

## Responses to 2006-2007 Grand Jury Final Report

(Compiled by 2007-2008 Grand Jury)

### Introduction:

The Grand Jury of Humboldt County has specific legal powers to investigate and report on local government officials and organizations. One continuing obligation of each grand jury is to monitor responses to the findings and recommendations made to relevant government entities by prior grand juries. The 2007-2008 Grand Jury received and reviewed responses to the 2006-2007 Grand Jury of Humboldt County Final Report. The purpose of this review was to determine whether government officials responded in the manner prescribed by law.

The 2006-2007 Grand Jury of Humboldt County released thirty reports in their end of term consolidated final report. They submitted ten reports requiring response.

It appears all pertinent responses were received. The responses are presented here exactly as they were received, without edit or commentary. The 2007-2008 Grand Jury of Humboldt County may or may not choose to comment or follow-up on the responses in the future, as time permits.

Per California Penal Code 933(c), public governing bodies shall comment to the presiding judge of the superior court on the findings and recommendations of the grand jury report, within 90 days of report submittal to that agency. Elected officials shall respond within 60 days in the same manner.

Per California Penal Code 933.05(a), the responding person or governing body shall indicate one of two possible responses to each *finding* of fact:

- The respondent agrees with the finding.

- The respondent disagrees wholly or partially with the finding.

Per California Penal Code 933.05(b) PC, the responding person or governing body shall report one of the following actions for each *recommendation*:

- The recommendation has been implemented, with a summary regarding the action.
- The recommendation has not been implemented, but will be implemented in the future (including time frame for implementation).
- The recommendation requires further analysis (with a time-frame for completion).
- The recommendation will not be implemented because it is not warranted or is not reasonable (with explanation).

The 2007-2008 Grand Jury received responses in regards to the below listed reports. Click on the relevant link to view a scanned copy of the response(s). *Important Note: Some response letters refer to more than one Grand Jury report. In that case, scroll the document to find the correct corresponding response.*

<b>REPORT #</b>	<b>2006-2007 REPORT TITLE</b>
2007-AF-18	Parking within the City Of Eureka
2007-CD-01	Humboldt Bay Harbor Recreation and Conservation District
2007-HS-01	Humboldt County School System
2007-JL-06	Humboldt County Correctional Facility
2007-JL-13	Garberville Substation and Holding Facility
2007-JL-16	Coroner's Office
2007-LJ-02	Police Use Of Force
2007-LJ-03	Courthouse Security
2007-LJ-04	Sheriff's Office Repeater Sites
2007-PW-08	Builder Bill of Rights

### **Grand Jury Report # 2007-AF-18**

#### **Parking within the City of Eureka**

#### **Who Shall Respond:**

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

- The City of Eureka and the Parking Place Commission shall respond to Finding 1 and Recommendation 1.

#### **Finding 1 (2007-AF-18):**

Desirable parking places are often occupied by employees or residents of Old Town, and the public is unaware of adequate parking within a reasonable distance.

#### **Recommendation 1 (2007-AF-18):**

The Grand Jury recommends the Parking Place Commission work with employers and businesses in the Old Town area to increase awareness of available parking. Appropriate signage directing citizens to nearby parking may be helpful.

**Response(s) to Finding 1 and Recommendation 1 (2007-AF-18):**

[City of Eureka](#)

**Grand Jury Report # 2007-CD-01**

**Humboldt Bay Harbor, Recreation, and Conservation District**

**Who Shall Respond:**

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

- The Humboldt Bay Harbor, Recreation, and Conservation District shall respond to Findings and Recommendations 1, 2, 3, 4, 5.

**Finding 1 (2007-CD-01):**

Because of a \$170,000 loan to the North Coast Rail Authority, The Humboldt Bay Harbor, Recreation, and Conservation District, and it's board, may appear to be in violation of Section 32, 50, and/ or 52 Appendix 2 of the California Harbors and Navigation Code. Section 52 states in part, "money in or belonging to the fund shall not be appropriated or used for any purpose except those enumerated in this act and such enumeration shall not be deemed to create any priority of one use of purpose over another".

