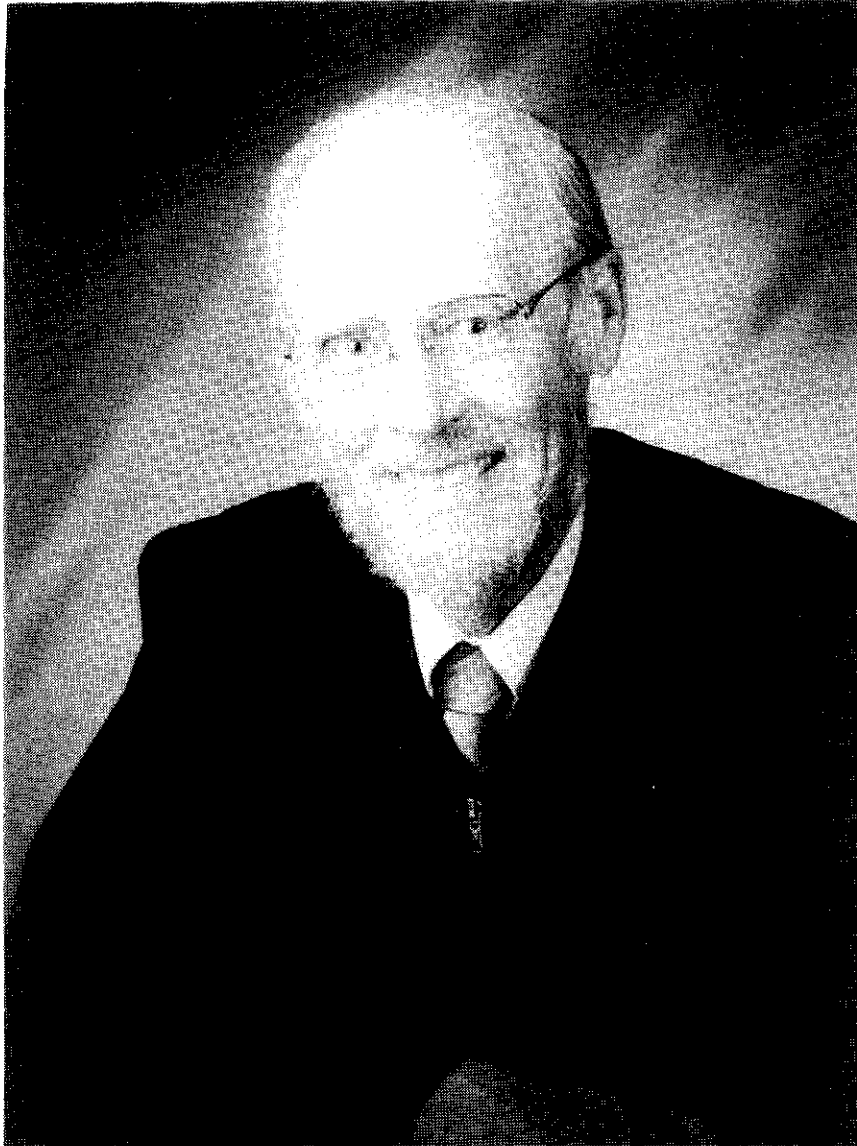


1994/95

GRAND JURY

FINAL REPORT



The Honorable

ROBERT C. LENHARD

Presiding Judge

YUBA COUNTY SUPERIOR COURT - DEPARTMENT TWO

1994/95

GRAND JURY MEMBERS

AND

DISTRICTS

GRAND JURY MEMBERS

BILADEAU, GARY WAYNE	5TH DISTRICT FOOTHILLS/WHEATLAND
BLANCHARD, LISA LYNN	2ND DISTRICT MARYSVILLE
BLANK, VERDENE	5TH DISTRICT FOOTHILLS/WHEATLAND
BLUETT, PATRICIA ANN	3RD DISTRICT OLIVEHURST
DRUMHELLER, CHERYL RAE	1ST DISTRICT LINDA
HALE, FRANK THOMAS	5TH DISTRICT FOOTHILLS/WHEATLAND
HASTEY, CAROLYN JEWELL	2ND DISTRICT MATYSVILLE
HILL, WILLIAM DAVID	1ST DISTRICT LINDA
HINSON, LILBORNE RAY	3RD DISTRICT OLIVEHURST
JENNISON, DENNIS HARRY	5TH DISTRICT FOOTHILLS/WHEATLAND
JONES, MARION	5TH DISTRICT FOOTHILLS/WHEATLAND REPLACEMENT/ALTERNATE
JONES, DAVID C.	1ST DISTRICT LINDA
KEMPTER, JACK RUSSELL	3RD DISTRICT OLIVEHURST
MORRISON, MICHAEL W.	3RD DISTRICT OLIVEHURST HOLDOVER/1993/94 RESIGNED
NOTESTINE, EARL C.	2ND DISTRICT MARYSVILLE
RASNIC, WENDY KAY	1ST DISTRICT LINDA RESIGNED
ROWLAND, SARA JEANETTE	2ND DISTRICT MARYSVILLE
SIMMONS, WILLIAM H.	2ND DISTRICT MARYSVILLE
THOMPSON, PAMELA DIANE	3RD DISTRICT OLIVEHURST
TOMLINSON RICHARD EARNEST	4TH DISTRICT DISTRICT 10/HALLWOOD
VERGUSON, EDWIN ALLEN	2ND DISTRICT MARYSVILLE

1994/95

GRAND JURY

ORGANIZATION

AND

COMMITTEES

1994-95 YUBA COUNTY GRAND JURY

ORGANIZATION AND COMMITTEES

EDWIN VERGUSON
RAY HINSON
PATRICIA BLUETT
LISA BLANCHARD
WILLIAM HILL

FOREMAN
FOREMAN PRO TEM
RECORDING SECRETARY
CORRESPONDING SECRETARY
SERGEANT-AT-ARMS

CITY COMMITTEE

PATRICIA BLUETT, CHAIRPERSON
CAROLYN HASTEY
WILLIAM HILL

MICHAEL MORRISON
SARA ROWLAND
MARION JONES

COUNTY COMMITTEE

RAY HINSON, CHAIRMAN
TOM HALE

WILLIAM SIMMONS
WENDY RASNIC

COURT AND LAW COMMITTEE

JACK KEMPTER, CHAIRMAN
PATRICIA BLUETT
WILLIAM HILL
MICHAEL MORRISON
RICHARD TOMLINSON

VERDENE BLANK
CAROLYN HASTEY
DAVID JONES
EARL NOTESTINE
MARION JONES

CONTINUITY COMMITTEE

PAMELA THOMPSON, CHAIRPERSON

DEPARTMENT OF SOCIAL SERVICES

SARA ROWLAND, CHAIRPERSON
WENDY RASNIC
DAVID JONES

LISA BLANCHARD
RICHARD TOMLINSON
CHERYL DRUMHELLER

EDITING COMMITTEE

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EARL NOTESTINE

PUBLIC WORKS AND WATER AGENCY

TOM HALE, CHAIRMAN
GARY BILADEAU
VERDENE BLANK

DENNIS JENNISON
EARL NOTESTINE
PAMELA THOMPSON

SCHOOLS COMMITTEE

GARY BILADEAU, CHAIRMAN
LISA BLANCHARD

WILLIAM HILL
SARA ROWLAND

1994-95 Yuba County Grand Jury Final Report

TABLE OF CONTENTS

FOREMAN'S LETTER	i
MEMBERS 1994-95 YUBA COUNTY GRAND JURY	ii
GRAND JURY ORGANIZATION & COMMITTEES.....	iii
TABLE OF CONTENTS	v

YUBA COUNTY

AGRICULTURE DEPARTMENT/WEIGHTS & MEASURES	1
BI-COUNTY JUVENILE HALL	4
CHILD PROTECTIVE SERVICES	9
FOOTHILLS VOLUNTEER FIRE DISTRICTS.....	13
HEALTH DEPARTMENT	23
JAIL	27
LIBRARY	41
PROBATION DEPARTMENT	46
PUBLIC DEFENDER	49
SOCIAL SERVICES	52
WATER AGENCY	57
WATER DISTRICT	67

CITY OF MARYSVILLE

CITY COUNCIL	80
--------------------	----

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

OLIVEHURST/ELLA ELEMENTARY SCHOOL	83
SEXUAL HARASSMENT COMPLAINT	87
WHEATLAND ELEMENTARY.....	90

WHEATLAND, CITY OF

CITY COUNCIL	93
POLICE DEPARTMENT	96

AGRICULTURE DEPARTMENT

WEIGHTS AND MEASURES

COMMENTS REQUIRED ON FINDINGS

BOARD OF SUPERVISORS

3,4.

COMMENTS REQUIRED ON RECOMMENDATIONS

BOARD OF SUPERVISORS

3,4.

1994-95 Yuba County Grand Jury Final Report

94 10 05

REPORT TITLE

AGRICULTURE DEPARTMENT
WEIGHTS AND MEASURES

REASON FOR INVESTIGATION:

This investigation was conducted per chapter 3, article 2, section 925 of the California Penal Code. This department was selected due to the extended time since the last investigation.

BACKGROUND:

This department is located in the Old County Hospital building that has been in the stage of remodeling. This department is charged with the mission to preserve and maintain the Standards of Measurement essential in providing a basis of value comparison for the consumer and fair competition for industry. The principal task of Weights and Measures is to minimize measurement error in commercial transactions through the establishment and enforcement of standards that can be uniformly applied in the exchange of goods and service.

SCOPE:

This investigation was limited to the Weights and Measures Section. Areas researched were: (1) Budget, (2) Equipment, (3) Manpower, (4) Activities, and (5) Facilities.

PROCEDURE:

Meet with the Department Head and Assistant at the Agriculture Commissioner's office. Addressed issues regarding performance capabilities, equipment condition and utilization, budget constraints and the Joint Venture with neighboring counties. Reviewed the current budget, functions and duties, and the Program Activities Annual Report.

DISCUSSION:

The Weights and Measures Department is responsible with enforcing provisions of the Business and Professions Code and testing and trying of all weights, scales, beams, measures of any kind, instruments of mechanical devices for weighing of measurements, tools, appliances and accessories connected with any or such instruments or measures sold or used by any proprietor, agent, lessee or employee for commercial purposes.

CONCLUSION:

This department continues to meet the needs of Yuba County while operating within the constraints of the current budget. Contingencies are in place to meet future needs, providing existing levels of funds and manpower are not reduced.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury. P.C. § 916.

1. A Joint Venture exists between Sutter, Yuba and Nevada Counties for shared costs and utilization of a weight truck.
2. The department staffing is adequate to meet the mission needs.
3. Adequate services are not impaired by budget constraints.
4. Personnel perform their duties in a timely and efficient manner.
5. Department personnel were professional and cooperative in aiding the County Committee during the course of the investigation.

RECOMMENDATIONS:

P.C. § 916, states in part, " All problems identified in a Final Report are accompanied by suggested means for their resolution including financial when applicable".

1. The Grand Jury commends this department for its continued cost sharing of the weight truck.
2. No additional manpower is required at this time.
3. Further budget reductions may hamper this department's function of its mission.
4. Continued educational update as required to continue the timely and efficient manner in which this Department operates.
5. The Grand Jury appreciates and commends this approach.

COMMENTS REQUIRED ON FINDINGS:

1. Yuba County Board of Supervisors, Findings: 3 & 4.
2. Weights and Measures, Findings: none required 1-5.

COMMENTS REQUIRED ON RECOMMENDATIONS:

1. Yuba County Board of Supervisors, Recommendations: 3 & 4.
2. Weights and Measures, none required 1-5.

BI-COUNTY JUVENILE HALL

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

2,3,6,8 AND 10

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

2,3,6,8 AND 10

1994-95 Yuba County Grand Jury Final Report

REPORT TITLE

BI-COUNTY JUVENILE HALL

REASON FOR INVESTIGATION:

1. Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year..."

2. Follow-up of the 1991/92 Grand Jury report.

BACKGROUND:

The Bi-County Juvenile Hall serves both Yuba and Sutter Counties. It is administered by the Yuba County Probation Department, as a component of the county court systems. Daily operation is under the direction of the Probation Program Manager. Yearly reviews are made by the health departments of both counties and The Yuba County Department of Justice. Select investigations are also conducted by Grand Juries of both counties.

SCOPE:

The Grand Jury limited its investigation to the facility and general operations.

PROCEDURE:

Five members of the Grand Jury, on December 29, 1994, reviewed the pertinent activities listed in the Scope of the Investigation. An interview was scheduled with the Program Manager plus informal discussions with some members of the staff and inmates. An on-site visual tour of the facility was performed. A copy of the Mission Statement was provided. The Grand Jury report 1991/92 was reviewed for any suggested follow-ups. None was warranted.

DISCUSSION:

This facility is antiquated but well maintained. The walls that were painted, with outdoor scenes, five years ago are still in good condition. A modern surveillance system is in place providing security and safety. It is monitored twenty-four (24) hours a day from a centralized control room. Fire alarm and sprinkler systems are in place and monitored as well. A large recreation yard is behind the main facility. It is completely enclosed with hurricane fencing. It is not protected from the street or the levee. There are three separate wings containing a total of 45 beds, all are single wet cells except three. These double-occupancy cells are used only when the population requires. A new wing is under construction which will provide an additional 12 beds. Showers are clean and centrally located in each wing.

All inmates are given a complete physical examination upon entry. Ongoing health care is provided by the Yuba County Health Department. Uniforms are not used. Clothing is provided. Inmates are not allowed personal clothing items. Religious services are conducted by various churches. Attendance is a personal choice.

The staff [1 to 10 ratio] has developed a positive approach program, using a system of rewarding points daily for self-control, completion of tasks and cooperation. Inmates have 0 points in the morning and can earn a total of 100 in a day. Youths that maintain an average of 98 points, earn extended family visits and later bed times. Behavior problems are dealt with on a positive and personal level. Inmates are returned to their cells and are constantly monitored until they are able to demonstrate self-control. There are no set times for this deterrent; however, severe behavior control can lead to isolation, after a letter of intent is served and explained to a youth.

A major portion of the Committed Program concentrates on education. Yuba County Schools test all inductees and develop a study course for each. A portable classroom is on site, and a second classroom in the main building will soon be used. A certified teacher is provided by the Yuba County Schools Department. Community volunteers enhance the education program, teaching trade skills. Not only does this provide practical experience for the inmates, but it has helped ease the effect of recent budget cuts. Inmates and staff are doing maintenance, repairs and new projects such as cabinet making.

A staff member has a degree in Recreational Therapy. Organized competitions and board games are popular with inmates plus encourage self control. There are two lounges, each with television, couches and easy chairs. All furniture is donated.

There is no on-site kitchen. Meals are prepared off-site and transported to the facility by Yuba county employees. The Grand Jury visited during a dinner meal. The meal was appealing and well balanced. Three meals a day are served. Food is bought in bulk and donations of fruits and vegetables are received in season from local farmers.

Other county probation departments are visiting and reviewing this program. Similar programs have been instituted. A recidivism rate is not available to reflect what long term effect the program has. However, the facility is inundated with visiting ex-inmates and their families during Christmas time.

CONCLUSION:

The Bi-County Juvenile Hall continues to meet the needs of the counties of Yuba and Sutter. On going programs, new construction, emphasis on education as well as vocational skills, continue to aid and repatriate the inmates.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

1. Fire drills are conducted with the Marysville Fire Department on a regular basis.
2. Security for inmates safety, in the exercise yard, is severely inadequate.
3. Sixty dollars a day is charged for inmates from other counties. Revenue generated from this charge is distributed to the county general fund.
4. Ample health care is provided.
5. Job assignments are made on merit and competency.

1994-95 Yuba County Grand Jury Final Report

6. Meals are prepared off-site and transported by county employees to the facility.
7. The classroom has two computers, ample supplies, and a small library.
8. Community volunteers have been recruited to teach gardening, landscaping, bicycle repair, wood shop. and home repair.
9. The recidivism rate is not available.
10. This department operates within its budget each year.

RECOMMENDATIONS:

1. None required.
2. A means of blocking of the view of the recreation yard from the street and levee is essential.
3. A percentage should be retained for a fixed asset fund, in addition to the budget.
4. None required.
5. None required.
6. A large on-site kitchen be constructed to cut the cost of transportation and provide for training of inmates.
7. A second classroom to be used when the new wing is completed.
8. The Grand Jury recommends that recognition be given to the volunteers.
9. Records be kept to use as a tool for program development.
10. This department operates as would a business, within the funds available. The staff has used, budget cuts in a positive manner and actually enhanced the inmates education. The Grand Jury commends the entire staff of this facility.

1994-95 Yuba County Grand Jury Final Report

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: 2,3,6,8, and 10.

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: 2,3,6,8, and 10.

CHILD PROTECTIVE SERVICES

COMMENTS REQUIRED ON FINDINGS

BOARD OF SUPERVISORS

1, 2, AND 3

COMMENTS REQUIRED ON RECOMMENDATIONS

BOARD OF SUPERVISORS

1, 2, AND 3

REPORT TITLE

CHILD PROTECTIVE SERVICES (CPS)

REASON FOR INVESTIGATION:

The Grand Jury investigated the Child protective Services Department in accordance with Penal Code Chapter 3, Article 2, after receiving several citizen's complaints regarding proper handling procedures of cases, and the level of protection for minors by CPS.

BACKGROUND:

The CPS department is located at 6000 Lindhurst Avenue, Suite 504, Marysville, Ca. The department provides, Federal and State, mandated services for the protection of children. These services to the children include, but are not limited to: Child Abuse, Emergency Response, Family Maintenance, Family Reunification and Permanent Placement. CPS is a public office which administers public social services and receives grants in aid for such purposes from the United States. All records pertaining to Child Protective Services (CPS) are protected by § 10850 of the State of California Welfare and Institutions Code, all statutory references in this report are to § 10850 unless otherwise stated.

SCOPE:

The scope of this investigation was to: (1) evaluate current policies, procedures, and practices. (2) Study the current staffing problems. (3) Look at the current case loads.

PROCEDURE:

In order to properly investigate this department, meetings with the Director of Social Services, CPS Department Head, the District Attorney, County Counsel, and the Presiding Judge of the Superior Court/Juvenile Court were required. Extensive research by Grand Jury members relative to any rulings and Attorney General opinions was required in order to gain access to files prior to initiating any direct action.

DISCUSSION:

The issue of confidentiality and privacy of files is critical in juvenile cases, (reference W&I Code 10850), and Social Security Act, 42 U.S.C.

§ 602 (a) (9). In order for the Grand Jury to investigate the CPS department and the services they provide, it was necessary for the Grand Jury to gain access to a selected group of files. The 1992-93 Grand Jury did an extensive research regarding Grand Jury access to the CPS records. This enabled them to gain access to a specific file after receiving a citizen's complaint. The 1994-95 Grand Jury encountered several obstacles in attempting to gain access to the CPS files. After several months of gathering information, and corresponding with county officials, the Grand Jury was still unable to see any reports or files pertaining to the citizen's complaints received. After meeting with the presiding Judge of the Juvenile Court, it was determined that the CPS files needed were denied because these cases were still being litigated. The files, reports and documents needed to validate the citizen's complaints are still in litigation at this time and therefore cannot be examined by the Grand Jury. The department selected fifteen (15) case files at random for the Grand Jury to review that were completed and adjudicated.

The department was visited by two (2) Grand Jury members and were given a tour of the facility. Meetings with the department heads were conducted and reviews of the files selected randomly by the department were completed.

There are a total of 22 positions authorized. There are 7 unfilled positions in the social worker category. This leaves a total of 15 workers in this department. The County is experiencing problems attracting personnel of the proper qualifications to apply for the positions needing filling. The emotional and physical stress put on the social worker in dealing with children cases is quite high. All the workers are specialists in their specific field and take self-defense classes and negotiation classes so they can be prepared when going into a home. If at anytime a worker gets into a situation they cannot control, they always call for police assistance. The CPS department responds quickly when first notified about an endangered or abused minor in order to immediately assure to the minor's safety. Once the minor is in a safe environment, the case worker actively pursues the legal avenues to resolve the problem. When legal counsel are informed and a case is duly filed, the law enforcement agencies and the District Attorney's proceeds as required to verify and documented the accusation. The legal process is a long and tedious one and must be done in a thorough and comprehensive manner. Unfortunately, if legal counsel is replaced, the process stops until the new attorney is fully informed about the case. Child Protective Services works with the state and county law enforcement agencies. CPS is there to protect minors with the ultimate goal of reunification of the family unit in a safe

environment. According to the department heads only about 20% of the families are ever reunited.

