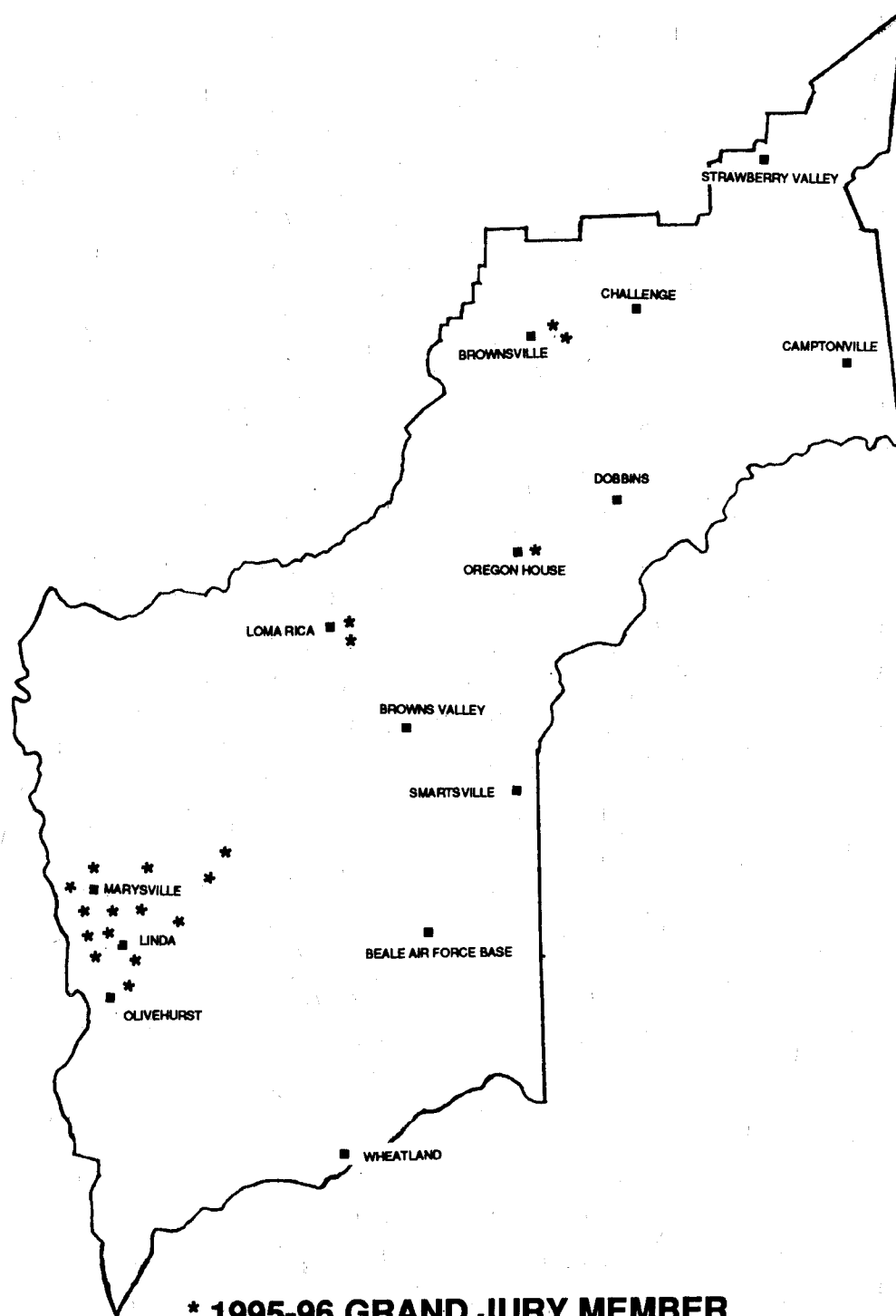


Yuba County Grand Jury



1995 - 96 Final Report

June 30, 1996

*The Honorable Dennis J. Buckley
Presiding Judge
Yuba County Superior Court
215 Fifth Street
Marysville, CA 95901*

Dear Judge Buckley:

The 1995/96 Yuba County Grand Jury, hereby submits its final report of findings and recommendations pertaining to local government and fiscal matters as required by Penal Code Section 933.

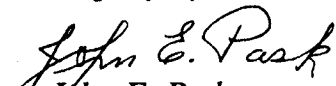
Each report has been adopted by at least 12 members of the Grand Jury as required by Penal Code Sections 916 and 940, and are the result of extensive research and thorough investigations. Each finding has been substantiated by current documentation and observations and/or interviews conducted by no fewer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

The 1995/96 Grand Jury approached its duties with one thought in mind, to provide information to local government that could assist them in better serving the community. Throughout the year members conducted inquiries, interviews, observations and research in an effort to find ways to assist government in becoming more cost effective and responsive to the citizens of Yuba County.

We the members of the 1995/96 Grand Jury would like to express our sincere appreciation for the advice and support provided by the Court and its staff throughout the year. Your dedication to the Grand Jury system and willingness to share your time with us has been instrumental in making this report possible.

"Thank You," for working with us on the many operational problems and legal issues which we encountered this year. Your response on short notice and interest in our concerns is deeply appreciated.

Respectfully submitted,


*John E. Pask
Foreperson*

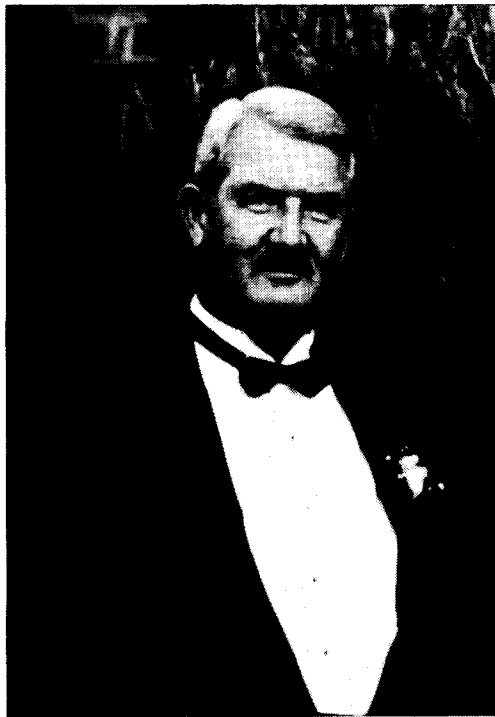


The Honorable

DENNIS J. BUCKLEY

PRESIDING JUDGE

YUBA COUNTY SUPERIOR COURT DEPT. 3



Our Fallen Foreman

*The mighty oak stretched out, sky - high
A beacon bright each early morning.
Then passers - by began to cry,
"It cracked and crashed without a warning!"*

*And so did we rely on Bill
To lead us Tuesday nights at seven;
True friend was Bill - - our mentor still,
But God had need of him in heaven.*

**In Memory To
Bill Simmons**

*He served Yuba County With an incredible
faith in the Grand Jury System.*

*We the 1995/96 Yuba Grand Jury
dedicate this report in his memory.*

MEMBERS

JOHN E. PASK
Foreperson

John E. Pask

MARYSVILLE

HELEN ALTROCK

Helen Altrock

MARYSVILLE

VERDENE BLANK
Foreperson Pro-Tem

Verdene Blank

BROWNSVILLE

SARAH BUCKLEY

Sarah Buckley

MARYSVILLE

SABRINA CONSTANT

Sabrina Constant

MARYSVILLE

LINDA CRANE
Recording Secretary

Linda Crane

OLIVEHURST

JOHN M. FERO

John M. Fero

OLIVEHURST

CAROLYN HASTEY

Carolyn Hasteay

MARYSVILLE

WILLIAM D. HILL
Sergeant-At-Arms

Wm D. Hill

LINDA

JOAN HUNGRIGE

Joan M Hungrige

OREGON HOUSE

THOMAS (TOM) R. JOHNSON

Tom Johnson

MARYSVILLE

FRED KAWASHIMA

Fred Kawashima

LOMA RICA

SANDRA KAWASHIMA

Sandra Kawashima

LOMA RICA

JULIA KERR-RAMIREZ

Julia Kerr Ramirez

MARYSVILLE

MARY L. PHILLIPS

Mary L Phillips

MARYSVILLE

GEORGE SHAW

George Shaw

LINDA

MARVIN SIMS

Marvin H. Sims

BROWNSVILLE

ROBERT H. WILSON

Robert H Wilson

LINDA

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FOREPERSON'S COMMENTS

The Grand Jury was empaneled on July 7, 1995 at which time Mr. Bill Simmons was named Foreman. It became obvious within the first couple of weeks that we were fortunate to have such a man as our foreman. His dedication to and knowledge of the Grand Jury system, life-long interest in Yuba County, and leadership abilities provided a solid foundation for the year. His sudden death on September 14, 1995 was not just a loss to the Grand Jury, but to the entire community. The members of the Grand Jury mourned his loss and have worked hard to produce a report that would meet his expectations.

The members of the 1995-96 Grand jury wish to THANK all of the citizens of Yuba County, elected officials, administrators and staff for their assistance in helping us during the past year. The cooperation and professionalism exhibited in responding to requests by the Grand Jury is truly appreciated.

The Grand Jury is keenly aware of the ever tightening financial constraints we are facing in Yuba County, both at the County and the City levels. We sincerely hope that the findings and recommendations contained herein, are received as intended, that being, to improve the system so as to better serve the residents of Yuba County.

Shortly after the Grand Jury was empaneled, 17 members and 3 alternates attended a two day seminar for training Grand Jury members which was provided by the Yuba County Citizen's Alliance (YCCA). There were 115 members representing eleven counties in attendance. The training and information provided by the YCCA seminar made it possible for the members to begin functioning as a Grand Jury with a minimum of lost time. We commend the YCCA for providing this seminar and extend our appreciation to the County for allocating the funds (\$50.00 per person) for all members who wished to attend.

Members of the Grand Jury took their duty seriously and devoted countless hours in researching codes, statutes and regulations in order to understand how specific areas of government are supposed to operate. When the homework was complete, the field investigations began which also consumed many long days.

In addition to investigating various County and City departments, we also responded to 47 complaints received from private citizens. Contained herein are the findings and recommendations resulting from several of those complaints.

This year was an unusual year in that we lost, not only our foreman but seven additional Jurors due to a variety of reasons. The ability of the members of the Grand Jury to remain focused on their objective, during this change in personnel, is to be commended. I am proud to have served with men and women who are so dedicated and committed to serving Yuba county. My personal THANKS to every member of the Grand Jury for allowing me to be part of your team.

JOB WELL DONE

YUBA COUNTY
COUNTY ADMINISTRATORS OFFICE

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 6

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 6

COUNTY ADMINISTRATORS OFFICE

REASON FOR INVESTIGATION:

Investigation of the County Administrators Office by the 1995-96 Grand Jury was per Penal Code, Chapter 3, Article 2, which states in part; "....investigations may be conducted on some selective basis each year". Lack of recent Grand Jury information prompted this investigation.

BACKGROUND:

The County Administrators Office (CAO) is located in the Yuba County Courthouse, 215 Fifth Street, Marysville, Ca. The functions and responsibilities of the County Administrator are defined in the Yuba County Ordinance chapter 2.47. The Administrator reports to and serves at the pleasure of the Board of Supervisors.

SCOPE:

To determine the cause of the past instability of the position of the County Administrator in Yuba County.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

A survey of the past five administrators, and the current administrator, was made to determine if the administrators were compatible with the philosophy of the Board of Supervisors.

A survey was conducted of Administrators of neighboring Counties to obtain an outside perspective of the Yuba County government.

DISCUSSION:

Yuba County has a history of Administrators being dismissed by the Board. Of the past five permanent Administrators, three were dismissed. An argument in favor of the Board is that five Administrators covered a span of 18 years; whereas, the average longevity of an Administrator is 3 to 4 years. Of the five Administrators, Yuba County had two

Administrators for a total of 12 years. Nonetheless, the fact remains, three were fired and only two left of their own volition.

One of the Administrators was dismissed after only 15 months. Since he is currently employed (in the same capacity) by another County, it appears to have been a personal difference with the Board and not because of incompetence. Another Administrator was apparently dismissed for the same reason, albeit he was never given a reason for the dismissal, and he has a Masters degree in Public Administration. That certainly qualified him for the position as CAO of Yuba County; inasmuch as, Ordinance chapter 2.47 does not require even a baccalaureate degree.

Dismissals are costly to the County, the County must pay a minimum of one month's salary per Ordinance chapter 2.47. In one case, because of a personal contract, he was paid 3 months' salary plus accrued sick leave and vacation time - which in total was in excess of 9 months of the base salary. Dismissals are also costly in terms of creating a bad image of the Yuba County government. There were 18 applications for the recent vacancy of the CAO position, as opposed to over 100 in some Counties (in our survey). Other Administrators stated that the position of Yuba County CAO would not be their choice, and would be career ending for a young Administrator.

The organization chart of the Yuba County government shows the Board of Supervisors at the top level, the Administrator at the second level, and the appointed Department Heads at the third level. The organization chart infers the Administrator is in charge of the appointed Department Heads. In reality, this is not the case. In Yuba County, the Administrator and the appointed Department Heads all report to and receive their direction from the Board of Supervisors.

The current Administrator is the Board's chief administrative analyst, personally performing research and generating reports.

The perceptions of other County Administrators are that: the Yuba County Board has created a "weak" CAO position, the Department Heads are independent, the Board allows the Department Heads to go around the CAO directly to the Board. They state that: the Board are part-time managers, and as such, the Administrator should be the day-by-day manager, "....and, if the Board goes around the Administrator.... why spend the money for a figurehead or someone they can blame for their shortcomings? The Board should take a good look at how they are running Yuba County."

