

Humboldt County Grand Jury



FINAL REPORT
AND RESPONSES
2001 – 2002



The Humboldt County Grand Jury would like to thank Gary Bloomfield for his rendering of the western snowy plover.

The western snowy plover is a small awkward-looking shore bird that often nests in open sandy areas along our beaches and dunes; that lives on the leading edge of North America, eating small creatures from the sea foam. Snowy plovers achieve grace and beauty in numbers when they glide together, on their spindly legs, in and out with the waves.

During the snowy plover's breeding season from March 1 to September 30, stay out of signed nesting areas, keep pets on a leash, and limit all activities to the areas of the beach wetted by the last tide cycle.

Populations have declined dramatically in the last twenty years. The western snowy plover is listed as a threatened species under the Endangered Species Act.

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GRAND JURY
COUNTY OF HUMBOLDT
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June 20, 2002

Hon. Dale Rienholtsen
Presiding Judge
Superior Court of the State of California
in and for the
County of Humboldt

Sir:

The 2001-02 Humboldt County Grand Jury is proud to submit this Final Report to the Court as prescribed by Penal Code Section 933. This report is the result of the efforts of the Grand Jury panel over the past year and documents their findings, conclusions and recommendations of what they believe will result in better services to the public by the various government agencies within the county.

As you know, this report will be published in a local newspaper at a later date. It is our hope that that effort will stimulate citizens of this county to become more aware of the activities of the various governmental agencies within the county.

One of the segments of this report is a Continuity Report that investigates the responses to the 1999-2000 grand jury report to determine whether the various agencies responded with action to recommendations made by that grand jury.

It should be noted that the Penal Code requires that the grand jury shall examine each county department on a random basis from time to time. This year's grand jury discovered that the office of the County Counsel had never been examined and chose to take on that task this year. That report is one segment of this final report.

The members of the 2001-02 Humboldt County Grand Jury wish to express deep gratitude to all of the individuals, the governmental agencies and to the Court for the cooperation that made our job easier this year. It is our hope that the grand jury's efforts will stimulate other citizens to volunteer to serve on a future grand jury.

Sincerely
Donald D. Swisher

Foreman, Humboldt County Grand Jury 2001-02



INTRODUCTION

The Humboldt County Grand Jury (HCGJ) has specific legal powers to investigate and report on local government. One continuing obligation is the monitoring of responses to the findings and recommendations made by prior grand juries. The main purpose of undertaking this look at responses is to get a sense of how successful the grand jury has been in bringing about change through its reports. Secondly, the grand jury wants to impress the recipients of grand jury reports with the fact that the grand jury does look at the responses.

The 2001-2002 Humboldt County Grand Jury has reviewed responses to the 1999-2000 Humboldt County Grand Jury Report. The purpose of this review is to decide whether local government officials have carried out the recommendations agreed to in responses to the grand jury report.

Penal Code Section 933.05 (popularly known as the "Koop law" effective on January 1, 1997) redefined the way government entities must respond to grand jury findings and recommendations. This section of the penal code requires that for each grand jury recommendation, the responding person or entity will report one of the following actions:

- That the recommendation has been implemented,
- That the recommendation has not but will be implemented, with a time frame,
- That the recommendation requires further analysis, with an explanation, or
- That the recommendation will not be implemented because it is unwarranted or unreasonable, with a supportive explanation.

This report evaluates the responses to the following 1999-2000 Humboldt County Grand Jury reports. A copy of the complete 1999-2000 Humboldt County Grand Jury Report and the responses may be found at the local library or viewed at www.co.humboldt.ca.us under the **Quick Find** heading for **Humboldt County Grand Jury**.

<u>Government Entity</u>	<u>Report #</u>
1. City of Blue Lake Financial Management	00-01
2. Humboldt County Jail Facilities	00-02
3. Interim Report of the 1999-2000 Humboldt County Grand Jury Concerning the Humboldt County Lease Agreement With the Hoopa Tribe for The Use of The Hoopa Justice Facility	00-03
4. Law and Justice-Hoopa Station	00-04
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Government Entity (cont.)

Report # (cont.)

8.	Audits of Special Districts	00-10
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CITY OF BLUE LAKE-FINANCIAL MANAGEMENT

Report 00-01

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 3 - during FY 2000-01, the Blue Lake City Manager complete the development of a formal operations manual covering the policies and procedures for all accounting and administrative operations, including capitalization and depreciation of capital assets.

Blue Lake City Council's Response - Significant work has been in progress to complete a workable and useful Financial Policy Manual for the City long before the Grand Jury issued this recommendation. This policy manual is scheduled to be presented to the City Council for approval in the near future.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding: F-1. An Operational Manual (Financial Policy Manual) draft went to the Blue Lake City Council in December 2001.

Recommendation 4 - during FY 2000-01, the Blue Lake City Manager complete a fixed-asset inventory and reconcile all accounts related to those assets.

Blue Lake City Council's Response - This recommendation will be implemented but as stated in the City's response to Finding No. 5, it is not expected to be accomplished prior to June 2002.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-2 A fixed asset reconciliation has been done back to 1910.

HUMBOLDT COUNTY JAIL FACILITIES

Report 00-02

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 1- the Rohnerville Agricultural Farm remain in existence at this location or if necessary at another area suitable for this operation.

Board of Supervisors’(BOS’) Response - The Rohnerville Agricultural Farm is on airport property. Having been acquired with restricted federal aviation funds, the property’s primary use as an airport must have priority over other uses. According to the Airport Manager, problems with the current location include the fact that it is currently on prime airport property, creates disagreeable odors for hangar tenants in close proximity, and attracts birds, with resulting potential problems for aircraft. Discussion has been underway for some time to relocate the pig farm to another location on airport property that is not in close proximity to active airport operations. The Board supports the continuation of Rohnerville Agricultural Farm at a location not incompatible with airport operations.

Humboldt County Sheriff Department’s Response - Agree. If the farm project must be moved, a minimum of \$50,000 in initial funding is necessary to replace the existing structures and infrastructure.

➤ **Findings** - The 2001-2002 HCGJ makes the following finding:

F-3 The Humboldt County Board of Supervisors made an extensive study at the Agricultural Farm and found no offensive odors. All animal pens are cleaned and sanitized daily.

F-4 The \$50,000 moving cost was not expended to relocate the Rohnerville Agricultural Farm.

Recommendation 2 - improvements to Juvenile Hall be made as soon as possible.

BOS’ Response - The Probation Department, with the support of the Humboldt County Board of Supervisors, is rapidly moving forward with a State Board of Corrections Construction Grant to renovate/remodel the 30-year-old Juvenile Hall. The project will include the addition of a new intake sally port and processing area, upgrading of the facility perimeter/internal security systems, enhancement of the lobby, and the remodel of the kitchen/food services area. It is anticipated that construction activities will begin in November 2000. Completion of this much needed project will greatly improve security and efficient operation of the facility.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-5 The 2001-2002 Humboldt County Grand Jury Jail Committee inspected the Juvenile Hall and noted that the improvements were complete.

INTERIM REPORT OF THE 1999-2000 HUMBOLDT COUNTY GRAND JURY CONCERNING THE HUMBOLDT COUNTY LEASE AGREEMENT WITH THE HOOPA TRIBE FOR THE USE OF THE HOOPA JUSTICE FACILITY

Report 00-03

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 2 - Humboldt County consummates a viable lease agreement with the Hoopa Tribe for any future use of the Hoopa Justice Facility. Such lease should contain provisions that both parties bear the costs of utilities and maintenance in proportion to each party's use, respectively.

Administrative Services Department's Response - Agree. A lease with the provisions recommended by the grand jury has been written and sent to the Chairman of the Hoopa Tribal Council. We are currently awaiting word from them if it is satisfactory or not. In the meantime, joint use of the facility is occurring and the needs of both entities are being met.

BOS' Response - Agree. County staff has been working toward this end and hope to have a signed agreement by September 2001. This is, of course, contingent upon actions by the Hoopa Tribal Council.

➤ **Findings** - The 2001-2002 HCGJ makes the following findings:

F-6 A meeting took place on February 20, 2002, with the Hoopa tribe and Humboldt County officials to resolve the items in dispute on the use agreement that was sent to the Chairman of the Hoopa Tribal Council.

F-7 A viable use agreement was consummated by all parties involved and was unanimously approved by the board on May 7, 2002.

LAW AND JUSTICE - HOOPA SUBSTATION

Report 00-04

The deputy sheriffs assigned to the Hoopa Sheriff's Substation are responsible for the protection of the citizens and property in their assigned area. The deputies that work out of the Hoopa substation serve the northeastern portion on Humboldt County; from Berry Summit on the west, to the Trinity County line on the east, from Del Norte County line on the north, to areas near Hawkins Bar.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 4 - install an alarm system for the protection of the Sheriff's Substation.

Sheriff Department's Response - Agree. Funding will be requested in the fiscal year 2001/2002 budget request.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-8 The sheriff did not request funds in the FY 2001-2002 budget.

Recommendation 5 - hire a Community Service officer to do routine duties.

Sheriff Department's Response - Agree, in part. Grant funding is being sought to hire a Correctional Officer for the outstations. A Correctional Officer provides a greater range of services when compared to a Community Services Officer.

- **Finding** - The 2001-2002 HCGJ makes the following finding:
F-9 A correctional officer was hired to provide for a greater range of services.

SHERIFF DEPARTMENT'S GARBERVILLE SUBSTATION

Report 00-06

The Garberville Substation of the Humboldt County Sheriff's Department serves the southern portion of the county from the Trinity county line on the east, to the Pacific Ocean on the west, and north of the Mendocino county line to Redcrest.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 2 - the alarm system be connected to an alarm company or directly to the sheriff's dispatch center in Eureka.

Sheriff Department's Response - Agree. A request for funds will be submitted in the fiscal year 2001/2002 budget request.

- **Finding** - The 2001-2002 HCGJ makes the following finding:
F-10 The sheriff did not request funds in the FY 2001-2002 budget.

GARBERVILLE ROAD MAINTENANCE STATION

Report 00-07

The road maintenance yard in Garberville is more than fifty years old and in need of major upgrading.

Findings #1, 3, and 4 - The office building is an old wooden frame structure with corrugated metal sides and roof with an attached storage shed. The equipment building is a World War II vintage Quonset hut with mainly dirt flooring.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 1 - the Humboldt County Public Works officials identify any and all funding sources which might be available to provide for major renovation or replacement of this facility.

Public Works Department's Response - The Department agrees that the Garberville Maintenance Station is in need of major renovation. The only sources of funding that the department is aware of is the General Road Funds (primarily gas tax monies). Low interest loans are available; however, any loans would have to be paid back with interest from the Road Fund. No grant money that we know of is available for this type of project.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-11 The recommendation cannot be implemented due to funding constraints.

Recommendation 2 - the Humboldt County Board of Supervisors budget sufficient funds to provide for major renovation or replacement of this facility.

BOS' Response - This recommendation cannot be implemented at this time due to funding constraints. The source of funding for the recommended renovation or replacement is the Road Fund, which would require monies be transferred from the already under funded ongoing Road Maintenance Program.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-12 The recommendation cannot be implemented due to funding constraints.

PHILLIPSVILLE COMMUNITY SERVICES DISTRICT

Report 00-09

The Phillipsville Community Service District (PCSD) was formed in 1989 to supply potable water along with fire protection and suppression to residents of the area.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 1 - the District submits a current audit to the Humboldt County Auditor.

Auditor-Controller's Response - Agree. The Auditor-Controller will work with the District during 2000-2001 to produce an audit report to the extent that financial activities and records exist to audit.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-13 The report cannot be submitted until it is cleared with the California Franchise Tax Board. The auditor/controller has not heard anything from anyone. The Community Services District is working with Phillippsville Water District in order to clear with the California Franchise Tax Board; hope to have the audit report done by the summer of 2002.

AUDITS OF SPECIAL DISTRICTS

Report 00-10

Government Code 26909 sets forth the requirements for audits for special districts. Subsection (a) states that the county auditor will make an annual audit, or contract with a CPA or other public accountant to make such annual audits. The primary responsibility for performing the audits rests with the individual districts. Both the county and state, by law, are supposed to receive timely reports.

The 1999-2000 Humboldt County Grand Jury's concern is that local taxpayers, in the absence of regular timely audits, have no means of ascertaining the financial condition or the fiscal operations of their districts.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 1 - the Humboldt County Auditor/Controller and Humboldt County Board of Supervisors continue and intensify their efforts to comply with the provisions of Government Code 26909.

Auditor-Controller's Response - Agree. The Humboldt County Board of Supervisors approved an increase in the Auditor-Controller's staff to allow the Auditor-Controller to reinstate the special district audit program. Implementation was delayed by recruitment problems; however, the program has started and one audit has been completed. Additional audits are scheduled during 2000-01.

BOS' Response - This recommendation has been implemented. In fiscal year 1999-00, the Board of Supervisors provided funding to increase the Auditor-Controller's staff to reinstate the special district audit program.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:
F-14

<u>Audit Date</u>	<u>District Audited</u>	<u>Years Covered</u>
March 28, 2000	Patrick Creek Community Services District	1997, 1998, 1999
March 22, 2001	Garberville Fire Protection District	1997, 1998, 1999, 2000
April 13, 2001	Briceland Community Services District	1996, 1997, 1998, 1999, 2000
May 15, 2001	Petrolia Fire Protection District	1997, 1998, 1999, 2000
May 23, 2001	Petrolia Cemetery District	1996, 1997, 1998, 1999, 2000
July 5, 2001	Willow Creek Fire Protection District	1997, 1998, 1999, 2000
July 17, 2001	Kneeland Fire Protection District	1996, 1997, 1998, 1999, 2000
February 20, 2002	Rio Dell Fire Protection District	1997, 1998, 1999, 2000, 2001
<u>Audits Currently in Progress</u>		
	Samoa Fire Protection District	1997, 1998, 1999, 2000, 2001
	Telegraph Ridge Fire Protection District	1997, 1998, 1999, 2000, 2001
	Whitethorn Fire Protection District	1997, 1998, 1999, 2000, 2001

HUMBOLDT COUNTY DEPARTMENT OF SOCIAL SERVICES
CHILD WELFARE DIVISION

Report 00-12

In spite of improvements made, continuing citizen complaints and concerns suggest ongoing deficiencies in the services provided by Child Welfare Services (CWS). The 1999-2000 HCGJ has examined the services currently provided to clients and offers the following recommendations.

THE 1999-2000 HUMBOLDT COUNTY GRAND JURY RECOMMENDED THAT:

Recommendation 1 - Child Welfare Services (CWS) establish a training program with the assistance of the Redwood Coast Regional Center for workers servicing disabled persons.

Social Services Department's Response - Agree. The recommendation has not been implemented at this time. The Redwood Coast Regional Center is a standing member of the Human Services Cabinet's Family Intervention Team Tier II Policy Committee. The Department will initiate, through the Family Intervention Team Tier II, a request for the Redwood Coast Regional Center to develop a targeted training for Mental Health, Probation, Public Health and Child Welfare Services focused on line staff serving Regional Center clients and their families. The curriculum will be developed by the Family Intervention Team Tier II Policy contact staff and policies and procedures for requesting services. The time frame for implementation of the request to train is six months or less.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-15 A training program for workers servicing disabled persons has been established.

Recommendation 2 - the Department of Social Services (DSS) work with Humboldt State University to establish professional level programs in social work that are based in Humboldt County.

Social Services Department's Response - Agree. The recommendation has been implemented. The Department of Social Services Director, in conjunction with the Mental Health Director, initiated contact with the University pertaining to this issue on March 31, 2000. In addition the Department of Social Services presented this issue to the Board of Supervisors on May 9, 2000, and received a letter of support from the Board toward encouraging the development of such a program. Further, the Department solicited and received Letters of Support from the California Welfare Director's Association and the Northern Welfare Director's Committee for this program. The Department will continue to work with Humboldt State University and other Distance Learning University Programs to increase professional (Masters level) training and degree program access in Humboldt County.

➤ **Finding** - The 2001-2002 HCGJ makes the following finding:

F-16 HSU has established professional level programs.

INTRODUCTION

All criminal evidence seized by the sheriff's department is stored in the evidence room in the basement area of the Humboldt County Courthouse. Members of the law and justice committee made several visits to the area and are concerned with the working conditions of the personnel. This has been a problem for many years.

FINDINGS

F-1 The evidence room is staffed by 2 full-time and 1 part-time employee.

SHERIFF DEPARTMENT'S RESPONSE TO F-1:

Agree.

F-2 The evidence room staff was interviewed by members of the grand jury, and they stated they were understaffed.

SHERIFF DEPARTMENT'S RESPONSE TO F-2:

Agree.

F-3 According to the employees there is inadequate ventilation when dealing with toxic materials.

SHERIFF DEPARTMENT'S RESPONSE TO F-3:

Agree.

F-4 All personnel entering and working within the evidence room are in danger of carbon monoxide poisoning because of the poorly vented garage.

SHERIFF DEPARTMENT'S RESPONSE TO F-4:

Agree.

F-5 There is no flushing station available when the personnel are working with a toxic material.

SHERIFF DEPARTMENT'S RESPONSE TO F-5:

Agree.

