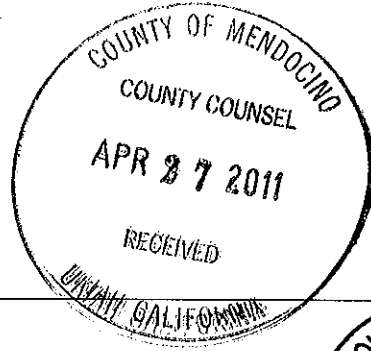


**Grand Jury Report
RESPONSE FORM**

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

Report Dated: January 25, 2011



Response Form Submitted By:

John Morley, Director
Environmental Health
501 Low Gap Road
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:
16, 17, 18
- ☐ 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.

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:

- ☒ 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:
number 7 & 8

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- ☐ 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)
-

- ☐ 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:
-

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

Number of Pages attached: 1

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 c/o Sally Nevarez: 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: John Morley

Title: Deputy Director, HHSA

Signed: 

Date: April 27, 2011

**MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY
MEMO**

Date	April 27, 2011
From	John Morley, Deputy Director HHSA <i>JM</i>
To	Executive Office
Subject	G.J. Report: Ricochet Bullets – No Problem



Response to Recommendations:

Recommendation #7.

Staff from the Division of Environmental Health (DEH) will contact the operators of the Gun Club to arrange an inspection of the kitchen and obtain information about food service that is provided. An Inspection and determination on Health Code compliance will be complete by May 16, 2011.

Recommendation #8. (responsibility of DEH, not Planning & Building)

Staff from the Division of Environmental Health will conduct a file review for the existing septic system and arrange for a site inspection. DEH will have a determination on the adequacy of liquid waste disposal by May 31, 2011.



Mendocino County Health and Human Services Agency

"Healthy People, Healthy Communities"

Stacey Cryer ♦ Director

Susan Era ♦ Interim Assistant Director



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Environmental Health Division

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501 Low Gap Rd, Room 1326

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FORT BRAGG OFFICE

790-A1 S Franklin St

Fort Bragg CA 95437

Phone: 707-961-2714 Fax: 707-961-2720

Reponse to the 2011 Grand Jury on the Ukiah Gun Club

Subject:

Recommendation number 7: Inspect the kitchen premises for health code compliance.

Narrative:

The Consumer Protection Program of the Environmental Health Division conducted a site visit at the Ukiah Gun Club of its kitchen facilities. Our inspector Neal Mettler met with the Gun Club President Larry Bates and inspected their two kitchens.

The kitchen in the meeting hall is a domestic (residential) style kitchen. It has a domestic (residential) stove and refrigerator, laminate countertops and a one compartment sink. There is no exhaust hood. No perishable food is kept. It is used for five to six dinner meetings a year by club members and their guests. They bring in and prepare their own food on the day of the meetings. There are about 15 hunter training classes held each year at which no food is served. Club members and their guests are allowed to use the refrigerator and microwave for their own food.

The recreation hall has a similar domestic kitchen. It has a sink, domestic stove, microwave, hot dog cooker and a commercial two door refrigerator. There is no exhaust hood. Two outdoor grills are located outside of the recreation hall. Club members and their guests use the recreation hall for their own private events four or five times a year. These are not open to the general public.

The facilities at the Ukiah Gun Club are served by the Rogina Water District.

Separately from the private use of the club's kitchen facilities, there are three events open to the general public. Food is served to attendees at one of these events to raise funds to fight cancer. This event would be defined as a community event and as a retail food facility since the event is open to the general public. A Community Event Permit would be required for such an event. Additionally, temporary food vendors would be required to obtain a temporary food vendor permits.

Summary:

Presently, no permits are needed for the privately conducted activities of the Ukiah Gun Club. The current use of the two kitchens and the outdoor grills at the Ukiah Gun Club is specifically exempted and not required to obtain a permit. The California Retail Food Code defines a "church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period" as being *not* a food facility, California Retail Food Code, section 113789 (c) (3).

Community events open to the public at which food is provided to the attendees does require a permit from the Environmental Health Division. The Environmental Health Division will notify the Ukiah Gun Club by June 30, 2011 regarding community events and what circumstances necessitate a Community Event Permit. The Community Event Application Packet will be made available to the Ukiah Gun Club. Community Event Permit Applications and Temporary Food Facility Applications submitted to the Environmental Health Division will be reviewed for compliance with the California Retail Food Code.

