



## Del Norte County Grand Jury 2010-2011 Final Report

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## **Foreperson's Report**

Honorable Robert W. Weir:

On behalf of the 2010-2011 Del Norte County Grand Jury, I submit our final report to you, to the citizens of Del Norte County, The County Board of Supervisors and to the City Council of Crescent City

This year's Grand Jury, like the one before us, found that service to the Grand Jury was the most difficult task to overcome. This Grand Jury has had need of four Forepersons and at one time had only eleven members attending our meetings. With the assistance of the Superior Court we were again able to establish a full membership. The citizens of Del Norte must realize that service on the Grand Jury is as important as any other service. If they are selected to become a member of the Grand Jury they must be prepared to serve the entire year.

This Grand Jury decided to release our annual report via the internet, on the Del Norte County Website; as opposed to having it printed. This change will result in monetary savings for the county and is following the lead of other Counties within the State of California who release their reports via the internet.

Directions for how to obtain a printout of the report will be published on the Del Norte County Website and in the local newspaper.

I would like to thank both the Recording Secretary and Correspondence Secretary for their many hours of service and for keeping the records clear and straight.

I also thank all the members who gave of their time and efforts; my heartfelt thanks for your participation. We have all traveled over a long and sometimes bumpy road, and I want you all to know that I appreciate everyone for their time and travel.

This report represents the annual required investigations and reviews as well as those that are of concern to the citizens of Del Norte County. All of these were accomplished even though we went for a number of months without the required number of members.

Respectfully submitted,

G. Thomas Hopper, Foreperson  
2010 / 2011 Del Norte Grand Jury

## **County Assessor: Regular Department Review**

Members of the Grand Jury interviewed Assessor Louise Wilson and toured the facilities of the Del Norte County Assessor Office.

**Findings:** The staff consists of Ms. Wilson, three assessors, one auditor, a map transfer technologist, a chief of administration, and an office technician. Ms. Wilson has worked in the assessor's office for thirty-one years and appears as extremely competent. There are approximately eighteen thousand parcels in Del Norte County. The Assessor's office must assess

new construction, property transfers, property splits, boundary adjustments, and personal property. In addition they reassess homes according to market conditions when a reassessment is requested. Complete financials for this program are contained in the Del Norte County Board of Supervisors Report available at the Del Norte County Assessor Office at the Flynn Center on H Street in Crescent City.

Recommendations: None

### **County Clerk/Recorder: Regular Department Review**

#### **Findings:**

The County Clerk-Recorder's duties are threefold: 1.) Clerk-Recorder, 2.) Public Administrator, and 3.) Elections Officer. The Clerk-Recorder is responsible for recording and maintaining public records, the filing or issuing of documents, providing copies of recorded documents and vital records, processing passports, filing notary bonds and fictitious business names. Public Administrator responsibilities include determining births, deaths, marriages, divorces, military service, etc. and in order to assure that the disposal of the estates of the deceased is fair and legal. The third responsibility is Elections Officer in charge of the registration of voters and the maintenance of the voters roll, the process of carrying out elections, and the validation of petitions.

The office is staffed by several employees: three permanent full time and two high school students -- one part-time long term, and one part-time short term. One position remains unfilled -- the position vacated through the advancement of the Assistant Clerk to acting Clerk-Recorder.

The office is operated within budget. The budget is subject to State audit and is annually audited at the local level. There have been a number of fee increases recently; all of these are within the limits established by the state and are justified by the cost of the services rendered. These fees are comparable to those in counties of similar makeup.

Jury members find that our new county clerk did not in any way impede the election process during the fall 2010 election.

#### **Commendations:**

Most staff members are cross trained such that they are qualified to perform nearly any of the duties required of the office. In an era when accomplishing more with fewer resources is expected, the performance of the office continues to be satisfactory. Even with budget constraints requiring furlough days for the staff and the continued vacancy in the assistant clerk's position, office morale remains high.

The prompt execution of duties by the office is exemplary. The provision of records to the public and the revision of indices are nearly immediate. Del Norte County's election certification is routinely the first in the state to be completed. The highly qualified and diligent staff under proficient leadership made the most recent election no exception to being first.

**Recommendations:** No Recommendations

## **Del Norte County Harbor District: Regular Department Review**

Several members of the Grand Jury met with Richard Young, Harbor Master, on two occasions in March, 2011.

### **Findings:**

The Crescent City Harbor District is governed by a five member elected Harbor Commission. The staff includes the Harbor Master, a four member permanent maintenance crew, a facility manager, and two office staff. There are three part-time security personnel and an additional planner and office assistant funded by a grant for a specific project. The Harbor District also hires two part-time maintenance workers for the summer. The mission of the Harbor District is to promote commerce, fishing, navigation, and public recreation. Crescent City Harbor produces \$12.5 million of product per year, more than any other port on the California coast. The Harbor does not have an economic impact report that reflects its impact on the local economy.