FINDINGS:

All findings have been substantiated by current documentation and by observations and interviews conducted by no less than two (2) members of the Grand Jury. P.C. § 916.

1. The cases randomly selected by the CPS department for review, revealed that the department is effectively protecting the minor and doing what is best for that particular minor.
2. The CPS department currently has 7 unfilled positions.
3. The CPS department is in the middle of restructuring.
4. The Grand Jury encountered numerous roadblocks, delays and obstacles in trying to validate citizens' complaints.

RECOMMENDATIONS:

1. The Grand Jury commends the department for effectively providing the protection and management of the minors in the cases reviewed that were randomly selected by the CPS department.
2. The Grand Jury recommends, if possible, the County fill the positions of this department, to prevent possible overloading of the case workers and to reduce the time in processing cases.
3. The Grand Jury recommends that the County actively engage in recruitment of qualified social workers to prevent the overload of cases on the remaining social workers.
4. The 1994-95 Grand Jury recommends that the 1995-96 Grand Jury investigate this department. Due to the problems incurred and the delayed visit, the 1994-95 Grand Jury feels that this investigation is warranted.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: Findings: 1,2 and 3.

1994-95 Yuba County Grand Jury Final Report

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendations: 1,2 and 3.

YUBA COUNTY
"FOOTHILL" VOLUNTEER FIRE
DEPARTMENTS
COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

1,2,3,4,5,6,7,8,9,10,11,12

YUBA COUNTY AUDITOR/CONTROLLER

11

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

1,2,3,4,5,6,7,8,9,10,11,12

YUBA COUNTY AUDITOR/CONTROLLER

11

REPORT TITLE

YUBA COUNTY "FOOTHILL" VOLUNTEER FIRE DEPARTMENTS

94 07 05/94 10 02

REASON FOR INVESTIGATION:

- (1) Extended time since last investigation
- (2) Citizens complaints
- (3) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year...."

BACKGROUND:

The mission of these service districts is to protect life and property from fire and other natural or man-caused hazardous situations using primarily volunteer workers and support groups. The areas covered by these districts vary from approximately 60 square miles to over approximately 100 square miles. Density of population and the number of dwellings, buildings and commercial properties likewise vary dramatically within each region. In addition to prevention and fire suppression and related activities these districts also maintain Emergency Medical and Rescue Services and respond (normally first at scene) to all major auto accidents occurring on all roadways (State, County, Private, etc.) within their areas and upon request and in extreme emergencies sometimes outside their normal boundaries.

Funding of these agencies is provided primarily through the collection of Benefit Assessment District taxes (collected and disbursed by and through Yuba County Authorities at a nominal charge) imposed upon dwellings within the service areas. These fees are very low, and in the opinion of the Grand Jury members appear to pose no undue hardships upon the property owners, and indeed, seem disproportionate to the many benefits derived from these volunteer services. Additional monies are also obtained from Auxiliary volunteer efforts, including (in some cases) proceeds from the operation of thrift shops, annual fund raising, and community events and a myriad of other volunteer activities.

1994-95 Yuba County Grand Jury Final Report

and gifts. Many of these ingenious, innovative and imaginative schemes have been successfully implemented to enhance, improve, and provide necessary facilities and equipment at the various stations.

Although distances, areas, population, equipment and personnel vary greatly each district responds to between 150 and over 200 calls per year at an average response time of approximately 8 minutes. A large percentage of these calls are relative to automobile accidents and the majority of these occur late at night and usually during periods of inclement weather. As these Volunteer Units are usually "Frist Responders," the primary weight of urgent responsibility and action normally falls upon them.

SCOPE:

The Grand Jury, due to time constraints, limited its review to certain of the so-called "Foothill" (i.e. Smartsville, Browns Valley/Loma Rica, Brownsville, and Dobbins/Oregon House) Volunteer Fire Departments. (Please see attached map of covered areas). The purpose was to determine if these agencies met State and County requirements, have adequate personnel and equipment, and to see if they are experiencing any operational difficulties which might be addressed by the County Board of Supervisors or other involved parties. In the process of these reviews, the Grand Jury also investigated a Citizen's Complaint regarding nepotism allegedly existing at one of the facilities.

PROCEDURE:

Interviews were scheduled and conducted with various Chiefs and as many volunteers as possible of the agencies during on-site visitations by the committee consisting of no less than 4 (four) members of the Grand Jury.

DISCUSSION:

The Grand Jury was very favorably impressed with the sacrifices these volunteers make in order to protect, preserve, assist and provide essential, and in some cases life-saving, services not only to residents living within their boundaries, but to all persons traveling through or visiting these areas. Without exception, these organizations form close knit, family-like groups of people who, without benefit of personal gain put their own health, leisure, employment and sometimes their lives on the line so that others may benefit. It should be a great source of pride that Yuba County has such individuals and organizations within its limits.

FINDINGS:

All findings have been substantiated by current documentation and by observations and interviews conducted by no less than four (4) members of the Grand Jury as per Penal Code § 916. Additionally, the full body of the Grand Jury was acquainted with all committee reviews and given the opportunity to comment and approve the initial and final draft of this report. These findings and observations are enumerated below:

(1) It appears that no thorough examination of the operations and functions of the "Foothill" Volunteer Fire Departments have been made by previous Grand Juries. Further, there has apparently been only limited contact between these facilities and the Yuba County Board of Supervisors.

(2) That because of the lack of positive publicity, most Yuba County residents are unaware of the outstanding services provided by these facilities at extremely limited costs to their beneficiaries.

(3) Like virtually all government and public agencies, these service districts suffer from lack of funds and resultant limited budgets. Despite these problems, these Volunteer Fire Districts have, by using bargaining and thrift skills, exceptional foresight, resourcefulness, prudent utilization of assets, and the dedication and generosity of those involved, managed to overcome most of their monetary difficulties without reducing their high standards.

(4) That there appears to be no basis for the citizen's complaint of a problem at one of the fire stations. The relationship between a member of the Station's Board of Directors (elective position) and the Fire Chief in no way compromised either position and was, in fact harmoniously welcomed by unanimous approval by the majority of the volunteers the committee contacted. The Chief is credited, in part, with helping keep the Volunteer group together and plays an integral part in the makeup and operation of the facility.

(5) That the Browns Valley/Loma Rica District is the only Yuba County facility which fully subscribes to the "Amador Plan". This is a contractual arrangement between this district and the California Department of Forestry which provides, for a fee, mutual aid, equipment and other benefits. This arrangement appears to work very well for this district.

The remaining "Foothill" Volunteers subscribe to a portion of a "Modified Amador Plan" by which their calls are dispatched through the CDF Grass Valley station. The cost of this service, which varies with the number of calls handled, is paid for by Yuba County.

(6) That due to an apparent error in mapping in the vicinity of the Collins Lake (see attached map) the boundaries of the Dobbins-Oregon House and those of the Browns Valley/Loma Rica District are not contiguous. This error results in a small portion of property, including residences, which theoretically is not within any fire protection boundary.

(7) That although all members of the actual Volunteer fire-fighters and medical personnel are covered by Worker's Compensation Insurance protection, those of the Volunteer Auxiliary members who run the various Thrift Stores and other support activities are not apparently so insured.

(8) That an increasingly large portion of most of the Fire Districts' budgets are devoted to:

1. Payment of Annual Financial Audit Reports.
2. Payment of required Medical immunizations.
3. Payment of fees and expenses for required Fire and Medical Technician Training and re-certification.
4. Payment of Workers' Compensation and Liability Insurance Premiums.
5. Payment for the upkeep and housing of capital equipment and facilities.

(9) That concern was expressed over the possibility of any future establishment of large residential subdivisions or other extensive new developments within "Volunteer" service areas. In the Smartsville case, it was their consensus that any extensive development, particularly if located south of State (High-way 20), would probably require that a new sub-station be constructed and staffed in that area.

(10) That of all the "Foothill" Fire Districts contacted by this Grand Jury, only the Smartsville station received a significant amount of funds (\$3,500.00) from the Proposition 172 Safety monies.

RECOMMENDATIONS:

- (1) That the County Board of Supervisors recognize and issue
- (2) appropriate Certificates of Appreciation or Commendation or other
- (3) awards to each of the Volunteer Fire Departments during special ceremonies. That the Volunteer Auxiliary members should also be recognized for their ingenious and innovative activities in aiding their districts to meet the ever increasing cost of operations.

- (4) That no action be taken on the one complaint received by the Grand Jury.
- (5) The Grand Jury recommends the continued agreement between the Browns Valley/Loma Rica district with the California Division of Forestry be retained. It is also recommended that the rest of the "Foothill" Fire Protection Districts continue the modified "Amador" plan agreement with the California Division of Forestry, and that this cost be funded by Yuba County in the present manner.
- (6) That the County Board of Supervisors authorize the County Engineer or appropriate party to confer with the Chiefs of the Dobbins/Oregon House and the Browns Valley/Loma Rica Fire Districts and provide the necessary services to establish contiguous boundaries.
- (7) That the Board of Supervisors examine the possibility of bringing the Volunteers and certain of their Auxiliary members under the umbrella of the County's Workman Compensation Insurance plan. This might result in substantial premium savings at little or very minimal costs to the County, as well as to eliminate a potential liability problem.
- (8) That the County Board of Supervisors explore the possibilities of authorizing and directing the County Health Department to attend to the immunization and other necessary medical needs of the Volunteers at either no cost, or at least very minimal charge to the Fire Districts. It would appear that if the County can fund the costs of medical treatment for prisoners and other non-productive individuals, it would appear only reasonable that this same type of care should be extended to these very deserving and hard-working Fire District volunteers.
- (9) That the County Board of Supervisors recognize that since E.M.T. training and re-certification is a requirement for the volunteers it (The Board Of Supervisors) should make an effort to examine the possibility of requesting that Yuba College and/or other training facilities grant preference to those Fire District Volunteers needing the services of these institutions. The policy, as it now exists, is enrollment on a first come, first serve basis. This poses a distinct hardship to the volunteers, since this is apparently a very popular course and is quickly filled with students needing the credits but not necessarily planning to follow this vocation. Additionally, it was noted that the Yuba College E.M.T. training places emphasis on clinical type Medical procedures is not particularly suited for the types of responses and conditions to which the Volunteers are subjected. The Penn Valley Volunteer Fire Station (Nevada County) apparently conducts a training course directly aimed at the type of field conditions, equipment and facilities that the Volunteers actually face. An additional benefit is that the Penn Valley Course

is held at the Volunteers' own station at a flat cost per session.

The Grand Jury feels that the County Board of Supervisors, together with the appropriate Volunteer Chiefs, consider either creating such a facility in Yuba County or entering into some form of Cooperative Agreement with the Penn Valley Unit for their services. As E.M.T. services are a 100% benefit to Yuba County it would appear only to be reasonable that they (the County) should participate in the training costs.

- (10) The Grand Jury recommends that the County Board of Supervisors insure that any County Plan be specific on any possible impacts that will occur within the Fire Districts and seek their input.
- (11) That the County Board of Supervisors look into the divisions and allocations of the Proposition 172, Safety Monies, to the various Fire Districts.
- (12) That the County Board of Supervisors authorize and direct that the appropriate County Department conduct the Annual Fiscal Audit for each Fire District at no charge to the District.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: Findings: 1,2,3,4,5,6,7,8,9,10,11,12.

Yuba County Auditor/Controller: Finding: 11.

COMMENTS REQUIRED ON RECOMMENDATIONS:

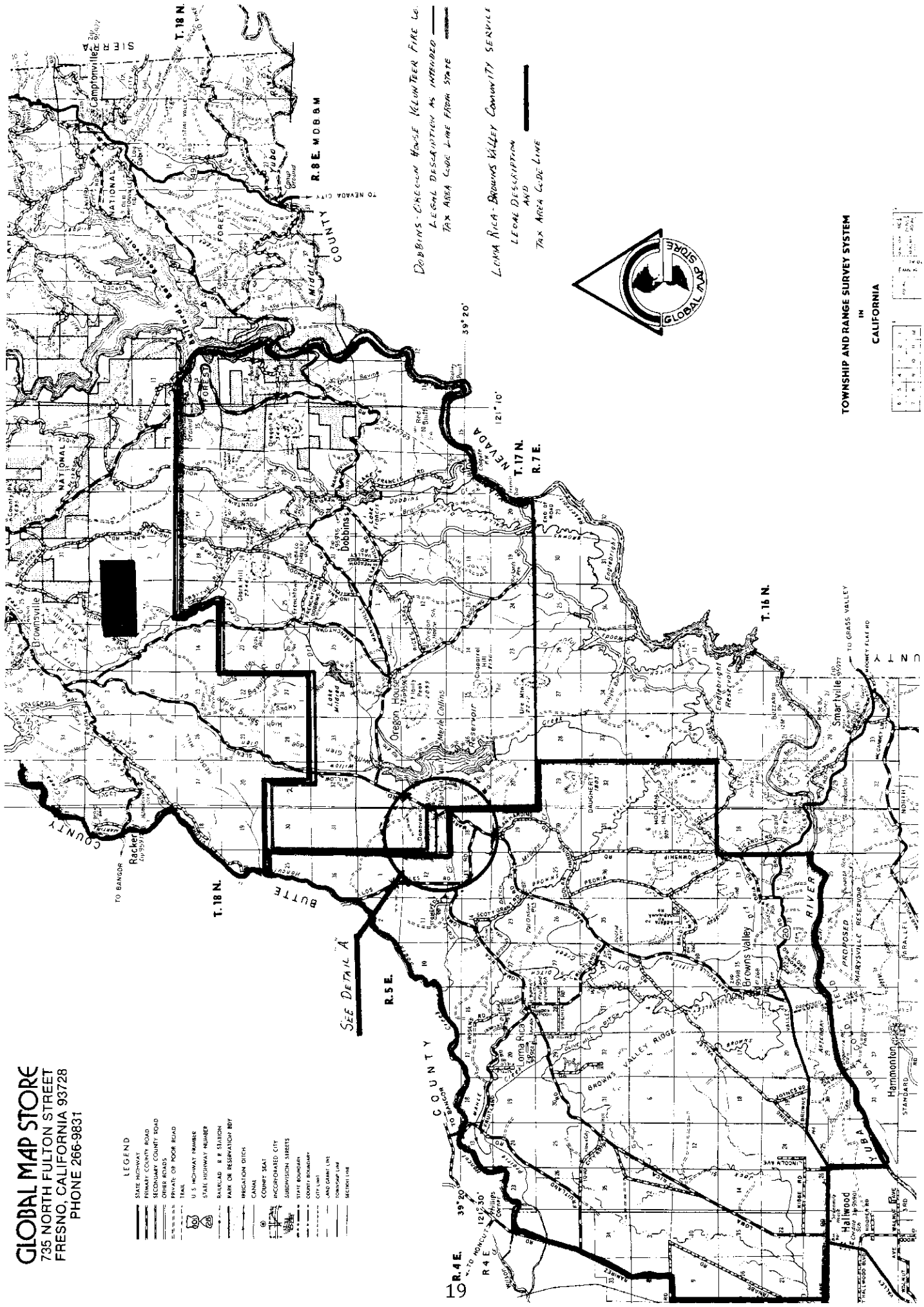
Yuba County Board of Supervisors: Recommendations:

1,2,3,4,5,6,7,8,9,10,11,12.

Yuba County Auditor/Controller: Recommendation: 11.

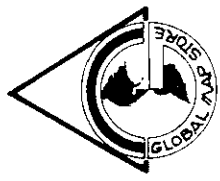
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 735 NORTH FULTON STREET
 FRESNO, CALIFORNIA 93728
 PHONE 266-9831

- LEGEND**
- STATE HIGHWAY
 - PRIMARY COUNTY ROAD
 - SECONDARY COUNTY ROAD
 - OTHER ROADS
 - PRIVATE OR POOR ROAD
 - RAILROAD
 - U.S. HIGHWAY NUMBER
 - STATE HIGHWAY NUMBER
 - RAILROAD, R.P. STATION
 - PARK OR RESERVATION B.Y.
 - IRRIGATION DITCH
 - CANAL
 - COUNTY SEAT
 - INCORPORATED CITY
 - SUBDIVISION - STREETS
 - STATE BOUNDARY
 - COUNTY BOUNDARY
 - CITY LIMIT
 - LAND GRANT LINE
 - TOWNSHIP LINE
 - SECTION LINE

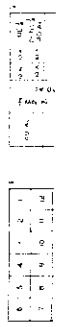


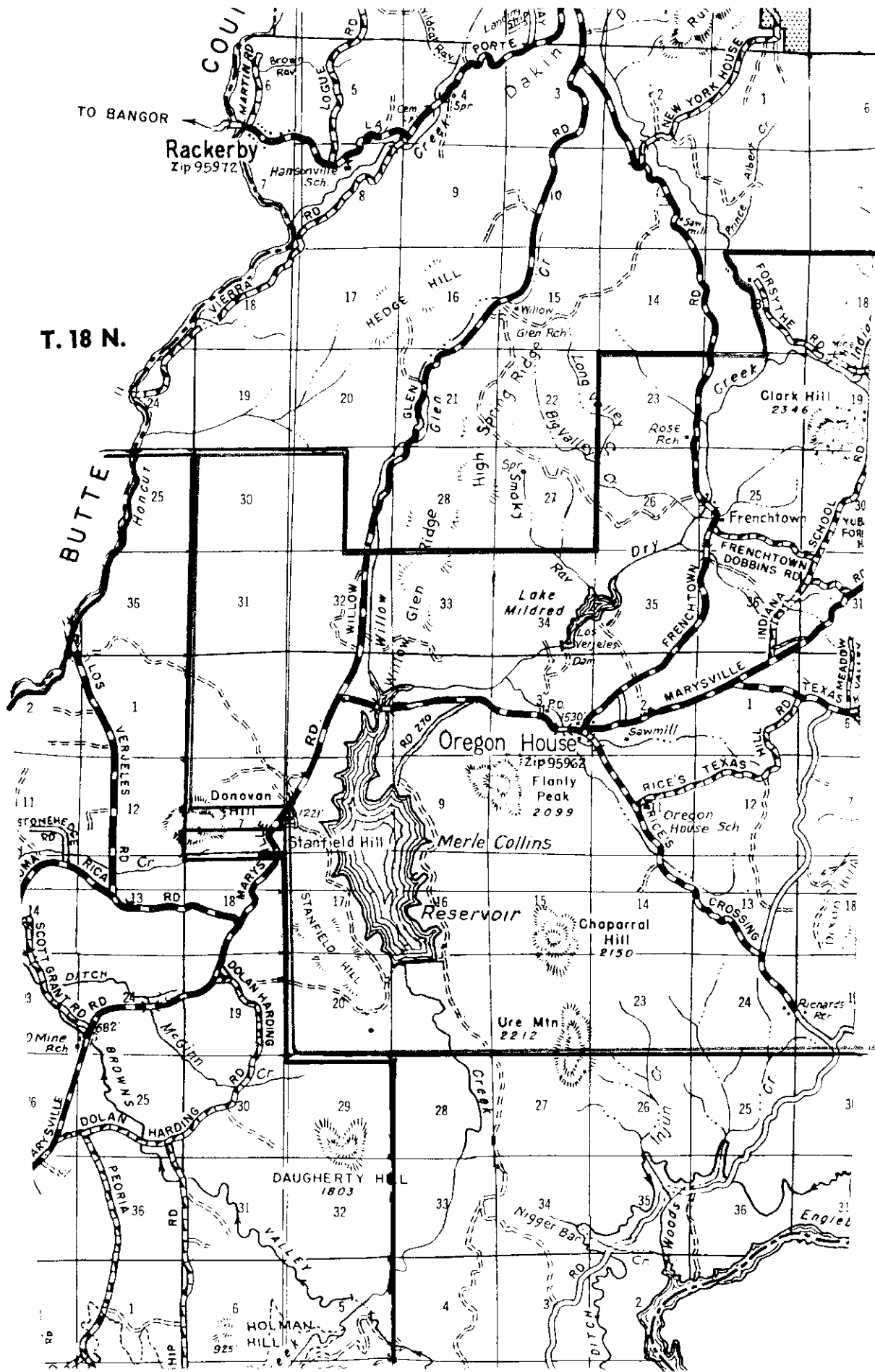
DUBBINS - CACCON HOUSE VOLUNTEER FIRE CO.
 LEGAL DESCRIPTION AS INTENDED
 TAX AREA CODE LINE FROM STATE

LOMA RICA - BROWN VALLEY COMMUNITY SERVICE
 LEGAL DESCRIPTION
 AND
 TAX AREA CODE LINE



TOWNSHIP AND RANGE SURVEY SYSTEM
 IN
 CALIFORNIA





DOBBINS-OREGON HOUSE VOLUNTEER FIRE CO. INC.

