

FILED

SEP 20 1996

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

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

OFFICE OF THE MAYOR

September 18, 1996

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

Dear Judge Buckley:

I am writing on behalf of the Marysville City Council to respond to the Yuba County Grand Jury 1995-96 Final Report. I will address both the finding and the recommendation in each of the points below.

Administration and Operations:

1. We appreciate your compliments of our Interim City Administrator. She is, in fact, hard-working, knowledgeable and dedicated to improve the city, and it's nice to see that the Grand Jury recognizes that as well.
2. The State has, indeed, taken away a good amount of our revenues. Even though, as the Grand Jury stated, SB 1977 died in committee earlier this year, it has now been resurrected as an amendment to SB 858. Our City Administrator will continue to do all she can to see that this new bill, or any other similar bill, gets passed so that we can retain local revenues.
3. Again, thank you for the commendations of our Interim City Administrator and her staff for their efforts to improve the historic appearance of Marysville. We have just been notified that we are being awarded a Community Development Block Grant that will enable us to create facade renderings of our historic commercial area and to help property owners attain this vision by providing a program with which to finance the improvements. We will be starting on this project soon.
4. We join with you in commending the volunteers who donated the money and labor for the "Gold Fields" sign.
5. We are happy, too, that the first set of arches is back in Marysville after 74 years! We will continue to look for ways to finance additional arches.

Department of Public Works:

1. Thank you for your commendation of our Public Works Director and his staff. They do, indeed, do a commendable job with the available funding.

2. We appreciate your commendation of our Director and staff for their part in coordinating construction of the Fifth Street Bridge bike path. We look forward to finally being able to provide a continuous bike route from Marysville to Yuba City.

3. We agree that there seems to be an inordinate amount of trash around the phone booth near the Post Office. Our Public Works Department has placed a toter near that location to alleviate the problem.

4. Unfortunately, there are those who disregard the rights of pedestrians and ride their bicycles on the sidewalks. But because of our fiscal constraints, it would be difficult right now to spend the rather large amount of money it would take to erect all of the necessary signs. More importantly, however, we have found in the past that signs make a difference only if there is enforcement. Again, because of our current financial difficulties, we are not able to provide walking patrol along our sidewalks and parks, so enforcement is difficult. We do acknowledge that this situation needs to be addressed, so we will ask our police force to be more aware of these riders, and to cite them when necessary.

5. We certainly want to encourage our youth to join all available sports, and do not want their ability to pay to be a deciding factor. We will investigate the feasibility of providing sponsors for youth sports, and look into our insurance requirements.

* * * * *

If we may be of any further assistance, please call me or our City Administrator, Sherri Emitte, at 741-6633.

Sincerely,



Paul D. McNamara
Mayor

cc: Marysville City Council
Yuba County Board of Supervisors
Marysville City Administrator
Marysville Public Works Director
Marysville Police Chief

The County of Yuba

OFFICE OF THE SHERIFF - CORONER



Gary D. Tindel

SHERIFF - CORONER

(916) 741-6331

July 16, 1996

Yuba County Grand Jury
215 5th Street
Marysville, CA 95901

RECEIVED SEP 18 1996

RE: Response to recommendations of the 1995-96 Grand Jury Final Report

Dear Grand Jury Members:

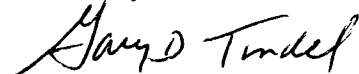
The 1995-96 Yuba County Grand Jury Final Report of the review of the Yuba County Jail had no recommendation for six of its eight findings. Of the two remaining findings, the first, 1(c), dealt with a male inmate's complaint that he had not received adequate cell cleaning supplies on one occasion. The inmate in question had filed an Inmate Grievance Form concerning the matter and a satisfactory resolution had been reached prior to the investigation by the Grand Jury. The inmate had filed the grievance and the Grand Jury complaint simultaneously rather than exhausting the remedies afforded inmates through the Yuba County Jail Inmate Grievance Procedure before lodging his complaint with the Grand Jury. As a rule, adequate cleaning supplies are made available to all inmates and in this instance the cleaning supplies were delivered to the inmate, unfortunately they were placed outside his reach.

The second recommendation, 1(e), suggests that inmate complaints "should be submitted and signed on Grand Jury complaint forms." This recommendation came in response to a complaint of non-response to Grand Jury complaints. On the surface this may seem to be a reasonable recommendation, however, it would potentially interfere with the established Inmate Grievance Procedure. In 1976, inmates of the Yuba County Jail filed a civil rights complaint in Federal Court alleging conditions of confinement at the Yuba County Jail violated their constitutional rights. The complaint resulted in a Federal Consent Decree commonly referred to as the Hedrick Consent Decree. As a condition of the consent decree, the inmates requested and received a formal Inmate Grievance Procedure. The procedure is designed to give expedient due process to inmate grievances. At least 95% of all grievances are resolved within 48 hours of being submitted and all grievances are resolved within 10 days of their receipt. The Yuba County Jail Inmate Handbook, which is distributed to inmates at intake, describes in detail the inmate grievance procedure, including the time limits imposed for resolving grievances. At the conclusion of the grievance procedure, other complaint procedures are explained. The first of the other complaint procedures states: "You can complain to the Yuba County Grand Jury, who is required by state law to inspect the jail. Letters must be signed and dated." This is followed by the address for the

Yuba County Grand Jury. Inmates are encouraged to use the Yuba County Jail Inmate Grievance Procedure (which has been a very successful means of resolving grievances) and are notified of their right to lodge complaints with the Grand Jury. Providing Grand Jury complaint forms to the inmates would discourage the use of the inmate grievance procedure and hinder the swift resolution of inmate complaints and prevent staff from swiftly resolving/recognizing potential problems within the facility.

Thank you for the opportunity to respond to the recommendations.

Sincerely,

A handwritten signature in black ink that reads "Gary D. Tindel". The signature is written in a cursive, flowing style.

Gary D. Tindel
Sheriff-Coroner

The County of Yuba

CHAMBERS OF THE MUNICIPAL COURT

September 18, 1996



JAMES F. DAWSON, JUDGE

DAVID E. WASILENKO, JUDGE

(916) 741-6351 Civil/Traffic Div
(916) 741-6353 Criminal Div

FAX (916) 634-7687

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

FILED

SEP 18 1996

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

Dear Judge Buckley:

It is unfortunate that the 1995-96 Yuba County Grand Jury failed to contact the Municipal Court to get all the information concerning Animal Control citations prior to its report being prepared and published. Had they done so, the following accurate information could have been provided:

1. In fiscal year 1993-94 there were 77 cases brought to the Court from Animal Control, not 70.
2. The following is the disposition of these cases with the Yuba County Municipal Court.

A. Thirty-three dismissals


- 1 case dismissed as individual cited was deceased
- 1 case dismissed at written request of Animal Control
- 2 cases dismissed by court per pleas in other cases
- 9 cases dismissed with corrections
- 20 cases dismissed at the request of the District Attorney for the following reasons: cited person not owner of dog, corrected, dog disappeared, negotiated pleas in other pending misdemeanor and felony cases, animal destroyed, and in the interest of justice.