F-6 The evidence is catalogued manually.

SHERIFF DEPARTMENT'S RESPONSE TO F-6:

Agree.

F-7 There is no clear area for the fingerprinting or other evidence processing.

SHERIFF DEPARTMENT'S RESPONSE TO F-7:

Agree.

CONCLUSIONS

C-1 The evidence room is understaffed.

C-2 The area is hazardous to the health of all the employees because the ventilation system does not circulate the air out of the evidence room.

C-3 The evidence room does not have water available to flush toxic materials from the employees' face and hands.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 The evidence room be moved to a larger area with proper ventilation.

SHERIFF DEPARTMENT'S RESPONSE TO R-1:

This recommendation has not been implemented yet; however, it will be implemented in the future. Beginning in the Spring of 2001, the County began a project to transform some old jail space into an area appropriate for property storage and an evidence lab. Proper ventilation for the area has not been accomplished yet, but the County Risk Manager and Building Maintenance Departments are working on it.

R-2 The staff be increased to 3 full-time employees in the evidence room.

SHERIFF DEPARTMENT'S RESPONSE TO R-2:

This recommendation has been implemented. Staff working in the evidence/property room was increased in Fiscal Year 2001/2002 to 3.5 employees. The breakdown is as follows:

- 1.5 Property/Evidence Technicians
- 2.0 Evidence Technicians

R-3 The evidence room has a computer database program to catalog the evidence.

SHERIFF DEPARTMENT'S RESPONSE TO R-3:

This recommendation has not yet been implemented. The computerized Records Management System implemented during Fiscal Year 2001/2002 has a separate Property Management module that will be added when all the problems are worked out of the base system.

R-4 A flushing station be installed to remove the toxic materials from the evidence room.

SHERIFF DEPARTMENT'S RESPONSE TO R-4:

This recommendation has been implemented. In the new area designated for the evidence lab, an eyewash station, emergency shower and large utility sink have been installed.

RESPONSES:

THE FOLLOWING RESPONSES TO REPORT 02-01 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The sheriff shall respond to all findings and recommendations.

INTRODUCTION

California Penal Code, Section 919(b) requires a yearly grand jury investigation of all public prison facilities within the county. In accordance with this requirement, the 2001-2002 Humboldt County Grand Jury has investigated the Humboldt County Correctional Facility (Main Jail) and the five other jail facilities in the county. The following information was obtained from the correctional personnel and visitations.

HUMBOLDT COUNTY CORRECTIONAL FACILITY (MAIN JAIL)

FINDINGS

- F-1 The final construction of this facility was completed in 1998.
- F-2 The total capacity is 410 inmates; currently the daily inmate population is 387-400.
- F-3 The facility is in good condition and is well maintained.

- F-4 New correctional officers are continually hired; many leave because of low pay.

SHERIFF DEPARTMENT'S RESPONSE F-4:

Agree. In October of 2000, the Board of Supervisors agreed to a five percent pay adjustment for correctional officers as a first step in a collaborative effort to hire and retain correctional officers. Additionally, the Sheriff's Department, with the assistance of the County Personnel Department, have been actively recruiting for correctional officers. As of August of 2002, the vacancy level has been reduced from 26 in August of 2000 to 10 officer positions; and, the turnover rate has been reduced to a normal rate.

A continued emphasis is being placed on recruitment and retention efforts.

- F-5 The facility is like a training ground for the move to better paying positions in other law enforcement agencies.
- F-6 The facility is presently understaffed by 15-20 correctional officers.
- F-7 According to correctional personnel, understaffing causes a security problem.

SHERIFF DEPARTMENT'S RESPONSE TO F-7:

Agree. Through recruitment and retention efforts, we have increased our level of staff. We also increased our post positions in our maximum security housing unit and initiated a minimum staffing plan to ensure that a sufficient amount of staff are on duty at all times.

- F-8 There are plans for remodeling the facility.

SHERIFF DEPARTMENT'S RESPONSE TO F-8:

Agree. The third floor west court holding facilities have been remodeled, and the County is in the process of remodeling our court floor security holding areas as part of the upcoming courthouse remodel. Currently, we are replacing the facility kitchen floor but have no further immediate plans or need to remodel. We are, however, assessing our current facility and exploring possible ways in which we may be able to expand in the future should the need arise.

F-9 There are plans for upgrading the computer system.

SHERIFF DEPARTMENT'S RESPONSE TO F-9:

Agree. We are currently working with the County Information Services Department to put together a request for information to send to vendors to determine the feasibility of replacing our current correctional management computer system. The current system is in need of upgrading, and we will be in a better position to determine the feasibility and develop a time line after we gain the necessary information.

F-10 There are medical personnel on duty 24 hours a day.

F-11 There are mental health personnel on duty on a regular basis.

F-12 The Humboldt County Health Department gives the kitchen the highest rating in the county for cleanliness.

CONCLUSIONS

C-1 Understaffing creates a security problem.

C-2 Low pay creates a high turnover rate and understaffing in personnel.

RECOMMENDATION

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 the Board of Supervisors appropriates funding to hire and retain correctional officers to compete with other counties.

BOARD OF SUPERVISORS' RESPONSE TO R-1:

Recommendation has been implemented. The Board has adopted new procedures to assist in recruitment and retention of correctional officers. Any county employee is eligible for a \$500 recruitment bonus if they refer a correctional officer candidate who is eventually hired. One-half of this bonus is paid upon hire of a referred candidate; one-half is paid upon successful completion of the candidate's probationary period. Another recruitment incentive recently implemented is the adoption of a deputy sheriff trainee job classification. This provides for correctional officers, with a minimum of three years experience, to be eligible to apply and compete for a field officer position. Successful candidates are then appointed in a trainee position, with salary and all associated costs to participate in the police officer academy paid by the county. The ability to be eligible to compete and train for field officer positions is expected to serve as a recruitment tool for the position of correctional officer.

In terms of salary adjustments, the Board provided for a 5% salary increase in 2001, above the regular county negotiated raises, for all Correctional Officer classes.

These proactive and successful recruitment and retention efforts, initiated and implemented through the cooperation of the Sheriff and Personnel Departments, have resulted in the lowest vacancy rates in the county's correctional facility in over a decade.

RESPONSES

THE FOLLOWING RESPONSES TO REPORTS 02-02 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES:

1. The Board of Supervisors shall respond to R-1.
2. The sheriff shall respond to F-4, F-7 through F-9.

ARCATA CITY JAIL

FINDINGS

- F-1 The Arcata Jail has one clean cell with a stainless steel toilet/sink unit.
- F-2 The cell is audio-monitored.
- F-3 The entire facility is well maintained and morale is excellent.

EUREKA CITY JAIL

FINDINGS

- F-1 The Eureka Jail has three clean cells.

- F-2 The cells are video-monitored.
- F-3 Maximum holding time in the cells is four hours; longer incarcerated individuals are taken to the Humboldt County Jail Facility.
- F-4 The entire facility is well run and morale is excellent.

FORTUNA CITY JAIL

FINDINGS

- F-1 There are two cells that have pillows and sheets on the beds.
- F-2 Anyone being incarcerated for more than a few hours is taken to the Humboldt County Jail Facility in Eureka as soon as possible.
- F-3 The entire facility is neat and clean.

CONCLUSION

- C-1 These facilities are adequate and the grand jury has no recommendations.

HUMBOLDT COUNTY SHERIFF'S HOOPA SUBSTATION:

- F-1: The substation has two jail cells that hold four people to a cell and one cell that is used as a drunk tank.

SHERIFF DEPARTMENT'S RESPONSE TO F-1:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-1:

Agree in part. The operational capacity of the jail is determined by the Sheriff.

- F-2: There are four deputies, one correctional officer, one sergeant, and one senior legal office assistant assigned to the substation.

SHERIFF DEPARTMENT'S RESPONSE TO F-2:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-2:

Administrative Services is not familiar with Sheriff staffing.

F-3: The Hoopa Sheriff's Substation does not have any custodial service; this work is done by office personnel.

SHERIFF DEPARTMENT'S RESPONSE TO F-3:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-3:

This was probably true when the Grand Jury wrote it. Since the Hoopa Tribal Council and Board of Supervisors signed a building use agreement, custodial services are the responsibility of the Council.

F-4: The custodial duties are performed by the senior legal office assistance; the duties are not part of her job description;

SHERIFF DEPARTMENT'S RESPONSE TO F-4:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-4:

Administrative Services is not familiar with Sheriff staffing.

F-5: The Hoopa jail cell toilets are forty-six years old; due to their deteriorated condition, they cannot be cleaned.

SHERIFF DEPARTMENT'S RESPONSE TO F-5:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-5:

Agree that the toilets are aged and their condition has deteriorated. They can be cleaned.

F-6: The Hoopa Sheriff's Substation is not wheelchair accessible and does not comply with the American Disabilities Act (ADA).

SHERIFF DEPARTMENT'S RESPONSE TO F-6:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-6:

The building was part of the County's facility review for ADA and Title 24 compliance. Discrepancies from the ADA and Title 24 were identified.

F-7: The county built the Hoopa Justice Facility where the Sheriff's Substation is located on tribal land and is currently negotiating the terms for an acceptable lease agreement between Humboldt County and the Hoopa Tribal Council.

SHERIFF DEPARTMENT'S RESPONSE TO F-7:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-7:

This was probably true when the Grand Jury wrote it.

F-8: The building has been recently painted on the interior and exterior.

SHERIFF DEPARTMENT'S RESPONSE TO F-8:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-8:

Agree in part. The Tribal Court painted the exterior of the building. Administrative Services is not familiar with any recent interior painting.

F-9: The outside area is secure with a fence and locks on the gate and garage.

SHERIFF DEPARTMENT'S RESPONSE TO F-9:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-9:

Agree in part. The exterior area controlled by the Sheriff is secure. Access to the front of the building and the rear of the area controlled by the Tribal Court is not secure.

F-10: The jail and office areas are clean.

SHERIFF DEPARTMENT'S RESPONSE TO F-10:

Agree.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-10:

Agree.

C-1 The job description for the Hoopa sheriff's substation senior legal office assistant does not include custodial duties.

C-2 Hoopa cell toilets may be a health hazard.

C-3 A wheelchair cannot enter the Hoopa sheriff's substation.

C-4 A lease agreement is needed for the building.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 the sheriff continues to recruit a person for custodial service for the Hoopa sheriff's substation.

SHERIFF DEPARTMENT'S RESPONSE TO R-1:

The recommendation has not yet been implemented as the Sheriff's Department is not responsible for recruiting and hiring custodians for the Hoopa Outstation. Building Maintenance, under the Administrative Service Director, would be responsible for the recruiting and hiring; or, the Hoopa Tribal Council would be responsible per the "Maintenance and Use Agreement" between the County of Humboldt and the Hoopa Valley Tribe signed April 18, 2002.

R-2 toilets are replaced with stainless steel toilet and sink units in the Hoopa sheriff's substation.

SHERIFF DEPARTMENT'S RESPONSE TO R-2:

This recommendation has been partially implemented. Approximately three weeks ago, the first of three (3) Hoopa Outstation cell toilets were replaced with the stainless steel toilet and sink combination by the Building Maintenance Staff. The other two toilets will be replaced by them soon.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-2:

The recommendation will be implemented. Building Maintenance has included this in its maintenance plan for the facility. Due to the agreement with the Tribal Council, this item has been relegated to a priority lower than those in the agreement. It is tentatively scheduled for Fiscal Year 2003-2004.

R-3 the Hoopa substation is modified to comply with the ADA act.

SHERIFF DEPARTMENT'S RESPONSE TO R-3:

This recommendation has not been implemented as the Sheriff's Department is not responsible for modifying the Hoopa Outstation to comply with the ADA act. Building Maintenance, under the Administrative Service Director, would be responsible; or, the Hoopa Tribal Council would be responsible according to the "Maintenance and Use Agreement" signed April 18, 2002.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-3:

Implementing this recommendation is up to the Hoopa Tribal Council. The use agreement with the Hoopa Tribal Council addresses ADA issues and the means in which modifications take place.

R-4 a lease be obtained for the Hoopa sheriff's substation.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-4:

This recommendation has been implemented. The use agreement with the Hoopa Tribal Council was approved April 18, 2002 by the Tribal Council and the Board of Supervisors May 7, 2002.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-02 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The sheriff shall respond to findings and recommendations R-1, R-2, R-3.
2. The Administrative Service Director shall respond to findings and recommendations R-2, R-3, R-4.

HUMBOLDT COUNTY SHERIFF'S GARBERVILLE SUBSTATION:

FINDINGS

F-1: The Humboldt County Sheriff's Garberville Substation consists of four small offices and three holding cells, one of which is used as a drunk tank;

SHERIFF DEPARTMENT'S RESPONSE TO F-1:

Agree.

F-2: The outside parking and storage area is secure with a fence and locks at the gates.

SHERIFF DEPARTMENT'S RESPONSE TO F-2:

Agree.

F-3: There are 4 deputies, 1 sergeant, 1 correctional officer, and a senior legal officer for a total of 7 personnel.

SHERIFF DEPARTMENT'S RESPONSE TO F-3:

Agree.

F-4: The substation is also used by California Highway Patrol, Fish & Game, Fish & Wildlife and Drug Enforcement Agency.

SHERIFF DEPARTMENT'S RESPONSE TO F-4:

Agree.

F-5: A member of the staff states that the substation is understaffed.

SHERIFF DEPARTMENT'S RESPONSE TO F-5:

Agree.

F-6: The staff states that when outside agencies use the substation, it is too small.

SHERIFF DEPARTMENT'S RESPONSE TO F-6:

Agree.

F-7: New safety lights have been replaced in all three cells.

SHERIFF DEPARTMENT'S RESPONSE TO F-7:

Agree.

F-8: Old toilets have been replaced in all three cells.

SHERIFF DEPARTMENT'S RESPONSE TO F-8:

Agree.

F-9: The floor drains in the holding cells are not functioning correctly.

SHERIFF DEPARTMENT'S RESPONSE TO F-9:

Agree.

F-10: No Americans with Disability Act (ADA) provisions exist in this substation.

SHERIFF DEPARTMENT'S RESPONSE TO F-10:

Agree.

F-11: Janitorial services are performed once a week by extra help and existing staff as necessary.

SHERIFF DEPARTMENT'S RESPONSE TO F-11:

Agree.

CONCLUSIONS

C-1 Humboldt County Sheriff's Garberville substation is inadequate both in size and manpower to service this community.

C-2 The floor drains in the building create a health hazard.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 the existing building be enlarged to accommodate existing staff and multiple outside agencies.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-1:

The recommendation requires further analysis by the Sheriff's Department and, if such analysis supports the Grand Jury's recommendation, brought to the Board of Supervisors for action.

R-2 the existing building be upgraded to A.D.A. standards.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-2:

The recommendation will be implemented. The substation will be brought up to ADA standards. The time frame for this is uncertain as this is being written. The substation was included in the County's survey of facilities and will be included in the development of a transition plan. The goal of the transition plan will be to bring all facilities up to ADA standards. The County's ADA Coordinator will bring to the Board of Supervisors this fiscal year a program to develop the transition plan and related timetables.

R-3 the existing premises be improved with immediate floor drain overhaul.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-3:

The recommendation will not be implemented. There is nothing wrong with the floor drains. Since the floor drains are not often flushed with water, water in the traps evaporate which results in a "sewage" odor. Adding water to the drains weekly prevents the odor.

R-4 Extra-help by janitorial services be performed more than once a week.

SHERIFF DEPARTMENT'S RESPONSE TO R-4:

This recommendation has been partially implemented. Currently, janitorial service is being provided by the Building Maintenance Department at the Garberville Outstation on Tuesday and Thursday of each week for a period of thirty (30) minutes each day, or one hour per week.

If Building Maintenance, under the Administrative Service Director, would agree, the Sheriff's Department would request janitorial service be performed at the Garberville Outstation on Monday and Thursday of each week for a period of one hour each day or two hours per week.

R-5 The Sheriff's staff at Garberville Substation be increased.

SHERIFF DEPARTMENT'S RESPONSE TO R-5:

This recommendation has not been implemented due to budget restraints. The Garberville Outstation is currently fully staffed with the allocated number of sworn personnel (1 Sergeant and 6 Deputies). There are enough sworn personnel to cover 18 - 19 hours each day.

If 24-hour coverage were implemented, an additional four (4) sworn personnel would be needed. This would be a cost to the County of approximately \$250,000. The cost would cover the recruitment, hiring, and training of four deputies and their salaries and benefits. This additional amount would need to be added to the Sheriff Department's annual budget in order to not take sworn personnel away from other areas of the county and leave those areas without adequate coverage.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-02 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The Humboldt County Sheriff shall respond to all findings and to recommendation R-4 and R-5.
2. The Administrative Services Director shall respond to recommendation R-1, R-2, and R-3.

INTRODUCTION

REGIONAL FACILITY

This is a newer facility with state-of-the-art security and program capabilities. The facility is operated by Humboldt County and serves Del Norte, Mendocino, and Lake Counties. Counties other than Humboldt are charged \$200 for each person per day for housing hard-to-place minors who may be retained in the facility for longer periods of time than in Juvenile Hall. The capacity of the facility is 18 inmates. This is a well-run facility, and there are no findings.

