




# TRINITY COUNTY

Board of Supervisors

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TO: The Honorable Elizabeth Johnson  
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors 

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Development and Environment Committee Final Report  
RE: 2014-2015-001 Environmental Impacts Related to Marijuana Grows and  
Law and Code Enforcement Problems Related to Marijuana Grows

DATE: September 15, 2015

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The Grand Jury Development and Environment Committee has requested a written response to their final report on the Environmental Impacts Related to Marijuana Grows and Law and Code Enforcement Problems Related to Marijuana Grows. The Board of Supervisors' response is as follows:

**Finding #1:** The GJ finds that there is no oversight entity specifically involved to provide a plan for MJ controls and develop ordinances to limit adverse environmental effects

**Response:** *I agree with this finding.*

**Recommendation #1:** The GJ recommends that the County form an interagency task force (including State, Federal, and local citizens) to provide a plan for MJ controls and develop ordinances to limit adverse environmental effects. [July 2015]

**Response:** *Requires further analysis. This will take some time to build a task force with the appropriate persons representing the appropriate stakeholders.*

**Finding #2:** The GJ finds that there is no specific Trinity County permit for medical MJ cultivation which might encourage compliance with SB 420 Cultivation Guidelines and County Code 8.55 (June 2012) that limit MJ grows to no more than eight plants (or 400 square feet) for parcels of 10 acres or greater.

**Response:** *I agree with this finding.*

KEITH GROVES  
DISTRICT 1

JUDY MORRIS  
DISTRICT 2

KARL FISHER  
DISTRICT 3

BILL BURTON  
DISTRICT 4

JOHN FENLEY  
DISTRICT 5

**Recommendation #2:** The GJ recommends that the County prepare for changes in MJ laws which may allow for issuance of a permit specific to MJ cultivation. It would not be appropriate to issue a permit at this time (Mendocino County tried this and it met with much resistance since Federal laws currently classify MJ as an illegal drug). [by the Task Force, September 2016]

**Response:** *Has been implemented. BOS members are in discussion with various stakeholders. Supervisors Groves and Fisher are working on recommendations for the Planning Commission to consider in a review of the draft aggregate grow ordinance and will be bringing this to the BOS for action soon. The Planning Commission and the BOS have, in the past, felt that it best for the County to leave the "Medical MJ issue" to the State and for Trinity County to enforce through land use codes only, as these codes are typically upheld in court.*

**Finding #3:** There is no "aggregate grow" allowance which would permit MJ gardens to have excessive plants beyond the numbers specified in Ordinance 315-797.

**Response:** *I agree.*

**Recommendation #3:** The GJ recommends that the County continue with Ordinance 315-797 and not adopt the aggregate grow ordinance as approved by the Planning Commission on July 12, 2012. Trinity County is a rural community where virtually anyone can find a plot or caregiver to grow the needed MJ. Allowing aggregate grows may lead to further proliferation of large MJ cultivations for black market profits. [No action needed]

**Response:** *Requires further analysis. A limited number of aggregate grows, in areas of the County that would not interface with residential areas would allow the County to collect administrative fees that would pay for MJ enforcement by the Sheriff's Office and MJ code enforcement in the Planning/Building department.*

**Finding #4:** Trinity County Ordinance 315-797 is enforced primarily following a complaint received by the Planning Department – it is a "complaint-driven" enforcement, not an "awareness-driven" enforcement.

**Response:** *I agree with this finding.*

**Recommendation #4:** The GJ recommends that the County enforce Ordinance 315-797. Secure the necessary funding & staffing (using staff available as identified in Table 1) as soon as possible. Non-compliance with the Ordinance may be a "civil" offense; MJ cultivation involving hundreds or thousands of plants may be a "criminal" offense. IN either case, offenses that are "tolerated" are a detriment to the County environment and a law-abiding society. [July 2015]

**Response:** *Will be implemented. The BOS has directed staff to find funding to put more boots on the ground particularly during the MJ season. The S/O has been enforcing criminal offenses of large grows within the funding constraints of that department and the DA's department.*

**Finding #5:** Environmental effects resulting from MJ grows are rarely monitored. Only MJ sites that have actual permits or permit applications for related activities are visited. (Violations for use of Recreational Vehicles, water impacts, building, sewage, dumping, roads, etc. are noticed randomly as County inspectors visit the sites).

**Response:** *I agree.*

**Recommendation #5:** The GJ recommends that the County establish a formal registration system of growers identifying legal owners, APN of parcel, and evidence of Proposition 215 and SB 420 compliance. Environmental effects would be monitored by County Environmental Health and necessary mitigation measures to prevent adverse impacts would be implemented. [July 2015]

**Response:** *Requires further analysis. As described in response to recommendation #2. This system would allow for environmental issues to be monitored and enforced. The MJ grows that conform to 315-797 would be of no more environmental impact than the normal home vegetable garden.*

**Finding #6:** There is no monitoring on groundwater effects or depletion as the result of a larger increase in wells for MJ cultivation within any area. The CA State Regulations rule water resources within all CA counties. No “sensitive aquifers” are identified within Trinity County which might limit the proliferation of water wells.

**Response:** *I agree in part. The State Regulations do not apply to our private water wells.*

**Recommendation #6:** The GJ recommends that the County proactively work with the CA State water regulators to evaluate the sensitivity of Trinity County water resources. The importance of eliminating adverse impacts to groundwater, rivers, streams, anadromous fisheries, and lakes cannot be overstated. [Ongoing, beginning July 2015]

**Response:** *Requires further analysis. There have been and are continuing discussions with staff to look at water well permits as a way to acquire funding to support studies of the County’s many aquifers. The County’s major surface water uses are through the two largest water districts*

**Finding #7:** The impacts to wildlife from pesticide use in the vicinity of MJ grows are not monitored.

**Response:** *I agree in part. There is some monitoring by CA Fish and Wildlife.*

**Recommendation #7:** The GJ recommends that the County develop a reporting system to notify the US Fish and Wildlife Service and CA Dept. of Fish and Wildlife of the locations of known MJ cultivation sites so that monitoring of non-target poisonings to wildlife can be initiated. County employees would provide this information while retaining anonymity. [August 2015]

**Response:** *Will be implemented.*

**Finding #8:** There is no “camping ordinance” (as of the writing of this in April 2015) to control the occasional public nuisance resulting from transients (including transient laborers sometimes called “trimmigrants”) who often work in the MJ industry. In some areas, a “Fishing Access Ordinance” is the only regulation which authorizes County officials to move campers out of public areas.

**Response:** *I agree with this finding.*

**Recommendation #8:** The GJ recommends that the County draft and adopt an ordinance which specifies all areas where camping is not allowed. The ordinance would include enforcement and penalty guidelines. [August 2015]

**Response:** *Has been implemented.*

**Finding #9:** There is no County ordinance to control clearing the vegetation from parcels of land for large MJ cultivations – the only regulations are from CALFIRE for timber-related operations.

**Response:** *I agree with this finding.*

**Recommendation #9:** The GJ recommends that the County adopt a grading and land management ordinance so that unacceptable impacts to soil water resources can be avoided. Coordinate the development of the ordinance with CALFIRE, Soil Conservation Service, and State Water Quality Control Board. [September 2015]

**Response:** *Requires further analysis. There is currently the need to find funding to complete such an ordinance and bring it to the BOS.*

**Finding #10:** Tracking of code violations from Notice of Violation through resolution is inadequate, allowing violations to remain unresolved in the complexity of the statutory process.

**Response:** *I Agree in part. There are violations that have moved through the system and ended in the collection of fines. There also have been some voluntary abatement of MJ as a result of the system that is in place.*

**Recommendation #10:** The GJ recommends that the County review existing computer software programs and/or develop a software program to track all phases of code violations. The intent is to resolve violations swiftly. (There were 72 violations of Ordinance 315-797 cited from 2012 to 2014; to date, none have been resolved). [July 2015]

**Response:** *Will be implemented. The BOS is currently in the process of reviewing the system.*

**Finding #11:** Visitors to Trinity County have experienced undesirable impacts to the natural resource environment, threatening encounters with defensive growers, and a lower

quality downtown environment which may be exacerbated by the participants in the cannabis industry.

**Response:** *I agree with this finding*

**Recommendation #11:** The GJ recommends that the County develop a “complaint system” whereby local citizens and County visitors can easily report areas of undesirable impacts and/or unpleasant encounters. Follow-up by the appropriate County personnel would be needed to resolve these matters. (A Complaint Form titled “Trinity County Grand Jury Complaint Form B” has been developed and is included in the Appendix of this report). [August 2015]

**Response:** *Has been implemented. There is a complaint form that can be used to file a complaint. This form could be made more user friendly. People are also able to file a complaint via the telephone and any complaints of threatening encounters should be brought to the attention of the S/O, which happens on a regular basis.*

**Finding #12:** Students in Trinity County schools experience negative MJ-related effects in both decreased academic motivation and in participation in an illegal economic industry.

**Response:** *I agree with this finding.*

**Recommendation #12:** The GJ recommends that the County increase its involvement in MJ education in Trinity County schools. Emphasis needs to be placed on the illegal status of MJ, the County Ordinances applicable to MJ, environmental effects, and non-target impacts to wildlife. Involvement from the “Task Force” from Recommendation R1 would be appropriate. [August 2015]

**Response:** *Requires further analysis. This requires a partnership with the schools and their board of directors. There is currently a pilot program that is being established at the one of the County school districts. The program brings together HHS, BHS, TC Probation, TC S/O and the Superintendent of the school district.*

**Finding #13:** The MJ industry derives large sums of money from sales and distribution, yet the County receives very little benefit from the profits involved due to inadequate fines and collections.

**Response:** *I agree with this finding.*

**Recommendation #13:** The GJ recommends that the County prepare for changes in MJ laws which may allow for counties to collect taxes (as Colorado does) from legal MJ activities. [October 2016]

**Response:** *Has been implemented. TC Supervisors and staff have been involved in discussions on these issues.*

**Finding #14:** The size and scope of controlling MJ cultivations is beyond the capacity of County law and code enforcement. Trinity County is a large geographic area that is

expensive to administer due to the time and distance between code enforcement personnel and MJ grow sites.

**Response:** *I agree with this finding.*

**Recommendation #14:** The GJ recommends that the County aggressively pursue all avenues of federal and state assistance to provide resources to control illegal MJ grows. The “problems” associated with the illegal MJ industry affect areas beyond the boundaries of Trinity County, so federal and state intervention is warranted. [July 2015]

**Response:** *Has been implemented. The county routinely seeks out grant funds and partnerships with state agencies. This is certainly a help, but is not the ultimate solution.*

**Finding #15:** Enforcing Trinity County Ordinances and providing MJ-related low enforcement is entirely dependent on the staffing and funding available to inspect, monitor, correct non-compliance, and (if necessary) prosecute violators. Inadequate funding and staffing has resulted in inadequate enforcement. Staffing available to do this work is relatively low and the trend is a decreasing budget and workforce.

