

**Humboldt County  
Grand Jury**



**2014 - 2015  
Final Report**

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*Many a jury populate the land  
But one in Humboldt is especially grand  
A few dedicated souls in lofty pursuit  
To ensure no waste of the public's loot*

— Art Cardoza

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**Humboldt County Grand Jury**

825 Fifth Street

Eureka, California 95501

[www.co.humboldt.ca.us/grandjury](http://www.co.humboldt.ca.us/grandjury)

June 30, 2015

Honorable Judge Joyce Hinrichs  
Superior Court of California  
County of Humboldt

Dear Judge Hinrichs:

The 2014-2015 Humboldt County Grand Jury has completed its term. The following report reflects the work it has accomplished. Even though we began a month later than the normal 12 month term, our grand jury was able to complete nine reports, conduct 68 interviews and review 26 complaints. You will find our reports to be thorough, well written and timely.

We began the term with 19 jurors and ended with 18 original people plus one alternate. This was a hard-working and collegial group. We were fortunate to have a wide spectrum of life experiences. Our group had an absolute conviction that we could perform our duties with an open mind without prejudices. We all felt privileged and proud to have served the citizens of Humboldt County.

We thank you for being so supportive of the 2014-2015 Grand Jury and meeting personally with us. We especially want to thank County Counsels Carolyn Ruth and Joyce Stigter for their time and invaluable advice. We also appreciate all the work by support staff within your Court and the CAO's office. Lastly, we would like to express our appreciation to those public officials and employees who have provided an inside view into the workings of the entities we have reviewed. Without their cooperation, our work would not have been accomplished.

Respectfully submitted,

Sam (Sara) Giannandrea, Foreperson

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# 2014 – 2015 HUMBOLDT COUNTY GRAND JURY

Richard Baker  
Budget Committee

Dale Blake  
Chair: Jails Committee

Susan Bonnett  
Chair: Administration and  
Finance Committee

Art Cardoza

Virginia Thissell-Carter  
Chair: Public Works Committee

Al Castaldi  
Sergeant at Arms

Catherine Dellabama,  
Foreperson Pro-tem, Secretary

Ben Fairless

Larona Farnum  
Continuity Committee

Sam (Sara) Giannandrea,  
Foreperson

Tim Hafner  
Office Manager

Lynn Harvey  
Communications Secretary

John Heckel  
Parliamentarian,  
Chair: Health, Education and  
Social Services Committee

Jim Hendry

Martha Johnson  
Chair: Cities and Districts  
Committee

John MacEvoy

Valgene Phillips  
Chair: Law and Justice  
Committee

Janet Walling

Gary Wyatt  
Budget Committee



*Front from left: Ben Fairless, Virginia Thissell-Carter, Valgene Phillips, Larona Farnum, Susan Bonnett, Al Castaldi, Jim Hendry, Dale Blake, Gary Wyatt, John MacEvoy, Martha Johnson, Richard Baker, Tim Hafner*

*Back from left: Art Cardoza, Lynn Harvey, Sam Giannandrea, Judge Joyce Hinrichs, Catherine Dellabama, John Heckel*

*Not pictured: Janet Walling*

# MISSION, HISTORY, AND OPERATION OF THE HUMBOLDT COUNTY GRAND JURY

## MISSION

The Grand Jury is a civil institution that operates under the direction of the State Superior Court of the County of Humboldt. Its mission is to monitor the performance of local governments – county, cities, special districts, and certain boards and commissions. The purpose of the Grand Jury is to provide oversight over elected and appointed officials and the departments they operate. One of the Grand Jury's goals is to make sure that citizens are getting the services they pay for with their tax dollars. Another goal is to make sure that all citizens are treated fairly by their local governments.

The Grand Jury consists of a voluntary panel of citizens, serving a twelve-month term. Some of the issues it investigates originate with citizen complaints; others are mandated through state law; and others may originate with the jury members' observations of potential problems.

The Grand Jury does not deal with criminal issues, and if these come up during the course of an investigation, the investigation is turned over to the District Attorney for further action.

The Grand Jury has no authority over state or federal government agencies, or Indian tribes, and cannot investigate them.

## HISTORY

The Grand Jury system originated in English law during the Middle Ages, and was brought to America by the first colonists. Each of the colonies subsequently adopted some form of the Grand Jury system. The California State Constitution requires that a Grand Jury be impaneled annually in each of the 58 counties.

## OPERATION

The 2014-2015 Humboldt County Grand Jury consisted of 19 citizen volunteers selected, formally charged with their responsibilities, and sworn in by the Presiding Judge of the Superior Court. Confidentiality regarding the identity of complainants, witnesses, and their statements is a core component of the oath taken by the jurors.

The 2014-2015 Humboldt County Grand Jury studied several issues in depth, and formal reports on those issues follow. Many additional issues were studied that did not result in formal reports, either because the initial complaint proved to be without merit, or because the government agencies involved were already on their way to solving the problems.

## **DUE DATES FOR RESPONSES TO THESE REPORTS**

Flying Around Humboldt Airports . . . . .	August 20, 2015
Rural Safety . . . . .	September 11, 2015
Homelessness in Humboldt County . . . . .	September 19, 2015
Schools, Communication, and the Brown Act . . . . .	September 30, 2015
Humboldt Bay Harbor, Recreation and Conservation District . . . . .	September 19, 2015
The Headwaters Fund Charter . . . . .	July 23, 2015
Transportation of Indigent Detainees in Accordance with California Penal Code Section 686.5 . . . . .	June 20, 2015
Humboldt County Jails Sites . . . . .	September 22, 2015
Effects of Assembly Bill 109 and Proposition 47 on the Probation Department . . . . .	September 30, 2015

# FLYING AROUND HUMBOLDT AIRPORTS

## SUMMARY

While reviewing reports by previous Grand Juries, the 2014-15 Humboldt County Grand Jury discovered a 2005 report regarding the Humboldt County Department of Public Works' Aviation Division. In reviewing the report, it was found that only the commercial airport in McKinleyville was investigated. The current Humboldt County Grand Jury decided to do an expanded follow-up investigation that included the commercial airport and five county general aviation airports. The six county airports are the California Redwood Coast Humboldt County Airport (CRCHCA), Murray Field, Rohnerville Airport, Garberville Airport, Dinsmore Airport and Kneeland Airport.

After visits to the six county airports, interviews with department personnel and relevant community members, review of current budgets and examination of state airport inspection notification letters for each general aviation airport, the Humboldt County Grand Jury discovered facts that led to findings and recommendations about the Department of Public Works and the Aviation Division. A summary of key findings and recommendations are:

**Department of Public Works:** The Humboldt County Grand Jury learned that the California Department of Transportation's (Caltrans) Division of Aeronautics annually inspects all five general aviation airports to certify that they meet federal standards for maintenance and security. Inspection notification letters identifying issues that need to be addressed to ensure operational safety of each airport are sent to the Director of Public Works. After reviewing the most recent notification letters for each general aviation airport, the Humboldt County Grand Jury found that each airfield had deferred maintenance issues that needed to be addressed to enhance their operational safety. For example, all the airports need trees topped or removed. In fact, the Dinsmore Airport is in danger of having its state airport permit suspended on July 1, 2015 because continuing unresolved issues have not been addressed to the satisfaction of the Caltrans Division of Aeronautics. Also, the Board of Supervisors (BOS) has an airport advisory committee to advise them on matters regarding aviation in the county. Public Works does not share the inspection notification letters with that committee.

The Humboldt County Grand Jury recommends that the Department of Public Works address, in a timely manner, the issues stated in the Department of Transportation, Division of Aeronautics' annual inspection notification letters for each general aviation airport to enhance their operational safety. It also recommends that the Director of Public Works share the annual inspection notification letters with the Humboldt County Airport Advisory Committee.

**Aviation Division:** The Public Works Aviation Division's overall fund balance has been in the red since Fiscal Year 2009-10. The Humboldt County Grand Jury reviewed the Department of Public Works' 2014-15 budget. There are 19 positions in the Aviation Division. Presently, seven of those positions are frozen, including Airport Manager. The Director of Public Works acts as the manager with 16 % of his salary paid through the Aviation Division budget. The Aviation Division is also subsidizing a security cost difference of \$85,000 at CRCHCA this fiscal year. Further examination showed that there is duplication of services between the Department of Public Works' Aviation and General Services Divisions in certain areas. It was acknowledged in the most recent county budget report that the Aviation Division will be unable to submit a balanced budget for the 2015-16 budget year.

The Humboldt County Grand Jury recommends that the Aviation Division and the Humboldt County Sheriff's Department strategize ways to reduce the cost differential for security services at CRCHCA. It also recommends that the BOS direct the County Administrative Officer to perform an audit of the internal procedures between the Public Works' Aviation and General Services Divisions to eliminate any duplication of services. Furthermore, the Humboldt County Grand Jury recommends that the BOS direct the Airport Aviation Advisory Committee to recommend alternatives to the BOS for realignment of the Aviation Division outside of the Humboldt County Department of Public Works.

## **BACKGROUND**

After researching past Grand Jury reports, the Humboldt County Grand Jury discovered that the county regional air transportation system had never been thoroughly reviewed. Only once, in 2005, was the main airport reviewed. The present Humboldt County Grand Jury could find no evidence that the other county airports had ever been inspected or reviewed.

The Aviation Division, under the auspices of the Humboldt County Department of Public Works, provides for the Humboldt County regional air transportation system. It administers and maintains one commercial service airport and five general aviation airports. By federal regulations, it is responsible for maintenance, upkeep and security of all the county airfields. The five general aviation airports, through annual inspections, are certified and permitted by the California Department of Transportation's, (Caltrans) Division of Aeronautics with oversight by the Federal Aviation Administration (FAA). The FAA also annually inspects Humboldt County's only commercial service airport, CRCHCA.

Since the Humboldt County air transportation system is an essential economic component of the region, the Humboldt County Grand Jury believes it is important to get a better understanding of the system. The Humboldt County Grand Jury wanted to know how the system worked, does it meet the federal standards for maintenance and security and what are the financial implications for operation of the air transportation system.

After an initial review of the Public Works' Aviation Division, through interviews, site inspections and budget analysis, the Humboldt County Grand Jury concluded that an investigation was warranted.

## **METHODOLOGY**

Members of the Humboldt County Grand Jury made scheduled site visits to each of the airports. Interviews were completed with department personnel and other relevant community members. The most recent Aviation Division budgets were reviewed. Research was completed in the history, rules, and regulations of the FAA. The most recent Caltrans Division of Aeronautics' inspection notification letters addressing the maintenance and security issues of county airports to enhance operational safety were reviewed. Pertinent information from those letters is included in this report.

## **DISCUSSION**

**California Redwood Coast Humboldt County Airport:** The CRCHCA is located in McKinleyville and covers 745 acres. The FAA categorizes it as a primary commercial service

airport. CRCHCA has two asphalt runways, an airport terminal with restaurant, parking facilities, 17 recently constructed T-Hangars and multiple other structures on the property. The Coast Guard Air Station is adjacent to the airport. A terminal expansion was completed in 2009. Renovations of expanded passenger area space included new baggage claim, car rental, seating and ticket lobbies areas. Several years later the runways were extended several hundred feet and a system to meet runway safety area (RSA) regulations was constructed.

Staffing at CRCHCA includes a Program Coordinator (a Certified Member of the Association of Airport Executives), Fiscal Assistant, Facility Maintenance Mechanic, Building Maintenance Custodian, three Supervising Airport Service Workers and five Airport Service Workers. The Director of Public Works oversees the Aviation Division with 16% of his salary budgeted through the Aviation Division budget. There are 19 budgeted positions in the Aviation Division. According to the most recent county budget, seven of those positions are frozen including Airport Manager.

CRCHCA provides the majority of operating funds for the Aviation Division. Besides FAA grants, the main generated revenues for the airport are ticketed passenger fees, parking fees, fuel sales and hangar rentals. The Division's overall fund balance has been in the red since the 2009-10 fiscal year (FY). Late in that FY, Delta left. During 2010-11, Horizon left. During 2011-12, fuel revenues plunged due to the Coast Guard constructing their own fuel tank. Recently a \$145,000 unanticipated cost was accrued for tree topping services in the flight path area of the airport. It was acknowledged in the most recent county budget report that the Aviation Division will be unable to submit a balanced budget for the 2015-16 FY. The Grand Jury also discovered that there is a duplication of services in many areas between the Aviation Division and the Public Works General Services Division, including accounts payable, accounts receivable, budgeting and grant applications.

There are many factors contributing to the Aviation Division's continued negative fund balance. The Grand Jury identified several key areas of concern.

The more airline business an airport has, the more federal dollars it can attract. The FAA collects passenger boarding (enplanement) data to support its Airport Improvement Program (AIP). This data is important because commercial airports, such as CRCHCA, receive AIP funding based on apportionment formula calculations of their annual enplanement numbers. The higher the enplanement numbers, the more funding an airport will receive. In 2007 CRCHCA had 105,969 enplanements with a northern route to Portland (Horizon) and two southern routes, one to San Francisco (United Express) and one to Los Angeles (Horizon). In 2013, there were 56,682 enplanements with just the one route to San Francisco. This decline has affected the ticketed passenger fees, parking fees and fuel sales. The most obvious way to increase passenger boarding numbers would be to find a second airline with expanded route options.

Presently, in the airline industry there is a lack of qualified pilots and regional aircraft. Also, there is a competitive market for recruitment, as many other similar small communities around the country are trying to expand air service. Even with these constraints, in 2012, American Airlines offered the county airline service to Los Angeles International Airport. An apparent deal failed to materialize. The stated reason for the lost opportunity was that the county did not have a minimum revenue guarantee (MRG) in place. MRG funds lessen the financial risk an airline takes when it flies to and from a small community, where passengers aren't always guaranteed. The county spent millions of dollars at CRCHCA to renovate the terminal and improve the runways and yet when air service was reduced to one airline (United Express), there was not a mechanism in place to secure MRG funds for negotiations to recruit additional air service.

Through its investigation the Humboldt County Grand Jury found conflicting information as to how the county let this opportunity for a second airline service slip away. This includes what person was the lead negotiator with the authority to make a deal with an airline for Board of Supervisors (BOS) approval. When negotiating with a competitive private sector business like an airline, rapid response time is imperative. A process with the least bureaucracy possible is needed. To date, no new offers have been presented to the county even though various county officials routinely attend nationwide airline recruitment meetings and Fly Humboldt, the local organization interested in broadening local air travel options, has now raised over a million dollars for the MRG fund.

The Transportation Security Administration (TSA) regulations stipulate that if an airport has less than 250,000 enplanements a year, law enforcement officials (LEO) are not required to be present for passenger boarding if they can guarantee a response time of 15 minutes or less. The Humboldt County Sheriff's Department, as the lead LEO agency, cannot guarantee the required response time even though a supervising Sergeant oversees the Humboldt County Animal Shelter located on the airport property less than five minutes away. Thus the Aviation Division is mandated to provide security services for CRCHCA. The airport is only mandated to have a security presence when the TSA checkpoint is open for boarding until 30 minutes after plane departure. The Sheriff's Department utilizes retired annuitants for security. Their office is housed at the aforementioned Humboldt County Animal Shelter. There are two shifts: 4:30 a.m. - noon and noon - 8:00 p.m. It costs the Aviation Division \$32 per hour to provide security services through the Sheriff's Department. TSA only reimburses \$20 per hour. The Aviation Division is subsidizing the difference at a cost of approximately \$85,000 for fiscal year 2014-15.

**Murray Field:** Murray Field is a 131 acre airfield constructed on filled land at 7' above mean sea level. It is surrounded by dykes and fencing that prohibits wildlife from entering the runway and field area. The airfield provides the only aircraft repair facility in Humboldt County that is serviced by a certified mechanic. Also on the site are the following: a café, Civil Air Patrol Office, flight instructions, medical air flights and a FedEx Express stop for package delivery. There are three large hangars that include space for 56 aircraft. The hangar rent fees range from \$105 to \$250 per month depending on the size of the space. At the time of the visit, all hangars were rented, although some tenants were in arrears with their payments. Fees for planes that tie-down outside for short periods of time vary depending upon the size and weight of the aircraft.

Grass and weeds have begun to grow through the asphalt on the tie-down areas and the taxi-way. This can be resolved with a weed-killer. However, to perform any tasks involving pesticides, a county worker must have a California State Qualified Applicator certification. The position assigned to weed control was frozen in the 2014-15 Aviation Division budget. Presently, a Public Works employee is studying to earn the aforementioned certification. It should be noted that the airfield is situated within the Coastal Zone and only certain types of chemicals can be used because of the proximity to Humboldt Bay.

The airport landing beacon that is currently in use is a replacement for a previously broken beacon. It is a used beacon without the ability to be properly adjusted to the correct angle. At the current angle, it is a safety issue for pilots as the beacon can shine in their eyes while attempting to land at night. Also, it shines into windows of homes that are located to the southwest of the airport. A piece of plywood was attached to the beacon as a temporary fix to block its southwest beam. Public Works is aware of the problem via complaints from pilots and homeowners, but to date the beacon has not been replaced.

An inspection by Department of Transportation, Division of Aeronautics, was completed in November, 2014. In the inspection notification letter, the following observed issues needed to be addressed:

- Three trees approximately 25-30 feet in height and bushes located northeast of the runway must be removed
- Pavement on the runway, taxiways, and ramps were beginning to ravel and need to be evaluated for preventative maintenance to curb further deterioration
- Two runway edge lights were not functioning and must be restored to provide optimum runway visibility at night and during periods of reduced visibility

**Garberville Airport:** Garberville Airport is used by general aviators who commute to more urban areas. It is one of the bases used extensively by California Department of Fire Protection (CAL FIRE) during fire season. There is storage for 21 planes, a fuel station, three large metal storage buildings, two long open air hangars used for plane and miscellaneous storage. One of the open-air hangars needs to have some roof repairs. There are three open plane tie-downs. Several of the tenants are in arrears on their hangar rent and have been referred to Humboldt County Revenue Recovery. The fuel station sells gas at a higher per gallon price than airports outside the county. Lesser use from higher prices results in the degradation of the gas. Cracks and broken asphalt were noted on the runway and the French drain system needs to be updated for efficiency purposes along the sides of the runway.

An inspection of the airport by Department of Transportation, Division of Aeronautics was completed in May, 2014. In the inspection notification letter, the following observed issues needed to be addressed:

- The runway holding position markings are faded and must be remarked.
- Several trees penetrate the approach surface and must be removed or topped to enhance operational safety.
- Taxiway and runway asphalt is failing and must be addressed in the near future to prevent further deterioration and to enhance operational safety.
- Several trees paralleling the east side of the runway must be removed or topped to enhance operational safety.
- Weeds must be removed from the runway and the runway safety area (RSA).

The runway was measured at approximately 2,790' in length, which agrees with the 2,783' shown on the 2010 ALP (Airport Landing Pattern). However, the 5010 (Airport Master Record) indicates the length is 3,050' and the State Permit shows a length of 2,850'. The 5010 and State Permit appear incorrect. The inspection notification letter requested that this critical information be corrected with the FAA for operational safety.