The Harbor District budget runs on a fiscal year. They have a budget of \$1.3 million for operations. They are funded in part by property taxes, leases, and use fees. They rely on grants received to repair the harbor and for administration costs of additional staff when needed for a project. The present budget for 2010-11 shows a balanced budget. The Harbor has a long term debt that will need to be covered by operations in the future. The present budget does not reflect this expenditure. In addition the harbor master is concerned about not funding the \$300,000 depreciation cost and the \$200,000 dredging expense which is not covered by the federal government. He feels that these items can be funded through asking fair market rates for leases and receiving new revenues from the completed improvements. He stated at one time the Harbor had a \$1 million dollar reserve, but that has gone away over time due to low rents and rising costs.

The Harbor has suffered two major storms and a tsunami in the past five years. [The interview took place prior to this year's tsunami.] The Harbor District has been successful in acquiring over \$20 million dollars in FEMA, CDBG, and Coastal Conservancy funds to rebuild the inner basin and to make needed improvements. There are no local funds involved in these projects. In addition, the harbor secured funding from the federal government to have the federal channel dredged. Funds for dredging the federal channel must be allocated by adding it as an ear mark to the federal budget. The dredging of the federal channel is the responsibility of the federal government. All other dredging in the harbor is the responsibility of the harbor district. There is no funding mechanism that kicks in every five years to dredge the channel.

The Harbor is facing many challenges: financial, regulatory, and as an aging facility. The improvements being conducted will revitalize the harbor and hopefully bring new clientele. The harbor is the only one between San Francisco, CA and Portland, OR that is accessible in any weather. Regulations have challenged the harbor and the processing plant. The existing processing plant is at a disadvantage compared to other processing plants on the coast due to the higher quotas for product other plants have available to them. These quotas can be passed on to the fishing fleets allowing them to catch and process more local products.

### **Commendations:**

The Harbor District has done a great job in securing financing at little or no cost to the local community. Within the next few years the harbor will experience a long awaited facelift. The staff as a whole has accomplished a lot with limited financial resources. We appreciate their continuing dedication and prompt response to our latest tsunami devastation.

**Recommendations:**

The Grand Jury recommends that the Crescent City Harbor District commercial boat basin be viewed by the Grand Jury upon completion.

**County Health and Human Services: Regular Department Review**

Three Grand Jury members met with Gary Blatnick, Director of The Del Norte County Department of Health and Human Services (DNHHS), on one occasion at 880 Northcrest Dr.; Crescent City. The same members met once with Dorothy Provencio, Assistant Director of DNHHS, and the Clinical Services Manager They were given a tour of the County Mental Health facilities. The Del Norte County Department of Health and Human Services oversees five large branches. These separate branches have their own managers. All managers meet weekly with Mr. Blatnick to allow coordination of services as well as inter-departmental communication. Mr. Blatnick noted that these services are driven by legislation and can change. The DNHHS department is awaiting outcomes of state legislature focused on returning some control of how services are delivered to individual counties' direction. Some services are viewed to be better carried out by state direction.

The branches within the Health and Human Services Department are the: Public Health Branch, Mental Health Branch, Alcohol and Other Drug Programs, the Public Assistance/Employment & Training Branch, and the Social Services Branch.

**Findings:** The current single department structure is due to a consolidation of departments within the county and is considered to be a model program for other California counties. The consolidation allowed for more efficient use of staff and funds. It is considered to be highly undesirable to lay off employees due to budget cuts, though recently, prompted by increasing budget cuts, some employees have been laid off. Many employees are reassigned to other positions. Employees within the branches of the Health and Human Services Department provide services that may include a larger work load without compensation for this increase.

The Public Health Branch is charged with guarding the health of the community of Del Norte County. Dr. Thomas Martinelli is currently our part-time Public Health Officer. In addition to Dr. Martinelli, The Public Health Department currently has the following employees:

a Program Manager

a part-time Senior Public Health Nurse who supervises two nurses and three support staff

a Health Education Coordinator

an Administrative Analyst

a Prevention Program Coordinator

one Substance Abuse Specialist II

Emergency Preparedness for possible epidemic illnesses; such as California's recent battle with Whooping Cough, or Pertussis, is one target of the Public Health Branch. The branch maintains services for immunizations and contagious disease control. Many Public Health programs are preventative educational health programs. Some of these programs involve local youth, and work in conjunction with other Social Services departments.

The Social Services Department is the guardian for citizens of Del Norte County. Gary Blatnick serves in the role of Public Guardian. This department includes Child and Adult Protective Services

and other Regular social work. The Director of the Social Services Branch, Crystal Markytan, currently oversees thirty-seven employees in four departments. Early engagement with individuals who are reported to a protective services agency is found to be effective much of the time. Recruiting and retaining quality foster homes, for children who it is judged to be necessary to be removed from their homes, is difficult. Foster Care placement is targeted to be with a child's extended family.

The Public Assistance/Employment & Training Branch Director and Civil rights Coordinator, Carmen Fong-Chavez oversees fifty-three employees in seven departments. The Administrative/Fiscal Manager's position oversees account clerks and administrative analyst performing fiscal accounting tasks.