JUVENILE HALL

Juvenile Hall recently went through an update that included security screens on the large windows in the day room, and also doubling the size of the kitchen facility. The kitchen provides 3 meals per day for both Juvenile Hall and the Regional Facility. The intake area has been modernized and is now secure. A sally-port, which is a secure entry gate, has been added to increase the security of the inmates and the deputies. The current sleeping capacity and staffing is based on 26 inmates.

PROCEDURE

Members of the Humboldt County Grand Jury visited and interviewed Juvenile Hall staff resulting in the following findings.

FINDINGS

In addition to a response to the Grand Jury's recommendations we have included comments and responses on the findings.

F-1 When the capacity of the hall exceeds 26 inmates, they are required to move and double-up in the rooms on extra mattresses on the floor, resulting in overcrowding.

PROBATION DEPARTMENT'S RESPONSE TO F-1:

Disagree. Though detainees are doubled up in single rooms and in day rooms they do not sleep on the floor. We have purchased molded plastic cots for use in institutions for detainees to place their mattresses. This keeps us in compliance with the Title 15 requirement stating that minors must be at least 12 inches off the floor when sleeping.

F-2 When the hall exceeds capacity, new offenders, who cannot be admitted, are released to their parents and/or guardian.

PROBATION DEPARTMENT'S RESPONSE TO F-2:

Agree in part. At times minors are released from custody prior to their detention hearing due to over population or are diverted, if possible, prior to their admittance. However, not all minors arrested are appropriate for detention.

F-3 In some cases, a current inmate may be released to make room for a new offender.

PROBATION DEPARTMENT'S RESPONSE TO F-3:

Agree. Minors in Juvenile Hall are screened daily by management to determine who can be released from custody in attempts to reach our BOC Rated Capacity of 26. Minors are prioritized based on danger to self and others, severity of offense, and availability of alternative placement.

F-4 The staff testified that employees who oversee the juveniles must work double shifts as necessary.

PROBATION DEPARTMENT'S RESPONSE TO F-4:

Agree. Occasionally there are staff shortages due to the need for additional staffing requirements as dictated by the number of minors in custody. The BOC rated capacity is 26; however, when the population exceeds 30 we are required to have one additional staff person on duty. The average daily population for FY '01-'02 was 33.44 (for June, '02 it was 35.07). The Juvenile Hall is allocated adequate staff based on our rated capacity and up to 30 minors. When population exceeds 30 and additional staff is required it incurs additional extra help cost that is beyond what was budgeted for routine time off for existing regular staff positions. Efforts to maintain minimum staffing ratios will, at times, force the department to have some staff work a sixteen hour shift. The department continues to search for strategies to limit the number of minors admitted into the Juvenile Hall.

F-5 In case of an emergency, additional staff can be requested from the Regional Facility.

PROBATION DEPARTMENT'S RESPONSE TO F-5:

Agree. Emergencies are defined by short term crisis where additional staff are needed for brief periods of time to get a situation under control. This does not apply to covering entire shifts due to shortage of Hall staff or overpopulation.

F-6 An on-call Probation Officer is available to provide assistance.

PROBATION DEPARTMENT'S RESPONSE TO F-6:

Agree. Not only does the on-call Probation Officer screen all referrals from law enforcement he/she is also available to come to the Hall during a crisis after hours, weekends, and holidays as well as to provide transportation to deliver a minor home who may have been released due to overpopulation.

F-7 The facility received a 1 million-dollar grant that provided for the present improvements that brought Juvenile Hall up to state standards.

PROBATION DEPARTMENT'S RESPONSE TO F-7:

Agree. Probation was awarded a grant via the Board of Corrections of approximately \$930,000 to remodel/enlarge the Juvenile Hall kitchen, add an intake/processing area, vehicle sally port, upgraded security systems, and harden the perimeter of the facility. With the additional County match the project was approximately 1.2 million dollars.

F-8 A new computerized security system has been installed to control access into and throughout Juvenile Hall.

PROBATION DEPARTMENT'S RESPONSE TO F-8:

Agree. See response to F-7.

F-9 Mental health services for the juveniles are provided from a grant which will expire in July 2003.

PROBATION DEPARTMENT'S RESPONSE TO F-9:

Disagree. SAMSHA is the annual grant obtained by the Department of Health and Human Services, Mental Health Branch. The Children, Youth, and Family Services Division decides how to use the grant funds and there has not been a notice of change on the use of the funds.

F-10 A plan has been approved to apply for a grant to construct a 20-bed addition to the hall.

PROBATION DEPARTMENT'S RESPONSE TO F-10:

Agree. The Board of Supervisors authorized the Probation Department to submit a grant application requesting 2 million dollars for the construction of twenty additional beds to the Juvenile Hall. The grant was submitted to the Board of Corrections; however, our County's application was not selected to be funded. There is no additional state or federally assisted Juvenile Hall construction funding anticipated in the foreseeable future.

CONCLUSIONS

C-1 Because the hall is currently understaffed, personnel are required to work extra shifts.

PROBATION DEPARTMENT'S RESPONSE TO C-1:

Agree. See response to F-4.

C-2 Because the hall does not have enough bed space, some new juvenile offenders who should be detained are released.

PROBATION DEPARTMENT'S RESPONSE TO C-2:

Agree. See response to F-3.

C-3 Juvenile Hall must rely on outside help to handle emergencies.

PROBATION DEPARTMENT'S RESPONSE TO C-3:

Agree. Other than the assistance from the Probation Officers during normal business hours we can call upon the on-call P.O., the Regional Facility staff, and local law enforcement when needed. Requests for outside assistance are based upon the scope and severity of the emergency situation.

C-4 Overcrowding can cause safety issues for the staff and inmates.

PROBATION DEPARTMENT'S RESPONSE TO C-4:

Agree. Exceeding rated capacity in a secure setting creates safety issues. These issues are exacerbated in jails and juvenile halls since the occupants are not free to leave.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 the county expedite funding to increase capacity of the hall.

BOARD OF SUPERVISORS RESPONSE TO R-1:

This cannot be implemented unless state and/or federal funds are available for capital construction to expand the existing Juvenile Hall facility. In February 2002 the County submitted a grant application to the Board of Corrections for an expansion project estimated at \$2.6 million, of which \$2 million would have been derived from grant revenue and the balance from county sources. The County also committed to funding an enhanced staffing level necessary to support such an expanded facility. The grant funding was unsuccessful. There are no county funds that could be directed to the expansion project without seriously eroding funding for basic, core services which the county is mandated to provide. When grant funding is once again available, the County will once again consider submitting an application.

PROBATION DEPARTMENT'S RESPONSE TO R-1:

Agree. Long term funding for capital projects such as expanding Juvenile Hall is a county-wide issue and needs to be approached and solved in such a manner. Humboldt County's application for construction funding was unsuccessful. There is no additional state or federally assisted Juvenile Hall construction funding anticipated in the foreseeable future. With this in mind, the possibility of an additional tax or taxes earmarked specifically for construction of additional juvenile detention beds could be assessed with a sunset date once the funding needs for construction are met. In the near future the Chief Probation Officer anticipates convening a group of key stakeholders to review efforts, alternatives and solutions, including funding alternatives, to the Juvenile Hall overpopulation issue.

R-2 the county provide funding to increase staffing levels.

BOARD OF SUPERVISORS RESPONSE TO R-2:

Has been implemented. In fiscal year 2001-02, the Board budgeted an additional allocation of 1.4 positions to be in full compliance with staffing regulations. This increased staffing level was the result of completion of a remodel project to enlarge the kitchen, add an intake/processing area, vehicle sally port, upgrade the security system and further secure the perimeter of the facility. The county contributed approximately \$300,000 toward this \$1.2 million project, as well as committed to funding the additional 1.4 position allocations.

PROBATION DEPARTMENT'S RESPONSE TO R-2:

Agree. The Board of Supervisors budgeted and approved an additional 1.4 FTE allocation in FY '01-'02 to staff the Juvenile Hall to stay in compliance with Title 15 staffing regulations.

R-3 the county secure a stable source of funding for mental health services.

BOARD OF SUPERVISORS' RESPONSE TO R-3:

Will possibly be implemented in fiscal year 2002-03, contingent upon support at the state level. The Department of Health and Human Services, the County Administrative Office and the Probation Department are in the process of assessing potential stable funding sources for Mental Health services at the Regional Facility. Toward that goal, the Department of Health and Human Services has submitted a waiver to the state requesting flexibility in some state funds that would partially offset the current loss of revenue received by the Probation Department. However, it is possible that due to the state budget crisis, anticipated significant reductions targeted at Health and Human Services in the Governor's May Revise, the ability to fund regional facility mental health services may require service or fund reductions in other areas. The final determination for use of limited Mental Health and Probation Department funding in fiscal year 2002-03 and beyond will be a complex process involving difficult choices for the Board of Supervisors.

PROBATION DEPARTMENT'S RESPONSE TO R-3:

Agree. We are fortunate to have clinician time available in the Juvenile Hall and appreciative of the CYFS Division of Mental Health Branch of the Department of Health and Human Services, for continuing to provide this service. Juvenile Halls throughout the state are searching for ways to increase the amount and mental health services in their respective facilities. There are many strains on the DHHS funding capabilities at this time, but if there were a way of directing more mental health service resources into our Juvenile Hall it would certainly be beneficial to our county's children.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-03 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The Board of Supervisors and the Chief Probation Officer shall respond to R-1, R-2 and R-3.

INTRODUCTION

Members of the Humboldt County Grand Jury visited the Humboldt County Sheriff's farm located next to the Rohnerville Airport in the Fortuna area. Members of the grand jury met with an officer of the sheriff's department and were given a tour of the farm and its operation.

FINDINGS

- F-1 Sheriff's Work Alternative Program (SWAP) personnel are used to maintain the farm.
- F-2 Some produce and swine grown at the farm are used at the jail for inmate consumption.
- F-3 Some swine are sold to the public; these funds are deposited into the county's general fund.

CONCLUSION

- C-1 The sheriff's farm is a good program that provides food for the Humboldt County Jail, saves the county money, and is a well-run operation.

RECOMMENDATION

- R-1 The Humboldt County Grand Jury recommends that this program be continued.

INTRODUCTION

PACE is a community oriented rehabilitative day treatment program for teens with mental and substance abuse issues and is located on the Glen Paul School campus in Eureka. The program includes teens and family members and a team of professionals.

Regular school subjects are taught as well as practical skills. Mental health issues are worked through on an individual basis.

Usual time in the program for teens is nine months to one year. Transition services are provided to assist teens in reentering the community.

FINDINGS

- F-1 There are 14 teens presently in the program that is at maximum capacity.
- F-2 There are eligible teens waiting to be accepted into the program.
- F-3 Treatment hours are 9:30 a.m. to 2:30 p.m., Monday through Friday.
- F-4 A court order is required for entry into the PACE program.
- F-5 Frequent random drug testing is performed on the students in the program.
- F-6 An individual treatment and scholastic plan is developed for each student.
- F-7 Students and family members have follow-up therapy after the program is completed.
- F-8 Students make garden furniture, bird cages, and other items that are sold to the public.
- F-9 Funds from the sale of the wood items are used to buy new supplies for future projects.

CONCLUSIONS

- C-1 The facility is well managed and student discipline works well.
- C-2 The program is effective and provides a "bridge" for teens entering the community after treatment.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

- R-1 the facility be enlarged to accommodate more students.

COUNTY OFFICE OF EDUCATION'S RESPONSE TO R-1:

Classroom space for the PACE Program at the Glen Paul Center is leased by the Humboldt County Probation Department and the Humboldt County Office of Education's Court and Community School Program. One conventional classroom and a two-car garage is dedicated for classroom instruction and for an elective woodworking program for the students. The garage space for the woodworking program has been shared with another instructional program; but, this fall, the entire garage area will be reserved for the woodworking program.

This past year, the instructional program served 18 students. The instructional space in the classroom can accommodate up to 20 students. Additional classroom and office space for the program is leased and utilized by the county's Probation and Mental Health Departments.

At the present time, there is no other classroom or office space available on the Glen Paul Center campus into which the program can expand. As a result, if the program continues to grow, it may be necessary to limit the size of the program or to have the Probation Department lease a larger, alternative facility with more floor space.

R-2: More tools and woodworking supplies are provided by the County Office of Education.

COUNTY OFFICE OF EDUCATION'S RESPONSE TO R-2:

In terms of having a sufficient number of tools and woodworking supplies for the elective program, the instructor was consulted by our Director of Student Programs and Services. Our director reports that the classroom instructor has stated that he currently has ample tools and an adequate number of woodworking supplies to satisfactorily operate the program. Our Director of Student Programs and Services will advise the principal of the program to maintain regular, periodic contact with the teacher during the 2002-2003 school year to ensure that there will continue to be a sufficient number of tools and supplies for successfully operating the program.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-05 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The County Office of Education shall respond to R-1 and R-2.
2. The principal of the Court/Community Schools shall respond to R-1 and R-2.

INTRODUCTION

The Humboldt County Grand Jury inspected the seventeen public parks in the county. The county has more than 643 acres in their park's system. The county Parks and Recreation Division currently has 5 permanent employees with some seasonal employees. Parks and Recreation is a division of the Public Works Department.

The division head is also the business manager for the Public Works Department. The division head and the park supervisor were interviewed along with other county employees, which included park caretakers and hosts. The Chief of Police and the Park Ranger for the City of Arcata were interviewed regarding park programs and enforcement of park ordinances in Arcata. The vast Arcata park's program was reviewed to see if any of their programs could be incorporated into the county park program. The Arcata Park Ranger is dual-badged; he serves as a state enforcement officer who can cite anyone and is also used as a city police officer when called upon.

Previous budgets for the county parks were reviewed. The grand jury reviewed the county park brochure for its accuracy. The new county ordinance on parks was reviewed. The grand jury examined how the county collects its fees for the use of its parks. The grand jury also reviewed previous grand jury reports on county parks.

The grand jury visited Clam Beach Park several times because of the complaints by local citizens about homeless people using the park. It was observed at Clam Beach Park that a vehicle license had expired on a camp trailer registered to camp there. A deputy sheriff has been assigned to patrol the beaches thirty minutes after sunrise and thirty minutes after sunset and can be called upon for assistance if available. Humboldt County has some of the most beautiful rural parks on the north coast. The upkeep of these county parks is essential to the quality of life for all citizens of Humboldt County. It should be noted that the county park brochure states Humboldt County park facilities are considered to be more primitive than facilities managed by other agencies because of available financial resources. All inspections of the county parks showed that the parks were clean.

FINDINGS

F-1 Seven county parks are not listed in the county park brochure.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-1: Agree. Pedrazzini, Crab, Centerville, Table Bluff, Moonstone, Lockwood and Azalea Parks are not listed in the county park brochure.

F-2 Some county parks are difficult to find.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-2: Agree.

F-3 Some county parks do not have posted signs or boundaries.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-3: Agree.

F-4 Some county parks do not have hosts or caretakers.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-4: Agree.

F-5 Some county parks don't have toilets.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-5: Agree.

F-6 The inventory of fire rings, picnic tables, and other equipment in the county parks is inaccurate.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-6: Disagree in part. There are inventories of tools and equipment on file and available at the maintenance shop and at each resident facility of which there are three. There is no inventory of fire rings and picnic tables at this time.

F-7 Some picnic tables and fire rings need replacement.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-7: Agree.

F-8 Lockwood and Pedrazzini parks are not accessible for their intended use as boat landings.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-8: Agree. Improvements are scheduled for Pedrazzini park in late July.

F-9 There are no directions from the south to A.W. Way Park in the county brochure.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-9: Disagree in part. Some directions are given for travelers from the south off 101 but only to Honeydew.

F-10 It was observed that A.W. Way Park fence was damaged.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-10: Agree.

F-11 For the first time in many years there was no seasonal swimming pool at Freshwater Park in 2001.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-11: Agree.

F-12 Freshwater Park seasonal swimming pool requires an approved fish ladder in order to dam up the creek.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-12: Agree.

F-13 The Community Development Services Department needs to get multiple permits to bridge Strawberry Creek to complete part of Hammond Trail.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-13: Disagree in part. The Humboldt County Public Works Department is the department that needed to get permits to bridge Strawberry Creek. Those permits have been received.

F-14 Although the County has received all the necessary permits, the County has not constructed a bridge over Widow White Creek to complete that portion of Hammond Trail.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-14: Disagree in part. The Board of Supervisors needs to approve an Amendment of the Local Coastal Plan for the McKinleyville area. Then, the Public Works Department will apply to the County Planning Commission for a coastal development permit.

F-15 Health and Human Services Department paid the park fees for a welfare recipient to live in a trailer at any county park for shelter.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-15: Agree.

F-16 Unattended dogs were observed in the unlicensed trailer at Clam Beach Park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-16: Agree.

F-17 The county leases Tooby Park in Garberville for \$1.00 a year, and according to park officials it may choose not to renew the lease.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-17: Disagree in part. The lease for Tooby Park expired approximately two years ago with the change in ownership of the Tooby Ranch. The County is negotiating a new arrangement with the current owner, Southern Humboldt Working Together. The matter will be taken to the Board of Supervisors in August 2002.