B. Twenty-three individuals failed to appear in court and bench warrants were issued for their arrest. These are active warrants currently pending in the criminal justice system.

C. Twenty-one convictions resulting in total fines of \$1,502.00, not \$538.00 as reported in the Grand Jury Report.

If there is further need for inquiry, we would hope that the sub-committee would contact the court so that all appropriate information could be provided for their review. The Municipal Court will continue to operate in a fair, neutral and impartial manner dealing with all cases including Animal Control citations.

Very truly yours,



DAVID E. WASILENKO
Presiding Judge

DEW:psm

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY

FILED

SEP 3 1996

YUBA COUNTY SUPERIOR COURT
MARIA E. HERNANDEZ, CLERK
By *M. Hernandez*
Deputy Clerk

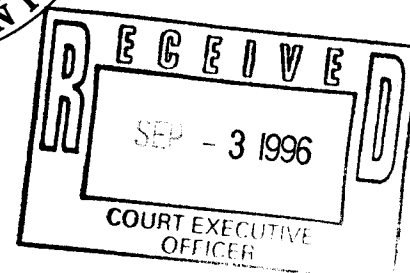


CHARLES F. O'ROURKE
DISTRICT ATTORNEY
PUBLIC ADMINISTRATOR

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

August 29, 1996

Honorable Dennis J. Buckley
Judge of the Superior Court
215 5th Street
Marysville, California 95901



RE: Report of the Grand Jury 1995-1996

Dear Judge Buckley:

In response to the report of the 1995-1996 Grand Jury, let me make the following comments regarding the findings. First, as to the Finding #4, I could not agree more that the process of locating fleeing parents is cumbersome and laborious, and takes far too long. In regard to Finding #7, it is my belief that rotation keeps job performance at a high level and protects against burnout on the job. As to Finding #8, I can only say on behalf of the Department and myself a heart felt thank you.

In commenting upon the recommendations of the Grand Jury, let me first state that the comments in Recommendations #7 and #8 are greatly appreciated by the Department and myself. Regarding recommendation #4, it has long been the policy of this Department to establish liaison relationships with other states in an attempt to expedite the location of absent parents, as well as enforcement of Court Orders. This is difficult at times because it takes the cooperation of the other state, over which we have no control.

The lack of control over the other states operations leaves us at their mercy. However, recent federal legislation may assist us, since it calls for more cooperation between the states, and looks forward to some expedited locate procedures.

I hope these comments are of some assistance.

Sincerely,

Charles F. O'Rourke
Charles F. O'Rourke
District Attorney

cc; Board of Supervisors
CFO:yy

The County of Yuba

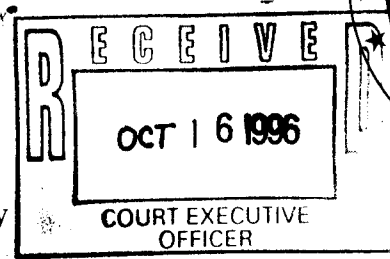
FILED

OFFICE OF THE SHERIFF - CORONER

OCT 18 1996

YUBA COUNTY SUPERIOR COURT
MARGARETE HERNANDEZ, CLERK

BY *M. Hernandez*
July 16, 1996 Deputy Clerk



Gary D. Tindel

SHERIFF - CORONER

(916) 741-6331

Read at 9/18/96

Yuba County Grand Jury
215 5th Street
Marysville, CA 95901

RECEIVED SEP 18 1996

RE: Response to recommendations of the 1995-96 Grand Jury Final Report

Dear Grand Jury Members:

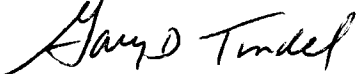
The 1995-96 Yuba County Grand Jury Final Report of the review of the Yuba County Jail had no recommendation for six of its eight findings. Of the two remaining findings, the first, 1(c), dealt with a male inmate's complaint that he had not received adequate cell cleaning supplies on one occasion. The inmate in question had filed an Inmate Grievance Form concerning the matter and a satisfactory resolution had been reached prior to the investigation by the Grand Jury. The inmate had filed the grievance and the Grand Jury complaint simultaneously rather than exhausting the remedies afforded inmates through the Yuba County Jail Inmate Grievance Procedure before lodging his complaint with the Grand Jury. As a rule, adequate cleaning supplies are made available to all inmates and in this instance the cleaning supplies were delivered to the inmate, unfortunately they were placed outside his reach.

The second recommendation, 1(e), suggests that inmate complaints "should be submitted and signed on Grand Jury complaint forms." This recommendation came in response to a complaint of non-response to Grand Jury complaints. On the surface this may seem to be a reasonable recommendation, however, it would potentially interfere with the established Inmate Grievance Procedure. In 1976, inmates of the Yuba County Jail filed a civil rights complaint in Federal Court alleging conditions of confinement at the Yuba County Jail violated their constitutional rights. The complaint resulted in a Federal Consent Decree commonly referred to as the Hedrick Consent Decree. As a condition of the consent decree, the inmates requested and received a formal Inmate Grievance Procedure. The procedure is designed to give expedient due process to inmate grievances. At least 95% of all grievances are resolved within 48 hours of being submitted and all grievances are resolved within 10 days of their receipt. The Yuba County Jail Inmate Handbook, which is distributed to inmates at intake, describes in detail the inmate grievance procedure, including the time limits imposed for resolving grievances. At the conclusion of the grievance procedure, other complaint procedures are explained. The first of the other complaint procedures states: "You can complain to the Yuba County Grand Jury, who is required by state law to inspect the jail. Letters must be signed and dated." This is followed by the address for the

Yuba County Grand Jury. Inmates are encouraged to use the Yuba County Jail Inmate Grievance Procedure (which has been a very successful means of resolving grievances) and are notified of their right to lodge complaints with the Grand Jury. Providing Grand Jury complaint forms to the inmates would discourage the use of the inmate grievance procedure and hinder the swift resolution of inmate complaints and prevent staff from swiftly resolving/recognizing potential problems within the facility.

Thank you for the opportunity to respond to the recommendations.

Sincerely,

A handwritten signature in black ink that reads "Gary D. Tindel". The signature is written in a cursive style with a large, stylized "G" and "T".

Gary D. Tindel
Sheriff-Coroner

The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS

(916) 741-6461

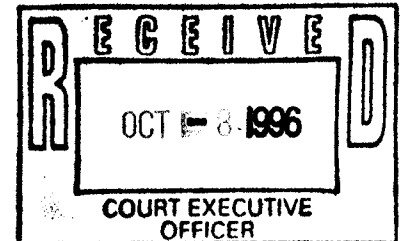
FILED

OCT 8 1996

September 25, 1996

The Honorable Dennis Buckley
Yuba County Superior Court
215 Fifth Street
Marysville, CA 95901

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



RE: RESPONSE TO 1995/96 GRAND JURY FINAL REPORT

Dear Judge Buckley:

Provided pursuant to Penal Code Section 933(c) are the comments of the Board of Supervisors related to findings and recommendations contained in the 1995/96 Grand Jury Final Report. Consistent with Paragraph C, responses do not address departments under the control of elected officials or outside agencies, except where a specific response was solicited. In addition, responses of individual departments to the Grand Jury's findings and recommendations are attached to this response, for the Court's information.