LEGAL DESCRIPTION AS INTENDED

TAX AREA CODE LINE FROM STATE

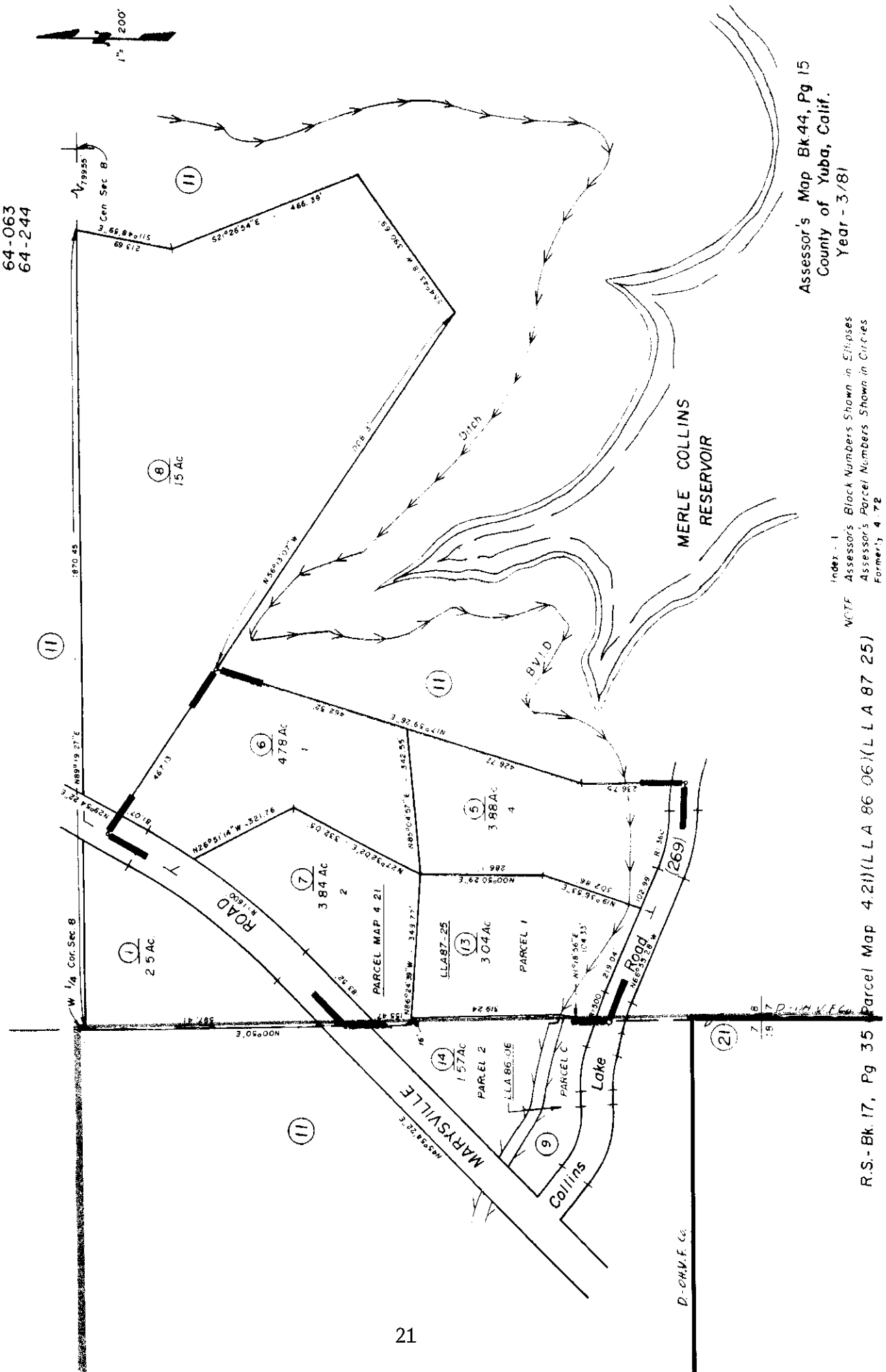
20

LOMA RICA-BROWNS VALLEY COMMUNITY SERVICES

POR. SEC. 7 & 8, T. 17N., R. 6E., M.D.B. & M.

44-15

Tax Area Code
64-063
64-244



Assessor's Map Bk 44, Pg 15
County of Yuba, Calif.
Year - 3/81

Index - 1
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
Formerly 4.72

NCTF

Parcel Map 4.21 (LLA 86 06) (LLA 87 25)

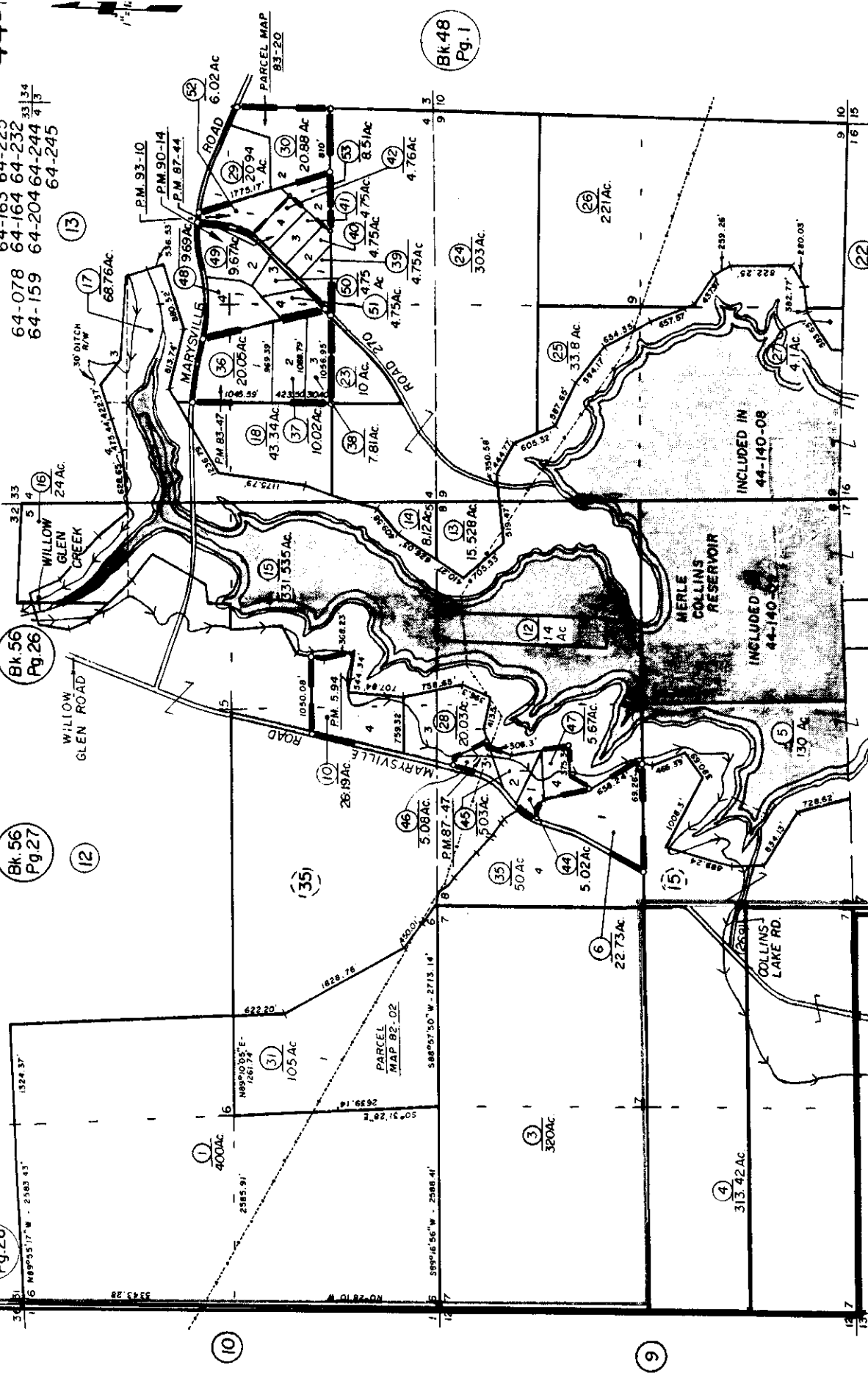
R.S.-Bk 17, Pg 35

44-1

64-063 64-161 64-205
64-163 64-225
64-078 64-164 64-232
64-159 64-204 64-244
64-245

SEC. 4, 5, 6, 7, 8, 9, T. 17N., R. 6E., M.D. B. & M.

(Bk. 56)
Pg. 26



R.S.-Bk. 62, Pg. 43 (P.M. 93-10) Assessor's Map Bk. 44, Pg. 11
R.S.-Bk. 54, Pg. 4 (P.M. 90-14) County of Yuba, Calif.
R.S.-Bk. 53, Pg. 46 (P.M. 87-47)
Formerly 4-2
Index - 1
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

(Bk. 56)
Pg. 27

R.S.-Bk. 25, Pg. 20 (Parcel Map 7.33)
R.S.-Bk. 23, Pg. 35 (Sec. 4 & 9)
R.S.-Bk. 22, Pg. 6 (Parcel Map 5.94)

R.S.-Bk. 5, Pg. 5 (Parcel Map 83-47)
R.S.-Bk. 10, Pg. 6 (Parcel Map 83-20)

YUBA COUNTY HEALTH DEPARTMENT

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

FINDINGS: NONE

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

RECOMMENDATIONS: 1

REPORT TITLE

YUBA COUNTY HEALTH DEPARTMENT

REASON FOR INVESTIGATION:

(1) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year..."

BACKGROUND:

The Yuba County Health Department is located at 6000 Lindhurst Avenue, Suite 601B, Marysville, California. Yuba County Health Department provides preventative health and education services as follows:

1. PUBLIC HEALTH NURSING

- A. Includes education on child health and development, pregnancy, and adult health care
- B. Prevention of chronic and communicable diseases

2. CALIFORNIA CHILDREN'S SERVICES

- A. Diagnosis and treatment for eligible children to age 21
- B. Financial assistance for care
- C. Occupational and physical therapy

3. CHILD HEALTH SERVICES/CHDP

- A. Health screening for children (birth to age 21)
- B. Health information
- C. Immunizations
- D. Dental referrals
- E. Sports physical

4. IMMUNIZATION CLINIC
 - A. Immunizations for children and adults
 - B. TB skin tests
5. TOBACCO EDUCATION PROGRAM
 - A. Prevention and cessation programs
 - B. Community education and outreach
 - C. Technical assistance
 - D. Presentations to groups
6. HEALTH EDUCATION
 - A. Health promotion activities
 - B. Community health presentations
 - C. Information recourse and referral
7. VITAL STATISTICS
 - A. Certified copies and registration of birth and death certificates
8. PUBLIC HEALTH LABORATORY (Contract)
 - A. Tests for communicable diseases
 - B. Resource services for community
 - C. Lead screening
9. AIDS SURVEILLANCE
 - A. Confidential counseling and testing
 - B. AIDS information and education
10. COMMUNICABLE DISEASE CONTROL
 - A. Sexually transmitted disease clinics
 - B. Tuberculosis clinics

- C. Confidential exams
- D. Diagnosis and treatment
- E. Information and referral

11. PERINATAL OUTREACH PROGRAM

- A. Pregnancy testing
- B. Pregnancy counseling
- C. Referrals to obstetricians
- D. Education
- E. Limited transportation assistance

12. BIKE SAFETY PROJECT

- A. Bike safety education
- B. Bike helmets for eligible children

13. OPEN TO THE PUBLIC

- A. 8:00 a.m. to 5:00 p.m. Monday through Friday
- B. Wednesday evenings Immunization Clinic til 7:00 p.m.

The goal of the Yuba County Health Department is to protect and promote health and prevent disease and injury, through building and maintaining strong partnerships within the community.

SCOPE:

The scope was limited to departmental policies, procedures and practices.

PROCEDURE:

The Grand Jury made an on-site visitation, toured the facility, and interviewed the director.

DISCUSSION:

The health department has one nurse that goes to Fremont Hospital once a week to talk to new Yuba County moms about health and immunization for their new-borns. The department also recently received new ultraviolet lights for the waiting room and examining rooms, which will help prevent the spread of TB germs and also helps prevent the spread of other viruses.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

1. Yuba County Health Department services are being provided to the local community, despite cutbacks of manpower and budget.

COMMENTS:

We commend the staff for its efforts to maintain a quality health care program in the community.

RECOMMENDATIONS:

1. Further budget reductions may hamper this departments function of its mission.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: None

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendation: 1.

YUBA COUNTY JAIL

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

ITEMS 1 THROUGH 11

ITEM 11-(E)

YUBA COUNTY SHERIFF'S DEPARTMENT

ITEM 11-(G)

COMMENTS REQUIRED ON RECOMMENDATIONS

**RESPONSES SHOULD BE MADE BY THE SAME PARTIES
AS LISTED UNDER "COMMENTS REQUIRED ON FINDINGS"**

REPORT TITLE

YUBA COUNTY JAIL

REASON FOR INVESTIGATION:

- (1) P.C. § 919 (b) states that the Grand Jury shall inquire into the condition and management of the Public Prisons within the County.
- (2) California Code of Regulations, Title 15, Division 1, Board of Corrections, states in part:

"The Sheriff is legally responsible for the safekeeping of all persons in custody, and in order to protect the rights of both the inmates and employees, certain regulations are necessary".

- (4) Complaint letters and personal requests regarding facility inadequacies and individual treatment were received from jail inmates.
- (5) During the tenure of the 1993-94 Grand Jury the Yuba County Jail was under going many revisions and changes concerning inmate housing, rental of available vacant inmate space to requesting counties and agencies, allocation of Sheriff Deputies and various other operational procedures. In view of these renovations, it was felt by the current Grand Jury, that it was beneficial to give this facility an up-dated and complete review.

BACKGROUND:

The present Yuba County Jail, located at 215 5th St, Marysville, was constructed in 1962 and expanded beginning in 1986. The "new" Jail was essentially complete at the time of the Grand Jury's visit in March, 1995. The cost of the expansion and new equipment was approximately \$10,000,000. The facility currently houses an average of approximately 300 inmates with additional room, at this time, for approximately 100 more. There were, as of the Grand Jury Committee's visit on March, 1995, approximately 75 female inmates and 250 males. The Jail is under the general direction of the Yuba County Sheriff and Undersheriff. The direct operation is supervised by the Jail Commander, who holds the rank of Captain.

SCOPE:

A committee consisting of no less than three (3) members of the Grand Jury conducted two (2) "on-site" visits to the facility and reviewed its general operation and function. The committee also responded to the complaints it had received from various inmates: they personally interviewed, questioned and discussed complaints and related topics individually with approximately 40 to 50 of those incarcerated at the of our last visit. The committee was greatly assisted with the time process through the gracious and knowledgeable cooperation of the Sheriff, his staff and especially the Jail Commander. These county officers spent a total of approximately 11 to 12 hours working with the Grand jury Committee in this respect. It should be noted that a great many of these hours were the officers' own time and at their own expense.

DISCUSSION:

Initially, four (4) members of the Grand Jury's Law Enforcement Committee (here-in-after referred to as the "Committee") first met with the Sheriff and his staff on August 25, 1994. This visit was supplemented by additional "on-site" review by no less than three (3) members of the Committee during the months of January, February, and March, 1995. Discussions were conducted regarding jail facilities, operations and conditions between the officers and members of the Committee in a friendly, courteous and informative manner. All the officers contacted appeared very candid, personable and knowledgeable in their positions and responsibilities. Emphasis was placed on jail safety, security and efficient management of facilities within their operating budgets.

The Committee, on their initial visit, was given a partial tour of the jail facilities. This tour began in the old jail, which was obviously antiquated and which had very make-shift and insecure appearing arrangements for the booking and lodging of prisoners. Cell furnishings and accommodations were sparse and greatly in need of general repair, updating, cleaning and painting. The cell security was maintained with key-type locks and furnished with stacked bunks in small barred units, accommodating approximately six (6) to twelve (12) inmates in crowded conditions. As of March, 1995 this portion of the jail was being cleaned, repaired and made ready for painting and general renovating for eventual use.

From the old jail section the group was directed through the kitchen

area. This unit was very clean, well organized and apparently well-equipped to handle the needs of the hundreds of inmates. At the time of the Committee's visit, the Chef and his staff were preparing to serve what appeared to be an attractive, varied and nourishing meal to the inmates. Discussions with the Officers and the Chef indicated that these meals usually include some type of meat, vegetables and milk or Kool-Ade kinds of drinks. Meals, the Committee was told, normally cost approximately eighty (80) cents each. This low cost for a very adequate service is due to the ingenuity and resourcefully prudent practices of the Sheriff and his staff. These officers take great pains to assure they get the most benefit for the County's money without depriving the inmates of good, nourishing meals. They do this by comparison shopping, buying in quantity and securing additional discounts through such methods as buying the last of the wholesaler's shipment. The walk-in freezer displayed the results of this skillful purchasing and was well-stocked with meat and other staples. It should be pointed out that the current Grand Jury has received no complaints from the inmates regarding their food. As a side note of interest, the Sheriff encourages good behavior of the jail inmates through his judicious use of favorite foods. As an example of this would be a situation where inmates have rioted, fought, or refused to obey disciplinary orders or rules. In these events the unruly inmates' next meal would consist of a so-called "disciplinary loaf". This particular dish looks like meat-loaf and has all the minimum nutritional requirements, however, it does not taste very good. Upon indication of acceptable behavior, the malcontents are returned to the regular jail menu the next day.

After a month of "good behavior", the Sheriff rewards his charges by cooking a jail meal himself. The Sheriff has a well-earned reputation of being a very good cook and the inmates, we were told, look forward with great anticipation to this "Reward" meal. Small incentives such as this provide good motivation toward better behavior and conduct at relatively slight costs.

The kitchen has a permanent Food Service Staff of approximately three (3) (non-deputized) employees, including the Chef. These personnel receive some assistance in preparing, serving and clean-up from varying numbers of inmates.

In continuing the review the Committee was given a tour of the "new" portion of the jail, during their August, 1994 and March, 1995 visits. Housing conditions varied from cells in which large groups of inmates were confined in a barracks type setting called "pods," to restricted high security confinements, single cells, reception areas, "Drunk Tanks" and a variety of other special accommodations necessary to deal with the diversity and types of inmates and the crimes for which they are incarcerated.

In addition to living quarters the jail has its own Barber Shop, Dentist Office, Nurses' Station and Treatment room. There is also a seemingly very adequate and extensive Law Library for inmate use, Interrogation room and other specialized areas. All these locations were visited by the Committee on the occasion of both their "in-depth" reviews.

All the security equipment appeared to be in a state-of-the art mode and very well planned and operated. Video surveillance cameras are strategically located and ingress/egress to the various cells and special areas, observation of inmate conduct and other activities and operating functions, i.e. temperature, alarms, etc., are controlled from a centrally located Control Unit by a Deputy far removed from any contact or access by the inmates and or other unauthorized persons. This ingenious system does away with most individual facility keys, (except for "Fire" doors) and allows for greater safety for both the staff, the inmates and the public.

Other modern innovations which define the "New" jail as being up-to-date and efficient is the functioning and placing of their computer operations and telegraphic forwarding ability in regards to finger printing, visual inmate identification and cooperation with not only area Law Enforcement agencies but actually with their nationwide counterparts. The transportation of inmates from their holding cells to the courtrooms, within the confines of the courthouse, can now be accomplished with a minimum expenditure of effort and expense at a maximum of value of safety and security. Fire doors and exits, as required by pertinent State and County codes were in place and apparently well maintained and protected.

