

YUBA COUNTY WATER DISTRICT

*Domestic and Irrigation Water
"At Your Service"*

FILED

DEC 20 1995

December 19, 1995

YUBA COUNTY SUPERIOR COURT
MARGARET E. HERNANDEZ, CLERK
BY M. Hernandez
Deputy Clerk

The Honorable Robert C. Lenhard
Presiding Judge
Yuba County Superior Court
215 Fifth Street
Marysville, CA 95901

Dear Judge Lenhard:

As you are aware, the Yuba County Water District was the subject of a report of 1994-1995 Yuba County Grand Jury. Said report indicated that comments required on findings and recommendations were due from the Yuba County Board of Supervisors and District Attorney, and the District did not respond inasmuch as we were not named in the report as having the responsibility to do so.

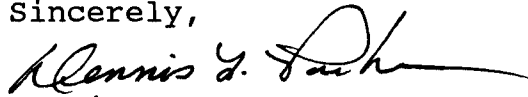
Recently, the inadvertent error in naming the wrong respondents in the Grand Jury report was brought to the court's attention, and the District was notified of its responsibilities in that regard by letter dated December 8, 1995 (copy attached).

Upon reviewing this matter further, we have found that the Grand Jury's report is essentially factual and accurate. Of a custodial nature, the last paragraph under RECOMMENDATIONS (1)(b) is misplaced, and should have been included under the following section (1)(c).

Otherwise, we note that the Grand Jury's findings were favorable, and that no action was recommended. In that light, further response by the District is apparently unwarranted and unnecessary.

In closing, we would like to state that it was a pleasure working with the professional, courteous, dedicated and objective jury members who handled this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. Parker", with a stylized flourish at the end.

Dennis L. Parker
Manager

DLP/sc

Enclosures - 1

cc: Yuba County Board of Supervisors

The County of Yuba

OFFICE OF THE CLERK OF THE SUPERIOR COURT

MARGARET E. HERNANDEZ

CLERK OF THE SUPERIOR COURT (916) 741-6258
COURT EXECUTIVE OFFICER (916) 741-6456
JURY COMMISSIONER (916) 634-7689

December 8, 1995



FAX (916) 634-7681

Yuba County Water District
President
P.O. Box 299
Brownsville, CA 95919

YUBA COUNTY
WATER DISTRICT

DEC 12 1995
RECEIVED

Dear Sir:

On or about July 7, 1995 you were given a copy of the 1994-95 Grand Jury Final Report with comments and/or recommendations regarding your agency. (See Yuba County Water District, Page 77, 78 and 79).

Within ninety (90) calendar days any elective county officer or agency head whose department/agency is the subject of a report shall comment to the Presiding Judge of the Superior Court, with an informational copy to the Board of Supervisors, on the findings and recommendations to the Grand Jury. If no response is forthcoming within ten (1) days from the date of this notice, said department head or agency is deemed to elect not to respond to code; and this notation shall become part of the public file.

In reviewing our records it appears that your response has not been received in compliance with Penal Code Section 933(c). Please provide your written response which addresses the operation of your department and forward it to the *Clerk of the Superior Court, 215 Fifth Street, Marysville, CA 95901 (marked confidential)*.

Thank you for your cooperation and immediate attention. If you have any questions regarding this procedure please contact my office at **741-6456**.

Sincerely,

YUBA COUNTY SUPERIOR COURT

MARGARET E. HERNANDEZ

Court Executive Officer/Clerk

cc: Hon. Robert C. Lenhard, Presiding Judge 1994-95
Hon. Dennis J. Buckley, Presiding Judge 1995-96
John E. Pask, Grand Jury Foreperson 1995-96



**CITY
OF
MARYSVILLE**

526 "C" Street • P.O. Box 150 • Marysville, CA 95901 • (916) 741-6633 • FAX (916) 742-7160

FILED

DEC 15 1995

YUBA COUNTY SUPERIOR COURT
MARGARET E. HERNANDEZ, CLERK
BY *M. Hernandez*
Deputy Clerk

December 13, 1995

Hon. Dennis J. Buckley
Presiding Judge, Superior Court
215 Fifth Street
Marysville, CA 95901

Dear Judge Buckley:

I would like to apologize for our office not responding to the Grand Jury Final Report within the required 90-day period. I see it was due in October, and we lost our City Administrator in October. As I'm sure you can imagine, there were some things that fell through the cracks.

We have been asked to respond to Finding and Recommendation #2. We appreciate the Grand Jury's finding that the allegation of mishandling the verifications of recall petitions was unfounded. Of course, we knew that all along. However, the Grand Jury's recommendation that the City establish a numbering system for all petitions received is a good one. Fortunately, this is not something that we have had the need for often. But if we do in the future, we will be sure to number any petitions we receive.

If I may be of any further assistance, please let me know.

Sincerely,

Sherri Emitte

Sherri Emitte
Interim City Administrator

cc: Marysville City Council
Yuba County Board of Supervisors

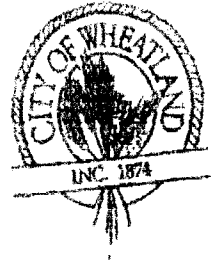
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DEC 11 1995

December 7, 1995

YUBA COUNTY GRAND JURY
MARYSVILLE, CALIFORNIA

YUBA COUNTY SUPERIOR COURT
MARGARET M. HERNANDEZ, CLERK
BY *M. Hernandez*
Deputy Clerk



LADIES AND GENTLEMEN OF THE JURY,

RE: 1994-95 GRAND JURY REPORT FOR THE CITY OF WHEATLAND

THIS LETTER IS BEING WRITTEN ON BEHALF OF THE CITY OF WHEATLAND AS A RESPONSE TO THE 94-95 GRAND JURY FINDINGS AND RECOMMENDATIONS FOR THE CITY OF WHEATLAND.