County Administrator's Office

Finding and Recommendation #1: The Board agrees that County Administrators' educational qualifications have exceeded the minimum qualification contained in the Ordinance Code, as no specific level of education is stated. The Ordinance is currently being revised and the draft revision specifies a bachelor's degree in public administration, business administration or related field.

Finding and Recommendation #2: The Board disagrees that the CAO position in Yuba County is undesirable. The Grand Jury based its conclusion upon a survey in which at least two respondents clearly did not agree with this assessment. Further, the conclusion is based upon assumptions that are either factually incorrect or subject to personal opinion. The Board is aware that dismissal of a CAO does not present a particularly positive image; however, allowing a CAO to continue employment without the confidence of the Board presents a greater detriment to the County.

Finding and Recommendation #3: The Grand Jury has based this finding and recommendation upon faulty, incorrect information. The Board therefore disagrees. While the Board has hiring and termination authority over appointed department heads, those

department heads report to the County Administrator, who is charged by Ordinance with coordinating the activities of the departments and carrying out Board policy. The Grand Jury contends that the Board has created a "weak" CAO. Its definition of a strong CAO includes "...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." The Grand Jury has apparently concluded that Yuba County does not have a CAO that meets these criteria, but is unable to cite any factual example that would support its conclusion. Currently, department heads, including those who are elected, do work through the CAO and the CAO coordinates interdepartmental activities. The Board relies on the CAO to manage the County on a day-to-day basis, in keeping with Board policy. The Grand Jury did not present any examples of the Board "micromanaging" the departments. The Grand Jury compares Yuba County's CAO position, which by ordinance, differs very little from most surrounding counties, with that of Placer County. Placer County is a charter county (not a general law county) with a County Executive that hires and terminates appointed department heads, much like a city manager. With all due respect to the Placer County Executive, the prosperity enjoyed there in recent years has less to do with the County Executive's "power" under its charter; instead, it is more reasonably attributable to a number of complex economic issues, including historically high personal income, relatively low criminal justice and welfare caseloads, and proximity to dramatic industrial and recreational growth along the Highway 80 corridor.

Finding and Recommendation #4: The Board disagrees with this finding and recommendation, as it is not factually correct. The Grand Jury presented no information to support this conclusion. The Grand Jury gave no examples of Supervisors acting on "personal agendas."

Finding and Recommendation #5: The Board disagrees with this finding and agrees with this recommendation. The Grand Jury's statement that the County has a "deficit budget" is not factually correct. Yuba County has, in accordance with State law, annually adopted a balanced budget. The Grand Jury's statement that the County government is "...lacking in leadership, cohesiveness, and integrity..." is inordinately critical of the Board, is lacking in substantiation, and approaches defamation. Clearly, the Grand Jury violated the law by failing to validate its information; its conclusion is subjective and based upon opinion, unsupported by fact or example. At no time did the Grand Jury contact Board members for information or comments. With regard to the Grand Jury's recommendation that Yuba County's image needs to be improved in order to attract business, the County has implemented a centralized "one-stop shop" for permits, joined with neighboring jurisdictions in regional economic development efforts, and begun the use of development incentives to lure business to Yuba County. None of these efforts were mentioned in the Grand Jury Report.

Finding and Recommendation #6: The Board believes that it has historically recognized the CAO as a trained professional and has allowed the CAO to exercise his/her authority under the provisions of the Ordinance Code. The Grand Jury was unable to provide any examples of when this has not been the case.

County Counsel

Finding #1: The Board agrees that the cost of retaining comparable outside counsel, estimated at \$480,000, significantly exceeds the cost of in-house counsel, which is currently budgeted at \$263,448.

Finding #2: The Grand Jury's assertion that the County Counsel has lost two out of 46 cases appears to be inaccurate, as the County Counsel points out that the time period for measurement is unclear, and further, of the 44 "wins," only three cases actually went to trial. The Board disagrees with the Grand Jury's comments that two cases were found to be "without merit" and that the County Counsel exhibited a "cavalier attitude not consistent with the County's best interest." As indicated in the attached comments of the County Counsel, losing a trial does not necessarily indicate that the County presented a meritless defense. As the Grand Jury may be aware, the County Counsel is obligated to vigorously litigate cases in the County's best interest and based upon direction of the Board of Supervisors. As such, opposing counsel and even judges may disagree with the County's approach; however, that should not necessarily reflect in a negative manner on the County Counsel's Office.

Finding #3: The Board agrees that in private practice, attorneys specialize in various areas of the law. It is commendable that the County Counsel's Office successfully handles a great diversity of subject areas with only two attorneys.

Finding #4: The Board disagrees. As indicated by the County Counsel, information contained in the old computer system could not be transferred in the transition to a new system. The County will continue to pursue a cost-effective method of computerizing the Ordinance Code.

Recommendation #1: The Board agrees that the cost of maintaining the County Counsel's Office should be monitored. As noted by the County Counsel, this is the ongoing responsibility of the Auditor-Controller, the County Administrator and the Board of Supervisors. The Board disagrees with the recommendation that the County initiate a bid process if costs approach \$400,000 annually. This appears to be an arbitrary figure, unsupported by any logical argument, and does not take into account such factors as the County's size, legal workload, or any additional functions that might be added to the County Counsel's Office.

Recommendation #2: The Board agrees and disagrees with this recommendation. While it is agreed that the County Counsel should

be provided with adequate resources, the Grand Jury is undoubtedly aware of the County's shrinking financial resources and its effect upon all General Fund departments. The implication that cases have been presented in a less than professional manner is unsupported by fact.

Recommendation #3: The Board agrees that the County Counsel should have adequate access to legal experts and has consistently authorized the County Counsel to contract for those services.

Recommendation #4: The Board disagrees that use of volunteers would be effective in computerizing the Ordinance Code. The County Counsel's experience with volunteers has been that the supervision required exceeded the benefit. Further, confidentiality issues are a concern.

Department of Social Services

Findings #1, 2, 3, & 4: The Board agrees with these findings and commends the Department of Social Services for its efficiency and cost-saving efforts.

Environmental Health - Code Enforcement

Finding and Recommendation #1: The Board agrees that an effective code enforcement program is difficult to administer with the very limited staff resources available. However, in 1995, a citizen-based Blue Ribbon Committee recommended to the Board that certain aspects of the code enforcement program be changed. These changes were adopted and have substantially reduced the ability of staff to handle complaints. As required by Penal Code Section 916, the Grand Jury did not specify what new source of funding would be used to augment current staffing.