F-18 After many years of support the Garberville Rotary Club has withdrawn paying the maintenance support fund of Tooby Park in Garberville because of escalating cost.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-18: Agree.

F-19 If the county chooses to renew the lease for Tooby Park, the county will be required to maintain this park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-19: Agree.

F-20 It was stated by park and recreation staff that the county does not have the funds to maintain Tooby Park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-20: Agree.

F-21 If the county chooses not to renew the Tooby Park lease, this will leave only 2 other county parks in southern Humboldt.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-21: Agree.

F-22 It was observed that part of Tooby Park walkways and bridges are in need of repair.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-22: Disagree in part. One dilapidated bridge was removed on a dead end trail.

F-23 The stand-up barbecues need replacement at Tooby Park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-23: Agree.

F-24 Pamplin Grove Park requires group reservations well in advance.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-24: Agree.

F-25 Homeless people were seen camping at Clam Beach Park in violation of the park ordinance.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-25: Disagree in part. To our knowledge it is not against the law for homeless people to camp in designated campsites at Clam Beach as long as they pay the normal camp fee and do not stay over 16 days in a 30-day period.

F-26 Park personal interviewed stated that some overnight fees are not collected at Clam Beach Park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-26: Agree.

F-27 Vehicle access permits are applied for at the planning department for Mad River Park for commercial fishermen, handicapped individuals, and senior citizens.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-27: Agree.

F-28 The beach access sign for Mad River Park at Giuntoli Lane is pointed in the wrong direction.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-28: Agree.

F-29 It was observed that there was overnight camping at Moonstone Beach, which is against the beach ordinance.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-29: Agree.

F-30 A grant is being used to pay for one seasonal employee to work full-time cleaning parks in the northern part of Humboldt County.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-30: Disagree. The particular employee is hired as extra help and is currently funded with county park funds.

F-31 The County has decreased the annual total budget for parks in the last 5 years.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-31: Disagree in part. The County has decreased the General Fund contribution to parks. However, the annual total budget for parks has increased due to higher revenues. The increase has not kept up with rising salary and insurance costs, leaving less funding for services and supplies.

F-32 The county has decreased the annual budget for the maintenance of structures for parks in the last 5 years.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-32: Agree.

F-33 The county has decreased the annual budget for household expense for parks in the last 5 years.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-33: Agree.

F-34 The county has decreased the annual budget for total services and supplies for parks in the last 5 years.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-34: Agree.

F-35 County Parks and Recreation division has increased annual revenue from fees in the last 10 years.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-35: Agree.

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COUNTY PARKS

F-36 It was stated by park division staff that current funding levels for the County Parks and Recreation division is inadequate to properly accomplish all the duties required and meet the expectations of the public.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-36: Agree.

F-37 Park division staff stated that additional funding is needed for maintenance of coastal facilities for current unmet needs such as trash removal, portable toilets, and other items that need repair along with routine maintenance.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-37: Agree.

F-38 Parks and recreation staff cannot enforce payment of park fees.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-38: Disagree in part. County park staff can enforce payment for a vehicle but not for non-complying individuals.

F-39 The county parks staff cannot enforce regulations in the parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-39: Disagree in part. Camping in a no-camping area and non-payment of camping fees for a vehicle can be enforced by county parks staff.

F-40 The county parks do not have entry control points for all their parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-40: Agree.

F-41 It was stated by park staff that a grant is being used to pay for a deputy sheriff to be assigned part-time to patrol the beaches.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-41: Disagree in part. It is our understanding the deputy assigned to patrol the beaches is a full-time position.

F-42 Humboldt County park employees stated that they cannot maintain some parks in southern Humboldt.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-42: Agree.

F-43 The Parks and Recreation staff stated that they do not have a written master plan for parks in Humboldt County.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-43: Agree.

F-44 The County has applied for a grant in the amount of \$127,000 for a beach master plan for Clam Beach and Moonstone Beach.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO F-44: Disagree in part. The County applied for and received \$135,000 for a beach master plan for Clam Beach and Moonstone Beach.

CONCLUSIONS

Conclusion #1 (C-1) Because the park brochure is incomplete, it has resulted in confusion and difficulty in finding some of the county parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-1: Agree.

C-2 Lack of inventory control could result in some loss of park equipment and purchase of equipment the County does not need.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-2: Disagree in part. All of the equipment in the maintenance shop and the three other facilities are listed annually on an inventory. Picnic tables and park fire rings are not listed on an inventory.

C-3 If the County could collect all its revenue from the use of the county parks, it could help the parks be self-supporting.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-3: Agree.

C-4 If the County had a roaming park ranger similar to the Arcata Park Ranger Program, the presence of a park ranger at anytime has the potential for the County to enforce all their ordinances and collect all their fees.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-4: Agree.

C-5 Lack of enforcement of collection of fees has resulted in a loss of revenue to county parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-5: Agree.

C-6 The lack of enforcement of county park ordinances allows for violations of park uses.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-6: Agree.

C-7 Due to the lack of entry control points, the County has no control of when and how someone enters county parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-7: Agree.

C-8 Without a master plan for parks the County shows little vision for future development of the park system.

PUBLIC WORKS DEPARTMENT'S TO C-8: Disagree in part. The overall improvement plan adopted by the Board of Supervisors consists of an overall plan for each of the ten parks consisting of many improvements to the infrastructure such as water supply, restrooms with showers, landscaping, paving of dirt roads and so on.

C-9 The decrease in budget for services and maintenance in county parks has resulted in a loss of quality of life for those who choose to use the parks.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-9: Agree.

C-10 Without the approval of a fish ladder at Freshwater Park there will be no seasonal swimming pool.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-10: Agree.

C-11 The County has been slow in obtaining the necessary permits for the completion of the Hammond Trail.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO C-11: Agree.

RECOMMENDATION

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

Responses to Recommendations that:

Recommendation #1 (R-1) the County correct the county park brochure and make it readily available to the public.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-1: The brochure will be revised by January 2003.

R-2 the County do an annual inventory of all park equipment.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-2: This will be done and completed by January 2003.

R-3 the County provide funding to maintain all the parks in the county park system.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-3: Reallocation of general fund monies would be a policy decision to be made by the Board of Supervisors. The budget for fiscal year 2002-03 will be adopted within the next three months. The Department may recommend additional funding at the final budget hearings. In addition, funds will be available within one to two months from the National Oceanographic and Atmospheric Administration grant.

R-4 the County hire a park ranger to enforce park ordinances and the collection of the fees.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-4: The County does not currently have a position titled, "Park Ranger". A possible alternative would be to have a sheriff's deputy assigned seasonally to enforce regulations in the parks provided said deputy is trained in the park ordinance regulations and enforcement. In addition, it would be beneficial to have all deputies informed of the contents of the park ordinance.

R-5 the County, where possible, have one entry control point for each park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-5: A single entry control point may not be necessary at all county facilities. Currently, the parks staff are focused on creating a single point of entry at parks which permit overnight camping. Clam Beach County Park has the greatest need for a singular entry point.

R-6 the County write a master plan for the county park system.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-6: The list of improvements for ten different county parks totaling \$1.183 million could be considered a master improvement plan for those parks. At this time it has not been clarified by the State Department of Parks and Recreation as to whether funds available through Proposition 40 may be used for planning. Proposition 12 per capita funds cannot be used for master planning.

R-7 the County work with the residents of Southern Humboldt County to keep Tooby Park in the county park system.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-7: The Department is negotiating an arrangement with the current landowner, Southern Humboldt Working Together, whereby the County would obtain an easement over Tooby Memorial Park restricting its use to recreational purposes. In turn, after obtaining the easement, the County would contract with Southern Humboldt Working Together to maintain Tooby Memorial Park. This item needs to be taken to the Board of Supervisors for review and approval.

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COUNTY PARKS

R-8 the County get approval for the fish ladder for the seasonal swimming pool at Freshwater Park.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-8: This has been implemented and completed.

R-9 the County obtain the permit to complete the Hammond Trail.

PUBLIC WORKS DEPARTMENT'S RESPONSE TO R-9: The amendment of the McKinleyville Area Local Coastal Plan has proceeded through the Planning Commission. The Commission recommended that the Board of Supervisors approve the amendment which will then have to be forwarded to the California Coastal Commission for final approval. Following that action, the Department will apply for a coastal development permit to complete the gap of the Hammond Trail along Widow White Creek and Murray Road.

COMMUNITY DEVELOPMENT SERVICES DEPARTMENT'S RESPONSE TO R-9:

The plan amendment allowing the Hammond Trail through the Widow White Creek Streamside Management Area will be reviewed by the Board of Supervisors on August 27, 2002. If approved, the Coastal Development permit allowing construction of the trail will be submitted to the Planning Division in September 2002 and processed for a November 2002 permitting decision.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-06 ARE REQUIRED IN ACCORDANCE WITH P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES:

1. The Director of the Humboldt County Public Works Department respond to all findings and recommendations.
2. The Director of the Humboldt County Community Development Services Department respond to R-9.

INTRODUCTION

A concerned citizen sent a letter to the 2001-2002 Humboldt County Grand Jury claiming the County of Humboldt did not follow proper procedures in the purchase of property on H Street in Eureka (AP# 11-056-02). The intended use of the property is for the Healthy Moms' Program (HMP). This citizen's letter also stated there are concerns between some community members and residents in the area that this kind of facility will degrade the neighborhood and cause parking and other problems.

The HMP has been at 2944 D Street, Eureka, for the past ten years. The HMP day treatment program is for alcohol and drug addiction clients. Its goals are to assist women in treating their addictions and to teach them to become healthy, productive parents and persons. Time spent in the program is six months but can be up to eight months.

At its current location, program staff makes every effort to refrain from parking in front of residents' homes. Alternate parking is available for staff; occasionally parking becomes a problem, such as during graduation ceremonies.

The complaint also questioned the county process used to acquire property and the costs involved for the county when they lease or purchase property to house county operations. It is standard procedure for the county to use various corporations to borrow money to make property purchases. The vision plan for the City of Eureka locates all county government services in one area. The county is exempt from city zoning practices to meet its needs.

PROCEDURE

The citizen making the complaint was interviewed by the grand jury, and the grand jury was given written materials to review. After reviewing the material, the grand jury could find no irregularities in the county's property acquisition procedures. Members of the grand jury interviewed the director of the HMP and toured the facility. Other county officials were questioned, and additional documents were obtained. Activities around the HMP and the neighborhood were observed on numerous occasions.

FINDINGS

F-1 Public hearings were held before the purchase of the property was completed.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-1:

Agree.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-1:

Agree.

F-2 The purchase price of the house on H Street was \$255,000.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-2:

Agree.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-2:

Agree.

F-3 The original remodeling estimate in June 1999 was \$75,000.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-3:

Agree.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-3:

Agree.

F-4 After purchase the house was found to contain lead-based paint.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-4:

No opinion. Public Works handled post-acquisition modifications and remodeling.

F-5 (There was no F-5 finding in the Grand Jury Report.)

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO F-5:

None.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-5:

None.

F-6 Clients use public transportation or get rides from friends and family.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-6:

Agree. The majority of clients use public transportation or get rides from friends and families, with a number of clients transporting themselves.

F-7 Women who complete the HMP have follow-up interviews done at six months and one year.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-7:

Agree.

F-8 The HMP has a success rate of 62%, which is exceptional for programs of this kind.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-8:

Agree.

F-9 Women in the HMP are randomly drug tested; testing is done on women suspected of using drugs.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-9:

Agree.

F-10 All women must attend three meetings a week in another drug rehabilitation program besides their classes at the HMP.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-10:

Partially agree. Clarification is required: clients must attend three 12-step meetings in addition to classes offered at Healthy Moms.

F-11 Childcare is provided on site.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-11:

Agree.

F-12 The HMP is audited and recertified every two years by the State Department of Drug and Alcohol.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-12:

Agree.

F-13 To make sure it meets state and federal guidelines, the county audits the HMP four times a year.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-13:

Agree.

F-14 The HMP is funded with State Perinatal General Funds, a Federal Block Grant, Drug Medical reimbursements, and other state and federal funds.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-14:

Agree.

F-15 The county considered other locations to house the HMP, but they did not meet criteria for the program.

HEALTH AND HUMAN SERVICES' RESPONSE TO F-15:

Agree.

CONCLUSIONS

C-1 The grand jury determined there were no improprieties in county procedures to obtain property.

C-2 Due to time delays, hazards found, and a lack of a proper inspection of the house on H Street, remodeling costs escalated.

C-3 Because of an inadequate inspection, final remodeling costs were three and half times original estimate.

C-4 The issue over the relocation of the HMP is the resistance of local residents to have such a facility in their neighborhood.

C-5 The value of the program overrides any geographical considerations or concerns.

C-6 Women in the HMP are constantly monitored and case-managed, and therefore their presence would not degrade the neighborhood.

C-7 Designated parking spaces for staff at the new location will result in fewer parking problems.

C-8 It is important that the HMP be at a place with easy access to bus lines because this is how the majority of women get to the site.

C-9 A facility like this should not be housed in a location with other county offices to protect the confidentiality of women in the program.

C-10 The HMP is a successful, cost-effective program and provides an important service to the community.

RECOMMENDATION

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 in the future, the county needs to conduct thorough inspections of properties to identify all potential remodeling and other costs involved before the final purchase.

ADMINISTRATIVE SERVICES DEPARTMENT'S RESPONSE TO R-1:

This recommendation will be implemented with the next property purchase. An evaluation in advance of purchase will take place using either County or private staff, or both, following generally accepted construction standards and Uniform Building Codes.

HEALTH AND HUMAN SERVICES' RESPONSE TO R-1:

The recommendation will be implemented by Health and Human Services to the extent related acquisition processes are under its authority. While the acquisition of the Healthy Mom's facility occurred prior to the Public Health Department's consolidation into the Health and Human Services and is generally outside its purview, the Department supports improved acquisition processes to maximize its resources.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-08 ARE REQUIRED IN ACCORDANCE WITH P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES:

1. The Health and Human Services Director shall respond to all findings and recommendation R-1.
2. The Administrative Services Director shall respond to findings F-1 through F-5 and recommendation R-1.

COMMENDATION

The Humboldt County Grand Jury commends the staff of the Healthy Moms' Program for the vital service they are providing to the community and in addition commends the Board of Supervisors for their continuing support of the program.

INTRODUCTION

The 2001-2002 Humboldt County Grand Jury reviewed previous grand jury reports concerning public parking in the City of Eureka. In the 1997-1998 Humboldt County Grand Jury Report the grand jury concluded that the handicap parking around the county courthouse was inadequate. Since the 1997-1998 Humboldt County Grand Jury Report, handicap parking has remained the same.

The 1997-1998 Humboldt County Grand Jury Report concluded that many expensive studies of parking had been done. The report also stated that the City of Eureka Parking Place Commission has 7 members appointed by the mayor and approved by the city council. They are representatives of local businesses in the Downtown, Old Town, and Henderson Center areas, and parking issues are brought before them by the public. They study these issues and then present their findings to the city council.

The Americans with Disabilities Act (ADA) was enacted in 1992. The City of Eureka responded in the 2000-2001 Humboldt County Grand Jury Report that they were in compliance with current ADA regulations. The City of Eureka is going to conduct an ADA accessibility study again, surveying the cities programs and services which they did about 10 years ago. They never finished removing the barriers that they had identified on that accessibility survey. It should be noted that the City of Eureka public works staff stated the density of parking gives the appearance that the city is doing well.

FINDINGS

F-1 The city staff stated that a parking survey by the City of Eureka determined that 98 cent of available downtown on-street parking is being used by the business owners, employees, and residents.

CITY OF EUREKA'S RESPONSE TO F-1:

Disagree. The survey referenced was conducted in July of 2000 on six core area un-metered all day parking lots. The primary purpose of these specific parking lots is employee and resident parking.

F-2 This study concluded that this left 2 percent for shoppers.

CITY OF EUREKA'S RESPONSE TO F-2:

Disagree. See response to F-1.

F-3 This study concluded that shoppers had to either pay for parking in an off-street city parking lot or walk some distance to shop.

CITY OF EUREKA'S RESPONSE TO F-3:

Disagree. All of the lots included in the July 2000 survey were un-metered. Most of the on-street parking in the down town and old town areas are designated as 2-hour parking zones to create parking for shoppers. In the most recent comprehensive parking study conducted in March 1998, SPECTRUM Engineering concluded that there was not a system-wide parking problem and that there is surplus parking usually within one block, but always within two blocks of downtown destinations.

F-4 More than \$188,000 has been spent by the City of Eureka on different studies on public parking since 1979.

CITY OF EUREKA'S RESPONSE TO F-4:

Agree. There have been three major parking studies conducted in the last 23 years and a assessment analysis.

F-5 City staff stated that they had under estimated the cost of restriping the city parking lots and the cost of being in compliance with ADA.