**Response to Finding 1 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Recommendation 1 (2007-CD-01):**

The Harbor District's Board of Commissioners seeks independent legal opinion as to whether it is in violation of the sections mentioned or any other regulatory statutes in regards to this loan. If legal opinion confirms the District is in violation, the board must make every effort to have the

loan repaid to them immediately. It is recommended and requested that a copy of the independent legal opinion be sent to the Grand Jury on or before January 1, 2008.

**Response to Recommendation 1 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Finding 2 (2007-CD-01):**

The Grand Jury requested the Harbor District furnish copies of the Commissioners performance bonds as required by Section 6056 of the California Harbors and Navigation Code. The District responded by sending a copy of the District's certificate of insurance. To date the Grand Jury has not received the requested material and therefore the District may be in violation of Section 6056, which states, *"Each commissioner upon taking the oath of office, and for each term, shall file with the county elections official of the county in which the district is situated, a bond in the sum of five thousand dollars (\$5,000), made payable to the district and conditioned on the faithful performance of his or her duties; the bonds are subject to approval by the board of supervisors of the county"* .

**Response to Finding 2 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Recommendation 2 (2007-CD-01):**

If the District is not in compliance with section 6056, it shall take immediate action necessary to become compliant. It is recommended and requested that the District provide the Grand Jury copies of the requested documents immediately thereafter.

**Response to Recommendation 2 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Finding 3 (2007-CD-01):**

For many years, the Harbor district has been seeking a private contractor to lease and operate the Fields Landing Boatyard. The Fields Landing Boatyard is operating at a monetary loss.

**Response to Finding 3 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Recommendation 3 (2007-CD-01):**

The District review it's business operation in an effort to curtail the loss of public funds. Additionally, the District actively and aggressively makes every effort to recruit a qualified private operator to lease and run this facility. It is requested and recommended the results of this review be submitted to the Grand Jury by January 1, 2008.

**Response to Recommendation 3 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Finding 4 (2007-CD-01):**

The Grand Jury finds that the District's enabling legislation (Appendix 2, Section 36) permits the District to procure specific services on a non-bid basis.

**Response to Finding 4 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Recommendation 4 (2007-CD-01):**

The Board of Commissioners exercise their fiduciary responsibility to the public to insure the charges on a non-bid contract and/or bills are competitive with others for the work, and/or services rendered.

**Response to Recommendation 4 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Finding 5 (2007-CD-01):**

Tideland leases that in the past provided a reliable revenue stream have declined, resulting in a five-year loss of approximately \$649,000. Lease buy-outs have resulted in accumulation of properties with the loss of their tideland lease revenues.

**Response to Finding 5 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

**Recommendation 5 (2007-CD-01):**

The Harbor District aggressively seek to return the properties acquired to a revenue producing status. If the properties cannot be returned to a positive status within a reasonable time (two to three years), the Grand Jury recommends that the District divest itself of these properties, thus enhancing property tax rolls. It is recommended and requested that the Harbor District report progress, or lack thereof, to the Grand Jury on or before the first day of January each year until the properties are either returned to profitability or sold.

**Response to Recommendation 5 (2007-CD-01):**

[The Humboldt Bay Harbor, Recreation, and Conservation District](#)

# **Grand Jury Report # 2007-HS-01**

**Humboldt County School System**

**Who Shall Respond:**

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

- The Humboldt County Office of Education shall respond to Findings 1, 2, 3 and Recommendations 1, 2, 3.
- The District Attorney shall respond to Finding 4 and Recommendation 4.
- The Department of Health & Human Resources shall respond to Finding 5 and Recommendation 5.

**Finding 1 (2007-HS- 01):**

While the K-6 Humboldt County schools can utilize the SARB, there is a lack of funding and/or resources available for students having discipline or behavioral problems in these schools.