The survey states the Supervisors of Yuba County are: politically motivated and having personal agendas, lacking in leadership, cohesiveness and integrity. They state businesses and industries will be hesitant to invest in a County without stability in the government and with a deficit budget.

The consensus of all Administrators is that successful County governments have "strong" Administrators. An administrator: who has the confidence of the Board, the employees, and the public; who is a leader and stabilizing force in the County government; who can coordinate County operations and make sure all Departments are working, "....to accomplish the County's goals and improve the public's livability in the County."

"....to create the "strong" Administrator, the Board must make it clear to the Department Heads that they must work through the CAO." "....elected officials should be treated by the CAO and Board like all other Department Heads and should be held to the same administrative and budgetary guidelines". "...elected officials are politicians first and managers second...need to understand they are part of the "County team" and should not operate independently, but act in concert with other County operations." "....if the elected official wants to make controversial improvements (beneficial to the County) and encounter adverse publicity, the CAO and Board must step up and firmly support an elected official and not leave the official to be eaten by the wolves."

Placer County has the model of a "strong" Administrator. In 1979, the Grand Jury recognized their County government was fragmented, their report states, in part; "...present structure may have been adequate thirty years ago, inadequate for today." "...some County officers are elected countywide, some districtwide, some appointed, some under state authority...cannot achieve accountability or business-like approach to problem solving...there is no single chief administrative officer responsible for pulling all divergent forces together...rather the county is administered by a five member part-time Board of Supervisors." Because of this report, Placer County restructured their government. They created a "strong" Administrator with the position of County Executive Officer. Their annual budget at the time of the report was \$40 million, "....without benefit of a chief financial officer." Today their budget is \$205 million.

FINDINGS:

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

1. Yuba County Administrators have been more qualified educationally than required by Ordinance chapter 2.47.
2. The CAO position of Yuba County is not a desirable position amongst other Administrators.
3. In Yuba County, the Administrator and the appointed Department Heads all report to the Board of Supervisors. Other Administrators perceive the Board has created a "weak" CAO, and thereby, independent Department Heads.

4. Other Counties perceive the Supervisors of Yuba County as being politically motivated and with private agendas.
5. That businesses and industries will hesitate to invest in a county with a deficit budget, and with a county government lacking in leadership, cohesiveness, and integrity.
6. Consensus of other Counties is that to have a successful County government, the County must have a "strong" CAO.

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. That the Board of Supervisors change Ordinance 2.47.020, qualifications for Administrator; to require, as a minimum, a baccalaureate degree in Public Administration.
2. That the Board of Supervisors be aware that the dismissal of Administrators, creates a bad image of Yuba County.
3. That the Board of Supervisors should not micro-manage, but allow the CAO to be the "day-by-day" manager.
4. That the primary agenda of each Supervisor should be the welfare of Yuba County and the entire populace, and not a personal agenda.
5. That it is the responsibility of the Board to create a better image of Yuba County to entice businesses and industries.
6. That the Board of Supervisors should recognize that the Administrator is a trained professional, and as such, give the CAO the responsibility and authority of a "strong" Administrator.

RESPONSE REQUIRED ON FINDINGS:

Board of Supervisors, Findings 1 thru 6.

RESPONSE REQUIRED ON RECOMMENDATIONS:

Board of Supervisors, Recommendations 1 thru 6.

CONCLUSION:

It is the perception of other Administrators, that the Board has created a "weak" position of the Yuba County CAO. Because of that, they deem the position of Yuba County CAO as undesirable and career ending for young Administrators. The consensus is that to have a successful County government, it must have a "strong" Administrator.

The 1995-96 Yuba County Grand Jury adamantly recommends that the Board create a "strong" County Administrators Office.

YUBA COUNTY COUNTY COUNSEL

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 4

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 4

YUBA COUNTY: COUNTY COUNSEL

REASON FOR INVESTIGATION:

A citizen's complaint and recent legal costs to the County prompted the members of the Grand Jury to select the County Counsel's Department as a subject area for investigation.

BACKGROUND:

As defined by the Gov. Codes Title 3 Div. 2 Art. 3 Chap. 12 § 27640 thru 27648 the Department of the County Counsel is assigned the task of reviewing all legal aspects of the actions taken or being considered by the County. Yuba County Ordinance #264 Chap. 2.40 §.010 thru .030 further delineates the duties of this department which is charged with the responsibility to review all Civil actions brought by or against the County. The County Counsel then advises the Board of Supervisors regarding the Legal basis and recommended course of action for each law suit, which may include preparing and litigating court cases. The County Counsel's office is comprised of two attorneys and two secretaries. The County Counsel's office is located on the third floor of the County Court House building at 215 5th Street in Marysville.

The position of County Counsel is an appointed position, thereby, subordinate to the Board of Supervisors. The Board of Supervisors assign other duties, which they deem within the scope of the County Counsel's Department, such as updating and maintaining the County Ordinances.

Ref: Yuba County Ordinance Chapter 1.15 §.010

SCOPE:

The Grand Jury limited its investigation to the costs and value of maintaining a County Counsel's Office with County employees versus contracted legal services: (1) review the operating costs of the County Counsel's Department, (2) review recent litigation costs to the County, (3) evaluate the type and frequency of advise requested from this office regarding County operations, (4) evaluate cost estimates for comparative services from contract law firms, and (5) determine the value and effectiveness of the County Counsel's office in serving the needs of Yuba County.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

Members of the Grand Jury reviewed the Gov. Code Title 3 Div. 2 Art. 3 Chap. 12 § 27640 thru 27648 and the Yuba County Ordinances, Chapter 1.15 and 2.40 § .010 thru .030, In addition to these regulations, the record of annual expenditures, litigation costs related court documents were also reviewed. Interviews were scheduled and conducted with the County Counsel, County Administrative Officer (C.A.O.), and Presiding Judge at which time several issues were discussed relative to cost/value of the services provided by the office of the County Counsel. An evaluation of the Yuba County Ordinance Book and the methods used for amending or updating the Ordinances in a timely manner was conducted.

DISCUSSION:

A citizen's complaint was received, reviewed and validated by the 1995/96 Grand Jury. The primary issue is the cost/value of services provided to the County by the office of the County Counsel. In reviewing the 1994 and 1995 case load of the County Counsel's office we found that a total of forty-six Civil liability actions were filed by or against the County, 26 in 1994 and 20 in 1995. In addition to these cases, the County Counsel provided legal advise all meetings of the Board of Supervisors and serves as the legal consultant to all County departments on a daily basis. The total 1995 operating cost to maintain the County Counsel's Department was \$312,100 as compared to \$432,000 in 1994.

In addition to the regular operating budget, the county, as with all government agencies, is often faced with additional costs when they are sued over issues wherein the law provides for an award of attorney's fees to the prevailing plaintiff. These issues relate to the implementation of policies or procedures of the agency and its compliance with State or Federal law. The goal of the plaintiff is to compel a change in the agencies' policies in lieu of seeking monetary damages.

Two such cases involving land use were reviewed by members of the grand jury and it is apparent that the attitude of the Board of Supervisors and/or County Counsel, toward the proceedings, resulted in additional costs to the County.

In case No. 51053 the Court awarded attorney's fees of \$23,500 which included the costs incurred in filing a motion for attorney's fees, after the prevailing parties, offer to accept a lesser negotiated amount was summarily rejected by the County.

In case No. 54696 the County was ordered to pay 78,000 in attorney's fees. Not only was the County's opposition to the petition found to be without merit but the Court criticized the County's attitude of disdain toward the proceedings as well as their refusal to meet and discuss a settlement in "good faith." It is reasonable to assume that a portion of these unnecessary costs could have been avoided if the County had adopted a more reasonable approach.

The cost of providing legal consultation to all County departments on a daily basis and serving as an advisor to the Board during meetings is determined by a negotiated hourly rate and the history of usage. The cost of representing the County in cases which require litigation can only be based on an hourly rate with no way to predict the length of time required. In order to obtain a bid from private legal firms, it is necessary to specify each type of representation which will be required. The annual cost to provide comparable types of services among private law firms varies greatly (\$300,000 to in excess of \$500,000), which does not include the cost of any judgements. If the County wants to enter into contracting out for the Services currently provided by the County Counsel, an exact list of services required and serious negotiations will be necessary in order to obtain an accurate cost. From the currently available information, there is little doubt that it would not be directly cost effective to change from the present "on staff" County Counsel type of system.

The County Ordinances are up dated a minimum of bi-annually by inserting the appropriate revision or new Ordinance into the existing book of Yuba County Ordinances. There is no established period of time or frequency for keeping the Ordinances up-dated and no Ordinance prior to 1988 has been recorded in any computer memory. For a cost of \$18,000 a printer of government publications will compile, collate, and print an up to date book of all Yuba County Ordinances. Although this is a reasonable cost based on the amount of work required, the County would be locked into that firm for all future updates at an annual cost which we could not determine. The office of the County Counsel has received their new computer system, albeit they have no training or adequate manpower for the data entry work required to input all of the Ordinances into their own system.

FINDINGS:

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

1. The County Counsel's Department provides all of the legal advice regarding "civil" matters for the various county departments on a daily basis, at a cost of \$325,000 annually. Contracting with a private law firm for comparable services would cost from \$300,000 to over \$500,000

2. The litigation record of the County Counsel can best be evaluated as losing two out of 46 cases, albeit those two were very costly (\$101,500) where the grounds for defense were found to be without merit by the Court, and the cavalier attitude of the County Counsel was not consistent with the County's best interest.
3. The category referred to as "civil law" encompasses a wide range of specialized areas which Yuba County addresses with two attorneys and a staff of two. In private practice, legal firms usually assign attorneys who specialize in specific areas of law such as: land use, personal injury, tax, etc.
4. The Yuba County Ordinances are amended and updated a minimum of twice a year. This consists of editing existing ordinances and/or inserting new ones, as addendums, into the existing book of ordinances. None of the Ordinances prior to 1988 have been entered into computer memory; therefore, the task of compiling, editing, and printing a current up to date volume would be labor-intensive

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. That the Board of Supervisors closely monitor the cost of maintaining the office of the County Counsel and initiate the bid process from the private sector if the costs approach \$400,000 annually.
2. That the County counsel be provided adequate time and support in order to better prepare for major cases which should then be presented in a professional manner.
3. That the Board of Supervisors take steps to assure that the County Counsel has adequate access to legal experts in the various areas of law in order to maintain a high level of success for the County.
4. That the Board of Supervisors consider using the County's pool of highly qualified "SENIORS" in a volunteer program for the purpose of computerizing and updating the County Ordinances. These personnel could use one of the new computers in the County Counsel's office.

RESPONSE REQUIRED ON FINDINGS:

Yuba County Board of Supervisors, Finding 1, 2, 3, & 4

RESPONSE REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors, Recommendation 1, 2, 3, & 4

YUBA COUNTY
DEPARTMENT OF SOCIAL SERVICES

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 5

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations None

DEPARTMENT OF SOCIAL SERVICES

REASON FOR INVESTIGATION:

Investigation of the Yuba County Department of Social Services by the 1995-96 Grand Jury was per penal Code, chapter 3, article 2, which states, in part "...investigations may be conducted on some selective basis each year."

BACKGROUND:

The Yuba County Department of Social Services is located at 6000 Lindhurst Avenue, Marysville, California. The focus of the Department is to provide mandated benefits and services to eligible families and children of Yuba County. It is governed by Federal Social Security Act Title IV 13 Section 427, State Policies and Procedure 19-001-19-004.11, and Yuba County Resolution 1976-131 and 1983-18 Regulations, Statutes, Welfare Codes, and Resolutions.

SCOPE:

The scope of the investigation was limited to a general overview of Departmental operations with the focus on their computerized operations, area security, and fraud investigations.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

1. Members of the Grand Jury met with the Director, Deputy Director, and various Departmental Heads. The members were given a general overview of their operations, functions and budgets.
2. Members of the Grand Jury were presented with an organization chart, descriptions of the Programs and Services, the Statewide Automated Welfare System (SAWS), and fraud investigation reports.
3. Members of the Grand Jury were given a tour of the facility.

4. Members of the Grand Jury were taken on a drive-along, by an investigator of the Fraud Investigation Division, into areas of identified welfare recipients.

DISCUSSION:

DEPARTMENT OF SOCIAL SERVICES AND PROGRAMS:

The Yuba County Department of Social Services provide a very important function, inasmuch as this County ranks near the top in the State (per capita) in Social Welfare cases. During fiscal year 1995-96, the Department will have administered \$39.5 million, mostly Federal and State welfare funds. Liability to Yuba County is \$2.2 million - or 5.54% of the total budget. The Director and staff have more than satisfied all requirements needed to keep all costs in line.

The benefits are dispensed to the recipients eligible for the following programs. The respective caseload of each program is stated therewith.

INCOME MAINTENANCE administers the following programs:

1. Aid to families with dependent children (AFDC) - 3,732 cases.
2. Food stamps - 4,262 cases.
3. Medi-Cal - 2,232 cases.
4. County Medical Services Program (CMSP) - 3,062 cases.
5. Transitional child care - 5 cases.
6. Refugee cash assistance - 5 cases.
7. General assistance - 14 cases, of which 11 are interim.
8. Greater Avenues for Independence - 1,889 participants.

