

**Grand Jury Report
RESPONSE FORM**

RE: Report Titled: *Ricochet Bullets – No Problem!*

Report Dated: *February 19, 2011*

Response Form Submitted By:

City Council
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: *June 8, 2011*

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- ☐ I (we) agree with the Findings numbered:
1, 8, 15, 25
- ☐ I (we) disagree wholly or partially with the Findings numbered below, and have attached, as required, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
2, 3, 4, 5, 6, 7, 9, 12, 13 19, 20, 21, 22, 23, 24, 26

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- ☐ The following Recommendation(s) have been implemented and attached, as required, is a summary describing the implemented actions:
5
- ☐ The following Recommendation(s) have not yet been implemented, but will be implemented in the future, attached, as required is a time frame for implementation:
Response not required

- ☐ The following Recommendation(s) require further analysis, and attached as required, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
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- ☐ The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, attached, as required is an explanation therefore:

1, 6

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 7

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: sally.nevarez@mendocino.courts.ca.gov
- The County's Executive Office: angeloc@co.mendocino.ca.us

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Ukiah City Council

Title: Mayor, Mari Rodin

Signed: 

Date: 6/1/11

Mendocino County Grand Jury Report

Ricochet Bullets – No Problem

Ukiah City Council Response

Narrative Summary of Required Responses to Grand Jury Findings:

#1-- "The UGC leases 96.82 acres of property owned by the City located outside city limits in Mendocino County".

Response: A ParcelQuest search document states the lot acres at 96.820.

#2—"The Sherriff's Office, functioning as an agent of the County, is operating under the Agreement with the UGC, which expired on July 7, 2005."

Response: The City of Ukiah cannot verify this statement.

#3 – "The Ukiah Police Department (UPD) does not have an Agreement with UGC."

Response: The Ukiah Police Department and the Ukiah Gun Club have met and agreed upon a system where Ukiah Police Firearms Trainers have become Gun Club members. UPD Firearms Trainers are allowed to bring other UPD members to the gun club as visitors for various firearms training purposes.

These include infrequent firearms qualification requirements for UPD officers who miss other scheduled training at other facilities, Firearms Trainers checking weapon functionality after repairing weapons, or other training requirements requiring the use of a firearms range.

The Ukiah PD and the Ukiah Gun Club agreed upon this procedure to allow access to a regional firearms facility for training or other purposes, as a way to reduce costs associated with sending officers to other facilities, further away from Ukiah.

#4—"The County and the City each disclaim responsibility as to who has planning/zoning jurisdiction over the property leased from the City and located outside the City limits."

Response: The City Planning Department is not aware of the position of the County on this matter. The subject property, while owned by the City is not located within the City limits, so by law, the City has no planning or zoning jurisdiction.

5-- "When the city purchased the 96.82 acre property in 1993, for \$650,000; the appraised value was \$800,000 to \$1,200,000."

Response: The Grand Jury indicates that the City Council Minutes of December 15, 1993 records this amount; City staff is otherwise not knowledgeable regarding the appraised value from 18 years ago.

#6-- "The assessed value for the 96.82 acres, which the UGC leases from the City, is \$40,000"

Response: The current assessed value for the property stated on a ParcelQuest search document is \$42,063.

#7-- "The UGC rent to the City is \$5,000 annually plus 2% per year"

Response: As of 11/30/10, Land Rental was \$7,001 for UGC.

#8--"The lease between the UGC and the City terminates in 2044"

Response: The lease agreement terminates December 31, 2044

#9--"The UGC pays \$739.06 in property taxes annually to the County per the lease agreement with the City"

Response: County records indicate that property taxes at the last semi-annual payment, were \$259.87 for this parcel.

#12 -- "Training for UPD officers is conducted at a Windsor police training facility and Chamberlain Creek Conservation Camp."

Response: Along with these facilities, the Ukiah Police Department does use the Ukiah Gun Club.