CITY OF WHEATLAND

FINDINGS:

1. THE CITY ADMINISTRATOR/CONSULTANT HAS EXCELLENT CREDENTIALS FOR THE POSITION AND IS DOING A GOOD JOB FOR THE CITY OF WHEATLAND.

RESPONSE: THE CITY BELIEVES THAT AN ADMINISTRATOR SHOULD HAVE GOOD CREDENTIALS, AND WILL ENDEAVOR TO HAVE SUCH QUALIFIED INDIVIDUALS IN THAT POSITION.

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.

RESPONSE: THE CITY IS FORTUNATE TO HAVE DEVOTED OFFICIALS AND EMPLOYEES, AND A RARE COMMUNITY SPIRIT THAT SUPPORTS ITS LOCAL GOVERNMENT, BY DONATING TIME, SERVICES, AND MATERIAL THINGS TO ASSIST THE CITY. AS AN EXAMPLE, ONE INDIVIDUAL IS DONATING HIS TIME TO INSTALL ENERGY EFFICIENT LIGHTING IN CITY HALL. A CONCERNED CITIZENS GROUP HAD A FUND RAISER AND DONATED \$4,000 TO CITY DEPARTMENTS TO BUY THINGS THAT THE CITY BUDGET COULD NOT AFFORD.

3. STOP LIGHTS ARE NEEDED ON SR65 IN THE CITY FOR CITIZEN SAFETY.

RESPONSE: THE CITY HAS JUST COMPLETED (AT TOTAL CITY EXPENSE) A SAFETY WIDENING, LEFT TURN LANES, AND BIKE PATHS ON SR65. THE CITY WANTED TO INSTALL A SIGNAL WITH THIS PROJECT, BUT THE COST WOULD HAVE INCREASED \$175,000, WHICH THE CITY DID NOT HAVE.

RECOMMENDATIONS:

1. THE GRAND JURY RECOMMENDS THAT FOLLOW-UP VISITS BE MADE ON A CONTINUING BASIS TO MONITOR THE PROGRESS OF THE CITY FINANCIAL CONDITION.

RESPONSE. THE CITY WELCOMES FOLLOW-UPS OR ANY CONTACT REGARDING THE CITY'S FISCAL CONDITIONS. THE INDEPENDENT AUDIT REPORT (12/4/95) INDICATED THE CITY OPERATED IN THE BLACK FOR 94-95. THE FIRST TIME IN SEVERAL YEARS.

2. THE GRAND JURY COMMENDS THE CITY EMPLOYEES AND THE PRIVATE CITIZENS FOR THEIR DEDICATION AND HARD WORK TO TRY TO MAKE THEIR CITY SOLVENT AGAIN.

RESPONSE. THE CITY CERTAINLY CONCURS AND THE COUNCIL ACKNOWLEDGED THAT EFFORT AFTER THE AUDIT REPORT MENTIONED IN NO 1.

3. THE CITY WORK WITH CALTRANS TO INSTALL A SIGNAL FOR USE DURING PEAK TIMES ON SCHOOL RELEASES.

RESPONSE. THE CITY IS ALREADY IN CONTACT WITH CALTRANS REGARDING ADDITIONAL IMPROVEMENTS ON SR65. GENERALLY, SIGNALS ARE NOT INSTALLED FOR INTERMITTENT OR PART TIME USE.

WHEATLAND POLICE DEPARTMENT

FINDINGS:

1. THE POLICE DEPARTMENT IS GIVING MAXIMUM COVERAGE POSSIBLE TO THE COMMUNITY WITH LIMITED STAFF.

RESPONSE. THE CITY POLICE DEPARTMENT CERTAINLY TRIES TO GIVE THE MAXIMUM COVERAGE POSSIBLE, AND BELIEVES THAT IT PROVIDES A GOOD SYSTEM OF COVERAGE FOR THE CITY.

2. THERE IS NO EVIDENCE TO SUBSTANTIATE THE CITIZENS COMPLAINT.

RESPONSE. THE DEPARTMENT ANALYZES AND INVESTIGATES ALL CITIZENS CONCERNS. WHETHER IS A COMPLAINT OR ANY KIND OF REPORT.

3. MORE STAFF IS NEEDED.

RESPONSE. THE DEPARTMENT REALIZES THAT THE CITY IS PROVIDING ALL OF THE STAFFING THAT IT CAN AFFORD, AND BELIEVES THAT IS MANAGING THE AVAILABLE STAFF QUITE WELL.

4. VIDEO CAMERA MOUNTED IN ALL PATROL VEHICLES, WOULD BE A MAJOR ASSET.

RESPONSE. THE CITY HAS ACQUIRED VIDEO CAMERAS FOR TWO VEHICLES, WHICH IS A MAJOR STEP FOR THE CITY IN PROVIDING ADEQUATE EQUIPMENT.

RECOMMENDATIONS:

1. THE GRAND JURY COMMENDS THE CHIEF AND THE OFFICERS/RESERVE OFFICERS FOR THEIR WORK UNDER DIFFICULT CONDITIONS.

The County of Yuba

OFFICE OF THE CLERK OF THE SUPERIOR COURT

MARGARET E. HERNANDEZ

CLERK OF THE SUPERIOR COURT (916) 741-6258
COURT EXECUTIVE OFFICER (916) 741-6456
JURY COMMISSIONER (916) 634-7689

December 5, 1995



FAX (916) 634-7681

City of Wheatland
Wheatland City Council
P.O. Box 395
313 Main Street
Wheatland, CA 95692

Dear City Council Members:

On or about July 7, 1995 you were given a copy of the 1994-95 Grand Jury Final Report with comments and/or recommendations regarding your agency.