**Response to Finding 1 (2007-HS-01):**

[Humboldt County Office of Education](#)

**Recommendation 1 (2007-HS- 01):**

The Humboldt County School District researches, obtains, and allocates funds that would allow all K-6 schools to provide guidance for students with at-risk behavior.

**Response to Recommendation 1 (2007-HS-01):**

[Humboldt County Office of Education](#)

**Finding 2 (2007-HS-01):**

There is no Truant Officer in Humboldt County. This officer could oversee students with truancy: excessive, excused or unexcused absences. At present, it is the responsibility of the individual school to contact the parent or caregiver.

## **Response to Finding 2 (2007-HS-01):**

[Humboldt County Office of Education](#)

### **Recommendation 2 (2007-HS-01):**

Humboldt County hire and fund a permanent Truant Officer.

## **Response to Recommendation 2 (2007-HS-01):**

[Humboldt County Office of Education](#)

### **Finding 3 (2007-HS- 01):**

It was determined that many of these at-risk students have problems with both attendance and behavior. It would benefit these students and better use resources if the CAP and SARB were operated as one program to provide better and more comprehensive guidance for these students.

### **Response to Finding 3 (2007-HS-01):**

[Humboldt County Office of Education](#)

### **Recommendation 3 (2007-HS-01):**

Blend the resources of the SARB and CAP to better serve at-risk students, many of whom have problems in both areas.

### **Response to Recommendation 3 (2007-HS-01):**

[Humboldt County Office of Education](#)

**Finding 4 (2007-HS-01):**

There is a failure on the part of the District Attorney's office to enforce laws that allow for action to be taken against parents who refuse to make their children attend school, as prescribed by law EC Section 48293 (a): *“Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted there from, is guilty of an infraction and shall be punished as follows:*

- 1. Upon first conviction, by a fine of not more than one hundred dollars (\$100).*
- 2. Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).*
- 3. Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of*  
*not more than five hundred dollars (\$500). In lieu of the fines prescribed in paragraphs 1,2, and 3, the court may*  
*order the person be placed in a parent education and counseling program”.*

**Response to Finding 4 (2007-HS-01):**

[Humboldt County District Attorney](#)

**Recommendation 4 (2007-HS-01):**

The District Attorney enforces existing laws relating to the responsibilities of parents.

**Response to Recommendation 4 (2007-HS-01):**

[Humboldt County District Attorney](#)

**Finding 5 (2007-HS-01):**

There is a failure on the part of Child Welfare Service (CWS) to enforce available legislation that encourages parents or caregivers to assure their children attend school as prescribed by law.

**Response to Finding 5 (2007-HS-01):**

[Department of Health & Human Services](#)

**Recommendation 5 (2007-HS-01):**

CWS use all applicable legislation to encourage parents to assure children are in compliance with the California Education Code.

**Response to Recommendation 5 (2007-HS-01):**

[Department of Health & Human Services](#)

## **Grand Jury Report # 2007-JL-06**

# **Humboldt County Correctional Facility**

**Who Shall Respond:**

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

- The Board of Supervisors and the Sheriff shall respond to Findings and Recommendations 1 and 2.

**Finding 1 (2007-JL-06):**

East building HVAC vent openings are not working.

**Response to Finding 1 (2007-JL-06):**

[Humboldt County Sheriff's Office](#)

**Recommendation 1 (2007-JL-06):**

Evaluate the priority of the HVAC repairs to assure that repairs are at least commenced by January 1, 2008.

**Response to Recommendation 1 (2007-JL-06):**

[Humboldt County Sheriff's Office](#)

**Finding 2 (2007-JL-06):**

Some inmates were not given the "Indoctrination Booklet" upon arrival at the facility.

**Response to Finding 2 (2007-JL-06):**

[Humboldt County Sheriff's Office](#)

**Recommendation 2 (2007-JL-06):**

Set up a procedure to assure that each inmate is given the "Indoctrination Booklet" immediately upon arriving.

