of Supervisors. The Appeals Board meets on an as-needed basis. Most of the appeals that are heard by the Appeals Board receive a ruling that is favorable to the appellant.

Members of the Board of Supervisors occasionally inquire as to the status of a constituent's property. Although such an inquiry can raise the interest of the Assessor's Office in addressing issues relative to a particular property, the Grand Jury found no indication of a Supervisor interfering or unduly advocating for a constituent.

The Assessor's Office is not normally involved in establishing property designations or in determining the legal/illegal status of a property. These status determinations include decisions regarding properties in Timber Production Zones (TPZ) and "suspect" properties, which are those properties "red flagged" by the Planning Department when the property use designation is unclear. The responsibility of the Assessor's Office's is to place a value on legally designated properties that have been assigned an Assessor's Parcel Number. The Assessor's staff makes these determinations according to the Revenue and Taxation Code and a Procedures Manual developed for employees. Disagreements over the status of some land parcels cause confusion, inefficiency, and delay in the Assessor's Office as well as in other departments of the County.

Staff positions in the Assessor's Office include a supervising leadership group, assessment and transfer personnel, draftspersons, technicians, and support personnel. These positions also include ten appraisers, who are usually assigned to either personal or real property appraisals in a specific geographic area of the County. The 2008-09 General Fund Budget for the Assessor's Office is \$2,497,040 of which 85.5 percent is for employee salaries and benefits.

When seeking, providing, or researching information in the Assessor's Office, the public is assisted at the front desk by designated technicians. Appraisers are assigned to front desk support on a rotating basis. Two computer terminals are available to the public for researching recorded

and assessed properties within the County. All such property records are public records. Copies of records and maps are available for a fee.

Qualifications for employment as an Appraiser include a Bachelor's Degree or appropriate professional experience. Upon initial employment an Appraiser is assigned to a Supervising Appraiser for on-the-job training and is required to participate in additional training provided by the State of California.

Probationary employees in the Assessor's Office are to be evaluated at the end of a three-month period and again at least ten days prior to the end of their six-month probationary period. Permanent employees are to be evaluated on an annual basis two weeks prior to their anniversary date of employment. In practice, performance evaluations are not completed on a timely basis, or at all. Over the past two years, 18 evaluations have been completed when as many as 60 evaluations were required. The Grand Jury believes that this lack of evaluations is having a negative effect on employee performance and morale.

The Assessor's Office uses a computer software program called Megabyte for recording and tracking information. This program is in common use in Assessors' Offices throughout the state. Also in common use in other counties is a Web-based system through which citizens can obtain property information and other public records through the Internet. The lack of such a system in Humboldt County contributes to operational inefficiencies in the Assessor's Office and to unnecessary delays in recording, processing, and providing information. The Grand Jury also learned that not all employees in the Assessor's Office have the appropriate level of technical competency. Absence of the expectation that all employees attain appropriate competency and the lack of adequate support for employees to improve their competency contribute to declining operational efficiency in the office. Regular management staff meetings are not conducted in the Assessor's Office.

The Grand Jury also observed that there appears to be a tradition in the Assessor's Office of unofficially preselecting and grooming an existing employee to run for election to the Assessor position when it next becomes vacant. Although this tradition may tend to produce a qualified and experienced candidate for the Assessor position, it can also result in the selected candidate's feeling inappropriately obligated to the current employees who participated in the pre-selection and grooming process.

Findings

1. Employee performance evaluations in the Assessor's Office are not being conducted according to the schedule specified by County policy.
2. Absence of the expectation that all employees attain appropriate computer competency, and the lack of adequate support for employees to improve their competency, contribute to declining operational efficiency in the Assessor's Office.

3. The lack of a convenient Web-based system through which citizens can access property information and other public records through the Internet contributes to operational inefficiencies in the Assessor's Office and to unnecessary delays in recording, processing, and providing information.
4. Regular management and staff meetings are not conducted in the Assessor's Office.
5. There appears to be a practice of grooming a current employee in the Assessor's Office to ultimately run for election to the Assessor position.
6. Twenty California counties currently combine the duties of the Assessor with those of other county offices, as permitted by Government Code. Combining offices and functions for purposes of cost and management efficiency could be a benefit to Humboldt County.
7. There is continuing confusion regarding the status of some properties in the County. This was previously noted in the 2006 Grand Jury Report. These unresolved issues are a source of frustration for the Assessor's Office, for other county departments, and for property owners in Humboldt County.