PUBLIC SOCIAL SERVICES administers the following services:

1. Child Protective Service (CPS) - 3,273 cases.
2. Adult Protective Services (APS) - 607 cases.

Distributive breakdown of 8,374 cases by ethnicity: 70% White, 13% Laotian, 9% Hispanic, 5% Black, and 3% others. The primary languages are: 84% English, 12% Hmong, and 4% Spanish - which are served by (bilingual) staff.

STATEWIDE AUTOMATED WELFARE SYSTEMS:

To augment and improve their operation, the Department has been provided a computer system (and computer personnel for its implementation), free of cost from the State. The system became operational in October of 1995, and is currently online with the existing state system. The computer system, the Statewide Automated Welfare System (SAWS), is

currently operational in 17 counties. This system will ultimately save the taxpayers countless dollars: reducing the paperwork, reducing the screening process, reducing fraudulent claims, detecting duplicate claims, and tracking recipients (on/off welfare). When an interstate automated systems becomes available, additional dollars will be saved.

The active and open cases of the department were entered into the SAWS data bank, which is located in Sacramento. The funding for this effort (case conversions) was by the California Department of Social Services. Case conversions included: the resources to consolidate, format, enter case information into the system, and the verification of the case. It did not include data purification, which is the effort involved in correcting the errors in existing case records. Costs for data purification and the future updating of case records will be borne by the Department.

The Program Support Division of the Department is responsible for the security of the case records in the SAWS data bank. They establish the "need to know" of each user by job function, then issue a password accordingly. The user, with his/her "need to know", can access only those cases necessary to perform each job. Case records are updated only by specified personnel, i.e., an user with a "need to know". If not authorized, the software prohibits users from altering records.

The SAWS interim system (installed in the Yuba County Department of Social Services) when replaced for the continuing operation or enhancement of SAWS, becomes the property of Yuba County. The interim system consisting of workstations (with 486 PC's and monitors) and laser printers will be disposed on in conformance with Title 45 CFR section 95.707.

SECURITY OF FACILITY:

The security of the departmental work area is by means of controlled access. Access doors have keypad doorlocks and each employee is issued the code. Applicants for welfare are admitted via a solenoid latched door by the receptionist into corridors leading to the interview booths. Visitors (e.g., members of the Grand Jury) to the working areas are issued visitor tags and escorted. They are escorted throughout their visit and are also escorted out.

The security of the department personnel is ensured by armed Fraud Investigation personnel. There are hidden alarm switches in the following areas: interview booths, food stamps, reception, and Social Services. The alarm is signaled by audio and visual indicators, located in the area of the Investigators. In 1995, they had 51 reported incidents, of which 16 resulted in police arrest. The incident is recorded in the individual's record in SAWS. If the individual comes back, SAWS flags the incident; and an Investigator is in attendance to provide security for the Interviewer.

Food stamps are stored in and dispensed to the public from a secure room, not unlike a bank vault. To access the room, one must have a "need to know" to receive the code for the keypad doorlock - which is the only access into the room. The public can be viewed via a bullet-proof window. After verification of recipient's identity, the food stamps are dispensed via a sliding box (similar to a driveup bank teller's) which prevents any physical contact.

FRAUD INVESTIGATION:

The Investigators are trained to handle physical confrontations, but their primary duties involve investigations. The Department operates an aggressive early fraud prevention and fraud referral programs. These Programs have successfully reduced fraud and abuse in all welfare programs in the County.

The Special Investigation Unit conducted a total of 3,605 AFDC/Food Stamp investigations. Fraud related overpayment and over issuance totaled \$194 thousands.

The Early Fraud Program conducted investigations into 905 AFDC/Food Stamp applications resulting in savings AFDC of \$2.9 millions and in Food Stamps of \$730 thousands.

The Fraud Investigators are in constant contact with NET-5 and Yuba County Narcotics Division. They are notified of impending "drug busts". If a person apprehended in a "drug bust" had fraudulently received welfare, the Department can file for restitution of the welfare money from the proceeds of the "bust" or his possessions, following a conviction.

FINDINGS:

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

1. The Department has been efficient and accurate, as has been evidenced by commendations from the State Department of Social Services (most recently) for fy 93-94 and fy 94-95.
2. Yuba County Department of Social Services has been awarded a computer system from the State --- free of charge. If any part of the system is replaced, it becomes the property of Yuba County.
3. Confidentiality of the client files in SAWS is by controlled access and only by personnel with a "need to know".

4. The interpreting for the non-English speaking recipients is done by appropriate personnel in the Department. They are paid an additional stipend because they are taken from their regular duties for this special assignment.
5. The Department is making a concerted effort in the prevention and restitution of welfare fraud. Fraud Investigators are saving taxpayer dollars, and is more than self-sustaining by recouping \$2.15 for each dollar expended.

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 thru 5: None.

RESPONSE REQUIRED ON FINDINGS:

Board of Supervisors: 1 thru 5

RESPONSE REQUIRED ON RECOMMENDATIONS:

1 thru 5: None

CONCLUSIONS:

The Department of Social Services is administering \$39 millions. The majority of the money is spent in this area and finds its way indirectly into the Yuba County General Fund.

The Department should not in any way be blamed for the socio-economic condition of our County. They are performing services mandated by the Federal, State and County governments. Their performance has been commended by the State Welfare agency.

YUBA COUNTY

ENVIRONMENTAL HEALTH SERVICES
(ABATEMENT CODE ENFORCEMENT)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 4

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 3

**ENVIRONMENTAL HEALTH SERVICES
(ABATEMENT CODE ENFORCEMENT)**

REASON FOR INVESTIGATION:

A citizen's complaint regarding treatment and policies, as administered by the Abatement Code Enforcement Division.

BACKGROUND:

Environmental Health is located at 938 14th Street Marysville, Ca. The Abatement Code Enforcement Division is now, one of several different departments under Environmental Health Services. This Division is governed, by these County Ordinances:

1. Number 1179 Chapters 7.36.010 through 7.36.050 relating to Property Maintenance and Chapters 10.05.010 through 10.05.140 Standards of Building Construction.
2. Number 1180 Chapters 7.35.010 through 7.35.170 regarding abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, as a Public Nuisance.

SCOPE:

The Grand Jury limited its investigation to the Abatement Code Enforcement Division regarding conditions which create a PUBLIC NUISANCE, and of the policies and the way code ordinances were handled by code enforcement officers. The members met with the department Director and reviewed policies and procedures along with funding and staffing limitations. Citizens' complaints were also addressed.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

Grand Jury members met with citizens of the Foothill area and South Yuba County addressing different abatement issues which may have occurred.

Grand Jury members met with the Director of Environmental Health on abatement procedures, policies, and how code enforcement laws are initiated, emanated and expedited.

DISCUSSION:

This division operates with one Director, one Code Enforcement Officer and one clerk, who share work with the other departments. Before the consolidation there were two Code Enforcement officers

When a complaint is received relating to property maintenance, it must be verified to be able to be declared a PUBLIC NUISANCE. If so, a letter is sent to the property owner. If no reply is received within 60 days and the condition (s) has not been cleared up, a hearing will be scheduled. It takes 30 days before this hearing can be held. After the hearing is closed, within 30 days a written decision relating to the existence or non-existence of the PUBLIC NUISANCE, is mailed. A statement of costs incurred by the county in abating the violation at \$70 @ hour is assessed, which needs to be paid within twelve days.

The owner or occupant of such a parcel has 90 days after receipt of the decision to challenge in court the said decision. Upon a court challenge, the Director shall suspend all abatement activities until the matter is resolved, which can take over a year.

Currently, the Board of Supervisors, has budgeted \$15,000 for these activities, yet some abatements cost over \$17,000. There is no revolving fund to cover these additional costs.

Monies received are from the Abandoned Vehicle Authority (DMV) \$48,000 annually, the County General Fund \$38,000 a year and a Special Fund by the Board of Supervisors \$15,000 a year. The DMV audits the DMV funds quarterly, monies not spent can not be carried over.

Before any action can be started to declare any abandoned, wrecked or dismantled vehicles as a public nuisance three complaints must be recorded. The County would like to achieve voluntary compliance: if not, a letter has to be written, giving 30 day notice of intent to abate said nuisance by the removal of said vehicle. The County has contracts with tow truck companies for the removal of these vehicles. Any monies collected by these tow truck companies, scrap yards, etc. do not come back as revenue to the Abatement Department.

The disposal of vehicles is covered by Vehicle Code Sections 22662 and 22850 et seq. The County is required to provide written notice to the DMV within 5 days after vehicles have been removed.

FINDINGS:

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

1. Insufficient personnel to cope with work load.
2. Inadequate funds to meet required costs.
3. Too much time goes by before any action can be started.
4. Personal performance has improved since merging with Environmental Health.

RECOMMENDATION:

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. That additional personnel should be hired.
2. That a revolving fund be set up for this department which could include abatement revenue.
3. That avenues be researched for possible reduction of the notification period required prior to allowable action.
4. None.

RESPONSE REQUIRED ON FINDINGS:

Yuba County Board of Supervisor, 1, 2, 3, 4

RESPONSE REQUIRED ON RECOMMENDATION

Yuba County Board of Supervisor, 1, 2, 3

YUBA COUNTY

ENVIRONMENTAL HEALTH SERVICES
(ANIMAL CONTROL UNIT)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 4

RESPONSE REQUESTED ON FINDINGS

The Municipal Courts: Finding 3

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 4

RESPONSE REQUESTED ON RECOMMENDATIONS

The Municipal Courts: Recommendation 3

**ENVIRONMENTAL HEALTH DEPARTMENT
(ANIMAL CONTROL UNIT)**

REASON FOR INVESTIGATION:

This investigation was conducted per chapter 3, article 2, section 925 of the California Penal Code. The Animal Control Unit was selected due to an extended time since the last investigation, and also based on Animal Control's daily contact with the general public.

BACKGROUND:

The Animal Control Unit, a part of the Environmental Health Department, is located at 5245 Feather River Boulevard, Marysville, Ca. The Board of Supervisors, by the adoption of County Ordinances, establishes the regulations and procedures that govern Animal Control, which is defined by Ordinance chapter 8.05.

SCOPE:

Members of the Grand Jury conducted a broad investigation to determine:

1. Daily activities and services performed.
2. How the Animal Control Officers handle citizens' complaints, and their attitude and deportment toward the public in general.
3. Enforcement of animal control, and County Ordinances - with particular attention given to health care and proper feeding of animals, citations issued and how they are handled by the Yuba County Courts.
4. Rabies control.
5. Equipment, building and shelter maintenance.
6. The standard policies for firearms use and safety.
7. License fees.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

The members of the Grand Jury: reviewed Ordinance chapter 8.05, interviewed the Director of Environmental Health and the Animal Control Officer, toured the Animal Shelter, and continued the investigation (overtly and covertly) for a three week period.

DISCUSSION:

The Yuba County Animal Control has a full time working staff of five employees and one part-time worker authorized for 19 hours per week.

During fiscal year 1994-95, their workload was as follows:

Calls responded to:	3469
Animals impounded:	3865
returned to owner:	359
sold/adopted:	277
destroyed:	3128
died, missing, escaped:	104
Dead animal pickup:	469
Animal bite investigation:	235
Rabies exposure investigation:	63
Rabies Vaccination certificates processed:	3692

Because of staffing constraints, one employee is an Animal Control Officer and also a working Supervisor. One Deputy is assigned full time to clerical duty, and also handles rabies cases. One Deputy is assigned full time to the Marysville city area. The other two employees are Deputy Animal Control Officers, who along with the working Supervisor, must patrol and respond to all of Yuba County. The part-time staff person performs maintenance duties inside and outside of the facility.

The members of the Grand Jury noticed the facility has several safety hazards, such as: walkways with broken concrete edges and open drains; no means to accommodate handicapped individuals; and structures added on, by self help projects, to accommodate some of the procedures that must be performed by Animal Control.

The Grand Jury has received no complaints against Animal Control, and observations have substantiated their professionalism in dealing with the public. They are commended by this Grand Jury for the enforcement of their responsibilities. However, this investigation has revealed a lack of support from the Municipal Courts in connection with citations issued by Animal Control.

Seventy (70) citations were issued for fiscal year 1993-94, which was the latest year statistics were available. All were forwarded to the Municipal Courts, requesting disposition and that each case be noted and returned to Animal Control. Of the 70 citations, 16 were returned with dispositions and the balance were not addressed. The 16 dispositions were as follows:

1. Seven cases were dismissed.
2. On seven cases, fines totaling \$538 were collected.
3. On two cases, fines totaling \$270 were suspended.

One hundred twenty two dogs were found with licenses not current. Of these, licenses for ninety eight dogs are still not current. This results in a revenue loss of \$2,353. Many of these unlicensed dogs have become repeat offenders, with no action taken by the Municipal Court.

The Yuba County Board of Supervisors has increased the dog license fee from \$8 per year for an unaltered dog to \$24 per year. Spayed or neutered dogs remain at the \$4 per year fee. This \$24 fee for unaltered dogs is higher than the fee charged by the Counties of Sacramento, Sutter and Nevada. The Grand Jury is concerned that in our economically depressed County, this fee will force an even larger number of dog owners to go underground, i.e., not have their dogs licensed. More importantly, to avoid detection, they will not have their dogs vaccinated against rabies. The long term results could be a hazard to both humans and animals.

FINDINGS:

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

1. Animal Control is understaffed.
2. The Animal Control facility has hazardous walkways, no provisions for the handicapped and improvised structures.
3. The Municipal Courts are not supporting code enforcement by Animal Control, resulting in loss of revenue to the County.
4. Dog license fee for an unaltered dog is higher than surrounding Counties. The high fee may cause owners to go "underground", which may prevent the vaccination of those dogs against rabies.