The Sheriff's department operates the jail like an efficient, well-run business, saving money wherever possible as well as generating income. For example, the Laundry has a small contract with the Yuba-Sutter Mental Health Department to handle their dirty clothing and linens. Revenue from this source goes into the County's General Fund. Another, far larger source of income, is derived from renting out excess inmate space to other counties who have inadequate facilities of their own to handle their case loads. The rentals rates, for this service, are based on the number of inmates involved in the agreements with these other Counties; i.e., currently the charge is Fifty (50) dollars per day per inmate if less than Twenty-five (25) inmates are housed, and Forty-five (45) dollars per day per inmate if more than that number are accommodated. Revenues generated through this judicious and efficient use of resources is broken down as follows: Thirty-five-point-five (35.5) percent to Yuba County General Fund, Thirty-five-point-five (35.5) percent to the Sheriff's Department and the rest to the Jail itself for the additional expenses involved in the rentals. The amount garnered through this process, from Sonoma County alone, was seventy-five (75) thousand dollars through February, 1995. Other contracts are currently being negotiated and reviewed with various other counties and agencies

who wish to take advantage of this beneficial arrangement.

As of March, 1995 the Deputized Jail staff consisted of approximately 23 persons. These were divided into ten (10) on the Day Shift, seven (7) on the Swing Shift and six (6) on the Graveyard Shift. This number varies relative to the number of factors and demands placed on this staff by virtue of inmate population, family visiting numbers and needs, inmate court appearances, disciplinary problems and numerous other conditional situations. As of March, 1995 the jail had fourteen (14) unfilled positions in their Table of Organization. In addition to the deputized staff, the Medical Department employees one (1) Registered Nurse, two (2) Licensed Vocational Nurses, one helps the Dentist, each of whom work an eight (8) hour shift, between 7 a.m. to 10 p.m. with some overlap, guaranteeing fifteen (15) hours of continual medical availability. A nurse is always available for the nine (9) hours of on-site coverage. A doctor visits the facility regularly five (5) times per week and is on-call at all times for necessary purposes. The medics hold "Sick-Call" for the inmates three (3) times per day and typically see between fifty (50) to seventy (70) inmates on these occasions. In the event of serious illness or injuries beyond the scope of the medical staff's facilities or abilities the inmate is transported to Rideout Hospital, or appropriate treatment center, under very strict security conditions.

The Committee was concerned with allegations from several sources that excessive problems and damages were being generated by Sonoma County inmates who were not pleased with being confined so far away from their homes and families. This factor was reviewed with the Sheriff, his staff and various inmates and the results are contained under the "Findings" portion of this report.

Another allegation concerning these out-of-county inmates and their disposition upon release was also carefully reviewed by the Committee. Information had been circulated through the community that these dismissed inmates, upon completion of their sentences, were simply given bus tickets back to the city and county of their origination and then left to their own devices to return to their homes. The concern was that some of these individuals might simply cash-in their tickets at the Bus Station and remain in Yuba county or the surrounding area. The results of the Committee's review of this situation is contained under the "Findings" portion of this report.

A great deal of the Committee's time was spent in reviewing and responding to inmate complaints. These allegations fell into basically seven (7) primary categories:

- (a) Alleged improprieties of officers toward female inmates.
- (b) Alleged absence and or lack of sufficient clean & adequate

clothing and linens.

- (c) Alleged unclean cell conditions and lack of supplies with which inmates could clean themselves and provide their own housekeeping services.
- (d) Alleged inadequate temperature control resulting in frigid cell conditions this winter.
- (e) Alleged inadequate Medical and insufficient medical treatment.
- (f) Alleged leakage of shower water onto the inmate's living quarters.
- (g) Alleged inadequate and untimely response to complaints directed to the Grand Jury.

It is somewhat difficult to assign a number to these complaints, since most were contained in only a few documents signed by varying numbers of inmates. The Committee feels there were about a maximum of fifteen (15) to twenty-two (22) complaints related to the above listed allegations. The Committee's review and disposition of these complaints are addressed under the "Findings" portion of this report.

FINDINGS:

All findings listed herein have been substantiated by past and current documentation and by observations and interviews conducted by no less than two (2) members of the Grand Jury, P.C. § 916.

- (1) The Sheriff and his staff are operating and maintaining the Jail facilities in an efficient, economically responsible, and effective manner while at the same time providing the highest degree of safety and security to the inmates, the jail employees and the public-at-large. That these operations are being conducted according to well prepared and organized plans for continuing and insuring the requirements imposed by very large population of inmates.

The ratio between the number of inmates, three-hundred (300) plus (March 4, 1995) and the number of jail staff (approximately twenty-five (25) on the above date) attests to the responsible and skillful manner in which the County manpower is utilized.

- (2) In the Grand Jury's opinion the operations and facilities of the "new" jail have taken this institution from twenty (20) years behind the times to twenty (20) years ahead. The modern

utilization of computers, building design, and electronics devices and services, plus the advanced training and expertise of the staff has made this forward leap possible. Much of the credit for this action should be given to the Jail Commander who must in consort with the Sheriff and his staff, prepare and maintain the complex balance and logistics necessary for the smooth, efficient and safe operation of the facility.

- (3) The operation of the kitchen and the quality of the food prepared and served is done in a reasonable and relatively inexpensive manner. This is made possible by shrewd purchasing and other economic measures combined the excellence of the newly constructed and equipped facility.
- (4) The satellite services provided by the Barber Shop, Dentist Office, Medical Station, Law Library and other specialized areas are well located, appointed, controlled and serviced.
- (5) The security system, consisting of surveillance system, Central Monitoring station and Control Unit appears very effective and advanced.
- (6) The introduction and use of computers, transmitters and other advanced inmate processing devices appears very sophisticated and efficient. This equipment and its usage obviously results in economic savings and greater safety and integrity of inmates and staff as well as securing more efficient contact with other Law Enforcement Agencies.
- (7) The Sheriff Department policy (with the concurrence of the Yuba County Board of Supervisors) of renting extra available space to other less well equipped counties results in much needed extra income benefitting Yuba County taxpayers as well as helping solve statewide problems of inadequate inmate housing. This ultimately affects the Safety and concerns of a large segment of the general populace.
- (8) The ratio of Jail personnel to inmate population is very reflective of the superior planning and organization exhibited by the Sheriff's Department and especially the efforts of the present Jail Commander. The latter, thorough daily, judicious and prioritized use of Jail staff and existing facilities appears indicative of the excellent service provided by this officer for the benefit of the taxpayers. Even though there are fourteen (14) unfilled, authorized positions the department makes efficient use of those who are available.

- (9) Through extensive interviews with the Sheriff, jail personnel and inmates it was determined by the Committee that "out-of-county" inmates cause no more problems, disciplinary situations or damage than do the "local" inmates.
- (10) The Grand Jury Committee, through discussions with jail inmates and sheriff's officers, determined that allegations/rumors concerning the treatment of "out-of-county" inmates upon their release from custody were completely unfounded. In most cases the Sheriff's Department issues a "one-way" non-refundable bus ticket or voucher to the released person covering the transportation costs back to the City/County of his origin. These released persons are then personally escorted to the Bus Station by a deputy who stays with them until they are actually on board the bus and it is on its way. These tickets, are marked "non-refundable", so they cannot be cashed in. In a few cases the ex-inmate or inmates are transported directly back to their place of origin by official vehicle. The latter procedure might occur, for instance, if the department has business in that area and or is picking up a new inmate or inmates for confinement in Yuba County. The cost of the transportation is borne by the released inmate's originating county.
- (11) Specific inmate complaints were, when possible, discussed with the complainant, his or her fellow inmates, Sheriff's Department staff and or other jail personnel. Additionally, all relative and available documentation and records were examined and on-site reviews made to determine if there was validity to the complaints, and if any action had been taken by the Sheriff's Department to correct identifiable problems. The results were as follows:

(a) Officer improprieties toward female inmates:

The Grand Jury Committee was unable to discuss a group of complaints from one inmate since she had been released from custody prior to the Committee's ability to contact her. A second lady's complaint was reviewed thoroughly with both the arresting deputy, jail deputies and the inmate herself. A full discussion of this situation can be found in the Grand Jury's Report on the Wheatland Police Department. The complaint was found to be entirely without merit.

(b) Lack of clean and adequate clothing and linens:

During its initial review the Grand Jury's Committee found

there was some validity to this complaint. In fairness to the Sheriff's Department, however, this problem has manifested itself during the new jails "shakedown" period and during the initial indoctrination and placement of large groups of out-of-county inmates.

The problems confirmed and observed by the Committee pertinent to the lack of proper footwear, unclean inmate clothing, linen and blanket shortage.

The situation regarding footwear was corrected by the Jail Commander immediately. The clothes and linen problems were dealt with as soon as possible in accordance with already developed plans. Currently a deputy is designated full-time duty, five (5) days per week to oversee the laundry situation. This has resulted in an available five (5) times per week clothing exchange and negated any further inmates complaints in this regard. At the time of the Committee's unannounced March, 1995 visit the forty (40) to fifty (50) inmates who were observed and talked to were dressed in bright orange jail clothing which appeared in excellent repair and very clean condition.

(c) Unclean housing conditions and lack of cleaning supplies:

There appeared to be some merit to these allegations. Again, it should be noted, the Jail was in a transitional state and any of these type problems were in line for improvement.

At the time of the Committee's March, 1995 visit it was very obvious that these complaints had been addressed and corrected by the Jail officers. The facilities examined by the Committee were very clean and neat, surprisingly so, considering the number and variety of inmates being housed. The inmates agreed with these observations and confirmed that adequate cleaning materials had been furnished and utilized. These materials (new mops, rags, brushes, brooms, cleaning solutions, etc.) were in evidence and were observed by the Committee.

(d) Inadequate temperature control:

Although earlier complaints had been registered there was no evidence during the Committee's March, 1995 visit, of any problems. This review was made between 5:30 to 9:30

p.m. and the inside temperature, as measured at the time, was between 70-72 degrees. It seemed very comfortable, and there have been no further complaints.

(e) Inadequate medical treatment:

The Committee could find no basis for this complaint. The medical department is staffed 7-days a week, fifteen (15) hours a day, with a nurse on call during the uncovered period. The sick call procedure (three times per day) generates fifty (50) to seventy (70) patients per day. During these periods inmates are diagnosed, treated when possible, medicated when indicated and sent to more complete medical facilities when necessary.

In addition to the scheduled sick calls inmates can summon aid at anytime during the night or day in event of illness or injury. Also, the nurses "walk" the floors several times per shift and appear quite concerned and sensitive to the health and welfare of their charges.

(f) Water leakage from inmate showers:

This is currently an unresolved problem, and is due, apparently, to code changes affecting the shower floor area during construction. The existing slope toward the drain (located beneath the shower head) is not adequate to direct and contain the water, during the operation of the shower. As a "band-aid" remedy rolled towels are placed along the outside perimeter of the individual shower stalls to catch the errant flow from invading the living quarters.

The Committee was advised, by the Jail Commander, that the problem was being looked at and that a more permanent solution and remedy would be forthcoming.

(g) Untimely Grand Jury response to inmate complaints:

This was difficult topic to address and review, since some of these issues were raised by inmates who had been released or transferred prior to the Grand Jury's inquiry into their situations. A partial responsibility for this situation lay in the fact that some complaints (received by the Committee) were undated and submitted anonymously.

It was determined, however, that the Sheriff's department

issues a very concise "Handbook of Rules" to each new inmate. This booklet gives step-by-step directions for submitting complaints, not only to the Grand Jury, but also through the Jail staff and officers. The Committee examined examples of complaints directed through this latter process and found there was excellent compliance by the Sheriff and his jail staff to the inmates concerns.

It was unfortunate that the Committee did not receive timely complaints and was not able to personally discuss these problems with the individuals involved. However, it does appear that the same type complaints were duplicated in the problems the Committee did address in the course of preparing this report. It is also important to note that the jail staff, in its protection of certain privacy rights of the inmates, does not open or read any confidential reports or correspondence between the inmates and the Grand Jury. Under these circumstances it is not possible for the jail personnel to assure that the complaints are in proper form.

It should certainly be remarked upon and emphasized that the relatively small number of inmate complaints received by the Grand Jury reflects very favorably on the operation of the jail and the conduct of its officers. Considering the thousands of inmates dealt with each year, the diversity of their crimes, their attitudes under confinement, ethnic mixture, individual backgrounds and other traits, this seems like an extraordinarily good endorsement of the jail system, its staff, and the general operation of the Sheriff's Department.

RECOMMENDATIONS:

P.C. § 916 states in part: "All problems identified in the Final Report are accompanied by suggested means for their resolution including financial when applicable."

Additionally this Grand Jury wishes to make remarks on all facts disclosed during its investigations, reviews, "on-site" visits, and discussions.

- (1) The Grand Jury commends this Department for its outstanding operation of its Jail facilities and the responsible and skillful manner in which County manpower is utilized.

- (2) The Grand Jury commends this Department for its economical and advanced methods in providing and utilizing the latest of advanced technology in its Jail operations.
- (3) The Grand Jury commends this Department for its humane treatment of inmates regarding their food purchasing, preparation and service at minimal costs to the County.
- (4) The Grand Jury commends this department for the variety and quality of the facilities and services provided the jail inmates in accordance with applicable state laws, local ordinances, and common sense.
- (5) The Grand Jury commends this department for its economical and skillful placement and use of security and safety devices benefitting the inmates, jail staff, and the public.
- (6) The Grand Jury commends this department for its advanced use of the latest in computers and other electronic devices resulting in greater taxpayer savings and safety.
- (7) The Grand Jury commends the department for its judicious use of available space by "renting" a portion of its facilities to various other counties. This results in additional revenue to Yuba County and consequential benefits to other Law Enforcement agencies and the public in general. We recommend this practice be continued in the same manner it is now being used.
- (8) The Grand Jury commends the Department for its parsimonious use of personnel in operation and maintaining the Jail in its present condition.

Priority consideration should, however, be given to filling as many as possible of the unfilled positions authorized in this Department's Table of Organization. While the Yuba County Jail is currently "making do" with available staff, the limited number of officers in relation to the large number of inmates, does create some operational problems at times and adds to the stressful conditions under which the officers work.
- (9) The Grand Jury feels the County Board of Supervisors should be apprised of this non-problem in order to quash rumors and concerns to the contrary.
- (10) The Grand Jury feels that no recommendation is necessary regarding this "Finding" since it was determined that no problem is created regarding release of "out-of-county" inmates. However the workings of the present and correct system should

be made known to Yuba County residents in order to alleviate all unfounded fears and rumors to the contrary.

- (11) (a) The Grand Jury has determined there is no merit to the complaint.
- (b) The Grand jury has determined that all problems concerning this complaint have been resolved and that the Department should be commended for its quick and decisive action in this matter.
- (c) The Grand Jury has determined that these complaints have been addressed and corrected by the Department in a positive and expeditious manner. The Jail Commander should be commended for his accurate assessment and rapid action taken to permanently remedy this situation.
- (d) The Grand Jury has determined that this complaint is currently without merit. Steps have been taken, by the department, to assure that temperatures within the inmate's quarters are kept to as comfortable levels as possible, bearing in mind that this is a large facility of concrete construction and temperature demands and constraints are subject to a great many fluctuations of control factors and that the personnel comfort levels vary with each inmate. Simply put, some like it warm, some like it cool and the department's attempts to reasonably satisfy all parties are difficult if not impossible to obtain.
- (e) The Grand Jury has determined there appears to be no basis for this complaint. It seems to the Committee members that inmates are receiving more than adequate care and attention. Indeed, their treatment appears to be superior to that which most private citizens' have available and is given free of charge to the inmates. At the current time the Sheriff is attempting to hire an additional nurse to extend medical coverage.
- (f) The Grand Jury has determined that this is a valid problem but that the department is doing its best to cope with this situation which is not of its own making. The Grand Jury therefore recommends that the on-going search for a solution between the department, the contractor and the architect be continued until a permanent solution is found.
- (g) The Grand Jury found some problems with the present procedures involving inmate complaints. Although the department has set adequate guidelines for the filing and disposition of such actions in the inmates' "Handbook of

Rules," there appears to be insufficient information on utilizing the Grand Jury in the event the inmate wishes to pursue that process. The Committee suggested to the Jail Commander that wording: "All submittal of complaints to the Grand Jury be dated and signed by the complainant" be added to the current instructions. This addition, it was felt, would solve most of the problems the current Grand Jury has faced. The Jail Commander agreed with this recommendation and gave assurance that such information would be added in the next edition of the "Inmates' Book Of Rules."

COMMENTS REQUIRED ON FINDINGS:

Items 1 through 11: Yuba County Board of Supervisors

Item 11-(e): Yuba County Board of Supervisors

Item 11-(g): Yuba County Sheriff's Department

COMMENTS REQUIRED ON RECOMMENDATIONS:

Responses should be made by the same parties as listed under "Comments Required on Findings".

940701, 940702, 940707, 940708, 940805, 940806, 940807, 940808, 940809, 940810, 940812, 940813, 941012, 941013.

ADDITIONAL COMMENTS:

"Last year a total of \$3,000,000 was generated by housing out-of-county inmates at the Yuba County jail. Of this total, approximately \$1,000,000 went into the Yuba County General Fund, saving about forty (40) county jobs. Another \$1,000,000 went to hire deputies to provide more security on the streets of Yuba County. The remaining \$1,000,000 went to staff and run the jail.

The Sheriff and his staff are to be commended on the well organized, fund raising manner with which they perform their duties."

LIBRARY

COMMENTS REQUIRED ON FINDINGS

BOARD OF SUPERVISORS

1,2,3,4,5,6,7,8,9,10,11.

COMMENTS REQUIRED ON RECOMMENDATIONS

BOARD OF SUPERVISORS

1,2,3,4,5,6,7,8,9,10,11.

94 10 07

REPORT TITLE

LIBRARY

REASON FOR INVESTIGATION:

- (1) To follow up on the 1989-90 grand jury report.
- (2) This Department was also selected due to the extended time since the last investigation.
- (3) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year..."

BACKGROUND:

The County Library is administered by the Library Director under the general direction of the Board of Supervisors. This department fills the varied needs of the community for educational, recreational, and informational materials and data. The Library loans books, magazines, records, tapes, art prints, pamphlets, video cassettes, and documents. The Library routinely provides research services on any topic a borrower requires. Special services for children are available through the Library. These include regular pre-school story sessions, a Summer Reading Program, and special assistance on Projects for Organized Youth Groups. The Children's Library is available Monday, Tuesday morning, and Wednesday to help parents and children use the Juvenile Book Collection. The Library maintains one of the finest California and Local History Special Collections. The California Room is the on-going index to local Newspapers. One of the largest Newspaper indexes in the state, and to date includes coverage of articles of local interest in Yuba County Newspapers from 1851 into the 1940's. The Library also has a Community Room which is available at no charge to non-profit organizations.

SCOPE:

The Grand Jury limited its investigation to (1) Budget, (2) Equipment, (3) Manpower, (4) Activities, (5) Facilities, and previous Grand Jury Findings and Recommendations.

PROCEDURE:

Members of the Grand Jury reviewed the pertinent activities listed in the Scope of the Investigation. An interview was scheduled with the Library Director. An on site visitation and tour of the Facility was performed by members of The Grand Jury.

DISCUSSION:

The Library is responsible for a good many needs of the Community. As a result of the state wide budget crisis, the County Library has encountered significant funding reductions. Operating policies have been revised to meet the current budgetary restrictions by: establishing a priority of urgent responses, limiting or cutting out overtime where possible, and expanding the utilization of personnel. Over the past two years, the Library has ceased operations of its Bookmobile, eliminated the equivalent of three (3) FTE positions. Operations have dropped to four days per week. Utilities, janitorial, and maintenance aside, Library funding has been cut approximately 45% in three years. (Utilities, janitorial, and maintenance services have also decreased, but are not included in the budget).

Hours of Public Service have been cut from 53 to 38 hours per week in Marysville; the Bookmobile has been cut from 18 to 0 hours. The personnel cuts amounted to more than 1/3 of the staff. From 1992-93 budget to that of the 1994-95, available staff hours per week have dropped from 374 to 240. From 1991-2 to 1994-95 the Materials budget has been cut from \$31,747 to \$3,000.