**Response:** *Disagree in part. Funding from the TC General Fund has been increasing over the last few years.*

**Recommendation #15:** The GJ recommends that the County increase its emphasis on providing its citizenry with a law abiding environment by ensuring adequate staffing and funding is available for MJ-related ordinance and law enforcement. County staff at all levels needs to be trained and involved in reporting ordinance violations and illegal activities. [August 2015]

**Response:** *Has been implemented. The S/O has received increases in its General Fund budgets over the last few years. Additionally the BOS has directed staff to find the funds to hire retired annuitants during the MJ season to assist in MJ enforcement.*

**Finding #16:** County personnel may face dangerous situations upon visiting illegal MJ grows. Guns, dogs, “booby traps”, and defensive people are intimidating obstacles for a “safe” inspection compliance visit.

**Response:** *I agree with this finding*

**Recommendation #16:** The GJ recommends that the County pursue all available avenues (including Recommendations R14 and R27) to abate known illegal grows and provide law enforcement assistance in inspection compliance in areas where illegal grows are likely. There is no increased danger to County personnel upon visiting “legal” MJ grow sites. [July 2015]

**Response:** *Has been implemented. County is currently working on both judicial and administrative abatement processes. Additionally, see Recommendation #3 Response.*

**Finding #17:** The Trinity County community is generally unaware of the restrictions which limit MJ grows to parcels of property which include single family residences and that at a maximum number of 8 plants is permitted on the largest parcels (parcels of 10 acres or greater).

**Response:** *I disagree. The TC Planning Commission had approximately twenty four meetings (about half of those were MJ “workshops”) over a one year period in which the MJ draft ordinances were discussed. Testimony was heard from hundreds of people including MJ growers. These meetings received a lot of coverage in the Trinity Journal. The BOS had several meetings to discuss the 315-797 ordinance. Since the adoption of 315-797, the County has had information on its web site, hand out 315-797 fact sheets and the ordinance was discussed at numerous town hall meetings around the county. Persons that are unaware are unaware because they want code/law enforcement to think that they are unaware.*

**Recommendation #17:** The GJ recommends that the County becomes actively involved with public education involving Ordinance 315-797 and laws pertinent to MJ cultivation. Informational meetings, town hall presentations, forming partnerships with appropriate agencies, and providing informative articles to the Trinity Journal would help in gaining community support for growing MJ in compliance with existing ordinances and laws. [July 2015]

**Response:** *Has been implemented. See Finding #17 Response.*

**Finding #18:** An ordinance violation involving grows with excessive numbers of plants that is encountered by County personnel is rarely reported and therefore not abated.

**Response:** *I agree with this finding.*

**Recommendation #18:** The GJ recommends that the County provide training to its personnel regarding job responsibilities involved in providing ordinance compliance while not compromising their ability to be productive in accomplishing their assigned job duties. [August 2015]

**Response:** *Has been implemented. Staff trainings have been started. Two BOS members are currently investigating the code enforcement process with staff of various departments.*

**Finding #19:** There is a large portion of the local citizenry who are “pro-marijuana” which tends to influence the BOS and inhibit the effective enforcement of existing laws and County ordinances. Many people in our rural county do not like government interference with their chosen activities.

**Response:** *I agree in part with this finding. The quantifier “large” may be a bit misleading. There are certainly some “pro-marijuana” folks in the County. However, this group is divided into two distinctive groups. One group consists of TC citizens that use MJ for medicinal purposes and possibly for some profit. This group is normally not a problem to their neighbors. The other group consists of some TC citizens and many non-citizens (temporarily in TC only to cultivate MJ). This group contains the people that have severely degraded our TC residents’ “quality of life”. The BOS has been working diligently to get the MJ diversion*

*industry out of the County while protecting the ability of its citizens' ability to grow reasonable amounts of MJ*

**Recommendation #19:** The GJ recommends that the County remain focused on enforcing the existing local, state, and federal laws. The County should not give preference to individuals who choose to cultivate MJ in violation of existing laws which have been legally adopted by the government. [Immediately and Ongoing]

**Response:** *Has been implemented. The County is now focused on enforcing all government laws in dealing with the MJ industry.*

**Finding #20:** The general public has “given up complaining” about MJ grows in non-compliance of Ordinance 315-797 because the statutory procedure to correct the violation is very lengthy and cumbersome.

**Response:** *I disagree with this finding. The public had “given up complaining” mostly because they do not see a result for the parcel they complained about. It is very hard to believe that the process works when you can't see a change in your own back yard, no matter how many enforcements are happening in other areas of the County.*

**Recommendation #20:** The GJ recommends that the County assign a Hearing Officer within the District Attorney's office to specifically render decisions on Ordinance violations on a timely basis. Part of the reason the general public may have “given up” is the lack of information regarding the illegality of MJ grows (refer to Recommendation R17). [July 2015]

**Response:** *Will not be implemented.*

**Finding #21:** Adjacent Northern California counties have recently banned outdoor MJ grows, increasing the likelihood that Trinity County will become a preferred destination for outdoor MJ growers.

**Response:** *I agree with this finding*

**Recommendation #21:** The GJ recommends that the County act swiftly on Recommendation R4 so that Trinity County does not become the sanctuary of illegal MJ cultivation. Review other Counties' regulations and meet with County Counsel to consider adoption of an Ordinance similar to the counties that have banned outdoor MJ grows. [July 2015]

**Response:** *Has been implemented. See response to Recommendation R4.*

**Finding #22:** Members of the BOS are actively working with the MJ industry in anticipation of laws changing to benefit MJ cultivation, sales, and distribution which may eventually benefit the economy of TC residents.

**Response:** *I agree in part with this finding. Whether or not there will be financial benefits to the County is yet to be seen.*



**Recommendation #22:** The GJ recommends that County Counsel be involved with the decisions of BOS members to participate in public meetings involving MJ industry plans which are not in compliance with existing local, state, and federal laws. The FJ recommends the members of the BOS actively working with the MJ industry to report their involvement openly in a BOS meeting. [Immediately and Ongoing]

**Response:** *Has been implemented within public meetings of the BOS.*

**Finding #23:** The civil fine for having excessive MJ plants on a privately owned parcel is \$100/day with a maximum penalty of 90 days. This fine is seldom collected and has not proven to be a deterrent to growing excessive numbers of plants.

**Response:** *I agree with this finding.*

**Recommendation #23:** The GJ recommends that the County increase the civil fine so that it is “meaningful” in order to deter the activities in non-compliance with Ordinance 315-797. For example, Nevada County’s civil fine for excessive plants is \$1,000/day. [July 2015]

**Response:** *Will not be implemented at this time. This was a BOS decision as a result of County Council guidance.*

**Finding #24:** MJ Code enforcement fines that are collected do no benefit the program to finance subsequent code enforcement.

**Response:** *I disagree with this finding.*

**Recommendation #24:** The GJ recommends that the County BOS work with County Counsel to determine what, if any, opportunities exist to use collected fins for subsequent MJ code enforcement. [August 2015]

**Response:** *Has been implemented. Fines that are collected are used for code enforcement.*

**Finding #25:** Abatement orders are rarely used even though these may provide a swifter resolution to a problem than to use a search warrant or other “due process” techniques. Many illegal MJ grows are easily noticed, yet most are allowed to continue without abatement and are harvested at the end of the growing season.

**Response:** *I agree with this finding*

**Recommendation #25:** The GJ recommends that the County adopt an ordinance to allow the Sheriff to take immediate abatement action on any MJ which is cultivated, possessed, or distributed in violation of County ordinance or state law. This action is currently in force in Nevada County under Ordinance NO. 2349 (Abatement actions on pages 13-15) resulting in abatements being accomplished in as little as 10 days after a Notice of Violation is issued. [August 2015]

**Response:** Has been implemented. There are currently violations working through the abatement process.



**TRINITY COUNTY**  
Office of the County Administrator  
WENDY G. TYLER  
County Administrative Officer  
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613  
PHONE (530) 623-1382 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson,  
Judge of the Superior Court

FROM: *WT* Wendy G. Tyler, County Administrative Officer

CC: Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Development and Environment Committee Final Report  
RE: 2014-2015-001 Environmental Impacts Related to Marijuana Grows and Law  
and Code Enforcement Problems Related to Marijuana Grows

DATE:

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The Grand Jury Development and Environment Committee has requested a written response to their final report on the Environmental Impacts Related to Marijuana Grows and Law and Code Enforcement Problems Related to Marijuana Grows. In my capacity as County Administrative Officer my response is as follows:

**Finding #1:** *"The GJ finds that there is no oversight entity specifically involved to provide a plan for MJ controls and develop ordinances to limit adverse environmental effects."*

**Response:** I agree with this finding.

**Recommendation #1:** *"The GJ recommends that the County form an interagency task force (including State, Federal, and local citizens) to provide a plan for MJ controls and develop ordinances to limit adverse environmental effects. [July 2015]"*

**Response:** Requires further analysis. While I agree that input from a variety of stakeholders is integral to the process of developing regulatory and environmental controls, the composition of an "interagency task force" needs to be analyzed by the Board to ensure appropriate representation occurs.

**Finding #2:** *“The GJ finds that there is no specific Trinity County permit for medical MJ cultivation which might encourage compliance with SB 420 Cultivation Guidelines and County Code 8.55 (June 2012) that limit MJ grows to no more than eight plants (or 400 square feet) for parcels of 10 acres or greater.”*

**Response:** I agree with this finding to the extent that you are referring to Section 42 (Ordinance 315-797) of the County Zoning Ordinance. Trinity County Code Section 8.55 was repealed on August 7, 2012. The only regulation on marijuana exists in the County Zoning Ordinance. There is no permitting mechanism in place.

**Recommendation #2:** *“The GJ recommends that the County prepare for changes in MJ laws which may allow for issuance of a permit specific to MJ cultivation. It would not be appropriate to issue a permit at this time (Mendocino County tried this and it met with much resistance since Federal laws currently classify MJ as an illegal drug). [by the Task Force, September 2016]”*

**Response:** Has been implemented. Various members of the Board of Supervisors and other County staff have been gathering information and preparing for substantive dialogue concerning this topic.

**Finding #3:** *“There is no “aggregate grow” allowance which would permit MJ gardens to have excessive plants beyond the numbers specified in Ordinance 315-797”.*

**Response:** I disagree in part with this finding. A draft “aggregate grow” ordinance was prepared by the Planning Commission and Department staff. That ordinance has not been adopted by the Board of Supervisors.

**Recommendation #3:** *“The GJ recommends that the County continue with Ordinance 315-797 and not adopt the aggregate grow ordinance as approved by the Planning Commission on July 12, 2012. Trinity County is a rural community where virtually anyone can find a plot or caregiver to grow the needed MJ. Allowing aggregate grows may lead to further proliferation of large MJ cultivations for black market profits. [No action needed]”*

**Response:** Has been implemented as of this time. It is the Board of Supervisors’ discretion to consider an aggregate ordinance at any time.

