

TRINITY COUNTY GRAND JURY

1999-2000

FILED

APR 25 2000

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TRINITY
BY: DONNA REGNANI, DEPUTY CLERK**

DR

**FINANCE AND ADMINISTRATION COMMITTEE
FINAL REPORT**

**WEAVERVILLE SANITARY DISTRICT
ANNEXATION OF PIONEER HEIGHTS**

**This report was approved
On April 13, 2000**

**1999-2000 GRAND JURY
FINANCE AND ADMINISTRATION COMMITTEE
FINAL REPORT**

**WEAVERVILLE SANITARY DISTRICT ANNEXATION OF PIONEER
HEIGHTS**

BACKGROUND:

The portion of Weaverville now commonly referred as Pioneer Heights is a residential area of approximately 125 acres containing 48 parcels. The parcels are typically 2.5 or 5 acres in size. One requirement for residential use of the properties by the individual owners is the attainment of sewer service. Early in 1998 the property owners started to organize and collectively obtain sewer service from the Weaverville Sanitary District (WSD). The Pioneer Heights Property Owners Association was formed and a request for annexation by WSD was approved by the Association in June, 1998. The request for annexation was approved by WSD on October 13, 1998 and approved by Trinity County Local Agency Formation Commission (LAFCO) on June 23, 1999. Some of the property owners have publicly complained that the effort required to obtain sewer service from WSD had been unjustifiably difficult and took too long. The Grand Jury conducted a comprehensive review of the efforts of the Association and WSD to obtain and provide service to the Pioneer Heights area.

METHODOLOGY:

The Grand Jury reviewed the Trinity County Planning Department files and the WSD files for the Pioneer Heights area and a related annexation of adjoining properties. The minutes of the 1998 and 1999 WSD Board of Directors meetings and the 1999 LAFCO meeting were also reviewed. Members of the Finance and Administration Committee also interviewed the Executive Officer, Chairman, three Commissioners and the Clerk of LAFCO; the General Manager, the President of the Board and two other Directors of WSD; and several property owners in Pioneer Heights and adjacent properties.

FINDING #1:

The Planning Department files on Pioneer Heights are complete and well organized. The LAFCO meeting minutes provide excellent detailed documentation of LAFCO meetings.

RECOMMENDATION #1:

The Grand Jury has no recommendation on this finding but commends both LAFCO and the Planning Department for the quality and availability of the files and meeting minutes.

FINDING #2:

The WSD files are complete, but they do contain unnecessary duplication and are not particularly well organized. The meeting minutes are adequate but would benefit by the inclusion of more details of the proceedings. WSD does not directly employ a full time clerk or secretary, relying instead on contracting for part time secretarial help which is available on a limited basis.

WSD has a minimum number of employees, thus controlling labor expense and the cost of service to WSD customers.

RECOMMENDATION #2:

The Grand Jury recommends that the WSD place more emphasis on secretarial or administrative assistant needs, with particular regard to office files and meeting minutes.

The attention to work force expense is commendable.

FINDING #3:

Obtaining sewer service for Pioneer Heights was delayed because neither the property owners, WSD nor LAFCO had a full and complete understanding of their responsibilities and the proper procedures for annexing and providing service beyond the existing boundaries of the sewer district. The staff of the Planning Department, which provides technical and administrative support to LAFCO, did not initially provide prompt assistance and guidance. As the annexation of Pioneer Heights by WSD progressed the property owners, WSD and LAFCO developed a much better understanding of the legal requirements and annexation proceeded in a smoother and more expeditious manner.

RECOMMENDATION #3:

When special districts, such as WSD, are considering extending service beyond their existing boundaries, the Grand Jury recommends a coordination meeting as one of the first steps. A joint meeting of the people served; the management of the district that will provide the service; representatives from LAFCO, which must approve the new service boundaries; and the Planning Department staff that supports LAFCO should result in an understanding and agreement of the procedures to be followed.