Recommendations

1. The Assessor should ensure that all employee performance evaluations are conducted as prescribed in the Procedures Manual and that those performing the evaluations are properly trained.
2. The Assessor should consider the creation of a staff position for the purpose of training and supporting staff in the updating and implementation of technology now and for the future. The duties of this position should also include the development of a Web-based system to facilitate public access to information, documents, and maps.
3. The Assessor should hold regular meetings with management staff, to ensure that all employees have a regular opportunity to discuss office operations and receive direct communication on office expectations, protocol, and procedures.
4. The Board of Supervisors should consider combining the duties of the Assessor's Office with those of other compatible County offices and report to the citizens of the County the outcome of its consideration.
5. The Assessor's Office should develop regular and effective communication procedures among County departments that are affected by unresolved property designations.

Grand Jury Report 2009-CD-01 Humboldt County's Small Special Districts

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Board of Supervisors** shall respond to Finding and Recommendation 1.
- The **Humboldt County Auditor** shall respond to Findings and Recommendations 1 and 2.
- The **Humboldt County Community Development Services Department** shall respond to Findings and Recommendations 3 and 4.

Background

Special districts are created to provide specific services to a specific geographical area. Because of the services they provide, special districts are an important component of local government and contribute significantly to the quality of life of the citizens they serve. The role of special districts is well described in the following excerpt from a report prepared by the Office of California State Senator Tom Torlakson in 2002.

Celebrated as the best example of democracy, cursed as the worst form of fragmented government, and generally misunderstood even by the experts, special districts are California's unique contribution to local government. But what is so special about special districts anyway? The answer: focused service.

Focused because special districts only serve in specifically defined areas, unlike counties and cities that provide services throughout their boundaries. Special districts are also focused because most of them provide only a single service, allowing them to concentrate on one activity. Service because special districts deliver public programs and public facilities that their constituents want.¹

In previous reports, the Grand Jury has noted some of the challenges faced by small special districts in Humboldt County. This report represents a continuation of the work of previous Grand Juries and focuses on some of the current challenges facing these districts, specifically current funding constraints that are limiting the districts' ability to operate effectively in an

¹ What's So Special About Special Districts? <http://www.sen.ca.gov/locgov/WhatsSoSpecialPublication.pdf>

environment of increased regulations and code requirements. The Grand Jury hopes that this report will help to improve the efficiency and effectiveness of special districts and assist them in continuing to provide their valuable services to the community.

Report

In preparing this report, Grand Jurors interviewed current and former special district managers, County employees, a former County Administrative Officer, a member of the County Board of Supervisors, two representatives of the Humboldt County Local Agency Formation Commission, a Department Head from Lake County, and the Director of the California Special Districts Association. Additional information was obtained from a survey of local special districts conducted by the Grand Jury's Cities and Districts Committee. The report addresses three areas pertinent to the current operations of special districts – Financial Auditing, Education and Training, and Technical Resources.

Financial Auditing

California Government Code Sections 61118 and 26909 require that special district boards provide for regular audits of the district's accounts and records. Section 26909 further requires the County Auditor to ensure that audits are conducted on a timely basis. Previous Grand Jury reports have found that compliance with these requirements is a recurring problem for special districts. The survey conducted by the Grand Jury revealed that a number of districts are not in compliance with audit regulations. Lack of funds for increasingly expensive audits by a Certified Public Accountant or a Public Accountant is most often cited as the reason for non-compliance.

Based on its reading of the pertinent regulations, the Grand Jury finds that there are alternatives to expensive annual audits available to certain, qualified special districts. A special district may, by unanimous request of its Board, and with the unanimous approval of the Board of Supervisors, replace the annual audit with one of the following:

- A biennial audit covering a two-year period.
- An audit covering a five-year period, if the special district's annual revenues do not exceed an amount specified by the Board of Supervisors (in Humboldt County this amount is set at \$40,000).
- An audit conducted at specific intervals, as recommended by the County Auditor, which shall be completed at least once every five years.
- A financial review, in accordance with professional standards, as determined by the County Auditor, if the following conditions are met:
 - All of the special district's revenues and expenditures are processed through the county's financial system.
 - The special district's annual revenues do not exceed \$150,000.