**Finding #4:** *“Trinity County Ordinance 315-797 is enforced primarily following a complaint received by the Planning Department – it is a “complaint-driven” enforcement, not an “awareness-driven” enforcement.”*

**Response:** I agree in part. Until recently, enforcement of 315-797 was complaint driven.

**Recommendation #4:** *“The GJ recommends that the County enforce Ordinance 315-797. Secure the necessary funding & staffing (using staff available as identified in Table 1) as soon as possible. Non-compliance with the Ordinance may be a ‘civil’ offense; MJ cultivation involving hundreds or thousands of plants may be a ‘criminal’ offense. In either case, offenses*

*that are 'tolerated' are a detriment to the County environment and a law-abiding society. [July 2015]"*

**Response:** Implementation of this Recommendation to the extent it involves other agencies and budget appropriation for County staffing does not fall within my purview. However, the Board has recently instructed that additional funding for code enforcement be located and retired annuitants be utilized to assist in this effort.

**Finding #5:** *"Environmental effects resulting from MJ grows are rarely monitored. Only MJ sites that have actual permits or permit applications for related activities are visited. (Violations for use of Recreational Vehicles, water impacts, building, sewage, dumping, roads, etc. are noticed randomly as County inspectors visit the sites)."*

**Response:** I agree with this finding.

**Recommendation #5:** *"The GJ recommends that the County establish a formal registration system of growers identifying legal owners, APN of parcel, and evidence of Proposition 215 and SB 420 compliance. Environmental effects would be monitored by County Environmental Health and necessary mitigation measures to prevent adverse impacts would be implemented. [July 2015]"*

**Response:** Requires further analysis. This recommendation appears to conflict with Recommendation # 2. A formal registration system, is a defacto permitting system. In terms of monitoring by County Environmental Health staff, it would be an impact to an already very small department, and without substantial revenue to offset the cost of additional staffing is likely not going to be permissible.

**Finding #6:** *"There is no monitoring on groundwater effects or depletion as the result of a larger increase in wells for MJ cultivation within any area. The CA State Regulations rule water resources within all CA counties. No 'sensitive aquifers' are identified within Trinity County which might limit the proliferation of water wells."*

**Response:** I agree with this finding.

**Recommendation #6:** *"The GJ recommends that the County proactively work with the CA State water regulators to evaluate the sensitivity of Trinity County water resources. The importance of eliminating adverse impacts to groundwater, rivers, streams, anadromous fisheries, and lakes cannot be overstated. [Ongoing, beginning July 2015]"*

**Response:** Will be implemented as time and budgetary constraints allow.

**Finding #7:** *"The impacts to wildlife from pesticide use in the vicinity of MJ grows are not monitored."*

**Response:** I agree with this finding.

**Recommendation #7:** *“The GJ recommends that the County develop a reporting system to notify the US Fish and Wildlife Service and CA Dept. of Fish and Wildlife of the locations of known MJ cultivation sites so that monitoring of non-target poisonings to wildlife can be initiated. County employees would provide this information while retaining anonymity. [August 2015]”*

**Response:** Will be implemented.

**Finding #8:** *“There is no “camping ordinance” (as of the writing of this in April 2015) to control the occasional public nuisance resulting from transients (including transient laborers sometimes called “trimmigrants”) who often work in the MJ industry. In some areas, a “Fishing Access Ordinance” is the only regulation which authorizes County officials to move campers out of public areas.”*

**Response:** I agree with this finding. The Board amended the Day Use Ordinance on May 5, 2015.

**Recommendation #8:** *“The GJ recommends that the County draft and adopt an ordinance which specifies all areas where camping is not allowed. The ordinance would include enforcement and penalty guidelines. [August 2015]”*

**Response:** Has been implemented.

**Finding #9:** *“There is no County ordinance to control clearing the vegetation from parcels of land for large MJ cultivations – the only regulations are from CALFIRE for timber-related operations.”*

**Response:** I agree with this finding.

**Recommendation #9:** *“The GJ recommends that the County adopt a grading and land management ordinance so that unacceptable impacts to soil water resources can be avoided. Coordinate the development of the ordinance with CALFIRE, Soil Conservation Service, and State Water Quality Control Board. [September 2015]”*

**Response:** Will be implemented as budgetary constraints allow.

**Finding #10:** *“Tracking of code violations from Notice of Violation through resolution is inadequate, allowing violations to remain unresolved in the complexity of the statutory process.”*

**Response:** I agree with this finding.

**Recommendation #10:** *“The GJ recommends that the County review existing computer software programs and/or develop a software program to track all phases of code violations. The intent is to resolve violations swiftly. (There were 72 violations of Ordinance 315-797 cited from 2012 to 2014; to date, none have been resolved). [July 2015]”*

**Response:** Has been implemented in part. County departments have a tracking system, they need to utilize it fully. The Board will be performing a Code Enforcement Program Review in the near future to assist in making the program more productive and efficient. I do not believe the statement concerning non-resolution of violations is accurate. While not a high number, there were several violations where the fines were paid in full. This is “resolution” of the violation.

**Finding #11:** *“Visitors to Trinity County have experienced undesirable impacts to the natural resource environment, threatening encounters with defensive growers, and a lower quality downtown environment which may be exacerbated by the participants in the cannabis industry.”*

**Response:** I agree with this finding.

**Recommendation #11:** *“The GJ recommends that the County develop a “complaint system” whereby local citizens and County visitors can easily report areas of undesirable impacts and/or unpleasant encounters. Follow-up by the appropriate County personnel would be needed to resolve these matters. (A Complaint Form titled “Trinity County Grand Jury Complaint Form B” has been developed and is included in the Appendix of this report). [August 2015]”*

**Response:** Has been implemented. The County has had a complaint process in place for code violations for several years. It is possible that the form could be made a bit more “user friendly” based on the form provided by the Grand Jury. In terms of threatening encounters those should, of course, be reported to law enforcement.

**Finding #12:** *“Students in Trinity County schools experience negative MJ-related effects in both decreased academic motivation and in participation in an illegal economic industry.”*

**Response:** I agree with this finding. There are impacts for a significant number of students.

**Recommendation #12:** *“The GJ recommends that the County increase its involvement in MJ education in Trinity County schools. Emphasis needs to be placed on the illegal status of MJ, the County Ordinances applicable to MJ, environmental effects, and non-target impacts to wildlife. Involvement from the “Task Force” from Recommendation R1 would be appropriate. [August 2015]”*

**Response:** Requires further analysis. Assisting the schools in educating about marijuana, is a very worthy cause. Identifying staff and funding to accomplish this will take some time.

**Finding #13:** *“The MJ industry derives large sums of money from sales and distribution, yet the County receives very little benefit from the profits involved due to inadequate fines and collections.”*

**Response:** I agree with this finding. The County will never collect fines and fees in proportion to the profits from sales and distribution. We can do a better job of enforcing the codes and collecting fines.

**Recommendation #13:** *“The GJ recommends that the County prepare for changes in MJ laws which may allow for counties to collect taxes (as Colorado does) from legal MJ activities. [October 2016]”*

**Response:** Has been implemented. As indicated previously, County elected officials and other staff have been in discussions and gathering information in preparation for legislative changes.

**Finding #14:** *“The size and scope of controlling MJ cultivations is beyond the capacity of County law and code enforcement. Trinity County is a large geographic area that is expensive to administer due to the time and distance between code enforcement personnel and MJ grow sites.”*

**Response:** I agree with this finding.

**Recommendation #14:** *“The GJ recommends that the County aggressively pursue all avenues of federal and state assistance to provide resources to control illegal MJ grows. The “problems” associated with the illegal MJ industry affect areas beyond the boundaries of Trinity County, so federal and state intervention is warranted. [July 2015]”*

**Response:** Has been implemented. The County regularly seeks funding and assistance from State and Federal partners. Unfortunately, funding specifically for marijuana enforcement is diminishing at all levels of government.

**Finding #15:** *“Enforcing Trinity County Ordinances and providing MJ-related law enforcement is entirely dependent on the staffing and funding available to inspect, monitor, correct non-compliance, and (if necessary) prosecute violators. Inadequate funding and staffing has resulted in inadequate enforcement. Staffing available to do this work is relatively low and the trend is a decreasing budget and workforce.”*

**Response:** I agree in part with this finding. Qualified staffing has been identified by the Sheriff as an issue. However, the budget has not decreased for the Sheriff. The fiscal year 13/14 final budget for the Sheriff was \$2.8 million, 14/15 \$3 million, and the proposed budget for 15/16 is \$3.3 million.

**Recommendation #15:** *“The GJ recommends that the County increase its emphasis on providing its citizenry with a law abiding environment by ensuring adequate staffing and funding is available for MJ-related ordinance and law enforcement. County staff at all levels needs to be trained and involved in reporting ordinance violations and illegal activities. [August 2015]”*

**Response:** Has been implemented. As indicated in the prior response, budgets have not decreased for the Sheriff. Recently the Board directed that monies be located to fund additional



retired annuitant positions to assist with code enforcement functions. County Counsel has conducted training for staff in the Building and Planning Departments.

**Finding #16:** *“County personnel may face dangerous situations upon visiting illegal MJ grows. Guns, dogs, “booby traps”, and defensive people are intimidating obstacles for a “safe” inspection compliance visit.”*

**Response:** I agree with this finding. Many of the areas visited by code enforcement personnel contain various hazards.

**Recommendation #16:** *“The GJ recommends that the County pursue all available avenues (including Recommendations R14 and R27) to abate known illegal grows and provide law enforcement assistance in inspection compliance in areas where illegal grows are likely. There is no increased danger to County personnel upon visiting “legal” MJ grow sites. [July 2015]”*

**Response:** Has been implemented. The County has authorized the use of administrative and judicial abatement proceedings.

**Finding #17:** *“The Trinity County community is generally unaware of the restrictions which limit MJ grows to parcels of property which include single family residences and that a maximum number of 8 plants is permitted on the largest parcels (parcels of 10 acres or greater).”*

**Response:** I disagree with this finding. Adoption of Ordinance 315-797 was a long, contentious, public process. In addition to hours upon hours of meeting time with public comment (at both the Planning Commission and Board of Supervisors levels), the subject matter received substantial press coverage, as well as lots of “water cooler” talk, and grapevine neighborhood discussion. The County placed information on its website, and this year published “Know Before you Grow” advertisements. The Ordinance has been provided to local realtors, service and fraternal organizations and such in an effort to educate and inform the public. I believe the issue is not lack of knowledge, but blatant disregard for the Ordinance.

**Recommendation #17:** *“The GJ recommends that the County becomes actively involved with public education involving Ordinance 315-797 and laws pertinent to MJ cultivation. Informational meetings, town hall presentations, forming partnerships with appropriate agencies, and providing informative articles to the Trinity Journal would help in gaining community support for growing MJ in compliance with existing ordinances and laws. [July 2015]”*

**Response:** Has been implemented. See response to Finding 17 above. The County will continue its efforts to educate the public about Ordinance 315-797 and any other regulations or legislation that should be adopted in the future.