FINDING #4:

Some of the property owners in Pioneer Heights have been frustrated and angry about the delays in their efforts to improve their properties and build residences. The Grand Jury finds a perception by a portion of the general public, not limited to the Pioneer Heights property owners, that the Planning Department unnecessarily impedes the development and use of private property. This perception may arise among property owners who are not familiar with the applicable government regulations, codes, restrictions and procedures which the Planning Department must uphold and comply

with. The Grand Jury finds no evidence that the Planning Department intentionally or improperly obstructed any applications. Rather, the Grand Jury finds that the Planning Department is performing its duties in a professional manner. The Grand Jury does find that the Planning Department, though not required to do so, could be of more assistance to applicants needing help and guidance.

RECOMMENDATION #4:

The Grand Jury recommends that the Director and staff of the Planning Department make a concerted effort to develop a service policy for the public that is more helpful and service orientated, which may require additional staff.

30-DAY RESPONSE REQUESTED FROM:

Weaverville Sanitary District Board of Directors; Trinity County Board of Supervisors; Trinity County Planning Department; Trinity County Local Agency Formation Commission.



TRINITY COUNTY

OFFICE OF THE COUNTY COUNSEL

Post Office Box 1428

Weaverville, California 96093

RECEIVED Phone (530) 623-1382

FAX (530) 623-4222

MAY 19 2000

DAVID R. HAMMER

County Counsel

SUPERIOR COURT
JUDGE'S CHAMBERS

May 15, 2000

The Honorable John K. Letton, Presiding Judge
Superior Court

Re: Response to the Finance and Administration Committee Final Report-Weaverville Sanitary District Annexation of Pioneer Heights

Dear Judge Letton:

FINDING #1: I agree.

RECOMMENDATION #1: No action necessary.

FINDING #2: I am not the legal advisor for the Weaverville Sanitary District and have not reviewed their files. I have no information on which I can agree or disagree with Finding #2.

RECOMMENDATION #2: I have no authority to implement the recommendation.

FINDING #3: I partially disagree in that my observations at the LAFCO meetings regarding the annexation on Pioneer Heights revealed that LAFCO, and the Planning Department staff assisting LAFCO did have a full and complete understanding of their responsibilities and the proper procedures for annexation.

RECOMMENDATION #3: I have no authority to implement the recommendation.

FINDING #4: I agree, except that I do not know what further assistance the Planning Department could provide to applicants. From my knowledge, the Planning staff spends considerable time in advising applicants of the proper procedure. The technical and legal requirements are often complex and difficult for property owners to understand. The assistance of an attorney in private practice, with expertise in this area of the law, is beneficial to the property owner.

RECOMMENDATION #4: I have no authority to implement the recommendation.

Thank you for the opportunity to provide a response.

Respectfully,

A handwritten signature in black ink, appearing to read "David R. Hammer", with a long horizontal flourish extending to the right.

David R. Hammer

DRH/pt



**TRINITY COUNTY
LOCAL AGENCY FORMATION
COMMISSION**

190 GLEN ROAD
P.O. BOX 2819
WEAVERVILLE, CA 96093
(530) 623-1351 FAX (530) 623-1353
E mail: tcplng@tcoe.trinity.k12.ca.us

RECEIVED
JUN 27 2000
SUPERIOR COURT
JUDGE'S CHAMBERS

June 20, 2000

Honorable John Letton
Presiding Judge of the Superior Court
PO Box 1258
Weaverville, CA 96093

RE: Response to 1999/2000 Grand Jury Final Report on the Weaverville Sanitary
District Annexation of Pioneer Heights

Dear Judge Letton:

This is the response of Trinity County Local Agency Formation Commission to the report of the Grand Jury as mentioned above. Our response to each of the findings and recommendations is as follows:

FINDING #1:

The Commission agrees with Finding #1 and shall continue to provide organized files and minutes.

RECOMMENDATION #1:

No response required.

FINDING #2:

This finding refers to WSD files for which the LAFCO Commission does not have information. Therefore, the Commission cannot agree or disagree with this finding.

RECOMMENDATION #2:

The Commission has no power to implement this recommendation because it refers to WSD.

FINDING #3:

The Commission agrees with the finding.

