

2022 TRINITY COUNTY CIVIL GRAND JURY CONTINUITY COMMITTEE COMPLIANCE REPORT (COR 2022-001) SUMMARY

The 2022 Civil Grand Jury Continuity Committee examined responses to findings in the three final reports of the 2018/2019 Grand Jury and the 2019/2020 Grand Jury Continuity Report. This report follows up on those responses to the Grand Jury's recommendations. Did the entities or persons do what they represented and did those responses produce effective practices addressing implementation? The reports are:

- The Vote-by-Mail Process
- Trinity County Road Maintenance Issues
- Cannabis Ordinance Development and Complaint Process

Penal Code (PC) §933.05 (See Appendix B) sets these requirements for responses:

- Responses are to be received in a timely manner. Elected officials must respond within 60 days of the report's publication days, boards within 90 days. Boards are given 90 days to meet Brown Act requirements.
- Responses to findings will be agrees, partially disagrees, or disagrees. Any disagreement with a finding will include the text of the finding and an explanation for the disagreement.
- Responses to recommendations are:
 - Already implemented
 - Will implement in the future with a stated time frame
 - Requires further analysis with an explanation, scope, parameters, and time frame not to exceed six months
 - Will not implement because it is not warranted or is not reasonable, along with an explanation of why

GLOSSARY

Board	Board of Supervisors for Trinity County
boards BOS	May refer to a variety of boards like water, fire, community district, or school Board of Supervisors for Trinity County
Brown Act	California Government Code 54950 guarantees the public's right to attend and participate in meetings of local legislative bodies.

CAO	County Administrative Officer
PC	Penal Code
TCDOT	Trinity County Department of Transportation
TCTC	Trinity County Transportation Commission - Prepares and provides for Trinity County's mobility in a fiscally and environmentally responsible manner which is consistent with the needs, preferences, and sensibilities of the community. The Trinity County Transportation Commission (TCTC) is the designated Regional Transportation Planning Agency (RTPA) established by Government Code §29535. TCTC is responsible for transportation planning activities in all of Trinity County.

BACKGROUND

For grand jury recommendations to be taken seriously, it is necessary to follow up on responses to previous grand juries to determine the status of specific Grand Jury recommendations that entities have agreed to implement, or the status of other actions the entities have agreed to undertake. If they did not, the current grand jury may choose to open a new inquiry. Or jurors may conclude the issue is no longer pressing due to changed circumstances.

Note: Beginning in January 2021 the term of the Trinity County Grand Jury was changed from a fiscal year to a calendar year.

METHODOLOGY

The 2022 Grand Jury Continuity Committee reviewed the three final reports from the 2018/2019 Grand Jury and 2019/2020 Grand Jury Continuity Report regarding those responses. The Grand Jury observed the vote-by-mail counting process, interviewed county agency employees, researched newspaper articles, reviewed BOS minutes, and searched online county information resources.

DISCUSSION AND FINDINGS

Vote-by-Mail Process

Recommendation 1: “The 2019/2020 Grand Jury recommends that the Trinity County Board of Supervisors allocate a larger room or enough space to accommodate election observers.”

Response 1 (from Clerk/Recorder/Assessor): “Partially Disagree. The Elections Office where the Vote-By-Mail (VBM) ballots are processed is approximately 21’ x 16’ with an observation window that is 6’ x 4’. This observation window allows observers sufficiently close access to enable them to observe whether the individuals handling the ballots are following procedures. I

have rearranged the office to offer a better line of sight to the desk where VBM ballots are processed.”

Finding 1 of the 2022 Grand Jury: Although BOS did not implement the recommendation for a larger room for observation of ballot counting, the Clerk/Recorder/Assessor rearranged the current room (which is the election office in the Courthouse) to allow a better line of sight from a large window in a large hallway. Two grand jurors interviewed the County Clerk/Recorder/Assessor in the office where they count votes, and she explained the process as required by California Elections Code §15104(d)(1)(2)(3). Moving to a larger room would require transfer of all computer hardware and add another security issue for ballots. The Clerk/Recorder/Assessor noted there was rarely more than one observer at a time during the counting process in the past 2 years.