**Finding #18:** *“An ordinance violation involving grows with excessive numbers of plants that is encountered by County personnel is rarely reported and therefore not abated.”*

**Response:** I agree with this finding.

**Recommendation #18:** *“The GJ recommends that the County provide training to its personnel regarding job responsibilities involved in providing ordinance compliance while not compromising their ability to be productive in accomplishing their assigned job duties. [August 2015]”*

**Response:** Has been implemented. As stated previously, County Counsel has provided training to staff, and will continue to do so as it is warranted.

**Finding #19:** *“There is a large portion of the local citizenry who are “pro-marijuana” which tends to influence the BOS and inhibit the effective enforcement of existing laws and County ordinances. Many people in our rural county do not like government interference with their chosen activities.”*

**Response:** I agree in part with this finding. Trinity County does have a substantial number of marijuana advocates, as well as a large number of citizens who would prefer the government not interfere. In respect to both group’s views, the Board is responsible for upholding the law. The balancing of the people’s will and the obligation to uphold the law is the tension that directs action and policy. The Board works both as individual members and as a collective body to best represent the people of the County. There is not one group that dominates the conversation, and there is no undue influence.

**Recommendation #19:** *“The GJ recommends that the County remain focused on enforcing the existing local, state, and federal laws. The County should not give preference to individuals who choose to cultivate MJ in violation of existing laws which have been legally adopted by the government. [Immediately and Ongoing]”*

**Response:** Has been implemented. The County is focused on enforcing local, state and federal laws.

**Finding #20:** *“The general public has “given up complaining” about MJ grows in non-compliance of Ordinance 315-797 because the statutory procedure to correct the violation is very lengthy and cumbersome.”*

**Response:** I disagree with this finding. The public has “given up complaining” not because of a lengthy and cumbersome process, but because what they truly desire is eradication of marijuana from their communities.

**Recommendation #20:** *“The GJ recommends that the County assign a Hearing Officer within the District Attorney’s office to specifically render decisions on Ordinance violations on a timely basis. Part of the reason the general public may have “given up” is the lack of information regarding the illegality of MJ grows (refer to Recommendation R17). [July 2015]”*

**Response:** Will not be implemented.

**Finding #21:** *“Adjacent Northern California counties have recently banned outdoor MJ grows, increasing the likelihood that Trinity County will become a preferred destination for outdoor MJ growers.”*

**Response:** I agree with this finding.

**Recommendation #21:** *“The GJ recommends that the County act swiftly on Recommendation R4 so that Trinity County does not become the sanctuary of illegal MJ cultivation. Review other Counties’ regulations and meet with County Counsel to consider adoption of an Ordinance similar to the counties that have banned outdoor MJ grows. [July 2015]”*

**Response:** While this recommendation seems to conflict with Recommendation #19, it has been partially implemented.

**Finding #22:** *“Members of the BOS are actively working with the MJ industry in anticipation of laws changing to benefit MJ cultivation, sales, and distribution which may eventually benefit the economy of TC residents.”*

**Response:** I agree in part with this finding. The Board of Supervisors are actively engaged in conversations with marijuana advocates, their fellow Supervisors, the California State Association of Counties (CSAC), the Rural Counties Representatives of California (RCRC), Senator McGuire, Assemblymember Wood, and other stakeholders concerning potential legislative and regulatory mechanisms. It is difficult to say to what extent the economy would benefit; however, funding to offset costs of monitoring and enforcement would hopefully be received.

**Recommendation #22:** *“The GJ recommends that County Counsel be involved with the decisions of BOS members to participate in public meetings involving MJ industry plans which are not in compliance with existing local, state, and federal laws. The GJ recommends the members of the BOS actively working with the MJ industry to report their involvement openly in a BOS meeting. [Immediately and Ongoing]”*

**Response:** Will be implemented to the extent that discussions concerning public meeting participation takes place at Board of Supervisors meetings. Outside of that environment, it is not County Counsel’s role to direct the Board as to their actions.

**Finding #23:** *“The civil fine for having excessive MJ plants on a privately owned parcel is \$100/day with a maximum penalty of 90 days. This fine is seldom collected and has not proven to be a deterrent to growing excessive numbers of plants.”*

**Response:** I agree with this finding. Since 2012 we have recovered just under 21% of the penalties.

**Recommendation #23:** *“The GJ recommends that the County increase the civil fine so that it is “meaningful” in order to deter the activities in non-compliance with Ordinance 315-797. For example, Nevada County’s civil fine for excessive plants is \$1,000/day. [July 2015]”*

**Response:** Will not be implemented at this time. County Counsel in a recent presentation to the Board explained the restrictions on increasing the fine, and the Board did not provide direction to move forward. Rather, they instructed that all violations on a parcel be cited, rather than just marijuana.

**Finding #24:** *“MJ Code enforcement fines that are collected do not benefit the program to finance subsequent code enforcement.”*

**Response:** I disagree with this finding. Fines collected are used to fund the Code Enforcement program. They do not cover the entire cost of the program.

**Recommendation #24:** *“The GJ recommends that the County BOS work with County Counsel to determine what, if any, opportunities exist to use collected fines for subsequent MJ code enforcement. [August 2015]”*

**Response:** Has been implemented. As stated above, the fines collected are already used to fund the Code Enforcement Program.

**Finding #25:** *“Abatement orders are rarely used even though these may provide a swifter resolution to a problem than to use a search warrant or other “due process” techniques. Many illegal MJ grows are easily noticed, yet most are allowed to continue without abatement and are harvested at the end of the growing season.”*

**Response:** I agree with this finding.

**Recommendation #25:** *“The GJ recommends that the County adopt an ordinance to allow the Sheriff to take immediate abatement action on any MJ which is cultivated, possessed, or distributed in violation of County ordinance or state law. This action is currently in force in Nevada County under Ordinance NO. 2349 (Abatement actions on pages 13-15) resulting in abatements being accomplished in as little as 10 days after a Notice of Violation is issued. [August 2015]”*

**Response:** Has been implemented. Abatement processes are already provided for in County Code, as well as through the judicial system.



**OFFICE OF THE SHERIFF**  
**TRINITY COUNTY**

101 Memorial Drive, P.O. Box 1228  
Weaverville, CA 96093  
(530) 623-2611

**BRUCE HANEY, Sheriff/Coroner**  
**MICHAEL RIST, Undersheriff**

June 29, 2015

To: Trinity County Superior Court  
P.O. Box 1258  
11 Court Street  
Weaverville, CA. 96093

The following is a response to the Trinity County Grand Jury Report, **DER 2014-2015-001 / Environmental Impacts Related to Marijuana Grows and Law and Code Enforcement Problems Related to Marijuana Grows.**

**FINDING 25:** Abatement orders are rarely used even though these may provide a swifter resolution to a problem than to use a search warrant or other "due process" techniques. Many illegal MJ grows are easily noticed, yet most are allowed to continue without abatement and are harvested at the end of the growing season.

**RESPONSE:** I agree with the Grand Jury's recommendation that the County should adopt an aggressive abatement process that would rapidly force violators', of Ordinance 315-797, into compliance. It should also be noted that though I agree with the Grand Jury's recommendation it would be difficult to have a significant impact with the current staffing levels at the Sheriff's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Haney", with a long horizontal flourish extending to the right.

Bruce Haney, Sheriff  
P.O. Box 1228  
101 Memorial Drive  
Weaverville, CA. 96093

Cc: Wendy Tyler, Trinity County Administrative Officer



# TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson  
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors *Jm*

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Financial and Administrative Committee Final Report  
RE: 2014-2015-001 Participation Series 2005 Bond Report

DATE: September 15, 2015

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The Grand Jury Financial and Administrative Committee has requested a written response to their final report on the Participation Series 2005 Bond Report. The Board of Supervisors' response is as follows:

**Finding #1:** The closed-door session by the BOS on this matter for a COP bond was not a violation of the Brown Act, since the BOS does not need public approval for this kind of financing.

**Response:** Agree.

**Recommendation #1:** No action required.

**Response:** Has been implemented.

**Finding #3:** The use of this bond was legal. However, it was used in a way that shows an inability for responsible county officials to address the underlying discrepancy between revenues and expenditure obligations. February 1997 to June 2004 is a long time for a hospital to operate in a deficit before taking action.

**Response:** Agree.

**Recommendation #3:** The GJ recommends that future financial impacts to Trinity Co. of this nature be discussed openly in public by the BOS before this kind of action is taken,

KEITH GROVES  
DISTRICT 1

JUDY MORRIS  
DISTRICT 2

KARL FISHER  
DISTRICT 3

BILL BURTON  
DISTRICT 4

JOHN FENLEY  
DISTRICT 5

including the possible reduction of services to the public in the event of failure to balance the budgets of the entities involved. Bonds can be more fully explained to the public via an informational article in the Trinity Journal newspaper in order to give the voters a more educated understanding of the process that the BOS will undertake in order to balance the county budget.

**Response:** Has been implemented.



# TRINITY COUNTY

## Office of the County Administrator

WENDY G. TYLER

County Administrative Officer

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613

PHONE (530) 623-1382 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson,  
Judge of the Superior Court

FROM: *WT* Wendy G. Tyler, County Administrative Officer

CC:  Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Financial and Administrative Committee Final Report  
RE: 2014-2015-001 Participation Series 2005 Bond Report

DATE: August 14, 2015

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The Grand Jury Financial and Administrative Committee has requested a written response to their final report on the Participation Series 2005 Bond Report. In my capacity as County Administrative Officer my response is as follows:

**Finding #1:** *"The closed-door session by the BOS on this matter for a COP bond was not a violation of the Brown Act, since the BOS does not need public approval for this kind of financing."*

**Response:** I agree in part with this finding. The Closed Session meetings of the Board of Supervisors were held in compliance with the Brown Act, as indicated by the Grand Jury's investigation. However, this matter was discussed multiple times in Open Session meetings, and extensive public presentations were made. For the Grand Jury to insinuate that the Board made this decision in a vacuum and without public notice or input is a gross misrepresentation of the process that occurred.

**Recommendation #1:** *"No action required."*

**Response:** No response necessary.

**Finding #3:** *"The use of this bond was legal. However, it was used in a way that shows an inability for responsible county officials to address the underlying discrepancy between*



*revenues and expenditure obligations. February 1997 to June 2004 is a long time for a hospital to operate in a deficit before taking action."*

**Response:** I agree in part with this finding. The issuance of the 2005 Certificates of Participation and the uses of the subsequent funding that they provided to the County General Fund were legal. As to the perceived lack of responsibility of county officials by this Grand Jury, I would note that following several years of budgetary issues at the Hospital, the Board of Supervisors disbanded the Hospital Board of Directors as the first step in gaining control of the Hospital finances. In addition to the 2005 borrowing, other drastic steps were taken to reduce costs across the organization, and yet we were still able to maintain a relatively high degree of county provided services to our citizens and keep the hospital functioning until such time as the healthcare district could be formed and the hospital transferred to the district.

