

The County of Yuba

GRAND JURY



(530) 741-6273

FILED

MAY 18 1998

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

1997/98 YUBA COUNTY GRAND JURY

FINAL REPORT

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

Dear Judge Buckley:

The 1997/98 Yuba County Grand Jury hereby submits its Final Report of findings and recommendations pertaining to county and city government and fiscal matters as required by Penal Code §933.

Each report has been adopted by at least 12 members of the Grand Jury as required by Penal Code §916 and §940 and is the result of extensive research and careful investigation. All findings were substantiated pursuant to Penal Code §916.

The Grand Jury will be submitting the Final Report prior to the end of the term pursuant to Penal Code §933 (a), which states in part:

“Final Reports on any appropriate subject may be submitted to the Presiding Judge of the Superior Court any time during the term of service of a Grand Jury”.

This is a departure from previous Grand Juries. The Yuba County Grand Jury was impaneled in July of 1997. Soon thereafter, the Grand Jury participated in a two and a half day training seminar. Information provided in this seminar encouraged Grand Juries to release the Final Reports prior to end of their term. The Yuba County Grand Jury was advised that this was a state wide trend. The Grand Jury voted to take this course of action prior to the initiation of any investigation.

The Grand Jury also attempted to depart from previous years with regard to the publication of the Final Report. The Grand Jury felt it was important to disseminate the report in such a manner to reach the largest number of Yuba County citizens. To this end, the Appeal-Democrat Newspaper was contacted and information received concerning the cost of the Final Report being published as an insert in the Appeal Democrat. The cost of publication was a reasonable \$1,230.00. The Grand Jury requested an allocation of funds for publication of the final report from the Board of Supervisors. The request first went to the Board's Finance Committee. The Grand Jury was advised the Finance Committee would

not support the request for publication funds and would recommend to the Board of Supervisors that the allocation of funds not be approved. The Grand Jury felt it appropriate to take the request no further. The Grand Jury is hopeful that a civic minded organization will sponsor the publication of the report after the report has been made public.

The Grand Jury will further depart from previous years by the manner in which the Final Report will be published. Rather than utilize a print shop and assemble printed bound copies, the Grand Jury will have the reports photo-copied and will assemble the reports by hand, using office folders. The quality of the reports will not suffer and the cost of publication of the Final Report will be approximately half the cost of publication in the traditional manner. This will be a cost efficient method for this and future Grand Juries.

The 1997/98 Grand Jury certainly made use of the computer which was acquired by the 1996/97 Grand Jury. This computer has proven invaluable for data storage and Final Report writing. The Grand Jury will again have the Final Report on the Grand Jury web site which is on the Yuba County Office of Education server. (www.yubacoe.k12.ca.us).

As Foreperson, I would like to thank all of the members of the Grand Jury for all of their hard work and dedication to the goal of the Grand Jury. Members expended thousands of hours in the preparation of the Final Report. It has been an honor to serve on the Grand Jury with these fine men and women. I am very grateful to you for allowing me to experience this privilege.

I would also like to thank all of the staff of your office for their assistance through out this past year.

Lastly, I would like to thank all of the people of Yuba County. During the course of our investigations a great many people were contacted for assistance. Without their cooperation and input the Grand Jury Final Report would not have been possible.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Bill Harris', with a long, sweeping horizontal line extending to the right.

Bill Harris, Foreperson
1997/98 Yuba County Grand Jury

1997/98 Grand Jury

1. Paul Azevedo	Marysville
2. Richard Barley	Oregon House
3. Carmen Betts	Marysville
4. Gloria Bruner	Marysville
5. Bill Harris, Foreperson	Marysville
6. Johnny Harmon	Marysville
7. Beverly Hayes	Marysville
8. Gary Hoon	Marysville
9. Colleen Hotchkiss	Maryville
10. Donna King	Wheatland
11. Ronald King, Foreperson Pro-Tem	Wheatland
12. Dennis Lewis	Marysville
13. Pauline Payne	Browns Valley
14. Lona Phipps, Corresponding Secretary	Marysville
15. David H. Sperbeck	Marysville
16. Kay Steele	Browns Valley
17. Kelly Waugh	Marysville
18. Lizz Welch, Recording Secretary	Marysville
19. Houston Williams	Marysville

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1997/98 YUBA COUNTY GRAND JURY
BOARD OF SUPERVISORS MINUTES

RESPONSE REQUIRED ON FINDINGS:

- Board of Supervisors on Findings 1 and 2

RESPONSE REQUIRED ON RECOMMENDATIONS:

- Board of Supervisors on Recommendations 1 and 2

REASON FOR INVESTIGATION:

This investigation was conducted pursuant to Penal Code § 925 which states in part: "investigations may be conducted on some selective basis each year". The Grand Jury became aware of lengthy delays between the disparity of time when the Board of Supervisors conducted a meeting and when the minutes of the meetings were agendized for approval.

BACKGROUND:

The Grand Jury receives copies of minutes of Board of Supervisor's meetings after the minutes have been approved by the Yuba County Board of Supervisors. The minutes received were from a meeting held on December 2, 1997 and approved by the board on March 10, 1998.

PROCEDURE:

The Grand Jury conducted an interview with the clerk of the Board of Supervisors, Ms. Terry Hanson, on March 18, 1998.

The Grand Jury reviewed the approved minutes of the Board of Supervisors that were submitted to the Grand Jury during the Grand Jury term.

DISCUSSION:

Ms. Hanson met with the Grand Jury in her office. She explained the procedures relating to the minutes of the Board of Supervisors and how the minutes are prepared. In addition to Ms. Hanson there is an assistant clerk working with her in the office. Ms. Hanson records the minutes for the first and fourth Board of Supervisors meetings each month. The other clerk records the minutes for the second and third meetings of each month. After the meetings each clerk develops the minutes as soon as possible. The clerks have additional duties other than preparing the minutes of the Board of Supervisors meetings. The assistant clerk assumed her job responsibilities in July of 1997.

Ms. Hanson explained that an ideal time frame for the preparation of the board minutes for approval by the board is thirty days. A number of situations during 1997 impacted the preparation of the board minutes. These included, increased work load as a result of the 1997 flood, a clerk on a leave-of-absence, and a general increase in work load.

Ms. Hanson indicated the office is understaffed.

FINDINGS:

All findings were substantiated by the Grand Jury through observation and interviews.

1. The office of the Clerk to the Board of Supervisors may be understaffed.
2. On occasion, there has been too lengthy a delay between board minutes and the actual publication of the minutes.

RECOMMENDATIONS:

1. The staff for the office of the Clerk to the Board of Supervisors should be increased, if a time study suggests that it should be increased, and as funds become available.
2. The Board of Supervisors should maintain adequate staff level so the length of time will not be more than thirty (30) days after a meeting for publication of minutes.

RESPONSE REQUIRED TO FINDINGS:

1. Board of Supervisors
2. Board of Supervisors

RESPONSE REQUIRED ON RECOMMENDATIONS:

1. Board of Supervisors
2. Board of Supervisors

RESPONSE REQUIRED TO FINDINGS:

1. Board of Supervisors
2. Board of Supervisors

1997/98 YUBA COUNTY GRAND JURY

YUBA COUNTY ANIMAL CONTROL

RESPONSE REQUIRED ON FINDINGS

- Board of Supervisors and Department of Environmental Health
on Findings 1 through 10

RESPONSE REQUIRED ON RECOMMENDATIONS

- Board of Supervisors on Findings 1, 4, 5, 6, 8
- Department of Environmental Health on Findings 2, 3, 4, 6, 7, 8

REASON FOR INVESTIGATION:

This investigation was conducted pursuant to California Penal Code § 925, which states in part "investigations may be conducted on some selective basis each year". The 1997-1998 Grand Jury has received no citizen's complaints regarding any aspect of the Animal Control Department.

BACKGROUND:

Yuba County Animal Control is a division of the Environmental Health Department. The facility is located at 5245 Feather River Blvd., Marysville, California. The Board of Supervisors has established the regulations and procedures that govern Animal Control, which are defined by Yuba County Ordinance Chapter 8.05.

SCOPE:

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

1. Daily activities and services performed by staff
2. Procedure for citizens complaints
3. Enforcement of Animal Control, law and citations
4. Rabies control
5. Equipment and shelter maintenance
6. Facility renovations
7. License fees, adoption fees and penalty fees

PROCEDURE:

All interviews, tours and documents were obtained by no less than two members of the Grand Jury pursuant to Penal Code § 916.

The members of the Grand Jury interviewed the Director of Environmental Health, the Animal Control Supervisor and the supporting staff. The committee members toured the facility on two scheduled visits, one unannounced visit, and a ride-along.

DISCUSSION:

The 1997-98 Grand Jury called the Director twice in late December of 1997, and once in early January of 1998. It took an unannounced visit to the Director to personally request the needed information. It took another three weeks to arrange an interview with the Director and the ride-along.

The Grand Jury investigation revealed a lack of support from the Municipal Court System, in connection with citations issued by Animal Control. Animal Control staff advised that citations issued are often dismissed by the Municipal Court. Appropriate sanctions are not taken against citizens violating Animal Control Laws.

The Yuba County Animal Control has a full-time staff of seven employees and one part-time maintenance worker authorized for 19 hours per week. The staff consists of one supervisor who handles rabies cases, animal euthanasia and assists office staff. The four Animal Control Officers handle service calls, animal euthanasia and provide office support. There are two office specialists, one of which is an Animal Control Officer who assists with rabies cases and the other is a full-time office worker.

Animal Control services 640 square miles of Yuba County. The agency does not cover Beale Air Force Base or the City of Wheatland. Animal Control will respond to Wheatland upon request from Law Enforcement.

The Environmental Health Director was very informative and pleasant. He displayed genuine interest and commitment to the Animal Control Department and was very supportive of the staff.

The Grand Jury noted several safety hazards at the facility which include: walkways with broken edges, open drains and inadequate storage for a variety of purposes. The staff advised that the Board of Supervisors is aware of these problems. Structures have been added to the facility by self help projects. Donations from the public and other service organizations have been accepted to help modify the facility and make it more functional. There is an on-going problem with break-ins at the facility. No funds have been made available to adequately secure the perimeter of the facility. The officers

stated the facility is now ten years behind in upgrades and animal care technology, and is in a state of disrepair.

Yuba County Airport donated 41 acres for use by Animal Control, however, only one acre is utilized. Officers stated there should be double enclosures in the shelter. This will reduce the livestock that get out and reduce animal theft.