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. That the Board of Supervisors allow for an increase of personnel within Animal Control and budget accordingly.
2. That the Board of Supervisors authorize funding for a new Animal Control facility or increase the building maintenance and repair budget to upgrade/repair existing facilities.
3. That the Board of Supervisors discuss code enforcement support (for Animal Control) with the Municipal Courts.
4. That the Board of Supervisors reduce the licensing fee of unaltered dogs to be commensurate with the surrounding counties.

RESPONSE REQUIRED ON FINDINGS:

Board of Supervisors: Findings 1 thru 4.

RESPONSE REQUESTED ON FINDING:

The Municipal Courts: Finding 3.

RESPONSE REQUIRED ON RECOMMENDATIONS:

Board of Supervisors: Recommendations 1 thru 4.

RESPONSE REQUESTED ON RECOMMENDATION:

The Municipal Courts: Recommendation 3.

CONCLUSION:

The Animal Control Unit is commended by this Grand Jury for the enforcement of Yuba County Ordinance chapter 8.05 and for their professionalism in dealing with the public.

YUBA COUNTY
ENVIRONMENTAL HEALTH SERVICES
(BUILDING DEPARTMENT)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 and 2

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 and 2

**ENVIRONMENTAL HEALTH
(BUILDING DEPARTMENT)**

REASON FOR INVESTIGATION:

A citizen's complaint prompted the members of the Grand Jury to select the Building Department as a subject area for specific investigation regarding issuance of building permits.

BACKGROUND:

The Building Department is located in the Yuba County office buildings at the 14th Street South Annex. As defined by Yuba County Ordinances and Codes 10.05, Title X Building and Construction, the Building Department is assigned the task of ensuring all construction or modification of structures are in compliance, as stated in Chapter 10.05.110.

The position of Director of the Building Department is an appointed position, thereby, subordinate to the Board of Supervisors. By the adoption of County Ordinances, the Board of Supervisors establish the regulations and procedures that govern Building Department.

SCOPE:

The Grand Jury limited its investigation to this specific case to establish: (1) that proper procedures were followed in the application for a building permit, the inspection process, and the assessment process (2) that proper communications exist between the Building Department and the Assessor's Office and (3) that the Director and staff of the Building Department communicate effectively with the complainant.

PROCEDURE:

All interviews were conducted and documents were obtained by no fewer than 2 members of the Grand Jury per PC §916

Members of the Grand Jury reviewed the Yuba County Ordinance and Code: Title X Buildings and Construction. An interview was conducted with the Director and the Supervisor of the Building Department. A visit to the Assessor's office was made to review the records and obtain records regarding the complainant's property. Additionally an on site visitation with the complainant at his/her residence was conducted.

DISCUSSION:

A citizen's complaint was received, reviewed and validated by the 1995/96 Grand Jury. The primary issue of concern was the individual's rights as a property owner and the Code enforcement methods employed the Building Department. Property owners have become irate over the manners displayed when trying to resolve their problems. The Grand Jury reviewed records of the subject building permits, the Assessor's appraisal record, and letters written by the Director and staff of the Building Department to the complainant. The Grand Jury determined that a problem exists.

Investigation of Building Department records disclosed that a permit was issued on 7/16/79 for a carport. That permit was canceled and a second permit was issued on 8/8/79 for a family room addition. The family room structure was completed, and the permit finalized by Building Department Inspection.

Investigation of the Assessor's records disclosed entries for new structures, a family room and carport. The assessment record entry for the family room referenced the correct permit number, however, the entry for the carport referenced the permit which was canceled. Both structures were appraised on 11/15/79 and taxes have been paid on both structures to date.

Members of the Grand Jury met individually with the Deputy Assessor and with the Director of the Building Department. They both stated that the above-stated incidence (structure without a permit) is not unique. That structure does not have to be in compliance to be assessed.

The members of the Grand Jury were shown a form (by the Building Department staff) currently used for disseminating information to the Assessor's office, re: building permit finalized or canceled.

The issue of infringement on the property owner's right was reviewed. Letters from the Building Department, from the staff and the Director, were straightforward and business-like. The Director stated that the issue, re: illegal structure, was in response to a citizen's complaint, albeit 16 years after the fact.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. The issue regarding rudeness and abusiveness on the part of the Director could not be established, inasmuch as it was alleged to have occurred during a telephone conversation. However, this is not an isolated case. The members of the Grand Jury have received similar complaints regarding other issues.
2. This complaint evolved as a result of the lack of effective communication between the Building Department and the Assessor's Office. Timely correspondence would have corrected this problem at the time it occurred, not 16 years later.

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. That the health of the County relies on the public perception of fair and reasonable practices. Proper and professional conduct is paramount in dealing with the public. Attending classes in Conflict Resolution and Public Relations would improve the Director's performance, and most importantly - the image of Yuba County.
2. That Yuba County develop and implement a procedure that ensures all involved parties receive pertinent information within a reasonable time period.

RESPONSE REQUIRED ON FINDINGS:

Yuba County Board of Supervisors, Finding 1, 2.

RESPONSE REQUIRED ON RECOMMENDATIONS:

Yuba County Board of Supervisors, Recommendation 1, 2.

YUBA COUNTY

ENVIRONMENTAL HEALTH SERVICES
(DIRECTOR AND PERSONNEL)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 4

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 4

**ENVIRONMENTAL HEALTH DEPARTMENT -
(DIRECTOR AND PERSONNEL)**

REASON FOR INVESTIGATION:

The 1995-96 Grand Jury because of citizens' complaints decided to investigate the Department of Environmental Health with the object of evaluating the impact of this department's operation on the residents of Yuba County.

BACKGROUND:

The Department of Environmental Health (EH), a stand-alone department, is located at the 14th Street Annex. Prior to July 1992, the EH was a part of the Public Health Department and their budgets were combined. In 1993, the Board of Supervisors ruled that the Environmental Health Department be fiscally responsible for its own operation. The Director is appointed by and subordinate to the Board of Supervisors. The EH is a fee driven department and operated per the fee schedule for EH services specified in the Yuba County Ordinance chapter 13.01, approved by the Board of Supervisors and effected on July 15, 1993.

The Environmental Health Department provides the following services: private water permits, public water system inspections, sewage disposal permits, food facility permits, housing and institution inspections, land use project reviews, and Yuba-Sutter solid waste enforcement Local Enforcement Agency (LEA). It also includes Abatement Code Enforcement and the Animal Control Unit, which were add-ons in 1995. The Environmental Health Department is governed by many ordinances relative to the types of services provided, as well as by a number of Federal and State laws and regulations.

SCOPE:

This report reviews the job functions and responsibilities of the Environmental Health Department and its staff and the effects of expanding into the code enforcement arena. The focus is on the Registered Environmental Health Specialist (REHS). This report provides an overview of the personnel qualifications for the job and examines the functional and financial performance of the department.

1995-96 Yuba County Grand Jury Final Report

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

1. Interviews with the Director and Environmental Health staff were conducted with the emphasis on their educational and work experiences in the field of environmental health.
2. Documents describing the structure, staffing, job functions, fee structure, and budgets were obtained from the Environmental Health Department and examined relative to the specific subject areas.

DISCUSSION:

Since 1991, Environmental Health Department has inherited additional duties/functions because of changes in State and County policy and codes, as follows:

1. July 1992 - designated by the State as Solid Waste Local Enforcement Agency (LEA),
2. July 1993 - added City of Marysville to hotel/motel program,
3. July 1993 - designated by the State as the Local Primacy Agency for implementation of the safe drinking water act in Yuba County,
4. June 1995 - designated as enforcement agency for the State AB13 smoking regulations in Yuba County.

The workload has increased more than the EH staff. In 1991, there were 6 REHS's. Currently, the number of REHS's is the same, with an addition of an EH assistant. The actual staff time expended in FY 1994-95 was less than the minimum projected for standard operation. This situation will worsen with the addition of code enforcement activities which will be spread over existing staff.

The Environmental Health Department has shown remarkable financial performance since 1991. The following shows its fiscal operation and trend over a 5 year span (figures are rounded to the nearest thousand (K)). Note the increase in fees (income), from \$167K to \$565K - an increase of 238%.

EH BUDGET	FY91/92	FY92/93	FY93/94	FY94/95	FY95/96
APPROVED:	\$364K	\$519K	\$485K	\$481K	\$580K
Actual Spent:	\$305K	\$405K	\$448K	\$427K	unknown
Fee (Income):	\$167K	\$253K	\$448K	\$427K	\$565K*
From Gen'l Fund:	\$138K	\$152K	\$ 0	\$ 0	\$ 15K*

* estimated (current fiscal year)

Yuba County Environmental Health Department has a staff of seven (7) REHS's, including the Director (also an REHS). Requirements for an REHS are a baccalaureate degree with courses in EH sciences and to successfully pass an examination by the State. The EH science courses are: water quality, waste management, food and consumer protection, housing and institution sanitation, soil science, and land use development. All of these courses are required to perform the Yuba County Environmental Health Department jobs.

In 1992, Environmental Health Department acquired the function as the solid waste Local Enforcement Agency (LEA) for Yuba and Sutter Counties. Duties are to issue permits and enforce legal disposition of non-hazardous solid waste. This was a function previously performed by the State Water Quality Control Board. In 1993, the LEA discovered that ash from cogeneration plants located in San Joaquin and Yolo Counties was used on a farm in Sutter County for agricultural soil amendment and for road surfacing. There was evidence, from reports issued by the respective county officials, that some of the ash was toxic and classified as hazardous waste. The LEA, rather than "grandfathering" the existing situation, confronted the responsible State agencies and postured them into performing tests to evaluate the toxicity level. Test results of some samples were marginally above toxicity levels for pH and lead. However, the State concluded that the current levels and method of ash distribution would not be injurious or harmful to humans. The decision by the State absolves Yuba and Sutter Counties of any future litigation regarding this case.

The California Integrated Waste Management Board (CIWMB) has performed an evaluation of effectiveness as the LEA for solid waste. Their report states, in part: "...impressed with your staff's expertise, cooperation, and enthusiasm to further enhance and develop your program".

The Environmental Health Department was designated as the Local Primacy Agency for the implementation of the Safe Drinking Water Act. This requires higher performance standards and greater accountability to the State of California. An EH staff person setup a program for the inspection and reporting to the State of Yuba County's small water systems. The annual FY 94-95 evaluation performed by the State states, in part: "...Yuba County Department of Environmental Health met the key program objectives and goals as set forth in the 1994-1995 workplan. This was accomplished despite the fact that the County has only one person working on the program"

The Environmental Health Department has implemented a program called Y-SAFE (Yuba Sanitation and Food Education) for applicants of food handling permits. Participants in this program receive 2 years of permitting for the cost of one year.

An article (letter to the editor) printed in the Appeal-Democrat stated, in part: "...because of the actions of the Environmental Health Department director, the Sithe Energy Cogeneration plant (on Feather River Blvd) went out of business". The truth is: the plant went out of business, not because of the actions of the director, but because it was not profitable due to the costs of operation and decreased income from their product.

The members of the Grand Jury interviewed the EH staff individually. Each of the staff have respect for their director. They all stated the reason is because he provides detailed job assignments and gives them the latitude of accomplishing the job without supervision. Each of them stated they gained training in the field during his tenure - including carryovers from the previous director. The carryovers stated the previous director did not provide adequate training.

FINDINGS:

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

1. Evaluations conducted by respective State agencies praised the Yuba County's solid waste LEA program and the Water Primacy Program.
2. The LEA postured a State agency into performing tests for toxicity of soil infused with ash spread on a farm in Sutter County. The State agency concluded the toxicity levels were acceptable, thereby absolving Yuba-Sutter Counties from future litigations.
3. A training program offered by EH for "food handlers", provides a 2 for 1 cost for food handling permits.
4. Inaccurate information in the local news media leads the public to question the actions of the Environmental Health Department.

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 thru 3: That the Board of Supervisors should acknowledge the accomplishments of the Environmental Health Department, whenever applicable.

4. That the Board of Supervisors should publicly refute any false information in the local news media re: Environmental Health Department.

RESPONSE REQUIRED ON FINDINGS:

1 thru 4. By the Board of Supervisors.

RESPONSE REQUIRED ON RECOMMENDATIONS:

1 thru 4. By the Board of Supervisors.

CONCLUSIONS:

The Grand Jury feels Yuba County is fortunate to have the quality of Environmental Health personnel currently on the staff. Since the Board of Supervisors is their employer, it is the Board's responsibility to protect the image of the department by publicly refuting any unjustified criticism.

YUBA COUNTY

ENVIRONMENTAL HEALTH SERVICES
(SEWAGE APPEALS BOARD)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 1 thru 4

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1 thru 4

**ENVIRONMENTAL HEALTH
(SEWAGE APPEALS BOARD)**

REASON FOR INVESTIGATION:

A citizen's complaint regarding an issue with the Department of Environmental Health and the Sewage Appeals Board prompted an investigation by members of the Grand Jury.

BACKGROUND:

The procedure for appealing to the Environmental Health Sewage Appeals Board is outlined by Ordinance chapter 7.07.950. An appeal is initially filed with the Department of Environmental Health (located at the 14th Street Annex), and if denied, with the Board of Supervisors (located in the Yuba County Courthouse, 215 Fifth Street, Marysville, Ca).

SCOPE:

Members of the Grand Jury investigated many aspects of this case to establish the responsibilities of the various County offices and Departments, and including the Board of Supervisors.