Within ninety (90) calendar days any agency head whose department/ agency is the subject of a report shall comment to the Presiding Judge of the Superior Court, with an informational copy to the Board of Supervisors, on the findings and recommendations to the Grand Jury. If no response is forthcoming within ten (1) days from the date of this notice, said department head or agency is deemed to elect not to respond to code; and this notation shall become part of the public file.

In reviewing our records it appears that your response has not been received in compliance with Penal Code Section 933(c). Please provide your written response which addresses the operation of your department and forward it to the *Clerk of the Superior Court, 215 Fifth Street, Marysville, CA 95901 (marked confidential)*.

Thank you for your cooperation and immediate attention. If you have any questions regarding this procedure please contact my office at **741-6456**.

Sincerely,

YUBA COUNTY SUPERIOR COURT


MARGARET E. HERNANDEZ

Court Executive Officer/Clerk

cc: Hon. Robert C. Lenhard, Presiding Judge 1994-95
Hon. Dennis J. Buckley, Presiding Judge 1995-96
John E. Pask, Grand Jury Foreperson 1995-96

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

1994-95 Yuba County Grand Jury Final Report

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

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.

YUBA COUNTY



WATER AGENCY

1402 D STREET
MARYSVILLE
CALIFORNIA
95901-4226

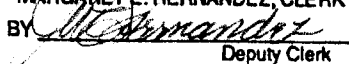
TELEPHONE
916.741.6278
FACSIMILE
916.741.6541

October 2, 1995

The Honorable Judge Robert C. Lenhard
Presiding Judge
Yuba County Superior Court
215 Fifth Street
Marysville, CA 95901

FILED

DEC 6 1995

YUBA COUNTY SUPERIOR COURT
MARGARET E. HERNANDEZ, CLERK
BY 
Deputy Clerk

Dear Judge Lenhard:

The following is the Yuba County Water Agency Board of Director's response to the 1994-95 Yuba County Grand Jury Final Report. The response was approved in open session, at the Agency's September 26, 1995 regularly scheduled Board Meeting.

1. (a) Job Safety
The Agency has implemented an amended Illness and Injury Prevention Program.
1. (b) Public Safety
The Agency will continue to place safety of all persons affected by our facilities as one of our top priorities. A recently conducted Functional Exercise test of the Project Emergency Action Plan received high praise from the Federal Energy Regulatory Commission.
1. (c) Pollution and Water Quality
The Agency is continuing to account for oil used at the Agency's facilities and quarterly reports are submitted to both State and Federal agencies.
1. (d) Employee Discrimination, Discipline, and Hiring Practices
The Agency agrees with this recommendation and will pursue changes to the Policy and Procedure Manual when the union contract is next opened.
1. (e) Contractual Practices
The Agency agrees with the finding.
1. (f) Occupational Dissatisfaction
The Agency continues to strive for a work force that works as a team.

Sincerely,



Brent Hastey
Vice Chairperson

Post-It™ brand

Transmittal Memo 7672

To **MARGARET HERNANDEZ**
 Company **YUBA COUNTY SUPERIOR COURT**
 Location **215 FIFTH STREET**
 Fax # **631-7681** Telephone # **741-6456**

Comments

No. of Pages 1

Today's Date

12/6/95

Time

From

NANCY JONES

Company

YUBA COUNTY WATER AGENCY

Location

Dept. Charge

Fax #

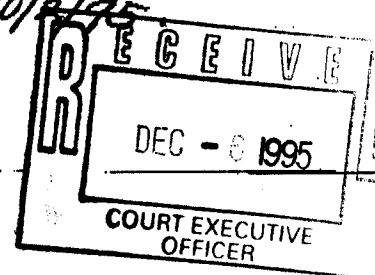
741-6541

Telephone #

741-6278

Original
Disposition:☐ Destroy☐ Return☐ Call for pickup

THE original of this letter was mailed 10/2/95

YUBA
COUNTY

October 2, 1995

WATER
AGENCY

1402 D STREET
 MARYSVILLE
 CALIFORNIA
 95901-4226

TELEPHONE
 916-741-6278
 FACSIMILE
 916-741-6541

The Honorable Judge Robert C. Lenhard
 Presiding Judge
 Yuba County Superior Court
 215 Fifth Street
 Marysville, CA 95901

Dear Judge Lenhard:

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1. (b) Public Safety

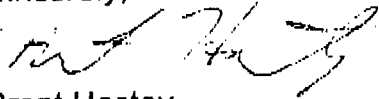
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1. (c) Pollution and Water Quality

The Agency is continuing to account for oil used at the Agency's facilities and quarterly reports are submitted to both State and Federal agencies.

1. (d) Employee Discrimination, Discipline, and Hiring Practices
The Agency agrees with this recommendation and will pursue changes to the Policy and Procedure Manual when the union contract is next opened.
1. (e) Contractual Practices
The Agency agrees with the finding.
1. (f) Occupational Dissatisfaction
The Agency continues to strive for a work force that works as a team.