Additional information to be provided to the Ukiah Gun Club by June 30, 2011: At such time should the club give or sell "food to its members and guests, and not to the general public" *more frequently than three days in any 90-day period*, the events would fit the definition of a food facility. A permit would then have to be obtained from the Environmental Health Division. Those facilities being so used would then have to meet the operational, equipment and structural requirements for a retail food facility. California Retail Food Code, sections 113789 (a) and 113789 (c) (3), 114380-81

Brian Hoy,
Consumer Protection Program Manager
Mendocino County Environmental Health Division



Mendocino County Health and Human Services Agency

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Response to the 2011 Grand Jury Report on the Ukiah Gun Club

In its February 19, 2011, report titled "Ricochet Bullets – No Problem! Public Safety Apparently Not a Concern to City or County," the Mendocino County Grand Jury issued three findings that involve matters that fall under the jurisdiction of the Mendocino County Division of Environmental Health:

- Finding 14. The Ukiah Gun Club has one 1200-gallon septic system that serves one mobile home and the clubhouse. There are two port-a-potties on the property.
- Finding 15. There are two restrooms and a kitchen at the clubhouse.
- Finding 16. The Ukiah Valley Sanitation District staff stated there is no sewer hookup.

That same report included the following recommendation:

Recommendation 8. County Planning and Building Department perform all required inspections of septic systems (Findings 14-15).

On May 17, 2011, Environmental Health Land Use Program Manager David Jensen met with Ukiah Gun Club President Larry Bates and inspected the Gun Club's facility at 2300 Vichy Springs Road to verify these findings and to perform the inspection(s) specified in Recommendation 8.

Summary:

1. Clubhouse.

This structure has two bathrooms and a kitchen sink. The wastewater from this structure flows to a septic tank that is located at the southwest corner of the building. According to Mr. Bates, the leach field for this system is located south and west of the septic tank. I inspected that area and found no evidence of hydrophilic vegetation, surfacing effluent, or any other sign of system failure. It appeared that the system was working properly. Mr. Bates stated that the septic tank is pumped every five years and that the system has always worked properly.

According to records at the County Assessor's Office, the clubhouse was built on or about 1950, and that two bathrooms were installed "prior to 1952." Unfortunately, Environmental Health has no septic permit records from that time frame. In similar cases when a septic system was installed before Environmental Health began issuing septic permits, we

consider that system to be "grandfathered," and require an updated plan with approved permit whenever the system must be repaired or is expanded to accommodate new use.

Conclusion: Wastewater from the clubhouse is being properly managed. No remedial action is required at this time.

2. Mobile Home.

A mobile home is located directly west of the clubhouse. According to Mr. Bates, this structure serves as the residence for a caretaker. Contrary to Finding 14 of the Grand Jury Report, the clubhouse and the mobile home (caretaker's residence) are connected to different septic tanks. Wastewater from the mobile home flows to a septic system that was permitted and constructed in 1991. A copy of that permit (ST 6128-F) is on file at the Environmental Health office in Ukiah.

I inspected the area where the tank and leachfield were installed. I found no evidence of hydrophilic vegetation, surfacing effluent, or any other sign of system failure. It appeared that the system was working properly.

Conclusion: Wastewater from the mobile home (caretaker's residence) is being properly managed. No remedial action is required at this time.

3. Portalets.

The Ukiah Gun Club has portalets (portable toilets) located near the firing ranges. According to Mr. Bates, these structures are provided for the convenience of their members and guests so that they do not need to walk back to the club house to use the rest rooms. The gun club has a contract with Silva Septic, who services the portalets on a weekly schedule. I observed that the portalets were clean and well maintained.

Mendocino County Code, Section 16.08.015.A. states: "All structures from which or in which domestic waste may be generated shall be connected to an approved sewage system approved by the County of Mendocino." Therefore, the Ukiah Gun Club clubhouse and caretaker's residence must be connected to a permitted septic system. However, Environmental Health allows the use of portalets for the convenience of customers at events that do not occur exclusively within a permanent structure (e.g., a flea market, a street fair, or an outdoor concert or sporting event), so long as those portalets are properly maintained.

Conclusion: The use of portalets at the Ukiah Gun Club for the convenience of their members and guests is in accordance with accepted practices in Mendocino County. No remedial action is required at this time.

4. Connection to Ukiah Valley Sanitation District.

A sewer line owned and operated by the Ukiah Valley Sanitation District runs up Vichy Springs Road, past the Ukiah Gun Club, as far east as the Municipal Landfill. All new construction and most of the houses south of Vichy Springs Road are currently connected to that sewer line. However, Environmental Health files contain more than fifteen septic permits on Vichy Springs Road, from 1001 Vichy Springs Road, which is located west of the Russian River, to the Vichy Springs Resort, which is located east of the Ukiah Gun Club property.

I spoke with Mr. Rick Kennedy, Manager of Ukiah Valley Sanitation District, concerning the Grand Jury's Finding 16 (The Ukiah Valley Sanitation District staff stated there is no sewer hookup). Mr. Kennedy explained that properties that were served by permitted septic systems when the District's line was installed were allowed to defer connection to the Sanitation District until those septic systems failed. When the permitted septic systems need to be replaced, any properties within 200 feet of the Sanitation District's service line will be expected to connect to that line.

Conclusion: The Ukiah Valley Sanitation District will provide service to each residence or business within 200 feet of the District's sewer line whenever a septic system needs to be replaced. No remedial action is required at this time.

David A. Jensen,
Land Use Program Manager
Mendocino County Environmental Health Division