The Department of Alcohol and Other Drug Programs branch has a substance Abuse Coordinator, Jill Fullington, who oversees four Substance Abuse Specialists, an administrative analyst, and a senior account clerk.

The Mental Health Branch has twenty-five clinicians, specialists, analysts, and clerks overseen by five department manager positions: Administrative/Fiscal Manager-vacant, Medical Records, Clinical Services, Medical Services, and a Deputy LPS Conservator. Gary Blatnick is the County LPS Conservator. The Assistant Director of DNHHS, Dorothy Markussen would like to see training opportunities for local dedicated staff in order that they may retain professionals to provide services in difficult to fill positions within the Mental Health Branch. Mental Health continues to provide and update its services in their new building on K Street and at a new satellite building located on Harding Street. All individuals who request services at the K street office receive resource and referral information. Individuals in Crisis are seen by a professional and must be deemed stable before leaving that office on their own. Individuals are evaluated using medical necessity criteria and may be offered services under the direction of the county or given private provider's contact information if they have insurance or a means to pay a private provider. County Mental Health Services are designed to serve Medical/Medicare recipients, the uninsured or patients with limited means to pay for mental health services. A sliding scale is available. Services are primarily offered in a group or social model. Children and family services are primarily contracted out to Remi Vista Inc. Children and families in crisis are seen by county staff.

The Del Norte County Department of Health and Human Services director was asked about his department's complaint procedure. Should clients have a complaint regarding the services they receive from any branch within the department or from a contracted service provider; their complaints can be addressed to Gary Blatnick who will oversee a process that will answer the complaint. All complaints are responded to in writing. Mr. Blatnick's office is at 880 Northcrest Dr. Crescent City, CA 95531 Phone (707) 464-319.

**Commendations:**

The Grand Jury committee observed the finished secure records storage of pre-electronic files and the excellent facilities provided for adults who have a severe mental illness that has led to hospitalization and for youth who are transitioning from foster care to living independently. There appears to be continuing innovation to provide services using funds through the Mental Health Care Act. Our county is benefitting from current management and collaboration between individual branches in the county Department of Health and Human Services. We can thank all our devoted

county workers who continue to adapt to budget restraints and program changes to give best services to the members of Del Norte County.

**Recommendations:** No Recommendations

## **County Correctional Facilities: Regular Department Review**

### ***Alder Camp***

On 02/28/2011, members of the Grand Jury visited Alder Camp Correctional Facility, remotely located within Klamath, California. During the tour we were able to visit the administration office as well as the kitchen, living quarters, laundering facility, saw mill, entertainment rooms and equipment repair/maintenance shops.

**Findings:** Alder Camp is run through a collaborative partnership between the California State Department of Corrections (CDC) and Cal-Fire, a division of the California Department of Forestry. Alder Camp is equipped to accommodate 109 inmates at this time. Their primary mission is fire suppression. Staffing this facility are ten CDC employees: a Lieutenant, a Sergeant, a Counselor and seven Correctional Officers. There are thirteen Cal-Fire employees: a Division Chief, an Office Technician, a Water and Sewer Engineer, an Heavy Fire Equipment Operator, and nine Fire Captains.

All inmates are fully trained for emergency response to natural and/or man-made disasters. Alder Camp maintains five firefighting crews, principally assigned to assist with fighting fires in the Del Norte, Humboldt and Mendocino Ranger Units for the CDF, The Six Rivers and Shasta-Trinity National Forests for the U.S. Forest Service, the Hoopa Indian Reservation for the Bureau of Indian Affairs and The Redwood National Park for the National Park Service.

Some Alder Camp projects include, but are not limited to: trail construction and maintenance, bridge construction, highway brush cutting and chipping, exotic plant removal, rock wall construction, culvert repair, campground maintenance and repair, hazardous tree removal, site preparation for local events, and interior/exterior painting of buildings. Alder Camp also does repairs and maintenance of their own facility in house: plumbing, cabinetry, milling lumber for the site and lumber used for trails and bridges They perform maintenance and repair of their equipment: such as on chainsaws, weed eaters, the saw mill, vehicles-including fire trucks, clothing, etc.

**Commendations:** Alder Camp employees and inmates use their collaborative knowledge and experience to maintain the facility in house as much as possible, in an effort to cut expenses. One such example is that Alder Camp even bakes bread from scratch, since it is less expensive to do so. This facility appears to be in excellent repair, it was very clean. The collaborative relationship between the CDC and Cal-Fire to work with the inmates is one that our community and surrounding counties benefit from on a daily basis. More facilities like this could be used for rehabilitation purposes.

**Conclusions:** We found all areas to be in very good condition, especially considering the actual age of the facility itself. The cleanliness of the buildings and grounds was commendable. Staff demonstrated effective working knowledge of many Health and Safety Policies and Procedures as well as their Injury and Illness Prevention Program.