**Recommendation #3:** *"The GJ recommends that future financial impacts to Trinity Co. of this nature be discussed openly in public by the BOS before this kind of action is taken, including the possible reduction of services to the public in the event of failure to balance the budgets of the entities involved. Bonds can be more fully explained to the public via an informational article in the Trinity Journal newspaper in order to give the voters a more educated understanding of the process that the BOS will undertake in order to balance the county budget."*

**Response:** Has been implemented. As indicated in my response to Finding #1, the 2005 bond issuance was conducted in a very transparent, public process; However, that process was complicated and cumbersome. The County will continue to make fiscal decisions in a transparent, public process, and engagement by our citizens is always welcomed.

In closing it should be noted that this investigation of a ten year old action by former elected officials to which there truly is no recourse to be taken by the current elected officials resulted in a substantial time commitment by the current Auditor and expenses were incurred which were unanticipated in the budget.




# TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson  
Presiding Judge of the Superior Court

FROM: Judy Morris, Chairman 

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014/2015  
Grand Jury Health and Human Services Committee Final Report  
RE: HHR 2014-2015-001 Trinity County Veterans Service: Thumbs Up!

DATE: July 7, 2015

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The Grand Jury Health and Human Services Committee has requested a written response to their final report on Trinity County Veterans Service. The response of the Trinity County Board of Supervisors is as follows:

**Finding #1:** The service delivery hours and locations of the Veteran's Service office and outreach program are adequate as per the TCVS Operation Plan dated January 20, 2015.

**Response:** Agree.

**Recommendation #1:** The Grand Jury recommends the TCVS continue to implement the adequate hours and appropriate locations of service delivery.

**Response:** Has been implemented; TCVS will continue to deliver services during the hours and locations currently set.

**Finding #2:** The Health and Human Services Form CW-5 and the CALVET Monthly Returnee spreadsheet are utilized to identify Trinity County Veterans.

**Response:** Agree.

**Recommendation #2:** The Grand Jury recommends the TCVS continue to utilize the appropriate identification process of Trinity County veterans.

KEITH GROVES  
DISTRICT 1

JUDY MORRIS  
DISTRICT 2

KARL FISHER  
DISTRICT 3

BILL BURTON  
DISTRICT 4

JOHN FENLEY  
DISTRICT 5

**Response:** Has been implemented; TCVS will continue to use the CW-5 and CALVET Monthly Returnee spreadsheet, and any other new methods discovered to identify Veterans in Trinity County

**Finding #3:** There are troublesome areas in the determination of mileage for Trinity County veterans with regard to PL 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Agree.

**Recommendation #3:** The Grand Jury recommends that the CAO supports and encourages the TCVS to continue to monitor and advocate for the needs of the Trinity County veterans with regard to the determination of mileage with regard to of Public Law 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Has been implemented; TCVSO Patrick Meagher advocated for veterans and the on Friday, April 24, 2015 the line-of-sight mileage rule was rescinded and replaced with actual driving distance.



# TRINITY COUNTY

## Office of the County Administrator

WENDY G. TYLER

County Administrative Officer

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613

PHONE (530) 623-1382 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson,  
Judge of the Superior Court

FROM: *WGT* Wendy G. Tyler, County Administrative Officer

CC: Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014/2015  
Grand Jury Health and Human Services Committee Final Report  
RE: HHR 2014-2015-001 Trinity County Veterans Service: Thumbs Up!

DATE: June 19, 2015

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The Grand Jury Health and Human Services Committee has requested a written response to their final report on Trinity County Veterans Service. My response is as follows:

**Finding #1:** The service delivery hours and locations of the Veteran's Service office and outreach program are adequate as per the TCVS Operation Plan dated January 20, 2015.

**Response:** I agree with the finding.

**Recommendation #1:** The Grand Jury recommends the TCVS continue to implement the adequate hours and appropriate locations of service delivery.

**Response:** Has been implemented. TCVS continues to deliver services 20 hours per week including outreach to areas outside of Weaverville.

**Finding #2:** The Health and Human Services Form CW-5 and the CALVET Monthly Returnee spreadsheet are utilized to identify Trinity County Veterans.

**Response:** Agree.

**Recommendation #2:** The Grand Jury recommends the TCVS continue to utilize the appropriate identification process of Trinity County veterans.

**Response:** Has been implemented.

**Finding #3:** There are troublesome areas in the determination of mileage for Trinity County veterans with regard to PL 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Agree.

**Recommendation #3:** The Grand Jury recommends that the CAO supports and encourages the TCVS to continue to monitor and advocate for the needs of the Trinity County veterans with regard to the determination of mileage with regard to of Public Law 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Has been implemented. The Board of Supervisors advocated for change in the VCAA and will continue to advocate on behalf of our Veteran's on other issues.

:wgt



# TRINITY COUNTY

## Veteran Services

P.O. BOX 31, WEAVERVILLE, CALIFORNIA 96093-1613  
PHONE (530) 623-3975

TO: The Honorable Elizabeth Johnson, Presiding Judge of the Superior Court

FROM: Patrick Meagher, Trinity County Veteran Service Officer 

CC: Clerk of the Board of Supervisors

SUBJECT: Response to 2014-2015 Grand Jury Health and Human Services  
Committee Final Report HHR-201443-2015-001: Veterans Services  
"Thumbs Up"

Date: June 1, 2015

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The Grand Jury Health and Human Services Committee has requested a written response to their final report on the Veterans services. In my capacity as the Trinity county Veteran Services Officer, my response is as follows:

**Finding #1:** The service delivery hours and locations of the Veterans Service Office and outreach program are adequate as per the TCVS Operations Plan dated January 20, 2015.

**Response:** Agree

**Recommendation #1:** The Grand Jury recommends that TCVS continue to implement the adequate hours and appropriate locations of service delivery.

**Response:** Has been implemented. TCVS will continue to provide planned and funded VSO work hours and locations. NOTE: In order for the VSO to maintain Department of Veterans Affairs Accreditation he must work at least 1000 hours per year. Source 38 CFR Section 14.629 (a) (2) (i).

**Finding #2:** The Health and Human Services Form CW-5 and the CALVET Monthly Returnee spreadsheet are utilized to identify Trinity county Veterans.

**Response:** Agree

**Recommendation #2:** The Grand Jury recommends the TCVS continue to use appropriate identification processes of Trinity County veterans.

**Response:** Has been implemented. TCVS will continue to use current and any new methods discovered to identify Trinity County veterans eligible for assistance.

**Finding #3:** There are troublesome areas in the determination of mileage for Trinity County veterans with regard to PL 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Agree

**Recommendation #3:** The Grand Jury recommends that the CAO supports and encourages the TCVS to continue to monitor and advocate for the needs of the Trinity County veterans with regard to the determination of mileage with regard to Public Law 113-146, the Veterans Choice and Accountability Act of 2014.

**Response:** Has been implemented. On Friday April 24, 2015 the line-of-sight mileage rule was rescinded and replaced with actual driving distance from the nearest VA Healthcare Facility to the veterans' home. Given that one-third of Trinity County veterans use VA Healthcare, the VSO will continue to represent their interests with the Redding Veterans Outpatient Clinic and the Northern California Healthcare System.

**NOTE:** It has been a pleasure to assist the Trinity County Grand Jury during their review of the Trinity County Veterans Services Operation.




# TRINITY COUNTY

## Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson  
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors 

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014/2015  
Grand Jury Judicial Committee Final Report  
Re JUR 2014-2015-001 Trinity County Detention Facility Jail Report

DATE: August 18, 2015

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The Grand Jury Judicial Committee has requested a written response to their final report on the Trinity County Detention Facility. The response of the Trinity County Board of Supervisors is as follows:

**Finding #1:** "The Classification and Compensation study from Finding #6 of Final Report 2013-2014 is delinquent and as of this date has not been completed."

**Response:** We agree with this finding.

**Recommendation #1:** "The Grand Jury recommends the CAO expedite the Classification and Compensation study in order to determine a salary and benefit package more in line with law enforcement officers (to include the Sheriff) in counties of similar size and increase salary and benefit packages as soon as possible, but no later than 60 days after receipt of this report."

**Response:** It has been partially implemented and work has begun as a contract for the Classification and Compensation Study was awarded on June 2, 2015, with verbiage included in the contract that public safety positions were to be given first priority in completion of the study. As to increases in salary and benefits, those are matters that are subject to collective bargaining and budgetary consideration, and will not be implemented as a result of the recommendation. As a side note, the previous Class and Comp study took 6 years to fully implement.

KEITH GROVES  
DISTRICT 1

JUDY MORRIS  
DISTRICT 2

KARL FISHER  
DISTRICT 3

BILL BURTON  
DISTRICT 4

JOHN FENLEY  
DISTRICT 5



**Finding #2:** “Recruitment and retention challenges are critical.”

**Response:** We agree with this finding.

**Recommendation#2:** “The Grand Jury recommends the CAO address the recruitment and retention challenge by upgrading the Trinity County Jail staff salary and benefit package and investigate the money saved by reducing the ongoing training and overtime costs due to lack of retention as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** Has been partially implemented. A small step was taken this past year in negotiations with the DSA to allow the Sheriff Department in the recruitment process to offer above A Step without Board approval. This, we hope, will allow more flexibility for the department in the hiring process. Again, overall increases in the salary and benefit schedules as a result of the upcoming Class and Comp Study are subject to collective bargaining and budgetary consideration, and will not be implemented as a result of the recommendation and not in the CAO’s purview.

**Finding #3:** “Understaffing continues to exist.”

**Response:** We agree in part with this finding.

**Recommendation #3:** “The Grand Jury recommends the CAO increase the current staffing to the recommended staffing of 19 as outlined in the memo dated 7/26/06 (Appendix D) as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** Will not be implemented. Increased staffing is a budgetary consideration with recommendations by the CAO to the Board of Supervisors as finances allow. The county is still rebuilding the organization after near bankruptcy in 2005 and a limited tax base and will continue to do so until debt service is paid off and revenue increases. Many County Departments are understaffed and offer limited hours of operation. However, each year some ground is gained to improve staffing levels and services for the public though not at a rapid pace. However, even if the county had robust finances the CAO does not have the authority to arbitrarily increase the budget for the Jail or any other department. As stated, the Sheriff has requested one additional correctional officer/dispatcher position in his 15/16 requested budget, and that request is being considered in the process of developing the recommended budget for the Board of Supervisors consideration in September.

**Finding #4:** “The intercom system is not operable in a consistent manner.”

**Response:** We agree in part with this finding. The current intercom system is indicative of the age of the facility.

**Recommendation #4:** “The Grand Jury recommends the CAO authorized funding for replacement of the unreliable intercom system, as soon as possible, but no later than 60 days after receipt of this report”.

