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CLERK OF THE SUPERIOR COURT
COUNTY OF TRINITY
BY: STACI HOLLIDAY

2024 TRINITY COUNTY CIVIL GRAND
JURY

Continuity Report

Remanded 12/3/24
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SUMMARY

The 2024 Trinity County Civil Grand Jury examined responses to the recommendations of the 2022 Trinity County Civil Grand Jury County Counsel Report. This report follows up on those responses.

BACKGROUND

For Civil 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 Civil Grand Jury may choose to open a new inquiry, or jurors may conclude the issue is no longer pressing due to changed circumstances.

METHODOLOGY

The 2024 Trinity County Civil Grand Jury reviewed the final report from the 2022 Trinity County Civil Grand Jury regarding County Counsel. In that report, the Board of Supervisors (BOS) stated that Recommendation 1 (R1) had been implemented and that the rest of the recommendations would not be implemented. However, for Recommendation 4 (R4) in their comments, they stated that they would begin to “administer the yearly performance evaluations that are required by the contract.”

The 2024 Civil Grand Jury:

- Interviewed Trinity County staff
- Reviewed BOS agendas and minutes for the past year
- Referenced Trinity County online information resources
- Referenced California government online information resources

DISCUSSION

The 2022 Trinity County Civil Grand Jury County Counsel report, R1 stated “We recommend that the BOS abide by State and County policy regarding transparency. While Government Code recognizes the need to keep certain sensitive information confidential, the Brown Act makes it clear that secrecy is not intended to be the default mode of doing public business. Likewise, we recommend invoking attorney-client privilege selectively rather than as blanket mechanism for the BOS and Counsel to avoid accountability.”

The response from the BOS was that this recommendation has been implemented. From the 2024 Civil Grand Jury’s review, it found that in the last year, the BOS had 33 meetings. Of these meetings, 23 had Closed Sessions. Based on information gathered from the agendas and minutes, the usage of Closed Session was for appropriate reasons.

The 2022 Trinity County Civil Grand Jury County Counsel report, R4 stated “If the County determines that County Counsel must be retained through a contract similar to the current contract with Prentice|Long, we recommend that such contracts be valid for a limited term, such as four years, and that bids from competing legal firms be solicited at the end of each term.”

The response from the BOS was “recommendation will not be implemented because it is not warranted. Because the contract with County Counsel allows the BOS to terminate the contract for any reason, or no reason, limiting the term of the contract is not necessary. The BOS will, however, begin to administer the yearly performance evaluations that are required by the contract.”

While the response said that the recommendation would not be implemented, the 2024 Civil Grand Jury determined that a new contract for County Counsel had been executed. The contract is for four years and Prentice | Long PC is the recipient of the contract. The contract will expire in 2028.

Service performance evaluations of County Counsel are to allow the appropriate parties knowledge of whether the job is being performed in a satisfactory manner or not, and to aid in future contract negotiations. Annual service performance evaluations have been done for 2023 and 2024. The service performance evaluation questionnaire is filled out by impacted Trinity County departments and are used in the overall evaluation of County Counsel contracted services. The questions in the questionnaire are documented, however, who is responsible for consolidation of the questionnaires from the County departments, the timing of when the questionnaires are filled out, and the delivery of the actual evaluation is not documented, nor is the evaluation made public. The contract with County Counsel states that an evaluation will occur, but not the details of who, what and when.

FINDINGS

F1. The BOS currently reports on all decisions and actions taken. Those actions taken during Closed Session are reported in a generalized manner, as appropriate.

F2. The County Counsel service evaluation process is not documented. The reliance on institutional knowledge creates the potential of future County Counsel service evaluations not being performed. If that occurs, there is no continuity for future administrations to know how well the service is being performed.

F3. Because the results of the County Counsel evaluation are not made public, the results are unknown. Therefore, it is unknown if the performance evaluation aided in the contract negotiations, or not.

RECOMMENDATION

R1. Document the County Counsel performance evaluation process by June 30th, 2025.

R2. After each County Counsel service performance evaluation, make the results public. Next evaluation is May, 2025.

REQUEST FOR RESPONSE

In accordance with Penal Code Sections 933 and 933.05, the Trinity County Civil Grand Jury requires a response from the Trinity County BOS within 90 days of receipt of this report.

In addition, the Trinity County Civil Grand Jury invites a response from the Trinity County Administrative Officer within 90 days of receipt of this report.