Sincerely,



Brent Hastey
Vice Chairperson

The County of Yuba

AUDITOR - CONTROLLER



DEAN E. SELLERS

935 14TH STREET
MARYSVILLE, CA 95901
(916) 741-6412

December 6, 1995

FILED

DEC - 8 1995

Dennis J. Buckley, Presiding Judge
Superior Court
County of Yuba
215 5th Street
Marysville CA 95901

YUBA COUNTY SUPERIOR COURT
MARGARETE HERNANDEZ, CLERK
BY *M. Hernandez*
Deputy Clerk

This is in response to the 1994-95 Yuba County Grand Jury Report in which the Auditor-Controller was requested to comment on Finding number 11. I believe the report inadvertently indicated number 11 when in actuality number 12 should be the correct finding to be commented on.

Finding number 12 sets forth "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."

California Government Code, Section 26909 (a) sets forth:

"The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special purpose district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided."

In the case of all independent fire districts within the County of Yuba, except one, the district has contracted with an accounting firm to perform the audit. The County Auditor has contracted with an accounting firm to perform the audit of the other fire district and various other independent special districts.

According to Government Code, Section 26909 (c) any costs incurred shall be borne by the district.

Very truly yours,

Dean E. Sellers

Dean E. Sellers,
Auditor-Controller

DES:FBH/kmd



WHEATLAND POLICE DEPARTMENT

413 Second Street Wheatland, CA 95692 Telephone (916) 633-2821 Facsimile (916) 633-4033

December 6, 1995

FILED

DEC - 8 1995

Margaret E. Hernandez
Yuba County Superior Court
Court Executive Officer/Clerk
215 5th Street
Marysville, CA 95901

YUBA COUNTY SUPERIOR COURT
MARGARET E. HERNANDEZ, CLERK
BY *[Signature]*
Deputy Clerk

Dear Ms. Hernandez:

Reference is made to your letter to me, dated December 5, 1995. The following information is submitted:

"YUBA COUNTY GRAND JURY" 1994-95 Final Reports

FINDINGS:

1. Noted.
2. Noted.
3. Noted.
4. Noted.

RECOMMENDATIONS:

1. The Department is continually actively recruiting potential reserve police officers to supplement the regular officers in providing police coverage to the City.
2. We have now installed Video Cameras in both patrol cars utilized by the Department.
3. One full-time police officer position has been funded under the Federal (C.O.P.S.) Fast Program. The Department is still short one police officer and one dispatcher position.
4. Answered in paragraph 2 above.

If any further information is required, please contact me.

Sincerely,

[Signature]
JOHN D. MEARES
Chief of Police

Browns Valley Irrigation District

Post Office Box 6 • Browns Valley, CA 95918

Business Office:

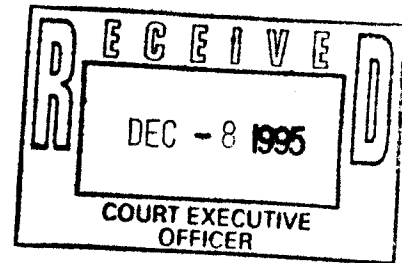
916/743-5703

FAX:

916/743-0445

Water Operations Office:

916/742-6044



December 7, 1995

Yuba County Superior Court
Ms. Margaret E. Hernandez
Court Executive Officer/Clerk
215 5th St
Marysville, Ca 95901

FILED

DEC - 8 1995

YUBA COUNTY SUPERIOR COURT
MARGARETE HERNANDEZ, CLERK
BY *[Signature]*
Deputy Clerk

Re: Response to Grand Jury Report

Dear Ms. Hernandez:

Please note that the Grand Jury report was addressed to the Yuba County Water District and misdirected to BVID. The Browns Valley Irrigation District was not within the reports text.

If for some reason a response is required by the Browns Valley Irrigation District please renotify us.

Sincerely,
Browns Valley Irrigation District

[Signature]
R. V. Winchester, Gen Mgr

The County of Yuba

OFFICE OF THE CLERK OF THE SUPERIOR COURT

MARGARET E. HERNANDEZ

CLERK OF THE SUPERIOR COURT (916) 741-6258
COURT EXECUTIVE OFFICER (916) 741-6456
JURY COMMISSIONER (916) 634-7689

December 5, 1995



RECEIVED

FAX (916) 634-7681

YUBA COUNTY WATER DISTRICT

Mr. Robert Winchester, Manager

P.O. Box 6

Brownsville, CA 95918

Dear Mr. Winchester:

On or about July 7, 1995 you were given a copy of the 1994-95 Grand Jury Final Report with comments and/or recommendations regarding your agency.

Within ninety (90) calendar days any elective county officer or agency head whose department/agency is the subject of a report shall comment to the Presiding Judge of the Superior Court, with an informational copy to the Board of Supervisors, on the findings and recommendations to the Grand Jury. If no response is forthcoming within ten (1) days from the date of this notice, said department head or agency is deemed to elect not to respond to code; and this notation shall become part of the public file.

In reviewing our records it appears that your response has not been received in compliance with Penal Code Section 933(c). Please provide your written response which addresses the operation of your department and forward it to the *Clerk of the Superior Court, 215 Fifth Street, Marysville, CA 95901 (marked confidential)*.

Thank you for your cooperation and immediate attention. If you have any questions regarding this procedure please contact my office at **741-6456**.

Sincerely,

YUBA COUNTY SUPERIOR COURT

MARGARET E. HERNANDEZ

Court Executive Officer/Clerk

cc: Hon. Robert C. Lenhard, Presiding Judge 1994-95
Hon. Dennis J. Buckley, Presiding Judge 1995-96
John E. Pask, Grand Jury Foreperson 1995-96

The County of

OFFICE OF THE BOARD OF SUPERVISORS

(916) 741-6461

September 26, 1995

The Honorable Dennis J. Buckley
Presiding Judge of the Superior Court
215 Fifth Street
Marysville, CA 95901

Orig. copy.