Finding and Recommendation #2: The Board agrees that inadequate funds exist to address all code enforcement needs in the County, much as funding is inadequate in many other County program areas. The FY 96/97 budget contains \$30,000 for general abatement purposes. Creation of a revolving fund was discussed, but the method by which liens are credited to Code Enforcement makes it preferable to simply budget for abatements on an annual basis.

Finding and Recommendation #3: This finding and recommendation is a judgment on the part of the Grand Jury. It is not consistent with the recommendations of the citizen-based Blue Ribbon Committee which were subsequently adopted by the Board. To reduce the notification time period, a change in the ordinance would be required.

Finding #4: The Board offers no opinion on the finding that "Personal performance has improved since merging with Environmental Health" since it is an unclear statement and was not accompanied by any supporting facts that would lend clarification.

Environmental Health - Animal Control

Finding and Recommendation #1: The Board agrees that staffing in Animal Control is inadequate to provide optimum services to the County. However, in view of the fact that the County has lost \$12.8 million in the last four years due to the property tax shifts and faced a \$2.3 million budget shortfall entering FY 96/97, increased funding for Animal Control does not appear financially feasible. Again, the Grand Jury failed to suggest a financial resource from which to fund this recommendation.

Finding and Recommendation #2: The Board agrees that the Animal Control facilities are in need of updating and/or repair. The General Services Department has developed a master plan for Animal Control, encompassing a number of improvements. The County's current Capital Improvement Plan contains a major improvement, although it was not funded in this year's budget due to the financial constraints described above. It is the General Services Director's intent to address the issue of the ramp this year, through the use of budgeted ADA capital improvement funds. The Grand Jury's recommendation that the County either upgrade the existing facility or construct a new one did not include any source of funding for such a project.

Finding and Recommendation #4: The Board disagrees with this finding and recommendation. The Grand Jury was factually incorrect in its statements regarding the dog license fees and in stating that the unaltered fee is higher than three surrounding counties. While Yuba County's fee, at \$24 for unaltered dogs, is higher than that of Nevada and Sutter Counties, Sacramento's is actually higher at \$30. Both Nevada and Sacramento Counties are higher for altered dogs. According to the local SPCA, more people are spaying and neutering their dogs since the higher fees went into effect. It was the position of the Board in adopting these fees that they would offer an incentive to alter dogs and thereby decrease the unwanted dog population, which is a significant problem in this county. It will take time to evaluate the effectiveness of the higher fees in achieving that objective.

Environmental Health - Building Inspection

Finding and Recommendation #1: The Grand Jury was unable to substantiate that any rudeness occurred in the Building staff's contact with a particular member of the public. It goes on to state, however, that "...this is not an isolated case...members of the Grand Jury have received similar complaints regarding other issues." This type of vague, unsupported statement does nothing to assist management staff in monitoring or improving employees' treatment of the public. The Board has expressed the need for fair and equitable treatment of the public and supported the County Administrator in requiring that all Building and Planning staff go through Customer Service training about a year and a half ago.

Finding and Recommendation #2: The recommended procedure to

disseminate information is already in place. As the department head pointed out, the incident that gave rise to this problem occurred 16 years ago.

Environmental Health - Director and Personnel

Findings and Recommendations #1, 2 and 3: The Board agrees that the Environmental Health Director and his staff maintain a high standard of performance in their work and should be commended for doing so. As to the statement that "...it is the Board's responsibility to protect the image of the department by publicly refuting any unjustified criticism...", the Board strives to do so, without infringing upon the right of the public to raise its complaints. When issues are raised before the Board in public meetings, they often must be addressed by staff and may require extensive research. It is unknown at that particular time whether the criticism is justified or not.

Finding and Recommendation #4: The Board agrees with the recommendation that inaccurate information in the local news media should be refuted by the Board. The Board believes it has done so on a number of occasions, however, the Board has no control over what the local media disseminates or may fail to report.

Environmental Health - Sewage Appeals Board

Finding and Recommendation #1: The Grand Jury identified problems with the specific case that was brought before the Sewage Appeals Board. This was the first case ever heard by the Appeals Board and these problems were largely attributable to getting the process "up and running." First, the Appeals Board did not have its full complement of members; second, there were procedural and legal delays; and third, delays were created by the applicant. The department head indicates that when the applicant's appeal conformed to the ordinance, the process took 40 days from application to Appeals Board decision. The Appeals Board has now adjudicated a case and has its rules and procedures in place; therefore, delays of this nature in future cases are not likely.

Finding and Recommendation #2: The Board has no comment on this finding other than to recognize that the case had not yet been reviewed by the Appeals Board, therefore, getting into a lengthy discussion based upon conjecture as to its outcome would not have been productive.

Finding and Recommendation #3: The Board disagrees with this finding and recommendation. There may have been some initial confusion as to what body would hear the appeal, given the fact that the Appeals Board did not have all its members and the Board of Supervisors was the alternative. However, the Appeals Board was created to hear technical matters of this nature, and once constituted, it heard the appeal. The assumption that politics entered the decision is completely erroneous and is without basis.

Finding and Recommendation #4: The Board disagrees with this finding and recommendation, as the Grand Jury based them upon erroneous assumptions. First, the issue of this particular appeal appeared as an item of public interest on the January 9, 1996 Board agenda. It was discussed in open and closed session, referred to an ad hoc committee and continued for three weeks. When it was brought back to the Board on February 13, 1996, the subject of discussion was the manner in which the appeal was to be heard. The Grand Jury's comments imply that the Board was actually adjudicating the matter on that date and making a decision based upon technical merits, which is incorrect. A number of legal and philosophical issues were discussed and the Board directed the matter to be heard by the Appeals Board. The Board of Supervisors did not "blame and remove staff for personal reasons."

Environmental Health - On-Site Sewage Systems

Recommendation #1: The Board is aware that Environmental Health enforces septic system standards that are consistent with State requirements and has discussed the matter in public. Specifically, the Protective Inspection Committee formally supported the program at a meeting in October, 1995. This recommendation is therefore redundant.

Recommendation #2: The Board and the Director of Environmental Health have discussed at great length in public session the fact that much of Yuba County, particularly in the foothills, does not have soil that will support standard septic systems. To develop such properties, alternative systems are required. This recommendation is therefore redundant.

Finding and Recommendation #4: The Board agrees with the finding and disagrees with the recommendation. The finding is factually correct. Based upon a number of factors outlined by the Director of Environmental Health in his written comments (attached), having professional staff present during soil mantles is justified. The Board has directed that the cost of this activity be recovered via fee, thus the \$70 per hour charge. Elsewhere in its report, the Grand Jury compliments the department for its fee-generated revenue and here questions whether fees should be charged for a legitimate service to the customer. On the part of the Grand Jury, there appears to be a lack of understanding as to how this department generates its revenue.

Finding and Recommendation #5: The Board agrees that conflicts can be perceived in the ordinance sections cited; however, these will be resolved in future ordinance changes.

Finding and Recommendation #6: The Board agrees with this finding and recommendation and will monitor the progress of Environmental Health in updating the ordinance.