**Rohnerville Airport:** Rohnerville Airport is located just south of Fortuna. On the day of the Humboldt County Grand Jury inspection, there were 22 airplanes on site. The airport is used by many local general aviation pilots, as well as, CAL FIRE during fire season. There are outbuildings

and offices for CAL FIRE on the property. There is a single runway and taxiway that is due for an improvement project when funds are available from the FAA.

A portion of the airport is used by the Sheriff's Work Alternative Program (SWAP) as a county farm to provide food for inmates. In exchange for rent, SWAP workers are responsible for mowing the grass and maintaining the landscaping at the airport. There is a Memorandum of Understanding (MOU) between Public Works and the Sheriff's Department delineating the responsibilities of each party.

An inspection by Department of Transportation, Division of Aeronautics was completed in May, 2014. In the inspection notification letter, the following observed issues needed to be addressed:

- The taxiway and runway asphalt was cracking and needs to be repaired.
- Trees need to be topped at the end of the runway to prevent problems with the heavily loaded fire fighting airplanes.

**Kneeland Airport:** Kneeland Airport is located at an elevation of about 2,700 feet above sea level and provides a landing strip above the fog line for general aviation. The airport is used as a Helitack Base for CAL FIRE equipment and also provides fire personnel a lookout point to observe smoke during fire season. It is completely fenced with a locked gate.

An inspection by the California Department of Transportation, Division of Aeronautics, was completed in May, 2014. In the inspection notification letter, the following observed issues needed to be addressed:

- There is not adequate RSA length beyond either end of the runway.
- Several trees located northwest of the approach end of the runway and numerous trees located both west and east of the runway must be removed or topped to enhance operational safety.

**Dinsmore Airport:** Dinsmore Airport is a single runway airport located in a valley about 82 miles SE of Eureka. It is situated on 23 acres with a 2,510' runway that parallels Highway 36. It lacks landing beacons which restricts any night time landings. An older fence surrounds the site and portions of it are deteriorating and falling down. A wooden storage building is the only structure located on the site. There is one aircraft and one ultra-light permanently based at the airfield. The airport is used by CAL FIRE during the fire season and by mercy air flights as needed, which was noted to be about two to three times a week. The turnaround area on the east side of the strip has weeds, grass, and cracks in the asphalt but the runway appeared to have been recently repaired.

- An inspection by Department of Transportation, Division of Aeronautics was completed in January, 2015. In the inspection notification letter, the following two repeat discrepancies were noted which must be remedied by 7/1/2015 to avoid suspension of their state airport permit:
- Trees located approximately 350' southeast and about 1,800' east of the runway and numerous trees located south of the runway must be removed or topped to enhance operational safety and to meet airport design obstruction standards.
- Form 5010-1 indicates that the runway is 2,510' in length; however, Caltrans measured the runway to be approximately 2,350'. The runway markings must be corrected.

The Humboldt County Grand Jury could not find evidence, through observations or interviews, that issues identified in the Caltrans Division of Aeronautics' inspection notification letters have been addressed at any of the five general aviation airports. Also, the Humboldt County Board of Supervisors (BOS) has an airport advisory committee to advise the BOS regarding aviation matters within the county. During our review of the airports, it was discovered that Public Works does not share the annual inspection letters with the committee.

## **FINDINGS**

- F1. Grass and weeds have begun to grow through the asphalt on the following airfields: Murray Field, Garberville Airport and Rohnerville Airport.
- F2. Trees need to be topped or removed for operational safety at the following airfields: Murray Field, Garberville Airport, Rohnerville Airport, Kneeland Airport and Dinsmore Airport.
- F3. Pavement is beginning to ravel and needs to be repaired at the following airfields: Murray Field, Garberville Airport and Rohnerville Airport.
- F4. Some tenants are in arrears with their hangar rents at Murray Field and the Garberville Airport.
- F5. The replacement airport landing beacon at Murray Field does not have the capability to be adjusted to the correct angle for operational safety.
- F6. Two runway edge lights are not functioning at Murray Field.
- F7. An open-air hangar roof at Garberville Airport needs to be repaired.
- F8. Runway holding position markings are faded and must be remarked at Garberville Airport.
- F9. Kneeland Airport does not have adequate runway safety area lengths beyond either runway end. The airport is currently permitted to have inadequate lengths by the Caltrans Division of Aeronautics.
- F10. The Dinsmore Airport runway does not match the length as reported on Form 5010-1. It was reported as 2,510' but was measured as 2,350'. This discrepancy must be corrected by July 1, 2015 to avoid suspension of its state airport permit.
- F11. The BOS has an airport advisory committee to advise them on matters regarding aviation in the county. Public Works does not share the Caltrans Division of Aeronautics' annual inspection notification letters with the committee.
- F12. The Grand Jury could not identify a lead person with direct BOS authority to negotiate with an additional airline for BOS approval.
- F13. There is a duplication of services between Public Works' Aviation and General Services Divisions in certain areas.
- F14. The Aviation Division's overall fund balance has been in the red since the FY 2009-10.
- F15. The Aviation Division is subsidizing a security cost difference of \$85,000 at CRCHCA for FY 2014-15.

## RECOMMENDATIONS

- R1. The Humboldt County Grand Jury recommends that Public Works remove grass and weeds from runways and repair cracks, as needed at: Murray Field, Garberville Airport and Rohnerville Airport. (F1)
- R2. The Humboldt County Grand Jury recommends that Public Works remove or top trees to enhance operational safety at: Murray Field, Garberville Airport, Rohnerville Airport, Kneeland Airport and Dinsmore Airport. (F2)
- R3. The Humboldt County Grand Jury recommends that Public Works repair the raveling pavement, as needed at: Murray Field, Garberville Airport and Rohnerville Airport. (F3)
- R4. The Humboldt County Grand Jury recommends that Public Works verify rent income and institute a plan for revenue recovery with those tenants who are in arrears with hangar rent payments at Murray Field and Garberville Airport. (F4)
- R5. The Humboldt County Grand Jury recommends that Public Works replace the Murray Field landing beacon and adjust it to the correct angle to enhance operational safety. ( F5)
- R6. The Humboldt County Grand Jury recommends that Public Works repair the Murray Field non-functioning runway edge lights to enhance operational safety. (F6)
- R7. The Humboldt County Grand Jury recommends that Public Works repair the Garberville Airport open-air hangar roof. (F7)
- R8. The Humboldt County Grand Jury recommends that Public Works repaint the Garberville Airport runway holding position markings to enhance operational safety. (F8)
- R9. The Humboldt County Grand Jury recommends that Public Works consider ways to bring the Kneeland Airport runway safety area lengths up to current standards. (F9)
- R10. The Humboldt County Grand Jury recommends that Public Works complete a Corrected Airport Permit Application for Dinsmore Airport indicating the correct runway length before July 1, 2015 to avoid suspension of its state airport permit. (F10)
- R11. The Humboldt Grand Jury recommends that Public Works share Caltrans Division of Aeronautics' annual inspection notification letters with the Humboldt County Airport Advisory Committee. (F11)
- R12. The Humboldt County Grand Jury recommends that the Board of Supervisors (BOS) direct the Humboldt County Airport Advisory Committee to recommend alternatives to the BOS for realignment of the Aviation Division outside of the Humboldt County Department of Public Works. (F11) (F14)
- R13. The Humboldt County Grand Jury recommends that the BOS assign one person with the authority to negotiate a deal for additional airline services and grant the designee a direct line of communication to the BOS. (F12).
- R14. The Humboldt County Grand Jury recommends that the BOS direct the County Administrative Officer (CAO) to perform an audit of the internal procedures between the Public Works'

Aviation Division and General Services Division to eliminate any duplication of services.  
(F13) (F14)

R15. The Humboldt County Grand Jury recommends that the Public Works' Aviation Division and the Sheriff's Department meet to strategize ways to reduce the cost differential for security services at CRCHCA. (F14) (F15)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals –

- Director, Humboldt County Public Works Department (R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15)
- Humboldt County Sheriff (R15)
- County Administrative Officer (R14)

From the following governing bodies –

- Humboldt County Board of Supervisors (R12, R13, R14)

## **INVITED RESPONSES**

- Humboldt County Airport Advisory Committee (R11, R12)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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Humboldt County Public Works Budget for 2014-2015.

2014 Department of Transportation, Division of Aeronautics Inspection Letters for Humboldt County general aviation airports.

## **RECUSAL**

- Al Castaldi

# RURAL SAFETY

## SUMMARY

Approximately 90,000 Humboldt County residents (2/3 of the population) live in rural areas. Their safety has become a serious issue. Fire and emergency units are the key to rural safety infrastructure and these units are the quickest to respond to any kind of call because they are community-based. The public may consider rural fire and emergency services and law enforcement services as having equivalent status, but California law treats them very differently. The provisions for organization and funding which California law has established for fire and emergency services in unincorporated areas are obsolete. Essential modern and functional gear and equipment are urgently needed.

The legislature's "local/traditional/self-tax" policy for fire and emergency services is no longer tenable as the industries and commercial activities that supported this policy have faded away. The present system is unfair in that rate payers (those who pay taxes for fire and emergency services) also pay for these services for the people who live in "no district" territories. Several California counties have had the foresight to create a regional model with a countywide fire district, a county fire and emergency services officer, and a governing board. The Humboldt County Grand Jury believes this model holds promise for our county. The Humboldt County Grand Jury recommends that Humboldt County Board of Supervisors establishes the position of Humboldt County Director of Fire and Emergency Services.

The Humboldt County Grand Jury believes the county's fire and emergency services units need a budget that brings all units to a baseline that provides sufficient, modern safety gear and equipment. The Humboldt County Grand Jury recommends that for the coming five years, Humboldt County should compensate for decades of dwindling resources by assigning a minimum of 20% of the Measure Z tax revenue to rural fire and emergency service providers, as recommended by the Fire Chiefs' Association of Humboldt County. The Humboldt County Grand Jury also recommends that the county go beyond these temporary measures to permanently fund a regional fire and emergency services district.

## BACKGROUND

California fire law for unincorporated areas is permissive, encouraging communities to tax themselves to meet the need for fire and emergency protection. The Government Code of the State of California (Sec.24000, Appendix) mandates that there be a county sheriff and district attorney, providing a strong base for effective countywide law enforcement and justice operations. There is no mandate or expectation for a county to have a Fire Chief, though some do.

Following the law, Humboldt County rural communities have created an unusually large number (42) of local fire and emergency units, although 40% of the county territory is not in a fire service area. (Map, Appendix) The Humboldt County rural fire and emergency services units are almost entirely dependent on volunteers. Many small fire and emergency districts have seen their tax bases eroded with the decline in tax support from commerce and industry. However, we have received no reports that "out of district" emergencies are ever ignored. Bordering district fire and emergency units respond, with the costs of services falling back on the ratepayers of the responding district. For example, this is a problem between Blue Lake and Willow Creek on State Route 299.

The Humboldt County Board of Supervisors has secured a five-year countywide tax increase, Measure Z, which went into effect on 4/1/2015. (Measure Z, Appendix.) Funds generated by Measure Z are temporarily available for county priorities. Measure Z is projected to generate approximately \$8 million of annual revenue for Humboldt County.

Rural can be defined many ways. “All except Eureka” applies to our county situation, because of the lack of countywide infrastructure and unavailability of services. Abraham Maslow’s description for safety, “having shelter; freedom from injury or danger”, is suitable for this report. The testimony and data gathered during this inquiry reveal widespread concern among the rural residents about adequate shelter and freedom from danger. The protection of lives and property of rural residents is the work of the County Sheriff and 42 local fire and emergency units.

## **METHODOLOGY**

The Rural Safety investigation began with interviews of elected county officials, individuals who serve in law enforcement and fire and emergency services, and others who have expertise in these and other related areas. The Humboldt County Grand Jury sought descriptors for “rural” and “safety” which best fit our Humboldt County geographic profiles. The California legislature’s website was a source for information about the California Government Code as it applies to county law enforcement, city fire services, and County Service Areas. The Humboldt County Grand Jury reviewed the Fire Protection District Law of 1987, also known as the Bergeson Fire District Law, California Health and Safety Code section 13800 et seq. (hereafter referred to as “Bergeson Law”). The Humboldt County Grand Jury also reviewed the detailed annual report on fire and emergency services compiled for the Humboldt County Board of Supervisors by the Fire Chiefs’ Association of Humboldt County and the 2006 and 2013 reports of the Humboldt County Fire Safe Council (FSC), which oversees the Humboldt County Community Wildfire Protection Plan. The Humboldt County Grand Jury also considered newspaper accounts about Proposition 172 distributions in California and other California counties’ websites regarding the organization of their fire and emergency services.

## **DISCUSSION**

A significant cause of declining funding for Humboldt County’s local fire and emergency services is the well-known decline in logging, lumber production, and the commerce associated with those industries, such as trucking, fire monitoring, and mill equipment support. Pacific Lumber’s rapid demise is still fresh knowledge. The Humboldt County Grand Jury also received statements from fire service personnel that their budget decline is due to a countywide diminishing of small district tax bases.

The 1993 Proposition 172 increased state funding for public safety. Statewide, Prop. 172 allocations have favored law enforcement over fire and emergency services. Some members of the local fire and emergency services community expressed concerns that Measure Z distributions will follow the Prop. 172 paradigms. The Fire Chiefs’ Association has recommended that 20% of the revenue generated by Measure Z be allocated to rural fire and emergency services units in support of the recommendations of the Fire Safe Council. The Fire Safe Council has repeatedly recommended to update the obsolete and unsafe equipment and gear essential for the safety of personnel, and increase the capability to protect rural Humboldt County residents.

For the past decade, reports by the Fire Chiefs' Association and the Fire Safe Council have made it plain that rural fire and emergency services units need adequate and reliable funding. Recently, the County Planning Department and CAL FIRE have helped several communities hold elections establishing two new fire and emergency services districts, consolidate two others, and are working to enlarge district boundaries to provide a larger tax base. Such changes take political will and a great deal of time and money. The Proposition 13 two-thirds majority requirement is a major challenge. (Prop. 13 requires a two-thirds vote majority in local elections for local governments wishing to increase taxes.)

Fire and emergency services departments do not have equal stature with law enforcement in the Humboldt County hierarchy. California law establishes a county Sheriff and District Attorney, leading countywide protection and crime prevention programs. No such requirement exists to establish a countywide fire and emergency services officer. However, there is no legal barrier to having a countywide fire and emergency services officer to address community needs. In fact, some California counties have established a county Fire Chief and universal county fire and emergency services coverage.

Many areas of the county are not in a fire and emergency services district, and some residents (those within a district) pay for their fire and emergency services protection while others (those in the "no district" category) do not.

The Fire Safe Council recommended that there be a plan for "consolidation, expansion, or formation of special districts to ensure adequate and sustainable fire protection for all residents of Humboldt County" (Section II 1.1, 2013 Humboldt County Community Wildfire Protection Plan). These recommendations were put forth by the FSC in 2006 and 2013. No such countywide plan has been approved or implemented by the Humboldt County Board of Supervisors.

Fire and emergency services in unincorporated county territory are governed by the Bergeson Law (Health and Safety Code, Appendix), which focuses on "local provision" as the "traditional" means to provide fire/rescue/emergency/medical/ ambulance and other protective services to California residents. The code provides no county mandate or specific plan for organizing or funding such services. It requires communities to, "meet their own circumstances and responsibilities." It authorizes communities to establish local districts to levy taxes for fire and emergency services, and describes ways to increase taxes when revenue falls short (Sections 2213910-13919). Another provision, Government Code 625210.1 (Appendix, Fact Sheet) allows a county itself, in lieu of a local fire district, to operate a County Service Area (such as Humboldt CSA No. 4, between Trinidad and Orick) to serve a region where there is no district to do so.

Comprehensive countywide regional consolidation of fire and emergency services units have been established in Amador, Orange, San Mateo, San Bernardino, Sonoma, and Alameda counties. In contrast, Humboldt County now has 42 separate fire and emergency services units. Some of these units are city agencies. Some receive tax revenue via local Fire Districts or Community Services Districts. Some have non-profit status. Some are informal fire companies, self-funded via fundraising. Except for Humboldt Bay Fire District serving in and near Eureka, Humboldt County community firefighters are volunteers. The districts serving Arcata, McKinleyville and Fortuna have full-time paid chiefs.

The Humboldt County fire service map shows that large swaths (white areas) of rural territory are "non-service" areas, which are not in a fire and emergency services district. The residents there do

not pay into a fire and emergency services support system. As a “good will” practice, firefighters from bordering districts respond to calls from those places as “out of district” calls even though they are not obligated to, with response expenses falling upon the rate payers and the home fire and emergency services unit. One fire unit reported that fire fighters actually “pass the hat” to collect enough money to pay for fuel.

The costs of protective gear and equipment meeting the standards of The National Fire Protection Association are out of reach for many fire and emergency services units. Clothing (“turn-out suits” costing \$1,200) are old, have holes in them and have lost their water-proof capabilities. Air supply packs (Self Contained Breathing Apparatus [SCBA] costing \$5000 to \$ 6,000) are essential for every person on a fire crew. Many parts are old and key parts such as face masks and air tanks are not interchangeable. Nozzles, masks, flashlights, radios, and other protective items now in use by crews are in many instances obsolete, mismatched, and often without the necessary physical integrity to provide adequate protection. Not every fire station has a modern Jaws of Life unit costing \$28,000. Some Jaws of Life tools are so old that spare parts do not exist. Rural fire and emergency services units lack secure communication systems, compromising the safety and effectiveness of personnel. Vehicles must be maintained according to California emission standards and be ready for a call at any time. A modern fire truck can cost \$250,000 or more and is expensive to insure.

## **FINDINGS**

- F1 Equipment: Emergency response crews lack needed modern gear and equipment. Rural responders are sometimes forced to use obsolete gear and clothing which do not adequately protect them. The lack of modern equipment jeopardizes safety and impairs the response capability of rural emergency response crews.
- F2. Communication: A secure and reliable communication system is needed by the fire and emergency services units.
- F3. Safety is a concern for citizens in rural Humboldt County: The 90,000 rural residents of Humboldt County have become increasingly apprehensive about their personal safety and the welfare of their property.
- F4. Tax base: The industries and commercial activities which supported the legislature’s “local/traditional/self-tax” policy of fire and emergency services in Humboldt County have faded away in the past 50 years. The present system is unfair to ratepayers who live in a district and find themselves paying for their own fire and emergency services and also for nonsubscribers who live in “no district” territory.
- F5. A county fire and emergency services officer: Humboldt County has a constellation of fire and emergency services organizations, with dedicated first responders. The lack of a county-level Director of Fire and Emergency Services, comparable to the Sheriff, to oversee and assist the local district personnel and programs, impacts the county-level ability to interact with state government, local, and city fire departments, and with the Sheriff’s Office.
- F6. Bergeson Law: The legislation governing fire and emergency services in unincorporated territory was written for another era and is now inadequate for Humboldt County.