The 2022 Grand Jury finds the response to be timely and appropriate.

For the June 7, 2022, Primary, four jurors observed the counting process and found it to be professional, secure, and accessible.



View of June 10, 2022, Vote Counting through Observation Window

Recommendation 2: “Trinity County Clerk/Recorder/Assessor shall develop a policy to accommodate vote-by-mail observers.”

Response 2 (from BOS): “Recommendation will not be implemented because it is not warranted as California Elections Code §15104(d)(1)(2)(3) defines the procedures for County Elections Officials.” (See Appendix C)

Finding 2 of the 2022 Grand Jury: The Trinity County Elections Office complies with applicable California Elections Code which is satisfactory for local needs.

The 2022 Grand Jury finds the response to be timely and appropriate; and determined there was no need for further investigation of this issue and commends the Elections Office for its work to maintain integrity of the Trinity County voting process.

Road Maintenance Issues

Recommendation 1: “The 2019/2020 Grand Jury recommends that the Trinity County Road Department immediately improve communications with the public, which will include explanations of funding and future maintenance plans.”

Response 1 (from BOS): “Agree. Recommendation requires further analysis. The Trinity County road system is the one service every constituent, and every visitor uses almost daily. The impact of failed unmaintained county roads jeopardizes the ability to provide health and safety services (fire protection, law enforcement, etc.). The BOS will give direction to the CAO to “agendize” a plan to implement publication of current and projected revenue streams, including a timetable for road maintenance.”

Finding 1 of the 2022 Grand Jury: Is “work in progress.” Further information regarding efforts of the TCDOT to address points in this Finding are available as follows:

- Trinity County Transportation Commission (TCTC) (www.trinitycounty.org/Transportation-Commission) enhanced the scope of their agenda in 2022 to encompass points mentioned in Recommendation 1. This is to be accomplished through TCTC Plans such as:
 - A Regional Transportation Plan (RTP) (www.trinity-rtp.org). See also www.trinitycounty.org/plans-reports The purpose of the Plan is to provide vision for the region supported by transportation goals for ten-year (2022-2032) and twenty-year (2033-2042) plans. This Plan will involve input from community through a series of meetings. Ideas already brought forward by the community include bike lanes, bus routes, road improvements, sidewalks, and more. Target date for completion of the Plan is December 2022.
 - A Regional Transportation Improvement Program (RTIP). To prioritize and program proposed state or federally funded transportation projects.
 - Overall Work Program (OWP). To outline regional planning efforts which utilize rural planning assistance funds each fiscal year.

The 2022 Grand Jury determined the response was timely and appropriate; and recommends a follow-up inquiry by the 2023 Grand Jury to track implementation of Finding 1 once plans are completed as projected for December 2022.

Recommendation 2: “The 2019/2020 Grand Jury recommends the BOS develop for the 2020 budget and future budgets, a policy that will prioritize road repair for the safety of Trinity County residents.”

Response 2 (from BOS): “Agree and disagree. Recommendation has not been implemented but will be in the future. The BOS will give direction to the CAO to recommend a resolution that will prioritize road repair for the safety of Trinity County residents; plus recommend and implement a staged policy with the FY 2019/2020 Mid-Year Budget Review.”

Finding 2 of the 2022 Grand Jury: Is “work in progress.” The 2022 Grand Jury determined the response was timely and appropriate; and recommends a follow-up inquiry by the 2023 Grand Jury to track implementation of Finding 2 once plans are completed as projected for December 2022.

Recommendation 3: “The 2019/2020 Grand Jury recommended that the Trinity County Department of Transportation develop a comprehensive complaint procedure that provides for online, phone, email, in person and written complaints. This procedure shall include Trinity County Road Department’s responses to the complaint and an in-house tracking process for each complaint. This procedure shall be implemented and communicated to the public no later than December 2019.”