CITY OF EUREKA'S RESPONSE TO F-5:

Agree. In the fall of 2001 the Public Works Department advertised a project to resurface eleven City parking lots and to make minor alterations that would bring these lots into ADA compliance. Only one bid was received for the project and it was 80% over the Engineer's Estimate. City Council rejected all bids. Public Works staff performed many of the ADA alterations and the project was re-advertised in April of 2002. The low bid received was 13% above the Engineer's Estimate and was awarded by Council on May 21, 2002. This work will be completed in August 2002.

F-6 City staff stated that there was inadequate planning for parking on new projects.

CITY OF EUREKA'S RESPONSE TO F-6:

Disagree. The City does not have a long range parking plan for the downtown and old town areas. The City does have an excellent planning staff that reviews all development projects to assure they meet City codes.

F-7 Business, government employees, and residents who park in the two-hour zone must move their vehicles every 2 hours or receive a parking citation.

CITY OF EUREKA'S RESPONSE TO F-7:

Agree. There are options other than parking within the on-street two hour parking zones. The City has 15 parking lots within the down town and Old Town areas with over 600 available parking spaces. All but 20 of these spaces are available for all day parking. Approximately half of these spaces are metered with a daily charge of 50 cents. There are also hundreds of private spaces within the down town old town areas with many of these spaces available for rent or lease. The last option is to park outside the business district and walk several blocks to work.

F-8 The city staff stated that business owners threatened litigation or bankruptcy if assessed for parking.

CITY OF EUREKA'S RESPONSE TO F-8:

Disagree. This appears to be taken out of context. During the 1960's the City formed a parking assessment district within the down town old town areas. The Parking Assessment District was formed to allow purchase and construction of several surface parking lots. After the parking lots were constructed several property owners started litigation regarding the assessments. The City eventually decided not to pursue the assessments.

The second time parking assessments were reviewed (in late 1980's) was in conjunction with construction of a new parking structure. As details of the possible assessment were finalized, property owners expressed their unwillingness to participate and the plan was abandoned.

F-9 The public works staff stated that the city responds to all handicap complaints.

CITY OF EUREKA'S RESPONSE TO F-9:

Agree. The City has a Parking Commission that hears specific requests regarding handicap parking. The Commission may approve or deny requests as they deem appropriate. (Responding to all requests does not necessarily mean approving all requests.)

F-10 The city manager's staff stated that there is a complaint system for the city, but it cannot comply with ADA mandated requirements due to lack of funds.

CITY OF EUREKA'S RESPONSE TO F-10:

Disagree. The City Manger's Office maintains a ADA complaint system. The city has performed a self evaluation of its programs and facilities to determine compliance with ADA. In addition, the city has conducted community workshops to allow public input into the city's compliance report. The city has expended public resources to eliminate barriers to those with disabilities.

F-11 The city manager’s staff stated that when an ADA complaint arises, it could go to litigation.

CITY OF EUREKA’S RESPONSE TO F-11:

Agree. Many types of cases can go to litigation if unresolved.

F-12 The city of Eureka approved a new waterfront project with less parking than was originally planned by the Parking Lot Commission.

CITY OF EUREKA’S RESPONSE TO F-12:

Disagree. The Parking Place Commission does not make recommendations on the number of parking spaces required by developments.

F-13 One commissioner of the Parking Lot Commission is a relative of the new project owner.

CITY OF EUREKA’S RESPONSE TO F-13:

Agree. There are times that items come before the commission where there are potential conflicts of interest. Commissioners excuse themselves from all discussions and from voting on these items.

F-14 The cobblestone project on 2nd and F Streets in old town Eureka has resulted in the loss of 16 to 20 parking spaces.

CITY OF EUREKA’S RESPONSE TO F-14:

Agree. The traffic calming project placed in the mid 1970's on Second Street between “C” and “F” Streets has resulted in the loss of parking, it has also resulted in a pedestrian and vehicle friendly corridor.

F-15 The cobblestone project on 2nd Street between I and L Streets has resulted in the loss of 24 to 30 parking spaces.

CITY OF EUREKA’S RESPONSE TO F-15:

Agree. See response to F-14.

F-16 The grand jury had requested further information from the city manager’s office and to date this information has not been received.

CITY OF EUREKA'S RESPONSE TO F-16:

Disagree. The City Manager's office has provided information and personnel to assist the Grand Jury in their investigation. If there are unresolved issues the Grand Jury need only to make their request and the city will comply as it has in the past.

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THE FOLLOWING:

R-1 The City of Eureka develop more planning for parking for new developments.

CITY OF EUREKA'S RESPONSE TO R-1:

Agree. With the revitalization of the Eureka down town, old town and waterfront areas there is a need for more long term planning.

R-2 The City of Eureka bring the off-street parking up to current ADA standards.

CITY OF EUREKA'S RESPONSE TO R-2:

Agree. The City is under contract with Granite Construction to resurface eleven City parking lots. Part of this project is to re-stripe each lot to meet ADA requirements. The City is currently updating their ADA Transition Plan which should address future parking lot improvements.

R-3 The City meter on-street parking or assess business owners.

CITY OF EUREKA'S RESPONSE TO R-3:

Disagree. At the request of down town and old town merchants and business owners the City removed on-street parking meters in 1989. The City has an adequate parking enforcement staff to assure compliance with the 2-hour on street parking restrictions. The City can only assess businesses if they vote to be assessed.

R-4 The City require business owners, employees, and government employees to use long term parking lots or current off-street parking.

CITY OF EUREKA'S RESPONSE TO R-4:

Agree. The City, through the enforcement process, encourages business owners, employees, and government employees to find parking in long term parking lots or outside of the business district. The City currently employees 2-1/2 parking enforcement officers. They are very effective at monitoring the on-street 2-hour parking zones.

CONCLUSIONS

- C-1 Parking availability has not kept up with new developments in the City of Eureka.
- C-2 some revenue expended on studies could have paid for upgrading parking lots to ADA standards.
- C-3 Inadequate planning on new projects has resulted in a shortage of parking spaces in the City of Eureka.
- C-4 The moving of vehicles at least 3 times a day results in loss of employer's time and money.
- C-5 Since the City of Eureka does not assess the business owners for on street parking, this results in free parking for business owners.
- C-6 Since shoppers are inconvenienced, they have to walk long distances to shop or shop at local malls.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

- R-1 the City of Eureka develop more planning for parking for new developments.
- R-2 the City of Eureka bring the off-street parking up to current ADA standards.
- R-3 the city meter on-street parking or assess business owners.
- R-4 the city require business owners, employees, and government employees to use long term parking lots or current off-street parking.

RESPONSE

THE FOLLOWING RESPONSE TO REPORT 02-09 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

The City of Eureka shall respond to all findings and recommendations.

INTRODUCTION

The 2001-02 Humboldt County Grand Jury conducted a routine investigation of this county office pursuant to chapter 3, article 2, section 925 of Grand Jury Proceedings. The County Counsel's office serves as a legal advisor to the County Board of Supervisors, all county departments, including child welfare services, and some joint powers agencies. By contract it gives legal advice to special districts, represents the county in civil litigation, including trials and cases in the courts of appeal. The office oversees litigation aspects of the Risk Management Program. The county counsel's office is a legal advisor to the grand jury.

For over 10 years the county counsel's office has been housed in 2 separate locations, one in the courthouse and the other known as the annex, in various locations throughout downtown Eureka. The annex is currently at 7th and F Street. The county counsel is the supervisor in the courthouse office, and the assistant county counsel is the supervisor in the annex. There are plans to combine the 2 offices in the courthouse by November 2002.

PROCEDURE

The grand jury interviewed 21 people and surveyed several county offices regarding work request and services provided by the county counsel's office. The grand jury reviewed county counsel's overall management and supervision, office procedures, budgeting process, staffing levels, payroll, work schedules, and office space.

Work-requests case logs generated by the county counsel's office were examined, and the county counsel's office two-volume office manual was reviewed. The grand jury also visited both office locations. The grand jury reviewed the Management & Confidential Employee Memorandum of Understanding (MOU) which identifies all aspects of employment and the compensation for management, confidential employees, and elected and appointed county officials.

FINDINGS

F-1 The county counsel's office employs 20 people. These are the county counsel, assistant county counsel, 8 deputy county counsels, 2 investigators, and the 8 members of the support staff.

COUNTY COUNSEL'S RESPONSE TO F-1: Disagrees Partially. The County Counsel's Office consists of the County Counsel, the Assistant County Counsel, 8 Deputy County Counsels, 1 Legal Analyst, 3 Investigators (2 for the Code Enforcement Unit and 1 for the Child Welfare Services Unit), 1 Legal Office Services Manager, 2 Senior Legal Secretaries, 1 Legal Accounting Specialist, 1 Legal Secretary, and 1 Legal Office Assistant.

F-2 The county counsel, assistant county counsel, and the 8 deputy county counsels are all licensed attorneys.

COUNTY COUNSEL'S RESPONSE TO F-2: Agrees.

F-3 The county counsel's office was notified in writing of the grand jury investigation.

COUNTY COUNSEL'S RESPONSE TO F-3: Agrees.

F-4 The county counsel's office is currently housed in 2 separate locations.

COUNTY COUNSEL'S RESPONSE TO F-4: Agrees.

F-5 The county counsel's office normally advises the grand jury regarding its investigations, however, in this report another legal source is being used.

COUNTY COUNSEL'S RESPONSE TO F-5: Agrees.

F-6 Some county counsel's staff stated that there is a morale problem in the office.

COUNTY COUNSEL'S RESPONSE TO F-6: Agrees.

F-7 After a few of the county counsel's staff were interviewed, the county counsel requested a meeting with the grand jury.

COUNTY COUNSEL'S RESPONSE TO F-7: Agrees.

F-8 An office memo regarding the morale issue was read by county counsel staff to the grand jury.

COUNTY COUNSEL'S RESPONSE TO F-8: Disagrees partially. It was the County Counsel and not staff who read to the Grand Jury the statement that the Grand Jury Subcommittee refers to as a "memo" regarding the morale issue. This statement was necessary due to the fact that certain employees of the Office of the County Counsel, seemed to be preoccupied with speculation about what the Grand Jury was looking into, and the reading of this statement by the County Counsel remedied this situation.

Before the commencement of the Grand Jury Subcommittee's process, the County Counsel's Office had recently begun recovering from significant personnel changes that occurred over numerous months in the year 2000 that were, in part, precipitated by demands from our client-departments, and two more personnel changes caused by an outside business opportunity and a retirement in July and August of 2001.

In early September of 2001, the Grand Jury notified the County Counsel of the initiation of a routine review of the Office of the County Counsel that was not intended to be an investigation. In July of 2002, it came to the attention of the County Counsel that statements were made by a member of the Grand Jury in the official orientation program of the 2002-2003 Grand Jury that confirmed that an anonymous letter critical of the Office of the County Counsel was the impetus for this supposedly routine review of the Office of the County Counsel. From what the County Counsel had previously discerned during the time the Grand Jury Subcommittee was in the process of reviewing the Office of the County Counsel, this anonymous letter had reached the Grand Jury in the year 2000, but had arrived so late in that Grand Jury's term that this letter was retained and passed on to the next year's Grand Jury. This information was deduced from multiple sources. This statement, as well as others indicating information that came to the attention of the County Counsel are made to give the reader a sense of the climate within which this review occurred, and are not meant to have any inference made from them as to who enabled this information to come to the attention of the County Counsel. Further, the County Counsel made no attempts to discern how certain employees of the County Counsel possessed the knowledge discussed in the next paragraph.

The Grand Jury Subcommittee's selective invitations for certain members of the County Counsel employees, a majority of whom worked in one office location, combined with the knowledge by some employees, that the Grand Jury Subcommittee was interviewing past employees who were not happy with the office, as well as the known fact that an anonymous letter, critical of the office, had been received by the Grand Jury, exacerbated the situation to the point that the County Counsel was forced to take measures to "even the playing field" by reading the statement referenced in this finding, so the whole office would be aware of the same information and the whole office would be aware that the County Counsel was aware of the same information.

When the County Counsel wrote this statement regarding morale, she firmly believed that the Grand Jury process would seek the truth, and would be a constructive process. The County Counsel still believes this to be the intent of the Grand Jury process, but must acknowledge that, in this report, the "routine review" of the Office of the County Counsel appears to have been or become, in fact, an investigation, initiated by an anonymous letter written in the year 2000, a year when the Office of the County Counsel had significant and difficult personnel changes. The Grand Jury Subcommittee's report attempts to find only fault and blatantly ignores the success and superior quality of the work product the Office of the County Counsel provides to the County. This assertion that the Grand Jury Subcommittee's report is not routine is further bolstered by the fact that the Grand Jury Subcommittee did not invite the County Counsel back in session to review the accuracy of the findings, as is allowed by law, but instead choose to provide the report two days before said report was made available to the public, as is required by law. This left no opportunity to correct the misinformation contained in this Grand Jury Report apart from this very public response.

F-9 The county counsel's staff stated that the morale memo was sent to all employees of the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-9: Disagrees Partially. The morale memo was read to all employees at office meetings by the County Counsel, and it was the County Counsel who told the Grand Jury Subcommittee about the "morale memo" having been read to the employees. Not all of the County Counsel staff was invited to testify in front of the Grand Jury Subcommittee, and therefore it is not possible that every member of the County Counsel staff could have made such a statement.

F-10 The county counsel's staff stated that morale in the office had been improving until the grand jury started to investigate their office.

COUNTY COUNSEL'S RESPONSE TO F-10: Disagrees partially. The County Counsel made such a statement to the Grand Jury Subcommittee. In addition to only having selective members of the county counsel staff members being invited to be interviewed by the Grand Jury Subcommittee, a majority of those, past and present employees of the Office of the County Counsel who were invited to interviewed by the Grand Jury Subcommittee were from only one of the office locations.

Since not all members of the County Counsel staff were invited to testify to the Grand Jury, it is not possible that all of the County Counsel staff could not have made this statement.

F-11 It was stated by county counsel employees that frequent changes in personnel causes anxiety and a morale problem.

COUNTY COUNSEL'S RESPONSE TO F-11: Disagrees partially. The County Counsel was not told specifics of each employee's testimony. This statement, however, is consistent with statements made, by numerous County Counsel employees, outside the Grand Jury process, including some past employees of the County Counsel's Office.

It is not possible, however, that all County Counsel staff, past and current, made this statement to the Grand Jury Subcommittee, since not all County Counsel employees, past or current, were invited to be interviewed by the Grand Jury Subcommittee.

Before these changes in personnel and departmental assignments were instituted, client needs and demands, as well as the projected long-term benefits to the employees of the office as a whole that were expected to eventually result from these changes were analyzed and fully considered. It was anticipated by the County Counsel that, in the short term, there would be some discomfort caused by disruption of the office status quo.

F-12 Due to budget constraints of 1992, all county offices in 1993-1994 went to a four-day work week, including the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-12: Agrees, although during this single year that the four-day work week was instituted by the Board of Supervisors, all County Management and Confidential Employees, including the County Counsel employees, continued to cover a 40-hour week (10 hours per day), while giving up other benefits normally enuring due to the "compensation plan MOU" (Memorandum of Understanding)for Confidential and Management employees.

F-13 The compensation plan MOU, which includes the county counsel's office, was amended in 1992 to provide full benefits for employees who worked reduced hours.

COUNTY COUNSEL'S RESPONSE TO F-13: Agrees.

F-14 The amendment of 1992 provided for a voluntary unpaid furlough program which allowed employees to work reduced hours.

COUNTY COUNSEL'S RESPONSE TO F-14: Agrees, if "the amendment of 1992" refers to the 1992 amendment of the "compensation plan MOU" for Management and Confidential Employees discussed in finding F-13.

F-15 The amendment of 1992 provided for employees to accrue sick leave plus vacation and holiday eligibility while on unpaid furlough leave.

COUNTY COUNSEL'S RESPONSE TO F-15: Agrees, if "the amendment of 1992" refers to the 1992 amendment of the "compensation plan MOU" for Management and Confidential Employees discussed in finding F-13.

F-16 The amendment of 1992 also provided that unpaid furlough leave was not to exceed 360 hours per year for a 40 hours per week employee.

COUNTY COUNSEL'S RESPONSE TO F-16: Agrees, if "the amendment of 1992" refers to the 1992 amendment of the "compensation plan MOU" for Management and Confidential Employees discussed in finding F-13.

F-17 The 1992 amendment also provided that unpaid furlough leave shall be granted only to those employees who are in paid status the entire work day before and the entire work day after the leave days(s).

COUNTY COUNSEL'S RESPONSE TO F-17: Agrees, if "the 1992 amendment" refers to the 1992 amendment of the "compensation plan MOU" for Management and Confidential Employees discussed in finding F-13.

F-18 In 2002 there were 207 county employees eligible for unpaid furlough leave.

COUNTY COUNSEL'S RESPONSE TO F-18: Neither agrees nor disagrees. County Counsel has no personal knowledge of this finding to form the basis to agree or disagree with this finding.

F-19 In 2001 only 8 of the eligible county employees took 1837 hours of unpaid furlough leave; 7 of these 8 were employed in the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-19: Neither agrees nor disagrees. Other than the 7 employees employed by the Office of the County Counsel who furloughed hours in 2001, the County Counsel has no personal knowledge of this finding to form the basis to agree or disagree with this finding. Due to the press of work requests, the number of employees of the County Counsel's Office who are currently furloughing hours has been reduced to 6 (On average, the percentage of furlough is two attorneys at 75%; one legal analyst at 80%; one attorney at 90%, and two attorneys on a 50% job share).