Animal Control has ten regular kennels, eight quarantine kennels in the center section and six quarantine kennels in the back. The kennels are cleaned and disinfected with each new animal. They are also cleaned one to three times daily while occupied. The Animal Control Officer advised all kennels and cat cages were often overcrowded. The floor in the room with the cat cages has three levels of concrete with an open trench. This creates a safety hazard to the general public.

The current Animal Control Policies and Procedure handbook states that "an ACO/Supervisor must remain at the shelter during public hours for the Lone Female Office Specialist."

A license fee for an unaltered dog is \$24.00 per year. Spayed or neutered dogs are \$4.00 per year. County ordinance allows five (5) dogs per residence.

Animal Control is licensed to give two types of shots: vaccines and euthanasia. In the months of January and February rabies clinics are held. Euthanasia duty is done on a rotational basis. There is inadequate storage space for the carcasses. These carcasses are stored in the freezer with rabies specimens and animal food stuffs. Precautions are taken to keep all Bio-Hazardous material separated.

County haulers and local ranchers have verbal agreements with Animal Control to evacuate animals during an emergency. During the flood of 1997, animals were sent to Placer County Fair Grounds and Feather River Veterinary in Linda. Feather River Wildlife and Care deals with all fowl in the area except the Ellis Lake area, which is handled by the City of Marysville Public Works and Parks Department. Snakes and wildlife are the Department of Fish and Game's responsibility. Animals considered exotic are not handled by Animal Control unless circumstances make it necessary or

their service is requested by law enforcement. The disposal of dead wildlife is the responsibility of California Highway Patrol and/or Department of Fish and Game. Domestic animals will be removed by Animal Control, however, carcasses on private property are the property owner's responsibility.

Animal Control employees are allowed to take county trucks home at night. A daily log sheet of all activities are recorded and maintained. Mileage is done on a monthly basis. The vehicles gas cards are on a card lock system and stay with the vehicle, and are logged.

ANIMAL CONTROL RIDE-ALONG

On February 4, 1998, two members of the Grand Jury were permitted to take part in a ride-along program. The Animal Control Supervisor stressed the importance for the public to call the Animal Control Office; not the Sheriff or the Board of Supervisors. The supervisor states when people call other offices, it only delays the appropriate action and response time.

All Animal Control vehicles are equipped with two way radios. The radio frequencies are separate from law enforcement.

During the ride along the officer responded to a variety of calls including: dogs running loose in a school yard, a complaint alleging a dog attacking a cat, and an animal carcass.

The officer expressed concern that many residents of Yuba County are not taking responsibility for their pets. The community is not taking the reproduction rate of their domesticated animals responsibly, which makes the cost of euthanizing an expensive procedure. The Animal Control Officer showed the euthanasia file and explained the office procedure and process of daily tolls. On the day of the Grand Jury ride-along thirty (30) dogs were euthanized. On another day 147 animals had been destroyed.

It was conveyed by personnel that the euthanizing procedure is stressful. Yuba County offers an Employee Assistance Program (EAP) administered by the Risk Management Department.

FINDINGS:

All findings have been substantiated by current documented and by observation and interviews by no less than two members of the Grand Jury pursuant to Penal Code § 916.

1. Animal Control is understaffed for the area covered in their scope.
2. Animal Control Officers are allowed to use county vehicles for personal commute purposes.
3. Wording in the Animal Control Policies and Procedure handbook is gender specific.
4. The Animal Control facility has hazardous walkways.
5. There is insufficient space for animals.
6. The facility does not have perimeter security.
7. The flooring in the cat room is a safety concern.
8. The facility needs to be brought up to date and current with animal technology.
9. Euthanizing can be stressful.
10. The Animal Control staff appears professional and dedicated to the difficult tasks at hand.

RECOMMENDATIONS:

1. Address staffing needs as funds become available.
2. Review the current policies and procedures for using Animal Control vehicles for commute purposes. County vehicles should be parked overnight in county facilities unless the officer is on call.

3. Change the wording in the Animal Control Policies and Procedures handbook from "Lone Female Office Specialist" to non-gender specific Office Specialist.
4. All walkways should be repaired as funds become available.
5. Reevaluate the current space issues and improve as funds become available.
6. A perimeter security fence needs to be installed as funds become available.
7. The open drain needs an appropriate covering to be put in place for the safety of the public and officers immediately.
8. The facility needs to be updated with current animal technology and upgrades as funds become available.
10. Employees should take advantage of Yuba County's EAP Program administrated by the Department of Risk Management.

RESPONSE REQUIRED ON FINDINGS:

1. Board of Supervisors and Environmental Health
2. Board of Supervisors and Environmental Health
3. Board of Supervisors and Environmental Health
4. Board of Supervisors and Environmental Health
5. Board of Supervisors and Environmental Health
6. Board of Supervisors and Environmental Health
7. Board of Supervisors and Environmental Health
8. Board of Supervisors and Environmental Health

9. None

10. Board of Supervisors and Environmental Health

RESPONSE REQUIRED ON RECOMMENDATIONS:

1. Board of Supervisors

2. Environmental Health

3. Environmental Health

4. Board of Supervisors

5. Board of Supervisors

6. Board of Supervisors and Environmental Health

7. Environmental Health

8. Board of Supervisors

9. None

1997/98 YUBA COUNTY GRAND JURY REPORT

YUBA COUNTY ENVIRONMENTAL HEALTH SEWAGE APPEALS BOARD

RESPONSE REQUIRED ON FINDINGS

- Department of Environmental Health on Findings 1,2
- Board of Supervisors and Department of Environmental Health
on Finding 3

RESPONSE REQUIRED ON RECOMMENDATIONS

- Board of Supervisors on Recommendation 1
- Department of Environmental Health and Board of Supervisors
on Recommendation 2

REASON FOR INVESTIGATION:

Follow-up on 1995-1996 Yuba County Grand Jury report on the Environmental Health Department's Sewage Appeals Board status and procedures.

BACKGROUND INFORMATION:

The 1995-1996 Grand Jury Final Report included six reports on the Yuba County Environmental Health Department. However, the 1995-1996 Final Report did not fully address all issues because of time constraints. As a result, some elements of the report are not clear or complete regarding citizens' sewage problem resolutions and the Sewage Appeals processes.

SCOPE:

The Grand Jury chose to focus this investigation on the status of the Yuba County Sewage Appeals Board and efficiency of the appeals process to see if problems encountered by a complainant cited in the 1995-1996 report have been answered satisfactorily. Specifically: Can an individual filing an appeal get an expeditious problem resolution?

PROCEDURE:

The investigation was conducted by no less than two members of the Grand Jury pursuant to California Penal Code § 916.

The Grand Jury interviewed Yuba County Environmental Health Director Patrick Gavigan in his office on November 19, 1997.

The Grand Jury reviewed the 1995-1996 Grand Jury Final Report: Environmental Health (Sewage Appeal Board).

The Grand Jury reviewed the 1995-1996 Final Report: Environmental Health Services (On-site Sewage Systems).

The Grand Jury reviewed the required responses from the Yuba County Board of Supervisors including a memorandum from the Environmental Health Director.

DISCUSSION:

A review of Yuba County Ordinance 7.07 indicates that an appeal procedure requires a roster of the following types of members:

1. A contractor, licensed to install private sewage systems.
2. A registered or a professional Civil Engineer, licensed to install private sewage systems.
3. A registered Environmental Health Specialist.
4. A medical doctor.
5. A member-at-large from the public.
6. Environmental Health Director, acting as secretary.

During the discussion with the Environmental Health Director, he was asked if a Sewage Appeals Board was presently in place. Mr. Gavigan did not know if the Board was staffed. It was indicated that the composition of the Sewage Appeals Board on May 15, 1996 was Warner Phillips, Engineer, Bob Nicholson, Contractor, Sue Kerpen, Registered Environmental Health Specialist, Dr. Arch Beard, Medical Doctor and Lisa Motell, member-at-large.

The difference between a registered civil engineer and a professional civil engineer was raised. The Environmental Health Director said, "I don't know. Ask the State. It is their guidelines." Research by the Grand Jury found that according to the State Board of Registration for Professional Engineers and Land Surveyors, a registered engineer has appropriate degrees and credentials and is only registered in a specialized field; a professional engineer is licensed by the State and registered in his specialty. All engineers are professionals, registered in their own particular field; some are registered in more than one field. There is no essential difference between a registered and a professional engineer.

The 1995-1996 Grand Jury Final Report "On-Site Sewage Systems" indicates that paragraph 7.07.950, written to comply with the California septic requirements, had not been approved by the State. Mr. Tajinder Mann of the Environmental Health Department reportedly is working, along with Plumas, Nevada and Placer counties, to update the ordinance to be compatible with all three counties and in compliance with State guidelines. The problems of

percolation and septic system constructions in each county are similar because of similar terrain. These recommended changes to be presented by the Environmental Health Department have yet to come before the Board of Supervisors.

The 1995-1996 Grand Jury Final report described how one citizen was required to perform particular upgrades on a septic system, while an adjacent neighbor was not required to make these changes to a similar septic system. The changes required questionable and possibly excessive expense to the property owner. The on-site-sewage requirement and the attendant dispute lead to a lengthy appeals process and the subsequent establishment of the Sewage Appeals Board.

The above noted appeal which came before the Sewage Appeals Board May 15, 1996, was continued until May 29, 1996. The results were rendered on July 8, 1996 upholding Environmental Health regulatory requirements. The original process of appeal to local officials was begun 19 months earlier. The citizen complainant did not find the staff of local government agencies helpful in negotiating the necessary processes to comply with regulatory requirements.

The Environmental Health Department has no control over when, how, or where an appeal is to be heard. Theoretically, if the application for an appeal is filed, and if all appeal protocols have been met, a complete resolution could be made within 30 days. The appeal process through the Sewage Appeals Board has not been tested since the Board's formation because no appeal has been filed.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the Grand Jury pursuant to the California Penal Code § 916.

1. Due to lack of appeals, the Sewage Appeals Board presently in place has not been very active. The existence of the Sewage Appeals Board is not widely known.
2. Sewage system requirements and regulations in Yuba County may not be evenly and fairly applied to all citizens.

3. The Yuba County Board of Supervisors and the Yuba County Environmental Health Department have been remiss, in the past, of providing citizens with a timely and efficient sewage dispute appeals process.