The Bookmobile cost approximately \$40,000 in 1972. It is currently de-commissioned for budget constraints. In addition, the Bookmobile, had at the time, a severe oil system problem, which would require that the engine be removed to complete repairs. Estimated cost of repairs to put the Bookmobile back in commission was extensive. To replace the Bookmobile would cost an estimated \$103,000 to \$110,000. The Bookmobile serviced Strawberry Valley, Browns Valley, Oregon House, Camptonville, Smartsville, Dobbins, and Challenge. There were a approximately 600 to 800 borrowers that used the Bookmobile. The Bookmobile made 18 or 19 stops within a two (2) week period.

The Materials Budget is utilized to purchase new books, magazines and necessary other related materials. This budget has been severely cut through the years. The 1994-95 Budget allowed only \$3,000. From the original sale of land, a trust fund was set up for the Library. This fund has approximately \$135,000 left. Each year \$3,500 to \$3,600 is used to supplement the needs of the Materials Budget.

The 1989-90 Grand Jury recommended that an Automated Circulation System

YUBA COUNTY PROBATION DEPARTMENT

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

1, 2.

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

1, 2.

be acquired "to control collection, generate overdue notices, improve request services and general usage and inventory statistics".

The Library Community Room is available, at no charge to non-profit organizations. This room is scheduled for approximately 358 times during the year.

CONCLUSION:

The Grand Jury views the Library as an essential element of the Community Educational System. It must be an available resource for residents of all ages. The citizens of Yuba County deserve access to a properly maintained and equipped Library where needed information on all subjects can be found.

The recent history of budget reductions have severely limited accessibility and the quality of materials. The Grand Jury strongly recommends that the County seek new avenues which will provide funds for expanded library services.

In summary, after careful evaluation of the current Library status, the Grand Jury has determined that the County has failed to provide full Library services to its citizens.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

1. The Bookmobile service has been discontinued from 18 hours to 0 hours.
2. The Bookmobile is not in service and is stored out-of-service due to needed maintenance.
3. The areas the Bookmobile serviced have no available means of the Library service. 600 to 800 borrowers have no means of Library service.
4. Reference letter dated March 27, 1990, to Buildings and Grounds, subject Library Maintenance, lists a variety of requested maintenance that still exists today. A walk around inspection revealed the following:
 1. Flag lights-- one is loose at the base; one has lens and bulb missing.

2. Parking lot is in need of repairs where handicap ramp is.
 3. Parking lot is in need of re-striping
 4. Handicap parking is in need of proper decal on asphalt.
 5. Paint is peeling on metal above main entrance.
 6. Rug in "J" section of main Library is wrinkling and coming loose.
 7. Automatic Sprinkler System has been broken into, one has panel door missing, one has parts missing, both cannot be secured.
 8. Sprinkler system on west side of building has sprinkler heads missing. One is lying ground.
-
5. Hours of public service have been cut from 53 to 38 hours per week.
 6. The Community Room is being scheduled approximately 300 to 350 times a year.
 7. The Materials Budget has been severely cut over the years.
 8. That a trust fund exists from sales of land for the use of the Library.
 9. The Grand Jury recommendation of 1989-90 to secure an "Automated Circulation System" has not been complied with.
 10. Emergency Exits alarms are not installed on the panic bar door levers.
 11. There is no Security System installed in the building to detect unlawful exits.

RECOMMENDATIONS:

1. The Grand Jury recommends that the County explore an alternate means of service to the public that the Bookmobile serviced.
2. The Grand Jury recommends that the County look into the feasibility of selling, repairing or replacing the Bookmobile.
3. The Grand Jury recommends that the County explore the use of Library Stations--Mini Branch Libraries in place of the Bookmobile if the budget and costs are prohibitive to put the Bookmobile back into service. Plumas and Sierra counties utilize this system for the outlying areas.

4. The Grand Jury recommends that the County insure that the maintenance and necessary repairs are completed in a timely manner on Library property. A possible review of the long time conditions with the responsible authority should be conducted to bring county property up to standards.
5. The Grand Jury recommends, if possible that, The Library solicit and utilize volunteers, possibly retired citizens with an educational background to assist in aiding the Library helping meet its commitment to the citizens of the County.
6. The Grand Jury recommends that the Library charge a reasonable fee for the use of the Community Room. This can help defray other expenses incurred in scheduling, cleaning and small repairs.
7. The Grand Jury recommends that The Board of Supervisors, if feasible, restore the Materials Budget to the amount necessary to prevent the accessing of the Trust Fund to pick up the deficit incurred by cutting of the Materials Budget.
8. The Grand Jury commends the Librarian for his constraints in the use of the Trust Fund in the area of the Materials Budget.
9. The Grand Jury recommends that the County purchase the "Automated Circulation System", recommended by the Grand Jury of 1989-90, to aid the Library in coping with the loss of personnel already incurred and to aid in inventory, controlling collections, generating overdue notices, improve request services, and generate usages.
10. The Grand Jury recommends that Library exit alarms be hooked up on the panic bar levers of all doors to discourage the theft of materials and that signs be posted to the affect.
11. The Grand Jury recommends that a security system for the Library be looked into to prevent unlawful exits.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: Findings: 1,2,3,4,5,6,7,8,9,10,11.

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendations: 1,2,3,4,5,6,7,8,9,10,11.

1994-95 Yuba County Grand Jury Final Report

REPORT TITLE

YUBA COUNTY PROBATION DEPARTMENT

REASON FOR INVESTIGATION:

(1) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on a selective basis each year...."

BACKGROUND:

The Yuba County Probation Department is a functional unit of the county justice system. This department investigates and prepares reports for the Superior, Municipal, Civil and Juvenile Courts. This department enforces court orders by the use of the following services and programs:

- | | |
|------------------------------------|------------------------------------|
| A. Court Services Unit | E. Adult Offender Work Program |
| B. Field Services Unit | F. Juvenile Offender Work Program |
| C. Informal Probation | G. Community Service Work |
| D. Yuba County Drug Impact Program | H. Juvenile Community Work Program |

The Yuba County Probation Department provides youth detention at Bi-County Juvenile Hall or Non-Secure Detention as required by law. The department also provides the following community services:

- | | |
|--------------------|--------------------------------------|
| 1. Youth Project | 3. Probation and Schools Assistance |
| 2. Truancy Program | 4. Victim/Witness Assistance Program |

SCOPE:

The Grand Jury limited its investigation to (1) budget, (2) equipment, (3) manpower, (4) activities, and (5) facilities.

PROCEDURE:

Members of the Grand Jury reviewed the pertinent activities listed in the Scope of the investigation. An interview was scheduled with the department head and an on site visitation was performed by members of the Grand Jury.

DISCUSSION:

The Probation Department is responsible for many services to the Court Systems and the County. This department utilizes a total of 65 personnel of which 23 are sworn Probation Officers with the powers of Arrest, Search and Seizure. This office maintains security measures to ensure no information is taken without proper authorization. The office design is laid out to maximize space and utilize space effectively. Budget cuts have caused one position to go unfilled. Each probation officer is provided his/her own office to maintain the confidentiality of the officer/client relationship. The Department Head, and other personnel were very cooperative toward the Grand Jury.

CONCLUSION:

This department continues to meet the needs of the court system and the County. The department continues to run smoothly and is well managed.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

1. One position of probation officer is not filled.
2. The department head/personnel extended all courtesies and were helpful in the course of the investigation.

RECOMMENDATIONS:

1. The Grand Jury recommends that the unfilled position of probation officer be filled.
2. The Grand Jury commends this approach and appreciates it.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: Findings: 1,2.

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendations: 1,2.

REPORT TITLE

Yuba County Public Defender

REASON FOR INVESTIGATION:

(1) This department was selected due to the extended time since the last investigation.

(2) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year...."

BACKGROUND:

The Public Defenders office handles all felony, misdemeanor, juvenile and some conservator cases for individuals that cannot afford a lawyer of their own. The department handled 3,143 cases from January, 1994 until October 1994.

This department will also handle cases for clients who are not destitute. Those clients are billed according to their ability to pay. These fees, when charged, do not go into the departments budget, but into the General Fund of the Court System.

SCOPE:

The Grand Jury limited its investigation to (1) budget, (2) equipment, (3) manpower, (4) activities, and (5) facilities.

PROCEDURE:

Members of the Grand Jury reviewed the pertinent activities listed in the Scope of the investigation. An interview with the department head was held as scheduled, and an on site visitation and tour of the facility was performed by members of the Grand Jury.

DISCUSSION:

The Public Defender's Office is responsible for legal defense of individuals charged with felony, misdemeanor or juvenile crimes that are unable to provide for their own defense. In some cases the department will handle conservator cases. On some occasions, this department will take on the legal defense of individuals that are not destitute. In these cases, the individuals are billed according to their ability to pay. If any such payments are charged and received, they go into the General Fund of the Court Systems.

The Public Defenders Office has a contract bid of \$475,000 with the County of Yuba. The salaries of the six full time attorneys and all office expenses are included in this bid.

The Public Defenders Office handled a total of 3,143 cases during 1994. If there happens to be a conflict of interest, such as two defendants accused of the same crime, tried together, an attorney from outside the department must be appointed for one of them.

This office does not come under the umbrella of the County Law Enforcement Divisions, nor do they have interface to all information supplied to the Court Systems.

The wages are better than most entry level attorneys receive, but there are no benefits. Personnel turnover is great, since the Public Defenders Office serves as a training ground.

CONCLUSION:

This department is well staffed and is well run. The Department Head is well versed and extended all courtesies to the investigating Grand Jury members. This department provides legal services to the individuals requiring them in a professional and timely manner.

FINDINGS:

All findings have been substantiated by current documentation and by observations and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

YUBA COUNTY PUBLIC DEFENDER

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

1,2,3.

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

1,2,3.

1. Fees received from individuals able to pay go into the Court General Fund.
2. The department head extended all courtesies and was very helpful in the course of the investigation.
3. Do to the lack of the available networking system, this department is not able to access the other departments of the county.

RECOMMENDATIONS:

1. The Grand Jury recommends that the Board of Supervisors review the accounts received from the individuals who are charged fees to see if this can reduce the expense to the county.
2. The Grand Jury commends this attitude and appreciates the cooperation in conducting this investigation.
3. The Grand Jury recommends that this department be allowed to access the network systems that connect to the other county departments to save manpower.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: Findings: 1, 2, 3.

COMMENTS ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendations: 1, 2, 3.

YUBA COUNTY WATER AGENCY

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

FINDINGS: 1(a),(b),(c),(d),(e),(f)

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

RECOMMENDATIONS:1(a),(b),(c),(d),(e),(f)

YUBA COUNTY DEPARTMENT

OF

SOCIAL SERVICES

COMMENTS ON FINDINGS

1

COMMENTS REQUIRED ON RECOMMENDATIONS

NONE

1994-95 Yuba County Grand Jury Final Report

REPORT TITLE

Yuba County Department of Social Services

REASON FOR INVESTIGATION:

In accordance with Penal Code, Chapter 3, Article 2, § 925, a routine review of the Department of Social Services was conducted in the interest of examining the general operations and the potential means of cost savings.

BACKGROUND:

The Department of Social Services is located at 6000 Lindhurst Ave., Suite 504, Marysville, Ca. The primary responsibility is to provide mandated programs, that provide financial and social services for eligible Yuba County residents. These programs include but are not limited to:

Aid to Families with Dependent Children (AFDC)
Transitional Child Care (TCC)
Refugee Cash Assistance (RCA)
Food Stamps (FS)
Medi-Cal
County Medical Services Program (CMSP)
General Assistance (GA)
Fraud Prevention
Child Protective Services (CPS)
Adult Protective Services (APS)
Greater Avenues For Independence (GAIN)

SCOPE:

The scope of the investigation was to check on the general department operations in the following areas:

1. Program Operations
 - A. Services provided
2. Operational structure
 - A. New computer system
3. Personnel management

PROCEDURE:

Four (4) members of the Grand Jury visited the Department of Social Services

and were given a guided tour of the facility. Interviews with the Department heads and the Director were conducted.

DISCUSSION:

The Yuba County Department of Social Services manages Yuba County's integrated Social Service and Income Maintenance programs. The focus in all aid and service programs is efficiency, effectiveness and equity in the delivery of services and benefits to families and children in the community. The following is a summary of programs within the two (2) divisions of the department-Income Maintenance and Public Social Services.

Income Maintenance:

Aid to Families With Dependent Children (AFDC)

This is federally mandated program under the Welfare & Institutions Code § 11200. This program provides cash assistance to families deprived of financial support due to the absence, incapacity, unemployment, or death of a parent. This is the largest program administered by the department. Yuba County has maintained the lowest error rate in quality control in the state in this program since 1984. Yuba County Department of Social Services has been given numerous statewide awards for outstanding error rate performance in the AFDC program. Yuba County also has one of the most cost effective programs state wide. Based on the most recent comparative analysis, Yuba County is below the statewide average in the cost of administering an AFDC case. This program is funded with Federal, State, and County dollars.

Transitional Child Care (TCC)

This program is Federally mandated under Public Law 100-485. This program provides for an additional twelve months of child care reimbursement for families who go off aid due to employment. This program was implemented in California on 4/1/90. This program is 100% Federally funded.

Refugee Cash Assistance (RCA)

This is a Federally mandated program under the Refugee Act of 1980, and Public Law 96-212, which was established in 1980 to promote early economic self sufficiency within the shortest possible time after a refugee's entrance into the United States. This program is 100% Federally funded.

Food Stamps

This is a Federally mandated program under Title XVII of the Social Security Act, Subtitle A. This program provides food purchasing power to low income families. Approximately \$650,000 per month in coupons are issued by the department. Yuba County also maintains an excellent error rate in this program. The county has maintained the lowest error rate in the state for several years. This program is funded with Federal, State, and County dollars.

Medi-Cal

This program is a Federally-mandated program under Title XXII of the California Administrative Code. This program provides medical expense coverage, one is for families receiving AFDS, and the other is for medically needed only. The county has experienced exploding growth in this program for the last few years. There are 81 different eligibility programs for Medi-Cal. This program is a 100% State funded.

County Medical Services Program (CMSP)

This program is mandated under the Welfare & Institutions Code § 10700. The program provides medical expense coverage for those clients who do not meet the eligibility criteria for Medi-Cal. Yuba County, along with 34 other counties in the state, contract back to the state to administer the allocation for this program. This program is funded with state funds and a county participation fee.

General Assistance (GA)

The State Welfare & Institutions Code § 17000 requires each county to operate a General Assistance Program to provide basic needs of food and shelter for those people who are not eligible to participate in other aid programs. The administration of the General Assistance program is vested in the County Board of Supervisors, and has been delegated to the Director of Social Services pursuant to Yuba County Resolution No. 1983-18. People receiving benefits at a minimum wage rate. This program also provides interim assistance to those people awaiting the granting of their SSI. When SSI is granted, the assistance provided is deducted from their award. This program is funded 100% with county dollars.

Fraud

Yuba County operates a very aggressive Early Fraud Prevention and Fraud Referral Program. This program strives to prevent fraud and abuse in all programs that the county operates. The county has been very successful in this endeavor. For every dollar expended in the fraud programs, the county recoups

in collection, cost avoidance and deference \$2.15.

Public Social Service

Yuba County Department of Social Services administers Social Service Programs under Title XX of the Social Security Act. Of the 21 federally designed services, 8 of the social services have been designated as mandatory, and must be provided in all counties in California.

These eight mandatory services are as follows:

Child Protective Services (CPS)

1. Information and Referral
2. Emergency Response
3. Family Maintenance
4. Family Reunification
5. Permanent Placement

Adult Protective Services (APS)

6. Out-of-Home Care for Adults
7. In-Home Supportive Services
8. Protective Services for Adults

All programs are funded with Federal, State, and County dollars.

In-Home Supportive Services (IHSS) is the largest service to adults. The program provides homemakers for adults who are unable to perform the services themselves, and cannot safely remain in their homes unless these services are provided. Services include cleaning, meal preparation, and laundry.

Referrals for abused or neglected adults in Yuba County has increased at least 70% since 1985, but funding to provide that service to vulnerable adults has not increased in the last eight years. Consequently, in light of the limited funding for adult Protective Services prioritization of services will occur, and only the high risk clientele will be served.

Greater Avenues For Independence (GAIN)

GAIN was a mandated program under Assembly Bill 2580 in 1985. In 1988 the Federal Government passed Public Law 100-485 which implemented Job Opportunities and Basic Skills (JOBS). GAIN was a major welfare reform initiative mandating that counties offer comprehensive services, including basic education to AFDC recipients obligated to participate or who volunteered and to engage the employment activities as long as they stayed on aid. Another part of the GAIN program is (PREP) or Pre-employment Participation is where clients train and work behavioral skills, or enhancing current skills. PREP job sites include the Peach Tree Clinic, Yuba County Public Works, Yuba County Buildings and Grounds, Freemont and Rideout Hospitals, MJUSD and Cal Trans. This program is funded from Federal, State, and County dollars.

The department of Social Services is in the middle of setting up their new computer system they received through a grant late last year. This new system will help generate notices to their clients easier and help in keeping track of there current cases. The new computer terminals will be at each workers desk and will be able to tell them everything they need to know without going to another room to use a computer. The system is hooked up to other state and federal agencies and would be able to tell the worker what is going on in a case. The Supervisors have put in hundreds of hours to learn this system and the department is currently getting the system ready for operation.

FINDINGS:

Pursuant to Penal Code § 925, all findings have been substantiated by observations and interviews by no less than two (2) members of the Grand Jury.

1. Services of the department of Social Services are being provided to the local community in a timely manner despite cutbacks in manpower and the budget.

RECOMMENDATIONS:

None

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board Of Supervisors: Finding 1.

COMMENTS REQUIRED ON RECOMMENDATIONS:

None

REPORT TITLE

Yuba County Water Agency

REASON FOR INVESTIGATION:

1. Complaints by several Yuba County Water Agency employees regarding alleged violation of County, State, Federal and Union laws, regulations, policies and actions relative to Occupational Safety, Mismanagment, Environmental concerns and other perceived problems.
2. Complaint by a citizen regarding lack of adequate Handicap access to the Yuba River via the Colgate Powerhouse ingress/egress, (steps).
3. Penal Code, Chapter 3, Article 2, § 925 states:

"The Grand Jury shall investigate and report on the operations, accounts and records of the Officers, Departments or functions of the County..... The investigations may be conducted on some selective basis each year.....".

BACKGROUND:

The Yuba County Water Agency (here-in-after referred to as "the Agency") with its main office located at 1402 "D" Street in Marysville, is a public facility charged with holding and protecting County water rights, developing systems for the beneficial use of water supplies, development and sale (wholesale) of electrical power generated through hydraulic sources, acting as a support service function for Yuba County water districts and facilities, development and maintenance of flood control measures and other services too numerous to mention in this brief report.

The "Agency" is a unique organization among County departments, in that is formed by the California State Legislature after passage by the Assembly, Senate and approval by the Governor. Under this act, the "Agency" and its functions, responsibilities and authorities were added, in 1959, as an appendage to the California State Water Code.

The "Agency" is governed by a Board of Directors; 5 of whom are members of the County Board of Supervisors plus 2 additional elected representatives - one from South of the Yuba River and one from the North of the dividing line.

Section 84.1 of the appendage to the State Water Code defines the creation of the "Agency" in these words:

"A district hereinafter called the agency is hereby created for the purpose of accomplishing of statewide importance. Said agency shall be known as the Yuba County Water Agency and shall include all territories lying within the exterior boundaries of the County of Yuba, and shall also include territory contiguous to but outside such boundaries which becomes or is included within a member unit as hereinafter defined."

In order to accomplish its purposes and to adhere to the responsibilities the "Agency" operates, maintains and services 4-dams of varying size and potentials. These are:

1. New Bullards Bar Dam
2. Power House Diversion Dam
3. Log Cabin Diversion Dam
4. Lake Francis Dam

The "Agency" is a mid-size operation employing approximately 28 full-time employees, miscellaneous numbers of part-time employees on an as needed basis and a small office staff. The supervisory personnel include an Engineer Administrator, An Assistant Administrator and Power System Manager. Employee salaries and benefits are commensurate, if not better, with similar occupations in operations of similar nature: i.e. P.G.&E. etc. Field employees are unionized (International Brotherhood of Electrical Workers - #1245) and well represented by shop stewards and other involved workers.