District Attorney - Family Support

Finding and Recommendation #6: In its efforts to avoid micromanagement, the Board has no comment on the "overload" of cases, the number of phone lines, and need for additional employees in Family Support. These are management issues that fall under the purview of the elected District Attorney, who is responsible for making budget requests and for making management decisions as to the prioritization and effective handling of the workload. When Family Support achieves compliance with State workload standards, its share of revenue will increase and may allow the department greater fiscal flexibility in the future. As to the use of volunteers, much of the subject matter in Family Support is highly regulated as to confidentiality. The Board defers to the District Attorney to determine whether the use of volunteers is a viable option.

Finding and Recommendation #8: The Board agrees that the staff of the Family Support Division should be commended for their hard work.

Bi-County Juvenile Hall

Finding and Recommendation #3: The Board agrees that the efficiency of the laundry operation would be greatly enhanced with the acquisition of industrial quality equipment. However, as pointed out by the Chief Probation Officer, this would require major, costly remodeling. With the opening of the new dormitory facility, additional laundry equipment has been added, which is adequate to meet the needs of the facility. It is noted that the Grand Jury did not identify any financing method or source in support of its recommendation.

Finding and Recommendation #5: The Board agrees that volunteers should be recognized and thanked for their contribution. The Probation Department has made excellent use of volunteers for many years and is commended for its efforts in this area.

Finding and Recommendation #6: The Board disagrees with the premise that adequate space exists in the present Juvenile Hall kitchen to prepare meals. The Chief Probation Officer notes that the Annex kitchen has been retrofitted and is currently meeting the needs well. Some juveniles in the facility assist with meal preparation. The Grand Jury's recommendation that the Juvenile Hall kitchen be remodeled did not identify any source of financing in support of its remodeling recommendation.

Linda Fire District

Finding and Recommendation #1: The Board disagrees that Resolution No. 1982-32 was misconstrued. It is correct that the property taxes in question are allocated on a "Rolling Tax Base," rather than a "Recurring Tax Base" as is the case with other fire districts. However, the Resolution does not specify the method to use. Interpretation of the methodology is drawn from CAO Jay

Hull's letter of February 17, 1982, to the Board, in which he describes the Board's intent in the negotiated tax transfer. Thus, it is concluded that the methodology selected resulted from a negotiation process and was a political decision made by the governing body at that time. According to County Counsel, it cannot be unilaterally reversed by the present Board.

The Board of Supervisors is extremely disappointed in the quality of the 1995/96 Grand Jury Report. Although the members' time and efforts are appreciated, the product of their efforts was riddled with errors and faulty judgments, and consequently may have damaged the credibility of future Grand Juries. In addition to the errors documented above, the Grand Jury erroneously credited the City of Marysville with acquiring grant funding for the Fifth Street Bridge Bike Lane. While the cities and counties cooperated on this project, the Yuba County Public Works Department actually acquired the funding, prepared the bids, awarded the contract and supervised the work. The Penal Code requires the Grand Jury to validate its findings and support its recommendations. Based upon the number of factual errors contained in this report, it clearly meets neither the requirements of the law nor the Grand Jury's objective to "...provide information to local government that could assist them in better serving the community."

In the section pertaining to the County Administrator's Office, the Grand Jury's failure to effectively research its subject matter, to cite factual information, and to cogently articulate meaningful solutions calls into question its credibility on all issues. The Grand Jury exceeded its statutory authority in attempting to dictate policy to the Board of Supervisors. The Grand Jury's unsubstantiated criticism of the Board as "politically motivated" and pursuing "personal agendas" is both ironic and hypocritical, given the content of the Grand Jury's own report.

Although the Grand Jury repeatedly pointed out its obligation under the law to provide solutions to the identified problems, including financial solutions, it did not do so. In local government, the difficulty lies not in the identification of problems, but rather in the formulation of creative, financially feasible solutions. In this report, the Grand Jury suggested increasing staff, building new facilities, and other solutions to problems it identified. At no point did the Grand Jury suggest any funding methods or sources or give any recognition to the County's very limited financial resources.


It is hoped that the current Grand Jury will thoughtfully and carefully consider these comments as it approaches its task this year, so as not to repeat the mistakes of the 1995/96 Grand Jury. Especially vital in achieving an accurate and balanced viewpoint is the use of multiple, reliable sources to validate information. On behalf of the Board of Supervisors, County Administrator and County department heads, the 1996/97 Grand Jury is invited to thoroughly discuss its concerns and issues in the coming year. We would be most happy to assist the Grand Jury if allowed to do so.

Thank you for the opportunity to comment.

Sincerely,



Al Amaro, Supervisor
First District



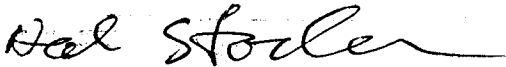
Jay Palmquist, Supervisor
Second District



Brent Hastey, Supervisor
Third District



Mimi Mathews, Supervisor/Chair
Fourth District




Hal Stocker, Supervisor
Fifth District

Attachments

C O U N T Y
O F Y U B A

MEMO

To: JAN DUNSTAN, COUNTY ADMINISTRATOR
From: DANIEL G. MONTGOMERY, COUNTY COUNSEL 
Subject: 1995-96 GRAND JURY FINAL REPORT-RESPONSE
Date: September 3, 1996

FINDINGS:

1. The County Counsel's Department provides all 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.

RESPONSE:

Agree/disagree. The office of County Counsel is available to County departments, boards, commissions and some special districts on a daily basis at a cost of less than \$325,000 annually. Contracting with a private law firm for a comparable services at a conservative hourly rate of \$100.00 per hour for two attorneys (the present staff in County Counsel's office) would be \$480,000 annually. Not included in the Grand Jury's Final Report, apparently, is the cost of providing legal service to Child Protective Services. This is currently costing \$50,000 to \$60,000 per year at the rate of \$50.00 per hour. The attorney positions in the County Counsel's office are salaried; thus, extra pay is not earned for hours spent in excess of the normal 40 hour week. Of course, a private law firm would charge for all hours expended providing counsel to the County and some special districts.

2. The litigation record of the County Counsel can best be evaluated as losing 2 out of 46 cases, albeit those 2 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 County's best interest.

RESPONSE:

Agree/Disagree. It is not clear what time period the Grand Jury used in compiling its "win/loss" record. It appears that the time frame greatly exceeds one year and, indeed, goes back to a case that was filed in early 1992. Whatever the case, it must be made clear

JAN DUNSTAN, COUNTY ADMINISTRATOR

Page 2

September 3, 1996

that of the 44 "wins" only 3 went to trial. The remaining cases were resolved in favor of the County by virtue of dispositive pre-trial motions prepared and argued by the office of County Counsel. The Grand Jury's finding that "grounds for defense (in 2 cases) were found to be without merit by the court" is erroneous. There is a distinct difference between raising a meritless defense when compared with not prevailing at trial.