RECOMMENDATIONS:

1. The Yuba County Board of Supervisors should ensure that the Sewage Appeals Board members named at its inception are still active members and that the full complement of the Board is available to hear appeals.
2. The Board of Supervisors and the Environmental Health Director should review the sewage system requirements and regulations and ensure that they are applied to all equally.
3. Citizens that are denied permits upon initial application should be informed immediately that an appeal process exists with appropriate assistance.

RESPONSE REQUIRED ON FINDINGS:

1. Environmental Health Director
2. Environmental Health Director.
3. Board of Supervisors and Environmental Health Director

RESPONSE REQUIRED ON RECOMMENDATIONS:

1. Yuba County Board of Supervisors.
2. Yuba County Board of Supervisors and Environmental Health Director.

1997/98 YUBA COUNTY GRAND JURY REPORT
ENVIRONMENTAL HEALTH DEPARTMENT
Pilot Waste Tire Grant Program

Response Required on Findings:

- Department of Environmental Health on Finding 2

Response Required On Recommendations:

- Department of Environmental Health on Recommendation 1 and 2

REASON FOR INVESTIGATION:

The Grand Jury reviews the operations and procedures of cities or joint power agencies on a periodic basis pursuant to California Penal Code § 925 (a).

BACKGROUND:

In 1990 the California Legislature enacted comprehensive requirements for the storage and disposal of waste tires. These requirements were intended to address potential fire and health risks posed by the growing number of tire stockpiles in California.

The Yuba County Environmental Health Department has been designated Local Enforcement Agency (LEA) for Yuba and Sutter counties. They perform enforcement/compliance and/or surveillance activities at waste tire facilities. The California Integrated Waste Management Board (CIWMB) has made money available to support local programs.

SCOPE:

To review the Environmental Health Department on the implementation of the Tire Waste Program.

DISCUSSION:

All interviews were conducted and documents were obtained by no less than two members of the Grand Jury pursuant to California Penal Code § 916.

Yuba County Board of Supervisors on April 22, 1997 authorized the director of Environmental Health to execute the 1997-1998 pilot waste tire program. Resolution documentation number 1997-98.

The Grand Jury met with Mr. Patrick Gavigan, the former director of Environmental Health and Deborah Biersteker, Local Enforcement Agent (LEA) on November 19, 1997, they were advised that the Waste Tire Enforcement Grant Program had been implemented in Yuba County.

The California Integrated Waste Management Board (CIWMB) receives an annual appropriation from the California Tire Recycling Management Fund to administer the Tire Recycling Act and related legislation. On April 24, 1997, the CIWMB allocated \$400,000 statewide for the Waste Tire Enforcement Grant Program. The programs funding is made available through the California Environmental Protection Agency (Cal/EPA).

Of the fifty-four county LEA's in the state of California, four applied for and received grant monies offered by the California Integrated Waste Management Board. These were Imperial, Riverside, Tulare and Yuba Counties which were selected because of their active landfill programs. The Environmental Health Department received \$4,970.00 in grant funds to offset salary and benefits for one year for one person. The other three counties divided \$110,310.00 in grant monies. Division of funds depended on the size of the county applying. The potential for this program to continue is based on reports submitted to the state board prior to April 1998. Counties currently receiving grant support may receive preferential treatment for the continuation of the implemented program.

The CIWMB describes a waste tire as a tire from a vehicle and is not suitable for its intended purpose due to wear, damage or defect. Statewide, there is an increasing number of waste tires which are considered potential fire and health hazards.

Waste Tire Facilities require locations other than land fills, to process waste tires for resale and/ or disposal. A Waste Tire Facility (WTF) is classified by the volume of tires stockpiled at its location. When the number of discarded tires stockpiled exceeds 5,000 in number the site is considered a major facility. A minor facility is limited to 500 tires stockpiled at any one time. Waste tire facilities are required to meet both fire prevention/control and storage standards pursuant to Civil Code of Regulations '17351. All facilities are required to have communication equipment, adequate water supply and on site fire control equipment. The regulations apply unless local fire authorities determine that the regulations are not adequate for fire control and for protection of life and property within the county.

Penalties and fines can be levied for each violation of regulations an individual is out of compliance while transporting waste tires without a permit, direct disposal to a non-permitted facility, lack of a valid waste tire hauler registration, and disposal of waste tires on private lands or public highways. Requirements are enforced by civil

action or administrative proceedings and conviction is punishable by up to one year in county jail and/or fined not to exceed \$10,000.00 but no less than \$1,000.00 for each day of violation.

Environmental Health has requested the Yuba County Board of Supervisors apply for future Waste Tire Enforcement Grants.

On March 25, 1998 the Grand Jury met with Ms. Biersteker to discuss the problem of waste tires on private lands and public highways.

No decision from the Board of Supervisors as to whether they would fund the application process to allow continuance with the Waste Tire Enforcement Grant Program was available.

Pamphlets, which are written by the state, are provided to tire dealers and dismantlers by the Environmental Health Department. These can be picked up at the Environmental Health Department, however, at this time there is no pamphlet written for the general public.

The procedure for removing the hazards of waste tires from public accessed roadways and recreation areas, such as the river bottoms, involves contacting the Environmental Health or Public Works to notify them of the dumping location and quantity of waste. Complaints are recorded, compiled and distributed to the Environmental Health Department and Public Works approximately four times a year as funds allow. Public Works assumes the responsibility for clean up when an area becomes a health or safety hazard, even though clean up of illegal dumping is not within the Public Works budget.

The Sheriff's Department has a work release program for jail inmates to assist in roadway clean up and Caltrans provides supervision for state correction trustees to also do clean ups on roadways.

Mr. Gavigan advised in the interview in November 1997, most complaints concern waste tire dumping in isolated rural areas, particularly by large land owners. The Director related if the property owner supplied the labor for cleanup, Yuba Sutter Disposal, Inc., will dispose of the material for free. The property owner has to give

written permission for any type of clean up which is requested.

There is an enforcement issue concerning environmental cleanup on personal property. The Environmental Health Department is allowed to access property by subpoena when a crime against the environment has been committed. There appears to be limited legal knowledge available within the Environmental Health Department concerning the proper procedures for enforcement of environmental law.

FINDINGS:

All findings have been substantiated by current documentation and by observation and interview by no less than two members of the grand jury. Penal Code § 916.

1. The Environmental Health Department's Waste Tire Program is not intended for use by the general public.
2. The Environmental Health Department is in need of legal expertise and advice in environmental law issues.
3. The Public Works Department and the Environmental Health Department are involved jointly in the clean up of environmental issues.

RECOMMENDATIONS:

All problems identified in a final report are accompanied by suggested means for their resolution, including financial when applicable, pursuant to Penal Code § 916.

1. A community awareness brochure should be made available at the Environmental Health Department, when funds become available.
2. The District Attorney's office should be consulted for advice and procedural guidance.
3. The 1998/99 Grand Jury interview Public Works concerning the progress of the Tire Waste Clean up Program.

RESPONSE REQUIRED ON FINDINGS:

1. None
2. Environmental Health Department
3. None

RESPONSE REQUIRED ON RECOMMENDATIONS:

1. Environmental Health Department
2. Environmental Health Department
3. Environmental Health Department
4. None

**1997/98 YUBA COUNTY GRAND JURY
BI-COUNTY
JUVENILE HALL**

RESPONSE REQUIRED ON FINDINGS

- Board of Supervisors on Findings 3.
- None on Findings 1, 2 and 4.

RESPONSE REQUIRED ON RECOMMENDATIONS

- Board of Supervisors on Recommendations 3.
- None on Recommendations 1, 2 and 4.

BI - COUNTY JUVENILE HALL

REASON FOR INVESTIGATION:

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 including Juvenile Hall are included in the term "public prisons".

The Juvenile Hall is investigated annually by the Health Department of Yuba County, the California State Board of Corrections, the Sutter and Yuba Counties Juvenile Justice Commissions, as well as the Grand Juries from Yuba and Sutter Counties.

BACKGROUND:

The Bi-County Juvenile Hall which serves both Yuba and Sutter counties is located at 1023 14th Street, Marysville, California. The Yuba County Probation Department administers the Juvenile Hall.

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.

PROCEDURES:

All interviews were conducted and documents were obtained by no fewer than two members of the Grand Jury pursuant to Penal Code § 916.

Members of the Grand Jury visited the Bi-County Juvenile Hall on October 1, 1997, at 11:00 a.m. (announced) and on December 2, 1997, at 7:45 p.m. (unannounced). The Grand Jury interviewed the superintendent and toured the facility on the October 1st visit. The visit on December 2nd, was conducted to observe programs offered the youths at the facility in the evening hours.

DISCUSSION:

The Bi-County Juvenile Hall has 67 beds. On October 1, 1997, the facility had 68 youths in custody; 14 females and 54 males. On December 2, 1997, there were 72 youths in custody; 15 females and 57 males. Juvenile are brought to the facility 24 hours per day from various local law enforcement agencies. The average youth in custody is 16 years old and the ages range from 10 years to 17 years. Over crowding is handled by placing mats on the floor of the already occupied rooms.

The sum of \$114, 000.00 is budgeted for food per year. State law requires that a three thousand (3000) calorie a day diet be provided for each juvenile. The kitchen manager takes advantage of government surplus commodities.

The medical and dental needs of the juveniles are evaluated and addressed upon entering the facility. The Yuba County Health Officer visits juvenile hall on Mondays and Fridays and as needed. During the intake, the youths are showered and deloused. If needed a staff member monitors this procedure to insure it is done correctly. The juveniles are issued clean clothing. Their personal clothing and property are boxed and stored for the duration of their stay.

The school rooms at juvenile hall are of appropriate size and are well equipped with adequate materials and computers. The juveniles attend school four (4) hours per day.

Television and videos are viewed only after staff screening. The youths have an opportunity to take part in weekly church services.

Exercise and recreation are allowed daily in the outside exercise areas, and juveniles are provided time outdoors daily in groups of twelve (12) to fifteen (15), weather permitting. During inclement weather they have recreation activities in the common rooms.

The facility is furnished with adequate heating and cooling. The bathroom and shower facilities are also adequate. The intake area has an examining room for the medical officer and a shower. There are two interview rooms for attorneys, probation officers and other professionals. The facility is equipped with smoke

detectors throughout. All staff are provided with two-way radios for communications purposes.

The male youths, in the Commitment Program are housed in the dormitory that is detached from the regular facility. This facility can house twelve (12) residents. The females that qualify for the Commitment Program are allowed to go to the dormitory for the special classes offered but are housed in the main facility. All classes offered are designed to help the juveniles set goals, learn personal and vocation skills.

