

**FILED**

FEB - 4 2004 *DR*

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

**TRINITY COUNTY GRAND JURY**

**2003-2004**

**JUDICIAL COMMITTEE  
FINAL REPORT**

**REVIEW OF CITIZEN COMPLAINT  
AGAINST MR. ROBERT REISS, COUNTY SUPERVISOR, DISTRICT 5**

**This report was approved  
on January 19, 2004**

**2003-2004 TRINITY COUNTY GRAND JURY  
JUDICIAL COMMITTEE  
FINAL REPORT**

**REVIEW OF CITIZEN COMPLAINT**

**PURPOSE:**

The Trinity County Grand Jury is empowered to investigate, as it deems appropriate, complaints received from citizens of Trinity County. The 2003-2004 Grand Jury received a carryover citizen complaint from last year's Grand Jury alleging that incumbent Trinity County Supervisor for District 5, Mr. Robert Reiss, has committed violations of California's Elections Codes. The accusations involved actions taken by Mr. Reiss during a period in which a referendum petition was being circulated to rescind the Board of Supervisors' cost-of-living pay increase approved by the Board of Supervisors in December 2002.

**BACKGROUND:**

On December 3, 2002, the Trinity County Board of Supervisors approved an ordinance that granted themselves a cost-of-living pay increase. Shortly thereafter (by the 10<sup>th</sup> of December), voters within the County had initiated a referendum petition intended to force the Board of Supervisors to either rescind the pay increase or to submit it to an upcoming ballot for voter approval.

The Grand Jury received a citizen complaint dated February 25, 2003, alleging that Mr. Reiss had 1) violated several portions of the California Elections Code, 2) abridged the Constitutional rights of citizens to sign and file referendum petitions, 3) intimidated and verbally abused voters that had signed petitions, 4) threatened the boycott of businesses whose owners had participated in the referendum petition process, 5) inappropriately reviewed names of petition signers and business supporters contrary to instructions provided to the Board of Supervisors by the Trinity County Clerk, and 6) had engaged in public outbursts and used language unbecoming a public official.

As the result of the petition drive, Mr. Dero Forslund, Trinity County Clerk and senior election official, ultimately received 24 referendum petitions. 23 of the 24 were received in a timely fashion and the names on those were certified and forwarded to the Board of Supervisors. Sufficient names were certified to force either rescinding or voter approval of the Board of Supervisors' cost-of-living pay increase. During the Board of Supervisors' meeting on February 18, 2003, the Board debated and rescinded their pay increase.

## **METHODS OF INVESTIGATION:**

The Judicial Committee initiated the investigation by interviewing the complainants and witnesses; reviewing California Elections Code, Sections 18500, 18501, 18502, 18620, 18630, and 18631; California Government Code 3060 and Penal Code 919(c); and by reviewing video tapes of five Board of Supervisor regular meetings. Upon recognition of the significance of the allegations and the complexity of the legal issues, the Grand Jury voted to request the assistance of the Trinity County District Attorney. The District Attorney was requested to assist in evidence collection and legal advice to the Grand Jury.

The District Attorney who accomplished the preparations for formal evidence collection assigned an investigator. The District Attorney, in coordination with the Attorney General's Office, reviewed relevant case law and drafted the necessary legal opinions for the Grand Jury to proceed.

On December 4, 2003, a special session of the Grand Jury was called, during which witnesses, including Supervisor Reiss, were subpoenaed and their verbatim testimony taken under oath. Documentary evidence was collected and admitted into the official file.

In addition to investigation of the complaint, the Grand Jury collected information through interviews with Supervisors.

## **FINDING 1:**

Evidence collected indicates that Supervisor Reiss entered a local business and went to the counter where a Citizens Signature Petition was sitting in plain view on a clipboard. He picked up the petition and scanned the signatures to see whether he could recognize any names. He forcefully returned the clipboard to the counter, causing it to slide off the counter in the direction of a customer and onto the floor. One customer was so startled by the Supervisor's actions that she asked if the owners wanted her to call 911 for help. Mr. Reiss then went to the back of the business and in an angry voice addressed the owner with profanity saying "You're an asshole for putting this petition in the store". The storeowner tried to explain that a place was provided where all citizens, whether he agreed with their positions or not, could post protests of local government actions. The Supervisor was then heard to say that he would never do business in that establishment again.