**Recommendations:**

- 1) It was brought to our attention that contraband is an ongoing issue. This may be reduced if more staffing were available on site during the night hours.
- 2) A CDC employee brought to our attention that their work boots, double stitched models, "blow out" upon use. In an effort to reduce any health and/or safety concerns or issues, staff has been vigorously working on replacing them with "triple stitched" models.
- 3) Alder Camp is having some problems with one of their cleaning solutions. When used on a cleaning rag, they catch fire during or after drying in their industrial clothes dryer. While investigating a solution, Alder Camp has chosen to hang dry their cleaning rags.

### ***Juvenile Hall:***

Two members of the Grand Jury met with Linda Sanford, Assistant Chief Probation officer, at Juvenile hall on April 13, 2011. The tour traced the same route juvenile detainees take when they find themselves inmates of the facility. Ms. Sanford commented on each step and the routine of everyday activities: showers, clothing, recreation, etc. In addition, she explained that a nurse visits the "Hall" once per day and mental health counselors make routine visits. Monday through Friday a well equipped Del Norte County Schools classroom staffed with a full time teacher is available.

Grand Jury members visited the kitchen and were pleased when we met a young man who is trained as a chef. Both Ms. Sanford and the cook professed their belief in cooking and serving healthy food to the juvenile inmates. Ms. Sanford pointed out that when she first became the chief officer, over two years prior, she eliminated the use of most instant foods making room for the more healthy approach. Menus consisting of many fresh "from scratch" meals are now the norm.

As of this date, there were eleven inmates. Fourteen employees make up the support staff for the facility. Ms. Sanford is very proud of the staff and is incorporating cost-saving measures in order to stretch the "Hall's" budget, and as a result staff has been kept at its current levels.

**Commendations:** The Grand Jury members viewed a report of a visit by the State Corrections Standards Authority. The report states that the Del Norte County Juvenile Hall "passed the inspection with 100% compliance of Title 15 regulations." "In particular this facility's disciplinary due process and involvement with the minor, including hearings and appeal process is exemplary."

**Recommendations:** No Recommendations

### ***Sheriff's Office:***

Three Members of the 2010/2011 Grand Jury met with Sheriff Dean Wilson for the annual review of his department.

**Findings:** The first hour was spent in reviewing the budget conditions of the Sheriff's Department and hearing from Sheriff Wilson of his concerns regarding the financial situation of the State and Federal Governments.

He explained that at the present time he anticipates losing approximately \$800,000.00 from the funding that he normally receives from the various Law Enforcement Programs. This could mean a reduction of three (3) or more officers from his department. Likewise the means to purchase vehicles and rolling stock would be reduced which would result in having to consider refurbishing of vehicles again. The vehicles would be refurbished upon reaching 150,000 miles. Refurbishing was a program which has been utilized in the past.

Sheriff Wilson further explained that he presently has ten Reserve Deputies assisting his Department with coverage for outlying areas. They help cover Klamath, Smith River and Gasquet on a regular basis. All of the working Deputies presently work 12 hours shifts, which allows for the most coverage of the county. The Jail Division staff also work 12 hour shifts. The county jail control room is manned by Jail Techs. They monitor the jail via close circuit television that gives the ability to view all areas of the jail.

The Sheriff's Office currently houses the 911 call monitoring and response system. The Sheriff is presently working to relocate the 911 system. If the necessary funds can be acquired, the office would like to move the 911 telephone system to the Washington Blvd. Fire Station, so the system will reside out of the evacuation area during a Tidal Wave alert.

Training for sheriff deputies is conducted via a video system, which allows the shift supervisor to review if the deputies on his shift are current with their training. The training program is updated whenever something happens that might change the procedures necessary for good law enforcement. The SWAT Team trains monthly and deputies must qualify at the Sheriff Training Range regularly.

Jurors were then turned over to the Correctional Sergeant and were given a tour of the jail complex. The kitchen is operated by paid staff and menus are planned and printed on a monthly basis then posted for the staff to review. Special diets are also available when ordered.

The jail is constructed in two sections, the original complex was built in 1963/64 and the newer complex was completed in 1994/1995. Inmates are allowed time within the exercise area when available. The Jail Tech has control of the entire complex and works a 12 hour shift. Movement within the jail is completed via close circuit television system and allows the Jail Tech to observe the movement of staff within the Jail complex.

**Commendations:** The Jail appeared to be well maintained and in good condition. The Del Norte County Building Department is responsible for the maintenance of the Sheriff's complex and is on call if needed.

**Recommendations:** No Recommendations.

### **State Correctional Facility- Pelican Bay: Regular Department Review**

Five members of the 2010-2011 Grand Jury visited Pelican Bay State Prison, November 19, 2010. The public information officer/administrative assistant, Chris Acosta, greeted the members in the administration main meeting room. The, Chief Deputy Warden, Francisco Jacquez, stopped in to greet the members when they arrived to the administrative meeting room and offered any assistance needed to conduct our visitation. Mr. Jacquez stated, when asked, that his two main concerns for the institution are the absence of a correctional officer at the public entrance to the institution grounds and the hot water piping system for the institution.