As the cost of outside professional audits has increased, and the number of accounting firms offering to perform government audits has decreased, the opportunity exists for the County Auditor to greatly assist smaller districts with their financial reporting by making periodic audits at cost, and informing districts of alternatives to annual audits where applicable.

Education and Training

Due to periodic changes in the composition of governing boards and changes in district management, it is difficult for special districts to maintain continuity of institutional knowledge, leadership, and expertise. To address this issue, the California Special Districts Association (CSDA) offers over 50 workshops each year for district board members, secretaries, and managers. CSDA also publishes manuals, workbooks, and sample policy guides. Although only two districts in Humboldt County are members of CSDA, most of the resources are available to non-members as well, at a small additional cost. Free downloads of fact sheets and guides for special district management and a schedule of educational seminars, courses, and reference books are available on the CSDA Web site at www.csda.net.

As of 2005, the Fair Political Practices Commission requires the directors, trustees, and governing board members of California special districts, as well as all city and county officials, to receive a minimum of two hours of ethics training with a re-certification every two years. The required ethics training certificate may be obtained at no cost to participants at www.localethics.fppc.ca.gov.

College of the Redwoods has plans to offer Water and Wastewater Operator courses to help satisfy the growing need for higher-level education that would enable individuals to complete increasing licensing requirements.

Two respondents to last year's Grand Jury report (2008-CD-01) referred to the formation of a North Coast Water Resources Association in response to recommendations that there be more coordination among local special districts. Although this association has not yet been established, a Senior Planner at the Humboldt County Community Development Services Department is working to ensure that local special districts are made aware of grant information, seminars, and other educational opportunities available to them within the County. The Grand Jury believes a more formal communication structure is needed and could provide a means for sharing resources, information, and experiences; addressing common issues; and accessing county, state and federal assistance programs. A formal North Coast Water Resources Association could also disseminate information regarding local and non-local resources that could improve the efficiency and accountability of local special districts.

Technical Resources

Each of the 58 counties in California has a Local Agency Formation Commission (LAFCO). LAFCOs are charged with the oversight of special district formation and function. Each LAFCO has the responsibility and the authority to ensure that affected local populations receive efficient services. As specified in Section 56425(g) of the Cortese-Knox-Hertzberg Act, a Municipal Service Review (MSR) is required to be performed by each county's LAFCO every five years for each special district within the county. These detailed reviews include infrastructure components and other physical elements of the district's operating systems. Many small special districts defer these infrastructure studies, and needed repairs and/or replacements, due to lack of funding and resistance to higher local user fees, which would have to be charged to support needed improvements.

The most current reports of local MSRs are available at the Humboldt LAFCO's Web site, www.humboldtlaftco.org. Additional information regarding the challenges facing Humboldt County's special districts may also be obtained by reviewing the Community Infrastructure & Services Technical Report, a part of the County's General Plan Update, at www.co.humboldt.ca.us/gpu. The information contained in these reports could be helpful to small special districts in their long-term strategic planning.

Findings

1. Maintaining compliance with audit requirements is a continuing financial problem for some small special districts in Humboldt County.
2. Some special districts may be unaware of lower cost alternatives to annual audit requirements.
3. The North Coast Water Resources Association has not yet been formally established.
4. Many education resources are available for special district board members, secretaries, managers, and operators.

Recommendations

1. The Board of Supervisors should authorize the County Auditor to perform small special district audits at cost to the district.
2. The Humboldt County Auditor should communicate with all special districts that may qualify for reduced audit requirements.

3. The Humboldt County Community Development Services Department should organize, facilitate, and promote membership and participation in a North Coast Water Resources Association.
4. Until such time as the North Coast Water Resources Association is established, the Humboldt County Community Development Services Department should continue to disseminate information regarding potentially useful educational materials and/or courses, including local resources and those available through the California Special Districts Association, College of the Redwoods and/or other online sources.

Grand Jury Report 2009-JL-01 Coroner and Public Administrator

Required Responses:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Coroner and Public Administrator** shall respond to Findings and Recommendations 1 and 2.
- The **Humboldt County Board of Supervisors** shall respond to Findings and Recommendations 1 and 2.

Report:

Representatives of the Grand Jury inspected the County Coroner and Public Administrator's Facility in August of 2008. Areas inspected were the secretary's reception area, Coroner's office, deputies' offices, body storage room, autopsy room, evidence room, weapons storage room, and the outside of the building, including the carport access area. All areas of the facility were found to be clean and well maintained with no odors detected.