SCOPE:

Since the complaints received by The Grand Jury and which in part initiated this investigation covered such a large and diverse number of subjects, it was necessary that the Grand Jury study a multitude of items in order to better understand and interpret operating and administrative procedures and policies. Consequently, the initial objectives were expanded in order to encompass the many facets of the apparently well-run and effective "Agency".

PROCEDURE:

The investigation and review of the "Agency" was made by no fewer than three (3) members of the Grand Jury. This required reading and research into the contents of several dozens of letters and documents furnished by the complainants as well as pertinent

records and informational items supplied by the "Agency". The latter material included the State's appendage to its Water Code (§ 84.1 through §84.28) "Agency's" Table of Organization, "Agency's" Budget, Safety Manual, minutes from "Tail-Gate" employee Safety meetings and numerous other miscellani.

Additionally, 3 members of the Grand Jury met on May 18, 1995 with the "Agency's" Engineer Administrator and his assistant. This meeting was held at the Marysville office and lasted approximately 4 hours. The individuals involved in this discussion were very frank, candid and courteous in their responses to the numerous questions posed them. Additionally it appeared this staff was exceptionally well informed and knowledgeable in all matters involving the "Agency" and its operations.

DISCUSSION:

The "Agency" has great responsibilities for the general welfare (both safety and economical) of the residents and visitors of Yuba County and adjacent areas. It carries out these tasks in a diligent and efficient manner as evidenced by its income generating enterprises and significant improvement of capital assets for the benefit of those it serves.

Since late 1993, several "Agency" employees have virtually inundated numerous outside sources with allegations of "Agency" misconduct and mismanagement regarding the operation and policies of its facilities, and its employee orientated procedures. Briefly, these complaints can be roughly categorized into the following 6 basic subjects:

- (a) Job Safety
- (b) Public Safety
- (c) Pollution-Water Quality
- (d) Employee Discrimination, discipline and hiring practices.
- (e) Contractual Policies
- (f) General dissatisfaction with "Agency" administration and upper management policies and procedures.

A more detailed discussion alluding to these topics follow below:

(a) Job Safety

Many of the problems cited under this subject by the employees could have been overcome by them using common sense, good judgement and experience in doing their work. However, it does appear there were some examples of concern which exceeded the

employees ability to correct on their own. These items could have been dealt with, by management, had there been good lines of communication between the employees and their employers. Consequently, neither method was instigated and a certain number of items were reported to and investigated by Cal-Osha representatives and others, and which resulted in several lists of violations being sent to the "Agency". As of this date, all but one of these citations has been addresses and corrected by the "Agency". The one outstanding issue concerns a permit for an electrical hookup and is presently awaiting County approval.

Additionally, in order to provide the utmost in protection to the workers, management has designated a "Safety Officer" who has a responsibility for seeing that jobs and facilities are conducted and operated in a safe manner and in compliance with all recognized authorities and regulations.

A Safety Manual for all employees has been issued and there are weekly "Tail-Gate" Safety sessions during which safety topics are discussed and all employees given the opportunity for alerting management to any problems or items which they feel might pose a problem to the workers, facilities and/or the public.

(b) Public Safety

Some concern was expressed by employees over the Emergency Plan prepared by the "Agency" for instituting, in the improbable of a complete failure of the New Bullards Bar Dam. A list of agencies to be notified, their sequence and the procedures to followed was outlined. This "notice" apparently did not address the possibility of alerting downstream transients, campers, fishermen or similar river users. The "Agency" felt that contact with these possible parties could best be accomplished by others of the agencies which would be notified. However, since this issue appears important, the "Agency" will review this aspect of the plan with the appropriate persons.

(c) Pollution - Water Quality

Concern was voiced by certain employees regarding the possibility of significant amounts of oil escaping from "Agency" equipment and subsequently finding its way into the Yuba River. This matter was thoroughly reviewed by several State and Federal agencies and no major problem was discovered. Despite this, the "Agency" has

amount of oil and/or other possible contaminants received, stored and used in the operation of its facilities. If these close monitoring records were to indicate an unaccountable loss of any of these items, appropriate steps would immediately be taken to determine where and how such a loss occurred and corrective action would be taken.

(d) Employee Discrimination, Discipline and Hiring

The majority of these employee complaints were addressed at a special hearing between employees and "Agency" officials and Directors. Additionally, the employee's Union was contacted. Following these discussions, a determination was made that hiring and assignment of employee duties, the use of part-time workers and various other perceived personnel problems were justifiable and in full accord with relative "Agency" rules, regulations, Memorandum of Understanding and other authoritative sources. "Agency" management and staff have been attempting to work out differences informally with the employees on an almost daily basis, yet no complete accord has ever been achieved.

(e) Contractual Practices

Concern was expressed by certain employees regarding the award of construction contracts to other than low bidders, separating planned work into several segments in order to avoid major contracts requiring bids, and similar allegations of this type.

The Grand Jury discussed these occurrences with "Agency" management, read the criticisms of the employees and perused the documentation of "Agency" contract practices. On the basis of this review, the Grand Jury concluded the manner in which contract work was handled was correct, economical, beneficial and efficient. The "Agency" was able, under their procedures, to utilize experienced firms familiar with their operations and facilities and who had demonstrated their proficiency and dependability in previous project work.

(f) Occupational Dissatisfaction

As stated else where in this report, there are some "Agency" employees who apparently feel their employer is incompetent and that the "Agency's" operations are not being properly administered and managed. As a result of these concerns, these employees have

(in the main) bypassed their employer and unleashed a veritable deluge of charges, counter charges, insinuations and abuses against the "Agency". Although some of these complaints may have been valid, the employees were somewhat negligent in not following the proper avenues of redress. Rather than, discussing these issues with management and developing a feeling of mutual respect, these actions involving outside parties have placed the "Agency" in a strictly defensive position which has not only tied up time and money but actually hampered the "Agency" in its ability to react in a more positive and timely fashion to satisfy all those involved.

To overcome some of these problems, the "Agency" has requested that its employees first discuss their concerns with "Agency" management in a mutually acceptable forum before seeking "outside" assistance.

There is no intent on the "Agency's" part to restrict the employees freedom to air their grievances to whoever they deem necessary, only that such concerns follow a prescribed path that begins with their Supervisors.

To facilitate and make more clear these desires, the "Agency" is updating and revising the Employee Policy and Procedure manual to reflect management's wish to share with its workers, methods in making their employment and communications as fruitful and as meaningful as possible.

2. Handicap Access at Colgate Powerhouse

For decades, people have been using a rough, non-maintained trail to gain access to the Yuba River, south of the dam. During construction on the Powerhouse, steps were designed and built to allow the general public a better, safer route to the river. Due to cost and practical constraints, no specific provisions were made in constructing this facility to accommodate persons with various handicaps.

This "handicap" issue was dealt with by giving keys to disabled persons which would allow them vehicular access to the river via a locked gate and maintenance road. A telephone was also installed so that if a disabled person had no key, they could call an "Agency" employee, who would open the gate for their convenience.

None of the alternates attempted by the "Agency" satisfied one individual, who demanded "Ramp" facilities.

Currently, the "Agency" is at loggerheads over this issue. A request for a legal opinion, regarding this situation, has been sent

to the U.S. Attorney General, Janet Reno, and the "Agency" will act in accordance with any solutions offered by this source.

FINDINGS:

1. (a) Job Safety

In the Grand Jury's opinion, the "Agency" is working diligently to provide the utmost in promoting safety within the work environment. Their distribution of individual safety manuals, mandated "Tailgate" Safety meetings, assignment of Safety Duties to an individual, encouragement of workers to report potential or existing hazards, are all positive steps indicative of sincere desire to insure identification of situations which could create safety problems.

(b) Public Safety

It appears that the "Agency" has taken adequate precautions in compiling a "Disaster Plan", which has been approved by O.E.S. and other relative bodies.

However, the "Agency", will take the concerns into account and review their procedures and plan, and if necessary, adopt revisions for general acceptance.

(c) Pollution and Water Control

It is the Grand Jury's opinion, that the "Agency", has set into place, a very strict and adequate monitoring system which should satisfy all involved parties.

(d) Employee Discrimination, Discipline and Hiring Practices

It is the grand Jury's opinion, that the "Agency", has gone to great lengths to explain their personnel procedures to all employees. The actions they have taken were in accord with all relative "Labor Relations" rules, regulations, policies and Memorandums of Understanding relative to the cited allegations.

(e) Contractual Practices

The Grand Jury could find no justification as to complaints that the "Agency" had violated any rules or regulations, concerning contract work.

(f) Occupational Dissatisfaction

The Grand Jury could find no issue or problem between management and labor that could not have been resolved through compatible courteous discord between parties.

Rather than working within their organization to equitably solve certain alleged issues, several "Agency" employees have deluged a multitude of persons, organizations, County, State and Federal departments and elected officials, seeking redress and settlement of their alleged grievances.

The following are a sampling of the various parties contacted by certain "Agency" employees seeking remedies to their concerns:

1. State Water Resources Control Board
2. Board of Directors-Yuba County Water Agency
3. State Department of Water Resources, Clean Water Division
4. Department of Fish and Game-Water Pollution Control
5. Sierra Club
6. Green Peace
7. American Civil Liberty Union
8. State Attorney General
9. U.S. Representative, Wally Herger
10. Audubon Society
11. State Assemblyman, Bernie Richer
12. Joan Saunders, County Supervisor
13. International Brotherhood of Electrical Workers No. 1245
14. Cal-OSHA
15. Regional Water Control Board
16. Yuba County Environmental Health Department
17. Yuba County Grand Jury
18. Office of Emergency Services
19. U.S. Forestry Service
20. State Labor Relations Board

These several employees have, during the past 2-years, cost the "Agency" tens of thousands of dollars and unaccountable number of man hours to make their grievances known. This does not take into account the vast sums of money and time expended by other agencies and individuals in replying to the many queries they received.

RECOMMENDATIONS:

1. (a) Job Safety

The grand Jury commends the "Agency" for taking quick, decisive action in alleviating and/or eliminating safety problems as they arose and were brought to management's attention. The updating of the Safety Manual is a priority item and should be completed quickly as possible. Provisions should be made in this written policy for rewarding employees for good safety records and accomplishments as well as listing strict disciplinary actions for those employees who violate these rules and procedures.

(b) Public Safety

The Grand Jury commends the "Agency" for actions it has taken to protect the safety of all persons affected by their facilities.

(c) Pollution and Water Quality

The Grand Jury commends the "Agency" for measures it is taking to protect environmental concerns within its area of responsibility. It is suggested that the 1995-96 Grand Jury review the "Agencies" monitoring system of containment control as well as the periodic reports submitted to the various regulatory departments involved.

(d) Employee Discrimination, Discipline, and Hiring Practices

The Grand Jury could find no validity to complaints of illegal hiring, employee discrimination or harassment. It is, however, the Grand Jury's recommendation that this subject be more fully addressed during the next Memorandum of Understanding renewal and that positive instructions be contained in the employees Policy and Procedure Manual.

(e) Contractual Practices

The Grand Jury could find no violation of any rules or regulations promulgated by any authoritative persons or agencies dealing with this subject.

(f) Occupational Dissatisfaction

Obviously there is some ongoing conflict between management and certain employees over a wide ranging variety of personnel, operational and work issues.

The Grand Jury is not a regulatory agency and cannot, therefore, order any positive action be taken to resolve this persistent problem. It can, however, recommend that all parties forget past differences and work together to preserve and maintain the excellent organization they now have.

It should be pointed out that in the Fall of 1994, the Grand Jury initially received copies of a variety of written complaints, records, documents, reports, and letters sent by certain "Agency" employees. There was no cover information and the Grand Jury was at a loss as to what action the submitting parties wished. With these questions in mind, the Grand Jury wrote to these employees with requests for information on what action the employees wanted this body to undertake and on what issues. (Bear in mind that all of the material the Grand Jury received had already been sent to various other sources and in some cases, replies had been received). The employees the Grand Jury contacted with their request never acknowledged the communication nor made any attempt to respond with an explanation as to what action they expected the grand Jury to take.

The Grand Jury felt that the employees unresponsive attitude towards working with the Grand Jury for a compatible solution to their alleged problems was indicative of the apparent blatant disregard these individuals have towards following courteous, productive procedures within the system in order to solve their alleged deacidification with their employer.

2. Handicap Access

Since this matter is being reviewed by the U.S. Attorney General, the Grand Jury is in no position to "Find" in this issue.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors: 1(a),(b),(c),(d),(e),(f)

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: 1 (a),(b),(c),(d),(e),(f)

YUBA COUNTY WATER DISTRICT

COMMENTS REQUIRED ON FINDINGS

YUBA COUNTY BOARD OF SUPERVISORS

FINDINGS: 1 AND 2

YUBA COUNTY DISTRICT ATTORNEY:

FINDINGS: 3 (A), (B), AND (C)

COMMENTS REQUIRED ON RECOMMENDATIONS

YUBA COUNTY BOARD OF SUPERVISORS

RECOMMENDATIONS: 1 AND 2

YUBA COUNTY DISTRICT ATTORNEY

RECOMMENDATIONS: 3 (A), (B), AND (C)

REPORT TITLE

YUBA COUNTY WATER DISTRICT

REASON FOR INVESTIGATION:

- (1) This organization was selected for attention due to the extended length of time since the last review (1988).
- (2) California Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts and records of the officers, departments, or functions of the county... The investigations may be conducted on some selective basis each year...."
- (3) To review and investigate complaints forwarded to the Grand Jury by the Yuba County Water District employee alleging:
 - (a) Questionable handling and disposition of taxes due on payments made to the employee's 457 Deferred Compensation Plan.
 - (b) An alleged discrepancy of approximately \$8,000.00 in water sales billed to the city of Yuba City.
 - (c) An alleged embezzlement of funds and misuse of Water District Credit Cards, and facilities.

BACKGROUND:

The Yuba County Water District's main office is located at 9066 LaPorte Road in Brownsville. A filtration Plant owned and operated by the District is located northeasterly near the town of Forbstown. The District was formed on 7-22-52 under California Law for the primary purpose of providing domestic (treated) and irrigation (untreated) water service within the district boundaries. Early discussions concerning resolution of areas, jurisdictions, and water rights between the district and the adjacent Oroville-Wyandotte Irrigation District were conducted during a lengthy series of meetings, between these two agencies, which resulted in State of California decisions D-838 and D-907. This process was finalized with March 8, 1958 and December 9, 1959 mutually acceptable agreements with the O.W.I.D.. These Decisions of Record are the present basis for all the District's water rights and associated entitlement.

The Yuba County District is currently comprised of five (5) individual Improvement Areas. These are: District #1, (formed 3-25-64), for the Irrigation Service District, District #2, (formed 9-10-66), for the Domestic Water Service, District #3, (formed 4-30-68), for the Forbstown water distribution system, District #4 (formed 7-19-74) for the New York road water distribution system, and District #5 (formed 2-3-79) for the Rackerby water distribution system. At the current time the Yuba County Water District serves domestic water to approximately 800 active services in or near the communities of Brownsville, Challenge, Forbstown and Rackerby. Additionally the District provides Irrigation water to approximately 100 active services in the Dobbins-Oregon House area.

As stated above, it is the responsibility of the District to provide the domestic and irrigation water needs of its users within the approximately 180,000 acres contained inside its boundaries. Additionally, it has the responsibility to protect the water rights of the residents, provide for the needs of future development, collect service and miscellaneous charges from its customers, and cooperate with the various adjacent and surrounding Water Agencies, Utility companies and the County-at-Large.

To accomplish its Water Services responsibilities the District owns and maintains a distribution system consisting of approximately 9 miles of Mainline Ditch, approximately 32 miles of pipeline. The Fiscal Year (1994-95) operating budget is \$518,390.00, and its net revenue indicates a similar amount. This results in a zero balance deficit for this period, and is indicative of the efficient and economical operation of this complex organization.

District water supply is a non-mandatory type service and individuals or commercial users may elect to use their own well water and/or other personal sources (springs, rain collection, etc..).

At the current time the District receives approximately 4500 acre feet of surplus water generated through their Miner Ranch Creek source. This surplus is sold to the city of Yuba City, at a reasonable rate, which generates additional funds and allows the District to keep its water use rates low for its own area customers.

The Yuba County Water District is governed by a five (5) member Board of Directors. elected by division, who set District policy. Subject to the Board's direction, the overall operation and administration of the District is conducted under the authority of the General Manager/Secretary. Field operations (both domestic and irrigation systems) are overseen by the assistant Manager/Superintendent, who shares in overall administration. Office operations are, in general, the responsibility of the office supervisor. This person also supplies administrative support, and serves to satisfy the requirements for an auditor as set forth in § 30582 of the California Water Code.

Once annually the Districts financial records are audited by an independent accounting firm selected by the Board of Directors. The District also employs a full-time Clerk Typist and three (3) Water System Specialists. Additional to this permanent staff of seven (7) employees, the District employs, on a part time or contract basis, whatever other temporary positions and/or consultants which may deemed necessary.

SCOPE:

A Grand Jury Committee consisting of four (4) members conducted limited examinations of the District's: (1) Budget, (2) Manpower status, (3) Organization, (4) Operation procedures, (5) Activities, (6) Facilities, (7) Resources, (8) Future Plans. Additionally, the Grand Jury instigated an "in-depth" investigations of the complaints alleged to the in a letter received by this body pertaining to the variety of concerns as expressed under this Report's "Reasons for Investigation".

PROCEDURE:

Four (4) members of the grand Jury reviewed all pertinent factors as listed under the "Scope of the Investigation". These members met with the Yuba County District's Manager, Office Manager, Filtration plant operator and one (1) member of the Board of Directors. This meeting was held in the District's main office on April 4, 1995. The group conferred for approximately 3 to 4 hours and in addition to vary detailed discussions regarding all aspects of the Jury's concerns were also supplied with documents and reports as well as Legal Opinions in support of questions, concerns and issues which were raised.

The Grand Jury members were very impressed with the honest, candid, open and forthright manner in which they were received and the way in which their queries were addressed. Responses from the District personnel were unhesitant and demonstrated a very thorough and detailed appearing knowledge of their District, its operations, its staff, its budget, its problems and other peripheral issues.

Following the office discussion the group re-formed at the District's new (two (2) years old) Water Treatment Plant, which is located approximately five (5) miles north of Brownsville off Forbstown Road. The Plant operator, District manager and the member of The Board of Directors led the group on a complete and compressive tour of the facility and its equipment. The mechanics and the operation were explained, and all questions from the Jury members were addressed quickly and fully. Visual demonstrations and technical process were also presented and adequately explained in laymen's terms by the Plant operator.

DISCUSSION:

As stated above, under the "Procedure" portion of this report, four (4) members of the Grand Jury met with representatives of the Water District on April 4, 1994 from 9:30 a.m. until approximately 2:00 p.m., at both their Headquarters office and their Water treatment Plant. In supplementing the verbal discussions enumerated above, and to develop the additional information necessary to compile this report, the Grand Jury members were furnished with copies of the following:

- (1) The 1993-94 Fiscal year audit
- (2) The 1994-95 Fiscal year Operational budget
- (3) The current "Table of Organization" for the District
- (4) Attorney John M. Felder's report of 1-20-95, regarding 457 Deferred Income Plan and Liability for employment taxes.
- (5) District Water rates effective 9-15-94
- (6) Correspondence between the Water District and the City of Yuba City.
- (7) Calculation sheet for the Yuba City water billing.
- (8) Excerpts from the Board of Director's meeting held 2-21-95.
- (9) Memo of Understanding approved by Board of Directors on 8-5-85.
- (10) M.O.U. dated 7-28-86
- (11) M.O.U. dated 6-1-87 (signed by all district employees)
- (12) M.O.U. dated 2-6-89
- (13) Agenda for regular meeting of Board of Directors dated 2-6-95
- (14) District agenda dated 1-26-95 covering "Discussion of Retirement Plan Contributions" presented by Attorney John Felder.
- (15) Agenda for Board of Director's meeting of 1-3-95.
- (16) Copy of "Personnel Policy Manual".