Inasmuch as, the subject case was not concluded within the time frame of this Grand Jury, the conclusion of the case cannot be reported. However, the primary intent of this report is to present the problems a citizen of Yuba County encountered with our County government.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

1. Members of the Grand Jury interviewed the Complainant, the Appellant, and the Director of Environmental Health Department.
2. Members of the Grand Jury reviewed at least 20 letters of correspondence; Yuba County Ordinance chapter 7.07, Sewage Disposal and including chapter 7.07.950, Appeals; and several transcripts of Board meetings (pertaining to this case).
3. Members of the Grand Jury visited the site of the subject complaint.

4. Members of the Grand Jury observed several soil mantle tests and the logging (documentation) procedure.
5. Members of the Grand Jury observed the Appeals case of May 15, 1996.

DISCUSSION:

The Complainant had a soil mantle test performed, per the requirements of Ordinance chapter 7.07. On September 20, 1994, pursuant to the normal procedure, he applied for a sewage system permit from the Department of Environmental Health (EH). The EH staff told him that the property requires a sand filter sewage system. The Complainant disagreed and stated that (a lower costing) pressure dose sewage system would suffice. The disagreement was not resolved, and on MAY 15, 1996 (20 months later), the Complainant was scheduled a hearing by the Sewage Appeals Board.

The long delay was due to a number of reasons and involved a number of different County organizations:

1. Disagreement with Director of EH, re: type of sewage system, 3 months delay.
2. Appeal was made December 1994 to the Sewage Appeals Board, of which the Director of EH is the secretary ex officio. Since Appeals Board was not staffed, Director said: he could make the decision, i.e., sand filter system is required; and the next recourse is the Board of Supervisors.
3. In March 1995, Complainant wrote to County Administrator that he would not appeal to the Board, because the Supervisors were not technically capable of ruling on the case. An exchange of correspondence occurred. Four months elapsed, then the CAO notified Complainant that he had posted a notice for applicants to staff the Appeals Board.
4. In September 1995, the Board made appointments to staff the Appeals Board. A month later, the case was heard by the Appeals Board. The Appeals Board required more data, to which the Complainant complied.
5. Director claimed the Appeals Board was not in conformance with the Brown Act. The Appeals Board was not apprised of the Brown Act nor ground rules (see meeting of May 15, 1996) by County Counsel. Two more months elapsed with no action.
6. In November 1995, the Complainant wrote to the Board of Supervisors, requesting a hearing. Three months elapsed until the Board scheduled his hearing.
7. On February 13, 1996, the Board of Supervisors heard the Complainant's case; to decide whether the case should/should not go the Appeals Board. During the meeting two questions arose:
 - (a) whether Ordinance 7.07.950 had been sanctioned by the State, and
 - (b) whether the Appeals Board meeting was in compliance with the Brown Act. Three months elapsed, apparently to resolve the two questions, before the case was scheduled to be heard by the Appeals Board.
8. On May 15, 1996, the Appeals Board met, with the object of hearing the Complainant's case and deciding on the appropriate type of sewage system. The entire meeting was spent

on establishing the ground rules and deciding whether the appeal was within the parameters of Ordinance 7.07.950. The Complainant did not get an opportunity to present his case.

During the hearing with the Board of Supervisors on February 13, 1996, the Director of EH stated: "...if the Appeals Board rules in favor of the Complainant, I will be unable to issue a permit because it will be in violation of State law." Per Ordinance chapter 7.07.950, the Appeals Board cannot issue a waiver in violation of the State laws. The Board did not question whether the soils tests were within the State guidelines, which is the crux of whether the case can go to the Appeals Board.

The decision, to send the case to the Appeals Board, appeared to be politically motivated --- not technical. An excerpt by Supervisor Stocker: "...I don't think we ought to get into the technical details, Mr. Amaro...see a real problem...in the eyes of the people out there, the citizens...if we go against this."

Seemingly, the Board was not prepared to hear this case. When it was disclosed that the staff did not request the State's approval of Ordinance 7.07.950 Appeals, the following transpired:

Supervisor Amaro: "...it was alluded (by Supervisor Haste) that our Department Heads have not done their jobs....the Board has to take some of the blame for not following up on the Ordinance."

Supervisor Haste: "...I'm to make policy decisions...not my responsibility to do staff work."

Supervisor Mathews: "...but, it is our responsibility...to investigate information brought before us to make sure it is correct ...just to rely on staff, why even have a Board?"

Supervisor Haste: "...to make policy decisions."

Supervisor Mathews: "...based on false presentations?"

Supervisor Haste: "...then you don't have staff. You remove staff."

Supervisor Mathews: "...sometimes I think organizations rely too heavily on staff."

The next meeting of the Appeals Board was scheduled for May 29, 1996. The results of that meeting will not be reported herein, since the Grand Jury is editing final reports.

FINDINGS:

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

1. 20 months elapsed from the initial date of application for a sewage permit until the appeals case was presented (legally) before the Sewage Appeals Board.
2. The Director of Environmental Health stated to the Board of Supervisors, regardless of Appeals Board decision, he will be unable to issue a permit because it will be in violation of the State law. The Board did not question why.

3. The decision to send the case to the Sewage Appeals Board appeared to be politically motivated --- not technical.
4. The Board of Supervisors, during the meeting of February 13, 1996, seemed unprepared to hear the case.

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. That the Board of Supervisors need a method of tracking citizen's complaints; and other decisions, e.g., the subject case and the addition of Ordinance chapter 7.07.950.
2. That the Supervisors should do their "homework" and be better prepared to ask questions of their staff.
3. That the Supervisors should be willing and able to make technical decisions, and not decisions based on political considerations.
4. That the Supervisors should not blame and remove staff for personal reasons.

RESPONSE REQUIRED ON FINDINGS:

Board of Supervisors: Findings 1 thru 4.

RESPONSE REQUIRED ON RECOMMENDATIONS:

Board of Supervisors: Recommendations 1 thru 4.

CONCLUSION:

The subject citizen, after 20 months, has not received a resolution to his problem; therefore, cannot reside in his new home. Seemingly, this case was not resolved in a timely manner because there is no single source of direction or tracking. The Board of Supervisors appear to be operating without having a method of tracking cases nor obtaining feedback of their status.

YUBA COUNTY

ENVIRONMENTAL HEALTH SERVICES
(ON-SITE SEWAGE SYSTEMS)

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 4 thru 6

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 1, 2, 4, 5 & 6

**ENVIRONMENTAL HEALTH DEPARTMENT -
(ON-SITE SEWAGE SYSTEMS)**

REASON FOR INVESTIGATION:

The 1995-96 Grand Jury because of citizens' complaints decided to investigate the Department of Environmental Health with the object of evaluating the impact of this department's operation on the residents and the environmental health of Yuba County.

BACKGROUND:

The Environmental Health Department processes applications for and issues permits for sewage disposal systems per Yuba County Ordinance chapter 7.07.

SCOPE:

This report covers only the on-site sewage system aspect of the Environmental Health Department, their environmental health concerns, and the concerns of the residents.

In order to explain the environmental health concerns of the Environmental Health Department for Yuba County, this report presents environmental health problems experienced in the United States, caused by inadequate on-site sewage systems.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

The members: interviewed the Environmental Health Department - Director and staff, witnessed several on-site soil mantle tests, reviewed Yuba County Ordinance chapter 7.07 regarding sewage disposal systems and percolation tests, read numerous articles from texts and journals regarding septic systems (nation-wide), and reviewed reports of failed systems in Yuba County (1980 to 1995).

DISCUSSION:

The consensus of the complainants at a public hearing on septic systems¹ is that: the Environmental Health Department capriciously decrees advanced sewage disposal systems, as opposed to the standard gravity flow systems, and the costs of the advanced systems (in the order of \$15,000 versus \$5,000 for the standard system) are driving housing construction away from Yuba County. They contend: the standard gravity systems were the norm before the tenure of the current Director; and that their standard systems are working properly, which may or may not be accurate. There may only be evidence of verdancy over their leach lines, but what is occurring subsurface is the concern of environmental health, locally and nationally.

Per a report by the U.S. Environmental Protection Agency, "....of all ground (drinking) water contamination sources, septic tanks and cesspools are the most frequently reported source". There are many recorded cases throughout the United States of drinking water contamination by sewage effluents. This is most prevalent in the Eastern states with histories of septic system problems - far out dating our local septic systems. For example, cases of infectious hepatitis in Central Appalachia has been traced to contaminated water due to malfunctioning septic systems. Many other pathogens, such as cholera, salmonella, streptococci....etc. and including protozoans are transmitted by septic system overflows. Many of these pathogenic organisms have a slow die-off rate in the subsurface environment.

Most of the arguments by the complainants for the "good old days" are not valid today. The population density of Yuba County has increased. Per a 1980 report by the U.S. Dept of Commerce, areas with more than 40 septic systems per square mile can be considered to have potential contamination problems. That translates to one septic system per 16 acres. In terms of 5 acre lots, that means only 1/3 of a septic system or stated another way - not allowable. Since much of the areas in Yuba County requiring septic systems are 5 acre parcels, Yuba County is a potential for contamination problems. When? Per the U.S. Environmental Protection report "....life of many septic tank systems is in the order of 10 to 15 years".

In reviewing Yuba County records for permits for repair of septic systems of the past 15 years, there have been 48 failures - not including septic systems being pumped on a regular basis or repaired without a permit. This may substantiate the above-stated report of the life of septic tanks.

There is a subdivision in District 10, with soil tests which were very marginal, and some plots could not qualify for a permit. Those systems were installed (less than 10 years ago)

in soils very conducive to causing failures. In Camp Far West, most systems installed in the 1980's violated the state water quality minimum guidelines, i.e., 5 feet of effective soil below the system. Most are less than 2 feet. These systems may not be surfacing sewage, but they are likely to be disposing sewage subsurface without adequate treatment. In the Arboga area, a subdivision has leach lines installed 15 to 20 feet deep in sandy soil. This poses serious health concerns as untreated sewage may contaminate the ground water. As of this date there have been no reports of ground water contamination in any of those areas. All of the foregoing, indicates much of Yuba County substrata is not conducive for standard gravity flow septic systems. The Environmental Health Department is very aware of those areas, and as a consequence, is careful in the issuance of permits for the proper system.

Members of the Grand Jury requested and were taken on a "working" field trip. They observed mantle tests of two locations in the 5th district. The two locations were topographically different, and this was reflected in the substrata. One location qualified for a standard gravity septic system, whereas, the other required an advanced system. The REHS carefully explained to the customers the rationale for his decision on the type of septic system for their property. It was interesting to note that the location requiring the advanced system was in near proximity (neighbors) to an existing standard system. The existing standard system was permitted during the tenure of the previous EH Director, and it had failed - although modified by permit and is currently functioning.

There are complaints re: the duplication of personnel on the job; i.e., EH requires a REHS (at \$70 per hour) during the soil mantle test with the registered engineer or his aide. The Director of EH justifies his position of having a REHS on the test site by Ordinance chapter 7.07.610, which allows pre-issuance (of permit) inspection of the site. This is in conflict with Ordinance chapter 7.07.460 which states: "....registered engineer or REHS." The Director of EH states there have been falsification of test reports in the past, and as a consequence, he wants to protect the County from any recurrences. Currently, the home builder pays for the presence of the REHS at the test site.

Also, the registered engineers are upset by a REHS making changes to their designs. They contend they are responsible for the design and operation of the system, and a failure of the system may be cause for the State to revoke his license. Since, he is governed by the State under the Professional Engineers Act of the Business and Professions Code, his argument is valid. The Director of EH states Ordinance chapter 7.07.650 allows the REHS to change the design of a system. Ordinance 7.07.470 states: "...shall be designed by a registered engineer." Inasmuch as, the State must approve County Ordinances, the Ordinance should be changed to comply with the State code.

The rulings of the REHS, re: type of septic system are cause of disagreements between EH and the septic system Contractors. The Ordinance chapter 7.07 is not adequately clear, therefore, the rulings are very subjective. Consensus of the complainants at the septic system hearing was that the Ordinance chapter 7.07 was difficult to interpret. They stated the Placer County ordinance was easier to interpret and the EH Director agreed. A Yuba County EH staff person is currently participating in meetings with Placer and Nevada Counties, during the updating of their Ordinances. Yuba County sewage ordinance will subsequently be updated, which should alleviate some disagreements.

FINDINGS:

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

1. The Director of EH is very conscientious in upholding the State requirements for sewage disposal and maintaining the environmental health of Yuba County.
2. The substrata in many areas of Yuba County is not conducive for standard septic systems. Those areas, with the standard systems, are candidates for ground water contamination.
3. Members of the Grand Jury noticed during the "working" field trip that the REHS was very courteous to the customers. He carefully explained the reason for the type of septic system decided for their property.
4. The customer is charged \$70 per hour for EH staff on-site for soil mantle tests.
5. The Ordinances can be interpreted such that they are conflicting. For example: chapter 7.07.460 is conflicting with chapter 7.07.610, and chapter 7.07.470 with chapter 7.07.650.
6. Placer and Nevada Counties are updating their sewage ordinances. A Yuba County EH staff person is participating in the meetings with the objective of updating Yuba County sewage ordinances to be consistent with our neighbors. This will make it easier for septic system contractors, working across county lines, to interpret the ordinances.