In the course of their inspection the representatives of the Grand Jury learned that the frequency of drug overdose-related deaths in the County currently ranges between 40 and 50 per year with the majority caused by the misuse of prescription drugs. Illegal drug overdose deaths are increasing. Deaths from methamphetamine overdose now occur at twice the rate of overdose deaths by heroin.

The Grand Jury commends the Coroner and his staff for providing a high level of service to the community and makes the following findings and recommendations for improvement of these services.

Findings

1. The driveway to the carport is not long enough to allow adequate room to enter from the street before backing into the carport. This has resulted in vehicles making contact with the building.
2. The unloading of bodies in the carport is in full public view from the adjacent sidewalk and street.

Recommendations

1. The Grand Jury recommends extending the driveway into the vacant area to the north.
2. The Grand Jury recommends extending the carport to shield the process of handling bodies from public view.

Grand Jury Report 2009-JL-02 Hoopa and Garberville Sheriff's Substations

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Sheriff's Department** shall respond to Finding and Recommendation 1.

Background

Penal Code section 919(b) provides that the Grand Jury "shall inquire into the conditions and management of the public prisons within the County." To fulfill this responsibility, representatives of the Grand Jury's Jails Committee inspected all holding facilities in the County, including the Sheriff's Substations in Garberville and Hoopa.

Report

The Hoopa and Garberville Substations were found to be clean and, considering their age, in reasonable repair. Each substation normally has only one officer on duty at a time. Therefore, when it is necessary to transport an arrestee to the Humboldt County Correctional Facility in Eureka, the substation is left unstaffed. During the on-duty Deputy's absence, the community is at greater risk due to the inability to respond quickly to crimes in progress and to other needs of the community.

Findings

1. The Hoopa and Garberville Sheriff's Substations are both in need of the services of a Transportation Officer.

Recommendations

1. The Grand Jury of Humboldt County recommends that the Sheriff's Department central office in Eureka provide Transportation Officer services for the Garberville and Hoopa Substations and for any other outlying areas that need them, using existing on-duty personnel when possible.

Grand Jury Report 2009-JL-03

Jails and Holding Facilities

Required Responses

No response to this report is required.

Background

Penal Code section 919(b) provides that the Grand Jury “shall inquire into the conditions and management of the public prisons within the County.” To fulfill this responsibility, the Grand Jury of Humboldt County annually assigns to its Jails Committee the task of visiting, investigating, and evaluating the physical conditions and the management of each jail and holding facility located within the County of Humboldt. Each facility is visited at least once by no fewer than two members of the Committee. The Committee reports its observations, findings, and recommendations to the full Grand Jury. The Grand Jury then issues an annual report on the conditions and management of those jails and holding facilities.

Report

The Grand Jury found the following facilities to be clean, well maintained and in good condition. The Jury offers no specific findings and/or recommendations regarding these facilities and requires no responses from the agencies that operate them. These facilities are:

- Arcata Police Department
- Eureka Police Department
- Ferndale Police Department
- Fortuna Police Department
- Rio Dell Police Department
- Trinidad Police Department
- Juvenile Hall
- Northern California Regional Facility
- Eel River Conservation Camp
- High Rock Conservation Camp
- Sheriff’s Agriculture Farm
- Sheriff’s Work Alternative Program
- Sheriff’s Evidence Room and Yard
- Sheriff’s Substation – McKinleyville

Grand Jury Report 2009-JL-04 Humboldt County Correctional Facility

Required Responses

No response to this report is required.

Background

Penal Code section 919(b) provides that the Grand Jury “shall inquire into the condition and management of the public prisons within the County.” To fulfill this responsibility, the Grand Jury of Humboldt County annually assigns to its Jails Committee the task of visiting, investigating, and evaluating the physical conditions and the management of each jail and holding facility located within the County of Humboldt. Each facility is visited at least once by no fewer than two members of the Committee. The Committee reports its observations, findings, and recommendations to the full Grand Jury.

In the course of this review, representatives of the Grand Jury inspected the Humboldt County Correctional Facility, and the Sheriff’s Department’s Evidence Room and Evidence Yard. Jury members also interviewed Sheriff’s Officers, Correctional Officers, and administrators stationed at these facilities. Grand Jurors also interviewed a sampling of both male and female HCCF inmates. This specific inquiry focuses on the Humboldt County Correctional Facility (HCCF) in Eureka, California.