#13 -- "UPD Range Masters train new recruits at the Ukiah Gun Club. The Range Masters' membership is paid by the City."

Response: As noted in comment #3, the Ukiah Police Department does train new officers who have not yet had the opportunity to attend a scheduled training at another facility, along with other officers who may have missed a required training because of vacation, court, or injury. Ukiah Police Firearms Trainers memberships are paid by the City of Ukiah to reduce the department's training costs associated with leasing facilities.

#15-- "There are two restrooms and a kitchen at the clubhouse."

Response: It is the city staff's understanding that these rooms exist at the clubhouse

#19 – "Metal targets and metal-framed targets are used at the ranges."

Response: Metal targets and metal-framed targets are common in firearms training. The Ukiah Police department appreciates the use of these materials as a way to reduce costs, while providing a safe training environment for our personnel.

Firearms Trainers from both the Ukiah Gun Club and Ukiah Police Department are constantly on the safeguard for unsafe conditions, and every possible safeguard is used to conduct firearms training in a safe environment.

Attached is an April 1998 Professional Assessment regarding firearm safety at Ukiah Gun Club.

#20 – "The ammunition rounds impact a rock-ridden hillside."

Response: Police Department Firearms Trainers are required to check for safe conditions in target areas, and impact areas, prior to conducting each training event. The impact areas that Ukiah Police Firearms Trainers have observed are regularly maintained, and in very good condition. Also see the Professional Assessment Report.

#21- "Ricochets have been reported and a gunshot wound from a ricochet bullet has been documented in the press."

Firearms Trainers from both the Ukiah Gun Club and Ukiah Police Department are constantly on the safeguard for unsafe conditions, and every possible safeguard is used to conduct firearms training in a safe environment. The Ukiah Police Department has no knowledge of any reported ricochets or gunshot wounds at this facility. See the Professional Assessment Report.

#22- "A UGC internal newsletter verified that a ricochet problem exists."

The Ukiah Police Department has no knowledge nor has received any notification that a ricochet problem exists at the Ukiah Gun Club.

The Ukiah Police Department Firearms Trainers receive extensive training in the use of firearms and the ability to present safe training for Police Officers. The Department's Firearms Trainers meet and work regularly with the Ukiah Gun Club Range Masters to ensure a safe training environment exists, and UPD Trainers and UGC Range Masters are required to constantly check and inspect

facilities to ensure that training is presented in a safe manner. See the Professional Assessment Report.

#23—"Vichy Springs Road is one way in and one way out."

Response: UGC Access is a dirt road with a one way in and one way out loop, which attaches to Vichy Springs Road, which is itself, a two-way County road.

#24—"In 1982, the UGC was grandfathered in with non-conforming use."

Response: The City staff has no planning/zoning jurisdiction on the site, and does not know if in 1982 the UGC was grandfathered in with non-conforming use.

#25—"The lease states that, 'The lessee (UGC) shall not, without the lessor's (the City) prior consent, make any alterations, improvements, additions, changes or modifications to, on, in, or upon the leased premises.'"

Response: City confirms that this language is in the lease.

#26—"The October 2010 UGC newsletter addressed the construction of a new pistol range, a second pistol range, and re-terracing the shotgun range. All three would violate the lease."

Response: The City of Ukiah staff do not receive the newsletter and therefore do not know what was written in the October 2010 UGC newsletter. Staff disagrees that such improvements would violate the lease. Failure to request the City's consent prior to making such alterations would violate the lease, but not necessarily those alterations themselves.

Narrative Summary of Required Responses to Grand Jury Recommendations:

#1—"The City and County resolve the disagreement over planning/zoning jurisdiction."

Response: The City and County may not disagree on this matter. The City has no zoning jurisdiction because the property is not in the City limits. County has no jurisdiction because the City is exempt from County zoning requirements.

#5—"The City designates a department to oversee and enforce provisions of the lease."