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. That the Board of Supervisors should publicly acknowledge that the Environmental Health Department is upholding the state requirements for sewage systems in Yuba County.
2. That the Board of Supervisors should make the public aware that the substrata, in certain areas of Yuba County, is not conducive for standard septic systems and that the more expensive advanced systems must be implemented in those areas.
3. None.
4. That the Board of Supervisors should resolve whether EH is justified in having the customer pay for the EH staff on-site during soil mantle tests.
5. That the Board of Supervisors should verify that the conflictions are resolved within Sewage Ordinance chapter 7.07 (when it is updated).
6. That the Board of Supervisors should monitor the sewage ordinance update (in process in Placer and Nevada Counties) and expedite its implementation for Yuba County.

RESPONSE REQUIRED ON FINDINGS:

Board of Supervisors: Findings 4, 5, and 6.

RESPONSE REQUIRED ON RECOMMENDATIONS:

Board of Supervisors: Recommendations 1, 2, 4, 5, and 6.

YUBA COUNTY

DISTRICT ATTORNEY'S OFFICE (FAMILY AND CHILD SUPPORT DIVISION)

RESPONSE REQUIRED ON FINDINGS

Yuba County District Attorney: Findings 4, 7 & 8
Yuba County Board of Supervisors: Findings 6 and 8

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County District Attorney: Recommendations 4, 7 & 8
Yuba County Board of Supervisors: Recommendations 6 and 8

**DISTRICT ATTORNEY'S OFFICE
(FAMILY AND CHILD SUPPORT DIVISION)**

REASON FOR INVESTIGATION:

A citizen's concern regarding treatment and services, provided by this department prompted this investigation.

BACKGROUND:

The Family/Child Support Division is located at 215 5th Street Marysville, California.

This facility and operation is under the direction and supervision of the District Attorney's office. The Family/Child Support Division is governed by the State of California, Health and Welfare and Social Services guidelines. Family Law codes §4054 and §4055 are the principal ones used. Other governing codes are:

- (1) Family Law Codes Sections 1 to 20,043.
- (2) Civil codes Sections 1 to 7,106.
- (3) Code of Civil Procedures Section 1 to 20,0037.8.
- (4) Welfare and Institutions Section 1 to 22,013.

The current operating budget is \$1,382,915.00 for 95/96 fiscal year. 64% of the operating budget is derived from federal funds. The balance of funds are generated from "State Incentive Fund Collections". Federal revenues fund all supplies, equipment and maintenance for these departments, per Federal Welfare Regulations 4-A and 4-D.

The Family/Child Support Division aids families with children, collect support money owing from the parent who does not reside with them.

The unit is setup to establish paternity, identify, and locate the absent parent. Legal obligations and support payments are determined by the courts. The District Attorney's office and child support division enforce and records the proceeds of all cases.

SCOPE:

The Grand Jury conducted this investigation to make a study of staffing, policies, procedures, practices, case loads and funding.

PROCEDURE:

All interviews are conducted and documents were obtained by no fewer than two members of the Grand Jury per PC §916.

Members of the Grand Jury conducted the investigation of the Family/Child Support Division. A scheduled meeting and walk through; led by the District Attorney was held at that time. Interviews with staff members in each department were conducted. Documents were collected and reviewed, relative to the operation and guidelines of this department.

DISCUSSION:

This department is comprised of a total of 26 employees: Two attorneys, one family service advisor, 15 caseworkers, one receptionist, two legal typists and five bookkeepers.

The District Attorney and other staff members interviewed were cooperative and informative. They explained each function of the division and what each department is responsible for.

Due to the daily volume of calls to this department, no telephone calls are accepted before 12 noon. This restriction to access is necessary in order to complete assignments. Incoming calls receive a recorded message which states "no calls will be taken before 12 noon." This machine does not record incoming messages. The recorded message which is currently employed prior to noon is the cause of numerous complaints. The District Attorney suggested they reword the recorded message to make it clear to the public that their messages cannot be recorded. Four case workers are assigned to answer all phone calls and handle messages when the phones do open at 12 noon. All incoming messages should be responded to within 24 hours. This is done on a rotating basis, utilizing all case workers and their expertise. A phone call was placed by a Grand Jury member which tested the actual response time; it was never returned.

In response to inquiries on slow payments, checks are received and posted on the same day. The next day checks are mailed to the recipients. This process used to take 21 days. The first week and half of each month 75-100 warrants are processed daily, slowing down to 30-40 per day at other times of the month. All checks are processed and printed by computer and mailed the same day.

Additional responsibilities of the bookkeeping department are: to post all accounts, double check all deposits and abatement to Social Services. They reconcile accounts, audit amounts paid or to be paid and check interest due or owed. Account numbers, case numbers and each child's parents must all be checked and identified.

Foster parents are provided where necessary and foster cases have separate accounts.

Many extenuating circumstances are beyond the control of this department, which can and do delay payments. The turnover time and response to delays are short to immediate.

The Family Support Division uses the same type software of eight other counties with a back-up system in case of power failures and equipment break downs. When this system goes on-line statewide, the present one will become obsolete. In the future a new computer system will be innovated which will have state-to-state access.

Support money will always be owed, plus interest, until the children are 18 years of age or graduate from high school. The parents are responsible for their welfare. If the responsible parent fails to meet his/her support obligations, contempt of court charges may be filed. This is processed by the District Attorney's office:

- (1) Their wages may be attached.
- (2) Assets may be confiscated and sold to pay delinquent child support owed.
- (3) Custodial parent files actions in other states. Once the missing parent is located, legal action will continue to prevail.
- (4) Court orders may cause their business or driver's licenses to be suspended.
- (5) Employers who show a lack of response to wage attachments may also be placed in contempt of court.
- (6) Some needs and problems between separated and divorced parties never end. Mental anguish continues because of jealousy and hatred between the involved parties. These ongoing conflicts increase the burden of the department.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. This department is well organized, efficient and handles a high volume of case loads.
2. Files are kept confidential and are being entered into computer banks. Case workers will have access to case files in a timely manner.
3. Personnel are highly motivated and informed as to their tasks.
4. State-to-state location of fleeing parents can take many years.
5. Funds collected are mailed immediately to recipients.

6. No funds are allocated in the budget to address an overload of cases, and need for additional employees. Two telephone lines are inadequate for all incoming calls received daily
7. Employees are rotated to ensure their job performance remains at a high level of achievement.
8. The department maintains a quality of efficiency and pride in job performance.

RECOMMENDATION:

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. 2. & 3. None required
4. That this department establish contact with agencies, of other states, to assist in reducing time to locate a fleeing parent.
5. None required.
6. That the recipients' concerns could be eased by utilizing knowledgeable volunteers from the community and adding phone lines.
7. That the department is to be commended for this practice of employee rotation.
8. That the Grand Jury recognizes that the entire staff of the child support division performs a monumental task on a daily basis.

RESPONSE REQUIRED ON FINDINGS:

Yuba County District Attorney, 4, 7, 8
Yuba Board of Supervisors, 6, 8

RESPONSE REQUIRED ON RECOMMENDATION

Yuba County District Attorney, 4, 7, 8
Yuba Board of Supervisors, 6, 8

YUBA COUNTY
YUBA COUNTY JAIL

RESPONSE REQUIRED ON FINDINGS

Sheriff's Department: Findings 1a thru 1f and 2a, 2b

RESPONSE REQUIRED ON RECOMMENDATIONS

Sheriff's Department Recommendations: 1c and 1e

YUBA COUNTY JAIL

REASON FOR INVESTIGATION:

1. Penal Code §919(b), states "The Grand Jury shall inquire into the condition and management of the public prisons within the county."
2. Complaint letters and personal requests were received regarding facility inadequacies and individual treatment.
3. During the tenure of the 1994/95 Grand Jury, the Yuba County Jail was nearing an end to its renovations and changes concerning inmate housing, renting of inmate vacant space and the overall effect on operational procedures. In view of these conditions and changes, it was felt that it was beneficial to give this facility an update and complete review.

BACKGROUND:

The present Yuba County Jail, located at 215 5th Street Marysville, was constructed in 1962. The new addition was completed in 1992. This was a relatively short time, since expansion began in 1986. This facility is classified as a "type II facility" meaning a local detention facility used for the detention of prisoners pending arraignment, during trial, and upon a sentence of commitment. The "Old Jail" is being up-graded to meet minimum standards. The jail is under the general direction of the Yuba County Sheriff. The direct operation is supervised by the Jail Commander, who holds the rank of Captain. The 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."

SCOPE:

The scope is limited to the disposition and/or verification of the following:

1. Inspection Penal Code 6031
 - (a) 1029 policy and procedures manual.
 - (b) 1055(d) use of safety cell.
 - (c) 1216 managing legally obtained drugs.
 - (d) 1241 minimum diet.
2. Fire and life safety systems test is in accordance with section 13146.1 of the California Health and Safety Code, which is required under Titles 19 and 24 of the California Code of Regulations.

3. Board of Corrections Code: 6120 94/95 Inspection Cycle Non-compliance Summary.

PROCEDURE:

All interviews are conducted and documents were obtained by no fewer than two members of the Grand Jury per PC §916.

Members of the Grand Jury made arrangements with the Yuba County Sheriff and his staff, to meet in his office for an interview and tour of the facility.

DISCUSSION:

Members of the Grand Jury met with the Sheriff and his staff. This visit was supplemented by an additional on site review. Discussions were conducted regarding jail facilities, operations, and conditions. All the officers contacted were candid, personable, and knowledgeable in their positions and responsibilities. Emphasis was placed on jail safety, security, minimum diet, and efficient management of facilities within their operating budgets.

The members on their initial visit were given a partial tour of the jail facilities. This tour began in the old part of the jail, which the members found to be visibly antiquated and insecure-looking, pertaining to arrangements for the booking and lodging of prisoners.

The problem of inmate bedding equipment was solved, due to the expected cell furnishings finally arriving. The tables and seating equipment for the day room were made ready for installation. Painting necessary to upgrade the old jail, still remains on schedule. The kitchen is well run, organized, and equipped well enough to handle the meals which are required. At the time of the visit, the chef and his staff were busy preparing the noon meal, which looked appealing. These meals meet standards code 6031. The kitchen has a permanent food/service staff of approximately three (non-deputized) employees, including the chef. These personnel receive some assistance in preparing, serving, and clean-up from various inmates.

The female inmates do not work in the kitchen; they work exclusively in the laundry. This eliminates unforeseen problems between male and female inmates.

The tour continued to the new portion of the jail; where housing for the inmates varied from cells to dorm type units called pods. There are high security cells, single cells, reception areas, and "drunk tank". One of the safety cells in the booking area is completely padded. Other special accommodations are necessary for dealing with the many different inmates and the crime for which they are incarcerated. There is an inmate barbershop,

dentist's office, nurses' station and treatment room. After visiting the law library it was found to be adequate. An attorney conference room is available in the inmates' visiting area.

The new booking area is impressive. The mug shot is accomplished by use of a digital computer. Fingerprinting is also done by computer and this computer is able to link up with the F.B.I. system. The inmate pods and all areas of activity in the jail are maintained between 68-78 degrees; however, the old section of the jail continues to encounter problems with excessive temperature variations beyond Title 15 Standards. The modern security system eliminates the use of keys (with the exception of fire doors), allowing for safety of inmates, personnel, and general public.

During the discussion with the Sheriff and his staff, he informed us that the Fire Marshall was present and actively conducting the annual fire safety system check. The generator in the new portion of the jail was observed to be operable and sound. The fire and life safety systems tests further revealed that the Amsul System R102 in the kitchen is also operable and sound. At the end of the Fire Marshall's inspection there were several deficiencies observed.

The members returned again to review the jail and to confer with the Sheriff and his staff, concerning several inmate complaints. A followup of the "Board of Corrections 94/95 non-compliance minimum jail standards"; concerning the State Fire Marshall's fire and life systems safety test, and including observed deficiencies. All necessary projects comply with the 94/95 Board of Corrections report. The painting of the female side of the jail is nearing completion.

The final visit was scheduled for March 20, 1996. The facility is partially self-supported by renting bed space and maintaining a small laundry contract with Yuba Sutter Mental Health.

Currently the deputized employees consist of approximately 25 persons. The three shifts are covered as follows: ten on the day shift, nine on the swing shift and six on the graveyard shift. This number depends on the number of inmates and other factors such as inmate court appearances, special demands, family visitation and other conditional situations. As of October 1995 the jail had 14 unfilled staff positions.

The jail medical department employs one registered nurse, two licensed vocational nurses and one nurse's assistant that helps the dentist. The LVN's work overlapping eight hour shifts, from 7:00 am to 10:00 pm, so there is a 15 hour medical staff availability. The registered nurse is available for nine hours of on-site coverage. The jail is visited by the registered nurse regularly five times a week, for a total of nine hours and is on call at any time for necessary purposes. "Sick call" is held, three times a day and approximately 75

inmates are seen. If there is a problem, which the medical staff can not handle, the inmate is taken to Rideout Hospital, under appropriate security conditions.

Some of the members' time was spent reviewing inmate complaints. These allegations fall into six categories:

- (1) Being served cold food and in an untimely manner.
- (2) Inadequate medical attention.
- (3) Inadequate supply, and lack of clean clothing and linens.
- (4) Unclean cells, and inadequate cleaning supplies for the inmates to keep their living quarters clean.
- (5) Complaints to the Grand Jury are not responded to in a timely manner.
- (6) Non-response to disciplinary complaints concerning a formal hearing by the jail commander.

It is not easy to assess these complaints, due to the fact that a few complaints were not signed by inmates. There were several complaints listed in the above allegations. The members reviewed the complaints for action and disposition.