FILED

SEP 26 1995

YUBA COUNTY SUPERIOR COURT
MARGARET E. HERNANDEZ, CLERK

BY *M. Hernandez*
Deputy Clerk

RE: **RESPONSE TO 1994/95 GRAND JURY FINAL REPORT**

Dear Judge Buckley:

Provided pursuant to Penal Code Section 933(c) are the comments of the Board of Supervisors related to findings and recommendations contained in the 1994/95 Grand Jury Final Report. Consistent with Paragraph C, responses do not address departments under the control of elected officials or outside agencies. In addition, the responses of individual departments to the Grand Jury's findings and recommendations are attached to this response, for the Court's information.

The Board wishes to thank the 1994/95 Grand Jury for the contribution of members' time and talent, and interest in effective and efficient government. The Board thanks the Grand Jury for its recognition of the courtesies extended to them by the various departments as well as the services provided by these departments. As indicated in previous responses, it is important to recognize employees for their hard work and dedication to public service, especially during times of cut-backs.

With respect to the **Agricultural Department - Weights and Measures**, the Board agrees that the department needs to stay abreast of updates in their field and that this is difficult to do given the budget restrictions. Adequate services continue to be provided despite cut-backs.

Regarding the **Bi-County Juvenile Hall**, we agree with the finding that security screening is needed along the perimeter fencing to screen the exercise yard from public view. Steps will be taken to replace existing material where necessary and install screening along all perimeter fencing to enhance security. Visual screening from the levee would be impractical and costly due to the elevation of the levee. However, security measures are in place to deal with public presence on the top of the levee during outside recreation time.

The Grand Jury recommended that a portion of the revenue generated from bed space rental to other counties be retained for the fixed asset fund. This will be discussed further at a Bi-County Juvenile Hall Committee meeting.

While it would be desirable to construct a large on-site kitchen to eliminate the cost of off-site meal preparation and transportation, this is not currently possible due to lack of funds.

Recognition is given to community volunteers personally by the department. In addition, the volunteers have been the subject of numerous articles in the local press.

The Board agrees that the **Yuba County Health Department** should be commended for continuing to provide a quality health care program to the community despite budget reductions.

Several areas of concern regarding the **Library** were mentioned, including restoring the Bookmobile to service. Estimated costs of repair are \$2,000 with annual operating costs of around \$20,000. Establishing library stations in outlying areas would not be feasible at this time due to budgetary constraints.

The General Services Director is aware of the maintenance issues in and around the Library. The items that have not already been corrected have been added to the General Services work list to be addressed over the next few months. Graffiti and vandalism have presented a particular challenge to the maintenance staff.

The Library does utilize community volunteers to assist the staff.

While the Library charges for-profit groups \$15-35 for the use of the meeting room, there is currently no charge for non-profit groups. Consideration may be given to charging a fee to all users of the meeting room.

It is estimated that \$35,000-40,000 of annual general fund support would be required to eliminate the Library's dependence on the Trust Fund for the purchase of materials. At this time, there is no general fund surplus to cover this expense.

While the Grand Jury recommends purchase of an automated circulation system, the estimated cost for such a system is between \$25,000-40,000, with annual costs of approximately \$18,000. Currently, there are not adequate funds available to purchase and maintain such a system.

An estimated \$10,000 would be needed to provide a security system for the Library, however, such a system could be thwarted by a determined thief.

The Board will be entering into a Memorandum of Understanding with the **Yuba County Probation Department** to increase funding to the 1992/93 General Fund level of support. This MOU will parallel support to other criminal justice functions under Proposition 172 MOE provisions. We anticipate the level of funding to be sufficient to support at least one, if not two, probation officer positions in 1995/96. Once execution of the MOU occurs, authorization to fill the position(s) will be sought by the department.

The services of the **Yuba County Public Defender** are provided under contract, and these services are continually evaluated. A two year contract was negotiated and renewed in July of 1995.

As a matter of clarification, fees received from individuals able to pay go into the County's, not the Court's, General Fund. The Court's Revenue and Recovery staff review the outstanding accounts receivable in an attempt to increase the amount recovered.

The Public Defender's office has not previously requested computer networking capabilities, however, the County will investigate their needs and determine its ability to meet those needs.

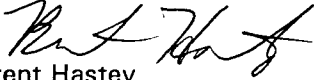
With regard to the **Yuba County Department of Social Services**, the Board agrees with the finding that services are being provided to the community in a timely manner despite the budget and staffing reductions. The department is to be commended for this.

There are currently three vacancies in **Child Protective Services** for Social Workers. The Personnel Department has expanded their recruitment area and intensified their recruitment efforts in an attempt to fill these positions.

The restructuring of the service delivery process in Child Protective Services is now complete. The process is now divided into three components and provides for more continuity of service.

Thank you for the opportunity to comment.

Sincerely,


A handwritten signature in black ink, appearing to read "Brent Hastey", written in a cursive style.

Brent Hastey
Chairman

Attachments

AGRICULTURAL COMMISSIONER / DIRECTOR OF WEIGHTS AND MEASURES
YUBA COUNTY

Inter Office Memorandum

TO: JOHN C. BROWN, COUNTY ADMINISTRATOR
FROM: DENNIS POOLER, AGRICULTURAL COMMISSIONER 
SUBJECT: RESPONSE TO 1994-95 FINAL GRAND JURY REPORTS
DATE: AUGUST 31, 1995

The Department of Agriculture/ Weights and Measures offers the following responses to the 1994-95 Final Grand Jury Reports of the Yuba County Grand Jury.