F7. A different paradigm: Other counties in California have set aside the localized fire and emergency services model promoted by the Bergeson Law and have moved to a regional model with a countywide district and board. In some cases, the county supervisors are the board.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends that for the coming five years, Humboldt County should compensate for decades of dwindling resources by assigning a minimum of 20% of the Measure Z tax revenue to rural fire and emergency service providers, to address long-standing equipment deficiencies, as recommended by the Fire Chiefs' Association of Humboldt County. (F1, F2, F3, F4)
- R2. The Humboldt County Grand Jury recommends that the Board of Supervisors set a goal to have all Humboldt County residents covered by a fire and emergency services district within five years. (F3, F4)
- R3. The Humboldt County Grand Jury recommends that the Board of Supervisors go beyond the Measure Z temporary funding and move to a permanent funding model for a regional fire and emergency services district. (F4, F6, F7)
- R4. The Humboldt County Grand Jury recommends that the Board of Supervisors establish a Humboldt County Director of Fire and Emergency Services position. (F5, F6, F7)
- R5. The Humboldt County Grand Jury recommends that the Board of Supervisors lobby the Humboldt County state legislators, requesting that the Bergeson Law be amended to better reflect the funding needs of today's rural counties. (F6)
- R6. The Humboldt County Grand Jury recommends that the Board of Supervisors initiate a study to see how a countywide comprehensive fire and emergency services unification, covering all county residents, has been accomplished in other California counties. The study should begin as soon as possible and be completed before the five year sunset of Measure Z. (F5, F6, F7)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies –

- The Humboldt County Board of Supervisors (R1 – R6)

## **INVITED RESPONSES**

- The Citizens Advisory Committee on Measure Z Expenditures (R1)
- The Humboldt County Fire Chiefs' Association (R1 – R6)
- The Humboldt County Fire Safe Council (R1 – R6)

- State Senator Mike McGuire (R5)
- State Assemblyman Jim Wood (R5)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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## **BIBLIOGRAPHY**

Humboldt County Fire Chiefs' Association Annual Report (2013), Humboldt County Fire Chiefs Association, Humboldt County, Ca.

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Fire Safe Council 2013 Humboldt County Community Wildfire Protection Plan, FSC (CWPP), 1105 6th St. Eureka, Ca. 95501

<http://humboldtgov.org/689/Fire-Safe-Council>

The Fire Protection District Law of 1987/ the Bergeson Fire District Law (§13800), California State Governance and Finance Committee-Senate Local Government Committee, Sacramento, Ca. <http://sgf.senate.ca.gov/thefireprotectiondistrictlawof1987>

The Citizens Advisory Committee on Measure Z Expenditures, 825 5th St. Eureka, Ca. 95501

<http://www.humboldtgov.org/1968/Measure-Z-Advisory-Committee><http://www.humboldtgov.org/1803/Measure-Z-Information>

## APPENDIX

### Geographic Distribution of Local Fire Services Throughout Humboldt County

The map on the next page provides a geographic illustration of where and what type of local fire protection is provided throughout Humboldt County. The majority of local fire service providers in the county are associated with a special district. The special districts that provide fire services, including fire protection districts, community services districts, a county service area, and a resort improvement district are identified in the map legend as “District.” These districts were formed to provide services within a specific jurisdictional boundary and are supported by revenue from a combination of taxes, fees, and fundraising. Many of these jurisdictional boundaries were created as far back as the 1930s. Since that time, neighborhoods, scattered subdivisions, and rural residential development have emerged outside of district boundaries. This newer development requires year round fire protection and emergency services, which it receives in a variety of ways.

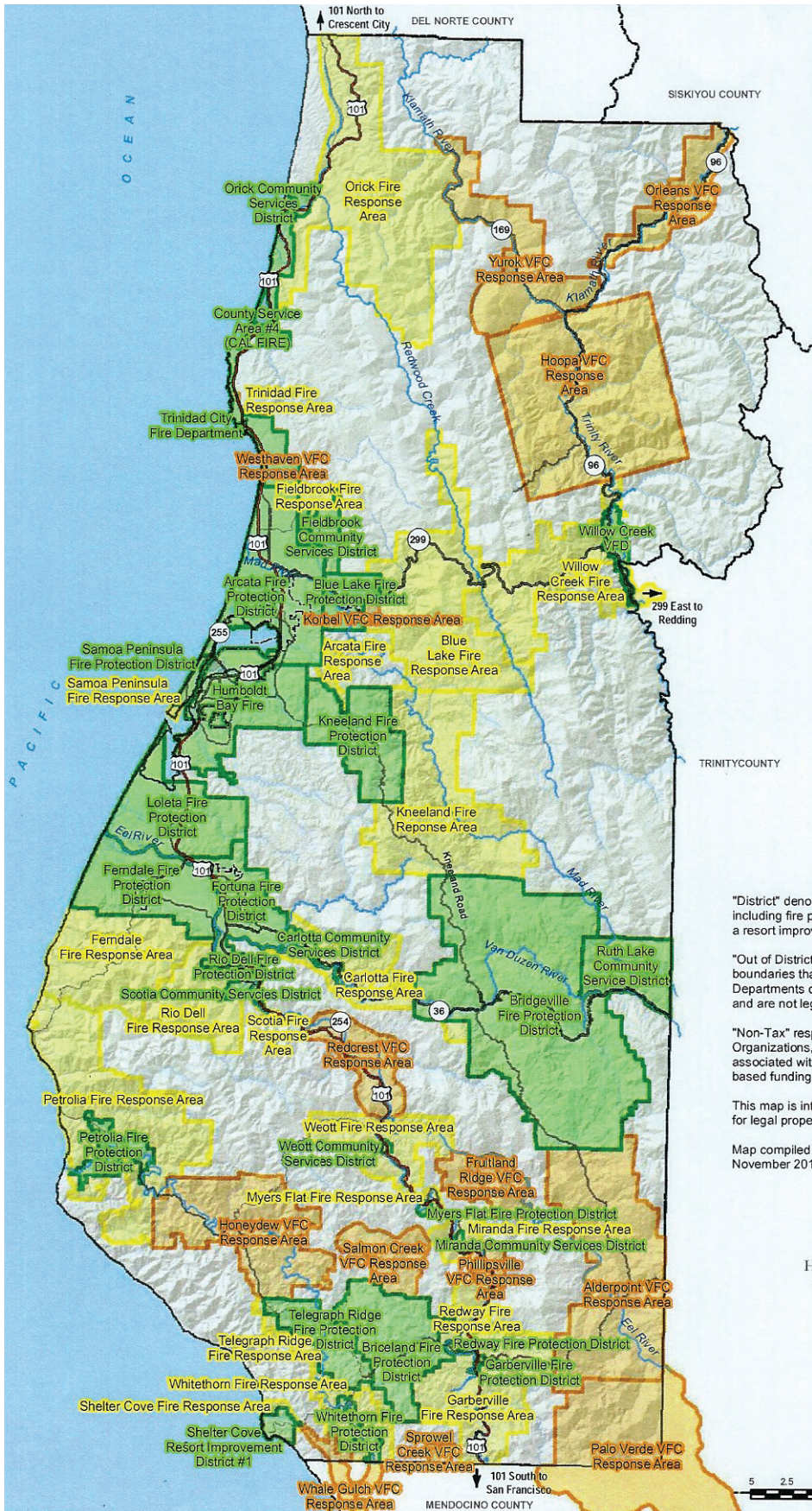
Some areas outside the boundaries of an established district receive fire protection from district resources responding outside of their jurisdictional areas. This type of service is identified in the map legend as “Out of District” and is often referred to as “goodwill service.”

District fire departments provide service to these areas even though they are under no obligation to do so and receive no compensation for their service, other than donations. This practice can put a strain on already limited resources. Furthermore, property owners within the district may question why the services funded through their taxes are benefiting out of district residents, particularly if they pay a special tax or benefit assessment specifically for fire protection.

Many areas outside the boundaries of an established district receive fire protection from a fire company that is not affiliated with a district. These fire companies receive no tax revenue and for that reason are identified on the map legend as “Non Tax.” The survival of these fire companies depends on revenue generated from community donations, fundraisers, and grants. Some communities are more supportive of their local fire companies than others and support can fluctuate dramatically depending on local economic conditions.

# Humboldt County

## Local Fire Protection



**Legend**

**Humboldt County Fire Departments**

**Local Fire Organization**

- District
- Out of District
- Non-Tax

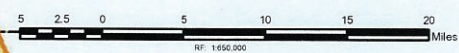
"District" denotes all special districts that provide fire service, including fire protection districts, community services districts, a resort improvement district, and a county service area.

"Out of District" response areas are areas outside of district boundaries that fire departments currently respond to. Fire Departments do not receive funding for "Out of District" areas and are not legally obligated to respond.

"Non-Tax" response areas are covered by Non-Governmental Organizations, usually Volunteer Fire Companies (VFC) not associated with a district. Such organizations do not receive tax based funding.

This map is intended for planning purposes only and is not intended for legal property boundary determinations or precise measurement.

Map compiled by County of Humboldt  
November 2012. Contact: [jvondohlen@co.humboldt.ca.us](mailto:jvondohlen@co.humboldt.ca.us)



## California Government Code\*

24000. The officers of a county are:

- (a) A district attorney.
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner.
- (n) A surveyor.
- (o) Members of the board of supervisors.
- (p) A county veterinarian.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) An administrative officer.
- (u) A director of finance.
- (v) A road commissioner.
- (w) A public guardian.
- (x) Such other officers as are provided by law.

*\*Complete verbiage can be found at: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=23001-24000&file=24000-24012>*

## **Measure Z FAQs**

### **1. What is Measure Z?**

On July 22, the Humboldt County Board of Supervisors voted unanimously to place Measure Z on the November 4, 2014, ballot to maintain and improve essential Humboldt County services, including public safety. If adopted by voters, Measure Z will, by law, expire in five years.

### **2. Why was Measure Z placed on the ballot?**

With \$286 million in State takeaways over the past 22 years, Sacramento has taken significant revenue from Humboldt County's budget, decreasing public safety and other essential services. If Measure Z passes, it will provide a guaranteed source of local funding that cannot be taken by the State on a temporary basis, for 5 years. The Board action to place Measure Z before the voters followed input from a countywide community survey that asked residents about their priorities for local county services. Measure Z will give the community the opportunity to address local services needs among these cuts.

### **3. What does Measure Z cost?**

Measure Z is a one-half cent sales tax that will, by law, expire in five years. Sales tax is not applied to prescription medicine or food purchased as groceries and visitors to our region also pay the cost. Measure Z is subject to strict community and fiscal accountability, including annual independent audits and community input via a citizens' advisory committee to ensure funds are spent efficiently.

### **4. How will Measure Z address my public safety needs?**

Due to budget constraints, Sheriff's patrols have been greatly reduced across Humboldt County, meaning it can sometimes take several hours for a Sheriff's deputy to respond to a call. If enacted Measure Z can provide the funds necessary for expanding patrols, maintaining emergency 9-1-1 response times, and making sure calls about violent or property crimes are responded to promptly.

Also, volunteer fire departments and firefighters play critical roles in protecting life and property here in Humboldt County. Additional resources will help maintain rural fire and ambulance protection services, allowing our first responders to better – and more safely – protect County residents.

### **5. I'm concerned about the illegal drug industry and increased narcotics use in our region.**

Clearly, hard drugs and narcotics like meth are growing problems in Humboldt County. Measure Z can provide the additional funds the County needs to fight drug-related crimes, eliminate meth labs, and provide drug prevention and rehabilitation services.

Illegal, large-scale, marijuana farms are diverting and drying up sensitive creeks and streams and using toxic pesticides that destroy Humboldt County's natural environment. The additional funds generated by Measure Z can protect our natural resources from these illegal industrial operations.

### **6. How will Measure Z enhance County services?**

If adopted by voters, Measure Z will provide funds to maintain and improve public safety and essential services, including:

- Investigating violent crimes, such as rape and domestic violence
- Maintaining 911 emergency response times
- Ensuring there are Sheriff's deputies on-duty
- Providing services for the victims of child abuse

- Maintaining rural fire protection and ambulance services
- Cleaning up environmentally damaging marijuana farms

### **7. When is the election?**

Tuesday, November 4, 2014. You can register to vote on-line.

### **8. Where can I get more information about Measure Z?**

The County will continue to keep the community informed about Humboldt County's essential service needs and fiscal condition. For more information, visit our Measure Z page.

## **Health and Safety Code Section 13800-13806**

**13800.** This part shall be known and may be cited as the Fire Protection District Law of 1987 or as the Bergeson Fire District Law.

**13801.** The Legislature finds and declares that the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state. Among the ways that local communities have provided for those services has been the creation of fire protection districts. Local control over the types, levels, and availability of these services is a long-standing tradition in California which the Legislature intends to retain. Recognizing that the state's communities have diverse needs and resources, it is the intent of the Legislature in enacting this part to provide a broad statutory authority for local officials. The Legislature encourages local communities and their officials to adapt the powers and procedures in this part to meet their own circumstances and responsibilities.

**13802.** As used in this part:

- (a) "City" means any city whether general law or charter, including a city and county, and including any city the name of which includes the word "town."
- (b) "Day" means a calendar day.
- (c) "District" means a fire protection district created pursuant to this part or created pursuant to any law which this part supersedes.
- (d) "District board," means the board of directors of a district.
- (e) "Employee" means any personnel of a district, including any regular or call firefighter hired and paid on a full-time or part-time basis, or any volunteer firefighter. "Employee" also includes any person who assists in the provision of any authorized emergency duty or service at the request of a person who has been authorized by the district board to request this assistance from other persons.
- (f) "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.
- (g) "Zone" means a service zone formed pursuant to Chapter 10 (commencing with Section 13950).

**13803.**

- (a) This part provides the authority for the organization and powers of fire protection districts. This part succeeds the Fire Protection District Law of 1961 and all of its statutory predecessors. Any fire protection district organized or reorganized pursuant to the Fire Protection District Law of

1961 or any of its statutory predecessors which was in existence on January 1, 1988, shall remain in existence as if it had been organized pursuant to this part, except that when the district board is a county board of supervisors the number and method of selection of its board of directors shall continue to be governed by the provisions of Chapter 4 (commencing with Section 13831) of the Fire Protection District Law of 1961 in effect on December 31, 1987, as if that chapter had not been repealed. Any special fire protection zone formed pursuant to Chapter 12 (commencing with Section 13991) of the Fire Protection District Law of 1961 or any of its statutory predecessors which was in existence on January 1, 1988, shall remain in existence as a service zone as if it has been formed pursuant to Chapter 10 (commencing with Section 13950).

(b) This part does not apply to any reorganization which was filed pursuant to the Fire Protection District Law of 1961 and which is pending on January 1, 1988. Those pending reorganizations may be continued and completed under, and in accordance with, the Fire Protection District Law of 1961. The repeals, amendments, and additions made by the act enacting this part shall not apply to any of those pending reorganizations, and the laws existing prior to January 1, 1988, shall continue in full force and effect as applied to those pending reorganizations.

**13804.** This part is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purposes.

**13805.** If any provision of this part or the application of any provision of this part in any circumstance or to any person, city, county, district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this part are severable.

**13806.** Any action to determine the validity of the organization or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

## **What is a County Service Area?**

### **The County Service Area Law (Government Code §25210.1 et seq.)**

In unincorporated areas, basic services like water, sewer, police and fire protection are provided by the county. Because counties often consist of large and diverse geographical areas, providing a consistent and adequate service level across all areas can be difficult. Residents of urban communities may want more services than those residing in rural areas. The County Service Area Law (Government Code §25210.1 et seq.) was created in the 1950s to provide a means of providing expanded service levels in areas where residents are willing to pay for the extra service.

### **The County Service Area Law**

The law allows residents or county supervisors to initiate the formation of a County Service Area (or “CSA”). A CSA is authorized to provide a wide variety of services, including extended police protection, fire protection, park and recreation facilities, libraries, low power television and translation facilities and services. CSAs also may provide other basic services such as water and garbage collection if they are not already performed on a countywide basis.

A CSA may span all unincorporated areas of a county or only selected portions. A CSA may issue

General Obligation or Revenue Bonds, or form improvement areas for the purpose of issuing bonds that specifically benefit, and will be charged to, only part of the CSA. Any bond issuance or other long-term debt will require approval of voters residing within the CSA.

### **Why is a County Service Area Needed?**

CSAs allow small communities in unincorporated areas to pay for and receive specific services from the county. If residents are willing to pay, they can receive the types of services and improvements not available in other areas of the county. There is no cost to residents of other areas of the county who do not wish to receive the additional services.

### **How is a County Service Area Formed?**

A CSA is initiated by a petition of registered voters or by adoption of a resolution at the county level. Once proposed, the formation of the CSA will be subject to public notice and a public hearing. If more than 50% of registered voters or landowners protest, the CSA may need to be subject to voter approval at a special election. Once approved, the CSA is normally granted limited powers and the county board of supervisors act as the CSA board.

### **How is the Annual Charge Determined?**

When a CSA exists, the property owner will pay taxes and fees to the CSA instead of the county for the services provided. These will be billed as line items on the county property tax bill. The taxes may take a variety of forms:

- General property taxes may be levied depending upon Prop. 13 constraints. These taxes, referred to as “ad valorem taxes”, are based on assessed value.
- Special taxes may be levied for specific purposes. These taxes must be approved by a 2/3rds vote of CSA residents.
- Benefit assessments may be levied for specific purposes and are based on the direct benefit each parcel receives from the improvements or services financed. These charges are subject to annual approval at a public hearing.
- Water or sewer standby charges may be levied to ensure future availability of service, subject to certain limitations.

Additionally, the CSA may charge these fees and taxes according to zones to more accurately bill residents for the particular services provided to their individual property.

### **How Long Will the Charge Continue?**

CSA charges will continue as long as the CSA is providing services to the community.

# HOMELESSNESS IN HUMBOLDT COUNTY

## SUMMARY

The Humboldt County Grand Jury reviewed the efforts being made by local government entities and service providers to assist the homeless in Humboldt County.

The Humboldt County Grand Jury finds:

- There is no coordinated, countywide approach that encompasses a single intake, assessment and distribution of services for the homeless in Humboldt County.
- There is no oversight or coordination among the many dedicated homeless service providers throughout Humboldt County. Such oversight and coordination would decrease duplication of effort, increase efficiency, save tax dollars, cut costs for the providers, and create a revenue stream for affordable housing.
- There is a lack of coordination and collaboration between Humboldt County Board of Supervisors and the Eureka City Council around the issue of homelessness.
- There is a critical lack of affordable housing in Humboldt County.

The Humboldt County Grand Jury calls on the Humboldt County Board of Supervisors and the Eureka City Council to form a housing trust fund structured as a Joint Powers Authority (JPA), which includes the current Humboldt County Housing and Homeless Coalition to coordinate and administer Humboldt County's efforts to address and end homelessness. The Humboldt County Grand Jury also recommends the JPA include representation from all stakeholders in Humboldt County.

## BACKGROUND

Homelessness is a complex, deep-rooted issue that can be tied to poverty, unemployment, poor health, family violence, crime, incarceration, divorce, mental illness, substance abuse, and exhaustion of friend or family support, all of which take different skill sets, services, and resources to address. While one of these root causes can be enough to push individuals and families into homelessness, there are co-occurring causes, such as mental illness and substance abuse, which makes administering assistance even more complex. Homelessness will aggravate individuals' and families' current conditions, making it even more difficult to access opportunities and regain the ability for them to support themselves.