Report

Overall, the Grand Jury found the HCCF facilities to be clean, well maintained, and in good condition. More specifically, the Jury’s investigation revealed that the facility’s kitchen staff are well trained and follow proper cleanliness practices. These staff members include paid civilian workers and inmate workers. The employment of inmate workers allows the facility to operate at a lower cost to the County than if all workers were paid civilians. The inmate workers are appropriately trained and proper security measures are employed to prevent unauthorized inmate access to knives or other potentially dangerous objects or substances.

The Sheriff’s Department offers a number of voluntary as well as court-mandated programs for HCCF inmates. These programs include high school equivalency exam preparation (GED Certificate), and adult education courses in parenting, anger management, substance abuse, and employment skills. HCCF also offers training programs for its staff members. These programs include both in-service training sessions and training using outside resources such as those available at College of the Redwoods.

In the course of its investigation, the Grand Jury also learned that personnel turnover and the staffing of Correctional Officer positions are problematic issues at the HCCF facility. The facility is currently operating under a condition of mandatory personnel overtime to meet its staffing needs.

Findings and Recommendations:

The Jury offers no specific findings and/or recommendations regarding the Humboldt County Correctional Facility and requires no responses from any of the agencies that operate and/or oversee the facility.

Grand Jury Report 2009-JL-05 Humboldt County Animal Shelter

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Sheriff's Department** shall respond to Findings and Recommendations 1 and 2.
- The **Humboldt County Board of Supervisors** shall respond to Findings and Recommendations 1 and 2.

Background

The responsibilities of the Grand Jury of Humboldt County include the periodic inspection, review, and evaluation of the facilities and operations of the Humboldt County Animal Shelter. The 2008-2009 Grand Jury conducted a review of the Shelter in the time period beginning in late 2008 and ending in early 2009. The Jury's observations, findings, and recommendations are presented in this report.

In the course of its review, representatives of the Grand Jury interviewed County and Animal Shelter administrators and made a site inspection of the Animal Shelter facility. The facility inspection included the food preparation areas, bathing and laundry rooms, euthanasia and freezer rooms, the phone center and reception areas, and the Shelter's vehicle fleet. Representatives of the Grand Jury also reviewed Shelter population statistics, animal license procedures, fee schedules, and sections of the County budget pertinent to the Shelter.

Report

Overall, the Grand Jury found that the Animal Shelter was clean and is being operated in an appropriate and humane manner. The Shelter facility includes kennels for cats, dogs, and other detained animals, which provide appropriate outdoor access. Kennel floors are heated by a radiant hot water system.

The Animal Shelter also processes licensing fees, provides vaccinations for housed animals, and is responsible for the enforcement of animal codes. The facility includes a call center that responds to calls and inquiries from the public.

Animals housed at the Shelter are fed Science Diet Food provided free of charge to the County by the Science Diet Company. The only costs to the County are the shipping charges. This generous donation to the Shelter saves the County approximately \$20,000 per year.

The Animal Shelter has a veterinarian on call to provide services when needed. There are also a number of volunteer workers who walk, feed, and bathe the animals. The Shelter is in the process of installing a computer software system to track animals from entry to exit.

Upon completion of its review of the Animal Shelter, the Grand Jury agreed that the cost of operating the facility, specifically the level of funding provided from the County general fund, is a concern that merits further attention. The increasing cost of employee benefits is of particular concern. The Jury is also concerned about rising utility costs, particularly the costs of operating the floor heating system in the kennels. The Grand Jury, therefore, makes the following specific findings and recommendations.

Findings

1. The annual general fund contribution to the operating budget of the Animal Shelter is rising rapidly with employee salaries and benefits being the most volatile line items.
2. Utility costs for the Shelter are high and are increasing, particularly the cost of operating the floor heating system in the kennel areas.

Recommendations

1. The Sheriff's Office should review staffing and salary levels that affect the general fund contribution to the Animal Shelter's operating budget and consider the possibility of using low risk County inmates and/or Sheriff's Work Alternative Program participants at the facility.
2. The County should pursue grant funding for the installation of a solar-assisted water heating system to supplement the current floor heating system in the kennel areas.

Grand Jury Report 2009-LJ-01 Complaints against Eureka Police Chief

(Note: One member of the Grand Jury, whose name was mentioned in the complaint documents, was excluded from participation in the investigation leading to this report.)