All the juveniles in custody are offered counseling. Family visits are encouraged and two (2) half-hour visits are allowed per week.

The institution follows a set schedule daily with the juveniles awakening at 6:00 a.m. and closing their day at 8:00 p.m., 8:45 p.m. and 9:00 p.m. depending on their behavior. The staff has found that it is a positive incentive to be allowed to stay up until 9:00 p.m. and this gives the youths a goal to work towards.

All inmates are provided clean clothing and linens on a regular basis with laundry being done on the premises daily. The laundry facilities consist of a standard residential washer and dryer.

Juveniles are brought to the facility 24 hours per day from various local law enforcement agencies.

FINDINGS:

All findings have been substantiated by current documentation, and by observation and interviews, by no less than two members of the Grand Jury pursuant to Penal Code § 916.

1. Frequent overcrowding conditions exist.
2. The staff deals with the challenges posed by overcrowding.
3. The laundry facilities for the hall are not adequate for the volume of laundry that is done daily. The washer and dryer operates 20 of 24 hours a day.
4. The facility is clean and well organized.

RECOMMENDATIONS:

Penal Code § 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. A commercial-size washer and dryer should be purchased for the facility.
Funding to be located within existing budget, maintenance and building improvement categories
3. None required

RESPONSES REQUIRED:

1. Penal Code § 933 requires responses to the recommendations contained in this report to be submitted to the presiding judge of the Yuba County Superior Court.
2. Board of Supervisors on Recommendation 3.
3. None required on Recommendation 1, 2 and 4.

YUBA COUNTY GRAND JURY REPORT

YUBA COUNTY SHERIFF'S REPORT

RESPONSE REQUIRED ON FINDINGS

- None on Findings 1
- None on Findings 2
- None on Findings 3
- None on Findings 4

RESPONSE REQUIRED ON RECOMMENDATION

- None on Recommendation 1,3,4
- Board of Supervisors on Recommendation 2

Reason for Investigation:

The 1997-1998 Yuba County Grand Jury received a number of complaints with specific allegations of misconduct in office by the Yuba County Sheriff. The 1996-1997 Grand Jury in its final report requested that the incoming jury follow up on the Sheriff's Department investigation to determine if its recommendations were implemented.

Background:

The Yuba County Sheriff oversees the management of a department with eighty-eight (88) deputies, fifty-five (55) employees who staff the jail facility and two (2) deputies on boat patrol; for a total of one hundred forty-five (145) employees. The Sheriff is responsible to the citizens of Yuba County and is elected by county wide vote every four years. The Sheriff's budget is established and approved by the Yuba County Board of Supervisors. Many of the rules and regulations that govern the procedures and staff are established by county policy (e.g. employment practices).

Scope:

Members of the Grand Jury investigated allegations contained in complaints to determine their merit.

Procedure:

All interviews were conducted and documents were obtained by no less than two members of the 1997-1998 Grand Jury pursuant to Penal Code § 916.

1. A quorum of Grand Jurors was present at regular meetings when written complaints were read, discussed and sent to appropriate committees for action.
2. A quorum of Grand Jurors was present when the complainants appeared at regular meetings to discuss their written complaints and to answer questions put to them by the Grand Jury.
3. The Grand Jury subpoenaed twenty deputies (nineteen appeared, one was excused), four support employees, and two private citizens. The excused officer

was interviewed by the Grand Jury at a later date without subpoena. All witnesses were questioned under oath with a quorum present during the taking of testimony.

4. When the Yuba County District Attorney was approached for guidance, he advised of a conflict that existed between him and the Sheriff. The District Attorney referred the Grand Jury to the Attorney General's office for assistance. A Grand Jury committee of four members met with attorneys from the California Attorney General's office to receive guidance in the conduct of the investigation.
5. Two attorneys from the California Attorney General's office reviewed information presented by the committee, then attended a regular meeting and counseled the Grand Jury on the conduct of the investigation.
6. The Grand Jury discussed and voted at each step of the process to pursue or discontinue all or any portion of the investigation. During Sheriff Tindel's appearance before the 1996/97 Grand Jury, he expressed concern that some Grand Jury members may have a conflict of interest with regard to the department's investigation. He named five members, with whom he had a conflict. One of these members was a carry-over to the 1997/98 Grand Jury. This member, therefore, abstained from voting on all issues. Although this Grand Jury member did not believe that a conflict of interest existed, the member abstained to avoid the appearance of impropriety.
7. The Grand Jury also received legal counsel from the presiding Superior Court Judges from 1996/1997 and 1997/1998.

Discussion:

The complaints made to the Grand Jury alleged that the Sheriff acted illegally or at least unethically.

Complaint #1 The Sheriff illegally searched criminal histories of the members of the 1996/97 Grand Jury.

Complaint #2 The Sheriff requested his employees assist with his re-election

campaign by selling fund raising tickets, in violation of the law.

In addition to the above complaints, the Grand Jury had a concern that the actions of Sheriff Tindel were an attempt to intimidate or discredit the 1997/98 Grand Jury.

In connection with Complaint #1:

Sheriff Tindel told the 1996/97 Grand Jury that he had investigated its membership to determine if any conflicts of interest existed between him and any of the members. The result of his investigation had determined one member had been arrested by Yuba County Sheriff's personnel.

A formal complaint was made to this Grand Jury . Because of a declared conflict between the Yuba County District Attorney and Sheriff Tindel, the California Attorney General's office was consulted regarding this allegation. Their investigation revealed no criminal statute had been violated.

This Grand Jury has concluded that the Sheriff's admitted investigation was an attempt to intimidate the Grand Jury. Furthermore, the release of criminal history information of an unnamed Grand Juror was not only a violation of that person's right to privacy, but cast a shadow of suspicion on the entire panel.

The Grand Jury believes that any law enforcement official, particularly the Sheriff, should be willing to co-operate with the Grand Jury and should not use the power and influence of the office to appear to be intimidating or dissuasive.

In June of each year, the list of potential Grand Jurors is compiled. This list is sent to the District Attorney, the Sheriff and the Superior Court Judge for review. At this time the Sheriff has an obligation to inform the presiding Judge if he believes there is a member who is legally disqualified from serving as a Grand Juror. In the case of the 1996/97 Grand Jury, Sheriff Tindel began his investigation of the jurors in February 1997, eight months into their term, and after the evaluation of his department had begun.

The Grand Jury has concluded that Sheriff Tindel acted unethically when he released to the media information that a Grand Juror had been arrested and convicted. That conviction was ultimately dismissed. In fact, this conviction

occurred more than 25 years ago, and certainly did not reflect on this members ability to serve on the '96-97 Grand Jury.

With regard to Complaint # 2:

The Grand Jury determined through its investigation that the Sheriff solicited assistance from officers and employees of his department in the sale of tickets to a re-election fund raising event. The tickets were distributed to many employees who were requested to sell them and return the funds to the election committee. Many of these tickets were distributed to employees while they were on duty and in county facilities: such as the Sheriff's office and Sheriff's sub-station. Several persons reported they returned the money and unsold tickets to another county employee while on duty. The Grand Jury concluded the Sheriff's action did, in fact, violate the law. This determination was confirmed by the California State Attorney General's office.

California Government Code 3205, paragraph (a) states:

"An officer or employee of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee."

Paragraph (d) states:

"violation of this section is punishable as a misdemeanor"

The district attorney shall have all authority to prosecute under this section.

The Sheriff's conduct also violated Yuba County Code 3:05.030-13. This ordinance applies to political activities and states in part..

"No on duty soliciting is allowed," and

"No use of official authority is to be used to influence nominations or elections."

Because, as previously noted, the Yuba County District Attorney had a conflict of interest with the Sheriff this complaint was also referred to the State Attorney General Office for possible prosecution.

After receiving the evidence, the State Attorney General declined to prosecute because the offense was a misdemeanor and in their opinion was "de minimus".

They informed the Grand Jury that this did not mean the law was not violated, but rather, the offense was a misdemeanor and prosecution was not warranted. The Attorney General further stated they do not generally allocate the time and resources of the office to prosecute misdemeanor offenses.

The testimony from officers and employees ranged from persons who accepted the tickets and willingly sold them, to others who felt if they did not accept the tickets and attempt to sell them their careers within the department would be "over." Several employees testified they believed if they did not accept and attempt to sell these tickets, their probationary status or their attempts at promotion within the department would be jeopardized.

This is precisely the type of employment atmosphere Government Code 3205 and County Code 3:05.030-13 desires to prevent. Employees should not be pressured to support the political candidacy of their superiors.

When Sheriff Tindel was invited to be interviewed by the Grand Jury, he was allowed to appear with his attorney. The Sheriff admitted he had solicited his employees to sell fund raising tickets, and he testified he wished he had not involved his employees in his re-election efforts. He stated he had only recently become aware that activity of this type was prohibited by county and state regulations, and he regretted that his actions had "created the appearance of evil or mistrust within the department."

In addition to Complaints #1 and #2:

The Grand Jury was concerned about a letter Sheriff Tindel wrote to the presiding Superior Court Judge, concerning the current investigation of the Sheriff's Department. The letter charged that a current Grand Jury member made repeated telephone calls to the Sheriff's office requesting statistical information. The person making the calls unsuccessfully applied for employment to the Sheriff's department. According to the letter, Sheriff Tindel regarded this as a conflict of interest. The information requested was the number of employees serving in various capacities within the Yuba County Sheriff's Department. As a coincidence, the same week the Sheriff complained to the judge, all the information requested was published in a local newspaper.

The concern of the Grand Jury was how a Sheriff's Department employee, upon

same person who applied for employment about one and a half years earlier. This juror applied for a job opening as a dispatcher approximately 18 months prior to this contact with the Sheriff's department. How does the Sheriff make a connection between a current Grand Juror and an individual seeking employment? Has the Sheriff investigated this Grand Jury (as he did the 1996/97) to determine with whom he may have a conflict? Sheriff Tindel's suggestion that a conflict exists on this occasion appears to be the same tactic used last year. If he can claim a conflict exists between himself and members of the Grand Jury, he may be able to cite that as the reason for any negative information in the final report.

As requested by the 1996/97 Grand Jury the follow-up investigation revealed the following:

The Sheriff agreed to accept several of the 1996/1997 Grand Jury recommendations in his response to the final report dated July 30, 1997. This Grand Jury learned one recommendation concerning the scheduling of officers in the hill unit, although rejected in the Sheriff's response, was in fact implemented in January 1998.