Communities feel the impact of homelessness socially, environmentally, and fiscally.

- Socially, homelessness can cause residents to become fearful and concerned for their safety. Also, a community can become politically divided over how to deal with the homeless issue.
- Environmental concerns include proper disposal of hazardous materials, garbage and waste, fire, and wilderness damage.

- The costs associated with homelessness are significant because of a higher instance of use of emergency services such as police and ambulance response, emergency room visits, operation of shelters, substance abuse treatment facilities, crime, and incarceration.

On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act 2009. Administered and funded by the U.S. Department of Housing and Urban Development (HUD), one of the provisions of this act is for communities to implement rapid rehousing - the practice of helping individuals and families quickly move out of homelessness and into permanent housing and provide flexible support services to help them sustain housing. Studies (Bibliography: United States Interagency Council on Homelessness) have found that the rapid rehousing model has a success rate between 80 and 90%, meaning residents are still in permanent housing two to three years after initial placement.

To support rapid rehousing, HUD established the Continuum of Care (CoC), a local or regional system, to organize and deliver housing and services to meet the specific needs of the homeless or those in imminent risk of homelessness as they move to stable housing and maximum self-sufficiency.

HUD identifies (Bibliography: Evaluation of Continuums of Care for Homeless People – Final Report) the fundamental components of a comprehensive CoC to be:

- Outreach, intake, and assessment to identify the specific needs of homeless individuals and families and link them to appropriate housing and/or services
- Emergency shelter and safe alternatives to life on the street
- Transitional housing with supportive services to help people develop the skills necessary for permanent housing
- Permanent housing and permanent supportive housing

**Humboldt County Housing and Homeless Coalition:** Established in 2004, the Humboldt County Housing and Homeless Coalition (HHHC) is the designated Continuum of Care for Humboldt County and supported by the Humboldt County Department of Health and Human Services (DHHS). Composed of several organizations, service providers, developers, government agencies, faith-based groups, and community members, HHHC is dedicated to ending homelessness. Some of their accomplishments are:

- Production of the Homeless Connect Day
- Coordination and implementation of the Point in Time Count
- Development of the Ten Year Plan to End Homelessness
- Expanding the number of available permanent supportive housing apartments for chronically homeless individuals in Humboldt County
- Opening extreme weather shelters for homeless clients in Eureka and McKinleyville with plans to open another shelter soon in Arcata
- Expansion of the Homeless Management Information System (HMIS) - the collection of data on the homeless

- Coordination of the Homeless Prevention and Rapid Rehousing Program
- Expansion of the Arcata House Partnership

By designating the HHHC a CoC, Humboldt County is highly competitive for the largest single source of federal funding for homelessness issues from the McKinney-Vento Homeless Assistance Grants program established and administered by HUD, as well as many other federal, state, and private funding sources. Most of the federal and state funding for Humboldt County’s homeless programs is given to non-profit providers based on plans and programs developed by the CoC. In 2013-2014 Humboldt County was awarded eight Continuum of Care Homeless Assistance renewal grants and one new grant for a total of \$677,981. Since the first grant 11 years ago, Humboldt agencies have received \$4.6 million in federal McKinney-Vento funding.

There are many aspects to the problem of homelessness. Solving the complex problems of homelessness requires prevention, emergency care, temporary shelter, rehousing, availability of housing, and support services. There are many dedicated government entities, private organizations, non-profits, businesses, faith-based groups and community members providing assistance to the homeless in Humboldt County. There is no countywide coordination between these various entities, and the problem of homelessness persists.

**Focus Strategies Report:** A report (Bibliography: City of Eureka Homelessness Policy Paper) released in August, 2014 by Focus Strategies, a Sacramento-based consulting firm specializing in homelessness and hired by the City of Eureka for approximately \$80,000.00, points to the HHHC as the leader of most of the work being done to address homelessness in Humboldt County. The report goes on to recommend, “that the City, County, and HHHC work together to formalize a Homeless Outreach Team ...”. Supporting this recommendation, the Focus Strategies Report provides short-, medium-, and long-term recommendations that include:

- Targeted outreach, assessment, and help for the homeless who generate the largest number of police and other emergency calls
- Formalization of a Homeless Outreach Team created by the joint effort of the city, county, and HHHC
- A joint effort by the city, county, and HHHC to analyze and improve the data in the Homeless Management Information System (HMIS) to better understand how program outcomes could be improved and the best use of funding

The report was created for and approved by the Eureka City Council, and has support of the Humboldt County Board of Supervisors, the Eureka City Council and other city officials.

**Recent History:** Committed to the Focus Strategies recommendation of rapid rehousing, the City of Eureka and others have created a Four Step Plan: Operation Safe Trails, Operation Helping Hands, Operation Clean Sweep and Operation Final Stretch.

- **Operation Safe Trails**, targeting the removal of the criminal element from the homeless encampment in the greenbelt north of the Bayshore Mall in Eureka, was conducted on April 15, 2015 by the Eureka Police Department.

- **Operation Helping Hands**, organized by the Eureka Police Department, began on May 1, 2015. The Services Resource Fair, a planned weekly event behind the Bayshore Mall, connects 20 local service providers directly with the homeless.
- **Operation Clean Sweep** will move all homeless people in the Bayshore Mall encampment to a yet-to-be-determined designated area or areas as a temporary encampment aimed to complement the rapid rehousing model proposed by Focus Strategies.
- **Operation Home Stretch** involves the conversion of the Multiple Assistance Center (MAC) into a transitional housing facility for about 100 homeless individuals, connecting them with mental health, substance abuse and housing services. Home Stretch calls for identifying and populating additional low-income housing to house the homeless and begin the rapid rehousing model. Also included in this final phase will be the evaluation of existing programs and, ultimately the closure of the designated temporary encampment(s).

The Four Step Plan is still taking shape with many key aspects to be worked out.

The development of the Four Step Plan included the City of Eureka, the Eureka Police Department, the Community Homeless Improvement Project (CHIP), DHHS and members of the business community. Contrary to one of the strongest recommendations of the Focus Strategies Report, the HHC was not involved or consulted in the plan's creation.

## **METHODOLOGY**

The Humboldt County Grand Jury:

- Interviewed various Humboldt County government officials, homeless service providers, and individuals from nonprofit organizations who deal with the issue of homelessness
- Studied the 2014 report from Focus Strategies
- Studied solutions from other states and comparable communities
- Reviewed HUD homeless assistance programs
- Studied solutions developed by various national and state organizations
- Researched California law (Government Code section 6500 et seq.) related to Joint Powers Authorities and the legalities and governance of housing trust funds

## **DISCUSSION**

**Coordinated Countywide Approach:** National research has identified a centralized intake as an essential factor in the success of homelessness prevention and rapid rehousing programs. A centralized intake is defined as having the following components:

- Outreach to provide information so people will know where or how to access services
- A place to request assistance such as a walk-in center or call center
- A screening and assessment process to establish eligibility and housing and service needs

- Information about different programs and agencies that provide housing and services
- Referral services to get the person to the right agencies

HUD’s Homeless Policy and Program Priorities include, “Removing Barriers to CoC Resources.” One of the measures listed in the process of removing those barriers is

a centralized or coordinated assessment which is a key step in assessing the needs of the homeless requesting assistance and matching the needs of those households to the most appropriate housing and service options. The CoC Program interim rule requires the implementation of a centralized or coordinated assessment system.

The HudExchange website, which provides resources and information related to all HUD programs, posted the report, Centralized Intake for Helping People Experiencing Homelessness: Overview, Community Profiles and Resources, which lists the following benefits of a centralized intake:

For service seekers:

- Simplify and speed the process for people to locate and access needed services
- Help to ensure that people get the right services
- Save people time in looking for and traveling to service sites
- Provide access to multiple service programs through one process
- Be available 24/7

For prevention and homeless service providers:

- Maintain and provide a ready and certain source of appropriate client referrals
- Furnish immediate written information about the client’s needs and requests
- Allow staff to focus on serving clients and less on gathering information
- Support interagency collaboration and coordination around a single intake process
- Improve cost efficiency by replacing duplicative intake functions with a single approach
- Reduce the effort needed and cost for agencies to publicize their services

For policy planners, decision-makers, and funders:

- Improve the speed, accuracy, and consistency of screening, assessment, and referral processes
- Make it possible to target resources more efficiently and accurately in order to be most effective (e.g., allow triaging to the most vulnerable people and/or urgent situations)
- Enhance the overall coordination of prevention and homeless services and reduce system-wide fragmentation
- Improve the system’s ability to deliver accessible, culturally competent services, for example by providing information in multiple languages

- Create a pool of data about people seeking help and their housing and service needs, and about unmet needs and gaps in the service system

Centralized intake can enhance the quality of client screening and better target program assistance. As a result, the county's system for preventing and ending homelessness would be less fragmented and resources used more efficiently.

**Joint Powers Authority (JPA):** One successful model of a coordinated intake, assessment and referral process is the Los Angeles Homeless Services Authority (LAHSA). From their website (Bibliography: [www.lahsa.org](http://www.lahsa.org)):

Established in 1993 by the Los Angeles County Board of Supervisors and the Los Angeles City Council, LAHSA is an independent, Joint Powers Authority, whose primary role is to coordinate the effective and efficient utilization of federal, state, county, and city funding in providing services to homeless people throughout Los Angeles City and County. Over 100 nonprofit partner agencies benefit from the funding, program design, assessment and technical assistance provided by LAHSA, the lead agency in the Los Angeles Continuum of Care. Members of the 10-member governing commission are selected by the County Board of Supervisors and the Mayor and City Council. The commission is empowered with making budgetary, funding, planning, and program policies and decisions.

A Joint Powers Authority (JPA) is an entity permitted under California state law, California Government Code 6500 – 6537, where two or more public agencies (e.g. local governments) may jointly exercise any power common to all of them. JPAs may be used where a condition naturally transcends the boundaries of existing public agencies, to establish a joint approach to work on a common problem, fund a project, or act as a representative body for a specific activity. JPAs may exist between counties and cities, counties and counties or across state lines.

The structure of each Joint Powers Authority is unique. JPA governing boards can be given any of the powers inherent in all of the participating agencies. The authorizing agreement outlines the powers the new authority will be allowed to exercise. The term, membership, and standing orders of the board of the JPA must also be specified. The joint powers authority may employ staff and establish policies independent of its member agencies. Two of the most common methods to generate working capital for a JPA are: 1) create a revenue stream, and 2) issue a bond. Through California state law a JPA has the powerful ability to issue revenue bonds without the need for voter approval.

There are several JPAs already at work in Humboldt County. They are the Humboldt County Association of Governments, Humboldt Bay Fire, Humboldt Waste Management Authority, Redwood Coast Energy Authority, Hazardous Materials Response Authority, and the North Coast Schools Insurance Group.

With an eye on a common goal, JPAs allow their member agencies to deliver services more efficiently to their beneficiaries. By sharing resources and through the use of economies of scale, the member agencies – and their taxpayers – save time and money.

The lack of coordination between the City of Eureka and the Humboldt County Board of Supervisors, as well as the lack of action by the Humboldt County Board of Supervisors, was a common theme and source of frustration among those interviewed by the Humboldt County Grand

Jury. The Focus Strategies report repeatedly recommends implementation of countywide solutions. The report also recommends the City of Eureka and Humboldt County work together in their efforts to assist the homeless.

The lack of coordination and organization has been seen, most recently, in the implementation of Eureka's Four Step Plan. Coastal Commission approval was not obtained before the public declaration of four possible encampment sites. The initial two week eviction notice given to the homeless in the Bayshore Mall encampment was withdrawn.

**Affordable Housing:** A critical lack of affordable housing has been identified as a nationwide problem. In 2014 the United States Conference of Mayors released its annual report (Bibliography: The United States Conference of Mayors Hunger and Homelessness Survey.) on a survey of hunger and homelessness in 25 cities. The report identified a lack of affordable housing as the leading cause of homelessness among families with children. The lack of affordable housing has led to high rent burdens (rents which absorb a high proportion of income), substandard housing, and overcrowding. These phenomena have not only forced many people to become homeless, but they also have put a large and growing number of people at risk of becoming homeless.

Concern for the lack of available affordable housing in Humboldt County is also a common theme among service providers, government agencies, and the homeless themselves. The Focus Strategies report states that "While the inventory of available housing has grown, it has not yet reached the scale needed to produce a sizeable reduction in the total homeless population."

All efforts toward housing the homeless in Humboldt County are flawed by the critical lack of affordable homes. The final step in Eureka's Four Step Plan and the Multiple Assistance Center's newly formed 30 to 60 day program is to permanently house the homeless. The waiting lists for Section 8 and public housing are closed due to the lack of permanent housing. The lack of affordable housing was cited as a reason for the City of Eureka to rehire Focus Strategies to create a second report to evaluate and compile a list of available affordable homes in Eureka. The 2013 update to the Humboldt County 10-Year Plan to End Homelessness identifies increasing the availability of stable, affordable housing as a top priority.

As stated in the Humboldt County General Plan Housing Element, the County is committed to addressing the issue of the lack of affordable housing.

**H-IM22. Homeless Humboldt Housing and Homeless Coalition.** The County shall support continuation of the Humboldt Housing and Homeless Coalition, or its equivalent, in order to guide policy development and implementation of programs that address the needs of the homeless population throughout the entire county. The County shall work cooperatively with cities to address the housing needs of the homeless population for the county as a whole. Responsible Agency: Health and Human Services & Planning and Building Department. Timeframe: on-going.

**Housing Trust Funds:** To address the nationwide lack of low-income housing, forty states have established housing trust funds to provide consistent funding for financing the construction, acquisition, and preservation of affordable homes. Housing trust funds are distinct funds that receive revenues from private and on-going, dedicated sources of public funding such as taxes, fees or loan repayments. Due to their flexibility, housing trust funds can be designed to take advantage of local,

unique opportunities and address specific needs that exist within a community. In California housing trust funds exist in Alameda, Napa, Sacramento, Santa Clara, and San Mateo counties.

All cities in San Mateo County and the County of San Mateo have formed a housing trust fund structured as a JPA. Established in 2003 the Housing Endowment And Regional Trust (HEART) coordinates financial resources of public and private sector entities that want to play a role in meeting the critical regional need for affordable housing. Collaboratively, HEART has the ability to pursue multiple strategies to access new funds for housing, leverage funds over the long term, and provide a secure funding source for ongoing affordable housing development and preservation. San Mateo County’s model is widely recognized for its regional approach to address the availability of affordable housing.

The Focus Strategies report included the recommendation to the City of Eureka to “continue collaboration with HHHC to develop and implement countywide solutions.” The report noted:

The HHHC has developed an updated plan to end homelessness in Humboldt County that strongly aligns with federal policy direction and focuses on expanding housing opportunities; expanding rapid rehousing capacity; expanding substance abuse treatment capacity; helping homeless people increase income; creating a coordinated intake, assessment and referral process; and using data to understand results. Elected officials and staff from the City of Eureka as well as Eureka-based service providers have been very involved in this process and Focus Strategies would advise continuing and strengthening this partnership.

The HHHC is identified as the lead organization for homeless issues by the Focus Strategies report and is the federally designated and federally funded Continuum of Care entity for Humboldt County. The Focus Strategies report identified the HHHC as having the experience and the member agencies that provide the most comprehensive services for the homeless in Humboldt County.

## **FINDINGS**

- F1. All the current plans to deal with homelessness are flawed by the critical lack of affordable housing in Humboldt County.
- F2. A housing trust fund structured as a Joint Powers Authority will provide consistent funding for financing the construction, acquisition, and preservation of affordable housing that would mitigate the lack of affordable housing in Humboldt County.
- F3. Humboldt County lacks a countywide approach to homelessness that provides a centralized intake service and a coordinated distribution of housing and supportive services.
- F4. The Humboldt County Board of Supervisors and the Eureka City Council have not implemented a major recommendation of the Focus Strategies report to coordinate their efforts on behalf of the homeless.

## RECOMMENDATIONS

R1. The Humboldt County Grand Jury recommends the Humboldt County Board of Supervisors and the Eureka City Council form a housing trust fund structured as a Joint Powers Authority, which includes the current Humboldt County Housing and Homeless Coalition and other county stakeholders to coordinate and administer Humboldt County's efforts to address and end homelessness. (F1, F2, F3, F4)

## REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies –

- The Humboldt County Board of Supervisors (R1)
- Eureka City Council (R1)

## INVITED RESPONSES

- Humboldt County Housing and Homeless Coalition (R1)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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# **SCHOOLS, COMMUNICATION, AND THE BROWN ACT**

## **SUMMARY**

The Humboldt County Grand Jury received three citizen complaints regarding school board violations of Brown Act provisions. In response to those complaints the Humboldt County Grand Jury reviewed Brown Act requirements, considered data provided with the complaints, examined various school board agendas and minutes, and interviewed parents, educators and other school district employees.

The Humboldt County Grand Jury concludes that a community of parents, concerned with the educational transparency of actions taken by both the Fortuna Elementary School District and the Jacoby Creek Charter School, perceive that their respective school boards have violated the Brown Act. The Humboldt County Grand Jury could not confirm whether these potential Brown Act violations were deliberate attempts to mislead the public or oversights caused by insufficient or inadequate Brown Act training. These potential Brown Act violations have created mistrust within their respective educational communities. The Humboldt County Grand Jury does, however, conclude that current Brown Act Training is inadequate to meet the needs of the many small and rural school boards existing within Humboldt County.

The Humboldt County Grand Jury recommends that the Humboldt County Board of Education direct the Humboldt County Office of Education to review their leadership and educational roles in servicing the Brown Act Training needs of the many diverse school boards within Humboldt County. The Humboldt County Grand Jury also charges the Humboldt County Office of Education to find the requisite “encouragement” necessary to make sure that thorough Brown Act training is attended, adhered to, and available.

## **BACKGROUND**

In 2003 the State of California Office of the Attorney General published “The Brown Act: Open Meetings for Local Legislative Bodies.” Then California State Attorney General Bill Lockyer states in that report:

Throughout California’s history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies, such as boards, councils and commissions, are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public’s right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act.

In Humboldt County, there are many local, legislative and governmental bodies of elected citizens serving County needs on a mostly volunteer basis. Provisions of the Brown Act cover their public meetings. Included in the Brown Act are provisions for types of meetings, notice and agenda requirements, rights of the public, permissible closed sessions, and penalties and remedies for violations of the Act. In that same published report, California State Attorney General Bill Lockyer also states: “Although the principle of open meetings initially seems simple, application of the laws to real life situations can prove to be quite complex.”

The Humboldt County Grand Jury received three citizen complaints regarding potential school board violations of Brown Act provisions; two concerning Fortuna Elementary School District, and one for Jacoby Creek Charter School. In each case, community perceptions of Brown Act violations created misunderstandings between school board and community, be those misunderstandings regarding notice requirements, agenda descriptions, elusive minutes, taking action on items not listed, or posting procedures.