**Response to Recommendation 2 (2007-JL-06):**

[Humboldt County Sheriff's Office](#)

**Grand Jury Report # 2007-JL-13**

**Garberville Substation and Holding Facility**

**Who Shall Respond:**

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

- The Board of Supervisors and the Sheriff shall respond to Findings 1 and 2.
- The Board of Supervisors and the Sheriff shall respond to Recommendations 1 and 2.

**Finding 1 (2007-JL-13):**

The Grand Jury finds there is no testing or inspection of fire alarm and suppression systems.

**Response to Finding 1 (2007-JL-13):**

[Humboldt County Sheriff's Office](#)

[The Board of Supervisors](#)

**Recommendation 1 (2007-JL-13):**

The Grand Jury recommends the sheriff have the local fire department inspect the fire alarm and suppression system and post a record of each inspection at the facility.

**Response to Recommendation 1 (2007-JL-13):**

[Humboldt County Sheriff's Office](#)

[The Board of Supervisors](#)

**Finding 2 (2007-JL-13):**

The Grand Jury finds there is inadequate security at the facility for evidence storage.

**Response to Finding 2 (2007-JL-13):**

[Humboldt County Sheriff's Office](#)

[The Board of Supervisors](#)

**Recommendation 2 (2007-JL-13):**

The Grand Jury recommends that the Sheriff's stated policy to "not hold evidence at the Garberville substation" be enforced.

**Response to Recommendation 2 (2007-JL-13):**

[Humboldt County Sheriff's Office](#)

[The Board of Supervisors](#)

**Grand Jury Report # 2007-JL-16**

**Coroner's Office**

**Who Shall Respond:**

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

- The Board of Supervisors and the County Coroner will respond to the Finding 1 and Recommendation 1.

**Finding 1 (2007-JL-16):**

Lack of work space is causing an environmental safety hazard in the Coroner's office.

**Response to Finding 1 (2007-JL-16):**

[County Coroner](#)

[Board of Supervisors](#)

**Recommendation 1 (2007-JL-16):**

Arrange to trade some space with the Health Department in the same building.

**Response to Recommendation 1 (2007-JL-16):**

[County Coroner](#)

[Board of Supervisors](#)

**Grand Jury Report # 2007-LJ-02**

**Police Use Of Force**

**Who Shall Respond:**

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

- The Board of Supervisors
- Humboldt County Sheriff's Office
- The City Councils and Police Departments of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, and Trinidad are required to respond to Findings 1, 2, 3 and Recommendations 1, 2, 3.
- The Rio Dell City Council and Rio Dell Police Department are required to respond to Findings 1 and 2 and Recommendations 1 and 2.

**Finding 1 (2007-LJ-02):**

The Grand Jury finds that training in the use of less than lethal force is inadequate, ineffective and secondary to required training in the use of force and defensive tactics.

**Recommendation 1 (2007-LJ- 02):**

The Grand Jury recommends that police departments and Sheriff's Office training sessions in the Ethical Use of Force, and other training dealing with less than lethal force, be done with training facilitators and made interactive. This training should include trainee evaluation and be included in the trained officer's personnel record.

**Finding 2 (2007-LJ -02):**

The Grand Jury finds that Tasers are not adequately deployed.

**Recommendation 2 (2007-LJ-02):**

The Grand Jury recommends that all law enforcements agencies adopt the policy that all patrol officers be trained in the use of Tasers and required to carry them on patrol.

**Finding 3 (2007-LJ -02):**

The Grand Jury finds that Tasers are expensive tools costing approximately \$1,000.00 each.

**Recommendation 3 (2007-LJ -02):**

The Grand Jury recommends that all county police agencies, except Rio Del, explore sources of funding for acquiring tasers for all patrol officers.