The matter of *Ivory v. County of Yuba* involved the County's housing element. There remains a pervasive attitude and, indeed, the opinion of the court also reflects, an assumption that this matter could have been resolved through negotiation. The County did meet with counsel for plaintiffs in the case and settlement negotiations broke down and were unsuccessful. The settlement proposals were put into evidence in the case and the Grand Jury, apparently, did not review that evidence. Further, when the complaint filed by plaintiffs is compared with the writ that issued in the case, it can be seen that, to a great extent, the County prevailed. The law is such that if a plaintiff prevails on the most minute point counsel for plaintiff in a "public benefit" case may be entitled to attorney's fees under a private Attorney General theory as codified at Code of Civil Procedure, section 1021.5. From the outset, it was clear that no matter how successful plaintiff would be in this case that no real and tangible benefit would be realized by the plaintiffs or any other disadvantaged citizen of Yuba County. Indeed, had the County offered to settle for exactly what the writ ordered, it is very probable that the offer to settle would have been looked upon disdainfully and rejected.

The second case was entitled *County of Yuba v. DKM Investments, Inc.* This action was brought to challenge a referendum put on the ballot as a result of a Board of Supervisors land-use decision. The summary at the beginning of the petition was viewed as deceptive and the case was brought to have the ballot measure removed because of the deception. The court, contrary to finding that the County's position was "meritless," found that the summary was "misleading" and then found itself faced with the "novel question...whether the misleading summary renders the petition invalid." Essentially, the court found that review of the several pages of attachments to the petition, if reviewed by the voters who signed the petition, would disclose the deception. We think it is improbable that a voter walking into Safeway who is accosted by a petition circulator is going to take the time to read the attachments to the petition, particularly in view of the evidence that the petition was orally represented by circulators as being one seeking to "Protect Your Right to Vote."

The "cavalier attitude" of the County Counsel relates to comments by the court in its decision in the *Ivory* case. The Grand Jury has chosen to ignore the court's observation

JAN DUNSTAN, COUNTY ADMINISTRATOR

Page 3

September 3, 1996

that the "cavalier attitude" is viewed by the court to be "perhaps mere advocacy" and only as it relates to the characterization of that lawsuit as being "nit-picky." The reference to an "attitude of distain" does not necessarily refer to County Counsel; rather, it relates to a general attitude toward this particular case. As noted above, this case has seen not one stick of shelter erected for very low or low income citizens of Yuba County. In any event, the "attitude" played no part in the court's decision to award attorney's fees. Indeed, plaintiff's counsel sought in excess of \$225,000 and the County successfully had that amount reduced to approximately \$78,000.

It is in the County's best interest to defend suits against it vigorously. To do otherwise, would invite frivolous, spurious, and meritless law suits in hope of settling them for nuisance value. Fortunately, the Yuba County Board of Supervisors chooses to discourage the filing of such law suits by defending vigorously.

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.

RESPONSE:

Generally agree. Larger County Counsel's offices are able to have attorneys specialize in particular areas. Large law firms also have specialized attorneys and/or departments within the law firm. The majority of the work done by the office of County Counsel is non-litigation and is handled on as an as-needed basis. The state provides no grant funds to the County Counsel function for specialization. Such funds are available to District Attorney criminal functions such as prosecution of sexual assault and child abuse.

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 labor-intensive.

RESPONSE:

Disagree. In 1988, the Office of County Counsel acquired new computer equipment. The change over was so drastic that information contained on the old computer system

September 3, 1996

could not be communicated to the new system. Therefore, only ordinances from 1988 to the present do exist on computer. The method used to update the Ordinance Code is that used by virtually every law book publishing company in the country. There is a history table and an index. The Office of County Counsel and Board of Supervisors, along with County Data Processing, are investigating alternatives to the current mode of code maintenance. A number of options are available and they are becoming cost effective.

RECOMMENDATIONS:

1. The Yuba 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.

RESPONSE:

Agree/Disagree. The Yuba Board of Supervisors annually approves the budget for the County. This includes the budget for the operation of the County Counsel office. Thus, the cost of running the County, much less the office of County Counsel, is closely monitored by the Auditor, the County Administrator and the Board of Supervisors. Alternative modes of operation are always considered in connection with developing the budget for the office of County Counsel.

2. That the County Counsel be provided adequate time and support in order to better prepare for major cases which should then presented in a professional manner.

RESPONSE:

Agree/Disagree. The Yuba County Board of Supervisors provides County Counsel with the resources it can, given the competing interests of county government. This recommendation is not fully understood because the Grand Jury recognizes a 44 win-2 loss record, with no indication that there was lack of preparation for, presumably, the 2 losses.

There is nothing in the record indicating that the cases were presented in less than a professional manner.

3. The Yuba County Board of Supervisors take steps to assure that the County Counsel has adequate to legal experts in the various of areas of laws in order maintain a high level of

JAN DUNSTAN, COUNTY ADMINISTRATOR

Page 5

September 3, 1996

success for the County.

RESPONSE:

Agree. The Board of Supervisors has always given adequate access to legal experts when needed by the office of County Counsel and on a case by case basis. The "44-2" record attests to the attention given by the Board of Supervisors to see that the County is adequately represented.

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:

Disagree. The office of County Counsel has attempted to put into place a volunteer internship program for law students. With one singular exception, the program was unsuccessful. It was quickly found that the time spent supervising and editing exceeded the benefit gained from the program. There is no reason to believe that the program proposed by the Grand Jury would be any different. As noted above, various permanent options are being explored relative to ordinance code maintenance.

Since it is anticipated that the CPS lawyer will be coming into the County Counsel's office in the near future, there will be no computer equipment available for use by a volunteer. Further, there are always problems of confidentiality, attorney-client privilege and attorney-work product, which must be protected.

RECEIVED

AUG 5 1996

August 6, 1996

ADMINISTRATION

TO: Board of Supervisors

FROM: Konnie Lewin, ^{KL}Director
Department of Social Services

SUBJECT: Grand Jury Response

There are no responses to findings required by the Department of Social Services in the Final Grand Jury Report of 1995-96. The Department recognizes the work done by the Grand Jury, and acknowledges the comments in regard to this department.

KL/plm

YUBA COUNTY
ENVIRONMENTAL HEALTH & BUILDING SERVICES
MEMORANDUM

To: Board of Supervisors

From: Pat Gavigan, Director

Date: September 17, 1996

Subject: Response to Grand Jury Findings and Recommendations.

=====

I thought I could be of some help in addressing the findings and recommendations the Grand Jury made in its six reports on the Environmental Health Department. I did not address all of them as I did not feel that all were within my authority.

1. On-site Sewage Systems

Findings:

4. The Department does charge \$70 per hour for our presence at soil mantles as a means of cost recovery.
5. I do not believe that the quoted ordinance sections are conflicting. Section 7.07.460 requires mantles to be logged by registered professionals. Section 7.07.610 provides the Department with the authority to inspect that process. As the ordinance was written, Sections 7.07.470 and 7.07.650 pertain to two separate categories of systems and therefore are not in conflict.
6. Supervising Environmental Health Specialist Tej Maan is an active participant in the ordinance revisions in Nevada and Placer Counties. This process will promote consistency from county to county.