Response: The UGC lease is a long-standing, and long-term lease. Administration of the Lease has been assigned to the Public Works Department, specifically, to the Deputy Director for Engineering and Streets Division, who is

answerable to the City Manager. This assignment is in keeping with the Division's oversight of the landfill area, which includes administering budgets and operations for the former waste disposal site.

#6—"The City or the County Planning Commission ensure all buildings modified or built after 1982 be inspected for compliance."

Response: It is assumed that the recommendation is to have the buildings inspected to ensure that they comply with the California Building Code. However, it is not the responsibility of the City Planning Commission to ensure that buildings in the City be inspected for compliance with the California Building Code.

Professional Firearms Service

P.O. Box 283, Clayton, CA 94517
(925) 672-6931

April 20, 1998

Ms. Candace Horsley
City Manager
300 Seminary Avenue
Ukiah, CA 94582

Dear Ms. Horsley:

Per our agreement, we inspected the Ukiah Gun Club property on March 26, 1998. We were accompanied by Mr. Rick Kennedy, City Engineer and were met by Mr. Willard Carlstedt, Ukiah Gun Club President and several club members. We were able to make several observations regarding safety issues.

The club grounds appeared to be rather well laid out with gun handling safety a priority. We also noted that the grounds were clean and well maintained, keeping in mind that most gun clubs operate entirely with volunteer labor and supervision.

Mr. Carlstedt then conducted a tour of the various shooting areas. There are three basic ranges. To the left is the shotgun range and is not a concern, in as much as they shoot shot/pellets usually limited to 6, 7½, 8 and 9 size and have a rather short range. The hand gun range (third) is apparently not a problem as the impact area is soft dirt, free of rocks and other hard debris. The area is surrounded by dirt berms 10 to 15 feet high and only hand gun caliber's, lead bullets with a velocity of 1400 FPS or less may be used. This range does not appear to be a concern at this time.

The center range is the rifle range and apparently the major concern of this inspection. Our objective was to determine the possibility or likely hood of ricochet rounds landing in inappropriate areas.

The range is laid out so that the normal direction of firing is away from the residential area. The impact area is soft moist dirt and free of rocks and other hard objects, other than target plates. The hill is covered with trees and in some areas heavy brush. The space between the impact area and the residential area contains heavy foliage and was difficult to see through, even at this time of year when the plant life is dominant.

The target plates being used are between approximately 100 and 175 meters from the shooting points and were spaced out over the face of the hill in the soft dirt and trees. The design of the metal targets was observed and it should be noted they are free swinging and all the target plates I observed were hinged at the top to allow the bottom of the target to swing away from the shooter when struck, which would deflect the bullet downward.

Visual triangulation of the shooting points, the impact area, and the location of the reported findings of rounds, indicate that the locations of the reported finding are at approximately 90 degrees or greater angle from the target impact area.

April 20, 1998

In review of the above observations, several aspects should be noted. The impact area, soft dirt, debris free, heavy foliage, the angle of the plates (deflects bullets downward) are all considered good range conditions.

The distance to the complaint location (almost ½ mile) and the angle 90 degree or greater with heavy foliage in between, makes ricochets virtually non-existent, but not impossible.

It is my opinion that the range is well constructed and I find it unlikely that numerous rounds are ricocheting off the range. Due to the impact area and the angle of the plates it is very improbable that complete rounds would come off of the plates at 90 degrees or greater and travel approximately ½ mile. In as much as bullets that hit a plate at a right angle will usually flatten or disintegrate, or ricochet with the direction of the plate, in this case downward.

The only way a round that has not been badly damaged by impact in the target area would land almost ½ mile away is if the round was fired into the air. This is very unlikely on a controlled range that places safety as its number one priority.

Conversely, I understand that uncontrolled shooting is allowed on BLM Property to the rear of the residential area where shooting is allowed other than hunting season.

It is not impossible that an errant round could go astray and leave the range and land in an undesirable area but, in my opinion this is very unlikely to happen with any amount of frequency, given the above factors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herman Rellar".

Herman Rellar