FINDING:

3. Adequate services are not impaired by budget constraints.

RECOMMENDATION:

3. Further budget reductions may hamper this department's function of its mission.

DEPARTMENT RESPONSE:

3. The department agrees with this recommendation. Adequate services were being provided. We believe that any further reductions in personnel will hamper the departments ability to provide services.

FINDING:

4. Personnel perform their duties in a timely and efficient manner.

RECOMMENDATION:

4. Continued educational update as required to continue the timely and efficient manner in which this department operates.

DEPARTMENT RESPONSE:

4. The department agrees with the Grand Jury in that educational updates are important. The department will work to continue educational updates as funding allows. Any further budget reductions will adversely impact the department's ability to continue educational updates and to operate the department in a timely and efficient manner.

The County of Yuba

PROBATION DEPARTMENT

STEPHEN L. ROPER
COUNTY PROBATION OFFICER



(916) 741-6431

RECEIVED

JUL 10 1995

ADMINISTRATIO

TO: John Brown, County Administrator

FROM: Stephen L. Roper, Chief Probation Officer

DATE: July 10, 1995

SUBJECT: Response to 1994/95 Grand Jury Findings and Recommendations

The following constitutes the Department's response to the Findings and Recommendations of the 1994/95 Yuba County Grand Jury.

Finding #2:

Security for inmate safety, in the exercise yard, is severely inadequate.

Recommendation #2:

A means of blocking the view of the recreation yard from the street and levee is essential.

Response:

The Department agrees security screening is needed along the perimeter fencing to screen the exercise yard from public view. This has been done along the south fence, although the screening material is in need of replacement. Steps will be taken to replace existing material and install similar screening along all perimeter fencing to enhance security for the wards during recreation and outside activities.

Visual screening from the levee is impractical, costly and nearly impossible to accomplish due to the elevation of the levee, and the proximity of the facility fencing to the base of the levee. Short of installing a total covering to some, or all of the recreation yard, visual screening into the area from the top of the levee is not practical. Elaborate security measures are in place to deal with public presence on the top of the levee during outside recreation time and response from law enforcement is sought when appropriate.

Finding #3

Sixty dollars a day is charged for inmates from other counties. Revenue generated from this charge is distributed to the county general fund.

Recommendation #3:

A percentage should be retained for fixed asset fund, in addition to the budget.

Response:

The department agrees with the finding and recommendation. The retention of a portion of the revenue generated through bed space rental is currently being staffed with the Bi-County Juvenile Hall Committee. At the April committee meeting, the committee looked favorably upon the request and further discussion and action will be taken at the July meeting.

Finding #6:

Meals are prepared off-site and transported by county employees to the facility.

Recommendation #6:

A large on-site kitchen be constructed to cut the cost of transportation and provide for training of inmates.

Response:

The department agrees with the finding and recommendation. Although such an on-site facility would be desirable, the on-going fiscal crisis makes the realization of this project unfeasible at the current time. The department has visited this issue on a number of occasions, most recently when bond act monies were available through Proposition 52 and 86. However, the bond act monies were utilized to deal with a number of deferred maintenance items related to health and safety, and to construct the new dorm, due to open later this year. Use of bed space revenue, discussed in the previous response could be used to facilitate construction of the recommended kitchen.

We further agree an on-site kitchen would reduce transportation and staffing costs, and assist in expanding the current use of wards in the food preparation process.

Finding #8:

Community volunteers have been recruited to teach gardening, landscaping, bicycle repair, wood shop, and home repair.

Recommendation #8:

The Grand Jury recommends that recognition be given to the volunteers.

Response:

The department agrees with the finding and recommendation. Recognition is given formally by the department to those volunteering their time and expertise. These same volunteers and the activities in which they are involved, have been the subject of numerous articles in the local press. Recognition beyond the department level would be highly desirable.

Finding #10:

This department operates within its budget each year.

Recommendation:

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 inmate education. The Grand Jury commends the entire staff of the facility.

Response:

The department agrees with the finding and recommendation. The staff at the facility are highly motivated, creative and competent professionals, dedicated to providing the highest level of service to the wards and the public.

Should you, or any member of the Board, have questions or desire further input, do not hesitate to call me.

cc: Judge Mathews
Bi-County Juvenile Hall Committee
Yuba County JJDC

RECEIVED

AUG 31 1995

YUBA COUNTY HEALTH DEPARTMENT **ADMINISTRATION**

Memorandum

TO: Jan Dunstan, Interim County Administrator
FROM: Jackie Travis, Health Services Director
DATE: August 30, 1995
SUBJECT: Grand Jury Response

=====

Grand Jury Recommendations:

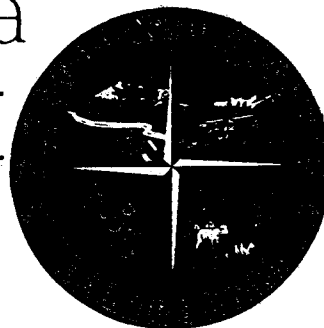
1. Further budget reductions may hamper this department's function of its mission.

Health Department Comments:

1. We concur with the Grand Jury's recommendation that further budget reductions may hamper this department's function of its mission.

The County of Yuba

LIBRARY 303 SECOND STREET, MARYSVILLE, CA 95901



JONATHAN J. LITTLE
LIBRARY DIRECTOR

(916) 741-6241

To: Jan Dunstan
Administration
From: Jon Little
Library

September 7, 1995

Re: 1994-95 Grand Jury Report

Findings.

The findings of the Grand Jury are accurate for the most part, and of long standing in some cases.

Recommendations.