**Responses to Findings and Recommendations of Report # 2007-LJ-02:**

[The Board of Supervisors](#)                      [Ferndale](#)

[Humboldt County Sheriff's Office](#)   [Fortuna](#)

[Arcata](#)

[Trinidad](#)

[Blue Lake](#)

[Rio Dell 1](#)

[Eureka](#)

[Rio Dell 2](#)

## **Grand Jury Report # 2007-LJ-03**

### **Courthouse Security**

#### **Who Shall Respond:**

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

- The Board of Supervisors will respond to Finding 1 and Recommendation 1.

#### **Finding 1 (2007-LJ-03):**

The Grand Jury finds that county ordinance 2243, passed April 24, 2001, has not been implemented.

#### **Response to Finding 1 (2007-LJ-03):**

[The Board of Supervisors](#)

#### **Recommendation 1 (2007-LJ-03):**

The Grand Jury recommends that the Humboldt County Board of Supervisors implement County Ordinance 2243.

#### **Response to Recommendation 1 (2007-LJ-03):**

[The Board of Supervisors](#)

## **Grand Jury Report # 2007-LJ-04**

### **Sheriff's Office Repeater Sites**

#### **Who Shall Respond:**

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

- The Office of Risk Management shall respond to Findings 1, 2, 3, 4, 5 and Recommendations 1, 2, 3, 4, 5.
- The Sheriff's Office shall respond to Finding 5 and Recommendation 5.

#### **Finding 1 (2007-LJ-04):**

The Horse Mountain repeater site has no fuel gauge on the generator propane tank.

#### **Recommendation 1 (2007-LJ-04):**

The Office of Risk Management installs a fuel gauge on the Horse Mountain site.

#### **Finding 2 (2007-LJ-04):**

Shelter Cove is not covered by the Sheriff's communication system.

#### **Recommendation 2 (2007-LJ-04):**

The Office of Risk Management commissions a study to determine the cost and feasibility of establishing reliable radio communication with Shelter Cove.

#### **Finding 3 (2007-LJ-04):**

A potential electrical hazard exists at Rogers Peak where electrical supply lines are attached to the side of the metal shipping container in which the repeater equipment is located.

**Recommendation 3 (2007-LJ-04):**

The Office of Risk Management should have this potential hazard inspected by a qualified electrician and take any recommended corrective action.

**Finding 4 (2007-LJ-04):**

The current system allows transmissions from one station to block transmissions from other stations and from dispatch.

**Recommendation 4 (2007-LJ-04):**

The Office of Risk Management contract a competent communications company to determine if the system can be improved.

**Finding 5 (2007-LJ-04):**

Chain-of-command requirements hamper the efforts to inform the Office of Risk Management when service is needed.

**Recommendation 5 (2007-LJ-04):**

The Office of Risk Management, the Sheriff's Office, and the Office of Emergency Services create a liaison committee to establish a method where the system users can communicate their routine needs directly to the Office of Risk Management.

**Responses to Findings and Recommendations for Report # 2007-LJ-04:**

[Sheriff's Office](#)

[Office of Risk Management](#) Note: The Grand Jury was advised by the county that this report was now under the purview of the County Administrator's Office and that office responded to this report. The attached scanned and linked report addresses both this report (LJ-04) and LJ-03. The letter *incorrectly* refers to report # 2007-LJ-04 as # 2007-JL-14.

## **Grand Jury Report # 2007-PW-08**

### **Builder Bill of Rights**

#### **Who Shall Respond:**

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

- The Board of Supervisors and the Senior Building Official, Humboldt County Building Department shall respond to Finding 1 and Recommendation 1.

#### **Finding 1 (2007-PW-08):**

The Builder Bill of Rights is outdated and vague.

#### **Response to Finding 1 (2007-PW-08):**

[Board of Supervisors/ Humboldt County Building Department](#)

#### **Recommendation 1 (2007-PW-08):**

Review, reword, or modify the Builder Bill of Rights.

#### **Response to Recommendation 1 (2007-PW-08):**

[Board of Supervisors/ Humboldt County Building Department](#)

End of Report