Required Responses

Since the Grand Jury may only require responses from government officials or agencies, and may not require responses from individuals in lower-level positions of public employment, the Jury is not asking for any responses to this report.

Background

The investigation resulting in this report was initiated by complaints filed with the Grand Jury by two local citizens. In the course of its investigation, the Grand Jury received testimony from each of the complainants, the Eureka Police Chief, the Eureka City Manager, a member of the Eureka City Council, staff members in the Finance Department of the City of Eureka, employees of the Eureka Police Department, and other citizens of Eureka.

The Grand Jury also reviewed numerous documents related to the complaints including employment contracts, conflict of interest disclosure statements, and communications from the California Commission on Peace Officers Standards and Training. The Jury also reviewed correspondence from the Office of County Counsel and from the City Manager.

Additional documents were provided to the Grand Jury by the Eureka Police Department and the City of Eureka. The Police Department provided its Policy and Procedure Manual, annual Budget, Employee Recruitment and Selection Policy, Personnel Complaint Policy, and Employee Discipline Policy. The City of Eureka provided its Standards of Employee Conduct, Zero Tolerance Policy, and Prevention of Violence in the Workplace Policy. The Jury also reviewed documents provided by citizens giving testimony before the Jury.

Report

The complaints filed against the Eureka Police Chief allege multiple instances of official misconduct including the unauthorized use of City property, seeking and receiving improper compensation for professional and/or personal expenses, engaging in illegal hiring practices, abuse of authority, misrepresentation of Peace Officer certification status, retaliation against a Department employee, filing an incomplete conflict of interest statement, and sharing information inappropriately with professional colleagues. The Grand Jury investigated each of these allegations.

As a result of its investigation, the Grand Jury found the allegations of unauthorized use of City property, improper compensation, illegal hiring practices, abuse of authority, and certification status misrepresentation to be without merit. On the basis of sworn testimony, the Grand Jury found that the allegation of retaliation had been previously resolved by the City of Eureka. The accusation of filing an incomplete conflict of interest statement was found to be based on an omission that has subsequently been corrected, and the Grand Jury could not substantiate the allegation of inappropriate sharing of information.

Having completed its investigation of these complaints, and having now reported the objective results of its investigation, the Grand Jury believes it is important to briefly delve deeper into what it sees as the circumstances and underlying issues that provided the backdrop for the series of accusations made in the complaints, and which appear to have affected the working environment in the Eureka Police Department following the appointment of the current Police Chief.

Upon his initial appointment, the Police Chief was given firm and specific direction by both the City Council and the City Manager to implement significant changes in the Police Department and to attempt to reform what was seen as the existing and historical culture within the Department. Based on the information it gathered during its investigation, the Grand Jury found that many local citizens and government officials perceived the historical culture in the Eureka Police Department to be one that enabled the self-interests of some Department employees, which negatively affected the Department's ability to meet the legitimate needs of citizens in the community. One can question whether this perception is accurate, but there is little doubt that the perception existed.

The new Chief accepted the direction he was given and proceeded immediately, some say too quickly and aggressively, toward making changes in the Department. The Grand Jury believes the tension that has resulted from the Chief's actions is the predictable outcome when a strong force for change in an organization meets a strong resistance to that change from within the organization. The resulting antagonism between the Chief and those in the Department who do not want to see the changes implemented is predictable and could possibly have been reduced if communications among all those involved had been better. Given the opportunity, many whose actions have contributed to the current tension in the Police Department might have behaved differently and the best option now is for everyone involved to move forward as amicably and productively as possible.

The Grand Jury finds that the situation is improving and that the center of antagonism against the Police Chief has been reduced to a small group of employees who may never come to terms with some of the changes our municipal leaders are seeking within the Police Department. The Grand Jury is encouraged by its observation that most of the employees in the Department, particularly more recently hired employees, see the changing culture in the Department as positive change. Most Department employees are focused on the professional performance of their jobs and want to see an end to the current tension. Recognizing that many citizens in the community also see the evolving culture change in the Department as positive change, the Grand Jury encourages

everyone in the Department and everyone responsible for the management and oversight of the Department to continue to seek ways to move beyond the current tension, to work cooperatively to create and foster an environment of constant improvement and accountability, and to refocus the attention of everyone in the Department on its fundamental mission to serve and protect the citizens of our community.