Jury members were required to show an id in order to enter the correctional compound. They signed in and walked through a metal detector. They were also required to show an id when entering any individual housing unit within the institution and upon leaving the correctional compound. It was observed that inmates were always escorted by at least two guards when being

moved within the institution. The guards were mindful to instruct jurors where to stand as inmates passed near them.

**Findings:** The institution maintenance director informed the members of the jury that a new system is in the process of being built, though it is not expected to be finished for 2-3 years. The current hot water system provides heat for the institution as well as for customary hot water use.

Another member asked about medical care for inmates and when and why an inmate is transported to Sutter Coast Hospital or another medical facility outside the institution. The Chief Deputy Warden stated, in an interview after our tour, that at the current time they have many shifts where there is not an appropriately licensed medical professional on duty to make medical decisions. The institution has advertised for registered nurses to assist with providing services within the institution. The institution does have a clinic that contains holding cells for individual inmates while they wait to receive medical attention. There are also dental facilities on-site. The director of the pharmacy answered a juror's question about inmates receiving generic drugs. She stated that Pelican Bay was very efficient in using generic drugs whenever they are available. An inmate does not have the choice to ask for brand name drugs. There is a procedure for inmates to inform correctional officers if they need medical attention and it was stated that inmates receive medical attention promptly. The delivery of prompt medical attention was viewed as an improvement.

The public information officer informed the jurors that there is a current shortage of correctional officers due to hiring freezes and officer retirement in response to the changes in the employee compensation within the state corrections system. The jurors observed some movement of new cadets being trained at Pelican Bay. All cadets are not expected to complete their training as correctional officers at Pelican Bay, as they may want to transfer. The shortage of correctional officers has resulted in a program change and a decrease of yard time for inmates in the main population. The public information officer stated a complaint expressed, at this time within the institution, by correctional officers is a dislike of reassignment to non-preferred posts within the institution.

Gang associations dictate much of the movement allowed by inmates due to continuing physical fights between various gangs. In fact most of the institution is high security with inmates not being allowed to interact with other inmates. The description of SHU inmate visitation explained that gang leaders send orders to their gangs through visits with their family. The family members may travel from southern CA to Pelican Bay as often as every week. All conversations between inmates and their families are monitored to hear if gang activities are being directed from visiting.

**Commendations:** It is the review committee's overall view that the administration and staff at Pelican Bay state prison are diligent at their job of maintaining security for inmates and staff.

**Recommendations:** 1) The Grand Jury shall be informed of the reduction of employees such that safety is compromised. 2) An explanation shall be given as to why there is no entry security staff at the front gate.

## **County Public Works Divisions: Regular Department Review**

### ***Building Maintenance Division***

On 01/10/11 two Grand Jury members met with Ed Fulton, Building and Park Maintenance Supervisor. Mr. Fulton has 25 years of experience in the building maintenance division, he is the

only supervisor within the division, and is a salaried county employee. He reports directly to the Del Norte County Board of Supervisors. There are four Building Maintenance Workers, 2 Park Maintenance Workers, and 6 Custodians for the county. They are all issued a cell phone for communication and staff accountability. One staff member is currently out on long term sick. The Building Maintenance Division shares one office with a staff employee of the County Information Technology Division. The Building Maintenance Division rank and file staff are represented by Local 1021, SEIU. Mr. Fulton has full management and accountability responsibility for the division.

**Findings:** The Maintenance Division receives approximately two hundred corrective work orders per month that are submitted by other divisions. The corrective work orders are logged into the Help Desk Tracking System. The system tracks completed work orders, open work orders, employee time, and material used. Open work orders generate an automatic reminder every five days. All corrective work orders are saved for three years in the system.

Preventive maintenance is performed on a monthly, quarterly, and annual basis, on all major equipment; though not on minor equipment. There are approximately fifty to sixty preventive maintenance work orders generated and completed per month. The major equipment includes all generators, boilers, compressors, back flow devices, and other pieces of major equipment located throughout the county. Minor equipment, such as space heaters, hot water heaters, lights, doors/windows, small pumps, etc., is not included in scheduled maintenance. Mr. Fulton indicates there are too many pieces of minor equipment and not enough staff to complete the work. The Building Maintenance Division maintains facilities such as, Mental Health, the County Jail, Juvenile Hall, the Light House, Campgrounds, the Airport, Bar-o-Ranch, the Flynn Building, the Veterans Hall, Boat Ramps, Rest Rooms, etc. They contract out some services including, HVAC on the Social Services Building, five year sprinkler maintenance, hood and duct cleaning, annual fire extinguisher service, and pest control. Mr. Fulton participates monthly in Office of Emergency Services meeting and exercises.

The division has no Operational Manual for employees to reference; however, staff is trained in asbestos removal, lead paint and mold abatement, confined space, lockout/tag out procedures, and in a bucket truck. Currently there are no employee grievances and the last grievance was approximately 8 years ago according to Mr. Fulton. He procures material and repair parts needed from local vendors without the complete bid process, however he equally divides the orders between many local vendors. Most of the material that is used is ordered for a specific building or repair, there is very little repair material that is stocked in a warehouse to be inventoried at the end of the year.