The grand Jury members were also permitted to view any other documents felt to be relative to the issues involved. As noted above, this included a review of the "Personnel Police Manual" (issued to all employees) and containing relative data as well as excerpts from pertinent I.R.C. Regulations

Contact was made with the Yuba County District Attorney in regards to the complainants query concerning the alleged embezzlement and theft of District funds by a former Water District employee, and the disposition of the charges.

The current Water District Officer Supervisor, as well as the General manager, were telephonically contacted on several occasions as additional questions arose during preparation of this report. These employees were extremely courteous and demonstrated considerable expertise in the performance of their duties and the overall operations of the Water District. All questions posed were answered in precise terms and furnished all information necessary in order to complete this report.

The District's financial books and accounts are based upon the uniform system of accounting for Public Utilities as prescribed by the Division of Local Government Fiscal Affairs of the State of California. Proprietary funds are maintained on the accrual basis of accounting wherein revenues are recognized in the period earned and expenses are recognized in the period incurred.

Everyday accuracy and accountability of fiscal management is maintained internally by the Office Manager under the direct supervision of the District Manager and the Secretary to the Board of Directors. A yearly audit is conducted (at a very reasonable charge) by the accounting firm recognized for its experience and expertise in the field of Water District finances, rules, regulations and other pertinent requirements. The Grand Jury was favorably impressed with the quality and format of the audit procedure.

In reviewing the "Discussion" portion of this report, as well as the overall complexity of the operations, it is somewhat startling to understand that the Yuba County Water District is accountable and responsible for the handling of water supplies, etc. for 29%, (or almost 1/3) of the land area contained in Yuba County, with a permanent staff of only 7 employees.

FINDINGS:

All "Findings" have been substantiated by current documentation and by observations and interviews made by no fewer than 4 members of the Grand Jury, P.C. § 916.

- (1) The Yuba County Water District's main office in Brownsville is a fairly new building, well-maintained and equipped. Files, records, documents, policies, correspondence and similar material is stored in an above average manner with very rapid and efficient retrieval system.

The office staff appears very knowledgeable and were able to locate, discuss, explain and adequately respond to all Grand jury requests and questions. The employees were courteous and frank, despite the lengthy meeting and the obvious, but unavoidable, disruption to their ordinary tasks and disciplines.

- (2) The District's new Water Treatment Plant, which was constructed approximately 2-years ago at a cost of approximately 2-million dollars, is in mint condition "State-of-the Art" facility. The plant relies on modern computer enhanced technology and techniques to supply the water needs of its more than 800 customers in a healthy, safe, efficient and economical manner. All facets of the plant, its operation and its output are monitored by experienced operators in accordance with established State, Federal, County and District regulations and requirements.

Although it is too detailed to present all aspects of the plant in this report, it is noteworthy that the other Water Districts in the State have toured this facility from the viewpoint of its being the most advanced and efficient system of its kind, and one worthy of duplication at other locations.

The plant itself is immaculate, and from a cursory review is obviously a source of pride and accomplishment for the District. A Maintenance Shop is located on its premises, and the Grand Jury was advised that all but the most major of problems are, or could be, repaired "on-site". A "Fail Safe" computer monitors the operational functions of the plant and telephones (sequentially if necessary) employees with verbal information on any existing or possible malfunction or operating difficulties.

Tours of this facility are available and several schools have taken advantage of this opportunity to allow their students to learn how the system operates and to get an idea of the complexities involved in the furnishing of potable water.

- (3) Complaints received via letter to the Grand Jury dated November 1994 concerning the following issues.

(a) QUESTIONABLE HANDLING AND DISPOSITION OF TAXES DUE ON PAYMENTS MADE TO THE EMPLOYEE'S DEFERRED COMPENSATION PLAN.

The District has a deferred compensation plan, which is in compliance with Internal Revenue Code § 457. (This plan differs, essentially, from most such plans in that there are no penalties for early withdrawal and age is not a factor for release of funds).

Under the terms of this plan, the District contributes 10% of the base wage of each permanent employee. Contributions are made on a voluntary basis by plan participants who, in fact, still receive the 10% District contribution even if (the employee) do not contribute any monies of their own. Under the agreement authorized by the Revenue Code, no employees may contribute over 25% of their yearly base salary, or a maximum of \$7,500.00 per year, whichever is the lesser amount. (This 25% includes the amount the District contributes.) This maximum amount is increased to \$15,000.00 for the last 3 years before the participant attains normal retirement age. Employer (District) contributions to the plan for the year ending 6 30 94 were \$22,458.00.

The Water District initiated this Deferred Compensation plan as a supplement to regular retirement income in 1985. The motivation for this action, by the District, lay in their concern for their employees welfare and their sense of responsibility in helping provide for their future.

The plan was set up and handled by a well-known Deferred Compensation Plan carrier from its inception in 1985 until approximately January, 1994. At the latter time, the District determined they could receive an approximate 3.5% higher income interest rate by changing carriers. Accordingly, the District switched their account to the I.C.M.A. retirement Corporation in mid January 1994.

In January, 1995, a routine memorandum to all agencies represented by I.C. M. A. was received by the District. This memo alerted the District to the fact that Social Security Taxes, State Disability Insurance Taxes, and State Unemployment Insurance Taxes had to be paid on the amount of Deferred Compensation contributed for each employee.

During the 10 years since its inception, this issue (taxes to be paid), had never been raised by any party. As matter of fact, the District had pointedly brought up at the Plan's inception the issue that they (the District) would contribute no more than their percentage share to the plan and that any other expenses would be borne by the employees. The initial Memorandum of Understanding approved by the District Board's motion of 8-5-85, and providing an initial 4% District contribution, states the following:

Article 10:

"The District shall not be responsible for paying income taxes or any other taxes or charges which may become due upon adoption of a retirement plan, or which may become required at any time during which any such plan is in effect."

Article 11:

"The District shall not be liable for any losses incurred by employees as a result of any retirement plan, whether as a result of early withdrawal, changes in relevant laws or regulations, poor investment practices, bankruptcies, negligence on the part of District employees, or for any other reason whatsoever."

This 1985 M.O.U. was updated on 7-28-86 by increasing the District's contribution by an additional 2% and, except for this revision, all other provisions relating to the M.O.U. pertaining to the Supplemental Retirement plan were to remain in full force and effect.

On 6-1-87 a revised M.O.U. was re-evaluated as to cost of living adjustments and reviewed for the benefits currently afforded the District employees. This revision raised salaries by 3% and increased the District's contribution to the Deferred Compensation Plan by 2%. This document reaffirmed all provisions of the Personnel Policy M.O.U. of 7-1-85 and the M.O.U. of 7-28-86. This M.O.U. was signed by all current District employees and attested by 2-members of the District's Board of Directors.

On 2-6-89 a revised M.O.U. was presented to and accepted by the District's employees without dissent. Under the revised terms, the District's contribution to the Deferred Compensation Plan was raised to 10% of the employee's base salary. Articles 8 and 9 reflected the same waiver of claims as defined under all previous M.O.U.'s.

As soon as the District was informed of the possible regulations pertaining to the collection of taxes due on Employee Deferred Compensation contributions, it arranged, at the District's cost, for the services of the Law Firm of Stewart, Humphreys, Burchett and Sandleman to review (for the benefit of the employees and the District) documents and regulations relating to the 457 plan and to render an opinion on the questions regarding the taxes on the plan contributions.

On 1-20-95 Attorney John Felder, of the above noted Law Firm, replied with his legal opinion concerning these issues. There are 2-significant paragraphs of particular interest contained in the lengthy opinion rendered by the attorney. These are:

"Once there is a determination that contributions to the 457 plan are subject to F.I.C.S. withholding, the question becomes who is responsible for payment of the taxes, the District, the employee, or both. I.R.C. § 3101 places a tax on the employee while I.R.C. § places a similar tax on the employer. For Federal taxes purposes, both the District and the employee would be liable for the tax..."

On 1-26-95 Attorney John Felder presented a discussion of what he had determined regarding the Retirement Plan contributions to the entire Water District staff. All employees, plus 2-union representatives (Laborers Local #185) attended. There was a question-and-answer period, during which time it was possible for all parties in attendance to address any problems they might have with the tax situation and the legal opinions the Attorney had submitted.

On 2-6-95 a District personnel meeting included a presentation by Laborers Local #185, regarding the Retirement/Pension package. There were also committee reports on the taxes relative to the Deferred Compensation Plan.

Based on these series of meetings, employee input opportunities, Union input opportunities and the Attorney's Opinion the District Office Supervisor (at the Board's direction) notified each employee that: "Social Security taxes, State Disability Insurance taxes, and the State Unemployment Insurance taxes" are to be paid on the amount of deferred compensation that the Districts contributes for each employee. Without conceding any liability, the District agreed to pay the "employer's" share of the Social Security taxes (7.65%) and the State Unemployment taxes for each employee. However all employees had to pay their share of the Social Security taxes (7.65%) and the full amount due on the S.D.I. taxes.

The letter further stated that the District offered to pay the "Employee's" share from District funds and to permit either payment in full, or repayment by employees over 12 months maximum period at an interest rate of 6%. The amount owed by each employee was collected by the District and sent to the appropriate parties by April 15, 1995. The undercharge of these taxes was calculated for a 3-year period as prescribed by regulations, even though the plan has been in effect for approximately 10 years.

(b) ALLEGED DISCREPANCY OF APPROXIMATELY \$8,000.00 IN WATER SALES TO THE CITY OF YUBA CITY.

The Yuba County Water District has a long standing agreement for selling surplus water to the City Of Yuba City at a rate of \$10.00 per acre foot. This basic rate, according to the agreement, is to be modified by (3/4) three-fourths of the Consumer Price Index Change, computed back to the date that the base rate went into effect.

In February, 1995, the District discovered, on its own initiative, that its last 2-billings to Yuba City were inadvertently computed on the basis of 100% rather than the 75% of the C.P.I. change. Consequently Yuba City was over billed a total amount of \$8,685.00. This amount will be refunded to Yuba City as a credit on their next billing (June,1995).

(c) AN ALLEGED EMBEZZLEMENT OF DISTRICT FUNDS AND MISUSE OF DISTRICTS CREDIT CARDS AND FACILITIES.

In the Fall (September or October) of 1990, during a routine internal review, it was discovered that a District employee had allegedly misappropriated Water District funds by apparently fraudulent means. After a thorough review and proper administrative actions, the employee's services were terminated.

Subsequently, following a more detailed audit and review of accounting procedures and expenditures, the District uncovered what it felt was an alleged gross misappropriation of funds by this employee.

This matter was brought to the attention of the Board of Directors for the Water District, legal representatives and the Auditing Company's accountant. After considerable and very thorough discussions and hearings, a determination was reached by all parties involved that no further legal or civil action be taken against the accused employee. This decision was not made lightly, but only after the most detailed and knowledgeable review that was possible. In view of the economics involved, and matters of evidentiary nature, this appears to have been a very intelligent response to a very distasteful affair.

RECOMMENDATIONS:

- (1) The Grand Jury commends the Yuba County Water District for its full cooperation and assistance during the review process. Further, the District is complimented for its excellent planning and economics resulting in an efficient and well-managed and operated agency with minimal number of staff.
- (2) The Grand Jury commends The Yuba County Water District for its initiative and innovative financing in funding, building, operating and maintaining its "state-of-the art" Water Treatment Plant. The complexity of its ultra-modern mechanics and the expertise of the employees operating the plant should be a source of pride to all Yuba County residents, even those not benefitted directly from its services.

- (3) The Grand Jury recognizes there have been apparently valid concerns on the part of one employee, relative to the following:

(a) DEFERRED COMPENSATION PLAN AND THE TAXES DUE ON ITS CONTRIBUTIONS:

It should be particularly noted that the Grand jury is not a Legal Authority nor can it present Legal opinions. However it is a body comprised of lay persons who must rely on their interpretations of the written opinions of those with legal standing, their perusal and understanding of written documents and the application of plain, honest common-sense. If these conclusions are not compatible with complaint requests or views, it can only be suggested that such persons must hire appropriate legal counsel or seek other legal remedies for their concerns.

With these constraints and limitations in mind, the Grand Jury feels the District's proposal for the payment of past due taxes, of which they were only recently made aware, is not only appropriate but also demonstrates a sense of compassion and understanding on the District's part. In an effort to aid their employees, the District's offer to fund the shortage on a repayment basis, in order to satisfy a very strict time schedule (April 15, 1995), appears both responsible and sympathetic to the financial situation faced by the employees.

The fact that this proposed repayment loan includes a 6% interest charge is appropriate, since it is based on state law which dictates that any funds loaned by public agency must accrue the same interest income it receives from its normal investments.

The fact the Grand Jury received only one written complaint regarding this matter would appear to indicate that the District is handling the situation in a manner acceptable to the majority of the employees. The Grand Jury, during its investigation, found no collaboration or verification of the complainants statement that other employee were afraid to voice their complaints for fear of later employer repercussions.

As to the complaint that employees were not privy to all the factors upon which the District based its actions, it should be pointed out that each of these employees is given a personal copy of a "Policy and Procedures" manual. This booklet contains copies of all M.O.U.'s and writings affecting the employees as well as other pertinent and relative data. This manual is periodically updated and revised by District staff.

Additionally, specific meetings were held between the employees, the District Board, representatives of the employee's Union and the Attorney hired for the expressed purpose of rendering opinions and answering questions regarding the Deferred Compensation Plan and its tax problems.

(b) ALLEGED DISCREPANCY IN WATER SALES TO THE CITY OF YUBA CITY.

The Grand Jury concurs with the complainant that an inadvertent error was made in this instance by the District staff. However, the fact that the District discovered its own error and took immediate steps to rectify the situation indicates responsible management taking appropriate and timely action. The fact that the error was one which was easy to make was demonstrated by the indication of the City Of Yuba City, with its much larger bookkeeping staff, failed to note this error (until brought to its attention by the District) even though it was the Agency adversely affected.

As soon as the alleged misconduct was discovered, the employee was dismissed and the proper authorities were contacted and involved immediately with the circumstances surrounding this event. Although the financial misconduct by the former employee was of such a nature that legal adjudication was probably not possible or economically feasible. A good faith effort was quickly made, by all district and legal parties involved, to settle the matter in a manner which was most favorable to the district at large.

(c) ALLEGED EMPLOYEE MISCONDUCT:

The Grand Jury commends the District for the swift and thorough action it took upon discovering the alleged abuses committed by a District employee. Actually, the alleged employee misconduct probably constituted a "blessing-in disguise". Following the discovery of the problem, the District Manager and Office Supervisor drafted and instituted strict constraints and regulations regarding control of District funds and internal audits. Based on these new procedures, instigated promptly, it would appear to extremely difficult, if not impossible, that a similar situation of misconduct could ever be accomplished in the future.

COMMENTS REQUIRED ON FINDINGS:

Yuba County Board of Supervisors' Findings: 1 and 2

Yuba County District Attorney: Findings: 3 (a), (b), and (c).

COMMENTS REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors: Recommendations: 1 and 2

Yuba County District Attorney: Recommendations: 3 (a),(b) and (c)

940709, 941001, 941003, 941010, 941014, 941111, 941112, 941113, 941115

CITY OF MARYSVILLE

COMMENTS REQUIRED ON FINDINGS

MARYSVILLE CITY COUNCIL

2

COMMENTS REQUIRED ON RECOMMENDATIONS

MARYSVILLE CITY COUNCIL

2

REPORT TITLE

CITY OF MARYSVILLE

94 11 09-95 01 02

REASON FOR INVESTIGATION:

(1) Chapter 3, Article 2, § 925 (a) and § 933.1:

"The Grand Jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county...."

"A grand Jury may at any time examine the books and records of a redevelopment agency...."

(2) A Grand Jury investigation was prompted by a citizen's complaint concerning mishandling of recall petitions, mishandling of redevelopment funds, and violation of the Brown Act.

BACKGROUND:

The City of Marysville is operated by an elected city council through a city administrator. Their principal function is to operate the city and provide needed services such as police and fire protection, plus a variety of other services needed by the residents of the city. The city is governed by Federal and state laws, plus enacted local ordinances. This agency had eighty (80) full-time employees and a fluctuating number of part-time employees used for special situations. Their current operating budget for the fiscal year 1994-95 is eighty million, sixty-eight thousand, nine hundred seventy five dollars, (\$80,068,975.00).

SCOPE:

The Grand Jury limited its investigation to the following: (1) personnel, (2) activities, (3) budget, (4) facilities, (5) equipment, (6) and citizen's complaints.

PROCEDURE:

An interview was scheduled with the City Administrator of the City of Marysville. An on site visitation and tour of the facility and its equipment was conducted by four (4) members of the Grand Jury. Interviews, records and documentation were looked into. Copies were obtained of special programs.

1994-95 Yuba County Grand Jury Final Report

DISCUSSION:

A general investigation into the operations of the City of Marysville was conducted by the Grand Jury. During a visit with the City Administrator and his aide, interviews and discussions were held. Records, books, correspondence, memos and other pertinent documents were reviewed. Copies were obtained of all special programs of concern. The procedures used for the handling and verification of recall petitions were reviewed. All pertinent data was reviewed and personnel knowledge of the redevelopment funding was discussed. Copies of regulations governing redevelopment and the financing of the redevelopment project and the city budget were reviewed by six (6) members of the Grand Jury.

The City has put together a "Welcome to Marysville" program to assist businesses interested in, (or to become interested in) locating in the City of Marysville. The booklet has basic information about the city plus specialized information is added to fit individual needs. The city also has a revolving loan fund to assist interested businesses with loans. The business must provide the bulk of the financing themselves, with the loan from the city only a small part of the financing.

In general the City of Marysville is operating reasonably well and they are working to keep costs within their income limits. For the second consecutive year, the City of Marysville was given a meritorious award by the California Society of Municipal Finance Officers. The award was for having a comprehensive, informative budget.

Mishandling of and loss of recall petitions against two (2) city councilmen were alleged. Insufficient signatures were gathered for the recall attempt. Problems cited by the city were varied and included signatures by registered voters with Marysville addresses, but who resided outside the city limits, and illegible signatures that could not be verified. A thorough investigation was conducted, including procedures for handling and verifying the signatures on petitions.

Allegations were made that redevelopment funds were placed in the general fund for the city instead of returning the funds to their rightful owners. The government regulations and documentation on the handling of the funds were read and thoroughly examined.

Allegations were made, that members of the city council violated the Brown Act. Letters were sent to the Attorney Generals office, and the District Attorney to investigate.

CONCLUSION:

The City of Marysville is meeting the needs of the citizens of the community. The city is operating within its budget. The city continues to work on programs to improve the economic picture of the city.

FINDINGS:

1. The City of Marysville is operating in a reasonable manner.
2. The allegation of mishandling and verifications of recall petitions was unfounded.
3. The allegation of mishandling redevelopment funds is unfounded.
4. The allegation of the violation of the Brown Act should be reviewed by the Office of the District Attorney.
5. The meritorious award by the California Society of Municipal Finance Officers was made to Marysville.

RECOMMENDATIONS:

1. The Grand Jury commends the City Administrator and staff for the operation of the City.
2. The Grand Jury recommends that the city establish a numbering system for all petitions received.
3. No recommendation needed.
4. The Grand Jury legal counsel recommended that this be reviewed by the District Attorney.
5. The Grand Jury commends the City of Marysville for its second award from the California Society of Municipal Finance Officers.

COMMENTS REQUIRED ON FINDINGS:

The Marysville City Council: Findings: 2.

COMMENTS REQUIRED ON RECOMMENDATIONS:

The Marysville City Council: Recommendations: 2.

OLIVEHURST-ELLA ELEMENTARY SCHOOL

COMMENTS REQUIRED ON FINDINGS

MARYSVILLE JOINT UNIFIED SCHOOL

BOARD OF TRUSTEES

1,2,3,5,6

COMMENTS REQUIRED ON RECOMMENDATIONS

MARYSVILLE JOINT UNIFIED SCHOOL

BOARD OF TRUSTEES

1,2,3,5,6

REPORT TITLE
94 10 15

Olivehurst-Ella Elementary School

REASON FOR INVESTIGATION:

- (1) To follow up on the 1993-94 Grand Jury report.
- (2) Penal Code, Chapter 3, Article 2, § 925, states:

" The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.... The investigations may be conducted on some selective basis each year..."