**Response #4:** Requires further analysis. This is among many issues in the jail General Services has been aware of and maintains hence, the inquiry in 2012 for an estimate to remedy this

specific issue beginning with a new control panel with an estimate of \$55,000 to start an upgrade. As stated, internal inmate vandalism is the most common cause of frequent outages. General Services has on hand replacement parts for the existing equipment excluding control panel and amplifier parts that are obsolete. General Services provides an upgraded dorm/cell intercom option if applicable for flush mount wall units to be put in place of the original surface mount equipment. Replacement of the entire intercom system would take a considerable amount of funding and project planning. This will exceed the requested 60 days for correction. This issue further illustrates the age of the facility and the need for a new one. The Sheriff, Administration and the Board of Supervisors have pursued funding over the past few years to build a new facility. The most recent pursuit of funding to build a new detention facility is through SB863. In the meantime, jail maintenance is a large part of General Services focus.

**Finding #5:** “There is inadequate work space and computers for required paperwork and documentation by staff members.”

**Response:** We disagree with this finding. The Sheriff’s staff advised during a recent meeting that space exists, but it needs to be reorganized to accommodate staff.

**Recommendation #5:** “The Grand Jury recommends the Trinity County Sheriff authorize the reorganization of the reserve room with added desks, computer, printers and any required material in order to accommodate the work needs of the staff. The CAO should provide funding as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** The first step of the process lies with the Sheriff, the elected official who manages this Department and is likely aware of the internal needs of his department and addresses them as they arise. However, the CAO states, in a recent meeting with the Sheriff’s Department management on July 9<sup>th</sup> concerning budget development for 15/16 and the requested additional positions for the department, Sheriff’s staff indicated that the reorganization of the reserve room could be accomplished with the items they already have on hand. Any request for additional purchases is a budgetary consideration to be determined by the Board of Supervisors.

**Finding #7:** “There is a lack of sanitary facilities in the exercise yard”.

**Response:** We agree with this finding.

**Recommendation #7:** “The Grand Jury recommends the CAO authorize funding for the purchase and installation of an unbreakable/appropriate urinal in the exercise yard as soon as possible, but no later than 60 days after receipt of this report”.

**Response:** We would also agree it requires further analysis. Short of a major construction project at the moment. Perhaps some ability to allow for use of the unisex restroom in the hallway on a planned basis while using the exercise yard could be developed to accommodate this finding in the short term. In the meantime, the following project planning and construction funding would be needed for long term remedy and is described in the following paragraph.

Providing a sanitary accommodation inside the exercise yard would require following ADA mandates and unisex facility guidelines. A fairly extensive project plan would need to be built to address necessary infrastructure and project considerations as example in the following:

Plumbing, Electrical, Egress, HVAC, ADA, Monitoring, and Egress to project site considerations. Again, a new detention facility would solve this type of issue as well.

**Finding #8:** “The Booking Room is unsafe.”

**Response:** We disagree with this finding. The booking area, while crowded, has not been identified as a compliance issue with BSCC. Nor has the booking area been specifically identified by the Sheriff as a safety concern.

**Recommendation #8:** “The Grand Jury recommends that the Trinity County Sheriff assess the safety issues of the booking room and give the recommendations to the CAO in order to implement the finding as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** Again, this is an issue that likely would be addressed by the Sheriff first as he is the elected Department Head charged with managing staff and the facility. If it is an issue, though it doesn’t appear to be he would develop different procedures internally to address the concern. Ultimately, the issue would come the Board of Supervisors if it became a budget issue.

**Finding #9:** “The Sobering Cell is in noncompliance.”

**Response:** We agree in part with this finding. As stated in the inspection report by BSCC “...whenever the sobering cell is used for holding inmates who are not a threat to their own safety or the safety of others due to their state of intoxication, the facility is noncompliant with this regulation.”

**Recommendation #9:** “The Trinity County Sheriff will write a corrective plan to be sent to the Board of State and Community Corrections. The CAO should provide any funding needed as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** It is likely the Sheriff and staff will continue to monitor and adapt the best procedures for use of this cell as requested by the BSCC. It should be noted that the BSCC report indicates “Until funding is available for building additional sobering cells, we suggest the process for accepting and monitoring inebriates be reviewed and all options are explored.” Agreed, realistically, the creation of additional sobering cells would require substantial financial commitment from the Board of Supervisors.

**Finding #10:** “Numerous complaints have been made involving structural cracks, plugged plumbing lines and the presence of mold, most notably in the showers and sewage smell in the dormitories”.

**Response:** We agree with the finding as it has been ongoing maintenance issue with such an old facility.

**Recommendation #10:** “The Grand Jury recommends that the Trinity County Sheriff submit a list of repair needs and cleanup areas for removal of mold to the CAO who should provide funding to facilitate repair of the plumbing issues and address the mold issue as soon as possible, but no later than 60 days after receipt of this report”.

**Response #10:** This is an ongoing issue that both the Sheriff and his staff in addition to General Service's staff monitor and correct on a regular basis. You will notice, in an update from County Facilities Superintendent how some of the findings have been addressed and what they continually monitor. This update is found under the response to this report by the CAO. The Sheriff, CAO and the Board of Supervisors hope the application for funding under SB863 will be successful and many of the issues with the current detention facility will be eliminated by building a new facility.



# TRINITY COUNTY

## Office of the County Administrator

WENDY G. TYLER

County Administrative Officer

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613

PHONE (530) 623-1382 FAX (530) 623-8365

### MEMORANDUM

TO: The Honorable Elizabeth W. Johnson  
Presiding Judge of Trinity Superior Court

CC: Clerk of the Board

FROM: *WGT* Wendy G. Tyler, County Administrative Officer

SUBJECT: Response to Recommendations of 2014-2015-001  
Grand Jury Judicial Committee Final Report  
Re: Trinity County Detention Facility Jail Report

DATE: 07/29/15

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The Grand Jury Judicial Committee has requested a written response to the above referenced final report. In my capacity as County Administrative Officer, my response is as follows:

**Finding #1:** "The Classification and Compensation study from Finding #6 of Final Report 2013-2014 is delinquent and as of this date has not been completed."

**Response:** I agree with this finding.

**Recommendation #1:** "The Grand Jury recommends the CAO expedite the Classification and Compensation study in order to determine a salary and benefit package more in line with law enforcement officers (to include the Sheriff) in counties of similar size and increase salary and benefit packages as soon as possible, but no later than 60 days after receipt of this report."

**Response:** Has been partially implemented. A contract for the Classification and Compensation Study was awarded on June 2, 2015, with verbiage included in the contract that public safety positions were to be given first priority in completion of the study. As to increases in salary and benefit, those are matters that are subject to collective bargaining and budgetary consideration, and will not be implemented as a result of the recommendation.

**Finding #2:** "Recruitment and retention challenges are critical."

**Response:** I agree with this finding.

**Recommendation#2:** "The Grand Jury recommends the CAO address the recruitment and retention challenge by upgrading the Trinity County Jail staff salary and benefit package and investigate the money saved by reducing the ongoing training and overtime costs due to lack of retention as soon as possible, but no later than 60 days after receipt of this report."

**Response:** Has been partially implemented. During negotiations with the Deputy Sheriff's Association during FY 13/14, an agreement was made that the Sheriff, in offering positions to new hires, could offer them at any step within the given salary range, eliminating the need to obtain Board approval for "above A step" hires (see Deputy Sheriff's Association MOU, Article IX). This enabled the department to recruit showing a higher salary, and place qualified candidates at higher salaries, in an effort to attract and retain candidates. Granted this is a stop gap measure, which was put in place understanding that the Classification and Compensation Study would be performed, and likely lead to increases in wages. Again, increases in the salary and benefit schedules are subject to collective bargaining and budgetary consideration, and will not be implemented as a result of the recommendation.

**Finding #3:** "Understaffing continues to exist."

**Response:** I agree in part with this finding. Recruiting female correctional officers is a challenge, leading to understaffing in that area.

**Recommendation #3:** "The Grand Jury recommends the CAO increase the current staffing to the recommended staffing of 19 as outlined in the memo dated 7/26/06 (Appendix D) as soon as possible, but no later than 60 days after receipt of this report."

**Response:** Will not be implemented. Increased staffing is a budgetary consideration. The CAO does not have the authority to arbitrarily increase the budget for the Jail. The Sheriff has requested one additional correctional officer/dispatcher position in his 15/16 requested budget, and that request is being considered in the process of developing the recommended budget for the Board of Supervisors consideration in September.

**Finding #4:** "The intercom system is not operable in a consistent manner."

**Response:** I agree in part with this finding. The current intercom system's systematic malfunctions are not common but consistent given age and normal wear and tear.

**Recommendation #4:** "The Grand Jury recommends the CAO authorized funding for replacement of the unreliable intercom system, as soon as possible, but no later than 60 days after receipt of this report".

**Response #4:** Requires further analysis. Internal inmate vandalism is the most common cause of frequent outages. To date the system is operational but will require continued regular maintenance. General Services has on hand replacement parts for the existing equipment

excluding control panel and amplifier parts that are obsolete. General Services provides an upgraded dorm/cell intercom option if applicable for flush mount wall units to be put in place of the original surface mount equipment. Replacement of the entire intercom system would take a considerable amount of funding and project planning. This will exceed the requested 60 days for correction. A new intercom system would need to be integrated with a new main control operations panel. Based on an estimate received in 2012 a new control panel is estimated at \$55,000 to meet current industry standards, therefore the total project cost would be substantially more.

**Finding #5:** “There is inadequate work space and computers for required paperwork and documentation by staff members.”

**Response:** I disagree with this finding. The Sheriff’s staff advised during a recent meeting that space exists, but it needs to be reorganized to accommodate staff.

**Recommendation #5:** “The Grand Jury recommends the Trinity County Sheriff authorize the reorganization of the reserve room with added desks, computer, printers and any required material in order to accommodate the work needs of the staff. The CAO should provide funding as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** I cannot speak directly to implementation of this recommendation, as the first step of the process lies with the Sheriff. In a meeting with Sheriff’s Department management on July 9<sup>th</sup> concerning budget development for 15/16 and the requested additional positions for the department, Sheriff’s staff indicated that the reorganization of the reserve room could be accomplished with the items they already have on hand. Any request for additional purchases is a budgetary consideration to be determined by the Board of Supervisors.

**Finding #7:** “There is a lack of sanitary facilities in the exercise yard”.

**Response:** I agree with this finding.

**Recommendation #7:** “The Grand Jury recommends the CAO authorize funding for the purchase and installation of an unbreakable/appropriate urinal in the exercise yard as soon as possible, but no later than 60 days after receipt of this report”.

**Response:** Requires further analysis. Providing a sanitary accommodation inside the exercise yard would require following ADA mandates and unisex facility guidelines. A fairly extensive project plan would need to be built to address necessary infrastructure and project considerations as example in the following: Plumbing, Electrical, Egress, HVAC, ADA, Monitoring, and Egress to project site considerations. An existing unisex ADA restroom is located inside the hallway leading out to the exercise area. Providing a secure unattended access to this restroom with its current configuration would also require considerable planning and egress considerations. Though it is reasonable to look into options for such an accommodation this will take a considerable amount of time beyond the desired 60 days for correction.