Response 3 (from BOS): “Agree and disagree. Recommendation has not been implemented but will be in the future. Trinity County Department of Transportation (TCDOT) now accepts complaints by five access points. TCDOT has implemented a web page to report a problem and uses social media (Twitter) to deliver updates and conditions. The “Report a Problem” web page is an excellent start. Tracking and resolution is the next step in this process and the BOS will request CAO present the recommended strategy by March 2020. Per my interview with the Director of Transportation, the Director currently is the point of contact for communicating with the public, responsible for long-term planning, budgeting, and project implementation. This obligation needs to be shared; the BOS will give direction to the CAO to implement a TCDOT Assistant Director position.”

Finding 3 of the 2022 Grand Jury:

- The complaint process is in place for the five access points: online, www.trinitycounty.org/DOT-Problem-Report , by phone, email, in person, and written. Each complaint is sent to appropriate staff for action. A spreadsheet tracks each complaint and how it is resolved. When appropriate, the Trinity County Department of Transportation administrator of this process informs the person(s) who filed the complaint of its resolution.
- The Department of Transportation advertised for the Assistant Director position in November 2019 but was unsuccessful in filling the position. In 2019 and 2021, TCDOT again attempted to fill the position on a temporary basis to handle some special issues but had no applicants. The new Director of Transportation will consider filling that position.

The 2022 Grand Jury determined that responses were timely and appropriate; and commends Trinity County Department of Transportation for its proactive responsiveness and work to meet transportation needs in Trinity County.

Cannabis Ordinance Development and Complaint Response

Recommendation 1: “The 2019/2020 Grand Jury recommends that the BOS dissolve the Cannabis Ad Hoc Committee and establish an open, transparent Standing Committee by September 2019. The Standing Committee should include representatives from the Planning Department, District Attorney’s Office, Sheriff’s Department, and members of the public, including growers and non-growers. This committee must be chaired by a person strong enough to lead meetings to productive conclusions. Deadlines need to be established to conduct their business in a timely manner to meet the public’s needs.”

Response 1 (from BOS): “Agree. Recommendation has not been implemented, but if the Board chooses to implement it, it will be done so at a future Board meeting.”



Office of Trinity County Planning Department and Cannabis Division

Finding 1 of the 2022 Grand Jury:

- In October 2019, the BOS voted 3-2 to dissolve the Ad Hoc Cannabis Committee (formed in 2016). However, the Board Chair stated, “there’s no change now though.” (The BOS Chair has authority over ad hoc committees).
- In October 2019, the two board members stepped down from the Ad Hoc Committee on Cannabis Retail, turning that work over to the Planning Department.
- In December 2019, BOS dissolved the Cannabis Ad Hoc Committee. Rather than forming a standing committee, it assigned the work to the Planning Department.
- The BOS formed a Cannabis Cultivation Ad Hoc Committee in November 2021.
- At the April 19, 2022, BOS meeting questions were raised whether the current Cannabis Ad Hoc Committee is acting more like a standing committee.
- The BOS supports creation of ad hoc committees as needed to augment the Planning Department’s efforts due to staffing shortages.
- On April 29, 2022, the BOS appointed an interim deputy director for the Planning Department. Additionally, the Cannabis Division hired its first dedicated Director March 1, 2022.

The 2022 Grand Jury determined that the response from the BOS:

- While they were timely in their response, as of this report, the Board has not opted to create the recommended standing committee.
- Though in agreement with the recommendation, the BOS offered no evidence that it would implement it.

The BOS did not meet the criteria required by PC §933.05 (b) (3) or include a time frame or an indication that it will pursue the issue. See Appendix B.

- Recommendation 1: The 2022 Grand Jury recommends that the BOS respond per PC §933.05 on this issue and future issues.

Recommendation 2: “The 2019/2020 Grand Jury recommends that the BOS direct the Planning Department to establish by December 2019 variable nuisance fines that can more effectively deter cannabis code violations.”