BACKGROUND:

The Ella School is located at 4850 Olivehurst Avenue in Olivehurst. The school is administered by the principal under the general direction of the Superintendent of Schools. The school employs 26 teachers for 700 students, K through fifth grades. School is held year round for students who alternate one month off at a time. The schedule is chosen before the start of the school year. A 2 week mini-semester is also held for all students on a voluntary basis, the major focus of which is creative expression.

SCOPE:

The investigation of the Grand Jury focused on the following: (1) budget, (2) education, (3) discipline, (4) safety and (5) employee relations.

PROCEDURE:

Members of the Grand Jury met with the principal, to discuss all areas of the investigation, and for a tour of the facility. Two employees were also questioned as to any existing problems.

DISCUSSION:

The 1994-95 school year budget was a point of the investigation during the scheduled meeting. It was determined that a general fund of \$50,000.00 has been allotted for books, supplies, sports, equipment and extra curricular needs, benefitting all students. A \$50,000.00 fund was allocated for the improvement of the grounds. This was determined by a bid.

From this resource 13 classrooms will be painted, telephones will be installed along with an intercom system, and asbestos will be removed from the buildings. At this time, eight rooms are completed and the outside of the school overall is freshly painted.

A satisfactory amount is financed as needed for a school lunch program. 85% of the student body participate in one or both of these programs. The curriculum for the students is basic.

It is the standard, which requires that by the end of the third grade, each child should have a total comprehension of the lessons taught, and have developed problem-solving skills. This is nurtured by reading and writing instructional aides with the basic course.

For students who have learning and emotional problems, a counselor comes one day a week. All counselling sessions are held in the back of the classroom or in the library.

To keep the student current, there is a computer room with computers available to all grades. All students participate in physical education at least twice a week.

Discipline is administered by enforcing good behavior and avoiding suspension. This is accomplished by gift certificates or a special lunch with the Principal. For the top students there is a drawing held once a month for a new bike, which is donated by The Lions Club and the Principal. The students seem to respond very well to this concept.

The school presents itself to be a safe environment for the student and faculty. This was reflected by the installation of phones and intercom systems in each class room. Fire drills are practiced once a month and earthquake drills twice a year. The restrooms and playgrounds have displayed adequate safety features.

The faculty members share in the responsibility of the school crossing guard.

This is the Principal's first year at Ella School. The Principal was very helpful and informative while conducting the investigation.

Two employees were interviewed as to general working conditions and neither had any problems to relate. All employees' rights and sexual harassment laws were displayed. There is a grant funded for a limited-English-speaking class in the amount of \$50,000.00. 200 of the 700 student body participate in this.

CONCLUSION:

The Ella School continues to provide a sound educational curriculum to the students. The innovating ideas of the staff to create student interest in discipline and academia is commendable. The staff continues to work to explore new areas and ideas for continued excellence.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury, P.C. § 916.

1. The Ella School has provided the necessary tools for an educated student body.
2. A counselor is available once a week to meet with students.
3. The counselor conducts his/her meetings with the students in the back of an occupied classroom or in the library.
4. The method describing rules for good behavior have been effective.
5. Measures have been taken to provide a safe environment for both students and faculty.
6. The faculty, was helpful and informative during the investigation.
7. The employees' rights and sexual harassment laws were posted.

RECOMMENDATIONS:

1. The Grand Jury recommends that the budget not be reduced, as it would hinder the education of the students.
2. The Grand Jury recommends that a counselor be made available twice a week for the students.
3. The Grand Jury recommends that a designated private area be made for the counselor and the students to meet without distractions.
4. The Grand Jury commends this approach.
5. The Grand Jury commends the faculty and School District for this approach to safety.
6. The Grand Jury commends the faculty for their cooperation during the course of the investigation.
7. None required.

COMMENTS REQUIRED ON FINDINGS:

Marysville Joint Unified School District Board of Trustees:
Findings: 1, 2, 3, 5, 6.

COMMENTS REQUIRED ON RECOMMENDATIONS:

Marysville Joint Unified School District Board of Trustees:
Recommendations: 1, 2, 3, 5, 6.

MARYSVILLE JOINT UNIFIED

DISTRICT

SEXUAL HARASSMENT COMPLAINT

COMMENTS REQUIRED ON FINDINGS

1 AND 4

COMMENTS REQUIRED ON RECOMMENDATIONS

1 AND 4

REPORT TITLE

MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT

SEXUAL HARASSMENT COMPLAINT

REASON FOR INVESTIGATION:

A man previously employed as a Yuba County school principal was investigated after The Yuba County Grand Jury received a teacher's letter of complaint of misconduct.

BACKGROUND:

A letter alleging misconduct and sexual harassment was received by The Yuba County Grand Jury.

SCOPE:

The focus of the investigation was as follows: a dated account of occurrences as recorded by the complainant. Copies of past investigation results by the U.S. Equal Employment Opportunity Commission, The Marysville Joint Unified School District, and the Department of Fair Employment and Housing. An unsuccessful attempt was made to meet with the complainant. A meeting with the principal involved was conducted. A tour of the facility where the alleged misconduct occurred was made.

PROCEDURE:

Members of the Grand Jury, consisting of no less than three (3) members, conducted all interviews and reviewed all written material.

DISCUSSION:

The Grand Jury reviewed the documentation provided by the complainant in which allegations of sexual harassment, stalking, and an unsafe environment was perpetrated by the principal of the Yuba County School. Among the dated material provided were various letters of investigations by the E.E.O.C., M.J.U.S.D., and the D.F.E.H.. As recorded by the complainant, was an agreement made by the principal and the M.J.U.S.D. in June of 1988. The principal agreed to the following: (1) Not to request meetings with the complainant after contract hours. (2) not to observe the complainant without the assistant present. (3) Solve all problems with all staff in a positive, non threatening environment. (4) Allow staff members to offer items for staff meetings. (5) Treat staff members equitably.

- (6) Use weekly or periodic newsletters as communication. (7) Use no touching (physical contact) even in an innocuous way except for professional handshakes.

In June of 1989, the D.F.E.H. and the E.E.O.C. wrote a settlement agreement in which the attorney for M.J.U.S.D. agreed to remove three (3) documents from the complainant's file.

In August 1993, concerning complaints made in April 1993, the M.J.U.S.D, personnel department determined the issues were "without merit". The complainant was denied of a second investigation in October of 1993.

In June of 1994, the E.E.O.C. investigated charges if discrimination, sexual harassment and disparate terms and conditions of employment. It was then determined by the evidence obtained that a violation of the statute had not been established. The Grand Jury decided an interview with the complainant was necessary. Four members of the Grand Jury arranged to meet with the complainant but she never showed up. No other meetings were scheduled.

The grand Jury arranged a meeting with the principal involved. Three (3) members of the Grand Jury met with him to discuss the allegations. He denied the allegations and felt it was a retaliation from being reprimanded by himself. He also stated during the interview, that he had been investigated and all allegations were unfounded.

A tour of the facility in which both parties were employed was conducted. Employees were questioned as to any problems. None were mentioned.

CONCLUSION:

The Grand Jury appreciates concerned citizens involvement in the alleged misconduct of persons working for the county. However, based upon the various inconclusive findings, no physical evidence or witnesses of the actual incidents, the Grand Jury must acknowledge the complaint as being unfounded.

FINDINGS:

All findings have been substantiated by current documentation and by observations and interviews made by no fewer than three (3) members of the Grand Jury, P.C. § 916.

1. Various investigations had been conducted.
2. A meeting was scheduled with the complainant who did not appear.

3. A meeting with the principal was conducted.

4. A tour of the facility was conducted.

RECOMMENDATIONS:

1. Investigations be continued by M.J.U.S.D. based on new complaints containing tangible or witnessed accounts of abuse.
2. The Grand Jury appreciates concerned citizen involvement.
3. The Grand Jury appreciates the cooperation of the principal involved. The agreement, whether made by the principal or not, dated June 1988, and reported by the complainant, should be followed concerning all contact with the complainant.
4. All rules and regulations be posted and upheld at all M.J.U.S.D. facilities.

COMMENTS REQUIRED ON FINDINGS:

Marysville Joint Unified School District: 1 and 4.

COMMENTS REQUIRED ON RECOMMENDATIONS:

Marysville Unified School District: 1 and 4.

WHEATLAND ELEMENTARY SCHOOL

COMMENTS REQUIRED ON FINDINGS

NONE REQUIRED

COMMENTS REQUIRED ON RECOMMENDATIONS

NONE REQUIRED

REPORT TITLE
94 11 10

WHEATLAND ELEMENTARY SCHOOL

REASON FOR INVESTIGATION:

- (1) Extended time since last investigation.
- (2) Penal Code, Chapter 3, Article 2, § 925, states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, of functions of the county.... The investigations may be conducted on some selective basis each year...."

BACKGROUND:

The Wheatland Elementary School is a small facility, with a student body of 300 and a teaching staff of 26. Teaching grades range from kindergarten through the third grade. The curriculum is very diverse. For students that are physically and or emotionally challenged there is a resource room. Since there is no basic cafeteria, meals are prepared in a remote facility and delivered to the school.

SCOPE:

The scope of the investigation was limited to the safety of the children, discipline, curriculum, and the posting of employee rights.

PROCEDURE:

The Grand Jury scheduled an interview with the Principal and toured the facility. The Grand Jury reviewed the pertinent activities listed in the Scope of the investigation.

DISCUSSION:

The Principal is required to provide a safe environment for students during school hours. This being so, the faculty members act as crossing guards for the students when necessary. During the interview, it was learned that the policy surrounding discipline is most objective and is manifested in several ways. One way is the VIP AWARDS CRITERIA

consisting of; following directions, playing fair, completing assignments, project respect, and a positive attitude. Another way is STUDENT OF THE MONTH CLUB. The student receives a letter of congratulations, award certificate, picture on display, and award pencil. It should be noted that working conditions are excellent. The students enjoy a well-equipped computer room accommodating each class. A resource room is available and staffed with a teacher who understands the physically and emotionally challenged student. Recently, a school lunch program has been introduced and will be a continuous policy of the Wheatland Elementary School. The Grand Jury observed that employee rights and regulations were posted.

CONCLUSION:

The Wheatland Elementary School seems to put efficiency on top of its priority list and continues to meet the needs of the students with a balanced educational curriculum.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two (2) members of the Grand Jury. P.C. § 916.

1. There are crossing guards posted at appropriate areas.
2. The curriculum is above average and meets the students needs.
3. There is a teacher available who understands the physically and emotionally challenged student.
4. That a school lunch program has recently been introduced and will be on a continuous basis.
5. Employees rights and regulations are properly posted.
6. The principle and all employees interviewed were cooperative with the members of The Grand Jury during this investigation.

RECOMMENDATIONS:

None required.

COMMENTS REQUIRED ON FINDINGS:

None required.

COMMENTS REQUIRED ON RECOMMENDATIONS:

None required.

CITY OF WHEATLAND

COMMENTS REQUIRED ON FINDINGS

WHEATLAND CITY COUNCIL

1,2,3.

COMMENTS REQUIRED ON RECOMMENDATIONS

WHEATLAND CITY COUNCIL

1,2,3.

REPORT TITLE

CITY OF WHEATLAND

94 10 08/94 10 09

REASON FOR INVESTIGATION:

(1) Chapter 3, § 925 (a), California Penal Code States:

"The Grand Jury may at any time examine the books and records of any incorporated city or joint powers agency in the county...."

(2) The City of Wheatland was selected for follow up due to financial problems, the recall of two (2) council members, and the hiring of a part-time city administrator, who works as a consultant.

BACKGROUND:

The City of Wheatland is a small community located in Yuba County. The city has an elected City Council and a part-time City Administrator/Consultant. The primary function of the City Council is to operate the city and provide services for the residents of the city, such as water service, fire and police protection. There are eight employees total for the city. There is one (1) full time clerical person in City Hall, four (4) full time personnel in the Police Department, one (1) chief and three (3) officers, and three (3) employees in the Public Works/Water Department. The total budget for the city for the fiscal year 1994-95 is \$667,339.00. A local bookkeeper, who has her own business in the community, volunteers her services on a part-time basis to assist the city with their accounting needs.

SCOPE:

The scope of this investigation was to check on the current financial viability of the city and how the new city administrator is functioning, and what they are trying to do to improve their problems. There is a separate report on the City Police Department.

PROCEDURE:

A personal interview was conducted with the City Administrator and the

1994-95 Yuba County Grand Jury Final Report

full time office person. Four (4) members of the Grand jury visited City hall.

DISCUSSION:

The City of Wheatland is not unique in its financial problems. Many cities of all sizes are experiencing the same problems, which are lack of solid, secure income, and rising costs of operations. This report is a follow-up on the previous Grand Jury report on problems of an administrative nature. The new City Administrator/Consultant and the one (1) full time clerical person were very co-operative and readily answered all of our questions. They also volunteered important information on activities that are being explored in an attempt to reduce costs and ways to increase income to the city. These activities include ways to reduce operating expenses of the water service. A proposal from a private water service is being looked into to see if it would be to the advantage of the city and residents of the area. They are also looking at ways to bring viable businesses into the city to increase their income. The need for stop lights on State Route 65, which runs directly through the city, were discussed. It was noted that the State Route creates a safety problem for the many children who have to cross it coming from school. It was noted that this State Route is under the jurisdiction of Cal-Trans. The SR is posted at 35 MPH, but traffic travels much faster than that. The city police are hard put to control the traffic, due to the lack of officers caused by budget reductions. The city also had an unexpected expense that they were not prepared for; the failure of a water pump and the necessity to replace it immediately. The City Administrator stated that if they did not have any more unexpected expenditures, he thought they would be more able to break even next year, which would be a definite improvement.

CONCLUSION:

The City of Wheatland recognizes its financial problems and is working hard to over come them and operate within their budget.

FINDINGS:

1. The City Administrator/Consultant has excellent credentials for the position and is doing a good job for the City of Wheatland.
2. The elected officials along with the city employees and private citizens are working hard to make the city a viable entity again in the near future.
3. Stop lights are needed on SR 65 in the city for citizen safety.

RECOMMENDATIONS:

1. The Grand Jury recommends that followup visits be made on a continuing basis to monitor progress of the city financial condition.
2. The Grand Jury commends the city employees and the private citizens for their dedication and hard work to try and make their city solvent again.
3. The city work with Cal-Trans to install a traffic control light for use during peak times of school releases.

COMMENTS REQUIRED ON FINDINGS:

1. Wheatland City Council: Findings: 1,2 and 3.

COMMENTS REQUIRED ON RECOMMENDATIONS:

1. Wheatland City Council: Recommendations: 1,2 and 3.

CITY OF WHEATLAND

POLICE DEPARTMENT

COMMENTS REQUIRED ON FINDINGS

WHEATLAND CITY COUNCIL

1,2,3,4.

COMMENTS REQUIRED ON RECOMMENDATIONS

WHEATLAND CITY COUNCIL

1,2,3,4.

1994-95 Yuba County Grand Jury Final Report

REPORT TITLE
CITY OF WHEATLAND
POLICE DEPARTMENT
94 10 08, 94 10 09

REASON FOR INVESTIGATION:

(1) Penal Code, Chapter 3, Article 2, § 925 states:

"The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, of functions of the county.... The investigations may be conducted on some selective basis each year...."

(2) A Grand Jury investigation was prompted by a citizen's complaint concerning misconduct and damage to personal property. The basis for the complaint is that the citizen alleged that the asserting officer handled himself in an unprofessional manner and damaged personal property. The citizen further alleged that the Yuba County jail personnel stole her personal property and that she was mistreated by the jail personnel.

BACKGROUND:

The position of Chief of the Wheatland Police Department is subordinate to the Wheatland City Council. The city establishes the budget, reviews for approval all major expenditures and funds the manpower positions as deemed necessary. It is the Chief's responsibility to assign the available manpower and equipment to best serve the community's needs. A Chief and three (3) regular officers work eight (8) hour rotating shifts. There are three (3) reserve officers who fill in as needed. The current 1994-95 budget is \$172,463.00.

SCOPE:

The Grand Jury limited its investigation to the following: (1) personnel, (2) budget, (3) equipment, (4) facilities, (5) citizen's complaints, (6) activities and (7) previous Grand Jury findings and recommendations.

PROCEDURE:

The Grand Jury reviewed the pertinent sections of the California Penal Code, City Ordinances and applicable booking and crime reports. An interview was

scheduled with Chief of Police, City of Wheatland, on site visitation and tour of the facility and its equipment was conducted by three (3) members of the Grand Jury.

The Grand Jury also visited the Yuba County Jail and interviewed the responsible personnel and an interview was conducted with the citizen initiating the complaint. Pertinent documents, ie: booking sheets, crime reports, and jail logs were reviewed by the members of the Grand Jury.

DISCUSSION:

The Wheatland Police department lost personnel due to the budget reductions. The Yuba County Sheriff's Department acts as a backup for the department. The department incurred reductions leaving one (1) Chief, and three (3) regular officers who work eight (8) hour rotating shifts. There are three (3) reserve officers who fill in as needed. At the time of the Grand jury visit, two (2) regular officers were out on workman's compensation, due to injuries received on duty. Two (2) reserve officers are currently filling these positions. The Chief fills in a slot when possible. The jail section is closed and not used, due to the personnel reductions. The city dispatcher was also laid off in the reductions. The Yuba County Sheriff's Department dispatches the Wheatland Police officers during their work shifts. Drop-in traffic at the Police Station is a problem, since there is no one to man the desk. People arrested are taken directly to the Yuba County Jail or transported to Mental Health as needed. The department budget for the fiscal year 1994-95 is \$172,463.00.

A citizen complained of misconduct, personal property damage and mistreatment and theft of personal property while incarcerated. During the investigation, it was found that this particular inmate had a history of making similar allegations each time that she was arrested. It was noted that the inmate was arrested for substance abuse violations. At the time of the investigation, the inmate was incarcerated for violation of probation for substance abuse. Each time the allegations were made, an investigation was conducted by the responsible agency and the officers accused were exonerated. The inmate was interviewed the first time by three (3) male jurors. The second time the inmate was interviewed by two (2) female and one (1) male jurors. On the second interview, the male juror asked his questions and was then asked to leave the room, so the female jurors could question the inmate in detail about the alleged misconduct by the Wheatland Police Officer and the Yuba County Jail personnel.

The arresting officer in the alleged misconduct incident was interviewed. Specific questions were asked concerning the manner in which the citizen was dressed, the condition of her clothing, if it was torn in any way, any jewelry she was wearing, she resisted arrest, and her attitude while at Mental Health where

she was immediately taken after the arrest because of her unusual behavior. We also asked questions in particular about the damaged personal property which the inmate alleged the arresting officer destroyed. The officer relayed that the inmate was wearing a metal bracelet with stones missing. There were sharp edges on the bracelet, which gashed his hand when she struggled with him on her arrest. The Grand Jury investigation revealed that at one time that Yuba County and Mental Health discussed whether or not this inmate was competent to stand trial.

CONCLUSION:

The Police Department of Wheatland is able to provide coverage to the city by utilizing reserve police officers. The city should, when feasible, restore the budget reductions to the department, to continue the regular coverage to the city. The Grand Jury finds no evidence to substantiate the citizen's complaint of misconduct, damage to personal property, mistreatment or theft of personal property.

FINDINGS:

1. The Police Department is giving maximum coverage possible to the community with limited staff.
2. There is no evidence to substantiate the citizen's complaint.
3. More staff is needed.
4. Video camera mounted in all patrol vehicles, would be a major asset.

RECOMMENDATIONS:

1. The Grand Jury commends the Chief and Officers/Reserve Officers for their work under difficult conditions.
2. Video camera would be a major asset in these types of situations. Due to budget constraints, service organizations might be approached to aid in this project.
3. Lost personnel should be replaced as soon as possible. Possible matching funds for the Federal grants might be a possible way to re-hire lost personnel.
4. Video cameras mounted in patrol vehicle have been utilized to aid in court and civil allegations in case histories. The Grand Jury recommends that video

1994-95 Yuba County Grand Jury Final Report

cameras, if possible, be mounted in all patrol vehicles. The possibility of community involvement should be explored to implement this recommendation.

COMMENTS REQUIRED ON FINDINGS:

City Of Wheatland: Findings: 1,2,3 and 4.

COMMENTS REQUIRED ON RECOMMENDATIONS:

City Of Wheatland: Recommendations: 1,2,3 and 4.