1-3 Repair bookmobile and hire staff to return it to service, or establish Library stations.

Repair costs are uncertain; \$2,000 would probably cover most needs. The cost of returning the Bookmobile to service would be under \$20,000 annually. Establishment of Library stations would entail certain expenses for shelving, supplies, transportation of materials, supervision and training of attendants, etc. Currently, staff time and budgetary considerations do not provide sufficient manpower and supplies to develop and organize such a program.

4 Maintenance of Grounds and Equipment.

These matters are within the purview of the Buildings and Grounds department.

5 Volunteers.

The Library has a long tradition of using volunteers to assist regular staff.

6 Community Meeting Room charges.

I have recommended before that we charge a standard fee for the non-profit groups currently using the facility. Something on the order of \$10 per meeting would seem equitable.

7-11 Restoration of funds for books and funding to purchase security and circulation systems.

A substantial increase in funding for the Library would be necessary to purchase more materials and install security and automated circulation systems. \$35-40,000 from the General Fund would be necessary annually to remove dependence on the Library Trust Fund for purchase of materials. A security system would cost under \$10,000, but would be easily circumvented by a determined thief. An automated book circulation system would cost between \$25,000 and \$40,000 to purchase and install, and \$18,000 and up to maintain annually.

All it takes is money.

The County of Yuba

PROBATION DEPARTMENT

STEPHEN L. ROOPER
COUNTY PROBATION OFFICER

RECEIVED

AUG 30 1995



(916) 741-6431

ADMINISTRATION

TO: Board of Supervisors

FROM: Stephen L. Roper, Chief Probation Officer

DATE: August 30, 1995

SUBJECT: Response to 1994/95 Grand Jury Findings and Recommendations, Probation

The following constitutes the Department's response to the Findings and Recommendations of the 1994/95 Yuba County Grand Jury.

Finding # 1:

One position of probation officer is not filled.

Recommendation # 1:

The Grand Jury recommends that the unfilled position of probation officer be filled.

Response:

The department agrees with the finding and recommendation of the Grand Jury. The position referenced in the report remained vacant throughout the 1994/95 fiscal year in response to budgetary reductions requested by the Board. Once execution of the Prop 172 MOU occurs, authority to fill the vacancy will be sought. It is anticipated that the board will look favorably on the request, as funding support for the position will exist through the provisions of the MOU.

Finding # 2:

The department head/personnel extended all courtesies and were helpful in the course of the investigation.

Recommendation # 2:

The Grand Jury commends this approach and appreciated it.

Response:

The department agrees with the finding and recommendation. The staff members of the department are competent professionals, dedicated to providing quality service to the residents of Yuba County. They are at all times courteous and helpful in caring out the responsibilities of their positions. As a department head, I am proud to work with co-workers of the caliber which currently exist within the department. I have shared with staff the commendation extended to them by the Grand Jury.

Should you have questions, or desire further input, do not hesitate to call me.

**LAW OFFICES
PUBLIC DEFENDER
COUNTY OF YUBA**

DIANE JESSEE
Attorney at Law

DIANA R. BERMINGHAM
Attorney at Law

THOMAS R. LEWANDOWSKI
Attorney at Law

JEFFERY M. BRACCIA
PUBLIC DEFENDER

DEBRA L. CRALL
Attorney at Law

CINDY ALEXANDER
Investigator

ED MEYER
Investigator

September 7, 1995

Yuba County Board of Supervisors
215 Fifth Street
Marysville, CA 95901

Re: Response to Grand Jury Report/Recommendations

Dear Yuba County Supervisors:

I concur and have no objections to the findings set forth in the 1994-95 final report of the Yuba County Grand Jury.

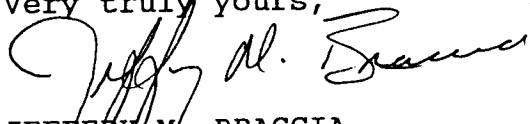
As to recommendation number 1, I concur with the recommendation and would like to take this opportunity to inform the board that each of our clients fills out a financial declaration which is submitted to the court for evaluation in the assessment of case related costs and attorney's fees. The actual collection of attorney's fees is performed by the Office of Revenue and Recovery.

Based on the statement set forth in recommendation number 2, while I appreciate the compliment, I have no further comment.

Recommendation number 3 addresses interfacing with the County computer systems where applicable, with this I wholly agree.

Should you desire further information or clarification please feel free to contact me.

Very truly yours,


JEFFERY M. BRACCIA
Yuba County Public Defender

RECEIVED

SEP 07 1995

ADMINISTRATION

September 11, 1995

TO: Board of Supervisors

FROM: Konnie Lewin, Director
Department of Social Services

RE: 1994-1995 Grand Jury Response

Yuba County Department of Social Services

1. Findings - 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.

Response - The department appreciates the observation by the Grand Jury and will continue to administer programs efficiently and effectively despite manpower issues.

Child Protective Services

1. Findings - 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 the particular minor.

Response - Child Protective Services is committed to the protection of minors. and is committed to serving children and families of Yuba County.

2. Findings - The CPS department currently has 7 unfilled positions.

Response - Like many rural counties Yuba County has difficulty recruiting fully qualified Social Worker III/IV's. We currently have 3 vacancies which we plan to fill. Yuba County Personnel maintains an open recruitment for these positions. The Department has authorized the job openings to be placed in papers outside the local area and National Social Workers Journals.

3. Findings - The CPS department is in the middle of restructuring.

Response - Child Protective Services has restructured the service delivery process into three components: Emergency Response/Investigation, Court Intake and Ongoing Services. This allows for more continuity of service delivery for the client and Child Protective Service staff in that one Social Worker will handle the entire court process. Another Social Worker will provide the remaining services Family Maintenance, Family Reunification and Permanency Planning throughout the duration of the case.