Findings and Recommendations

Rules governing the Grand Jury require that identified government officials and/or agencies file official responses to any Findings and/or Recommendations made by the Jury. The Grand Jury is not authorized to require responses to its Findings and/or Recommendations from individual citizens or persons in lower-level positions of public employment. Consequently, not being able to request responses from all individuals involved in this investigation, the Grand Jury makes the following findings, but is not requiring responses to any of them.

1. Since the appointment of the current Eureka Police Chief, there has been, and to some degree there continues to be, a tense working environment in the Eureka Police Department affecting officers, command staff, and other Department employees.
2. The primary source of the current tension within the Eureka Police Department is the conflict between changes being implemented by the Chief, the manner in which they are being implemented, and the resistance to those changes by some employees in the Department.
3. Better direction and communication among the City Council, City Manager, Police Chief, and employees of the Police Department could have prevented or reduced some of the current anxiety and antagonism.
4. Everyone involved in the current conflict has a shared responsibility for its cause and for seeking ongoing resolution. This responsibility extends from the Eureka City Council, to the City Manager, to the Police Chief, and to all involved employees of the Eureka Police Department.

Grand Jury Report 2009-PW-01 Redway Solid Waste Transfer Station

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- The **Humboldt County Public Works Department** shall respond to Finding and Recommendation 1.

Background

In the course of the Grand Jury's annual inspection of the Eel River Conservation Camp, representatives of the Jury discovered a property accessibility issue relating to the Redway Solid Waste Transfer Station located adjacent to the Camp. The property on which the Conservation Camp and the Transfer Station are located is owned by the state. The portion of the property occupied by the Transfer Station is leased to the County by the state and subleased by the County to the private company that operates the Transfer Station. Though the transfer station is not operated by the County, the Grand Jury believes the accessibility issue it discovered should be called to the attention of the County's Public Works Department.

Report

The Redway Solid Waste Transfer Station is an integral part of solid waste management in the Southern Humboldt area. It provides a convenient location for the disposal of unwanted items and debris, as well as commercial and residential solid waste. Being adjacent to the Eel River Conservation Camp, the transfer station is particularly vulnerable to unauthorized access after business hours. The property is fenced on three sides, but its northern boundary, approximately 300 feet, is not fenced and is, therefore, not secure. Inmates from the Conservation Camp, as well as members of the general public, have been known to rummage through the station in search of alcohol or marijuana remnants. In the event of a personal injury to one of these trespassers, Humboldt County could be found liable. The County is insured for this type of potential liability, however, it is self-insured for the first \$150,000.

Findings

1. The northern boundary of the Redway Solid Waste Transfer Station's property is not completely fenced and therefore the property can be accessed by unauthorized persons after business hours.

Recommendations

1. The Grand Jury recommends that the Humboldt County Public Works Department construct a fence along the northern boundary of the Redway Solid Waste Transfer Station to make the site more secure and to help prevent unauthorized access after business hours.

Grand Jury Report 2009-PW-02

Community Development Services Department/Planning Division

Required Responses

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of this report shall be provided as follows:

- **The Humboldt County Community Development Services Director** shall respond to Findings and Recommendations 1, 2, 3 and 4.
- **The Humboldt County Board of Supervisors** shall respond to Finding and Recommendation 1

Background

This investigation was prompted by citizen complaints filed with the 2008-09 Grand Jury against the Humboldt County Community Development Services Department (CDS). The subject of these complaints was the difficulty in obtaining planning permits from CDS and accusations of inappropriate actions by staff in the Planning Division. It was noted that several of these complaints were similar to others filed with previous grand juries. The 2005-2006 Grand Jury made specific recommendations regarding the need for reforms in the planning permit process.

Research materials gathered by the Grand Jury, provided by witnesses, and gleaned from the CDS website were utilized in an attempt to fully understand the complexities of the environment within which CDS operates. Testimony was taken from the complainants and others, including several mid-to-high level employees of CDS, the Director of the Department, a land use attorney, and representatives of several ad-hoc citizens' groups concerned with land use issues.