The Grand Jury heard other testimony that Mr. Reiss had called a District 5 business owner, at night, and on her daughter's home telephone to query her as to why she had the petition in her business. Following the call, this business owner had the petition removed from her store.

Supervisor Reiss' activities were intimidating and unbecoming of a public official.

**RECOMMENDATION 1:**

The Board of Supervisors should adopt a standard of ethics and conduct for all current and future members of the Board.

**FINDING 2:**

The California Elections Codes are stringent and strictly enforced during an election period; e.g. the preparation for voting, voting and the counting of votes. They are much less defined and stringent during other periods such as during campaigns and petitions. Mr. Reiss' activities occurred during a petition period.

**RECOMMENDATION 2:**

The Board of Supervisors should obtain training on the California Elections Codes to educate themselves about activities that are permitted during election periods and petition periods.

**FINDING 3:**

During evidence collection it became apparent that new Board of Supervisor members receive little or no training to help prepare them for the demands of the office.

**RECOMMENDATION 3:**

The Board of Supervisors should develop job description information, including handbooks, for newly elected members to help them absorb and understand the pressures and issues they will face. The Board should also pursue whatever training is available and of value to help new members be successful and meet requirements of the Elections Code and Brown Act.

**CONCLUSION:**

The Board of Supervisors should recognize that even though a supervisor is elected from a district, each supervisor represents all citizens of Trinity County. The position is one of respect and should be carried out in a like manner at all times.

**RESPONSES REQUIRED:**

Under Penal Code 933, the following entities are required to respond to the listed findings and recommendations within the time period indicated:

Entity	Finding	Recommendation	Respond in:
Trinity County Board of Supervisors	1,2,3	1,2,3	90 days



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MAY 10 2004

TRINITY COUNTY  
SUPERIOR COURT

# TRINITY COUNTY

Board of Supervisors

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

TO: The Honorable Anthony Edwards,  
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors

Robert A. Reiss, Chairman of the Board

RE: 2003-2004 Trinity County Grand Jury Final Report  
Judicial Committee

Re: Citizen Complaint against Robert Reiss, County Supervisor, District 5

DATE: April 26, 2004

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## FINDING 1:

Although none of the other Supervisors were present or party to any of the incidents described in this finding, it is apparent from sworn testimony and direct contacts by some Supervisors with the parties involved that Supervisor Reiss behaved inappropriately when he contacted the businesses that had petitions on their counters. Supervisor Reiss entered these businesses for no other reason than to complain about these petitions. Unfortunately, his demeanor was disrespectful and argumentative. His actions reflected negatively on the entire Board of Supervisors.

As members of the Board of Supervisors, it is our responsibility to ensure that all citizens have a right to question our actions, even when we do not agree with their point of view. As leaders of our communities, we also have the responsibility to set a high standard and example of ethical behavior. Although the Grand Jury found that no "laws" were violated, Supervisor Reiss's behavior, in this instance, fell short of the standards and example that the public and the Board of Supervisors expect to be upheld.

## RECOMMENDATION 1:

The Board sees, at this time, no need to implement this recommendation. Standards of conduct are already spelled out in many sections of Trinity County's employee manual and our insurance carrier (Trin-Del) regularly gives seminars on a variety of topics including ethics. It should be noted that the last seminar on ethics was attended by members of the Board of Supervisors.

**FINDING 2:**

The Board agrees with this finding.

**RECOMMENDATION 2:**

Members of the Board of Supervisors, as elected officials, already receive considerable information from the elections clerk regarding the California Elections Codes during the elections process. The Board will implement this recommendation by asking the County Clerk to make available to Board members those sections that relate to petition periods.

**FINDING 3:**

The Board does not entirely agree with this finding. After each election cycle, the California State Association of Counties holds week long training sessions for new Supervisors. Trinity County Supervisors have been diligent in attending those sessions. Each new Supervisor is also provided with the scheduled opportunity to meet with each county department head in order to gain some understanding of the workings of that particular department. Many Supervisors-elect have also chosen to attend meetings of the Board before they actually take office so they can familiarize themselves with issues and protocols.

**RECOMMENDATION 3:**

The provisions of this recommendation are already in existence and will continue to be implemented.

The Board of Supervisors appreciates the work of the Trinity County Grand Jury and agrees with the conclusion of this report.

RM/