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



CHARLES F. O'ROURKE
DISTRICT ATTORNEY
PUBLIC ADMINISTRATOR

(916) 741-6201
FAX (916) 749-7901

September 19, 1995

Yuba County Grand Jury
attn: Mr. Edwin Verguson
215 5th Street
Marysville, California 95901

FILED

SEP 19 1995

YUBA COUNTY SUPERIOR COURT
MARGARETE E. HERNANDEZ, CLERK
BY *[Signature]*
Deputy Clerk

RE: Response to 1994-1995 Grand Jury Report

Dear Mr. Verguson:

This is the response to your Grand Jury Report for fiscal year 1994-1995 in which you recommended that this office look into the allegations of a possible violation(s) of the Brown Act by members of the City Council of the City of Marysville.

I am pleased to inform you that that recommendation has been followed.

Our investigation of the matter showed no evidence that any violation of the Brown Act took place. Rather than rehash the findings, I am forwarding to you, and incorporating them herein by reference, the letters I sent to Mr. Gless and to Mayor Kitchen regarding the matter.

I hope this clarifies this matter.

Sincerely,

Charles F. O'Rourke

Charles F. O'Rourke
District Attorney

CFO:yy

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



CHARLES F. O'ROURKE
DISTRICT ATTORNEY
PUBLIC ADMINISTRATOR

(916) 741-6201
FAX (916) 749-7901

July 26, 1995

Mr. Jim Kitchen
Mayor, City of Marysville
526 'C' Street
Marysville, CA 95901,

Dear Mr. Mayor:

This letter is to notify you that we have completed our examination of the complaint filed regarding a possible violation of the Brown Act by the appearance of you, Councilman McNamara, and then Councilman-elect and now Councilman White at the Silver Dollar establishment at the same time.

So far as we have been able to determine, there was no discussion of City business and, apparently no attempt to carry on any covert conversations as other individuals were ask to join you. As there was no apparent discussion of city business there is no violation of the Brown Act.

Specifically, Government Code Section 54952.2(c)(5) allows the activity that apparently occurred by exempting from coverage of the Brown Act the following activity: ***"The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency."***

I hope this letter has clarified this matter.

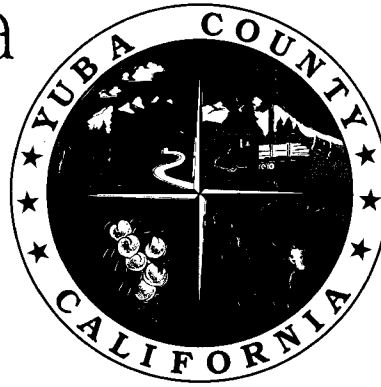
Sincerely,

Charles F. O'Rourke
District Attorney

CFO:yy
xc: Council members:
Crippen
Gless
McNamara
White

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



CHARLES F. O'ROURKE
DISTRICT ATTORNEY
PUBLIC ADMINISTRATOR

(916) 741-6201
FAX (916) 749-7901

July 26, 1995

Mr. Ronald W. Gless
Councilman, City of Marysville
17 E. 12th Street
Marysville, CA 95901,

Dear Mr. Gless:

This letter is to notify you that we have completed our examination of the complaint filed regarding a possible violation of the Brown Act by the appearance of Councilman Kitchen, Councilman McNamara, and then Councilman-elect and now Councilman White at the Silver Dollar establishment at the same time.

So far as we have been able to determine, there was no discussion of City business and, apparently no attempt to carry on any covert conversations as other individuals were ask to join the group. As there was no apparent discussion of city business there is no violation of the Brown Act.

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I hope this letter has clarified this matter.

Sincerely,

Charles F. O'Rourke
District Attorney

The County of Yuba

GRAND JURY

July 1, 1995

The Honorable Robert C. Lenhard
Presiding Judge
Yuba County Superior Court
215 Fifth Street
Marysville, California
95901

Dear Judge Lenhard:



(916) 741-6456

FILED

JUL 03 1995

BY *[Signature]*
COURT CLERK

The 1994-95 Yuba County Grand Jury, hereby submits its final report of findings and recommendations pertaining to County Government and fiscal matters as required by penal Code Section 933.

Each report has been adopted by at least 12 members of the Grand Jury as required by Penal Code Sections 916 and 940, and are the result of extensive research and careful investigations. Each finding has been substantiated by current documentation and observations and/or interviews conducted by no less than two members of the Grand Jury, as required by Penal Code Section 916. Additionally, the Grand Jury, pursuant to Penal Code Section 916, when possible and when within its ability, has included suggested means for resolution of problems identified, including financial, when applicable.

The standing committees have made visits to various County, City, Schools, and Special Districts as they found necessary. The Grand Jury's main objective throughout the year has been to assist in making county government more efficient and cost effective. The individuals of each committee are to be commended for their unselfish devotion of their time and selves to public service and the Grand Jury institute.

A problem existed in replacing members of the Grand Jury. Time being of the essence, the Grand Jury recommends that a total of 25 jurors be picked. Nineteen regular and five alternates in order to prevent lost time when a juror resigns. In this, the alternate is already to assume the duties of the Grand Jury when called, and need only to be sworn.

I would like to express my sincere appreciation to each one of the various offices and agencies throughout the County for their cooperation with the committees of the Grand Jury.

Sincerely,
[Signature]
Edwin Allen Verguson
Foreman
1994-95 Grand Jury