**Recommendations:** No Recommendations

### ***Community Development Department Report***

On 11/10/10, Three members of the Grand Jury met with Kevin Hamblin, Director, Community Development Department (CDD). We discussed a number of Regular departmental topics such as: the annual budget process, budget projections, mid-year review, budget methodology, customer complaint process, contracts/bids, capital Improvements, and annual CDD audits. He supplied the following related documents for review: Organizational Chart, Annual Budget Report 2009-10, and 2010-11, Employee Grievance Procedures, a 2006-2010 Capital Improvement Plan, and the Mission Statements for each Division under the CDD.

Again on 11/17/10, two members met with Kevin Hamblin, Ron Aujaurd, Environmental Health Specialist II, Brian McNally, Environmental Health Specialist III, and Dave Mason, Code Enforcement Officer. The purpose of the second interview was specific to Environmental Health. The topics that were covered were Public Nuisance Abatement, the process for food facility inspection, and the customer complaints process. The following documents were supplied for review: Code Enforcement Complaint Form, Temporary Food Facility Application/Best Practices Checklist, and a Food Facility Official Inspection Report. The Grand Jury found no negative issues associated with the Environmental Health areas.

#### **Findings:**

The CDD's annual budget process is comparable in all respects to other municipalities and state facilities, however most divisions within the CDD are underfunded and current budget allotments are less than the last fiscal year (09/10).

Mr. Hamblin informed us that there is no written procedure for CDD for a regular customer complaint. Regular complaints are handled verbally. There are customer complaint procedures/forms specific to the Public Nuisance Abatement Division, and the Environmental Health Division. When outside contracts are developed and used, the process is to use the lowest bid from a qualified service provider. All providers competing for the contract are rated on a score sheet to show that they are capable of performing the service before the sealed bids are received. The Grand Jury reviewed a contract that had been completed and a scope of services. The contract process, involving three service provider's bids, is consistent with most public works agencies.

**Recommendations:** The Grand Jury committee members felt there should be an established procedure/form for Regular complaints and records kept for future use for the divisions within this department that do not have these procedures.

### ***Del Norte County Road Maintenance Division***

On March 29, 2011, two members of the Grand Jury met with Jeff Daniels, manager of the Road Maintenance Division.

**Findings:** Mr. Daniels has occupied this position for 1.5 years and the position is a salaried position. Prior to the Manager position he held one of the two foreman positions for 9 years at Del Norte County Road Maintenance Division. He reports to The Community Development Department Director, Kevin Hamblin. Road Department staff consists of 16 Road Workers, and 2 Foreman positions. One Foreman is currently out on long term sick leave. During the fiscal year 2010-2011, the Road Division lost three of their positions due to budget cuts. The Road Division is an open union shop with three of the employees registered as members.

Road monitoring is performed on a daily basis by a foreman driving the 300 miles of roadway in Del Norte County and recording the location of potholes and other damage to the roadways needing repair. In the wintertime potholes are temporarily repaired with a cold mix asphalt product and in summertime the repairs are made with a hot mix product that cures to a permanent repair. The Division does not perform asphalt paving on private driveways. Public roadways paving projects over 1 inch thick are encumbered by the Del Norte County Engineering Division. The scope of responsibilities for the Road Maintenance Division include; road sealing, chip sealing (12 miles this year), slurry sealing, pothole repair, street sweeping, maintaining the Klamath Glen levee system, breaching Lake Earl, slide and tree removal from hazardous areas, mowing roadside vegetation, drainage ditch cleaning, and culvert replacement. A work order system captures all completed and open tasks. On an average twenty work orders are received monthly.

Del Norte County receives about \$800,000.00 dollars per year in budget revenues from The California Highway Use Tax (gas tax) and is based on 300 miles of county roads. Federal Aid Forest revenues account for about \$950,000.00 dollars per year and may not be approved for 2012-2013 fiscal year. Revenue from Crescent City is \$14,000.00 per year. The Road Division receives \$6,500.00 for the Klamath Levee flood control. The Del Norte County Road Department receives no allocation from the Del Norte County general fund.

Mr. Daniels reports his equipment is in good condition and there is an equipment replacement plan in place when needed. There are no employee complaints or grievances at this time.

**Commendations:** The County Road Department is operating well.

**Recommendations:** No Recommendations

### **Solid Waste Management Authority Collection Contract Review: Due to a community letter of complaint**

Two members of the grand jury met on February 1, 2011 at 3:30 PM with Kevin Hendrick, Director, and Tedd Ward, Program Director, of the Del Norte Solid Waste Management Authority. Two members of the proposal ad hoc committee were also interviewed independently at a later date. Copies of the Request for Proposal, the proposals received from three companies, scoring documents used to rate the proposals, and state codes were reviewed by members of a Grand Jury committee to investigate concerns raised in a letter to the Grand Jury regarding the award of the new Solid Waste Management Collection contract.