F-20 In 2001 3 employees in the county counsel's office each took over 400 hours of unpaid furlough leave.

COUNTY COUNSEL'S RESPONSE TO F-20: Agrees.

F-21 On November 24, 2001, the grand jury requested county counsel's time sheets from the auditor's office.

COUNTY COUNSEL'S RESPONSE TO F-21: Neither agrees nor disagrees. County Counsel has no personal knowledge of content of this finding to form the basis to agree or disagree with this finding.

F-22 On December 10, 2001, the auditor's office was questioned about the county counsel's office payroll.

COUNTY COUNSEL'S RESPONSE TO F-22: Neither agrees nor disagrees. County Counsel has no personal knowledge of the content of this finding to form the basis to agree or disagree with this finding.

County Counsel was, however, contacted by the Auditor's Office about the furlough hours of the County Counsel employees being inconsistent with the MOU. When the Auditor's Office brought this situation to the attention of the County Counsel, steps were immediately taken to correct this situation to bring the MOU into compliance with the historical practice of the Office of the County Counsel.

This traditional practice of the use of furlough of the Office of the County Counsel has been, and continues to be, approved yearly by the Humboldt County Governing Body (the Humboldt County Board of Supervisors), as well as the County Administrative Office.

F-23 The auditor's office staff stated that they accept the time sheets as presented and do not question unpaid furlough leave which is being used by the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-23: Neither agrees nor disagrees. County Counsel has no personal knowledge of the statement contained in this finding to form the basis to agree or disagree with this finding.

F-24 On December 13, 2001, the personnel office recommended that the voluntary unpaid furlough program be amended retroactive to February 1992 to allow 520 hours of furlough per year to accommodate the county counsel employees who were taking furlough leave in excess of 360 hours per year.

COUNTY COUNSEL'S RESPONSE TO F-24: Agrees.

F-25 On January 8, 2002, the Board of Supervisors voted unanimously to adopt the personnel office recommendation to increase voluntary unpaid furlough leave to 520 hours per year retroactive to 1992.

COUNTY COUNSEL'S RESPONSE TO F-25: Agrees.

F-26 The personnel office recommendation also stated that there was no financial impact; however, one employee taking 520 hours of voluntary unpaid furlough in one year would be working three-fourths of the year while receiving full time benefits.

COUNTY COUNSEL'S RESPONSE TO F-26:

Disagrees partially. While it is true that the report from the Personnel Director referred to in this finding stated there would be no financial impact, as is required by the Board of Supervisors' Agenda Item Transmittal form and policy, this statement about the financial impact is to refer to any additional impact to the general fund above what has already been accounted for in the budget. The amounts of the furlough to be taken, and the benefits of the furloughing employees, have always been included in the budget that the County Counsel submits to County Administrative Office, and the Board of Supervisors. Said benefits have been approved by the County Administrative Office and the Board each and every year that employees of the County Counsel's Office have furloughed.

Over the years, the Board of Supervisors has accepted this furlough practice as a means of retaining expertise that would have otherwise been lost by attorney layoffs due to the repeated budget cutbacks. This practice has been accepted by several County Administrative Office and County Counsel Office administrations. In fact, when the previous County Counsel conceived of the voluntary furlough program for the County Counsel's Office, he was praised by County management for this creative solution for the ongoing budget deficit situation.

A side effect of this furlough program is the reduction of employee "burnout." Statics from the American and California Bar Associations' indicates that attorney "burnout" is a major concern the legal profession.

The Personnel Director has stated to the County Counsel that he considers the total costs of the benefits in question for the furlough program, not to be significant. Some of the employees, other than the two attorneys in the 50/50 job share, who utilize the furlough program, report that in practice, some of these benefits are in fact prorated by the Auditor's Office to the amount that is accrued by the actual time worked.

PERSONNEL DEPARTMENT'S RESPONSE TO F-26:

Partially Disagree. The reason for stating that there was no financial impact is that the agenda item referred to in F-25 was retroactive to 1992. Therefore the furlough time had already been taken off and the agenda item was to insure the County practice and the County policy were consistent. For the future furlough time it is true that someone utilizing voluntary furlough, whether it be 360 hours or 520 hours, would be working and paid less than full-time while receiving full-time benefit accumulation. This is different than the grand jury's finding in F-26 which states "full-time benefits." For example, an employee using voluntary furlough would not receive full-time retirement contributions or full-time service credit for retirement purposes.

F-27 The personnel department stated they were unsure of the reason for the continuation of the unpaid furlough program.

COUNTY COUNSEL'S RESPONSE TO F-27: Neither agrees nor disagrees. The County Counsel has no personal knowledge of how the Grand Jury Subcommittee came to make this finding, and as such, cannot to form a basis to agree or disagree with this finding.

However, the Personnel Director, who is the appointing power for the entire Personnel Department, has indicated to the County Counsel, that the reason for the continuation of the unpaid furlough program is because of the ongoing budgetary constraints of the County.

PERSONNEL DEPARTMENT'S RESPONSE TO FINDING F-27: Partially disagree. The concept of voluntary furlough was to reduce costs. This type of furlough is at the request of the employee and is governed by guidelines in the management employee compensation plan, and is at the discretion of the department head. This department is not directly involved in the above as the employee and department head must agree for the voluntary furlough to occur. Therefore the grand jury was referred to the department(s) that were using voluntary furlough to find out the reasons for the continued use of said furlough.

F-28 On January 9, 2002, the county counsel's office notified the grand jury in writing of their oversight of exceeding voluntary unpaid furlough hours.

COUNTY COUNSEL'S RESPONSE TO F-28: Disagrees partially. The County Counsel disagrees with the phrase "of their oversight."

The letter to the Grand Jury from the County Counsel read:

"The auditor recently pointed out that the MOU for the Management and Confidential Employees had a furlough limit that did not comport with the office practice. This was an oversight when the County instituted the voluntary unpaid furlough program, and so the Personnel Director sponsored an agenda item to remedy the oversight." (Emphasis added).

"Since the Grand Jury subcommittee looking into our office was interested in the issue of furlough hours, I am forwarding a copy of the amended MOU for their review."

The Office of the County Counsel has always had approval from the County Administrative Office and the Board of Supervisors each year any furlough was used to balance the County Counsel budget.

F-29 The county counsel's staff stated that they were not aware of all the provisions of the MOU.

COUNTY COUNSEL'S RESPONSE TO F-29: Partially disagrees. Every MOU for the County (which is routed through the Office of the County Counsel by client-departments) is reviewed by an attorney in the County Counsel's office. The reviewing attorney is aware of every clause in the MOU, before the MOU is processed to the Board of Supervisors for approval. The County Counsel management, past and present, in authorizing furlough relied on the historical pattern which has been and continues to be approved by the County Administrative Office and the Board of Supervisors. Once the inconsistency with the MOU was communicated to the current County Counsel by the Auditor's office, steps were immediately taken to correct this situation.

Since not every member of the County Counsel's staff was invited for an interview by the Grand Jury Subcommittee, the entire staff of the County Counsel's office could not have made the statement referred to in this finding which is referred to by the Grand Jury Subcommittee.

F-30 The county counsel's staff stated that allowing voluntary furlough hours retains qualified attorneys.

COUNTY COUNSEL'S RESPONSE TO F-30: Partially Disagrees. The County Counsel agrees that the voluntary furlough hours help to retain qualified attorneys, but the entire staff of the Office of the County Counsel could not have made this statement to the Grand Jury Subcommittee since only select members of the County Counsel staff were invited by the Grand Jury Subcommittee to testify.

F-31 The county counsel's staff stated that allowing voluntary unpaid furlough hours saves money.

COUNTY COUNSEL'S RESPONSE TO F-31: Partially Disagrees. It is true that the County Counsel's budget is balanced on salary savings from furlough hours, which is a significant saving to the County General Fund, but again, the entire staff was not interviewed by Grand Jury Subcommittee, and so the entire staff could not have made this statement to the Grand Jury Subcommittee.

F-32 Two deputy county counsels job share 50% each. 1 deputy county counsel works 90%, 2 deputy county counsels work 75%, and 1 office support employee works 80%.

COUNTY COUNSEL'S RESPONSE TO F-32: Partially Disagrees. While this staffing is an average, there is, and has been enough room in the past and current budgets of the Office of the County Counsel to afford some flexibility in hours so that when workloads become excessive, the furloughing employees may be requested to work more hours and thereby furlough fewer hours until the workloads reduce in intensity.

The "office support employee" referred to by the Grand Jury Subcommittee is the Legal Analyst position. This position provides legal research to the office.

F-33 Due to budget constraints the county counsel's office in 1994 started the job sharing of 2 deputy county counsels who rotate their job duties every 3 months.

COUNTY COUNSEL'S RESPONSE TO F-33: Agrees.

F-34 The 2 deputy county counsels who job share accrue pro-rated benefits except medical benefits.

COUNTY COUNSEL'S RESPONSE TO F-34: Agrees.

F-35 The 2 deputy county counsels who job share receive full medical benefits.

COUNTY COUNSEL'S RESPONSE TO F-35: Agrees.

F-36 In order to maintain employment/payroll status the deputy county counsels who job share use one accrued leave day during each pay period while not working.

COUNTY COUNSEL'S RESPONSE TO F-36: Agrees that during each pay period that a job sharing attorney is not working, some leave time must be used by that job sharing attorney.

F-37 Some county departments stated that there are times when the job-sharing rotation results in delays and requires additional work.

COUNTY COUNSEL'S RESPONSE TO F-37: Disagrees partially. The County Counsel has no knowledge of what was said to the Grand Jury Subcommittee by individuals from other county department(s), and, therefore, cannot disagree wholly with this finding. However, the County Counsel did send out a survey to all department heads in July of 2000, inviting comments about the functioning of the County Counsel's Office. Of the few departments choosing to respond to this survey, all comments received back were understanding or favorable, but in no case did these surveys reflect the category which indicated "needs some improvement." (These results included the statements in the following highlighted categories. **Accessibility** comments: "Satisfactory: Sometimes it is a little difficult when staff change so frequently, but we have to do the same thing"; "Very good, except when the door bell doesn't work"; "Quite Good: Will be more involved in needed areas to address this minor Access issue. Very good overlap on switches."; "Quite good." **Timeliness** comments: "Quite Good"; "Very Good"; "Satisfactory: am working on a meeting with deputy to prioritize what the deputy has."; "Quite Good: In my experience, urgent requests have always been dealt with immediately." **Areas which surpass departmental expectations**: "You guys do a great job!"; "Friendly staff, willingness to come to Department on needed occasions, great boss?!"; "Given the range of advice/aid sought I am pleasantly surprised at the timeliness of responses.")

These completed evaluation forms from the client-county departments were voluntarily provided to the Grand Jury Subcommittee by the County Counsel as part of the packet given to the Grand Jury Subcommittee to help explain what the office does and how the office has been functioning within Humboldt County government. The Grand Jury Subcommittee chose to exclude these positive comments of these responding departments from their written findings, and chose to wait to share their findings with the County Counsel until two days before their report was made available to the public, as required by law, instead of inviting the County Counsel back into session with the Grand Jury Subcommittee to go over the findings, as is allowed by law.

The County Counsel has an open door policy to all department heads and is very disappointed if in fact (a) department head(s) choose to testify to the Grand Jury Subcommittee before approaching the County Counsel with the perceived problem so the specifics of the situation(s) could be analyzed and addressed.

In the past, department heads have used this open door policy to address County Counsel personnel and staffing concerns, and solutions were reached that were satisfactory to the complaining department. All of these departmental concerns directly reported to the County Counsel were surmountable, and were surmounted. For example, earlier this year, there was a misunderstanding by certain departmental employees about the fact that the job share attorneys' opinions are cumulative in nature and do not stand independently of each other. (In other words, all findings of inadequacy outlined in all memos on the project needed to be addressed).

Please note that there are time delays and additional work for some county department work requests due to: inadequate information provided by the requesting-department to the County Counsel's Office; some departments losing County Counsel responses; some departments not following County Counsel's advice; some departments waiting until a day before a legal deadline to request advice or waiting to request advice after a legal deadline has already passed; some departments missing the County Counsel deadline for the agenda by one week, barely providing the agenda item to the Office of the County Counsel for final review in order for that item to be timely for the County Administrative Office's deadline for the agenda, and at times barely making it to our office for review before the Brown Act deadline for the agenda; as well as other circumstances which are too numerous to list in this response.

If in fact there is/are (a) complaining department head(s), who is/are complaining about current issues, and the(se) department head(s) choose(s) to contact the County Counsel about their complaint(s), the(se) complaint(s) will be analyzed and addressed by the County Counsel.

F-38 Some county departments stated that attorneys cannot be contacted sometimes due to the flexible work schedule and nominal work week of the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-38: Disagrees partially. The County Counsel has no knowledge of what was said to the Grand Jury Subcommittee by the employees of client-departments, and therefore, cannot disagree wholly with this finding.

However, the Office of the County Counsel has a well-utilized backup system for each departmental assignment. If a matter is urgent, another attorney will look at the matter. If both the assigned attorney and the backup attorney are unavailable, the County Counsel or the Assistant County Counsel or the Legal Analyst will look into the matter.

In the County Counsel's Office, if an attorney is unavailable for any reason, employees answering the phones of the County Counsel's Office are to so indicate to a client-inquirer and to determine whether the matter is urgent. If the matter is urgent, the direction is to forward the matter to the backup attorney or management.

It is unknown how many times the phone unavailability of County Counsel employees due to court appearances, meetings, and regular leave benefits (vacation, administrative leave, family sick leave, sick leave, death leave) have been erroneously attributed to furlough leave.

The nominal work week is part of the MOU applicable to the County Counsel employees, however, the overwhelming majority of the County Counsel employees do not have enough leeway in their departmental loads to consider utilizing an actual nominal work week.

The County Counsel has an open door policy to all department heads and is very disappointed, if in fact, (a) department head(s) choose to testify to the Grand Jury Subcommittee before approaching the County Counsel with the perceived problem so the specifics of the situation(s) could be analyzed and addressed by the County Counsel.

When it is brought to the attention of the County Counsel that work loads are uneven, employees' departmental reassignments or project reassignments are made.

It is of note that some members of the County Counsel's Office, including the County Counsel, have observed that it is at times difficult to contact some of our clients due to their nonfurlough leave, as well as, absences from telephonic access due to meetings and other duties that take employees away from their desks.

If in fact there is/are (a) complaining department head(s) who is/are complaining about current issues, and the(se) department head(s) choose(s) to contact the County Counsel about their complaint(s), the(se) complaint(s) will be analyzed and addressed by the County Counsel.

F-39 The county counsel's staff stated that having job sharing, a nominal work week, and a flexible work schedule retains qualified attorneys.

COUNTY COUNSEL'S RESPONSE TO F-39: Disagrees partially. Flexible work schedules and job sharing do help to retain qualified attorneys, and adds more flexibility to accommodate unexpected work load increases. As stated above, a vast majority of the attorneys are not able to take advantage of the nominal work week. Again, not all of the County Counsel's staff was invited by the Grand Jury Subcommittee to testify, and so the entire staff could not have made this statement to the Grand Jury Subcommittee.

F-40 Since the county counsel's office started the job sharing, other attorneys have been added to staff without increasing the 2 job-sharing deputy county counsel's hours to full-time.

COUNTY COUNSEL'S RESPONSE TO F-40: Disagrees partially. Each unit within the office of the County Counsel has expertise attached with the job duties associated with that unit. The rate of increases of the workload varies from department-to-department, and therefore, from unit-to-unit, due to changes in the law and programs required by the state and federal governments.

It is a more efficient use of employee resources to allow employees to attain a level of expertise, rather than to attain mediocrity in every area of the law practiced by the Office of the County Counsel.

Additions of County Counsel employees occur, as needed, within particular areas of expertise. For example, for the increase in employees referred to in this finding: there was an addition of a Child Welfare Services attorney when legal requirements for that work load intensified, and the Board of Supervisors added a unit to address code enforcement in the county, which included the addition of an attorney to the Office of the County Counsel.

F-41 Some county departments stated that they have problems with prompt and timely responses from the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-41: Disagrees partially. The County Counsel has no knowledge of what was said to the Grand Jury Subcommittee by other departments, and therefore cannot disagree wholly with this finding.

However, the County Counsel sent out a survey in July of 2000 to all department heads inviting comments about the functioning of this office. Of the few departments choosing to respond, all comments about timeliness were satisfactory and above: "Quite Good"; "Very Good"; "Satisfactory: am working on a meeting with deputy to prioritize what the deputy has"; "Quite good: In my experience, urgent requests have always been dealt with immediately," and in the question about areas which surpass department expectations: "Given the range of advice/aid sought I am pleasantly surprised at the timeliness of responses."

These evaluations were voluntarily provided to the Grand Jury Subcommittee by the County Counsel. The Grand Jury Subcommittee chose to ignore these positive comments from the surveys of County Departments in their written report, and further chose to wait until two days before said report was available to the public, to share their finding with the County Counsel, as required by law, instead of inviting the County Counsel back in session with the Grand Jury Subcommittee to go over these findings as is allowed by law.

