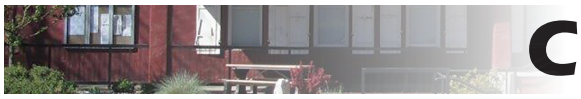

Continuity Report

SUMMARY

Each year the newly-impaneled group of grand jurors receives the responses to their predecessors' reports. The responses are carefully reviewed for their content, compliance to the law, timeliness and adherence to the penal code. This year we reviewed reports and responses for the past three years, a sum of 13 reports with 36 responses to 508 findings and recommendations.

Continuity is defined as an "uninterrupted connection; [a] close union of parts." In terms of grand juries, continuity is how we ensure that all the hard work put into a report has not been in vain. Without this "uninterrupted connection…," reports would be forgotten and recommendations, as well as responses, would be useless.

The results of this year's review revealed that of the 508 findings and recommendations, 170 (33.46%) responses were not in compliance. The penal code (see Appendix A) is very clear in how respondents must reply to a finding and to a recommendation.

Trinity County has Policy Statement #3-90 (P) (see Appendix B), regarding responding to Grand Jury reports. Unfortunately, the current Policy is missing a part of the penal code requirements, which is that, if a recommendation needs further analysis, the response must also include a summary of the process and a time frame for completion of no more than 6 months. The majority of the 170 non-compliant responses is the result of this discrepancy in that no summary is provided and no time-frame is specified.

This theme of "uninterrupted connection…" is not isolated to the past, present or future grand juries. It is integral between, and among, grand juries, the governing board, department heads and elected officials. The relationship should be that of a team, the same team, serving the best interests of our citizens. As grand jurors, we are tasked with looking at various departments or areas of our local government to ensure that they are performing efficiently, responsibly and lawfully, as well as fulfilling the needs of our community. Our reports and recommendations are not meant to place blame. Rather, they are intended to improve areas that are not efficient, or to correct areas that are not adhering to penal codes or other mandated laws. Additionally, grand jury reports inform the public as to how their local government is performing.

GLOSSARY

BOS – Board of Supervisors
CC – County Counsel
CAO – County Administrative Officer
CDBG – Community Development Block Grant
EDBG – Economic Development Block Grant
HRLC – Housing Rehabilitation Loan Committee
MOU – Memorandum of Understanding

BACKGROUND

Each year a new grand jury is impaneled. The one-year term begins July 1 and ends on June 30 of the following year. Due to the complexity of a thorough investigation, along with the 60/90-day response times allotted by the penal code, generally, the responses to the reports of one jury are not received before the new jury is sworn into office. The exiting jurors rely on their successors to read their reports, review the responses and follow up on implemented recommendations that reflect the fruits of their labor.

METHODOLOGY

- Reviewed the Grand Jury's Final Reports of 2014-2015, 2015-2016 and 2016-2017
- Researched the relevant Penal Codes as well as Trinity County's policies regarding responding to Grand Jury reports
- Reviewed the findings and recommendations for clarity, achievability and applicability
- Reviewed the responses to the requested findings and recommendations of each report for the previous three years for content, completion, compliance with the law and timeliness
- Reviewed all public documents pertinent to each report: BOS meetings' minutes and agendas, current grant loan portfolio spreadsheets, etc.
- Verified findings found in each report
- Met with department heads and CAO
- Met with a member of the BOS and with the CAO to conduct a follow-up on last year's recommendations requiring 'further analysis'

DISCUSSION

The review process divides into different methods. The first method looks at which responses are compliant versus those which are non-compliant. The chart below reflects the results of this review of the responses to the reports for the past three years. Penal Code 933 .05 'Responses to Findings' (see appendix A) details the two responses that are acceptable when respondent(s) respond to findings. Subdivision (b) of 933.05 specifies four different actions that a respondent may choose when responding to recommendations.

Where respondents chose '(b) (3) requires further analysis,' the majority of the responses were non-compliant because the respondents omitted the required time frame and/or the scope and parameters of the analysis. The others were non-compliant where no time frame for implementation was stated (b)(2). Lastly, if the recommendation was implemented, the response was non-compliant if the response lacked a summary of significant detail (b)(1) to demonstrate implementation.

The chart on the following page details this style of analysis:

REVIEW OF PORTIONS OF EARLIER GRAND JURY REPORTS

As watchdogs for our citizens, the successor grand jury uses this second method of the review process to note any issues that have not been addressed. We also highlight where changes were made. We report where some issues were perhaps wrongly reported, or where new information from our investigation(s) needs to be added.

We chose to examine more closely some specific responses from two of the three years of Grand Jury Reports. This does not mean that issues from the 2014-2015 Grand Jury were not important, only that the following seemed more current.

Report: 2015-2016 Trinity County Grand Jury Report

Community Development Block Grants:

Finding #1: "The Loan Grants accounting spreadsheet is unorganized, poorly documented and in great need of management oversight."

Response: "The Trinity County Grant Department will consider this finding and look at creating a more organized spreadsheet." (Respondent County Council (CC))

Review of this Response: The accounting spreadsheet of January 2018 is the same as it was in 2015. Attention should be given to this important component of grant receiving and accounting.

Finding #4: "The HRLC (Housing Rehabilitation Loan Committee) has violated the Brown Act by holding email/phone call meetings as well conference call meetings."

Response: "… (U)pon investigation, it does not appear that the HRLC is a Brown Act committee…." (Respondent CC)

Review of this Response: To verify Finding #4, we spoke with our legal advisor who stated that any committee that is created/appointed by the BOS (i.e., a governing body) is held to the Brown Act.

LOANS from 2015 to 2018: Summary of the Community Development Block Grant (CDBG)/Enterprise Development Block Grant (EDBG) Loans:

The grand jury looked at components of the two grant-funding organizations as reported in 2015 and at the current status of the loans in 2018. The following is a summary of that review:

- 10 loans: no payments were made on 10 loans as indicated in the 2015-16 report, these 10 were in default then. As of January 2018 zero payments have been made and these loans continue in default.
- 7 loans were current in 2015 and are still current today.
- 3 loans were current in 2015 and have since been paid off successfully.
- 1 EDBG loan was in default in 2015; it was sold and the loan on it was marked 'Paid in Full.'
- 3 loans had 'forced placed' insurance added to the amount of the loan: one house burned down, the recipients of one of these loans are deceased,