Response 2 (from BOS): “Recommendation requires further analysis. First, to correct the misinformation in the report where it states the complaint process and fines were recommended by the Ad Hoc is wrong. I assume the reference to the complaint process is related to Code Enforcement. The complaint process, fines and Code Enforcement program overall were all established long before the Ad Hoc committee was created. What the Ad Hoc committee *did* recommend with full Board approval, in open session, is additional funding from the Cannabis Program to increase capacity for Code Enforcement to help with enforcement with unlicensed

grows. This increased revenue funds additional deputies for Code Enforcement and is supervised by the sheriff. The Grand Jury report also fails to reference the stacking of citations of individual fines for each violation. As an example, many times unlicensed cannabis properties are not only cited for the grow, but any other code violation Code Enforcement sees fit to cite thus increasing the fines of the overall violation.”

Finding 2 of the 2022 Grand Jury: According to the Planning Department and Cannabis Division, a variable nuisance fine structure has not been developed.

The 2022 Grand Jury determined that the response from the BOS to Finding 2:

- This response was not timely and did not meet other criteria required by PC §933.05 (b) (3). See Appendix B.
- The response provided a vague and incomplete explanation and did not address direction to the Planning Department to analyze and provide recommendations to the BOS for adopting a variable nuisance fine structure and did not meet criteria required by PC §933.05 (b) (3). See Appendix B.
- Recommendation 2: The 2022 Grand Jury recommends that the BOS respond per PC §933.05 on this issue and future issues.

Recommendation 3: “The 2018/2019 Grand Jury recommends that the BOS contract with an aerial mapping service by December 2019. This service would be valuable not only to the Planning Department but to the Assessor’s Office and the Sheriff’s Department as well. The cost of the service could be shared by the departments using the service.”

Response 3 (from BOS): “Recommendation requires further analysis by the CAO and appropriate departments.”

Finding 3 of the 2022 Grand Jury: According to the Planning Department, the County does not contract for aerial surveillance. They do use other resources as available such as:

- www.trinitycounty.org/Trinity-County-Parcel-Viewer , Google Earth Pro, county, state, and federal coordination efforts.
- The BOS response was not timely and did not meet other criteria required by §PC §933.05 (b) (3) including an explanation, scope, parameters, and time frame not to exceed six months. See Appendix B.
- Recommendation 3: The 2022 Grand Jury recommends that the BOS respond per PC §933.05 on this issue and future issues.

Appendix A

2022 Continuity Committee Compliance Review of Responses received in 2019

There were no Final Reports issued during the 2019/2020 or 2020/2021 Grand Jury Terms.

Topic	Respondent	Requested Recommendations	Responded	Compliant	Non-Compliant
Vote-by-Mail	BOS	Allocate larger room to accommodate election observers	Yes	Yes	0
	Elections Office	Develop local policy to accommodate vote-by-mail observers	Yes	Yes	0
Road Repairs	TC Road Department	Improve communications with public	Yes	Yes, as a work in progress	0
	BOS	Develop budgets that prioritize road repair	Yes	Yes, as a work in progress	0
	TCDOT	Develop a comprehensive complaint procedure	Yes	Yes	0
Cannabis	BOS	Dissolve Cannabis Ad Hoc Committee and create a Standing Committee	Yes	No	1
	BOS	Develop variable nuisance (tiered) fines	Yes	No	1
	BOS	Contract with aerial mapping service	Yes	No	1

APPENDIX B

Penal Code §933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.

(2) 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 therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. (Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)

APPENDIX C

California Elections Code §15104(d)(1)(2)(3)

(a) The processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding [paragraph \(2\) of subdivision \(b\) of Section 2194](#), vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

(1) Verifying signatures and addresses on the vote by mail ballot return envelopes by comparing them to voter registration information.

(2) Duplicating accurately damaged or defective ballots.

(3) Securing vote by mail ballots to prevent tampering with them before they are counted on election day.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.