## **METHODOLOGY**

The Grand Jury reviewed the provisions of the Brown Act, considered data provided with the complaints, examined various school board agendas and minutes, and interviewed parents, educators and other school district employees.

## **DISCUSSION**

In the past, “participatory democracy” usually meant personal attendance at public meetings in order to remain informed. Technology and the Internet are now redefining the meaning of that phrase. Public expectations of the ability for online involvement are high. The three complaints reviewed by the Humboldt County Grand Jury dealt with, in part, website concerns. According to the Brown Act, public meeting agendas must be posted 72 hours in advance of a regular meeting in a location that is freely accessible to members of the public. Furthermore, the minutes of those public meetings are meant to reflect what happened at the meeting, and allow the public to gather information after the fact. The Brown Act stipulates that agendas be posted on the local agency’s website, if the local agency has one. The Fortuna Elementary School District and the Jacoby Creek Charter School have websites.

The Fortuna Elementary School District trustees decided, during their November 2014 meeting, to take action on an item not listed on the agenda. The Brown Act allows for action on non-agenda items if an emergency situation arises after the required posting period. The minutes of that Fortuna Elementary School District meeting affirm that the action was taken, but made neither mention of the emergency itself nor its resolution. Ensuing school board minutes include no explanation of the action. The perceived action taken at that closed session November 2014 School District meeting was to consider the termination of a local charter school. Parents of students in that charter school were concerned their views were not welcomed.

On at least one occasion, a Jacoby Creek Charter School Board of Trustee meeting was rescheduled. The new meeting time was not posted in a timely manner on their website and other mandated locations. The result of these actions led to the perception of a purposeful lack of transparency on the part of the board.

The Brown Act permits the Jacoby Creek Charter School Board to go into closed session during a public meeting, and the reason for doing so must be noted on the agenda. On several occasions the Jacoby Creek Charter School Board withdrew into closed session to receive legal advice from their Board Chair, communicated to her by their legal advisor in Sacramento. The Humboldt County Grand Jury noted that specific Jacoby Creek Charter School District open session minutes revealed little or nothing about items that were discussed in those closed sessions. It was communicated to the Humboldt County Grand Jury that this was done under the legal advice of their Sacramento

based attorney. The additional wording of topic should engender no worries of legal liability, while providing more information to the public in this current era of transparency. According to the provisions of the Brown Act open session minutes are to reflect the topic of the closed session, and the fact that there was action taken, or that no action was taken. Reporting “none”, as did the Jacoby Creek Charter School Board, following a closed session does not seem to meet Brown Act requirements. The California State Attorney General’s idea that such boards “are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge.”, is not well served with the appearance of Brown Act violations but instead contributes to creating a community climate of distrust.

The Humboldt County Office of Education does provide some Brown Act training. The Humboldt County Grand Jury was told by the Humboldt County Office of Education that Brown Act training could not be made mandatory for elected school board members. No records are kept by the Humboldt County Office of Education as to which of the many school boards within the county have had Brown Act training. The Humboldt County Office of Education does not monitor the various school boards, under its guidance and leadership, as to their adherence to the Brown Act. At any given moment during the academic year, the Humboldt County Office of Education does not know which school boards, under its supervision, have had adequate Brown Act training.

## **FINDINGS**

- F1. There is community concern as to the Jacoby Creek Charter School Board’s understanding and implementation of Brown Act provisions.
- F2. There is community concern regarding actions taken by the Fortuna Elementary School Board and that those actions might not be in full compliance with the Brown Act.
- F3. The Brown Act training provided by the Humboldt County Office of Education is inadequate to meet the needs of the many small and rural school boards existing within Humboldt County.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends that the Humboldt County Board of Education direct the Humboldt County Office of Education to review its leadership and educational roles in servicing the Brown Act Training needs of the many diverse school boards within Humboldt County. (F1, F2, F3)
- R2. The Humboldt County Grand Jury recommends that the Humboldt County Board of Education direct the Humboldt County Office of Education to find the requisite “encouragement” necessary to make sure that thorough Brown Act training is attended, adhered to and available. (F1, F2, F3)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- The Humboldt County Board of Education (R1, R2)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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## **RECUSAL**

- Art Cardoza

# HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

## SUMMARY

The mission of the Harbor District is to promote harbor use, to enhance commercial and recreational opportunities and to protect bay and tidal environments. Managing the tidelands around Humboldt Bay is a key responsibility. The Grand Jury chose to report on two areas:

- Deep harbor dredging is crucial to allow navigation by large commercial ships. The Humboldt County Grand Jury recommends the Humboldt County Board of Supervisors and the Harbor District request the Army Corps of Engineers complete dredging as soon as possible and lobby for prioritized annual funding at the state and federal level.
- Economic development continues to generate revenues to fund ongoing District programs and improvements. The Humboldt County Grand Jury recommends the Harbor District continue its efforts to pursue expanded economic development.

Problems with the Army Corps of Engineers ability to schedule deep harbor dredging in a timely manner are a great concern. Dredging was scheduled for February this year, but was delayed until late July. Over \$350,000 in losses to the local economy are due to the delay in dredging by the Army Corps of Engineers'. The Harbor District, with the assistance of PG&E funds, was able to acquire a small dredge which will be used to dredge other areas in the bay. Savings are being realized and revenue is increasing. Developing revenue options on the bay through acquiring property and docks is a work in progress. Improvements at the Woodley Island Marina and the Fields Landing Boat Yard have increased efficiency. Two sites on the Samoa Peninsula have been purchased. Leasing space is beginning to bring in revenues. The Harbor District initiated the pre-permitting process to lease 550 acres of bay property to oyster farmers to expand their operations. These properties will allow for increased opportunities for companies who want to do business on Humboldt Bay and thus raise substantial revenues for the Harbor District.

## BACKGROUND

The last time the Grand Jury reported on the Harbor District was in 2007. There has been significant activity by the Harbor District in the past couple of years.

The Humboldt Bay Harbor, Recreation, and Conservation District Act of 1970 was passed by the California legislature to create the Humboldt Bay Harbor, Recreation and Conservation District to address and manage the needs of Humboldt Bay. Humboldt County voters ratified the formation of the Harbor District in 1973.

The Harbor District is governed by elected commissioners from five divisions, representing the same boundary areas as the Humboldt County Board of Supervisors and operating under the authority of the California Harbors & Navigation Code. Funding is provided through property taxes, grants, permit fees, tideland leases, rents, and harbor surcharge fees. Grant and bond funding have been utilized in the past for harbor improvement projects.

Principal responsibilities include permit jurisdiction over all tidelands and other lands granted to the District including all of Humboldt Bay. The multiple roles of the Harbor District include oversight of: Woodley Island Marina, Fields Landing Boat Yard, Redwood Marine Terminals, Shelter Cove, port development, recreation, conservation, wildlife area management, marketing, and permitting tideland leases.

Port development projects include oversight of: dredging and disposal of dredging materials, retention and improvement of commercial fishing facilities, pilotage licensing, oil spill response coordination, erosion control, shoreline protection, and mariculture.



*View of Terminal 2 and buildings on Samoa Peninsula*

In order to secure waterfront properties in the mid-1970s, the City of Eureka decided to move fishing operations from the waterfront to allow space for other commercial interests. The marina at Woodley Island was built to house the commercial fishing fleet with limited space allowed for recreational vessels.

The Harbor District paid out \$3.1 million more than revenue realized from 2001-2012, which can be attributed to the loss of revenue from the timber and fishing industries. Changes in leadership and increases in revenue sources are changing the outlook for the future.

The Harbor District Master Plan captures input from the public and provides a mechanism for keeping track of shifts in interest with regard to the focus of the District. One objective within the plan is to pursue economic development that is attainable, innovative, and consistent with both best environmental practices and the Humboldt Bay Management Plan. It also includes general objectives to expand and promote the economic infrastructure of Humboldt Bay and to

develop opportunities for private entrepreneurship and finding appropriate and productive uses for underutilized, historic industrial lands.

The Harbor District is working with Nossamon, LLP law firm to report on compliance of the Harbor District regarding improvements at the terminals and upland acquisition with the Local Coastal Plan of the California Coastal Commission.

## **METHODOLOGY**

The Grand Jury interviewed people associated with the Harbor District and members of interested advocacy groups. The Grand Jury toured facilities and gathered documentation including annual reports, studies, presentations, and meetings.

## **DISCUSSION**

A change in leadership at the Harbor District in the last three years has contributed to many projects moving forward. Projects that are being implemented to improve the financial outlook include:

- Aquaculture pre-permitting to facilitate more oyster farm operations
- Working to schedule a deep harbor dredging by the Army Corps of Engineers
- Implementing dredging operations using the newly purchased dredge to complete other dredging in-house
- Pursuing New Market Tax Credits to improve infrastructure of buildings
- Securing leases of property at Terminal 2
- Improvements at Redwood Terminal 1
- Upgrading the floats at the Woodley Island Marina
- Spartina grass eradication
- Water trails improvements
- Continuing the aquaculture innovation center project
- Improvements at Fields Landing

A \$250,000 grant, named the Samoa Industrial Waterfront Transportation Access Plan was used to purchase right of way access to bay front properties from Highway 255. A portion of this grant, \$25,000, was designated for a rail study.

**Deep Harbor Dredging:** Regular dredging of the deep water harbor of Humboldt Bay is the key to allowing access to the bay, especially for larger ships. It is crucial to have the deep harbor as well as other areas of the bay accessible to ships and boats of all sizes. Ideally, the deep water channel must be maintained at a depth of 48 feet to accommodate vessels with deep draft. Other areas in the bay require a depth of 35-38 feet.

A feasibility study was completed in 2001 that said the harbor could attract increased cargo traffic with a deeper draft and 48 feet was the recommended depth. The safety of boaters was also cited, with the loss of lives of commercial and sport fishermen at the entrance of the Bay.

The Harbor District signed a contract in 2001, for the deepening of the channel, with the Army Corps of Engineers. The total cost was \$17 million, with the Harbor District borrowing \$4 million for its share; the City of Eureka paid \$500,000; the State of California paid \$1.5 million; and the Army Corps of Engineers paid \$11 million. The Harbor District was the local cost share sponsor of this contract, which will remain in place until either party terminates the agreement.

The Harbor District is making annual payments of \$200,000 on the debt it incurred in 2001. In 2014, the balance on this revenue bond was approximately \$2 million. In 2015 the Harbor District initiated a refunding bond that combined the deepening bond (\$2 million) with its California Boating and Waterways loan (\$1 million) for a \$3 million dollar loan with a payoff date in 2029. This action took advantage of lower interest rates as well as consolidating a long term state loan.

The Harbor District created a dredging fund using a surcharge to users of the bay. Dredging surcharge income has decreased, and the surcharge funds are sufficient for about half of the debt service. The balance of the debt payment is made up with other revenue from the Harbor District's general fund.

The Army Corps of Engineers is obligated to maintain the 48 foot depth, subject to available funding budgeted by Congress. Historically, the Army Corps' budget has been funded at about a half of what is requested from Congress to provide adequate dredging. This shortfall is detrimental to the Harbor District as the local cost share sponsor. Each year the Harbor District and the local shipping industry lobby Congress and the Army Corps of Engineers to increase funding from the Congressional Budget. This effort has averaged over \$3 million/year. The Army Corps' budget for dredging Humboldt Bay for 2015 is approximately \$4 million and \$3 million is estimated for 2016.

The shoaling in Humboldt Bay creates the need for more dredging than almost any other port in the U.S. Storms from last winter caused a large amount of shoaling deposits from the Eel River into the bay that have decreased the depth of the channel considerably. This has created a barrier for large ships to enter or leave the bay. Normally, the dredging would have been completed in February, but due to a labor dispute while its dredge was in dry dock, dredging by the Army Corps this year was delayed and began on 5/31. The result of the delay has been to deny cargo vessels access to take on commodities such as wood chips at a loss of hundreds of thousands of dollars to the local economy.

**Other Dredging Needs:** The Harbor District is also responsible for dredging other areas of the bay not serviced by the Army Corps of Engineers. In 2014, a \$2 million grant was provided by PG&E. The Harbor District purchased a cutter head dredge and flow lane. As part of the grant the Harbor District agreed to perform a one-time dredging of the Fisherman's Channel at King Salmon and repair the breakwater wall. The acquisition of its own dredge will create a way for the Harbor District to save money and take care of areas other than the main deep water channel.

Dredging will be completed beginning with the Fields Landing area once training, engine replacement and other repairs are made to the dredge. The new dredge will have one engine replaced before it will be used for additional dredging around the bay.



*Newly acquired cutter dredge*

The Harbor District is developing an analysis plan for removal and testing of sediment. There is concern about the environmental impact of dredging on the long finned smelt, a common fish in the bay that is listed as a threatened species.

## **ECONOMIC DEVELOPMENT**

The following projects enhance the economic development of Humboldt Bay:

**Redwood Terminal #1:** In September, 2004 Redwood Terminal and Berth 1 (formerly the Louisiana Pacific dock) was acquired with an additional 20 acres. Improvements to the property include dock repairs, demolition of the old warehouse, operation of an aquaponics project, and installing a crane and forklift. Some proposed options for developing the commercial interests on this property include: commercial fish processing center, gear handling and storage, cold storage, floating fuel dock, boat ramp, and dock hoist. These improvements would serve commercial customers such as oyster farmers and commercial fishermen.

A \$70,000 grant was received from the Headwaters Fund to support a pilot aquaponics project that was operated successfully this past year and shows promise. The Harbor District is seeking new tenants to continue operations.

Acquisition of the Redwood Terminal 1 & Redwood Terminal 2 properties by the Harbor District ensures Humboldt Bay has public dock space available.

**Redwood Terminal #2:** The pulp mill owned by Freshwater Tissue Company on the Samoa Peninsula ceased operating in 2008. In August, 2013 the Harbor District was able to purchase two parcels totaling 72 acres that were part of the pulp mill. This was considered an “opportunity purchase” because it was purchased at a cost of \$1 and the agreement to accept responsibility for disposal of all above ground hazardous waste. The parcel is named Redwood Terminal and Berth #2 and includes docks and buildings with 220,000 square feet of warehouse space, a sophisticated computer system, a 30 million gallon per day water treatment system and 1.5 miles of ocean outfall pipe. An additional purchase of 17 adjacent acres at the pulp mill site was completed recently to increase the tarmac and access to the site.

Additional revenue will be raised by selling pulp mill equipment, including the boiler, the turbine generator, the computer control system, and 130 other items, with a value estimated at \$1.5 million. There has been interest shown by potential buyers of the generator, recovery boiler, and computer systems, the sale of which will generate funds to assist in infrastructure improvements such as roofing and electrical upgrades.

The EPA agreed to take responsibility for removing the toxic liquors and storage tanks from the pulp mill operations. Beginning in 2011, the EPA oversaw the removal of 800 truckloads of toxic chemicals from the pulp mill operations, which was completed in 2014. A loan was obtained for \$1.2 million from Coast Seafoods to pay for the trucking of toxic materials. The final removal of the sludge is scheduled to be completed in 2015.

Clean up continues in order to ready the property for leasing to a variety of potential tenants, including removal of a shed that was in poor shape next to the warehouse space. There are plans to demolish the venting tower (stack) and remaining storage tanks.

Three aquaculture companies, Coast Seafoods, Taylor Shellfish, and Hog Island, are leasing space and expanding and installing nurseries to grow oyster seed stock at Terminal 2. Several more aquaculture companies have expressed interest as the need for oyster nursery stock has greatly increased recently due to loss of habitat in other northern California areas.

Other companies who have expressed an interest in leasing space are a large scale marijuana grower (based on marijuana becoming legal in 2016) wood pellet manufacturer, and a wood chip exporter. There have been over a dozen companies who have expressed interest, but none have completed the vetting process. A Marine Research Center idea has been suggested with a partnership with Humboldt State University and its Schatz Energy Lab.

**Fields Landing Boat Yard:** Improvements to the Fields Landing Boat Yard include renovation of a zero discharge boat wash station and installation of a new lower dock. There is interest in creating a boat yard building for marine fabrication and boat repair.

**Pre-Permitting Process:** The permitting process for farming oysters is lengthy and costly. In order to encourage more oyster companies to do business in Humboldt Bay, the Harbor District initiated the pre-permitting process for approval for 550 acres of intertidal land to be leased to oyster farmers. The District will oversee operations and monitor compliance. The expansion of oyster operations is estimated to create 55 new jobs and generate \$265,000 per year in additional revenue.

**Woodley Island Development:** Woodley Island is about 50 acres in size, with 25 acres of wildlife sanctuary and 12 acres of existing development that includes a restaurant, ships chandlery, offices, a laundry, and paved access and parking for the 237 boat slips at the marina. The marina was built as a permanent place for the commercial fishing fleet which was previously located on Eureka waterfront property. It is zoned Public/Facilities and Services and was approved with express protections for commercial fishing interests. There has been a decline in the number of fishing vessels over the years and with the seasonal nature of fishing, the percentage of fishing vessels has decreased to about 40% of occupancy at the marina.

One zoning change was approved in the 1990s would allow for a future, small restaurant on the south end of the island. The National Weather station was built on the island in October, 1994. A previous request from the Harbor District to the City of Eureka to change zoning to allow for more

commercial development was withdrawn by the Harbor District. The Harbor District has recently submitted a request to the City of Eureka for the zoning change as part of its Coastal Plan update and is proposing the City create a fishermen's rights resolution to be added to the Eureka Coastal Plan. The Harbor District is also planning on enhancing fishing services and amenities at Redwood Terminal 1.

RV parks are located near many ports along the coast. A preliminary feasibility study was completed in October, 2012. The study considered possible sites, market feasibility, functions and operations, and regulatory compliance of the project, as well as income and expenses. There are objections by fishermen and environmentalists, and there is concern about limited clearance of the Hwy. 255 underpass.

## **FINDINGS**

- F1. The delay in dredging this year by the Army Corps of Engineers has prevented access to Humboldt Bay by large commercial vessels. This has resulted in the loss of over \$350,000 to the local economy. Timely dredging to 48 feet of the deep harbor channel and turning basin is crucial for safe passage of commercial vessels.
- F2. Annual lobbying of Congress for increased, maximum funding of the Army Corps of Engineers is paramount in keeping Humboldt Bay commercially sound as well as safe.
- F3. As cost share sponsor, the Harbor District borrowed \$4 million as its share of the total \$17 million cost of the initial deepening of the harbor in 2001. The Army Corps of Engineers is obligated to annually maintain the harbor depth of 48 feet, subject to available funding. Any improvement or modernization of the bay may require the Harbor District to again be the cost share sponsor.
- F4. The Harbor District has been successful in generating new revenue streams and stabilizing finances.
- F5. The Harbor District is pursuing new and increased revenue opportunities with expanded oyster operations, increased use of Redwood Terminal 2, and other potential projects.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends the Humboldt County Board of Supervisors request the Army Corps of Engineers complete dredging to 48 feet as soon as possible. (F1)
- R2. The Humboldt County Grand Jury recommends that the Harbor District consider establishing a dedicated dredging reserve fund, accumulating money, ahead of need, with the goal of reducing the need to borrow and incur interest obligations when sponsoring future harbor dredging to augment the declining surcharge fund. (F3)
- R3. The Humboldt County Grand Jury recommends the Humboldt County Board of Supervisors lobby legislators to ensure funding for annual dredging is a priority at the state and federal levels. (F1, F2)
- R4. The Humboldt County Grand Jury recommends the Harbor District continue to pursue new revenue and economic development as a high priority. (F4, F5)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Humboldt County Board of Supervisors (R1, R3)
- Humboldt Bay Harbor, Recreation and Conservation District (R2, R4)

## **INVITED RESPONSES**

- State Senator Mike McGuire (R3)
- State Assemblyman Jim Wood (R3)
- Congressman Jared Huffman (R3)
- U.S. Senator Barbara Boxer (R3)
- U.S. Senator Dianne Feinstein (R3)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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# THE HEADWATERS FUND CHARTER

## SUMMARY

The 2014-2015 Humboldt County Grand Jury reviewed the reports published by previous Humboldt County Grand Juries. The Grand Jury discovered extensive work done by past Grand Juries focusing on the Headwaters Fund, the Headwaters Fund Board and the Headwaters Fund Charter (2009-2010, 2010-2011). The current Grand Jury decided to follow up on the work started by those past Grand Juries.