RECOMMENDATION #3:

The Commission agrees with the recommendation and will participate in joint meetings.

FINDING #4

The Commission agrees with the finding.

RECOMMENDATION #4

The Commission agrees with the recommendation and will draft a booklet as soon as pending legislation (AB 2838) is enacted.

Thank you for the opportunity to comment on the report.

Sincerely,

A handwritten signature in black ink that reads "Gary Seppanen". The signature is fluid and cursive, with the first name "Gary" and last name "Seppanen" clearly distinguishable.

Gary Seppanen,
LAFCO Chairman

GS:jb

cc: Trinity County Board of Supervisors

Weaverville Sanitary District

POST OFFICE BOX 1269, WEAVERVILLE, CALIFORNIA 96093

TELEPHONE (530) 623-4102; FAX (530) 623-1975

June 23, 2000

Superior Court Judge
Honorable John K Letton
P.O. Box 1258
Weaverville, CA 96093-1258

Honorable John K. Letton:

In response to a Memorandum sent by the Court Administrator regarding the 1999-2000 Trinity County Grand Jury Reports:

WEAVERVILLE SANITARY DISTRICT ANNEXATION OF PIONEER HEIGHTS

Response to Finding and Recommendation No. 2:

The Board of Directors of the Weaverville Sanitary District agrees with the Grand Jury, and that more emphasis should and will be placed on purging and organizing files, focussing especially on unnecessary duplication. More details as to meeting minutes will be established and the results documented.

Response to Finding and Recommendation No. 3:

The Weaverville Board of Directors agrees with the Grand Jury's recommendation. In the future, we will request a joint meeting with the Petitioner(s), members of LAFCo, WSD Board of Directors and Planning Staff. Members of these groups will be brought into the process at the beginning of the project.

WEAVERVILLE SANITARY DISTRICT CAPITAL IMPROVEMENT FEE

Response to Recommendations:

The Weaverville Sanitary District agrees to attend, along with other special districts, a presentation by County Counsel of the law and penalties regarding conflicts of interest.

The Weaverville Sanitary District agrees to establish a policy of requiring members of the board to declare a conflict when a conflict exists and not participate in the discussion while the item is being discussed and action is taken.

Sincerely,

Harris (Beau) Mitchell

Board Chairman for
Board of Directors

RECEIVED

JUL - 7 2000

DERO B. FORSLUND
COUNTY CLERK & RECORDER



**TRINITY COUNTY
PLANNING DEPARTMENT**

303 TRINITY LAKES BLVD.
P.O. BOX 2819
WEAVERVILLE, CA 96093
(530) 623-1351 FAX (530) 623-1353

RECEIVED
NOV 14 2000
SUPERIOR COURT
JUDGE'S CHAMBERS

June 21, 2000

Honorable John K. Letton
Superior Court
P.O. Box 1258
Weaverville, CA 96093

**SUBJECT: 1999/2000 Grand Jury Finance & Administration Committee Final Report
re: "Weaverville Sanitary District Annexation of Pioneer Heights".**

Dear Judge Letton:

My response to the findings and recommendations of the above referenced Grand Jury Report is as follows:

Finding #1:

I agree with the finding.

Recommendation #1:

I thank the Grand Jury for their thorough review and appreciate that they have noted the effort made by the Planning Department to maintain accurate and complete files and minutes of our meetings.

Finding #2:

This finding is not applicable to the Planning Department or LAFCO. It pertains to the Weaverville Sanitary District.

Recommendation #2:

This recommendation is not applicable to the Planning Department or LAFCO. It pertains to the Weaverville Sanitary District.

Finding #3:

While I believe that LAFCO had a clear understanding of its responsibilities regarding the Pioneer Heights annexation, there was some misunderstanding regarding application requirements. I had

assumed that since the Weaverville Sanitary District participated in many previous annexations, that they understood the process well enough to prepare the full application without much assistance from LAFCO staff. The Grand Jury is correct that after legal requirements for applications were discussed, all parties were able to proceed to a successful conclusion resulting in annexation approval.