The members were concerned about the 94/95 non-compliance summary regarding minimum jail standards, Board of Corrections Code: 6120 California Code of Regulations Title 15, Division 1, Inspection Code 6031, 1029, 1055a, 1058 and 1216 including 1241. The members concern extended to the fire and life safety system, CSFM File #40-50-44-0001-010-1 dated September 22, 1995.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. The inmate complaints were whenever possible, discussed with the complainant, his or her fellow inmates, Sheriff and his staff. All documents and records were checked and reviewed. On-site reviews were made to check validity of complaints, and valid problems would be brought to the Sheriffs' Department for action and correction. The results were as follows:

- (a) Food being served cold:

The members upon observing and actually eating a (noon) meal found the food to be nutritious and tasteful; the members found the food to meet minimum standards. The food was not cold and was served in a timely manner.

- (b) Inadequate Medical Attention:
Recently, purchased by the Sheriff's Department, is a new state of the art medical cart, which provides a secure means of storing medication. At the time any medication is dispensed to any inmate they are observed to make sure that the medication is ingested. Upon inmate ingestion of the medication they must sign a log book. There are medical personnel on duty 15 hours a day. Sick call is provided three times a day.
 - (c) Unsanitary conditions:
After discussing this problem with the Sheriff and his staff, it was learned that on one occasion this did occur, with one male inmate. The members agreed that the jail in general, on the whole, appeared to be of satisfactorily hygienic condition, even so, there have been problems in this area.
 - (d) Inadequate clean clothes and linens:
The jail has its own laundry facility which is operated by the female inmates. There is a large storage room for inmate clothing and linens, which are amply supplied.
 - (e) Non response to Grand Jury Complaints:
All complaints are reviewed and responded to, as the Grand Jury receives them. A lot of these complaints are not dated and are hard to read. Some are unsigned and cannot be addressed.
 - (f) Non-response to disciplinary (formal) hearings:
The members, after reviewing six months of these disciplinary records, find no bases for this issue.
2. Board of Corrections code 6120 - California Code of Regulations Title 15, Division 1, Inspection Code 6031 94/95 Non-compliance Summary minimum jail standards.
- (a) The members have received all documentation which reflects compliance to the summary with one exception which has now been cleared.
 - (b) Painting of the "old" portion of the jail was physically observed by the members to be a one year ongoing project.

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. Inmate complaints:

- (a) None.
- (b) None.
- (c) That adequate cleaning supplies be available to all inmates.
- (d) None.
- (e) That all complaints should be submitted and signed on Grand Jury complaint forms.
- (f) None.

2. 94/95 Non-compliance Summary minimum jail standards:

- (a) None.
- (b) None.

RESPONSE REQUIRED ON FINDINGS:

Sheriffs Department, 1a through 1f and 2a, 2b

RESPONSE REQUIRED ON RECOMMENDATIONS:

Sheriffs Department, 1c, 1e

YUBA COUNTY
BI-COUNTY JUVENILE HALL

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Findings 3, 5 & 6

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendations 3, 5 & 6

BI-COUNTY JUVENILE HALL

REASON FOR INVESTIGATION:

1. Penal Code §919(b), states, "The Grand Jury shall inquire into the condition and management of the public prisons within the county." All detention facilities are included in the term "public prisons" i.e. includes the Juvenile Hall.

2. Follow-up of the 1994/95 Grand Jury report.

BACKGROUND:

The Bi-County Juvenile Hall 1023 14th Street, Marysville services two counties, Yuba and Sutter County. The daily operation of the Juvenile Hall is a branch of the Yuba County Probation Department, and the daily operations are directed by the Probation Program Manager. This department is investigated annually by the Grand Jury, Health Department of Yuba County, Sutter County, Yuba County Department of Justice and the Board of Corrections.

SCOPE:

The Grand Jury's investigation was focused on the facility and general operations. All regulations contained in California Administrative Code Title 15, Division 4, Chapter 2, Subchapter 3, and Title 24 are applicable to incarceration facilities for minors.

PROCEDURE:

All interviews are conducted and documents were obtained by no fewer than two members of the Grand Jury per PC §916.

Five members of the Grand Jury, on January 25, 1996, reviewed the general operations and activities of the Juvenile Hall listed in the scope of the investigation. An interview was scheduled with the Superintendent. An on-site visual tour of this facility was conducted.

DISCUSSION:

The facility was clean and well maintained. The walls that were painted 6 years ago are still in good condition. It provides adequate surveillance system which provides security and safety for inmates, visitor, and employees. The system is in a centralized location in a control room, and is monitored 24 hours daily. There are alarms and sprinkler system throughout the facility. The new system works well. Fire drills are conducted on a regular basis, with the Marysville Fire department. An inspection was done November 13, 1995. A large recreation yard is located behind the main facility. There is a patio area behind the new dorm for a place to picnic, barbecue, and visit during warmer weather. A high hurricane fence surrounds the facility, but the inmates are not protected from the levees, because the exercise yard is at the mercy of the environments outside of the perimeter fence. There are three separate housing wings which provide 45 beds. At the time of our visit there were 50 inmates, a little over capacity. All are single wet cells. The new dorm, which is now completed will provide 12 new beds.

Inmates are assigned to this facility by the court; there isn't a minimum age group for minors incarcerated at the Juvenile facility. The maximum age limit is 18, but an exception is made, when Juveniles commit crimes while still minors, they may stay until their 19th birthday.

All new inmates are given a physical exam which is provided by the Yuba County Health Department. There is a physician on-site in this facility two days a week for two hours and a registered nurse is on duty five times a week for four hours each time for any medical needs. Inmates are provided with clothing; personal clothing is not allowed. There is a small area with washer and dryer for washing clothing worn by inmates. While it serves its purpose, but is inadequate for the volume of clothing. Religious services are held by various church groups, which is an inmates personal choice.

The staff at this facility employs a positive approach program, which it uses rewarding points for self control, for the completion of tasks and for cooperation. The point system earns inmates extended family visits, and later bed times. All behavior problems are dealt with in a positive and personal level by staff. When inmates can not demonstrate self control they are returned to their cell room until they can show better behavior. For severe misbehavior, inmates can be put into isolation. There are two groups; first are those who need to be kept under tighter control, and those they educate and help to make better citizens. The staff care what happens to these minors and go out of their way to help them. They don't believe that you have to bully to help them.

The committee also reviewed the employee work scheduling and overtime requirements. The examination of the schedule and available staffing revealed a unique structure that allowed all employees to have ample time off while working within the 40 hour per week schedule. This department's work schedule is based on a memorandum of understanding which was negotiated by the employees association and the county. Although

there has been a need for overtime due to a temporary shortage in part time help, no employee has been denied any vacation request.

The facility has three portable classrooms on-site and new computers, designed to provide good educational skills to inmates. A large portion of these committed programs have concentrated highly on giving inmates a sound education. Three certified teachers, are provided by the Yuba County Educational Department. They have ample supplies, and a small library. Additional teaching programs are being given by community volunteers, who enjoy teaching the inmates some new skills they can use. These programs provide some experience to help inmates become productive. Inmates learn gardening, landscaping, bicycle repair, wood shop and home repairs. The Glad Tidings Church has made them selves available to these kids during their stay and after they are released.

An on-site kitchen has been remodeled with up dated stainless steel counter tops, and a commercial dishwasher. All meals are prepared off-site and brought to the facility. Three meals are provided each day and are well-balanced and meet the requirements by the State of California nutrition program health system.

This facility is visited and reviewed by other counties to train and institute some of these programs that work well in this facility. The department stays within its budget.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. Fire drills are conducted on a regular basis, with the Marysville Fire Department.
2. There is adequate health care provided by this department.
3. There is a laundry room with a small washer & dryer which is inadequate due to its size.
4. There are ample supplies, a small library and new computers.
5. Community volunteers have been recruited to teach gardening, landscaping, bicycle repair, woodshop and home repairs.
6. The kitchen area is being remodeled.
7. Meals prepared are balanced and meet the requirements set by the State of California nutrition program health system.
8. This department is within its budget.

RECOMMENDATION:

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. & 2. None required.
3. That an industrial washer and dryer are needed for the laundry.
4. None required.
5. Recognition and support by the community should be given to those volunteers. The Grand Jury would like to thank you. WELL DONE!
6. With a little more remodeling to the kitchen, meals could be prepared on-site. With the aid of a cook to supervise inmates, this could give them a sense of self worth, and some added experience.
7. None required.
8. The Grand Jury commends the entire staff of this facility. Keep up the good work.

RESPONSE REQUIRED ON FINDINGS:

Yuba County Board of Supervisors, 3, 5, & 6

RESPONSE REQUIRED ON RECOMMENDATIONS:

Yuba county Board of Supervisors, Recommendation 3, 5, & 6

CONCLUSION:

It is found that the Bi-County Juvenile Hall continues to provide the needs of the counties of Yuba and Sutter. With the continued ongoing programs, remodeling, the emphasis on education and communication skills, this facility will aid and repatriate the inmates.

LINDA FIRE DISTRICT

RESPONSE REQUIRED ON FINDINGS

Yuba County Board of Supervisors: Finding 1

RESPONSE REQUIRED ON RECOMMENDATIONS

Yuba County Board of Supervisors: Recommendation 1

LINDA FIRE DISTRICT

REASON FOR INVESTIGATION:

A Citizen's complaint regarding an issue with the Linda Fire District prompted an investigation by the members of the Grand Jury.

BACKGROUND:

The Linda Fire District and other fire districts are located strategically within the county to provide protection to the entire populace. They receive monies for their operation from either - allocations from property tax assessments or a direct assessment (for fire protection) from the property owners. The method is negotiated between each Fire District and the Board of Supervisors.

The Board of Supervisors maintain their offices in the Yuba County Courthouse, located at 215 Fifth Street, Marysville, Ca.

SCOPE:

This investigation covers only the Fire Districts receiving allocations from property tax assessments, and does not include the Fire Districts receiving their monies from direct assessment. The intent was to evaluate whether the allocations are equitable. Evaluation was made on a comparative basis, and not on an individual basis.

PROCEDURE:

All interviews are conducted and documents were obtained by no fewer than two members of the Grand Jury per PC §916.

The members met with D. Sellers and F. Hansen, Auditor-Controllers Office, to obtain information regarding property taxes allocated to the various Fire Districts.

The members reviewed the following documents:

1. Minutes of the Board of Supervisors meeting of 2/9/82, Minute Book 39: pages 33, 34, 47 and 48.
2. The Board of Supervisors Resolution No. 1982-32; re: resolutions approving and agreeing to accept the negotiated exchange of property tax revenue for the Arboga annexations to the Linda Fire District.
3. Letter to Yuba County Board of Supervisors from J. Hull, County Administrator, dated February 17, 1982, Subject: Property Tax Transfer.

4. Letter to F. Morawcznski, County Administrator, from F. Hansen, Asst Auditor-Controller, dated February 10, 1994, Subject: Property Taxes Distributed to Linda Fire District.
5. Property Taxation (State of California), Property Tax Law Guide, Article 5, Chapter 99.

DISCUSSION:

In a letter to the Board of Supervisors from J. Hull, Administrator, stated: "...the long term impact of this proposed property tax transfer is quite serious. By granting both the base transfer amount and 30% of future tax increments...will erode the property tax monies that are needed to support vital County services in the coming years...County is still responsible for providing Sheriff's patrol, planning, Public Works, Courts...the revenue to fund these will be reduced...will ultimately reduce the contingency fund." He further stated "...if this property tax is approved and other Fire Districts are formed...precedent will be set to fund them by property tax transfer."

The Plumas-Brophy Fire District was subsequently formed. They asked for and received a tax transfer, but only 2 1/2% of annexations.

In spite of the warning, the Board of Supervisors passed Resolution No. 1982-32. The Resolution states, in part: "...County of Yuba does hereby agree to accept the negotiated exchange of property tax revenues...as follows: \$22,638 for FY 1981-82, \$22,638 for FY 1982-83 and 30% of the tax increment otherwise allocated to the County for the following years."

The 30% allocated by Resolution 1982-32 is within the guidelines of the State Revenue and Taxation Code.

The statement in the Resolution: "and 30% of the increment" was interpreted by the Administrator and the Auditor-Controller as an arithmetical progression called a "Rolling Tax Base", as opposed to a constant "Recurring Tax Base." To explain the two Tax Bases, an example is presented below. Note how the two Tax Bases diverge with each succeeding year.

ROLLING TAX BASE:

Year	1981-82	1982-83	1983-84	1984-85	1985-86
Increment	0	44,616	44,616	44,616	44,616
30% of increment	0	13,385	13,385	13,385	13,385
Base	22,638	22,638	36,023	49,408	62,793

RECURRING TAX BASE:

Increment	0	44,616	44,616	44,616	44,616
30% of increment	0	13,385	13,385	13,385	13,385
Base	22,638	22,638	22,638	22,638	22,638

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As shown above, the initial tax base of \$22,638 (FY 1981-82) has compounded to \$173,310¹ (FY 1994-95). As of FY 1994-95, the Linda Fire District has received a total of \$1,392,456. On a "Recurring Tax Base", they would have received \$450,939.

A comparison of tax allocations, for the Linda Fire District paid on a "Rolling Tax Base" versus the other Fire Districts paid on a "Recurring Tax Base", is as follows:

	<u>1994-95</u>	<u>1995-96</u>
Linda Fire	\$380,805	\$403,418
Olivehurst PUD	\$196,262	\$201,344
Plumas-Brophy	\$ 33,157	\$ 34,892
Smartsville Fire	\$ 11,555	\$ 11,736

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. Apparently Resolution No. 1982-32 was misconstrued. The Linda Fire District receives their tax transfer monies based on a "Rolling Tax Base"; whereas, the other Fire Districts are based on a "Recurring Tax Base."
2. The tax allocation allowed by Resolution No. 1982-32 is within the guidelines of Revenue and Taxation Code, Article 5, Chapter 99.