**Findings:** The focus of the review was to obtain information regarding the full process used to select the current awarded contract of the county solid waste collection contract. The committee also asked for information as to how members of the Solid Waste Management Authority are determined. The managers and board members provided the Grand Jury committee with extensive information including a history of solid waste management in the county going back to a time before the establishment of the Solid Waste Management Authority.

The Solid Waste Management Board is composed of two members of the county board of supervisors, two members of the City Council, and one member of the community who is selected by the four elected officials from members of the community who apply for this position. The construction of the board was adopted by the City of Crescent City and the Del Norte County Board of Supervisors as part of the Joint Powers Agreement that formed the Del Norte Solid Waste Management Authority. The Del Norte Solid Waste Management Authority was formed, in part, to

allow one contract for Solid Waste collection for both the city and county to be entered into as allowed by state law. Prior to this agreement the same contractor held one contract for the city and one for the county. This arrangement is considered to allow for the best service, and is not mandatory. Legal counsel for the Solid Waste Management Authority is the city attorney. Bob Black and Dohn Henion served in this capacity at different times during the proposal creation process and were responsible for the legal portions of the proposal. The committee learned that the Solid Waste Management Authority is financed through fees collected for services and does not have to comply with state codes regarding contracts with service providers for collection and transfer of our county waste.

**Conclusions:**

The newest Solid Waste collection contract was not a bid process in that it was not designed to award the contract solely based on the lowest monetary bid. This process also did not have the intent of determining the final contract price. The newest contract was awarded through a Request For Proposals process that was created by the managers of the Del Norte Solid Waste Management Authority (DNSWMA) and The Authority's Attorneys with advisement from a non-county consultant, Environmental Planning Consultants who performed a Franchise Performance Audit and Contract Review in September 2006-July 2007, a citizen advisory task force, and with input from the public regarding collection services. The Board of Directors for the Solid Waste Management Authority Board approved the Request For Proposals and directed the DNSWMA staff to release this format. A Pre-Proposal meeting was held on February 18, 2010 to review the proposal and contractor selection process, the requested services, and to answer all relevant questions that were submitted within three days of the meeting. The review committee noted that services requested included new services to be added in order to comply with regulations required by the State of California beginning July 1, 2011.

The Request for Proposals stated that, "Prior to contract award for work described herein, the Authority will conduct investigations as necessary to determine the performance record and ability of the proposer to perform the work described herein. Upon request, the Proposer shall submit information deemed necessary by the Authority to evaluate the proposer's qualifications." The Grand Jury review committee heard testimony that one or more of the Proposers did not submit some of the requested information; conversely each of the three companies who submitted proposals left out required information from their submitted proposals, and all the submitting companies were allowed to amend their proposal with the missing information.

The review process for the proposals was designed to be as effective as possible. A rating system was created that gave individual weights to 4 categories:

a-25%, rated requested waste management services

b-20%, rated references, experience, reputation, and compliance

c-15%, rated reliability and capacity of processing facilities

d-40%, rated the total cost proposal (evaluated as described in section 2.4.5.3) and on three months revenue and annual revenue.

Sub-categories A-F were also rated (small letters indicate which main category the sub-category applied to): A-container comparisons(b), B-Experience comparisons(a), C-processing comparisons(c), D-local jobs and economic development(b), E-transition plan comparisons(b), F-contingency plan comparisons(b). These subcategories were contained within one of the larger categories a-d

When the Ad Hoc committee consisting of the Director and the Program Manager of the solid waste management authority and two DNSWMA board members, one from the city council and one from the county board of supervisors rated each proposal independently, no one proposal stood out among the three that were submitted. The ad hoc committee process did not inform the entire board of which company was a clear "winner". All board members were given the rating sheet to independently assess each proposal. Board members testified they considered issues such as a company's ability to begin the new services when required with the consideration of monetary burden on the company to purchase equipment needed for the new services. The review committee verified that final proposal scores were calculated by combining those of the four independent ad hoc committee ratings. Hambro's proposal received a composite score of 92, Recology a composite score of 91, and Renewable Waste Systems a composite score of 88.5. The review committee found that these scores were an advisory tool and were not intended to be the only means to award the contract. The one point difference between the two top rated companies made the decision very difficult for the board. Key factors the review committee found influenced the contract award decision seem to be Recology's experience and their ability to execute the required services as required by the state on time.

A lengthy meeting allowing members of the public and members of the proposal submitting companies to make comments was held on June 8, 2010. An initial motion to award the contract to Hambro was made. The motion was voted down with two members voting in favor of and three members voting against this motion. After additional discussion a motion was made to award the contract to Recology. Four members voted in favor of the motion and one member voted against the motion.

Objections to the contract award decision were made to the Board and another meeting was scheduled July 14, 2010 to allow the public and members of the proposal submitting companies to present any additional reasons that might warrant a reconsideration of the contract award. The board maintained their original selection of Recology at this second meeting. The review committee did not determine that any member of the voting board acted with negligence of their assigned duties as members of the Solid Waste Management Authority Board when voting to award the new contract.