After a careful analysis of the Headwaters Fund Charter, the current Headwaters Fund investment portfolio and interviews with relevant community representatives, the Humboldt County Grand Jury comes to the following conclusions:

- The Headwaters Fund Charter clearly mandates that the Headwaters Fund Board draft a charter review every three years and the public will have an opportunity to have input in the drafting of that review. From the last paragraph of the Headwaters Fund Charter—“The public and participants in Fund activities will be given an opportunity to provide comment and participate in the drafting of the review.”

The Humboldt County Grand Jury finds no evidence to support that any such public input has ever occurred or any drafting of a charter review.

- The Headwaters Fund Charter is currently, by choice, set up to support and mandate that funds work in the community “in perpetuity.” From the Headwaters Fund Charter –“Keep the funds working in the community in perpetuity.”

The Humboldt County Grand Jury finds the current Headwaters Fund investment portfolio, managed and invested by the Humboldt County Treasurer to be inconsistent with the Charters mandated “in perpetuity.”

- Volunteers and one part time staff position currently manage the Headwaters Fund. Humboldt County governance currently restricts the Headwaters Fund investment portfolio. The Humboldt Area Foundation is a local, professionally staffed, nonprofit funding/granting organization that currently manages over 100 million dollars and is not limited by the same restrictions.

The Humboldt County Grand Jury recommends, for oversight, management and investment reasons, that the Board of Supervisors (BOS) amend the Headwaters Fund Charter to allow the transfer of their investment portfolio to the Humboldt Area Foundation.

The Humboldt County Grand Jury can find no contractual or legal reason why such a transfer could not be accomplished. The consequent increase in charter oversight, public input and less restrictive investment options would serve the citizens of Humboldt County and would truly “keep the funds working in the community in perpetuity.”

## **BACKGROUND**

While reviewing previous Grand Jury Reports for historical perspective, the present Grand Jury found a Grand Jury report on the Headwaters Fund dated 2011, which itself was a continuance of the 2009-2010 Grand Jury report on the Headwaters Fund. It was noted in the 2010-2011 report that a comprehensive review of their charter was required every three years. Recommendation H from the 2010-2011 report stated:

“The Board of Supervisors should use the Grand Jury recommendations to fulfill the requirements of the charter review and follow this by immediately preparing and maintaining a schedule of review as was originally requested.”

At their June 21, 2011 meeting, the Board of Supervisors approved a modification of this recommendation stating “This recommendation has been implemented and will continue to be implemented.” As part of their response they declared “the next comprehensive charter review will occur in 2014.”

The Grand Jury investigated to see whether or not the Headwaters Board had completed the required 2014 review. After extensive interviews the Grand Jury concluded that the Headwaters Board had not done “the next comprehensive charter review.” Based on the results of the initial assessments, the Grand Jury decided an investigation into the Headwaters Fund Charter, including the comprehensive review process, board functions, financial structure and investment strategies was warranted.

## **METHODOLOGY**

The Humboldt County Grand Jury did a review and study of the 2010-2011 Grand Jury Report titled: The Headwaters Fund: Charter versus Reality.

The Humboldt County Grand Jury interviewed past and present representatives of The Headwaters Fund Board, The Arcata Economic Development Corporation, The Redwood Regional Economic Development Commission, the Humboldt Area Foundation and the Humboldt County Treasurers Office.

The Humboldt County Grand Jury did a review and analysis of the current Headwaters Fund Charter, the current Headwaters Fund agreement with the Arcata Economic Development Corporation, the current agreement with the Redwood Regional Economic Development Commission, the current Headwaters Fund investment portfolio, and current Humboldt Area Foundation Investment Strategies.

The Humboldt County Grand Jury read and examined all published Headwaters Fund Annual Reports.

The Humboldt County Grand Jury familiarized itself with various investment strategies and portfolios, including those that protect “in perpetuity” and those that do not.

## **DISCUSSION**

**History:** The Headwaters Forest Reserve is a group of old growth coast redwood groves managed by the Bureau of Land Management (BLM) as part of the National Landscape Conservation System.

It is comprised of approximately 7,500 acres and is located six miles southeast of Eureka in the Northern California coastal forest ecoregion.

Historically, most of the reserve was owned by the now defunct Pacific Lumber Company (PALCO). Beginning in the 1920s, PALCO, a family owned business, had a positive relationship with conservationists. In 1985, Charles Hurwitz and Maxxam, Inc. purchased the company as the result of a hostile takeover. Maxxam changed long standing PALCO policies of sustained-yield logging with clear cutting to finance the debt they incurred in the junk bonds used to purchase the company. As a result of the changed logging practices, the Headwaters Forest became the site of many tree sit-ins and demonstrations. The clash between timber interests and environmentalist became known as the Timber Wars.

In the early to mid-1990s, the conflict over logging the Headwaters Forest moved through the courts, and state and federal processes. In 1996, PALCO agreed to sell the 3,000-acre Headwaters Grove and a 4,500-acre buffer for \$380 million of public funds. It was to be a joint federal/state acquisition with BLM the managing agency. In 1997, the United States Congress approved the government's share of \$250 million. The following year California approved its \$130 million portion. As part of the California authorization, \$12 million was to be provided to Humboldt County for economic assistance. The federal government supplemented the California payment with an additional \$10 million, categorized as a direct payment. Neither payment had guidelines attached to the money. In 1999 the acquisition was completed with the combined properties making up the Humboldt Forest Reserve.

Leading up to the sale, local county officials and community leaders contended that the Headwaters purchase should include an appropriation to offset local economic losses. A July 1997 Board of Supervisors (BOS) resolution supported a Memorandum of Understanding (MOU) between the County of Humboldt, the City of Eureka, the Humboldt Bay Harbor District, and Northwestern Pacific Railroad that requested a \$118 million mitigation package. The entities agreed the money should be used to construct a marine terminal, fund watershed rehabilitation, build economic development projects including the Humboldt Bay Harbor District's Capital Improvement Plan, offset lost taxes and establish retraining programs. This local effort in concert with state and congressional legislators' assistance resulted in the combined \$22 million federal and state appropriation to the county. It was less than 20 per cent of what they requested.

At the same time, local timber owners and environmental leaders met privately in search of ways to reduce conflict and build areas of agreement. A witness described the proceedings as "painful and slow." On the day the \$22 million payment to the county was announced, an advertisement appeared in the Times-Standard. The ad recommended rules for developing and governing this new influx of money to the county. The ad recommended that an open process available to all county residents should determine the use of the money; that anyone should be able to apply for the funds under clear guidelines; and that no self-interested person should be involved in determining the use of the funds. The ad's recommendations were created and signed by the timber and environmental participants present in those private meetings.

When a member of the Board of Supervisors asked the Humboldt Area Foundation (HAF) to consider managing the soon to be acquired funds, the Humboldt Area Foundation refused. The timber and environmental leaders who created the recommendations had used the HAF office to meet. HAF had designed the ad for them. HAF had also designed and assisted in the process of

inclusion for those with pronounced disagreements. At the time, HAF believed, that as a community foundation concerned with public perception, that refusal was necessary.

In late 1999, based in large part upon recommendations negotiated by the timber and environmental leaders showcased in the ad, a Board of Supervisors subcommittee recommended to the full Board that the bulk of the \$22 million be reserved for the “economic prosperity and quality of life for all Humboldt County residents.” The BOS approved the recommendation. They also approved using a small portion of the funds to offset certain Humboldt County costs related to the acquisition of Headwaters. The BOS further instructed the Community Development Services Department staff to work with citizens and organizations to develop recommendations for the long-term management and use of the funds.

In the summer of 2000, the BOS approved a plan to acquire public input. Public meetings were held at different locations in the county and over 300 people provided input at those meetings. Following that process, individual interviews were conducted with people having specific expertise or representing specific areas of interest. Also, many organizations and individuals submitted written comments. A consulting firm was hired to assist County staff in the analysis of public input and the development of fund options.

In analyzing the public input, a discussion draft of options was written and released in November 2001. Though there were many opinions expressed during the public process, several areas of consensus were noted. First, there was a near unanimous opinion that the funds should be used to improve the economy and to most that meant creating new jobs. Second, there was a strong consensus that the principal amount of the funds should be preserved to the greatest extent possible, meaning only the use of interest for funding grants. Third, there was a strong sense that the funds should be preserved for future generations. Fourth, most agreed it was better to maximize local investment of principal, through loans or other vehicles. Fifth, most believed the funds should be leveraged with other funds.

The following month a public workshop was held to present initial feedback based on the public meetings and individual interviews contained in the discussion draft. Input was gathered through the workshop to be incorporated in an Alternatives Report that would delineate the various fund options for the BOS to consider in providing direction for drafting a fund charter.

Based on the public input presented in the discussion draft and the follow-up workshop, the Alternatives Report was presented to the BOS in the spring of 2002. A range of alternatives, covering six areas, was presented to the Board. The areas were Goals, Control and Oversight, Staffing, Financial Management, Community Investment Opportunities and Name. Staff noted their recommended alternatives in each category. Of interest: under Goals, the 1997 MOU was listed but not selected; under Control and Oversight, granting the management of the funds to a foundation was listed but also not selected.

On May 6, 2002 the BOS voted to approve all staff recommended alternatives and directed them to finalize the charter consistent with those alternatives. The official name of the fund was approved – Headwaters Fund. The Headwaters Fund Charter was completed on December 2, 2002 and adopted by the Board of Supervisors on December 17, 2002.

**The Charter:** The last paragraph of the Headwaters Fund Charter that was approved by the Humboldt County Board of Supervisors on December 17, 2002 states:

“The comprehensive reviews of the Charter and Program Manuals will include an evaluation of the Fund’s effectiveness and recommendations for revisions or amendments. The public and participants in Fund activities will be given an opportunity to provide comment and participate in the drafting of the review. The review will be prepared by staff and incorporated in the annual Community Benefits Report. The report will be reviewed and approved by the Headwaters Fund Board and forwarded, with recommendations, to the Board of Supervisors.”

Although the Charter states that the Headwaters Fund Board shall draft a review, the Humboldt County Grand Jury could find no evidence of the existence of any such draft. Representatives of the Headwaters Fund Board verified that no such written documents existed. The Charter also states that the “review will be prepared by staff and incorporated in the annual Community Benefits Report.” Reading and studying the relevant annual reports, the Humboldt County Grand Jury could find no evidence that any “drafted” charter review was ever “incorporated” into an annual report.

The Charter also states that the public will be given an opportunity to provide comment and participate in the drafting of the review. The Humboldt County Grand Jury made note of the fact that the Charter mandates public participation into the drafting of a Charter review and not merely the participation in an after the fact Charter review. The Humboldt County Grand Jury could find no evidence that any such public participation ever occurred or that any plan to invite such public input ever existed.

**Perpetuity:** From a high of 20,792,475 on 6/30/09, the Headwaters Fund balance declined in four of the following five years. On 6/30/14, the ending balance was 16,543,072. That is a drop of approximately 20% in five years.

From December 17, 2002, the day on which the Humboldt County Board of Supervisors approved the newly created Headwaters Fund Charter until the writing of this Humboldt County Grand Jury report, there has only been one major change to the charter.

In February 2014, the Headwaters Fund Board (HFB) gave their annual report on the status of the Headwaters Fund for the 2012-13 fiscal year. As of 6/30/2013 the ending balance had dropped approximately \$3,300,000 in three years. The Headwaters Fund Charter states that HFB must: keep the funds working in the community in perpetuity (1.b.ii.b.) and manage the funds efficiently and cost effectively (1.b.ii.e)

In November 2012, HFB created the Headwaters Fund Board Operating Committee as an ad hoc committee to look into the financial structure of the fund. Analysis of the structure, returns and commitments of the Fund lead the Operating Committee to conclude that some changes had to be made to ensure the continuation of the mission of the Fund. They found that expected revenues from investments over time had not materialized. The reality at that time was the Fund was only earning .48% on the corpus in the Humboldt County Investment Pool. Also, the Community Investment Fund (CIF) had granted over two million dollars for large infrastructure projects over the first eight years of the CIF with no replenishment mechanism in place. There was also an unexpected lower demand for money borrowed through the eight million dollar Revolving Loan Fund (RLF). Lower demand led to lower returns.

As a result of the previously stated financial issues, the Operating Committee recommended five operational changes to the Headwaters Fund. One of the recommendations required a change to the Fund Charter. That recommendation was to allow the Humboldt County Treasurer to invest up to

ten million dollars outside the Humboldt County Investment Pool. This change was approved at the 2/25/14 Humboldt County Board of Supervisors meeting.

The Headwaters Fund Charter is currently, by choice set up to support and mandate that funds work in the community in perpetuity. The Humboldt County Treasurer is currently the de facto Headwaters Liquidity Fund and The Headwaters Investment Portfolio Fund manager.

It is the fiduciary duty of the Headwaters Investment Portfolio Fund manager to protect the real value (actual purchasing power that keeps pace with inflation) not to simply protect the nominal value (a fixed dollar amount that will lose purchasing power as inflation occurs).

In order to protect the real value, the fund manager must take a reasonable amount of risk, so that earnings over time will be sufficient to fund the causes for which the Liquidity Fund exists plus enough to add to the principal, so that the principal will keep pace with the cost-of-living index. The cost-of-living index average for the last ten years is 2.67%. The current Headwaters Fund investment portfolio for the next ten years ending on December 9th, 2024 shows a mean average return of 2.37%. The current strategy is protecting only the initial fixed dollar amount. The consequence will be over time an erosion of the funds ability to serve its original purpose.

The Headwaters Fund Charter Board has done an admirable job given the conditions and restrictions under which they have worked. The Humboldt County Grand Jury also recognizes the disciplined and restricted work of the Humboldt County Treasurer for his oversight of the Headwaters Fund Investment portfolio.

**Humboldt Area Foundation:** Humboldt Area Foundation was founded in 1972 by Vera Perrott Vietor. From an original \$2.4 million Fund balance 1972, the Humboldt Area Foundation has grown to over \$106 million in 2014.

From the Humboldt Area Foundation website:

HAF works to connect donors that invest in our community with projects in their area of interest to put local capital to work for local priorities and the public good. HAF strives to be a good partner with other organizations serving the community and help community groups locate funding that will enable them to find solutions and seize opportunities to build on this region's strengths and assets. In 40 years, nearly \$60 million dollars have been granted to support the community through the generosity of our donors. The diversity of our giving reflects the diversity of our donors and the creativity of our community.

Humboldt Area Foundation's Board is a volunteer board. Directors serve four-year terms and may serve for a maximum of three consecutive full terms of office, with a mandatory one-year hiatus following three consecutive terms of office.

Humboldt Area Foundation staff consists of an executive director and 21 employees working in four areas: Donor Services, Grantmaking, Community Strategies, and Administrative Services.

Humboldt Area Foundation has made loans and commitments to various local agencies, including the following: Open Door Clinic, Arcata Fire Department, Sequoia Zoo Foundation and the Northern California Indian Development Corporations.

Humboldt Area Foundation, even with the economic downturn of 2008-2009, has over the last ten years been able to achieve a 6.7% return on over \$90 million in investments.

## **FINDINGS**

- F1. The Headwaters Fund Charter mandates a drafting of a review, and by interpretation, a written charter review every three years. There is no evidence any such reviews were ever drafted or written.
- F2. The Headwaters Fund Charter mandates public participation in the drafting of charter reviews every three years. There is no evidence that public participation was ever a part of the drafting of a charter review.
- F3. The Headwaters Fund Charter mandates that the funds are kept working in the community in perpetuity. The current Headwaters Fund Charter investment portfolio managed by the Humboldt County Treasurer does not meet the necessary requirement of lasting in perpetuity and over time will erode the fund's ability to serve its stated purpose.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends that the Humboldt Board of Supervisors direct the Headwaters Fund Board to begin the process of drafting a full and thorough charter review. (F1)
- R2. The Humboldt County Grand Jury recommends that the Humboldt Board of Supervisors direct the Headwaters Fund Board to create and implement a plan for public input into the drafting of a charter review. (F2)
- R3. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors amend the Headwaters Fund Charter, Section 3 - Control and Oversight, to allow the Humboldt Area Foundation to manage the Headwaters Fund investment portfolio. (F3)
- R4. The Humboldt County Grand Jury recommends that the Humboldt Board of Supervisors or their appointed proxy begin the contract negotiations necessary to transfer the management and oversight of the Headwaters Fund Investment Portfolio to the Humboldt Area Foundation. (F3)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Humboldt Board of Supervisors (R1, R2, R3, R4)
- Humboldt County Treasurer (R3, R4)

## **INVITED RESPONSES**

- Humboldt Area Foundation (R3, R4)
- Headwaters Fund Board (R1, R2, R3, R4)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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## **RECUSAL**

- Lynn Harvey

# **TRANSPORTATION OF INDIGENT DETAINEES IN ACCORDANCE WITH CALIFORNIA PENAL CODE SECTION 686.5**

## **SUMMARY**

By law, each Humboldt County Grand Jury is required to visit and report on the conditions of all correctional facilities within the confines of Humboldt County. While fulfilling its mandated investigations of the Humboldt County Correctional facility the Grand Jury became aware of possible violations of California Penal Code Section 686.5.

The Grand Jury discovered there are people arrested in the outlying areas of Humboldt County, brought to The Humboldt County Correctional Facility who qualify for California Penal Code Section 686.5 mandated travel assistance, who are not being informed they have the legal right to request such assistance. The Grand Jury also discovered that the refusal to inform those that qualify for that travel assistance is the official practice of the Humboldt County Sheriff.

The Humboldt County Grand Jury recommends that Humboldt County Correctional Facility Officers, as part of the release process, inform those people, who qualify under California Penal Code 686.5, that they are eligible for transportation assistance back to the place of their arrest and that they have the legal right to ask for such assistance.