Recommendations:

1. The Board of Supervisors, as a whole, has publicly acknowledged that the Department is upholding state requirements. In October of 1995, the Protective Inspection Committee openly supported Environmental Health's On-site Sewage Program. Other Board support and acknowledgement has come in regard to individual cases.
2. Through day-to-day support of the Department's efforts, the Board has made the public aware of the difficult solutions needed to overcome the poor soil conditions found in certain areas of Yuba County.

4. I am unsure whether the Grand Jury is questioning the activity itself or just the charge for the activity.

While having EH staff on-site during soil mantles has not resulted in prevention of all disagreements, it has resulted in the appropriate system being designed for the subsurface conditions encountered. Prior to EH staff's presence at soil mantles, virtually all systems were standard ones. Known soil conditions did not warrant standard systems in many cases. Entire subdivisions were created based on unwitnessed soil mantles which indicated that only standard systems were necessary. New soil information has made some of the lots unbuildable. Past history tells us that this activity is essential to proper sewage disposal and long term land use viability.

The cost of providing this activity has been passed on as a fee for service as a result of Board direction to recover costs whenever possible.

5. Any perception of conflicts within the ordinance will be resolved in proposed ordinance changes.
6. The Department will keep the Board updated on the progress of the Nevada/Placer Counties ordinance. The in-house preparation is nearly complete. Time spent by the Regional Water Quality Control Board in reviewing and approving the ordinance is unpredictable.

2. Sewage Appeals Board

Findings:

1. The initial application for a sewage permit was submitted on 7/31/95. The first Appeals Board hearing was held on 10/25/95, less than 3 months after the application was submitted. Over 2 months of that delay was due to a lack of applicants for the Appeals Board. In the absence of a formed Appeals Board, the applicant was given direction to appeal to the Board of Supervisors and/or to the Regional Water Quality Control Board. As the applicant declined these options, and given that neither the Board of Supervisors nor EH can force people to apply for the Appeals Board, any delays in resolving the appeal were of the applicant's own making. Further delays came about due to the applicant's failure to appeal in conformance with the requirements of the ordinance. When the applicant followed the requirements of the ordinance, the process took only 40 days from application to Appeals Board decision (May 29, 1996 to July 8, 1996).

The "Conclusion" of this section of the Grand Jury report suggests that the citizen could not move into his new home because of County created delays. Responsibility for delays is addressed above however, the Grand Jury's conclusion ignores two important facts. Building permits for the citizen's home were issued only after a septic system permit was obtained in a surreptitious manner. Nonetheless, the home was still not completed when the Appeals Board hearing was held on-site on July 8, 1996.

3. Director and Personnel

Findings:

2. The California State Department of Toxic Substances Control did not conclude that toxicity levels in the ash were acceptable. They found that 50% of the samples for pH made the ash a toxic substance. Because the pH levels were not well above the standard and because the laboratory tests did not allow for a level of confidence, they elected not to pursue prosecution.

Recommendations:

- 1 thru 4. I feel that the Board of Supervisors, collectively, has been publicly very supportive of the Department and quick to defend the Department against incorrect criticism.

4. Building Department

Findings:

1. I am not sure that the Grand Jury made a finding other than that people complain.
2. The 1993/94 Grand Jury was critical of Building Services stating in its findings, "Many citizens have built illegally because of lack of enforcement by the Building Department". Their stated recommendation was, "All County building code violations should be addressed equally, regardless of location within the County".

The 1995/96 Grand Jury has a valid concern over the lack of communication between Building Services and the Assessor's Office. However, that lack of communication occurred 16 years ago leaving the current staff of both departments to deal with problems as they are discovered. The Department is attempting to address the 93/94 Grand Jury finding and

recommendation above while the 95/96 Grand Jury finding seems to suggest that we not do so if a given period of time has passed. If that is not the intent of the 95/96 Grand Jury, making the finding now, after 16 years, is an issue which is out of the control of current staff or Board of Supervisors.

Recommendations:

1. I agree with the statement that "proper and professional conduct is paramount in dealing with the public. I also agree that everyone who deals with the public could benefit from self improvement classes, including me.

The nature of our work puts us into situations of conflict daily, if not several times each day. People are sometimes verbally abusive and use profanity. The vast majority of these situations are handled without incident. I have found that the situations which escalate are usually those where the citizen is adamant that they be allowed to break the law and where they have nothing to lose by complaining that I or a staff member was rude when we do not give into them.

Everyone has been involved in situations which, when evaluated in retrospect, could have been handled differently or better. I readily admit to regular evaluation of my own performance with the goal of improvement. However, I have never been rude for the sake of being rude.

2. Every attempt is made to address building code violations as they are discovered. This process involves obtaining a building permit which, as a matter of routine, is sent to the Assessor's Office. However, while individual staff members in the Assessor's Office inform Building Services when they discover illegal construction, there is no formal or consistent process for this to occur. I believe that it was true 16 years ago and I believe that it is still the case today.

5. Animal Control Unit

The text of the Grand Jury report pertaining to license fees is inaccurate. License fees for unaltered dogs went from \$12 (vice \$8) to \$24. The license fee for altered dogs was lowered from \$6 to \$4 (vice remaining at \$4).

Findings:

4. Unaltered dog license fees in surrounding counties (Nevada, Sutter, Sacramento were mentioned in the Grand Jury report) are currently as follows:

	<u>Unaltered</u>	<u>Altered</u>
Nevada	\$15	\$ 5
Sutter	\$ 8	\$ 4
Sacramento	\$30	\$10

This finding errs on the side of public health concerns so it is difficult to find fault. However, Yuba County already has an approximate 65% noncompliance rate for licensing. Many of those dog owners who do not license also do not have the dogs vaccinated. This held true for when the license fee was \$6 for altered dogs and when the fee was \$12 for unaltered dogs. We already had a public health concern before the fee change. The way to resolve this issue is through enforcement and Municipal Court prosecution. The fee has little impact either way.

Where the fee does have an impact is on the unwanted dog population. Upon reading the summary of the Grand Jury recommendations in the Appeal-Democrat, Susan Frye of the local SPCA voiced support for continuing the higher fee stating that the fee has helped in getting citizens of Yuba County to spay or neuter their dogs. The SPCA conducts low cost spay/neuter clinics. Other jurisdictions have had success in this regard when making the license fee for unaltered animals high and providing the widest possible disparity between the fees for unaltered and altered animals. The public health good resulting from preventing unwanted dogs (uncared for, unvaccinated, unlicensed, at-large, hit by cars, or eventually euthanized) will more than offset the negative effects which are the concern of the Grand Jury.

Recommendation:

4. For the reasons stated above, I do not feel that a reduction of the fee for unaltered dogs will promote a significant increase in rabies vaccination or in licensing. I do feel that lowering the fee will result in a significant decreased incentive to alter dogs.