When the board negotiated the final contract price with Recology several issues concerning collection were worked out in this contract process. The Solid Waste Management Authority asserted their desire that customers would continue to have options of hauling their own waste to the transfer station and that a smaller container would be available to customers with minimal waste. All collection customers will have equal-sized containers to place separated recyclable materials in to reduce the size of waste container they require. The current contract contained as a core the 1996 contract with Del Norte Disposal, a subsidiary of Nor Cal Waste Systems, which has since changed its name to Recology Del Norte. This contract was designed with input from an independent contractor, Brown, Vence & Associates (BVA), who also assisted with the writing of bid guidelines and with the closure of the dump from 1995-1996. Recology Del Norte, formerly Del Norte Disposal, has continued to work under the prices set for their previous collection contract for an additional two years without having the opportunity to raise rates. The overall contract amount is for twelve years and does not allow for any increases over the contracted yearly adjustments based on changes to the consumer price index. At the final meeting to finalize the contract on April 13, 2011 the current Del Norte Solid Waste Management Authority Board allowed time for the

public to comment regarding the proposed contract, prior to the closed session to finalize the contract.

**Commendations** : The Grand Jury recognizes the many hours that members of the task force, ad hoc committee, employees of companies presenting proposals for review, and employees of the Solid Waste Management Authority spent to bring about the improved and regulation compliant new solid waste collection contract.

**Recommendations:** No Recommendations

**Secretary's Report:**

On June 24, 2010 19 members were impaneled as the Grand Jury for the 2010-2011 year. Three members were returning members from the previous year's jury. The foreman has stated that he was the fourth foreman selected throughout the current year; I would like to add that there was a large turnover of participating members of the jury as well. A quorum of members is required to make decisions regarding what business the jury will engage in, so I also implore individuals who accept service on the Grand Jury for the 2011-2012 year to recognize that their presence at meetings is required. With a full jury of nineteen members there is opportunity to coordinate with each other so as not to attend every meeting, yet to assure that a quorum is always present.

I consider it an honor to be of service to this great community of Del Norte County. I appreciate the fortitude of the core members who remained on the jury for this full year of service. I thank all the committee chairs who compiled reports and the correspondence secretary for her diligent attention to picking up, logging of, and writing of correspondence for the jury. Thank you to the members who accepted the responsibility of being our forepersons. Thank you to all of those who served for a portion of the year. I send prayers and best wishes to those members for whom their illness or illness of family members required them to resign. Thank you to Judge Wier and his assistants, and to employees of county offices for your support throughout this year.

Serving on the Grand Jury has been a great chance to discover the day to day workings of Del Norte County and to be impressed with the continuance of service given by Del Norte County employees in the face of consistent budget restraints. I believe that the publication of our final report on the county website is a forward step for the community.

Sincerely,  
Kareen M. Kalvin  
Recording Secretary for the 2010-2011 Grand Jury

## Response Instructions for Local Public Agencies

This Grand Jury's report contains findings and recommendations directed to the boards of various local public agencies subject to the "watchdog" functions of the Grand Jury. Pursuant to Penal Code Section 933, **no later than 90 days** after the Grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the Superior Court on the findings and recommendations pertaining to matters under the governing body. And every elected county officer or agency head for which the Grand jury has responsibility shall comment **within 60 days** to the presiding judge of the Superior Court.

Pursuant to Penal Code Section 933.5 as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

The respondent agrees with the finding.

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

As to each Grand jury recommendation, the responding person or entity shall report one of the following actions:

The recommendation has been implemented with a summary regarding the implemented action.

The recommendation has not been implemented, but will be implemented in the near future, with a time frame for implementation.

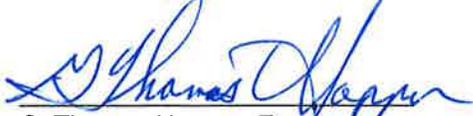
The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury Report.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

However, if the finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected department head shall address all aspects of the findings, or recommendation affecting his or her department.

**Submittal of Report by the 2010-2011 Del Norte County Grand Jury**

Undersigned, being duly sworn and acting members of the 2010-2011 Del Norte County Grand Jury and comprising of at least twelve (12) members thereof, hereby affix their signatures to submit this Final Report.

  
G. Thomas Hopper, Foreman

\_\_\_\_\_  
Jeffrey Johnson

  
Jill Babbitt

  
Karen M. Kalvin

  
Linda Buzzini

  
Regan Martinez

  
Ben Cameron

  
John Roberts

  
Faith Crist

  
Fred Stoner

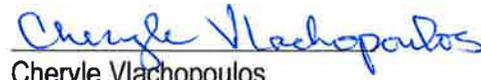
  
Dayton Conover

  
Kelley Thurmond

  
Kathryn Emerson

  
Sara Tucker

  
Thomas Griffin

  
Cheryle Vlachopoulos

  
Randy Hatfield

  
Evan Wise

  
Carolyn Herriott