Recommendation #3:

LAFCO has already amended its application forms for annexations. As a result of AB 2838, which is pending in the legislature and is anticipated to pass, LAFCOs throughout California will be developing written formal policies and procedures, amending by-laws, updating spheres of influence, and generally working more closely with cities and special districts. I anticipate that the issues raised by the Grand Jury, which have also been raised elsewhere in California, will be satisfactorily addressed through these new procedures.

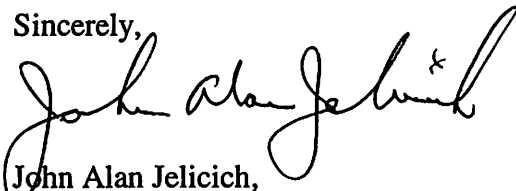
Finding #4:

I thank the Grand Jury for recognizing that staff of the Planning Department performs their duties in a professional manner. We make every effort to work closely with applicants to ensure that they understand the planning process, and I believe we are generally successful. Regarding the Pioneer Heights annexation, the applicant for the annexation was the Weaverville Sanitary District, not the property owners in the area. Regardless of the passage of AB 2838, Trinity County LAFCO plans to improve its procedures. By better explaining the role of LAFCO, I anticipate that the public will develop a better understanding of the relationship between LAFCO and special districts.

Recommendation #4:

The Planning Department does have a customer service policy of working closely with the public. If anyone has a problem with service I would appreciate knowing about it so that steps can be taken to correct it. We assist people at the counter the way we would want to be treated; however, there is always room for improvement. I would welcome any suggestions that people may have.

Sincerely,

A handwritten signature in black ink, appearing to read "John Alan Jelichich". The signature is fluid and cursive, with a small asterisk-like mark above the final "h".

John Alan Jelichich,
Planning Director and
Executive Officer for LAFCO



TRINITY COUNTY

BOARD OF SUPERVISORS

P.O. Drawer 1613 (530) 623-1217

WEAVERVILLE, CALIFORNIA 96093

Dero B. Forslund, Clerk

Jeannie Nix-Temple, County Administrative Officer

May 16, 2000

Judge John Letton
Presiding Judge of the Superior Court
P.O. Box 1258
Weaverville, CA 96093

RECEIVED
RECEIVED
MAY 16 2000
JUDGE'S CHAMBERS
SUPERIOR COURT

RE: Finance and Administration Committee Final Report Weaverville
Sanitary District Annexation of Pioneer Heights.

The Trinity County Board of Supervisors acknowledges receipt of the above referenced report and thanks the Grand Jury for its work. The Board's response is as follows:

The Board of Supervisors agrees with finding #1.

The Board of Supervisors agrees with Finding #2 that the Weaverville Sanitary District has done an excellent job of containing overhead costs. The Sanitary District's reputation has always been one of providing the best service at the minimum cost. It is inappropriate for the Board of Supervisors to directly comment on an independent district's staffing decisions.

The Board of Supervisors agrees with Finding #3 that the staff of the Planning Department did not initially provide prompt assistance and guidance to the Pioneer Height Property Owners. The Board became aware of this problem in January of 1999 and quickly moved to correct this problem. The joint meeting with the Property Owners Association and the Weaverville Sanitary District that is recommended by the Grand Jury was held in April of 1998. The Board concurs that the Property Owners Association acted appropriately. The Board finds that the Grand Jury is one year late with their report.

The Board of Supervisors agrees with Finding #4 that some of the property owners in Pioneer Heights have been frustrated and angry about the delays in their efforts to improve their properties and build residences. The Grand Jury does find that the Planning Department, though not required to do so, could be of more assistance to applicants needing help and guidance. In 1999, the Board instituted a procedure whereby each County Department will provide "Customer Service Questionnaires" to the public. These forms are routed to the Department Heads, CAO, and each Board member to improve the County's service to the public. We hope that this oversight will prevent reoccurrences of this problem.

TRINITY COUNTY BOARD OF SUPERVISORS

By: Ralph Modine
Ralph Modine, Chairman