During the interview with Sheriff Tindel, he was asked about the morale issue within the department. He stated that, in his opinion, the morale in the department had improved during the past 12 (twelve) months.

FINDINGS:

1. No criminal violation of the law occurred in the Sheriff's investigation of the members of the 1996-1997 Grand Jury. The investigation by the Sheriff, however, maligned the integrity of the **entire** Grand Jury system.
2. The Sheriff's actions were criminal in nature in that he committed a misdemeanor violation of the California Government Code and violated Yuba County ordinances by soliciting support for his re-election campaign from members of the Sheriff's Department. In doing so, the Sheriff set an extremely poor example for his subordinates.
3. Some of the 1996/1997 Grand Jury recommendations had been adopted.

4. The Sheriff attempted to discourage the 1997/1998 Grand Jury from pursuing its current investigation.

RECOMMENDATIONS:

1. The Grand Jury recommends the Sheriff conduct any investigation of potential Grand Jury members in June of each year prior to their selection. If a reason exists to excuse a potential Grand Juror, the Sheriff should forward that information to the presiding judge prior to seating of the panel in July.
2. The Sheriff, one of the leading law enforcement officers of the county should set an example for his department personnel as well as the citizens of Yuba County with his respect for the law. The Sheriff should refrain from fund raising or other re-election campaign activities within the department or county facilities, and he should refrain from violating the law under any circumstances. The Board of Supervisors should determine how county ordinances or policies should be enforced with regard to elected officials.
3. None
4. The Sheriff should co-operate with seated Grand Juries and not attempt to obstruct or discourage their investigations.

1997/98 YUBA COUNTY GRAND JURY

SHERIFF'S DEPARTMENT (JAIL DIVISION)

RESPONSE REQUIRED ON FINDINGS

- None on Findings 1
- None on Findings 2
- Board of Supervisors on Findings 3
 - Sheriff on Findings 3 and 4

RESPONSE REQUIRED ON RECOMMENDATION

- Sheriff to respond to recommendation 1 and 2
- Board of Supervisors to respond to recommendation 2

**YUBA COUNTY
Sheriff's Department
(Jail Division)**

REASONS FOR INVESTIGATION:

1. Penal Code § 919(b), states the Grand Jury shall inquire into the condition and management of public prisons within the county.
2. Complaint's received regarding facility inadequacies and treatment of inmates.

BACKGROUND:

The jail for the County of Yuba is located at 215 5th Street in Marysville, California and is under the supervision of the Yuba County Sheriff, Gary Tindel. The day to day operation of the jail is presently under the command of the Jail Commander, Jerry Read. The sheriff's department consists of 129 full time officers. The jail maintains a 24 hours operation with 40 officers and 10 non sworn support staff assigned to the jail.

SCOPE:

The scope of this report is limited to the eye witness accounts, verification of direct communication with Sheriff's Department personnel, and complaint letters received from several sources including jail inmates.

PROCEDURE:

All information, including interviews and documents received and reviewed, was obtained and conducted by no less than two members of the Grand Jury pursuant to Penal Code § 916.

Interviews conducted by members of the Grand Jury:

- Jerry Read, Jail Commander
- Facilities were inspected on one scheduled visit and one unannounced visit.

DISCUSSION:

The Jail Commander described to the members of the Grand Jury the management and daily operational procedures for the jail. The Grand Jury asked about: the operation of the jail; Federal inmates detained by the Immigration and Naturalization Service, the handling of complaints, the number of medical personnel to screen incoming inmates and the work furlough program.

The Grand Jury received thirteen (13) complaints from jail inmates alleging violations of the California Health and Safety Code, and the California Penal Code. The complaints included an alleged lack of appropriate medical attention, lack of proper showering, failure to provide appropriate clothing, grievance procedures, denial of visitation rights, food, inappropriate and inadequate housing; and lack of access to the law library.

The investigation revealed that all new inmates are provided with an information booklet which explains policies, grievance procedures and general procedures of the jail. The Grand Jury observed the intake shower procedures. It was noted that although the inmates were given soap and disinfectant, they were not supervised by jail personnel to ensure that the items were used appropriately.

FINDINGS:

All findings were substantiated by current documentation, and by observation and interviews, by no less than two members of the Grand Jury.

1. Members of the Grand Jury found the Jail Commander to be knowledgeable and informative.
2. All written complaints received from inmates by the Grand Jury were found to be without merit.
3. Inmates during intake are not receiving adequate medical screening prior to admission in the facility. The jail is currently in need of a registered nurse on duty 24-hours per day.
4. The Grand Jury observed the intake shower procedures. It was noted that the inmates were given soap and disinfectant, but were not supervised by jail personnel to ensure that the items were used properly.

RECOMMENDATIONS:

1. Review policies and procedures for check-in of new prisoners, i.e., proper use of disinfectant and cleaning procedures for maximum protection against disease.
2. A 24-hour registered nurse should be assigned to reception of new inmates to obtain accurate information about medical history and current medical needs. Funds to pay for needed medical personnel could be drawn from jail bed-rental revenues.

RESPONSE REQUIRED TO FINDINGS:

1. None required
2. None required
3. Board of Supervisors on Finding 3.
4. Sheriff on Findings 3 and 4.

RESPONSE REQUIRED ON RECOMMENDATIONS:

1. Sheriff to respond to recommendations 1 and 2.
2. Board of Supervisors to respond to recommendation 2.

1997-1998 YUBA COUNTY GRAND JURY

JOB TRAINING PARTNERSHIP ACT

RESPONSE REQUIRED ON FINDINGS

- None

RESPONSE REQUIRED ON RECOMMENDATIONS

- None

REASON FOR INVESTIGATION:

This investigation was conducted pursuant to California Penal Code § 925, which states in part: "investigations may be conducted on some selective basis each year." The 1997/98 Yuba County Grand Jury selected the Regional Career Centers, Job Training Partnership Act (JTPA) program. The 1997/98 Grand Jury has received no complaints regarding the JTPA program. This report is informational in nature.

BACKGROUND:

The Federal 1983 JTPA program is one of several training programs available in Yuba County. It's predecessor was the Comprehensive Employment Training Act which was in place during the 1970's and early 1980's. The JTPA program offices are at 825 9th Street in Marysville. The functions of JTPA are administered by Director Bill Simmons.

The JTPA program serves a fluctuating number of job seekers with funding is provided by state and federal sources. The Yuba County JTPA program is one of several training programs provided in Yuba County that falls under the purview of the Yuba County Office of Education and under the auspice of the North Central Counties Consortium which includes Colusa, Glenn, Lake and Sutter counties. The Yuba County JTPA program receives support services from the Tri-County Regional Occupational Program, Marysville Joint Unified School District, Yuba Community College District, the California Employment Development, and the Yuba County Social Services Department.

The organization of JTPA programs is different in each county. Policies and procedures are established locally within guidelines from State and Federal legislation and regulations. A local governing board is the policy making body for the fiscal set up of the programs.

SCOPE:

The Grand Jury chose to focus this investigations on the Yuba County JTPA program at the Regional Career Center because JTPA is designed to supplement and enhance educational facilities and programs for area residents.

PROCEDURE:

All interviews were conducted by no less than two members of the Grand Jury pursuant to Penal Code § 916.

The Grand Jury reviewed the admission requirements and procedures including motivation, testing, and services offered. The Grand Jury met with the JTPA director and members of his staff and attended a mock presentation meeting for prospective clients.

DISCUSSION:

The Yuba County Regional Career center director charged with the responsibility for the efficient operation of the county's JTPA program which is an integral part of the Yuba County Office of Education. The JTPA goal is to provide job and career training opportunities for area residents with an emphasis on those residing in Yuba County.

Many clients are abused women, teens, recovering substance abusers, the homeless, and displaced workers; therefore, JTPA programs have little formal advertising and individuals are generally referred by other agencies such as the State Employment Development Department and the County Social Services Department. These two agencies make their services more available by assigning one of their staff members to work in the Regional Career Center. JTPA liaisons include other government agencies and programs, public and private schools, non-profit agencies and local businesses.

JTPA works on a fiscal year from July through June, except for the summer youth job experience program which places youths in six week employment programs with area businesses and agencies.

Funding for the program is provided by the Federal Government. The number of clients served and the scope of their training is contingent on continued Federal Grant allocations. Additional funding is provided by State clients receiving unemployment insurance benefits who are in retraining programs. For example, a displace unemployed worker, or one employed in a minimum wage job, may qualify for retraining. The North Central Counties Consortium also has been able to shift

funds from counties with fewer programs and applicants to those that have more clients and more need of funding.

Orientation meetings are held at the JTPA offices to inform prospective clients of program admission requirements and to advise them on the services offered. It was reported that 40 to 50 people sign-up monthly for JTPA services, but less than half that many actually show up for orientation and job assistance.

A mock orientation, without clients, was conducted by Bob James with supplemental presentations by other staff members. The next scheduled orientation hosted 14 clients, although 47 had signed-up to attend.

The programs are self-motivational. Resources are only devoted to those who are serious about training. No follow-ups are done on those who do not attend the orientations.

RECOMMENDATIONS:

None

RESPONSE REQUIRED ON RECOMMENDATIONS:

None

GRAND JURY FINAL REPORT

**YUBA COUNTY CAREER PREPARATORY CHARTER
SCHOOL**

RESPONSE REQUIRED ON FINDINGS

- County Superintendent of Schools
Findings 1 through 5

RESPONSE REQUIRED ON RECOMMENDATIONS

- County Superintendent of Schools
Recommendation 1 through 5

REASON FOR INVESTIGATION:

This investigation was conducted pursuant to California Penal Code § 925, which states in part: "investigations may be conducted on some selective basis each year". The Yuba County Career Preparatory Charter School was selected because the Yuba County Grand Jury has never investigated the Yuba County Office of Education Charter School formed by Yuba County Office of Education. The 1997-1998 Grand Jury has received no complaints regarding the Charter School.

BACKGROUND INFORMATION:

The Charter School is one of one hundred Charter Schools in California authorized by passage of Senate Bill 1448. The Yuba County Office of Education is located at 938 14th Street. The Charter School office and testing center are located at 933 14th Street. The Office of Education is administered by the Superintendent of Schools. The administration of the Charter School is governed by the California Education Code Sections 1-1000.