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. That the Board of Supervisors should rectify Resolution No. 1982-32 and make the property tax allocations equitable to all Fire Districts (receiving tax allocations).
2. None.

¹ Per Auditor-Controller, this is the actual base for FY 1994-95.

COMMENTS REQUIRED ON FINDINGS:

1. Board of Supervisors, Finding 1.

2. None on Finding 2.

COMMENTS REQUIRED ON RECOMMENDATIONS:

1. Board of Supervisors, Recommendation 1.

CONCLUSION:

As portended by J. Hull (reference: letter to Board, dtd February 17, 1982), the County budget is currently in a deficit status. The tax transfers to the Fire Districts are not the direct factors attributing to the deficit; however, since it has occurred, perhaps J. Hull was accurate in his assessment of Resolution 1982-32.

MARYSVILLE, CITY OF (ADMINISTRATION AND OPERATIONS)

RESPONSE REQUIRED ON FINDINGS

City Council: Findings 1 thru 5

RESPONSE REQUIRED ON RECOMMENDATIONS

City Council: Recommendations 2 thru 4

**MARYSVILLE, CITY OF
(ADMINISTRATION AND OPERATIONS)**

REASON FOR INVESTIGATION:

Chapter 3, Article 2, § 925(a) of the California Penal Code says, "The Grand Jury may at any time examine the books and records of any incorporated city or joint powers agency in the County...." Therefore, this department was chosen by random selection.

BACKGROUND:

The City of Marysville is operated by an elected City Council and managed by a City Administrator. They are located at the City Hall, 226 C Street, Marysville, Ca. Their principal function is to operate the City and provide needed services for residents. The City is governed by the terms of the Charter of the City of Marysville.

SCOPE:

The Grand Jury limited its scope to: (1) Management personnel, (2) Activities, (3) Facilities, and (4) a followup on the Redevelopment program for Downtown Marysville.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

One interview was scheduled with the first City Administrator, who resigned in October, 1995 prior to the meeting date. Two interviews were conducted with the Interim City Administrator (I.C.A), who replaced him. Members obtained and reviewed the relevant Ordinances and Municipal codes and reviewed the recommendations of the 94/95 Grand Jury Report.

DISCUSSION:

The City Administrator was pleasant and cooperative. This report focuses on the I.C.A., who was appointed soon after the C.A.'s resignation. She has worked many hours to effect a smooth transition of business from the C.A. to the I.C.A.

She informed us that the State of California has caused many cities to cut back on funding programs, because the State now takes about 30% of the property taxes, which the cities used to be allowed to keep. The City operates on a budget of about \$5,500,000 now, including taxes from sales, property, and DMV fees. Due to the increase in the money taken by the State, most cities and counties have tighter budgets than they've had before.

The I.C.A. had scheduled a day to go the State Capitol and support the bill which would have allowed the cities to keep more of their own money.
(SB 1977--Mountjoy) The bill died in the committee, so she did not have that opportunity.

Volunteer Citizens interested in Historic Preservation donated money and labor to erect a rustic sign on Highway 70, at the base of the E Street Bridge, entering Marysville. This sign is appropriately decorated, with the slogan, GATEWAY TO THE GOLD FIELDS. This is a significant landmark, attractive to tourists.

The I.C.A. is focusing on making Marysville into a recognized historic city, attracting tourists who are interested in our rich heritage.

The current project is the return of the antique arches to Downtown Marysville, and to their original positions at certain intersections. They were removed in 1922 - 1926; one was sold to Rio Linda, and they are still trying to find out what happened to the others.

The double-arch which had been sold to Rio Linda has been reproduced by a local steel company and installed at the intersection of Fifth and D Streets, on the same footings where the original arches stood 74 years ago.

The double-arches are accented with tiny twinkling lights and a USA flag. On special occasions, two more USA flags and two California Bear flags are also displayed, one at each corner of the intersection.

The I.C.A. is applying for grant money to pay for the rest of the arches, if they can be located, or for reproductions.

Redevelopment and grant monies become available when the Department of Housing and Urban Development and the State of California allocate funds to rehabilitate distressed and low-income areas. The City may apply annually until the available funds are exhausted. The grant funds must be used up or returned to the State.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the grand jury. P.C. § 916

1. The Interim City Administrator is hard-working, knowledgeable, and dedicated to improve the city.
2. The State has taken about 30% of the taxes/fees monies which used to be available to the City, so cities are forced to cut back on public services and other programs.
3. The I.C.A and her staff are striving to improve the image of downtown Marysville. They are focusing on Marysville's role as a historic Gold-Rush City, a must-see for historians and tourists.
4. Volunteers have erected a landmark sign, announcing that Marysville is the Gateway to the Gold Fields.
5. The first set of (reproduced) arches is back in Marysville, after 74 years!

RECOMMENDATION:

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. None required
2. That the Interim City Administrator should continue to seek ways to keep more of the taxes/fees monies which have been generated by our local community.
3. That the I.C.A and her staff should be commended for their efforts to improve the historic appearance of Marysville, even with limited funds. The I.C.A should also be commended for using her knowledge of available grants to secure funds for these projects.
4. That the Grand Jury commends the volunteers who donated the money and labor for the "Gold Fields" sign.
5. None required

RESPONSE REQUIRED ON FINDINGS:

City Council: 1, 2, 3, 4 & 5

RESPONSE REQUIRED ON RECOMMENDATION:

City Council: 2, 3 & 4

CONCLUSION:

The Grand Jury commends all citizens who cooperated in bringing the arches back to Marysville, the private fund-raisers who paid for the cost, and the "Arch-Bishop" who spearheaded the local interest in bringing back the arches.

MARYSVILLE, CITY OF
DEPARTMENT OF PUBLIC WORKS
and PARKS AND RECREATION

RESPONSE REQUIRED ON FINDINGS

City Council: Findings 1 thru 5

RESPONSE REQUIRED ON RECOMMENDATIONS

City Council: Recommendations 2 thru 5

**DEPARTMENT OF PUBLIC WORKS
and PARKS AND RECREATION**

REASON FOR INVESTIGATION:

(1) Chapter 3 § 925(a) Ca. 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...."

Therefore, these Departments were chosen by random selection. The Grand Jury was concerned about the advantage of the two departments, Parks and Recreation/Department of Public Works being combined under one Director.

The Grand Jury was concerned about the danger to pedestrians from youths and adults riding 2-wheeled bicycles on the sidewalks, through the parks, and over the bridges of Marysville.

We also wanted to learn what could be done about certain small areas of the city accumulating debris and trash, especially around public phone booths.

BACKGROUND:

The Public Works Department has been combined with the Parks and Recreation Department under one Director, with two secretaries and maintain's separate budgets for each department. Their office is located in the Marysville City Hall at 226 C Street Marysville, Ca. The Director is an employee of the City and reports to the City Administrator. The operation of both departments is governed under the Municipal Codes and the Policies and Procedures of the City.

SCOPE:

Members of the Grand Jury interviewed the Director re:

- (1) The activities provided for youth and other citizens of the city.
- (2) Methods of keeping the City clean and attractive.
- (3) Methods of operating these departments on a limited budget.

DISCUSSION: (Parks and Recreation)

The Director was pleasant and cooperative. He answered our questions with candor, and was pleased to have a chance to tell us all that he is accomplishing in the City.

- (1) They have a sports program year-round: baseball, basketball, softball, and indoor volleyball. In-line skating was offered, but the cost of protective gear and insurance was too high for many parents, so their children were not able to participate.
- (2) Sports programs are provided for all ages. They are funded by the Marysville general fund, and cost \$11,000 annually. There are additional funds from events at Riverfront Park, which generate about \$14,000 per year, including motorcycle races.
- (3) When Riverfront Park is flooded, the Employment Development Department (E.D.D). sends workers to help clean up the flooded area, after floodwater has subsided.
- (4) This department and staff also maintain all the parks in Marysville, with help from jail inmates. Restrooms and drinking fountains are scrubbed and sprayed with antiseptic nearly every day.

DISCUSSION: (Department of Public Works)

Some monies are provided by grants from the State and Federal Government for maintenance and repair of roads and water areas. Other monies from the City of Marysville budget go into the Public Works budget. Most of this money is generated by user fees.

The Fifth Street Bridge is getting a bicycle path across the North side, funded by State and Federal grants. Marysville and Yuba City are cooperating on this project. The bridge approaches of both counties for this project are scheduled for completion by July, 1996. Ten percent of the grant money will be held in reserve for repairs.

The Department of Public Works does not have its own section in the Marysville Municipal Code, so the following problems are discussed in relation to the rest of Marysville Municipal Code:

DISCUSSION OF PROBLEMS AFFECTING BOTH DEPARTMENTS:

- (1) Even though large areas of the City are well-kept and clean, trash piles up around shrubbery and public phone booths. On the day this report was written, there were 17 discarded paper cups, three cigarette wrappers, and assorted crumpled napkins in the shrubbery around the two public phone booths on the corner of the City parking-lot, near the Post Office.
- (2) Many older youths and adults ride their two-wheeled bicycles on the sidewalks, endangering the safety of pedestrians. This violates Ordinance MMC 10.36.040 but there is not enough money in the budget to assign patrolmen to stop this practice.

FINDINGS:

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

1. The Director and his staff appear to be doing a commendable job with money available to fund his combined departments.
2. The Director has secured financing for a bike path across the Fifth Street Bridge, with grant money, in cooperation with Yuba City.
3. Most areas of the City are cleaned on a regular basis, but a few smaller areas which can't be cleaned with large equipment, have trash piled up for weeks at a time. MMC 11.18.100 states: (a) "All debris and surplus materials shall be promptly removed by the property-owner...." Since the City is the owner of this property, the City should be bound by the same rules it makes and imposes on its citizens.
4. Frequent bike-riding on the sidewalks, bridges, and through the parks are a danger to pedestrians.
"Bicycle" is defined in MMC 10.08.030 as: "A light vehicle without a motor, having 2 wheels, handlebars, and seat (s), propelled by the operator."
"MMC 10.36.040 Riding or driving on the sidewalk" states: No person shall ride or drive... any vehicle or animal... upon any sidewalk except... over established driveways.
"16.04.040 Non-motorized vehicles:" It is unlawful for non motorized vehicles... to be within park or recreational areas, except on roads and parking places designated for this purpose.
"16.04.050 Violations and penalties:" Any person violating any provision... shall be punished by a fine of \$250.

5. Many youths cannot join all sports available, because their parents cannot afford the gear and insurance required.

RECOMMENDATION:

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. None required.
2. That the Director and his staff should be commended for their success in securing funds to pay for the new bike path across the Fifth Street Bridge. This may keep many bike-riders off city sidewalks.
3. That trash receptacles be attached to public phone booths, so there is a convenient place to throw the debris which has been thrown into the shrubbery until now.
4. That signs be posted around town, warning bike-riders that it is illegal to ride bikes on sidewalks, and is subject to a fine.
5. That the feasibility of providing sponsors for youth sports should be investigated. Perhaps businesses could provide safety gear, in exchange for favorable publicity. Perhaps an insurance carrier could be found who could provide a group policy for a lower rate than the charge for parents who take one policy at a time.

RESPONSE REQUIRED ON FINDINGS:

City Council: 1, 2, 3, 4, 5

RESPONSE REQUIRED ON RECOMMENDATION:

City Council: 2, 3, 4, 5

WHEATLAND, CITY OF

RESPONSE REQUIRED ON FINDINGS

City Council: Findings (None at this time)

RESPONSE REQUIRED ON RECOMMENDATIONS

City Council: Recommendations (None at this time)

**WHEATLAND, CITY OF
(ADMINISTRATION AND OPERATIONS)**

REASON FOR INVESTIGATION:

1. Chapter 3, Article 2, § 925 (a) of the 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 Wheatland was selected for follow-up of previous Grand Jury reports, 91/92 thru and including 95/96, due to financial problems concerning the Mello-Roos Bonds and related expenses, and the selection of a new part-time City Administrator.

SCOPE:

The scope of this investigation was to check the current viability of the City, the impending default of the Mello-Roos Bonds, and the City's progress toward solving their problems. The Grand Jury also received concerns from Wheatland citizens about the handling of the Mello-Roos bond money and procedures.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than 2 members of the Grand Jury per PC §916

Members spoke with many City and County officials, some of whom did not agree with each other.

Members of the Grand Jury reviewed numerous City documents along with many personal statements. Members read articles published in local papers, L.A. Times, Reutyers Business Report, Bond Buyers Guide, letters from the SEC, and letters from Law firms, all concerning the Mello-Roos Bonds and their impending default.

COMMENTS:

The statements and documents which members received from City Hall, from private citizens, from landowners, and other concerned persons contained so many inconsistencies and contradictions, members could not complete the investigation in time for the 1995-96 report.

Due to impending litigation regarding the Mello-Roos Bond procedure, the 1995/96 Grand Jury decided to postpone any conclusions, regarding the Mello-Roos issue at this time.

The 1995-96 Grand Jury respectfully requests the incoming 1996/97 Grand Jury make their own investigation of the discrepancies found. All pertinent information obtained by the 1995/96 Grand Jury will be made available to them upon request.