**Finding #8:** “The Booking Room is unsafe.”

**Response:** I disagree with this finding. The booking area, while crowded, has not been identified as a compliance issue with BSCC. Nor has the booking area been specifically identified by the Sheriff as a safety concern.

**Recommendation #8:** “The Grand Jury recommends that the Trinity County Sheriff assess the safety issues of the booking room and give the recommendations to the CAO in order to implement the finding as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** I cannot speak directly to implementation of this recommendation, as the first step of the process lies with the Sheriff. Any modifications the Sheriff might request to the physical plant are a budgetary consideration and would be determined by the Board of Supervisors. In light of our efforts to obtain SB863 funding, this is not something I could recommend to the Board.

**Finding #9:** “The Sobering Cell is in noncompliance.”

**Response:** I agree in part with this finding. As stated in the inspection report by BSCC “...whenever the sobering cell is used for holding inmates who are not a threat to their own safety or the safety of others due to their state of intoxication, the facility is noncompliant with this regulation.”

**Recommendation #9:** “The Trinity County Sheriff will write a corrective plan to be sent to the Board of State and Community Corrections. The CAO should provide any funding needed as soon as possible, but no later than 60 days after receipt of this report.”

**Response:** As with the prior recommendation, I cannot speak to directly to implementation as the first step of the process lies with the Sheriff. It should be noted that the BSCC report indicates “Until funding is available for building additional sobering cells, we suggest the process for accepting and monitoring inebriates be reviewed and all options are explored.” Realistically, the creation of additional sobering cells would require a substantial financial commitment from the Board of Supervisors. In light of our efforts to obtain SB863 funding, this is not something I could recommend to the Board.

**Finding #10:** “Numerous complaints have been made involving structural cracks, plugged plumbing lines and the presence of mold, most notably in the showers and sewage smell in the dormitories”.

**Response:** I agree with the finding.

**Recommendation #10:** “The Grand Jury recommends that the Trinity County Sheriff submit a list of repair needs and cleanup areas for removal of mold to the CAO who should provide funding to facilitate repair of the plumbing issues and address the mold issue as soon as possible, but no later than 60 days after receipt of this report”.

**Response #10:** Again, I cannot speak directly to implementation as the first step of the process lies with the Sheriff. Additional funding for repair and maintenance would be a budgetary



consideration for the Board of Supervisors. I spoke with the County's Facilities Superintendent and he provided the following information:

Many common structure type cracks are visible around the jail facility. Most of these cracks are from expansion and contraction including normal settling of the jail structure. The jail is built primarily with masonry and concrete materials that have little or no flexion ability that will create relief cracks in areas. Visible cracks do not necessarily indicate negative structural integrity. General Service will inspect these cracks further and determine if they may have any negative structural effect. In the event any crack seemingly may create negative structural integrity it will be scheduled to be further evaluated by a second party.

Concerning plugged plumbing lines; Implemented 3 years ago was a successful program with the ability to catch purposefully introduced large clogging materials entering the main sewer line creating significant flooding. This program is still in place and continues to be very effective to date. Primary drains lines leading from sinks and showers are commonly plugged or needing cleaned. Commonly plugged drains are from excessive body hair and or other normal cleansing debris collecting in the primary drain system. Other materials being forced into drain lines is also a common discovery. Other materials identified include eating wear, paper and plastic, or later identified contraband. Other material clogged drains are the most common and do create isolated flooding/water in the immediate area. General Services will continue to be available to correct these issues when reported. General Service will further inspect drain lines inside cells and plumbing chases addressing any negative findings that will contribute to moisture or sewage smells.

General Services will work with jail staff identifying areas of excessive moisture that could lead to mildew or mold. Showers are a regular moist environment with regular exposure to bacteria from normal use of the facility. Working with the Trinity County Sheriff existing housekeeping procedures will be evaluated ensuring they are adequate to meet the cleaning needs of these commonly moist areas.

:wgt



**OFFICE OF THE SHERIFF**  
**TRINITY COUNTY**

101 Memorial Drive, P.O. Box 1228  
Weaverville, CA 96093  
(530) 623-2611

**BRUCE HANEY, Sheriff/Coroner**  
**MICHAEL RIST, Undersheriff**

July 8, 2015

Trinity County Superior Court  
P.O. Box 1258  
11 Court Street  
Weaverville, Ca. 96093

The following is a response to the Grand Jury Report, JUR 2014-2015-001, Trinity County Detention Facility.

**Finding 6:** Numerous Complaints have been received regarding the quality and quantity of inmate food served.

**Response:** The Sheriff's Office has altered the Jail Cook's schedule so that she is present during business hours to provide direct supervision to the cook staff for better quality control and to deal with the special diets of specific inmates. A new software program has been purchased that will provide a nutritional analysis of all meals served to the inmates. This will provide the Jail Cook with information such as sodium content, fat content and other nutritional facts to better plan healthy meals.

**Finding 8:** The Booking Room is unsafe.

**Response:** Safety is always a concern in our antiquated detention facility. Unfortunately there is no room to expand or renovate this space. The Sheriff's Office and County Administration are currently working to apply for state funding, SB 863, to construct a much needed new detention facility.

**Finding 9:** The Sobering Cell is in noncompliance.

**Response:** The noncompliance issue that BSCC has with this space is when we have it occupied by multiple inmates. Unfortunately, even with funding, we do not have the space to expand or renovate the Sobering Cell. The Sheriff's Office and County Administration are currently working to apply for state funding, SB 863, to construct a much needed new detention facility.

**Finding 10:** Numerous complaints have been made involving structural cracks, plugged plumbing lines and the presence of mold, most notably in the showers and sewage smell in the dormitories.

**Response:** The maintenance in the current antiquated detention facility is endless. The mold issues have been addressed and modifications to the plumbing system have been made to make it more difficult for the inmates to clog the sewage system. Other issues, such as structural cracks, are just another indicator that the current facility has outlived its lifespan. The Sheriff's Office and County Administration are currently working to apply for state funding, SB 863, to construct a much needed new detention facility.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Haney", with a long horizontal flourish extending to the right.

Bruce Haney, Sheriff  
P.O. Box 1228  
101 Memorial Drive  
Weaverville, Ca. 96093

Cc: Wendy Tyler, Trinity County Administrative Officer




# TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson  
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors 

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Judicial Committee Final Report  
RE: 2014-2015-002 Public Defender and Indigent Claim Form

DATE: September 1, 2015

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The Grand Jury Judicial Committee has requested a written response to their final report on the Public Defender and Indigent Claim Form. The Board of Supervisors' response is as follows:

**Finding #1:** 90% of all defendants in Trinity County are represented by the Public Defender. Defendants are not uniformly required to submit the indigent claim form to the presiding judge prior to the appointment of a Public Defender.

**Response:** *I agree in part. I have no information to know that 90% is an accurate number. I have been provided information that all defendants are provided an Indigent Claim form at the time they are booked. It appears that the county has no control over whether the defendants complete the form or not, or whether the information that is presented is accurate and complete.*

**Recommendation #1:** All indigent defendants complete financial statement as a standard procedure.

**Response:** *Will be implemented to the extent that the county has standing. I have been provided information that indicates that all defendants are provided an Indigent Claim form at the time they are booked. I believe that the county has little control over whether defendants complete the form, not complete the form, incompletely complete the form, or whether the information supplied is accurate.*

KEITH GROVES  
DISTRICT 1

JUDY MORRIS  
DISTRICT 2

KARL FISHER  
DISTRICT 3

BILL BURTON  
DISTRICT 4

JOHN FENLEY  
DISTRICT 5

**Finding #2:** The County has contracted with a single public attorney for more than 20 years, whose caseload for the 2014-2015 reporting period was in excess of 450 active cases.

**Response:** *I disagree in part. The County did contract with an attorney for 20 years, however we also had contracts with other attorneys during that time period. I have no data to confirm the number of active cases in FY 2014/2015.*

**Recommendation #2:** Trinity County continue to assign defendants to Public Defender on a competitive basis rather than entering into an annual or multi-year contract, or establishing a county based PD office.

**Response:** *Will not be implemented. The County has recently entered into a contract with two qualified attorneys. Since these attorneys are from outside the County, there should be almost no conflicts, thus reducing the County's costs for public defense.*

**Finding #3:** The County has last prepared a cost analysis of the potential of funding a County Public Defender office in 2011.

**Response:** *I agree with this finding.*

**Recommendation #3:** Trinity County Board of Supervisors consider the preparation of a Cost Analysis, and factor into such analysis any and all potential cost savings due to such things as reduction in conflict counsel costs and direct oversight by the County.

**Response:** *Will not be implemented. The cost of the new Public Defender contract is less than the cost analysis done in 2011 to establish a County Public Defender's office.*

**Finding #7:** 100% of the costs of prosecution and 90% of the costs of defenses are paid for by taxpayers of Trinity County.

**Response:** *I disagree in part. I have no information that the stated percentage for the costs of defense are accurate.*

**Recommendation #7:** Board of Supervisors officially request that Superior Court Judge routinely request defendants submit completed PUBLIC DEFENDER QUALIFICATION FORM prior to assignment of public defender.

**Response:** *Requires further analysis. I agree with this recommendation, however the request should come from a majority of the Board of Supervisors.*



# TRINITY COUNTY

## Office of the County Administrator

WENDY G. TYLER

County Administrative Officer

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613

PHONE (530) 623-1382 FAX (530) 623-8365

TO: The Honorable Elizabeth Johnson,  
Judge of the Superior Court

FROM: *WGT* Wendy G. Tyler, County Administrative Officer

CC:  Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Judicial Committee Final Report  
RE: 2014-2015-002 Public Defender and Indigent Claim Form

DATE: August 14, 2015

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The Grand Jury Judicial Committee has requested a written response to their final report on the Public Defender and Indigent Claim Form. In my capacity as County Administrative Officer my response is as follows:

**Finding #1:** *“90% of all defendants in Trinity County are represented by the Public Defender. Defendants are not uniformly required to submit the indigent claim form to the presiding judge prior to the appointment of a Public Defender.”*

**Response:** I agree in part with this finding. I do not have access to data to confirm the percentage indicated in this Finding. I do believe a majority of defendants are provided Public Defender services. In terms of the defendant’s financial information that would be necessary in determining if one qualifies for public defender services, I would agree that generally the Presiding Judge does not require it.

**Recommendation #1:** *“All indigent defendants complete financial statement as a standard procedure.”*

**Response:** Will be implemented to the extent the County has standing to require it. All defendants are provided with an Indigent Claim to complete at the time of booking. IF the defendant is willing to complete the form, they likely do not have the required information in their possession to accurately complete the form. If the defendant chooses not to complete the form, or provides only skeletal information, the County has little recourse and I do not believe

the Judge has the right to deny them appointment of a public defender based on incomplete financial information.