The Charter School Board of Directors meets for an hour at 3:30 p.m. on the second Thursday of each month at the Office of Education. Parents are welcome and encouraged to attend the board meetings. The Charter School is authorized by an elected 10-member governing Board of Directors. There are nine current board members.

The Charter School has approximately 215 students whose schooling is funded by an average daily attendance allocation (ADA), which is the same funding traditional schools receive. Although special funds and grant monies may be available to the Charter School, the school is operated only with ADA funds. The Charter School began the 1997-1998 fiscal year with \$247,334 budget.

SCOPE:

The Grand Jury chose to focus this investigation on the Charter School which is designed to supplement and enhance other educational facilities and programs provided for area residents.

PROCEDURE:

This investigation was conducted by no less than two members of the Grand Jury pursuant to Penal Code § 916.

Members of the Grand Jury reviewed the Charter School's 1997-1998 budget; the admissions requirements and the admissions procedures including motivation, testing, and staffing.

Members of the Grand Jury met with the superintendent and members of the staff.

Members of the Grand Jury also attended a Charter School orientation meeting for prospective students.

DISCUSSION:

The 1997-98 Grand Jury made repeated requests by telephone, letters, and e-mail for information from the County Superintendent of Schools concerning the following matters:

- How "fixed assets/cap outlays" in the budget were spent. The Grand Jury received no response to this inquiry.
- How the "inter-program" budget item was spent and to this inquiry the Grand Jury received incomplete information.

Attached: see copy of year ending 1997 Budget and three year's Report Revenue/Expenses through the 1st quarter 1998.

As an elected official of Yuba County, the Superintendent is responsible for the operation of the county's Charter School program. The Charter School's purpose is to provide educational opportunities for students who, for a variety of reasons do not fit into the traditional primary and secondary schools. After State legislature authorized charter schools, the Yuba County Charter School was created as an alternative for students to receive an education through the high school level, with an emphasis on career preparedness.

The Yuba County Office of Education operates the Charter School with no cost for items such as: classrooms, transportation, cafeteria's, yet they receive the same amount of funding per ADA as do regular school districts that operate traditional programs.

The Grand Jury received two separate estimates concerning the ADA rate of revenue per pupil each year from the County Office of Education. One estimate was \$4,000, the other had a low of \$3,562 and a high of \$4,123.

A weekly orientation meeting is held at 4:30 p.m. every Thursday, at the Office of Education to inform prospective students and their parents of the structure, operation and admission requirements for the Charter School.

STAFFING:

The Charter School has a full-time school principal, who is assisted by the Office Of Education testing and administrative staff. There are 47 part-time teachers employed by the Charter School who are paid \$22.00 per hour, the number of teachers fluctuates with the number and needs of the students. The program is staffed by teachers credential by the State of California.

Teachers meet with their students at least once per week to accept work completed and to assign the next week's work. Because there is no traditional school facility, the student and teacher arrange where they will meet (e.g. library, coffee shop, or home). Parents are encouraged to attend the weekly meetings.

COURSE WORK:

Charter School has requirements necessary for graduation from high school, including a senior project. Each student can tailor a curriculum toward a particular academic or career interest. Community service or work is required.

Some courses are not available in the Charter School curriculum, such as upper level math and science courses. However, these classes may be available through Yuba College.

TESTING:

Upon initial intake into the Charter School, students are tested to determine their grade and skill levels. Subsequently, a more comprehensive Grade Level Evaluation test is administered at the grade level indicated by the Wide Range Achievement Test (W.R.A.T.).

The California Proficiency Exam is administered at the Office of Education for students completing high school course work at the Charter School. Those who pass are issued a high school diploma.

SPECIAL FEATURES OF CHARTER SCHOOL:

1. Students can earn academic credit for high school courses taken at Yuba College.
2. The Charter School does not accept students who are on probation.
3. The Charter School has no current limit on enrollment.
4. Charter School incorporates the advantages of independent study and home schooling for students who find traditional schools incompatible with their needs.

FINDINGS:

The County Superintendent of Schools did not provide complete information concerning the following:

1. What is the intended purpose of the \$181,479.68, that is being held in a reserve account.
2. When the Grand Jury asked what the \$59,000.00 "inter-program" expense on the budget was spent for, the response was that the money was transferred to the County Office of Education with no explanation of how that office spent the funds.
3. The age and grade breakdown of students served.

4. The expenditure of the "fixed assets/cap outlay" of \$28,500.00 budget item.
5. An accurate and complete budget report.

RECOMMENDATIONS:

The 1997-98 Grand Jury requests that the incoming Grand Jury continue this investigation.

The Superintendent should cooperate with the Grand Jury and provide accurate information in a timely manner, as requested.

RESPONSE REQUIRED ON FINDINGS

1. Superintendent of County Office of Education
2. Superintendent of County Office of Education
3. Superintendent of County Office of Education
4. Superintendent of County Office of Education

RESPONSE REQUIRED ON RECOMMENDATIONS

1. None
2. None

1997/98 YUBA COUNTY GRAND JURY

**CITY OF MARYSVILLE
DOWNTOWN REPORT**

RESPONSE REQUIRED ON FINDINGS

- None

RESPONSE REQUIRED ON RECOMMENDATIONS

- Marysville City Council on Recommendation 4

CITY OF MARYSVILLE DOWNTOWN REPORT

REASON FOR INVESTIGATION:

The Grand Jury is mandated to review the operation and procedures of the municipalities within the county on a periodic basis, pursuant to California Penal Code § 925(a). The Grand Jury chose to review the City of Marysville and the downtown business district to determine the relationship of the City's economic situation with the local business community.

BACKGROUND:

The City of Marysville is located within the County of Yuba, operating as the County seat. The city of Marysville was established in February 1851 at the junction of the Yuba and Feather Rivers as a Charter City. Historically, Marysville has experienced years of prosperity and a thriving business community. Recently, a downward trend in business activity has occurred, affecting the city's income and weakening the tax base. Downtown Marysville suffered from a high vacancy rate and an apparent loss of business. The decrease in tax revenue, from the loss of business, is having a critical effect on the city's income and the adoption of legislation creating a new tax distribution in the 1992/93 fiscal year which has compounded the problem.

SCOPE:

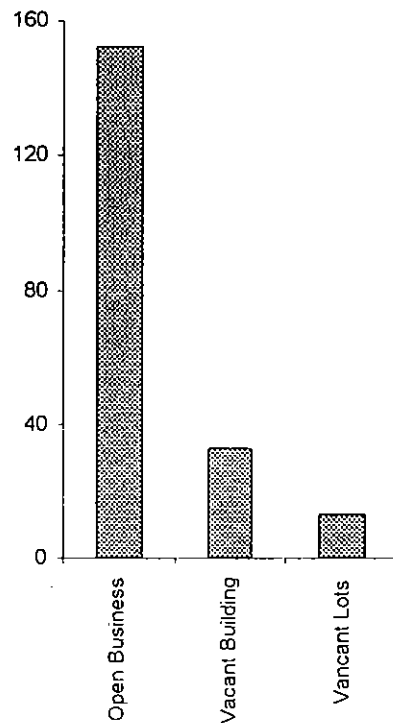
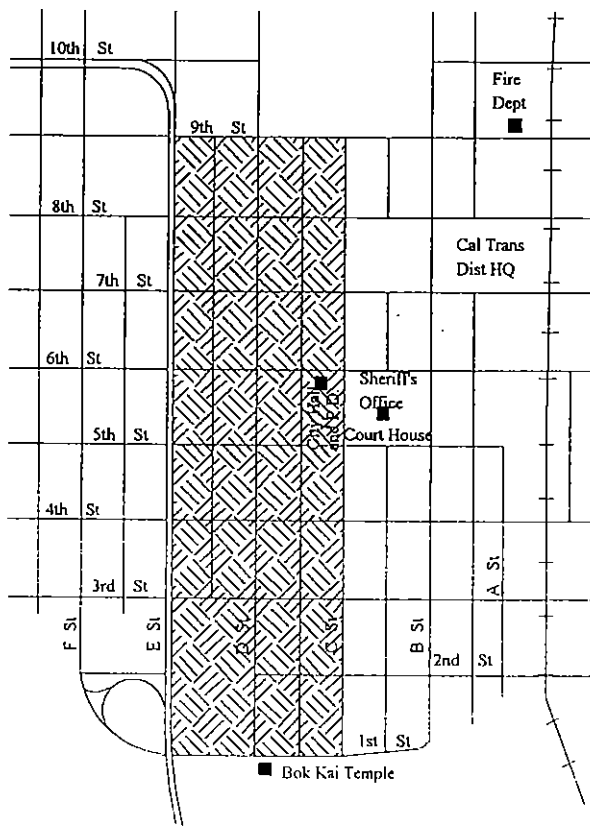
The Grand Jury conducted a broad investigation of the business climate and the economic condition of the City. The emphasis of the study included the agenda of the civic leaders for the future of Marysville and its affect on the business district.

PROCEDURE:

All interviews were conducted and documents were obtained by no less than two members of the Grand Jury, pursuant to Penal Code § 916.

Grand Jurors distributed a business survey questionnaire to merchants, within a set geographical area. Grand Jurors documented occupied and vacant buildings and lots within the downtown area. The area covered was from the South side of First Street to the South side of Ninth Street and from the West side of C Street to the East side of E Street (See map.)

MAP OF AREA COVERED DURING SURVEY



One hundred twenty four (124) questionnaires were distributed. The return response rate was 28%.

Thereafter, Grand Jurors conducted interviews with the City Administrator, the Mayor and the Director of the Yuba/Sutter Chamber of Commerce.

BUSINESS DISTRICT DISCUSSION:

In describing the business climate, survey responses varied. The general business climate was rarely described as positive. While the survey response was less than anticipated, the questionnaire provided the following data:

Merchant Responses to Business Area Survey:

- 40% participate in a business promoting organization.
- 40% were aware of benefits of the Enterprise Zone.
- 29% were aware of benefits of the Yuba Sutter Development Corporation.
- 6% had taken advantage of the Yuba Sutter Small Business Center.
- 33% did not know of, or did not answer the question regarding the Marysville Community Redevelopment Agency.
- 17% claimed communication between City Council and business people could be improved.
- 46% claimed obstacles in the form of business licensing, permits and or taxes.

Special city events such as Christmas Parade, Beckworth Days, Bok Kai Parade and Ellis Lake events, received mixed responses from the business community. The events draw people to the downtown area, but street access to businesses is generally limited. The Ellis Lake events, such as the boat races, fishing derby and the July Fourth fireworks display do not impact the downtown businesses.