The County Counsel has an open door policy to all department heads and is very disappointed, if in fact, department head(s) choose to testify to the Grand Jury Subcommittee before approaching the County Counsel with the problem(s) so the specifics of the situation(s) could be analyzed and addressed.

In the past, department heads have used this open door policy to address staffing concerns, and solutions were reached that were satisfactory to the complaining departments.

The results of mediating some of these complaints, while satisfying the complaining department, unfortunately contributed to declining morale and increasing anxiety of some of the employees within the Office of the County Counsel. These complaints that were addressed directly to the County Counsel are not of a recent vintage, however, and no complaints have been received by the County Counsel for quite some time.

If a member of a department's employees indicates there is an urgency or a deadline associated with a project, workloads are adjusted to accommodate these time lines, but if client-departments do not assign deadlines or priority to work requests the assigned attorney and/or management will make the best assessment of the priority of that item in the context of all work requests of the office, taking into account the constant "urgent" requests.

If, in fact there is/are (a) complaining department head(s) who is/are complaining about current issues, and the(se) department head(s) choose(s) to contact the County Counsel with their complaint(s), the(se) complaint(s) will be analyzed and addressed by the County Counsel.

It is also disappointing and demoralizing for numerous employees of the Office of the County Counsel, that the Grand Jury Subcommittee in this "routine review" of our Office, which is essentially a type of performance review by the Grand Jury, was devoid of mention of any of the good work and dedication with which the employees of the Office of the County Counsel have served the County, and exhibited, at best, an apparent lack of awareness of the satisfaction with which most of our clients receive our work, and the great success the office has enjoyed in the local and appellate courts. (Please see the attached letters of thanks, which is a mere sampling of the sentiment we receive on a routine basis for the 10-year period discussed by the Grand Jury subcommittee. Included in these letters of thanks are five letters of thanks from past Grand Juries). Note: With the County Counsel's consent, these letters do not appear in this publication. They are available at the Humboldt County Library and the Clerk of the Board.

In any good objective review, there should be reference to positive aspects discovered by the reviewer. Aside from the superior quality of our work, one very positive reference that could have been easily included in this report that is reflective of how much care is given to the functioning of the office, would have been a reference to the packet of County Counsel documents submitted to the Subcommittee. In fact, in the Grand Jury's presentation of this year's report to the Board of Supervisors, special positive mention was made of these documents. These County Counsel documents included, but were not limited to: employee work schedules; employee work locations; current departmental assignments for attorneys; the office business plan; the office goals; the office procedures and protocols; blank forms of the type used in yearly employees evaluations; and the office emergency plan.

Had these documents been referenced by the Grand Jury subcommittee in its report, and had this Subcommittee noted that few County departments have business plans and yearly goals, and had this Subcommittee referenced the quality of the work the Office of the County Counsel performs, and had this Subcommittee understood the type of work the Office of the County Counsel does, perhaps a local paper would have been led by the Grand Jury Report to erroneously conclude that the Office of the County Counsel was "found in a certain amount of disarray."

This review would have been much more useful if the Grand Jury took advantage of this review to educate the public about the type of legal work the Office of the County Counsel does for the County of Humboldt.

F-42 The county counsel's staff stated that the county counsel's budget process takes 20% of its time or approximately 300 hours.

COUNTY COUNSEL'S RESPONSE TO F-42: Disagrees partially. The total amount of time the Assistant County Counsel spends in the yearly budget preparation in the spring is approximately 30 hours (Approximately 1 week of her time). The remainder of the time in this 300-hour estimate includes, but is not limited to, mid year reviews, revenue tracking, expenditure review, all of which allow the Office of the County Counsel to come in under budget or meet our budget every year.

Without this intense scrutiny, the Office of the County Counsel would not be able to have maintained a budget product that has been consistently described by the County Administrative Office in glowing terms.

Not all members of the staff of the County Counsel were invited to testify, and not all staff of the County Counsel is involved in the budget process, and so every member of the County Counsel staff could have not made this statement to the Grand Jury Subcommittee.

Had the Grand Jury Subcommittee invited the County Counsel into session to review the findings as is allowed by law, this and other errors in their report could have been corrected before the report was issued to the public.

F-43 The county counsel's staff stated that 1 week of the budget preparation is spent at home away from the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO F-43: Disagrees Partially. It is true that for efficiency's sake, approximately 1 week, or approximately 30 hours, of the Assistant County Counsel's time are spent at her home working on the next fiscal year's budget proposal, however, not all members of the County Counsel staff were invited by the Grand Jury Subcommittee to testify, and therefore not all County Counsel staff could have made this statement, to the Grand Jury Subcommittee.

F-44 Other departments with comparable budget line items stated that the budget process takes 5 to 105 hours, and none of these departments indicated that they do their budgets at home.

COUNTY COUNSEL'S RESPONSE TO F-44: Neither agrees nor disagrees. County Counsel has no personal knowledge of the statements made by the other departmental employees which are referred to in this finding to form the basis to agree or disagree with this finding.

The Assistant County Counsel is housed in the annex which has no conference room or large work area that is needed to make the compilation of the budget an efficient process, and there is no dedicated space at the main office that can accommodate this activity either. When the County Counsel's Office assumes all the space in the first floor office remodel, there will be adequate space so the Assistant County Counsel will be able to perform this function in the office rather than at her home where such a space is available to her.

The office consolidation is set to occur from October of 2002 to December of 2002. However, in the library and work room spaces of this remodel, other displaced courthouse personnel are to be located in these spaces until the Spring of 2003 at the earliest. At that time the location of the preparation of the budget will be reviewed by the County Council. (Please note that these projected dates will probably be pushed back due to the fact that all bids for the remodel project were over budget, and a revised project will need to be rebid which may take up to an additional 90 days).

F-45 The county counsel's office total net budget expenditures have grown from \$614,000.00 in 1994-1995 to \$1,102,000.00 in 2000-2001.

COUNTY COUNSEL'S RESPONSE TO F-45: Disagrees wholly. When calculating our net budget, for 1994-1995 and 2000-2001, the figures of the County Counsel fiscal experts differ from those stated in this finding. The figures cited by the Grand Jury in this finding appear to reflect the total expenditures, and not the net budget expenditures. After taking in account the year's revenues for the 1994-1995, the net budget was \$564,197.84. In the year 2000-2001, the net budget expenditures after taking into account the year's revenue was \$959,041.63.

Most of the increase in the budget of the County Counsel since fiscal year 1994-1995 is due to the staffing increases that were required by new programs that were mandated by the state and federal governments and the addition by the Board of Supervisors of the Code Enforcement Unit (1 attorney; 1 investigator; and 1 secretary) in 1995, and a 2nd Investigator being budgeted in the County Counsel's budget by the Board of Supervisors in 2001, as well as a transfer of personnel from one client department to the Office of the County Counsel (two positions involved in the preparation of conservatorship petitions and accountings were transferred from the Public Guardian's Office to the Office of the County one in 1995 and another in 1996).

Programs which require additional legal representation which were added to the County Counsel work load, which were absorbed with no increase in staff unless noted, include but are not limited to the following: A major expansion of the economic development workload; "Prop 10" Commission; the Workforce Investment Board; Health Insurance Portability and Accountability Act of 1996; In Home Supportive Services program; "Riese" hearings; Juvenile Court Dependency law revision (1 new attorney in 1994; 1 investigator in 1995); weapons confiscation pleadings; and personnel administrative hearings.

F-46 The county counsel's office uses different case logs for tracking requests for services from other county departments.

COUNTY COUNSEL'S RESPONSE TO F-46: Neither agrees nor disagrees. The County Counsel has no personal knowledge of what type of case tracking being currently used by other county departments in order to form the basis from which to agree or disagree with this finding. The Office of the County Counsel is unique as compared to other county departments, including the other County legal departments. The legal departments of the County other than the County Counsel's office, do have, almost exclusively, individual cases to track. While the Office of the County Counsel does have cases in the Child Welfare Services and Code Enforcement Units, most of the work requested in the General Services Unit is for review of legal documents, meeting attendance and legal opinions. Logs for these types of work requests do not fit well with a case driven log system.

F-47 The work-request case logs are numbered for each inquiry, not for each new work request.

COUNTY COUNSEL'S RESPONSE TO F-47: Disagrees wholly. The County Counsel does not have "work request case logs"(emphasis added). Matters involving litigation, or "cases", for the General Services Unit is logged in the litigation work log. The Child Welfare Services Unit and the Code Enforcement Unit have their own work logs apart from the General Services Unit. There are innumerable telephonic, fax, E-mail inquiries, crisis responses, and requests for meeting attendance that are responded to without being listed in the work log.

It is true, if a second or third draft is needed on a project the subsequent requests are logged in again, but this is for tracking purposes. If a department successfully implements all suggested changes, there are no additional work requests logged.

A separate log for drafts could be maintained, but there would be more room for confusion in the tracking of an item.

F-48 The county counsel's staff stated that this tracking system for work-request case logs needs improvement.

COUNTY COUNSEL'S RESPONSE TO F-48: Disagrees Partially. Not all of the staff of the County Counsel's Office was invited to testify in front of the Grand Jury Subcommittee, and so not all members of the County Counsel staff could have made this statement to the Grand Jury Subcommittee.

As has been utilized in the past, if any County Counsel employee has a suggestion to improve any system in the office that suggestion was analyzed by the County Counsel, and implemented if after consideration of the entire system, the suggestion was evaluated as potentially resulting in a positive change. Currently, one of the job duties of the newly reclassified Legal Services Office Manager is to review and implement changes to office procedures, which would increase efficiencies within the office. This review includes the log-in system.

There is always room for improvement in all systems. We have no perfect systems in the Office of the County Counsel.

F-49 The county counsel's staff uses the work-request logs for part of its budget justification.

COUNTY COUNSEL'S RESPONSE TO F-49: Disagree Partially. Some of the employees of the Office of the County Counsel involved in the preparation of the budget have, in the past, listed the numbers contained in the County Counsel logs as an indicator of the workload of Office the County Counsel.

A lot of the work of the County Counsel's Office does not get captured well by logs, including, but not limited to, meeting attendance (which can be very lengthy like the Board of Supervisor's meetings and the Planning Commission meetings), telephone calls, E-mail, faxes and crisis management.

F-50 It was stated by an employee of the county counsel's office that self-evaluations done over two years ago have not been reviewed.

COUNTY COUNSEL'S RESPONSE TO F-50: Disagrees wholly. The County Counsel personally conducts evaluations for the attorneys, the legal analyst, and all investigators. Two years ago the Supervising Legal Secretary evaluated the remainder of the employees, and received the self-evaluation forms for those employees.

The County Counsel was not apprised of this assertion during the Grand Jury Subcommittee's process. If apprised of this assertion, the County Counsel would have told the Grand Jury Subcommittee that each and every self-evaluation was considered in the evaluation process for those employees she personally evaluated. For employees evaluated by the Supervising Legal Secretary (now the Legal Services Offices Manager) for whom the evaluations are not positive, those self-evaluations are requested to be provided by the lead secretary (now Legal Services Offices Manager), to the County Counsel for her review, before the County Counsel signs off on that evaluation. Some of these employees who were evaluated by the lead secretary, choose to forward their self evaluations to the County Counsel even though their evaluations were positive, and the County Counsel reviewed these forwarded self-evaluation forms before she signed off on their reviews.

CONCLUSIONS

C-1 Furlough excesses were overlooked by the county counsel's office for 10 years.

COUNTY COUNSEL'S RESPONSE TO C-1: Disagrees wholly. The furlough taken by the employees of the County Counsel is not, and has never been considered as excessive by the County Governing Body (the Board of Supervisors), and said furlough was reviewed and approved by the County Administrative Office and the Board of Supervisors every year for the 10-year period in question.

For this 10-year period there were several County Administrative Office and County Counsel administrations, all of whom have approved this historical use of furlough by the County Counsel office. In fact, the previous County Counsel who thought of and initiated voluntary furlough for the Office of the County Counsel was highly praised by County management for his creativity in difficult financial times.

C-2 Excessive and continual use of furlough time results in additional benefit expense to the county.

COUNTY COUNSEL'S RESPONSE TO C-2: Disagrees wholly. The furlough taken by the employees of the County Counsel is not, and has never been considered as excessive by the County Governing Body (the Board of Supervisors), and said furlough was reviewed and approved by the County Administrative Office and the Board of Supervisors every year that the furlough was used by said employees.

These benefits for furloughing employees have been budgeted and considered and approved by the Board of Supervisors each year.

Furlough hours reduce the County General Fund cost by the salary savings resulting from said furlough.

C-3 Excessive and continual use of furlough time causes delays and additional work in the operation of other county departments.

COUNTY COUNSEL'S RESPONSE TO C-3: Disagrees wholly. The furlough taken is not, and has never been considered as excessive by the County Governing Body (the Board of Supervisors), and said furlough was reviewed and approved by the County Administrative Office and the Board of Supervisors each year furlough was used to balance the County Counsel's budget.

Every department that has chosen to communicate staffing issues directly to the County Counsel has had their concerns addressed by the County Counsel.

There are time delays and additional work for some county department work requests due to: inadequate information provided by the requesting department to the County Counsel's Office; some departments losing County Counsel responses; some departments not following County Counsel's advice; some departments waiting until a day before a legal deadline to request advice or waiting to request advice after a legal deadline has already passed; some departments missing the County Counsel deadline for the agenda by one week, barely providing the agenda item to the Office of the County Counsel for final review in order for that item to be timely for the County Administrative Office's deadline for the agenda, and at times barely making it to our office for review before the Brown Act deadline for the agenda; as well as other circumstances which are too numerous to list in this response. If suggested changes have not been made by a department and that work is resubmitted to the Office of the County Counsel that work is returned to the client-department which could be described by the client-department as additional work.

C-4 Since some county counsel's employees use furlough time daily, the office appears to be over staffed.

COUNTY COUNSEL'S RESPONSE TO C-4: Disagrees wholly. Of the 6 furloughing employees, only one employee furlough hours daily, and does not furlough in large blocks of ½ to 1 day. It is at the insistence of the County Counsel that the Assistant County Counsel does not take whole days off, due to the fact that there are two office locations and the Assistant serves as the manager housed in the annex office.

It should be noted that with the State of California having a 30 billion-dollar deficit which appears to be causing the State to look to California Counties to make up a great deal of this deficit, while at the same time adding new programs for which California Counties are to be responsible for, the workload of the Office of the County Counsel is going to rise more dramatically than it ever has before. If ever the employees of the County Counsel have needed tools to prevent "burnout," it is now, and this will continue to be true in the next few years to come.

C-5 Since some of the county counsel's staff work reduced hours, not all work is completed in a timely manner.

COUNTY COUNSEL'S RESPONSE TO C-5: Disagrees wholly. If departmental employees communicate a priority or a deadline of a work request to the Office of the County Counsel, that time line is met, if that work request is in fact provided to the County Counsel's office before the deadline has occurred.

If all the County Counsel employees worked full time with no furlough, layoffs would occur, and as work loads increase, the number of available employee hours would remain the same as those hours available with the furlough program in place, but without the flexibility of increasing work hours due to a spikes the work load, thereby increasing the probability of "burnout."

C-6 There is a financial impact when a county counsel employee works part-time and receives full benefits.

COUNTY COUNSEL'S RESPONSE TO C-6: Disagrees Wholly. All County Counsel employees are considered as full time employees who are voluntarily furloughing hours, and are not considered as part time employees by the county.

C-7 Job-sharing creates delays and additional work for county offices that use the county counsel's services.

COUNTY COUNSEL'S RESPONSE TO C-7: Disagrees wholly. If there is a need, there is an overlap of staffing during which both job sharing attorneys are in the office for the transition period. All departments having issues about the job sharing that were addressed to the County Counsel directly have been responded to, and the evaluation response from those departments using the job share attorney listed no category that there was a need for improvement in.

C-8 Since the work-request case log needs improvement, it is giving an incorrect number of cases in justification of the county counsel's budget because it is numbering total inquiries rather than actual cases.

COUNTY COUNSEL'S RESPONSE TO C-8: Disagrees wholly. As previously stated the vast majority of the work load of the County Counsel's office General Services Unit is not case driven, but instead is driven by work requests that are for review and/or opinions.

If a department fails to adequately address the issues outlined after the initial review by the Office of the County Counsel, extra work is created for the County Counsel's Office and this additional work is reflected in the work request log. If a department successfully implements all suggested changes, there are no additional work requests logged.

The current case log adequately reflects the unique work load of the County Counsel's office and cannot be compared with those in other county departments including other legal departments within the county. The number of work requests does not include all inquiries made to the Office of the County Counsel, but these numbers do adequately reflect how many requests are received for each larger or more complex project that is being processed by the County Counsel's Office.

No matter how it is calculated, the work must be done, and whether work is tracked project by project, or case by case, the amount of time it takes to complete the work has no bearing on how the work load is tracked. Even in a case driven system, the number of cases in itself may not reflect how intense a load is, since not all cases take the same amount of time to process, and have different levels of complexity and difficulty.