6. Abatement Code Enforcement

The Board has spent considerable time on this subject and is familiar with the issues presented in the Grand Jury report.

Yuba County

RECEIVED

RECEIVED

JUL 30 1996

JUL 30 1996

memorandum
ADMINISTRATION

ADMINISTRATION

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: STEPHEN L. ROPER, CHIEF PROBATION OFFICER

DATE: JULY 16, 1996

SUBJECT: RESPONSE TO 1995-96 YUBA COUNTY GRAND JURY REPORT

I would like at first to respond in general to the Grand Jury report as it pertains to the Juvenile Hall operations. I feel the Yuba County Grand Jury did an excellent job of evaluating this institution. Several members took considerable time and effort to visit the facility and speak with staff and residents. Their efforts are viewed as supportive and their report is a morale boost to the staff.

I am especially pleased with the statements relating to the manner in which staff treat our residents. We are proud of our accomplishments with program delivery and population management, and the recognition by the Grand Jury is a real positive. It would be easy to view this type of inspection as a brick and mortar issue, to focus on programs and the skill demonstrated every day by the staff of the facility is a affirmation of the efforts of the Grand Jury to conduct a thorough and comprehensive investigation.

RESPONSE TO SPECIFIC FINDINGS AND RECOMMENDATIONS

FINDING AND RECOMMENDATION #3.

LAUNDRY ROOM TOO SMALL AND EQUIPMENT INADEQUATE

The existing laundry equipment being utilized at the Juvenile Hall consists of 1 residential large capacity washer, 1 commercial duty washer, 2 residential large capacity electric dryers. This equipment is operated on an almost continuous basis. The existing operations are costly both in terms of man hours required to complete the laundry task and in terms of energy utilization. The installation of industrial grade equipment would improve laundry efficiency in both the personnel and energy demand areas.

Installation of industrial style equipment is not as simple as it may seem. Our existing laundry room does not have sufficient capacity for this style equipment. The installation of this equipment is further exacerbated by our inability to get equipment of this size into the facility. The solution to this situation will ultimately be the physical expansion of the laundry to accommodate the industrial equipment needed.

It is my hope that in the event of the passage of proposition 205

in November, we will be afforded State bond act funds to expand the laundry facility, as well as accomplish some additional infrastructural modifications to accommodate our current and future needs.

FINDING AND RECOMMENDATION # 5.**COMMUNITY VOLUNTEERS**

Volunteerism at the Juvenile Hall has taken on many aspects over the years. Currently there are several community based organizations and groups which contribute in a variety of ways to the support and services of the Juvenile Hall. Each contribution is acknowledged as they are recognized and received, however I would share in the belief that more can be done to recognize volunteerism. Perhaps an appropriate gesture of gratitude would include an annual recognition event wherein all members of the community contributing to the facility and programs are recognized. This matter was discussed with our management team and we have set as a goal for 1996-97 the development and implementation of a volunteer recognition program.

FINDING AND RECOMMENDATION # 6.**KITCHEN EXPANSION AND REMODELING**

We have in the past year done extensive retro-fitting in both the on site and the annex kitchens. The on-site kitchen is inadequate to meet the spacial requirements for a commercial cooking operation. Currently the on-site kitchen area is utilized for clean-up and distribution of food products. The installation of stainless steel counter tops and an industrial quality dish washer were significant improvements over past operations.

Our annex kitchen was recently retro-fitted with new stainless steel sinks and counter tops as well as improvements in the ventilation system. This is a spacious kitchen area which adequately meets our needs. As we move forward with the development of our commitment program, I anticipate that more residents will have the opportunity to participate in job training at the kitchen. Currently residents who are approved for temporary release are allowed to assist in the kitchen and the facility is being utilized as an training site under the JTPA summer youth program. Residents now are responsible for all clean up activities in the on-site kitchen as well.

To: Jan Dunstan, County Administrator

From: Greg Iturria, Administrative Analyst *gd*

Subject: Linda Fire Property Tax Allocations

Date: September 6, 1996

MEMORANDUM

Per your request, I have researched the 1995-96 Yuba County Grand Jury finding that 1) Resolution No. 1982-32 was apparently misconstrued, and 2) 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."

Background

In 1982 the Linda Fire District annexed property in the Arboga area of Yuba County. The Board of Supervisors negotiated with the Fire District an amount of additional property taxes to be allocated to the District for the annexation. The Board of Supervisors adopted on February 23, 1982 a resolution specifying that the allocation shall be as follows :

"\$22,638 for fiscal year 1981-82, \$22,638 for fiscal year 1982-83 and 30% of the tax increment otherwise allocated to the County for the following fiscal years."

Discussion

The Auditor-Controller has the responsibility to allocate property taxes and to perform the calculations for the tax transfer. Currently two methods are being used to transfer property taxes to Fire Districts. According to the Auditor-Controller, the Linda Fire District receives their tax transfer monies based on a "Rolling Tax Base" and the other Fire Districts receive their tax transfer monies based on a "Recurring Tax Base." Resolution 1982-32 does not specify which method to use.

While researching correspondence on this issue prepared prior to the adoption of Resolution 1982-32, I found only one evidence of intent regarding the methodology to be used for the transfer of property taxes to the Linda Fire District. Such evidence was found in a letter dated February 17, 1982 from Jay Hull, County Administrator to members of the Board of Supervisors analyzing the proposed property tax transfer. The fifth paragraph of that letter reads as follows :

"After lengthy discussions, the Board members expressed interest in transferring \$22,638 of property tax monies to the Linda Fire District for Fiscal Year 1981-82, and 30 percent of the tax increment in the subsequent years. This translates to \$29,674, base amount \$22,638 plus 30 percent (\$7,036) of the estimated tax increment, available for Fiscal Year 1983-84 and \$38,117, base amount \$29,674 plus 30 percent (\$8,443) of the estimated tax increment, for Fiscal Year 1984-85."

This letter to the Board submitted prior to the adoption of a Resolution clearly demonstrates a

Jan Dunstan, CAO
Page 2
September 6, 1996

method of property tax transfer based on a "Rolling Tax Base".

Conclusion

In my research of this issue I found no evidence to the Grand Jury claim that Resolution 1982-32 was "misconstrued." Evidence exists that supports the Auditor's finding that the Board of Supervisors intended for a "Rolling Tax Base" method of calculating yearly tax transfer amounts. Such a method is currently in place. Absent any new documentation of intent, it would be reasonable to conclude that this portion of the Grand Jury finding is unsubstantiated.

According to the Auditor-Controller, the Grand Jury is correct in their finding that the Linda Fire District receives their tax transfer monies based on a "Rolling Tax Base" and the other Fire Districts receive their tax transfer monies based on a "Recurring Tax Base." Since there exists no dispute in this statement, it would be reasonable to conclude that this portion of the Grand Jury finding is accurate.

Recommendation

Inform the Board of Supervisors of this conclusion.