CONDITIONS SEEN AS DRAWBACKS TO DOWNTOWN:

- Inadequate parking
- Properties in need of maintenance or improvement
- Lack of downtown promotion
- Limited business hours, compared to shopping malls

CITY OF MARYSVILLE DISCUSSION:

The availability of funds from the city surplus, used to balance the budget in previous years, has been depleted. Any additional savings the city should have in reserve for capital improvement projects is nonexistent. The City of Marysville's fiscal budget, beginning on July 1, 1997, was finalized in November 1997.

Facing an \$800,000 budget deficit, the City Council proposed to decrease utility expenditures by turning off "non essential" street lights within the city. The program was never implemented. A transfer of funds from other accounts made to the general fund balanced the budget. A contract with Honeywell Corporation is planned to save energy. This plan will create \$700,000 over a twenty year contract and eventually will show a long-term utility cost savings.

In an effort to create additional revenue, the City proposed a special parcel tax in 1997. This new tax was rejected by a vote of property owners.

Current grant funding for certain programs, especially within the Police Department, will expire this year. This will require a reduction of services or a redistribution of funds. In response to requests from the Grand Jury, the Chief of Police provided a copy of the Marysville Police Department Annual Report, fiscal year 1997, the also the following information:

CURRENT GRANTS FOR MARYSVILLE

POLICE DEPARTMENT FISCAL 97/98:

OCJP Safe Neighborhood.....	\$111,111.00
US DOJ Universal Hiring Program (Part funding for 3 Police Officers) ..	\$63,910.00
Bureau of Justice Assistance, Partnership Grant	\$53,013.00
Bureau of Justice Assistance, Local Law enforcement Block Grant	\$46,761.00
CA Citizens Option for Public Safety Grant.....	\$27,945.00
OCJP Drug Suppression in Schools Grant	\$52,010.00
OCJP Yuba County Drug Intervention Program.....	\$28,442.00
AB3437 Monies (Police Bicycles).....	\$10,360.85
TOTAL	\$393,552.85
Annual Budget for Police (includes NET-5).....	\$2,246,645.00
PERCENTAGE FROM GRANTS.....	18%

COMPARISON OF FOUR MARYSVILLE

POLICE DEPARTMENT BUDGETS

Fiscal Year:	1990-91 EST Actual	1995-96 EST Actual	1996-97 Budget	1997-98 Budget
	1,933,177	2,250,625	2,337,678	2,246,645

The cost of Police and Fire protection in Marysville total \$3,311,117.00 or 66% of the City's General Fund. An emergency situation could have a severe impact on public safety budget.

The flood of 1997 taxed the fiscal and human resources of the city. Although the city of Marysville suffered no direct flood damage, the evacuation negatively impacted the local economy.

The Grand Jury questioned city staff regarding service and budget realignments and were advised as follows:

Service and Budget Realignment:

- City planning coordination is contracted out to a Sacramento planner for major projects.
- The Public Works Department is under the temporary administration of the City Manager.
- Consolidation of City departments responsibilities has been undertaken.
- Transfer of the local fire department responsibilities to the California Division of Forestry.
- Future transfer of the sewage treatment facility to private management is being considered.

BUSINESS DISTRICT FINDINGS:

All findings have been substantiated by current documentation and by observation and interviews by no less than two members of the Grand Jury, the pursuant to penal Calif. Penal Code § 916

- 1) Services developed by the Yuba Sutter Small Business Center are not implemented.
- 2) The services provided by the agencies concerned with redevelopment of the City were unknown to many merchants eligible for benefits.

CITY OF MARYSVILLE FINDINGS:

- 1) A potential solution has been found to reduce the street lighting costs through the contract with Honeywell Corporation.
- 2) Transfer of the local fire department to the California Division of Forestry management is a cost savings measure.
- 3) Transfer of the sewage treatment facility to private management is being considered for additional savings.
- 4) Marysville has managed to balance the budget through cutbacks, one time monies, and grants. The grants are due to expire and there is no revenue source to replace them.

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."

City Administration needs to:

1. Improve communications with Businesses and business organizations.
2. Explore solutions to resolve parking problems in Downtown Marysville
3. Continue to explore privatization of the sewage system
4. Actively promote the Yuba Sutter Enterprise Zone

RESPONSE REQUIRED ON FINDINGS:

1. None
2. None
3. None

RESPONSE REQUIRED ON RECOMMENDATION:

- 1) None
- 2) None
- 3) None
- 4) City Council

1997/98 YUBA COUNTY GRAND JURY REPORT
MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT
HOME SCHOOL
(ABRAHAM LINCOLN SCHOOL)

RESPONSE REQUIRED ON FINDINGS

- None

RESPONSE REQUIRED ON RECOMMENDATION

- None

REASON FOR INVESTIGATION:

This investigation was conducted pursuant to California Penal Code § 925, which states in part: "investigations may be conducted on some selective basis each year." The Yuba County Grand Jury selected Abraham Lincoln School (the Marysville Joint Unified School District's home school) as the focus of this investigation. The 1997-98 Yuba County Grand Jury has received no complaints regarding Marysville Joint Unified School District Home Schooling. This report is intended to be informational.

BACKGROUND:

The Marysville Joint Unified School District (hereafter referred to as the "District") is located at 1919 B Street, Marysville, California. An elected seven Member Board of Trustees, governs the District. The current board members are Roland D'Arcy (president), Margaret A. Markle, Clarence R. Weckman, George McGrew, Charles D. Center, Glen E. Harris and Sherill Webb. The responsibility for the administration of the District is required to follow California State Education Code Sections 1-1000, Federal regulations and guidelines for agencies that received Federal monies. The principal/administrator of Abraham Lincoln School is John Pimentel. Mr. Pimentel oversees the daily operations of Abraham Lincoln School, (ALS). ALS is a public alternative school (CDS Code 53-72736-5830054) serving students in grades kindergarten through twelfth. Currently there are 374 total students enrolled (in grades kindergarten through fifth 102, in sixth-eighth 97 and in grades ninth-twelfth 175). There are fourteen full-time teachers assigned to Abraham Lincoln School with the average class size of thirty students per teacher.

The curriculum used for all grades is identical or equivalent to the curriculum used in traditional classrooms and is provided by the school. The method of instructions used to deliver the curriculum is independent or home study. In an independent/home study public school, a credentialed teacher (referred in the rest of the report as "teacher") meets with the student and parent on a regular basis to provide curriculum materials, make subject assignments, provide instruction, collect and grade student work and administer tests. The teacher is required by law to evaluate all school-related work. Meetings with students, parents and teachers can be scheduled and held as often as daily but cannot, by District policy, be more than four weeks apart. Students work on their assignments independently, under the supervision of an adult. Parents are the daily supervisor's and teacher's of their children.

SCOPE:

The Grand Jury chose to focus only on the Abraham Lincoln School as part of Marysville Joint Unified School District.

PROCEDURE:

The investigation was conducted by no less than two members of the Grand Jury pursuant to Penal Code § 916.

Members of the Grand Jury reviewed the District's 1997-98 School Allocations Budget for Abraham Lincoln School.

Grand Jury members conducted interviews with Superintendent Peter Pillsbury, Executive Director of Alternative Programs Dean Miller and Principal John Pimentel (Abraham Lincoln School).

Grand Jury members also interviewed a teacher and a parent from Abraham Lincoln School.

DISCUSSION:

Committee members found all those interviewed to be open in sharing information regarding Abraham Lincoln School. They answered all questions and were knowledgeable of the operations of the school.

FUNDING:

Funding for Abraham Lincoln School is generated from Average Daily Attendance (ADA) allocations some Elementary Secondary Education Act (ESEA) Title Six and Site Improvement Program (SIP) monies. The funding that Abraham Lincoln School receives is the same which traditional schools receive. The accounting of attendance is calculated differently. There are no excused absences allowed and daily attendance is the daily responsibility of the student parent and teacher team. The student is required to do an equivalent of four hours of work per day in order to qualify as a school attendance day. The teacher is responsible for assigning sufficient work to occupy student for a full four hours of work per day, commiserate with grade level. According to state standards, four hours of home school is equal

to six hours of traditional school. The home school day is counted only after the work is completed and accounting is done on a monthly basis.

ADMISSION REQUIREMENTS AND PROCEDURES :

The majority of inquiries that are received at Abraham Lincoln School are from parents who have been referred to the school by traditional school officials or other parents who currently home school their children. The school secretary takes the initial request date and determines if the student is eligible for a home study program. For example, Special Education students, students currently expelled, and students requiring Home and Hospital Instruction are referred to the appropriate office or administrator. While the school secretary verifies the eligibility of the student for ALS, the request form is given to the school principal for primary screening. The school principal then interviews each prospective parent to further determine their child's eligibility and appropriateness for Abraham Lincoln School and the parent's ability to function as a supervisor for their child. In order for a child to be enrolled in home study (grades K-6) in ALS, at least one parent or qualified adult must be in the home on school days during regular school hours (8 AM-3 PM) to provide supervision and instruction for their child. Parents of students on independent study (grades 7-12 only), are not required to provide daily supervision and instruction of their child. Students on independent study meet on a weekly basis with their teacher and must be highly motivated and demonstrate an ability to work independently. The parent or qualified adult must have a minimum of a high school diploma or a General Educational Development Certificate (G.E.D.). They must be willing to meet with a teacher on a regular basis and have a working relationship with their child. The parent must provide an instructional area for their child and any transportation needed for meetings with the teacher.

After the primary screening and admission by the school principal, a teacher is assigned and makes contact with the parent to set up the initial instructional conference. At the initial conference, student and parent expectations and requirements are outlined and explained. Parent, student and teacher sign a master agreement containing the objectives for study, methods of evaluation and expectations. An assignment report is completed that explains specifically what must be accomplished in each content area by the next appointment.

Findings:

1. The district is offering an alternative to regular classroom instruction for those families who have the time, interest, desire and need for something other than what is traditionally offered.
2. The District recognizes the need for alternative education and continues to work to meet the needs of the citizens of Yuba County.
3. The District continues to develop programs and opportunities for the students and families of our community.

Response Required on Findings:

None

Recommendations:

None

Response Required on Recommendations:

None

1997/98 YUBA COUNTY GRAND JURY

Reclamation district #784

RESPONSE REQUIRED ON FINDINGS

- RD784 ON Findings 1 and 3

RESPONSE REQUIRED ON RECOMMENDATIONS

- RD 784 on Recommendations 1 and 2

REASON FOR INVESTIGATION:

California Penal Code § 925 states in part: "The Grand Jury shall investigate functions of the county on some selective basis each year."