## **BACKGROUND**

The Humboldt County Sheriffs Department serves a culturally diverse and geographically expansive county. The Humboldt County Correctional Facility in Eureka, California serves as the county's only facility for the detention and incarceration of individuals accused or convicted of crimes. Recent California State mandates (A.B. 109 and Prop. 47) have only made that responsibility more difficult. The Humboldt County Correctional Facility also serves as the county's temporary holding facility for the "drunk and disorderly", with some detainees being transported to the Humboldt County Correctional Facility for that purpose from as far away as Garberville, Shelter Cove and Willow Creek.

## **METHODOLOGY**

Members of the Grand Jury familiarized themselves with Penal Code Section 686.5.

Members of the Grand Jury reviewed the 2013-2014 Grand Jury report and the Sheriff's response to that report.

Members of the Grand Jury met with Humboldt County Correctional Facility Officers to discuss policies currently in place to inform those that qualify that they could ask for transportation assistance back to the site of their arrest.

Members of the Grand Jury met with the Sheriff to review existing transportation assistance policy and whether the Humboldt County Correctional Facility was informing those qualified they had the right to request that assistance.

Members of the Grand Jury engaged in the aforementioned activities to ascertain the number of inmates that are arrested more than “25 airline” miles from the Humboldt County Correctional Facility and then transported to that facility. We also wanted to know how many inmates qualified for transportation assistance, what information is provided to those inmates upon their release, about their legal rights under California Penal Code 686.5 by Humboldt County Correctional Officers. The Grand Jury also wanted to know what the policies of the current Sheriff of Humboldt County were regarding the communication of that information to the inmates upon their release.

## **DISCUSSION**

California Penal Code Section 686.5 states: “In any case in which a person is arrested and released without trial or in which a person is arrested, tried, and acquitted, if such person is indigent and is released or acquitted at a place to which he has been transported by the arresting agency and which is more than 25 airline miles from the place of his arrest, the arresting agency shall, at his request, return or provide for return of such person to the place of his arrest.”

Humboldt County Correctional Facility Officers do not, as of the date of this report, inform those that qualify that they have the legal right to request transportation assistance. The Humboldt County Sheriff further attests that the Humboldt County Correctional Facility will not inform those that qualify for that assistance since, in his opinion, Correctional Officers are not legally mandated to do so. The Grand Jury found no evidence of any existing policy regarding how to transport those detainees that were legally qualified for transportation assistance. Furthermore, the Grand Jury found no evidence of any qualified detainees asking for transportation assistance.

The Grand Jury cannot accurately conclude how many people qualify under the guidelines of California Penal Code Section 686.5 for transportation assistance due to a number of factors. The data provided by the Sheriff and Humboldt County Correctional Officers are inconsistent as to the number of qualified individuals transported to the Humboldt County Correctional Facility from Garberville and the Willow Creek area. The actual determination of who, in fact, qualifies under California Penal Code Section 686.5 is currently under advisement. There may be disagreement about the numbers, but the fact that there are people who qualify and that they are not being told that they qualify is not open for disagreement.

The Grand Jury is appreciative of the apparent difficulties in the implementation of any transportation program that would adequately address California Penal Code Section 686.5.

The Grand Jury does however disagree with the current policy of not informing those that qualify under California Penal Code Section 686.5. Our findings conclude that the Sheriff’s practice and the Humboldt County Correctional Officers actions are evading their responsibilities to the qualified inmates and that it might not technically be considered a violation of the law, but that a reasonable person would conclude that the Sheriff was not acting in good faith by evading the issue and not informing those who qualify of their legal rights.

## **FINDINGS**

- F1. There are people arrested in the outlying areas of Humboldt County, brought to the Humboldt County Correctional Facility who qualify for California Penal Code Section 686.5 mandated travel assistance, who are not being informed they have the legal right to request such assistance.
- F2. The refusal to inform those that qualify under California Penal Code Section 686.5, that they have the legal right to ask for travel assistance is currently the deliberate practice of the Humboldt County Correctional Facility under the direction of the Humboldt County Sheriff.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends that Humboldt County Correctional Facility Officers, as part of the release process, inform those people, who qualify under California Penal Code 686.5, that they are eligible for transportation assistance back to the place of their arrest and that they have the legal right to ask for such assistance. (F1, F2)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Humboldt County Sheriff (R1)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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# HUMBOLDT COUNTY JAILS

## SUMMARY

The Grand Jury is required by law to visit and report on the condition and management of all correctional facilities in Humboldt County each year. This report is a summary of those visits and subsequent findings. All law enforcement officers are required to receive twenty four hours of Police Officer Standards and Training (POST) every two years. The Grand Jury found that both the Eureka Police Department and the Sheriff's Department Boatyard had in adequate storage to accommodate the amount of evidence and equipment needing to be stored. The Eel River Conservation Camp was found to have unsecured hazardous materials.

## BACKGROUND

Pursuant to Penal Code 919(b) the Humboldt County Grand Jury "shall inquire into the condition and management of the public prisons within the county". To meet the requirements of this code, the Humboldt Grand Jury annually makes visits to various facilities within the county to inspect these facilities and their operation. Some of the facilities are managed by agencies outside Humboldt County but have direct ties to law enforcement agencies within Humboldt County

Facilities inspected:

- Sheriff's Department
- Humboldt County Correctional Facility
- McKinleyville Sheriff's Station
- Garberville Sheriff's Station
- Humboldt County Animal Shelter
- Sheriff's Boatyard
- Sheriff's Work Alternative Program (SWAP) Woodyard
- Sheriff's Work Alternative Program (SWAP) Farm
- Humboldt County Coroner's Office
- City Police Departments
- Eureka City Police Department
- Arcata City Police Department
- Fortuna City Police Department
- Fortuna Animal Shelter
- Ferndale City Police Department

- Rio Dell City Police Department
- Humboldt County Probation Department
- Juvenile Hall
- Northern California Regional Center
- Community Corrections Resource Center
- State of California facilities located in Humboldt County
- Eel River Conservation Camp #31
- High Rock Conservation Camp #32

## **METHODOLOGY**

Grand Jury members made scheduled visits to the various law enforcement facilities in the county between September 2014 and January 2015. Reports of the visits were brought back to the Grand Jury for discussion and follow-up questions were emailed to the appropriate administrators. Follow-up visits were also scheduled as needed.

## **DISCUSSION**

**Humboldt County Correctional Facility (HCCF):** The Humboldt County Correctional Facility (HCCF) is situated in Eureka on Fifth Street. It is a newer concrete structure capable of housing 411 inmates. Most inmates are housed in open dormitories with male and female inmates housed in separate areas. Segregated housing is available for high-risk inmates such as the medically quarantined, the uncooperative, and/or violent offenders. It is the only facility in Humboldt County for the detention and incarceration of individuals either accused or convicted of crimes. The facility employs electronic control systems for the majority of operations. The modern infrastructure allows a minimal staff to manage the population while maintaining a high degree of security and safety. There seems to be adequate security when inmates need to be escorted out of the facility such as for court appearances. The officer in charge usually resolves personal problems between inmates.

The Humboldt County Grand Jury found no evidence of overcrowding due to prison realignment, a concern that was raised by the 2012-2013 Humboldt County Grand Jury. If necessary, inmates can be double-celled in the more secure wings of the facility. Overall the facilities are clean, well maintained and in good condition. Inspected areas included the cells, bathrooms, study, recreation areas, sickbay, control room, and visitor rooms.

The HCCF allows for substantial freedom of inmate movement due to the way the facility was designed. Staff is encouraged to interact with the inmates in a non-threatening manner. All movement of staff and inmates is controlled and monitored from a central command post where staff can maintain visual contact with all aspects of the facility via cameras. The sick bay is staffed 24/7 by licensed personnel with a doctor on call. In addition to exam rooms there are secure rooms to house inmates needing close medical supervision. Medications are secure, and the staff has the ability to contact personal physicians for medical information. The Humboldt County Sheriff's Department offers a number of voluntary, as well as court-mandated programs for HCCF inmates.

These programs include GED Certificate preparation and adult education courses in parenting, anger management, substance abuse, and employment skills. HCCF also offers training programs for its staff members. These programs include both in-service training sessions and training using outside resources such as those available at the College of the Redwoods. When interviewed, HCCF personnel were forthcoming and appeared to be well-versed in their areas of responsibility.

**McKinleyville Sheriff's Station:** The McKinleyville Sheriff's Station is a clean, well-maintained 1800 sq. ft. facility. It has a reception area, a large work area, locker rooms, a computer crime lab, and a small evidence room. The lockers are used to store uniforms and weapons. Stored evidence is transferred weekly to the Humboldt County Correctional Facility. The station's fenced yard is used to house 11 departmental vehicles. The station provides two deputies per shift for law enforcement services to the residents of McKinleyville, Fieldbrook, Westhaven, Orick, and all other unincorporated areas north of Arcata. The cities of Blue Lake and Trinidad have contracts with the Humboldt County Sheriff's Department for law enforcement coverage, consisting of two assigned deputies for Blue Lake and one for Trinidad. Willow Creek has two assigned resident deputies. The department is also mandated, by Public Law 280, to assist Tribal Police when needed.

**Garberville Sheriff's Station:** One sergeant and one deputy man the Garberville Sheriff's station. There is also one office person who works during the day Monday through Friday. The staff works with various municipal, county and state organizations to address emergency situations. There are three former holding cells that are no longer being used for that purpose. Detainees are transported to the Humboldt County Correctional Facility in Eureka.

**Humboldt County Animal Shelter:** The Humboldt County Animal Shelter is located in McKinleyville near the airport. It covers the unincorporated areas of the county with contracts to cover Trinidad and Blue Lake. They have a kennel capacity for 52 dogs and 50 cats. They are staffed by a supervising sergeant, three animal control officers, four full time and two part time kennel attendants, and over 100 certified volunteers. They have a \$95,000 contract with the McKinleyville Animal Care Center for animal care. For animal feed they rely on donations and a \$2,000 per month contract with The Farm Store. They have a euthanasia rate of 3%, mostly animals with severe medical issues or irresolvable temperament issues. Their adoption process includes a mandatory four-day waiting period. The shelter has a website that utilizes PetFinder and PetHarbor for those wishing to adopt an animal. They also have a Facebook page.

**Humboldt County Sheriff's Boatyard:** The Humboldt County Sheriff's Boatyard serves as a storage area for both the Humboldt County Sheriff's Department (HCSD) and the Humboldt County Sheriff's Posse (HCSP). The HCSP is a volunteer organization that assists with search and rescue operations. The HCSD stores equipment such as boats, trailers and vehicles in the boatyard. HCSD stores SWAT equipment here. The boatyard serves as storage area for maintenance supplies and equipment, an area to process and store equipment and materials confiscated during drug raids, and as an evidence storage facility. The boatyard also serves as a vehicle maintenance area. The HCSP uses the boatyard as a storage area for its vehicles and boats. Both HCSD and HCSP staff verbalized storage concerns. The HCSP has an open but covered area to store boats and vehicles but the HCSD has no such area and their boats and vehicles are stored exposed to the elements. There are several large racks donated by a lumber company for storing confiscated equipment. Weather makes much of this storage space unusable. Although the area is secure more space and buildings are needed.

**Humboldt County Sheriff's Work Alternative Program:** The Humboldt County Sheriff's Work Alternative Program (SWAP) is an alternative to incarceration. Qualified participants perform eight hours of work for one day in the Humboldt County Correctional Facility. The program's intent is to provide qualified, low-risk offenders alternatives to incarceration and to allow participants to retain or obtain employment. To qualify for this program the individual's sentence must be 180 days or less and not a sex or violent crime offense. At the time of the Humboldt County Grand Jury's inspection there were 173 people participating in the program at the woodyard. Participants work eight hours a day with two breaks and a lunch period, and are covered by Workers Compensation Insurance. There are two focuses within the SWAP program. One is the woodyard in Eureka and the other is the pig farm in Fortuna

The pig farm sits on 56 acres of land owned by the Fortuna airport. Rent is paid for by inmate work at the airport. There are several buildings, an enclosure for pigs, a garden area and a fenced off enclosure for cows. The pig farm is a self-supporting system, selling the pigs and cows for meat and the piglets to local 4H and Future Farmers of America groups. The produce goes to HCCF for meals as does the pork. All money earned goes back into the program. The program has been in existence since 1984 and has served as a model to other agencies.

The woodyard is situated in Eureka where participants cut, split, and stack firewood into cords. These cords are sold at lower-than-market prices through the Humboldt Senior Resource Center to eligible seniors on a sliding scale from \$78.00 to \$121.00 per cord.

**Humboldt County Coroner's Office:** The Coroner's Office is situated in the old General Hospital building on I Street. The staff consists of the Coroner and four deputy coroners. There is someone on call 24/7. The current staffing level makes the work unduly demanding and debilitating. Many of the autopsies are conducted by outside doctors, with the cost running about \$1500 per autopsy.

In addition to being charged with investigations into Cause of Deaths, the Coroner's Office is responsible for the personal belongings of the deceased and the disposition or auction of these items.

The physical space occupied by the department is old, with equipment dating back at least 50 years. The facility is not efficiently designed and difficult to keep clean. There is an open access between the autopsy room and the office that cannot be closed and presents an environmental hazard to anyone working in the office. There is a noted lack of safe storage. The department does not have a private space to talk to families of the deceased. There is a room, seldom used by Social Services that would be adequate for this purpose.

Approximately a month after the Grand Jury's visit was made, the Coroner announced his retirement and made a recommendation that the Coroner's Office be placed under the control of the Humboldt County Sheriff's Department. In his press conference, he stated that with the budget cuts his office was having a difficult time completing tasks in a timely and efficient manner. Overtime was also an issue as was the need for more deputies. The Humboldt County Board of Supervisors subsequently voted to approve the Coroner's recommendation.

**Eureka Police Department:** Two visits were made to the Eureka Police Department (EPD) which included offices, communication center, weapons' lockers, exercise room, evidence storage area, and the enclosed vehicle yard. At the time of the visits there were 50 full-time officers out of a 54-officer allotment. Officers work four ten-hour shifts per week. The EPD has 22 marked police cars and several motorcycles. The building, although showing signs of wear, is well maintained. The

communication and dispatch equipment is sophisticated. There is trained computer communications/network staff as well as a contracted expert employed to maintain and upgrade the equipment. Two EPD officers have recently been promoted and given specific geographic responsibilities to oversee. Funding sources for the department are varied. Some sources are grants, asset forfeiture (none of which can be used for salaries), city state, and federal funds. In addition to the on-going state-mandated training, there are multiple levels of training for the officers. The mandated training includes weapons qualification, first aid, domestic violence and racial discrimination training, as well as critical incidence training and dealing with the mentally challenged. No weapons are used by EPD officers without prior training and practice. There is also leadership training courses available lasting 18 months to two years depending on the career path chosen by each officer. Some POST (Police Officer Standards and Training) is available.

The EPD responded to three SWAT calls in 2014 to assist the Sheriff's department. All calls were outside of the city limits. The EPD states that SWAT is only one of the tools available to the Incident Commander and should only be used as a last resort. They do have a Mine Resistant Armored Personnel Carrier that has never been used and is kept in storage. The amount of evidence and the length of time the evidence is stored in the EPD facility is of concern to the staff. In the main storage room there is evidence from 1947. The weapons are stored in a separate room that is also filled to capacity. There is evidence stored in former temporary holding cells. There is also marijuana evidence that is stored and it creates an odor throughout the building.

**Arcata Police Department:** The Arcata Police Department is located adjacent to city hall. The facility includes a reception area, several offices, an evidence room, locker room, conference room, and one holding cell that is never used. Department vehicles are parked in an adjoining lot that is shared with the library. At the time of the visit in September, the staff included 27 officers out of a 28-officer allotment. The Arcata Police Department has a support staff of seven employees which includes a Youth/Family Counselor. They have 25 volunteers who function as data/vacation clerks. They function on 12 hour shifts with a minimum of a dispatcher, two officers and a watch commander on each shift. They have an emphasis on Plaza coverage at midday and on Thursdays through Saturdays from 4:00 P.M. to 10:00 P.M. There is also a park ranger who patrols the Arcata Marsh and the Arcata Community Forest. Officers receive scheduled POST training, rapid response training, perishable skills training, and defensive tactics training. The department holds monthly liaison meetings with Humboldt State University, and the Arcata Fire Department.

**Fortuna Police Department:** The Fortuna Police Department has two rooms that were used as holding cells, but are now used as an evidence processing room and an armory. If a person arrested cannot be immediately transported to the Humboldt County Correctional Facility, they have a secure holding area. All Fortuna Police Officers receive scheduled POST training. In addition, all but two officers, have had Children in Crisis training. The department is planning on building a new facility but will continue transporting detainees to the Humboldt County Correctional Facility. The department has reciprocal agreements with other local law enforcement agencies when additional assistance is needed.

**Fortuna Animal Shelter:** The Fortuna Animal Shelter holds animals found in the Fortuna, Ferndale and Rio Dell area. The shelter is a clean well-cared for facility with cages cleaned and animals fed daily. A local veterinarian is used for spay and neutering services. If the animal's owner is not found the animals are moved to the Humboldt County Animal Shelter in McKinleyville. Feral cats are placed with local farmers.

**Ferndale Police Department:** The Ferndale Police Department consists of five officers and one police chief. All officers reside in Ferndale. All officers receive training on a scheduled basis including Children in Crisis training. All officers are equipped with digital video cameras. As all 911 calls go to Fortuna, Ferndale officers are dispatched by the Fortuna Police Department. There is a reciprocal agreement with local law enforcement agencies when additional assistance is needed. The facility is clean, friendly and well organized with no holding cell. Detainees are transported to the Humboldt County Correction Facility. A former holding cell now serves as a space for processing and securing evidence. They also have a secure space for storing firearms and riot equipment.

**Rio Dell Police Department:** Five officers staff the Rio Dell Police Department. Each officer carries a cell phone and is dispatched from the Fortuna Police Department. All five officers are current with POST training requirements and all reside in Rio Dell. The facility is clean and well maintained with no holding cell. Detainees are transported to the Humboldt County Correctional Facility. There are reciprocal agreements with other local law enforcement agencies.

**Juvenile Hall:** Juvenile Hall was built in 1968 and is well maintained but showing signs of age. A new facility, being built behind the existing one, is currently scheduled to be opened in January 2017 with the outside recreational space to be completed by March 2017. Juvenile Hall has 16 regular Juvenile Correctional Officers (JCOs). By law cameras cannot be substituted for direct visual contact with juveniles, so all cells are equipped with windows.

The average daily population, during the last three years, has been approximately 18 juveniles. The population has declined in recent years. One of the reasons given for this decrease is that there are currently fewer children living in Humboldt County. A juvenile could be detained for a few hours or a few years. There are only four or five foster homes in Humboldt County willing to take wards of the court and they generally will only take one youth at a time. Often more homes are needed, so it is not uncommon to place juveniles into foster homes outside Humboldt County. The goal, however, is to keep children in Humboldt County rather than to place them in group homes out of the county. Juvenile Hall seldom admits juveniles younger than 13 years of age and when admitted it is rare that they stay more than a couple of days. A County Mental Health clinician checks on juveniles every day. There is a nurse on staff employed by the County Forensic Medical Group, an organization that specializes in bringing health care to inmates. The County Forensic Medical Group provides the only privatized service in Juvenile Hall. The Humboldt County Office of Education (HCOE) provides instruction.