**Finding #4:** *“The Indigent Claim Form is outdated and inadequate for the accurate retrieval of financial information.”*

**Response:** I agree with this finding in part. The form could be enhanced to allow more information to be collected from defendants. However, as indicated in my response to Recommendation #1 above, if the defendant is unwilling to provide the information, the County has no recourse, no matter the content of the form.

**Recommendation #4:** *“Approve and adopt the use of the suggested PUBLIC DEFENDER QUALIFICATION FORM/FINANCIAL DECLARATION & STATEMENT OF ASSETS form attached to this Report as Appendix A.”*

**Response:** Requires further analysis. As indicated in my responses, and those of the Chief Probation Officer (who is responsible for the Delinquent Collections program), the current form in use was provided and approved by the Superior Court. Recent changes in responsibilities between the County and the Court for collection activities including verification of financial information provided by defendants, have left the need for further discussions as to how or if a new form will be implemented and how the process can be improved upon. I would anticipate those discussions to take place within the first half of this fiscal year.

**Finding #5:** *“There is no system in place for the processing and verification of the Indigent Claim Form.”*

**Response:** I agree in part with this Finding. There is a system in place for providing the form to defendants upon booking. However, keep in mind not all defendants are booked prior to appointment of a public defender, if at all. Verification of the information is rarely done, due in large part to the fact that information is generally not provided or what is provided is incomplete.

**Recommendation #5:** *“Assign the responsibility of verification of financial information and determination of financial responsibility to a specific person or department within the County – within the County Probation Department or within a stand-alone position dedicated to the verification and collection of all court-related fees, fines and defense costs.”*

**Response:** Requires further analysis. The first step in the analysis would be for the County and Court to determine a method for ensuring the Indigent Claim Form is completed by the defendants prior to appointment of a public defender. There is no point in determining how to verify the information if it is not being provided consistently. Determining who best could verify the information in a timely and cost effective manner would be the next step in the analysis.

In terms of “verification and collection of all court related fees, fines and defense costs”, the County has 3 people assigned to this function for the purposes of delinquent collections, and

the Court has recently assumed the function of current (or forthwith) collections. I do not know what staffing level they have devoted to that function. The delinquent collections department can only collect what is actually ordered by the Judge at the time of sentencing. So regardless of whether a defendant's ability to pay has been verified or not, the Judge has the discretion to order them to pay the fines and fees as well as public defender costs. My understanding is that over the past several years the Court has ordered fewer defendant's to pay public defender costs. One of the unintended consequences of the Court/County separation (known as the Trial Court Funding Act), is that we now have a Court system that has no interest in the finances of the County. The Court's funding is not impacted by what local fines or fees are collected, however the Judge holds the power to order them to be paid.

**Finding #6:** *"Due to the lack of systems and/or oversight, potentially large amounts of taxpayer monies were used for the defense of people who may not have otherwise qualified for public defender services. Those monies are not recoverable."*

**Response:** I agree with this finding. The systems are lacking with both the Court and County system.

**Recommendation #6:** *"Establish a method for collection once it has been determined that a defendant is wholly or partially responsible for their defense, and a procedure for actually collecting the money from the defendant."*

**Response:** Has been implemented. The County has successfully operated a Comprehensive Collection program for more than 10 years. As is evidenced by the most recent Annual Collection Report filed with the State Judicial Council, our collection efforts fall above or within the State benchmarks. Without the Court agreeing to take a proactive role in ensuring defendants provide financial information prior to appointment of a public defender and then following through at sentencing with ordering payment of public defender fees, there is little else the County can do to increase the funds collected against our public defender costs.

In closing I would like to make a clarification to the Grand Jury's Report. Within the "Discussion" on page 3, third paragraph you state:

"The current PD budget recommendation is \$656,073. In contrast, the current DA budget is \$760,582, which amount includes wages, benefits and office expenses for 4 attorneys, 1 investigator, 3 clerks and 1 secretary."

Assuming you are referring to the Fiscal Year 2014/15 proposed budget numbers, the Public Defender's budget was \$664,873, and the District Attorney's budget was \$1,175,721. The figure you quote is only the General Fund component of the District Attorney's budget. Fortunately, the staff in the District Attorney's Office has been successful in their efforts to obtain prosecutorial and other types of grants to assist in funding their department. No such grants are available for public defender services, resulting in the entire burden being borne by the General Fund.





**TRINITY COUNTY**  
ANGELA BICKLE, AUDITOR-CONTROLLER  
MICHAEL MARTIN, ASSISTANT AUDITOR-CONTROLLER  
P.O. BOX 1230, WEAVERVILLE, CALIFORNIA 96093-1230  
PHONE (530) 623-1317 FAX (530) 623-1323

TO: The Honorable Elizabeth Johnson,  
Judge of the Superior Court

FROM: Angela Bickle, Auditor-Controller *ab*

CC: Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2014-15  
Grand Jury Judicial Committee Final Report  
Re: Public Defender and Indigent Claim Form

DATE: 08/11/2015

RECEIVED  
AUG 12 2015  
Trinity County  
Board of Supervisors  
By: \_\_\_\_\_

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The Grand Jury Judicial Committee has requested a written response to their final report on the Public Defender and Indigent Claim Form. In my capacity as County Auditor-Controller, my response is as follows:

**Finding #2:** The County has contracted with a single public attorney for more than 20 years, whose caseload for the 2014-15 reporting period was in excess of 450 active cases.

**Response:** I disagree in part with this finding. Our records indicate Trinity County did contract with an attorney for over twenty years. However records indicate that we also had contracts with other attorneys at different levels in the twenty year time frame referred to. In regards to the active caseload being in excess of 450 cases for FY 2014/15, we did provide a Public Defender case count as of June 30, 2014; however, since we did not have a contract in place during fiscal year 2014-15, I am not privy to the number of active cases during that time.

**Recommendation #2:** Trinity County continue to assign defendants to Public Defender on a competitive basis rather than entering into an annual or multi-year contract or establishing a county-based PD office.

**Response:** This recommendation will not be implemented. The County has already entered into a contract with two qualified attorneys. These two attorneys have never practiced

law in Trinity County and therefore the amount of conflicts should be reduced substantially, unless there are more than two defendants in one case.

**Finding #3:** The county last prepared a cost analysis of the potential of funding a County Public Defender office in 2011.

**Response:** I agree with this finding.

**Recommendation #3:** Trinity County Board of Supervisors consider the preparation of a cost analysis, and factor into such analysis any and all potential cost savings due to such things as reduction in conflict counsel costs and direct oversight by the County.


**Response:** This recommendation will not be implemented. The amount of the new Public Defender established contract is less than the cost analysis done in 2011 to establish a County Public Defender's office. Having a County operated Public Defender's office will result in the County having more conflicts and outside attorneys being appointed.



**TRINITY COUNTY**  
Probation Department  
Hal Ridlehuber, Chief Probation Officer  
333 Tom Bell Rd.  
P.O. Box 158  
Weaverville, CA 96093  
Phone: (530) 623-1204 Fax: (530) 623-1237



TO: Honorable Elizabeth W. Johnson,  
Presiding Superior Court Judge

FROM: Hal Ridlehuber, Chief Probation Officer 

SUBJECT: Response to Recommendations of 2014-2015 Trinity County Grand Jury Report  
Re: JUR-2014-2015-002 / Public Defender and Indigent Claim Form

DATE: August 4, 2015

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The Grand Jury has requested a written response to their report on the Public Defender and Indigent Claim Form. In my capacity as Chief Probation Officer my response is as follows:

**Finding #1:** 90% of all defendants in Trinity County are represented by the Public Defender. Defendants are not uniformly required to submit the Indigent Claim Form to the presiding judge prior to the appointment of a Public Defender.

**Response:** I agree with this finding, however I do not have the statistics to confirm that 90% of all defendants are represented by the Public Defender.

**Recommendation #1:** All indigent defendants complete financial statement as a standard procedure.

**Response:** I agree with this recommendation however it should be noted that on July 1, 2015, the Court discontinued contracting with the County for the collection and processing of forthwith payments. Processing of indigent claim forms has, by practice, fallen within the scope of the forthwith collections function as the form is used at the arraignment stage of criminal proceedings and well before a case is deemed delinquent.

**Finding #4:** The Indigent Claim Form is outdated and inadequate for the accurate retrieval of financial information.

**Response:** I agree in part with this finding. The current Indigent Claim Form has been in use for several years and the new proposed form could capture a broader range of financial information from a defendant. As noted in the response to recommendation #1, the Court is now responsible for forthwith collections and the processing of the Indigent Claim Form has, by practice, fallen within the scope of the forthwith collections functions. The Indigent Claim Form is a court document and the implementation of a revised or expanded version would ultimately be the Court's decision.

**Recommendation #4:** Approve and adopt the use of the suggested PUBLIC DEFENDER QUALIFICATION FORM/FINANCIAL DECLARATION & STATEMENT OF ASSETS form attached to this Report as Appendix A.

**Response:** Requires further analysis. The existing Public Defender form is a Court form; as such it would need to be approved, adopted, and ensured completion by the Court. It should also be noted that the existing form is regularly turned in incomplete and often lacks even the defendants' name and address. Without rigid monitoring by Courts at the time of appointment of council, it is unlikely that adopting the proposed form will improve the capture of asset data that the Grand Jury intends it to.

**Finding #5:** There is no system in place for the processing and verification of the Indigent Claim Form.

**Response:** I agree in part. There is a system in place for defendants to be provided the Indigent Claim Form and instructed to complete it and sign it under penalty of perjury prior to arraignment. The form is presented to defendants by Sheriff's Office staff in the jail at the time of booking. The complication is that not all defendants are booked before the time of arraignment/appointment of council and some defendants are never formally booked for their charges. Verification of the information submitted rarely occurs as the forms are seldom turned in completed. If a formal verification process were adopted it would require additional staff to investigate the high volume of Indigent Claim Forms submitted to the Court. I believe this would yield a very nominal return on the investment.

**Recommendation #5:** Assign the responsibility of verification of financial information and determination of financial responsibility to a specific person or department within the County – within the County Probation Department or within a stand-alone position dedicated to the verification and collection of all court-related fees, fines and defense costs.

**Response:** I agree with the recommendation but the current collections and delinquent collections operations are now bifurcated so there is not a county specific entity responsible for the collection of all court related fees, fines and defense costs. If either the Court or the Probation Department took the responsibility of verification of the financial information contained in the Indigent Claim Form it would require an increase in staffing levels and in turn would necessitate a funding increase.

The evaluation done by Humboldt County was requested and designed as a tool for Trinity County and the Court to possibly implement new processes and procedures to enhance, streamline and potentially cut costs in both delinquent and non-delinquent collection activities. The evaluation was not done because of any significant or failing processes.

As to the recommendations made by Humboldt County in the review of Trinity County's Comprehensive Court Ordered Debt Collection program, there was no evaluation/recommendations of the public defender process which the Grand Jury has acknowledged. Therefore I am unclear as to why this review was even considered in this investigation.

cc: Wendy G. Tyler, County Administrative Officer/Clerk of the Board