BACKGROUND:

Reclamation District 784 maintains 37 miles of levees on the south bank of the Yuba River, the east bank of the Feather River and the north bank of the Bear River, within Yuba County. The Reclamation District maintains 60 miles of drainage ditches. All areas investigated are located in the Yuba County boundary.

Reclamation District 784 has a total of three (3) paid employees, consisting of a manager and two (2) full time workers. The employees are directed by the Board of Trustees which made up of five (5) individuals elected by the landowners within the district. The Board of Trustees elects one of it's own members to serve as the district president/chairperson. The term of president has no time limit and he or she serves at the pleasure of the elected board.

The levees in R.D. 784 are owned by the State Reclamation Board and their repairs and maintenance are overseen by the State Department of Water Resources. The Department of Water Resources inspects the levees and issues a bi-annual report. The report covers the general condition of the levee, vegetation growing on the levee, rodent control, and flood preparedness. These inspections cover every square inch of the levees under the Reclamation District's jurisdiction. After the inspection is completed and the report received, the manager and Department of Water Resources inspector review all recommendations made. Reclamation District 784 must then complete the repairs and maintenance items enumerated.

SCOPE:

The 1997-1998 Yuba County Grand Jury chose to investigate the safety and training standards for Reclamation District 784 employees and volunteers.

The report includes only the jurisdiction of Reclamation District 784 contained within the boundaries of Yuba County.

PROCEDURE:

The investigation was conducted by no less than two (2) members of the Yuba County Grand Jury pursuant to California Penal Code § 916.

Members obtained and analyzed the following documents:

1. Standard Operation and Maintenance Manual, for the Sacramento River Flood Control Project. US Army Corps of Engineers, Sacramento District, Sacramento California.
2. Superintendent's Guide to Operation and Maintenance of California's Flood Control Projects. State of California, Department of Water Resources, Division of Flood Management.
3. Supplemental to Standard Operation and Maintenance Manual. Sacramento River Flood Control Project, Unit No. # 145-Part No.#1. US Army Corps of Engineers Sacramento District, Sacramento, California.
4. Operation Maintenance Manual, Sacramento River Flood Control Project, Manual No.# 5. US Army Corps of Engineers, Sacramento District, Sacramento, California.
5. Directory of Flood Control Officials, State of California, Department of Water Resources, January 1997 edition.
6. California Code of Regulations, Title 23. Waters, Division 1. Reclamation Board, Vol. 32. Published by Barclays Law Publishers.

The following interviews were conducted with no less than two (2) members of the Grand Jury present pursuant to Penal Code § 916.

1. Richard Webb, the President/Chairperson of the Reclamation District (with special arrangements for legal counsel to also attend) testified before the entire Grand Jury under subpoena on January 22, 1998.
2. Volunteers from a list provided by the Reclamation District for the 1997-1998 flood season.

DISCUSSION:

Reclamation District 784 is located in the south section of Yuba County.

The President/Chairperson of RD 784, Richard Webb proved to be very difficult to interview. The Grand Jury made a number of attempts to contact him to arrange the interview. The first attempt was by phone on August 27, 1997 and he was asked to attend the regular Grand Jury meeting on September 4, 1997. When he failed to appear after repeated invitations, the Grand Jury voted on September 24, 1997 to subpoena him. Mr. Webb eventually testified before the entire Grand Jury on January 22, 1998, under special arrangements. These arrangements were for him to appear with RD 784's legal counsel and to have a prior review of the questions to be put to him.

The 1996 -1997 Grand Jury made the recommendation in it's final report that the District needed to improve its communications system. Mr. Webb said "To the best of any one's knowledge, no member of the Grand Jury contacted an official from RD 784. Therefore, anything in the Grand Jury report has to be considered hearsay and we dispute the various findings." The current Grand Jury is aware that the 1996-1997 Grand Jury made a number of attempts to contact RD 784 Chairperson for their report. The RD 784 Chairperson failed to respond to the 1996-1997 Grand Jury inquiries.

During Mr. Webb's testimony on January 22, 1998, he stated that improvements in communications and emergency notification had not been completed. All volunteers testified that they were requested to bring their personal cell phones while on levee patrol. Reliance on cell phones when a state of emergency exists is inefficient. When all the cells are "busy" the levee patrol is unable to notify the district command post that they have discovered a problem.

At the January interview with Mr. Webb, the Grand Jury requested a list of past and current volunteers. Mr. Webb stated that the files from 1997 had been lost in the flood and that a current list was being compiled. A list of the 1998 volunteers was given to the Grand Jury on February 24, 1998. This list represented only those volunteers who had viewed a DWR training film. The Grand Jury then contacted and arranged to interview six (6) of these volunteers.

The Grand Jury determined that no previous experience was necessary to become a volunteer for RD 784. The experience of the volunteers ranged from long time

residents with first hand knowledge of the levee system and potential dangers, to first time volunteers having no knowledge about such essentials such as how to access the top of a given section of a levee, what a boil or trouble spot looked like; or how to report information they were supposed to gather while on patrol. The volunteers testified that they had viewed a training film (also seen by members of the Grand Jury) which demonstrated techniques used to fill sand bags, cover a levee slope with plastic protectors, and protect personal property from rising flood waters. After viewing this video they were sent in their personal vehicles to patrol the levee system. They were not told the locations of historical boils, what they looked like, or how to identify any potential trouble spots while on patrol.

It was noted in Mr. Webb's interview that the district had recently purchased a radio system. Mr. Webb testified that they were already experiencing problems with this system.

FINDINGS:

1. RD784 needs to address the issue of the lack of adequate communication between employees and volunteers in the field and the command post.
2. RD784 has a willing and potentially valuable group of volunteers who want to serve their community in time of flood danger. The Grand Jury commends these volunteers for their service.
3. The 1998 volunteer work force has been inadequately trained for the tasks they are assigned. Many volunteers are sent to patrol levees and placed in "harm's way" with little knowledge of how to patrol or even avoid personal danger.

RECOMMENDATIONS:

1. RD784 should continue to pursue a more effective electronic communication system. The California State Department of Telecommunications should be contacted for their assistance in preparing for emergency situation.
2. RD784 should establish a more extensive training program for all volunteers.
3. Inexperienced volunteers should be teamed with experienced workers to learn how to effectively patrol the levees.

RESPONSES REQUIRED ON FINDINGS:

1. RD784.
2. NONE
3. RD784

RESPONSES REQUIRED ON RECOMMENDATIONS:

1. RD784
2. RD784

1997/98 YUBA COUNTY GRAND JURY REPORT

CITY OF MARYSVILLE YUBA PARK

RESPONSE REQUIRED ON FINDINGS

- City of Marysville and Yuba County Office of Education
on Findings 1 and 3
 - Marysville City Council on Findings 2

RESPONSES REQUIRED ON RECOMMENDATIONS

- City of Marysville and Yuba County Office of Education
on Recommendations 1
 - City of Marysville on Recommendations 2
 - None on Recommendations 3 and 4

REASON FOR INVESTIGATIONS:

The Grand Jury is mandated to review the operations and procedures of the municipalities within the county on a periodic basis. Pursuant to California Penal Code § 925A the Grand Jury selected the development of Yuba Park as the focus for this investigation due to the involvement of the City of Marysville and the Yuba County Office of Education. The 1997-1998 Yuba County Grand Jury has received no formal complaints regarding the Yuba Park Development.

BACKGROUND:

Yuba Park is located at the corner of Tenth Street and Yuba Street in the City of Marysville. Established in the 1850's, as a "Charter Park", the park is approximately 4.5 acres and contains more approximately 100 trees of various varieties. The park contains playground equipment, picnic benches and a rest room.

SCOPE:

The Grand Jury conducted an investigation into the Yuba County Office of Education and the City of Marysville's proposed development of Yuba Park.

PROCEDURE:

The investigation was conducted by no less than two members of the Grand Jury pursuant to Penal Code § 916.

The Grand Jury interviewed Richard D. Teagarden, Superintendent of Yuba County Office of Education, Richard Hare, City of Marysville Administrator, and Bruce Porter, proposed developer of the Yuba Park Project.

Grand Jury members attended Marysville City Council meetings, and a Marysville Planning and Historic Preservation Commission meeting.

DISCUSSION:

The City entered into an agreement with the Yuba County Office of Education and a private developer for the development of Yuba Park as a one-stop career center operated by the Office of Education.

Against vocal opposition, the City Council voted to rezone Yuba Park to commercial use. The Grand Jury was informed that the savings in upkeep of the park would be approximately \$10,000.00 per year, and the city budget would receive \$50,000.00 per year in rent for the land.

The Grand Jury was also advised that the developer was going to secure a loan against the property and build two to three buildings, which the developer would be renting to the Yuba County Office of Education (YCOE). The City of Marysville planned to lease the land for an amount equal to the property tax and this rental rate would be in effect for twenty (20) years.

This portion of the contract, as well as many other specific are still being negotiated. Information from the individuals interviewed by the Grand Jury indicated that the exact number of jobs this project would create is unknown.

Due to vocal opposition, developers have agreed to maintain a park like setting by proposing a "green belt" along Tenth Street.

FINDINGS:

1. The City of Marysville and Yuba County appeared to have numerous commercial properties that are vacant and there is no need to develop on a historic park site.
2. The renting of commercial property for the equivalent of property tax is a poor financial practice.
3. It is not known how many jobs this project will generate for the community.
4. The negotiations and discussion of this project are continuing as this Grand Jury's term is ending.

RECOMMENDATIONS:

1. The City of Marysville and the Yuba County Office of Education should continue to explore alternative sites for the Office of Education's One Stop Career Center which do not involve the destruction of city parks.
2. The rental rate for commercial property should include an amount to pay for the value of the asset as well as pay the property tax.
3. None
4. None

RESPONSES REQUIRED ON FINDINGS:

1. Yuba County Office of Education and Marysville City Council
2. Marysville City Council
3. Yuba County Office of Education and Marysville City Council
4. The 1997-1998 Grand Jury recommends that the 1998-1999 Grand Jury continue this investigation.

RESPONSES REQUIRED ON RECOMMENDATIONS:

1. The City of Marysville and the Yuba County Office of Education
2. The City of Marysville
3. None
4. None