In addition to the cells and an admission area, there is a classroom, a control room, a large recreation room, a kitchen that also services the Northern California Regional Center, an outdoor recreational area, and administrative offices.

**Northern California Regional Center:** The Northern California Regional Center (New Horizons Program) is a fairly new facility that houses juveniles who have a serious criminal history and/or mental health issues. The average stay is 4 ½ to 6 months.

The facility is brighter and more spacious and the cells are less dismal than those in Juvenile Hall. Half of the population is from outside Humboldt County and is a source of revenue from the referring counties. There are spaces for counseling, visiting and recreation. In addition to the inmate's cells, the facility includes a day room, laundry, classroom, and nurse's office. There is also an outdoor recreational area. The New Horizons Program clinicians provide three Aggression Replacement Training (ART) groups and two substance abuse groups each week. Juveniles also

receive at least one hour of individual therapy per week and all youth receive weekly family counseling.

Instruction is provided via independent studies due to the varied ages and stages of development of the juveniles. The classroom is well equipped with laptop and desktop computers, desks, and white boards. Humboldt County Mental Health evaluates the New Horizons Program and files quarterly reports.

**Humboldt County Community Corrections Resource Center:** As part of the county's probation department, the County Corrections Resource Center is in direct response to Assembly Bill 109 (AB 109). AB109 was passed by the California legislature in 2011 in response to the US Supreme Court order that California cut its prison population. Also known as "prison alignment", the bill dramatically shifted responsibility from the state to the counties for tens of thousands of low-risk offenders. In addition to this shift, AB 109 provides state funding to the counties to invest in alternatives to incarceration, including out-of-custody rehabilitative treatment programs. The Community Corrections Partnership, a group that includes representatives from the district attorney's office, sheriff's office, police departments, county mental health, and probation staff, oversees distribution of these funds to the various agencies involved. The staff at the Community Corrections Resource Center is tasked with out-of-jail supervision of those split sentences (jail time and supervised time) as well as pre-trial assessment, pre-trial releases, and pre-trial supervision.

The Ohio risk assessment is the primary tool when assessing someone for inclusion in the pre-trial program. Inmates who are booked on serious/violent offenses (PC 667.5), have a detainer, are on parole, or refuse the assessment interview, are not recommended in the pre-trial program. The jail has one officer conducting assessments for pre-trial release participation. The program is new and evolving.

Some of the services available through the Humboldt County Community Corrections Resource Center include: nurses and doctors, probation supervision staff, mental health clinicians, navigators to assist with housing and medical insurance, and jobs counselors.

The Humboldt County Community Corrections Resource Center is in a converted office building and the space is inadequate for the various services it is mandated to provide.

**High Rock and Eel River Conservation Camps:** The Eel River Conservation Camp and the High Rock Conservation Camp are two separate camps operated by the California Department of Corrections and Rehabilitation. They are situated north of the Garberville/Redway area. The High Rock Camp has a capacity for 110 inmates. Younger men are trained to be firefighters. In addition to living quarters there is a wood shop, a repair shop, and a saw mill. Equipment and buildings are kept clean, in good repair and meet safety standards.

The Eel River Camp has a capacity for 120 inmates but during fire season, when necessary, can accommodate up to 1000 persons. The camp is well maintained. Structures include a greenhouse that supplies inmates from both camps with in-season fresh vegetables, a warehouse that is used for storing supplies that are used during firefighting season and a sawmill that is used to produce lumber that is used for maintenance and repair. Inmates use some of the wood to make rocking horses, which are donated to schools for fund raising purposes. The buildings are clean and in good repair. It was noted that the cleaning supplies necessary for maintenance are stored in the warehouse but not locked up. Anyone has access to these potentially hazardous materials.

## **FINDINGS**

- F1. There are unsecured hazardous materials at the Eel River Conservation Camp.
- F2. The Eureka Police Department storage facilities are inadequate to accommodate the amount and type of evidence needing to be stored.
- F3. The Humboldt County Sheriff's Department Boatyard storage facilities are inadequate to accommodate the amount and type of equipment and evidence needing to be stored.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends securing the hazardous materials at the Eel River Conservation Camp. (F1)
- R2. The Humboldt County Grand Jury recommends the relocation of evidence at the Eureka Police Department facility to a larger, more secure facility to make available much needed space for staff and day-to-day operations. (F2)
- R3. The Humboldt County Grand Jury recommends the Humboldt County Sheriff's Department Boatyard provide weather-secured storage access for perishable equipment. (F3)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Humboldt County Sheriff's Department (R3).
- Eureka Police Department (R2).

## **INVITED RESPONSES**

The Humboldt County Grand Jury invites the following to respond:

- The California State Department of Corrections (R1).

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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# **EFFECTS OF ASSEMBLY BILL 109 AND PROPOSITION 47 ON THE PROBATION DEPARTMENT**

## **SUMMARY**

Two recent California laws, Assembly Bill 109 and Proposition 47 have had a profound effect on law enforcement and corrections programs in Humboldt County, especially the Humboldt County Probation Department.

Assembly Bill 109, the Public Safety Realignment Act, was passed into law and took effect October 1, 2011. The law was a result of a U.S. Supreme Court order to decrease overcrowding in California's prisons. AB109 allows non-violent, non-serious, and non-sex offenders to serve their sentences in the county jail and in community corrections programs instead of state prisons, thus downsizing prison populations by transferring lower-level offenders from state prisons to county correctional systems, thereby lowering costs, and reducing recidivism.

AB109 requires the Community Corrections Partnership (CCP), established in 2009 under SB678, to implement a Community Corrections Plan. The Chief Probation Officer is the designated chair of the CCP. The law stipulates heads of specified departments within Health and Human Services (social services, mental health, employment and alcohol and substance abuse programs) shall be members of the CCP as a whole. The executive director of the Humboldt County Department of Health and Human Services is currently the sole representative from that division to the Humboldt County CCP.

The Humboldt County Grand Jury finds that the collaboration and problem solving capacities of the Community Corrections Partnership committee would be better served if the Humboldt County Board of Supervisors included in the CCP's membership the individual heads of Mental Health, Social Services, Alcohol and Other Drug Programs, and the Employment Training Program.

In Humboldt County, the Community Corrections Resource Center (CCRC) was created as a collaborative effort of the Probation Department and the Departments of the Health and Human Services Division. This is a one stop center with support and services work to get people back on their feet and integrated back into the community. Many of these services include strict client/service provider confidentiality.

The Humboldt County Grand Jury finds that the CCRC does not have the appropriate space to meet its mandated programmatic needs, and encourages the Humboldt County Board of Supervisors to expedite the necessary remodeling of the center.

The CCRC is not fully staffed by either the Probation Department or the Department of Health and Human Services. This understaffing is detrimental to the successful implementation of its mandated programs. Due to ongoing budget cuts, the Probation Department is also experiencing 22 frozen, unfunded positions. Both AB109 and Proposition 47 have placed increased demands on the Humboldt County Probation Department.

The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors approve the proposed Measure Z funding of \$607,000 necessary to hire six new probation officers.

California Proposition 47, known as the Safe Neighborhoods and Schools Act, was approved and took effect in November 2014. The act reclassifies certain drug and theft crimes of less than \$950 from felonies to misdemeanors. It also allows for the resentencing of anyone currently serving a prison sentence for any of the offenses that the initiative reduces to misdemeanors. The resentencing allowed under Proposition 47 has significantly impacted the work of the Humboldt County Probation Department.

In 2014, 30 probationers removed and discarded GPS monitoring devices at an approximate cost of \$30,000 to the county. The previous Humboldt County District Attorney did not prosecute those offenders. The Humboldt County Grand Jury recommends that the current Humboldt County District Attorney enforce existing laws that prohibit the removal and discarding of GPS monitoring devices.

The goal of both AB109 and Proposition 47 is to make smarter use of California criminal justice and incarceration resources. It remains to be seen if funding from the State of California will be enough to effectively implement the programs needed to make a difference. The Humboldt County Grand Jury finds the Humboldt County Probation Department has provided sound leadership in the implementation of AB109 and Proposition 47 requirements.

## **BACKGROUND**

The 2005-2006 Humboldt County Grand Jury released a report on the Humboldt County Probation Department. Since that time, AB109 and Proposition 47 have made significant changes to the correctional system. The 2014-2015 Humboldt County Grand Jury investigated the Humboldt County Probation Department and how it is currently functioning under the new laws.

The mission statement of the Humboldt County Probation Department states that its goals are to, “reduce the impact of crime in our community through investigation, prevention, supervision, collaboration, detention, and victim restitution”.

**Assembly Bill 109:** AB109, the Public Safety Realignment Act, is a California law that was passed in October, 2011. Humboldt County, led by the Humboldt County Probation Department, has implemented programs to comply with the provisions of AB109.

AB 109 was passed in response to a U.S. Supreme Court order to reduce overcrowding in California state prisons. Under realignment, newly convicted, lower-level offenders without current or prior serious or violent offenses serve their sentences in county correctional facilities instead of state prisons. The Humboldt County Probation Department collaborated with programs from the Department of Health and Human Services to create the Community Corrections Resource Center, a one-stop service center to offer support and rehabilitation programs.

According to a press release from Governor Edmund G. Brown, Jr.:

For too long, the state’s prison system has been a revolving door for lower-level offenders and parole violators who are released within months - often before they are even transferred out of a reception center. Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision.

AB109 is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB 118 and SB 89. The latter provided revenue to counties for local public safety programs and the former established the Local Revenue Fund for counties to receive the revenues and appropriate funding for 2011 Public Safety Realignment.

In November, 2012, California voters approved Proposition 30, which created a constitutional amendment that protected ongoing funding to the counties for realignment. The amendment prohibits the Legislature from reducing or removing funding to the counties.

**Proposition 47:** Proposition 47 is the ballot initiative passed by California voters on November 4, 2014, that reduces certain drug possession felonies to misdemeanors. It also requires misdemeanor sentencing for petty theft, receiving stolen property and forging/writing bad checks when the amount involved is \$950 or less. The number of people incarcerated in the Humboldt County Correctional Facility has been reduced as inmates petition the court to request reduced sentences based on the provisions of Proposition 47. The Humboldt County Probation Department, Public Defender's Office, District Attorney and Sheriff's Department have all made changes to their operations based on the new requirements of Proposition 47.

The California Legislative Analyst's Office estimates that as a result of Proposition 47 there will be 40,000 fewer charges filed each year leading to potential incarceration. This, they estimate, will result in the state saving several hundreds of millions of dollars. The proposed reduction in sentences, under Proposition 47, will also reduce the amount of time prisoners spend in community supervision, thereby reducing the need for the costly resources of that supervision. It is unclear if the calculations made by the State of California will lead to enough local funds for Humboldt County to cover the increased costs of local policing, mental health, and drug abuse treatment services for those with reduced sentences as required by Proposition 47.

## **METHODOLOGY**

The Humboldt County Grand Jury examined the provisions of SB678, AB109 and Proposition 47. The Humboldt County Grand Jury conducted interviews with staff members from the Humboldt County Probation Department, Public Defender's Office, and the Department of Health and Human Services. The Humboldt County Grand Jury attended meetings of the Community Corrections Partnership Executive Committee. The Humboldt County Grand Jury gathered information from the Humboldt County Probation Department website, reports by the California Department of Corrections and Rehabilitation, reports by other California Grand Juries, and from other law enforcement professionals.

## **DISCUSSION**

The Humboldt County Probation Department budget has been cut by hundreds of thousands of dollars in recent years and the department has been using its reserve funds to partially offset these cuts. The Probation Department has 22 frozen, unfunded positions. This understaffing increases workloads for staff and challenges their ability to provide adequate supervision of offenders. The Probation Department has applied for \$607,000 from Measure Z funding in order to restore six probation officer positions. This would allow proper risk-based supervision of moderate- and high-risk offenders and would create caseload sizes that are necessary to properly perform the interventions that are proven to reduce the likelihood of re-offense.

AB109 requires each county to develop a Community Corrections Plan to address the local impacts of this legislation. Humboldt County's plan includes the implementation of a Community Corrections Resource Center as a one-stop shop to provide services and support to qualified offenders. The program provides correctional supervision, substance abuse and mental health assessment and treatment, vocational services, and other community-based services. The intent of this program is to reduce barriers to accessing needed services in order to reduce an offender's likelihood of committing new offenses, thereby increasing public safety.

**The Community Corrections Resource Center (CCRC):** Within the CCRC, probation officers are part of a collaborative effort with the Humboldt County Department of Health and Human Services and community based organizations to provide services intended to reduce recidivism. Programs are chosen based on their proven effectiveness.

Staff from the Humboldt County Departments of Mental Health, Social Services, Alcohol and Other Drug, and Employment Training, collaborate with Probation staff in developing appropriate services and treatment options. Currently, both the Department of Health and Human Services and the Humboldt County Probation Department are understaffed within the CCRC. Treatment programs include: group therapy, community service, substance abuse counseling, residential detoxification and rehabilitation programs, mental health counseling, health referrals, vocational counseling, and housing referrals. Recruitment and retention of staff is an ongoing problem.

Currently, there are about 400 people participating in the realignment programs. The rate of completion in the program is high, estimated at 90%.

The offices of the CCRC have limited work space. This creates issues of confidentiality and impacts the ability of staff to perform their work. The Probation Department has submitted a proposal for remodeling the CCRC building.

In 2014, Humboldt County received \$4,294,730 to implement AB109 mandated programs. The Community Corrections Partnership, chaired by the Chief Probation Officer, proposes the budget and membership of the CCP to the Humboldt County Board of Supervisors for approval. Funding is divided among the Sheriff's Department, Department of Health and Human Services, Revenue Recovery Division, and the Probation Department. Most of the funding supports staffing for the programs, with the Probation Department receiving \$1,744,000 and the Department of Health and Human Services receiving \$1,320,086. It remains unclear if there is adequate funding to provide the necessary services and programs under AB109.

**The Community Corrections Partnership:** Senate Bill 678 (2009) established the Community Corrections Partnership (CCP) as an advisory body to probation departments developing and implementing evidence-based practices to improve probation outcomes and reduce impacts on prisons.

AB109 created the seven-member CCP Executive Committee as defined in Penal Code Section 1230.1. The CCP Executive Committee is charged with making recommendations to the Humboldt County Board of Supervisors about the local Community Corrections Plan, and overseeing and managing the implementation of the board-approved plans. The CCP committee and the CCP Executive Committee are chaired by the Chief Probation Officer (CPO).

The law stipulates that in addition to the CPO, the CCP Executive Committee shall consist of representatives from the county Superior Court, the District Attorney's Office, the Public Defender's Office, the Sheriff's Office, a Chief of Police, and at least one representative from Health and Human Services.

The Community Corrections Partnership committee as a whole is comprised of the members of the Executive Committee plus a county supervisor or the Chief Administrative Officer, the head of the county Office of Education, the heads of the departments of social services, mental health, employment, and alcohol and substance abuse programs. The committee also includes a representative from a community-based rehabilitation organization and an individual who represents the interests of victims.

The Board of Supervisors approves membership of the CCP committees. The Board of Supervisors approved the Director of Health and Human Services to represent the four different department heads listed in California Penal Code Section 1230 who should be members of the CCP. Penal Code section 1230(b) lists social services, mental health, employment, and alcohol and substance abuse programs separately for membership in the CCP, but in Humboldt County they are not individually represented.

**Post-Release Community Supervision:** Some released prisoners are fitted with GPS monitoring devices valued at \$1,000 each. It was reported that in 2014, 30 of these devices were removed and discarded and cost Humboldt County \$30,000.

**Proposition 47:** No one is automatically released from state prison because of Proposition 47. The new law allows people who are already serving a felony conviction for specified offenses to petition the court for resentencing. In addition, Proposition 47 allows a person who has completed his/her sentence for the specified offenses to file an application before the trial court to have the felony conviction reduced to a misdemeanor.

The increased services are designed by Proposition 47 to keep offenders out of prison and jail, resulting in future additional savings to the state and counties. The annual savings from the proposition that go to the state are to be annually transferred from the general fund into a new state fund that would be divided as follows:

- 25% for grants aimed at truancy and drop out among K-12 students in public schools
- 10% for victim services grants
- 65% to support mental health and drug abuse treatment services that are designed to help keep individuals out of jail

It is unknown if funds that Humboldt County receives from Proposition 47 will be adequate to fully implement the programs and services required by the law. The state funds from their annual savings will not be available for another year.

## **FINDINGS**

- F1. Due to budget restrictions, the Humboldt County Probation Department is unable to fill the necessary positions required to implement the services mandated by AB109 and Proposition 47.

- F2. The Humboldt County Community Corrections Resource Center is not fully staffed by either the Humboldt County Probation Department or the Humboldt County Department of Health and Human Services. This understaffing is detrimental to the successful functioning of its programs.
- F3. The Humboldt County Community Corrections Resource Center does not have adequate and appropriate space to meet its programmatic needs. Space is needed to accommodate all the services under one roof and to provide confidentiality for group and individual meetings.
- F4. Offenders have not been prosecuted for improperly removing and discarding GPS monitoring devices at an approximate cost of \$1,000 each.
- F5. Having the Humboldt County Director of Health and Human as the only member of the Community Corrections Partnership to represent that department creates barriers to effective collaboration among staff from Social Services, Mental Health, Alcohol and Other Drug Programs, and Employment Training.
- F6. The Humboldt County Probation Department has provided sound leadership in the implementation of AB109 and Proposition 47 requirements.

## **RECOMMENDATIONS**

- R1. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors approve Measure Z funding on an annual basis necessary to hire and retain six new probation officers. (F1, F2)
- R2. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors direct the Humboldt County Department of Human Resources to review its hiring and recruitment procedures with an objective of increasing retention of probation and substance abuse counseling staff. (F2)
- R3. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors expedite the remodeling project for the Community Corrections Resource Center. (F3)
- R4. The Humboldt County Grand Jury recommends that any future grant applications for the expansion of the Humboldt County Correctional Facility include adequate space for the Community Corrections Resource Center. (F3)
- R5. The Humboldt County Grand Jury recommends that the Humboldt County District Attorney prosecute violations of existing laws that prohibit the removal and discarding of GPS monitoring devices. (F4)
- R6. The Humboldt County Grand Jury recommends that the Humboldt County Board of Supervisors appoint the individual heads of Mental Health, Social Services, Alcohol and Other Drug Programs, and Employment Training Program to the Community Corrections Partnership committee as a whole. (F5)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals –

- The Humboldt County Director of Health and Human Services (R2, R6)
- The Humboldt County Director of Probation Department (R1, R4, R5, R6)
- The Humboldt County Director of Human Resources (R2)
- The Humboldt County Sheriff (R4)
- The Humboldt County District Attorney (R5)

From the following governing bodies –

- The Humboldt County Board of Supervisors (R1, R2, R3, R4, R6)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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## **BIBLIOGRAPHY**

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