Report

The Board of Supervisors created the Permit Reform Committee in October of 2005. The Committee consists of two County Supervisors, two members of the Planning Commission, the County Administrative Officer, the CDS Director and staff, and representatives from Public Works and the Department of Health and Human Services. The Committee met regularly through mid-2006 and developed 16 specific permit reform initiatives of which CDS was in various stages of implementing, as of mid-2006. The Board of Supervisors agreed to monitor progress of the permit reform measures. Unfortunately, the Permit Reform Committee has not continued to meet on a regular basis and has not completed its work. While the Grand Jury commends the Community Development Services Department for the progress it has made in implementing the initiatives recommended by the Permit Reform Committee, and recognizes that

increased responsibilities assigned to CDS in recent years have made it difficult to continue the implementation, the Jury also recognizes there is continuing public concern regarding the planning permit process and that additional reforms are needed.

There remains a widespread public perception that the building/planning permitting process is overly vague, cumbersome, time-consuming, and expensive. Some witnesses cited this perception as one of the causes of a large number of permit violations. The use of armed Code Enforcement Unit personnel, accompanied by Sheriff's Deputies, to investigate suspected code violators has been a source of great concern, especially to the residents of the affected areas.

Considerable testimony as to delays, duplication and expense in the processing of building permits, major and minor subdivisions, lot splits, lot line adjustments, hazardous tree removal and Timber Production Zone issues was heard by this year's Grand Jury. As with many social issues, Humboldt County's residents are divided in their opinions of what is an acceptable level of growth. There are many factions at work. Complaints filed with the Grand Jury allege that administrators and staff members within the CDS Planning Division have a bias toward limiting development growth in the county, and that they regularly use the recommending authority of their staff positions to pursue a biased agenda of limited growth. A specific allegation is that on November 29, 2007, CDS staff members intentionally omitted part of a code section in a report relating to a proposed amendment to an ordinance, thus misleading the Planning Commission with respect to applicable environmental review. The complainants allege that the code language omitted by CDS staff would have informed the Planning Commission that the proposed ordinance change qualified as a "project" under California Environmental Quality Act (CEQA) Guidelines and, as such, must comply with CEQA regulations, and CEQA compliance must be certified before the ordinance change could be enacted. The complainants further allege that not having access to the full code section could have led the Commission to act on the ordinance amendment without required CEQA review. At issue was the definition of "project".

The following language was used in the CDS staff report to justify their position that the amendment to the TPZ zoning ordinance was exempt from CEQA review:

The activity is not a project as defined in Section 15378 of the CEQA Guidelines.

Section 15378(a)(1) specifically states: "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 15378(a)(1) actually reads as follows:

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures,

enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

While the Jury was unable to confirm whether the omission was intentional or not, it does believe that not having the complete and accurate legal citation could have influenced the Commission's recommendation on the proposed ordinance.

Sections of the Humboldt County Code, the County Subdivision Regulations, the Permit Streamlining Act, and the Subdivision Map Act require certain timeframes for response by the various agencies involved in any particular application. The more complex the application, the greater the number of federal, state and local public agencies potentially involved, yet those timeframes are rarely met, according to witnesses and documentation. Permit processing delays can dramatically affect a project's overall cost and have an impact on development. An online electronic permit tracking system could allow an applicant to monitor progress of his/her application as it moves through the process. Pertinent information on the CDS internal permit tracking system could be mirrored on a password-protected website to better inform the applicant.

A thorough review and updating of the CDS website could also result in alleviating some of the confusion that can lead to misunderstandings. Some of the information on the website is currently out-of-date, missing, or unavailable via the link provided, and conflicting fee information exists.

Findings

1. The Permit Reform Committee made some progress in correcting deficiencies listed in the 2006 Grand Jury report (#2006-PW-02).
2. There is no process by which the applicant can determine the progress of his or her application other than personally contacting the Department.
3. In a report to the Planning Commission on November 29, 2007, CDS staff omitted portions of state code, thus providing incomplete and potentially misleading information.
4. The CDS website <http://www.co.humboldt.ca.us/planning> *Frequently Asked Questions* section contains outdated fee information and missing responses to many questions listed.

Recommendations

1. The Permit Reform Committee should reconvene regular meetings and continue to explore ways to further reduce duplication of effort and to eliminate unnecessary delays in the processing of planning and building permits.
2. The Community Development Services Department should implement an online permit tracking system to allow an applicant to personally monitor progress of his/her application.
3. The Director of the Community Development Services Department should ensure that codes are either quoted fully in staff reports or that any deletion be clearly marked with an explanation for the deletion.
4. The Director of the Community Development Services Department should ensure that the website contains accurate and up-to-date information on fees, the process and timelines applicants can expect, and that the *Frequently Asked Questions* section has answers to all questions listed.