C-9 Since the work-request case log needs improvement, it is hard to track a logged-in work request to a single case.

COUNTY COUNSEL'S RESPONSE TO C-9: Disagrees wholly. Other than the Child Welfare Services and Code Enforcement Units' case loads, in most circumstances in General Services Unit of the Office of the County Counsel, there is no "case" to relate a work request to. The current work request log allows employees to find out to whom a project is assigned to; where a project is in the process and whether, in fact, that project was received by the Office of the County Counsel and/or whether the project has already completed by someone in the office. For those departments which require a project-specific time record that information is specially tracked on the A-87 time logs. For general advice requests which cannot be billed to a specific party or entity, no project-specific log is needed to adequately provide services to county departments.

C-10 Consolidating the 2 offices may improve morale.

COUNTY COUNSEL'S RESPONSE TO C-10: Agrees.

C-11 The consolidation of the 2 offices with 1 supervisor may improve the management of the county counsel's office.

COUNTY COUNSEL'S RESPONSE TO C-11: Agrees.

C-12 The budget process for the county counsel's office takes longer than other comparable county department.

COUNTY COUNSEL'S RESPONSE TO C-12: Disagrees wholly. Due to a misunderstanding by the Grand Jury Subcommittee, of the information provided, the Grand Jury Subcommittee concluded the yearly budget preparation took 300 hours rather than approximately 1 week of her time (approximately 30 hours). The 300-hour approximation included total time working with the budget throughout the year to ensure compliance with the budget and to accommodate the unexpected financial needs of the County Counsel in that budget year. The annual "spring" budget preparation time of approximately 30 hours is on the low end of the hours reported by other County Departments.

Any comparison of the hours taken to process a spring budget must make sure that the departmental budget issues are similar, and not just line items. Many departments have more complexities in their budget that are lacking in other departmental budgets that may not be reflected by the existence of similar line items.

C-13 Time sheets accepted without checks and balances increase the possibility of errors.

COUNTY COUNSEL'S RESPONSE TO C-13: Agrees.

C-14 The payroll time sheets inability to record accumulated furlough time has led to excessive use.

COUNTY COUNSEL'S RESPONSE TO C-14: Disagrees wholly. The furlough time taken by the employees of the County Counsel is not, and has never been excessive in the opinion of the County Governing Body (the Board of Supervisors) and has been reviewed and approved by the County Administrative Office and the Board of Supervisors every year that furlough was used by County Counsel employees.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

R-1 the Board of Supervisors expedite the consolidation of the 2 offices

BOARD OF SUPERVISORS' RESPONSE TO R-1:

Will be implemented in fiscal year 2002-03. The consolidation of the two offices is part of the courthouse remodel project. Bids were initially received on July 2, 2002; however, because costs exceeded the Architect's construction estimate, the plans are being modified to allow the project to be re-bid and thereby meet the construction budget requirement. The consolidation of the two offices will remain a component of the re-bid project, which is expected to be completed within the current fiscal year.

COUNTY COUNSEL'S RESPONSE TO R-1:

Recommendation has been implemented as much as is possible. The remodel of the future office of the County Counsel will occur in phase 1 and phase 2 of the scheduled remodel. Consolidation was scheduled to occur between October and December of 2002, before all bids were rejected by the Board of Supervisors on July 8, 2002, due to all bids being over budget.

R-2 the county counsel's office review all the provisions of the MOU.

COUNTY COUNSEL'S RESPONSE TO R-2: Recommendation has been implemented. The MOU has been copied and provided to all employees of the Office of the County Counsel for their review.

R-3 the county counsel's office review the use of furlough time.

COUNTY COUNSEL'S RESPONSE TO R-3: Recommendation has been implemented. The County Counsel and the Assistant County Counsel have met and discussed the use of furlough time and have concluded that furlough time is still appropriate to retain legal expertise and flexibility in coverage of court appearances and meetings, while staying within our budget.

It is not appropriate for the remainder of the County Counsel Office employees to review the use of furlough time, as this review is a management function.

R-4 the county counsel's office review the job-sharing of deputy county counsels.

COUNTY COUNSEL'S RESPONSE TO R-4: Recommendation has been implemented. The County Counsel and the Assistant County Counsel have met and discussed the job share and have concluded that the job share is still appropriate to retain expertise while staying within our budget.

It is not appropriate for the remainder of the County Counsel Office employees to review the use of the job shared positions, as this review is a management function to do said review.

R-5 the county counsel review their nominal/flexible work week.

COUNTY COUNSEL'S RESPONSE TO R-5: Recommendation has been implemented. The County Counsel and the Assistant County Counsel have met and discussed the nominal/flexible work week. The existence of the nominal work week cannot be changed by the County Counsel, because the nominal work week is part of the MOU governing the employees and the flexible work week, and as such is matter that was negotiated between the Board of Supervisors and the bargaining unit. The County Counsel and the Assistant County Counsel have met and discussed the flexible work week and have concluded that the flexible work week allows the office to accommodate the varying intensity of the work load as it occurs.

R-6 the county counsel's office change the method of tracking cases and work requests.

COUNTY COUNSEL'S RESPONSE TO R-6: Recommendation requires further study. A review of the tracking of work requests will be assigned to the Legal Services Office Manager. Said assignment will include a request that a survey of other County Counsel's Offices in the State of California be conducted as to what type of tracking tools are used in those offices. This review will be studied by the County Counsel, Assistant County Counsel, and any proposed changes will be presented to the employees at a staff meeting for their input.

The County Counsel believes that in every system there is room for improvement, but does not agree that it would be efficient to adopt the methods used for tracking cases and work requests in other county departments within Humboldt County due to the unique work load of the Office of the County Counsel.

Because of this uniqueness, work load processing for the County Counsel's Office does is better compared to County Counsel departments in other counties in California. This analysis will be completed within the next 6 months.

R-7 the county counsel's office utilize a more efficient process to do its budget preparation.

COUNTY COUNSEL'S RESPONSE TO R-7: Recommendation will not be implemented because it is based on a misunderstanding. The County Counsel budget process is efficient and consistently received accolades every year from the Office of the County Administrative Officer.

R-8 the payroll system be updated to include accumulation of use of furlough.

COUNTY COUNSEL'S RESPONSE TO R-8: Recommendation will not be implemented by the County Counsel since this payroll system update is not within the control of the County Counsel.

AUDITOR-CONTROLLER'S RESPONSE TO R-8:

Agree in theory, but impractical to implement. Unfortunately, there is no space available on the currently used timesheets to display furlough balances. However, this information is maintained by the computer and is available to departments. We are reluctant to redesign payroll timesheets for a little used type of leave, but to answer concerns we are working with Information Services to design a warning system that will alert departments when an employee is approaching total hours of furlough allowed.

RESPONSES

THE FOLLOWING RESPONSE TO REPORT 02-11 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The Board of Supervisors respond to recommendation 1.
2. The county counsel respond to all findings and recommendations.
3. The personnel department respond to findings 26 and 27.
4. The auditor respond to recommendation 8.

INTRODUCTION

The Humboldt County Grand Jury received a mandated reporter's request to investigate the handling of cases in the Hoopa area. A mandated reporter is in the professional field, which includes physicians, dentists, nurses, interns, psychologists, family counselors, and teachers, teachers' aides, day care personnel, and associated agencies.

PROCEDURE

Members of the grand jury interviewed case workers, supervisors, and concerned individuals regarding the emergency response time and follow-up visits for Hoopa children in the child welfare system.

FINDINGS

- F-1 Response to emergencies takes up to 5 days.
- F-2 Mandated reporters are not informed of the progress of the cases.
- F-3 Humboldt County CWS case workers do not share information with the Hoopa Tribal Council Division of Human Services (HTCDHS) case workers.
- F-4 CWS case workers use an evaluation form to prioritize incoming referrals.

CONCLUSIONS

- C-1 Responses to emergency referrals are not handled in a timely manner.
- C-2 Lines of communication between CWS and HTCDHS are inadequate.
- C-3 Pertinent information on current cases is not being shared with mandated reporters and HTCDHS.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THAT:

- R-1 emergency reporting procedures be reviewed and updated to improve response time.

HEALTH AND HUMAN SERVICES' RESPONSE TO R-1: Disagree. Since 1999, Child Welfare Services has been in a best-practices pilot using standardized intake, investigation and case planning protocols called Structured Decision Making. The purpose of Structured Decision Making is to identify response priority based on clearly identifiable and standardized criteria. Using Structured Decision Making, CWS staff determines if the response should be made immediately (same day) or within 10 days. Pursuant to regulation (31-115.11) an immediate response is made when, as described by the reporter, there is imminent danger to a child or immediate response is requested by law enforcement. Investigation into other allegations of abuse or neglect are to be conducted within ten days. Structured Decision Making helps CWS professionals differentiate response priorities based on reported information. Due to CWS' ongoing quality improvement processes, by the end of 2001, initial responses as required by regulation had reached above the State benchmark of 90%.

R-2 more efficient ways to communicate be established on an ongoing basis to insure that all concerned parties are informed.

HEALTH AND HUMAN SERVICES' RESPONSE TO R-2:

Partially Disagree. During the course of an investigation of neglect or abuse and with an appropriate release of information, CWS can provide feedback to mandated reporters within legal parameters. To accomplish this feedback, it is CWS' policy to provide mandated reporters a State-approved feedback letter or to provide verbal feedback at the time of their report.

The Social Services Branch does acknowledge the need to consistently monitor and improve the communication process on an ongoing basis to allow for the best outcome for the child and is open to feedback on methods for quality improvement processes toward this goal. General case process concerns should be direct to the Social Services Branch Director for review and response.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 02-13 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. Director of Child Welfare Services and Director of Social Services shall respond to R-1 and R-2.

INTRODUCTION

This program has 14 locations in Humboldt County that provide alternative education programs for approximately 400 students. Members of the 2001-2002 Humboldt County Grand Jury visited a community school. Students are referred due to truancy, behavior problems, or slow progress in school.

The program offers a broad-based curriculum that is individually paced and includes individual instruction. Students in grades 7 to 12 are eligible and are referred by the school, parents or guardian.

Students must successfully complete the orientation and assessment program before admittance to the community schools.

FINDINGS

- F-1 Students need 90 credits earned in 7th and 8th grades to be promoted to high school.
- F-2 Students need 210 credits to graduate from high school.
- F-3 There are alternate ways to earn extra credits, such as volunteer and service work.
- F-4 Discipline and behavior standards are strictly enforced.

CONCLUSION

C-1 The Community Schools program is a tightly controlled school system that provides students with an opportunity to complete their education in a healthy environment.

RECOMMENDATION

R-1 We encourage the Humboldt County Office of Education and the community to continue support for this successful and valuable program.

The following Response to Report 01-09 in the 2000-2001 final report from Carlotta Community Services District was delivered to the courthouse within the time prescribed by law but was not included in the printing of the final report.

The Honorable Dale A. Reinholtsen
Presiding Judge
Superior Court of California, Humboldt County

Dear Judge Reinholtsen:

The following report is respectfully submitted in accordance with CPC Section 933.05:

CARLOTTA COMMUNITY SERVICES DISTRICT- RESPONSE TO GRAND JURY REPORT

Prepared in response to report 01 –09 Cities and Districts 2000-2001

FINDING F-1: The Board and the Fire Department have had a poor working relationship for several months.

RESPONSE F-1: The Board and the Fire Department have had a poor working relationship for several years.

FINDING F-2: The poor relationship between the Board and the Fire Department escalated when construction began on the new fire hall.

RESPONSE F-2: The poor relationship between the Board and the Fire Department escalated when planning began for the new fire hall in 1995.

FINDING F-3: It was reported that fifteen firemen resigned en masse this year as a result of this poor working relationship between the Board and the Fire Department.

RESPONSE F-3: Many of the firemen were pressured into resigning; they were called on the morning of February 2nd. and told to come to the new firehall and turn in their equipment. The precipitating event for this mass resignation was Judge Brown's ruling that we, the Carlotta Community Services District, were the governing Board of the Fire Department and that we were justified in firing the Chief and Assistant Chief.

FINDING F-4: The Board originally budgeted **\$15,000** for the construction of a new fire hall.

RESPONSE F-4: The previous Board had spent \$18,000 of public funds on the firehall. The present Board originally budgeted an additional \$15,000 of public funds, in addition to- cash and materials donations, to finish the building. We have since spent approximately \$20,000 more.

FINDING F-5: The Board and Fire Department assumed that donations of money, materials, and labor would defray the majority of the costs of building the fire hall. -

RESPONSE F-5: The respondent agrees with the finding.

FINDING F-6: The Fire Department actively solicited donations of money and materials for the new fire hall; as a result, most of the donations were made specifically to the Fire Department.

RESPONSE F-6: Approximately \$1,800 of donations were made specifically to the Fire Department.

FINDING F-7: Neither the Board nor the Fire Department has tax-exempt status, precluding either from receiving tax deductible donations.

RESPONSE F-7: The Board was able to contact Mr. Dutcher, a specialist in tax exemption law at the IRS. According to Mr. Dutcher there is an obscure exception in the tax law that confers tax exempt status on volunteer fire departments as long as donations benefit the department as a whole and no individual in particular. The Board's tax exempt situation is different. Since we are a government entity, donations of cash or materials to the Board for the construction of a fire hall are tax deductible as long as we are not engaged in continuous ongoing solicitations of funds for operations. Since we derive our ongoing funding from county taxes and a local parcel assessment, we are qualified to receive tax deductible donations in our particular circumstances.

FINDING F-8: The Board has spent at least \$33,000 on the new fire hall which is not yet completed.

RESPONSE F-8: The situation here in Carlotta has been in a state of dynamic transition for the past year. The above figure was correct when the Grand Jury first visited us in the winter of 2000. Presently, we have spent at least \$53,000 of taxpayers funds plus many thousands more of donated cash, materials, donated professional labor as well as hundreds of hours of community labor. The County has signed off on the building except for a meeting room in the rear which is being completed.

FINDING F-9: For thirty-five years the Board has not purchased any fire prevention vehicles.

RESPONSE F-9: Until recently the District had no parcel assessment tax. Our annual funding came from the County and provided us with enough money to pay for insurance and a few thousand for equipment. We have been fortunate recipients of two donated fire trucks and a tanker as well as other essential gear. In the last couple of years we have purchased two vehicles including a very modern 4 wheel drive quick response fire truck in excellent condition.

FINDING F-10: The Board owns the following: (A) 1964 GMC fire truck; (B) 1964 Diamond T fire truck; (C) 1971 International-water tender (capacity 3500 gallons).

RESPONSE F-10: We also own a 1991 Ford and a 1990 Chevy 4-wheel drive fire truck.

FINDING F-I 1: The water tender leaks half of its capacity each day.

RESPONSE F-1 1: The water tender has been repaired and doesn't leak a drop.

FINDING F-12: The Fire Department reported it does not have sufficient respirators for the fire trucks; four are required for each truck.

RESPONSE F-12: The Board has never been presented with any documentation indicating that a department of 15 volunteers needs 12 respirators. First of all, it's unlikely that all volunteers would be available at any given time. We have no fire hydrants so we have to set up a reservoir and dump the tankers water into it and then rush back to our holding tanks at the station for more. We use one truck to draft water from the reservoir and supply the other two trucks. Hoses have to be set up and connected, each truck has to have someone run the pumps and each hose needs two volunteers. The law requires that two people with respirators enter a burning building together and that two others be ready outside. Considering manpower constraints, it's highly unlikely we would ever need more than four; we have six. Furthermore, we have a mutual aid agreement with Hydesville and Fortuna and in such a scenario we would call for back-up.

FINDING F-13: The Board pays the Secretary/Treasurer \$100 a month and does not withhold taxes.

RESPONSE F-13: The Board now pays the Secretary/Treasurer \$150 a month and has directed her to begin withholding taxes.

FINDING F-14: The Board has not hired/appointed a District Manager as required by law.

RESPONSE F-14: The Board has appointed the Secretary/Treasurer to the position of District Manager.

FINDING F-15: In 1999 the Board reduced the property tax assessment by 40 percent.

RESPONSE F-15: The respondent agrees with the finding.

FINDING F-16: The Board reported reserves of approximately \$100,000 as of June 1999.

RESPONSE F-16: The respondent agrees with the finding.

FINDING F-17: As of June 2000 the Board budget summary shows a reserve balance of approximately \$66,000.

RESPONSE F-17: The respondent agrees with the finding.

GRAND JURY RECOMMENDATIONS RESPONSES TO RECOMMENDATIONS

RECOMMENDATION R-1: The Board budget more funds for the District to operate effectively.

RESPONSE R-1: The budget for 2000-2001 was increased by 50% over the 1999-2000 budget. This increase is in addition to special allocations to finish the new fire hall and purchase a new fire truck.

RECOMMENDATION R-2: A District General Manager be hired/appointed.

RESPONSE R-2: The Board appointed the Secretary/Treasurer to the position of District Manager.

RECOMMENDATION R-3: Payroll taxes be withheld from the salary of the Secretary/Treasurer.

RESPONSE R-3: The Board has directed the Secretary/Treasurer to withhold taxes from her paycheck.

Respectfully submitted, August **31, 2001**

Phillip E. Leavitt, Chairman
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