

# YUBA COUNTY



## 1999/2000 GRAND JURY FINAL REPORT

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**1999/2000 Yuba County Grand Jury Final Report**

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**The Honorable  
DENNIS J. BUCKLEY  
Judge of the Superior Court  
Department 3**

# The County of Yuba

## GRAND JURY



July 5, 2000

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

Dear Judge Buckley:

Grand jury service is neither a duty nor an obligation of any citizen. It is, instead, an opportunity to participate in a unique and valuable public service.

All interested citizens are encouraged to avail themselves of this opportunity by contacting the jury commissioner and joining others in the jury pool from which the members will be randomly selected.

With the submission of its Final Report of Findings and Recommendations pertaining to county and city government as required by Penal Code 933, the 1999/2000 Grand Jury has shown that there are 19 dedicated citizens willing to devote the many hours of hard work necessary.

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

The investigation and report on the Yuba County Jail was accomplished without the participation of one member who was a supervisor at the jail.

The format of our Final Report differs from previous years which we hope will make the report more readable. As in past years, it will be published and made available for reading by all Yuba County residents.

As this challenging year draws to a close, I would like to thank each and every one of the members for the time and effort they have devoted to this endeavor and to also thank their families for their patience and support.

Honorable Dennis J. Buckley

July 3, 2000

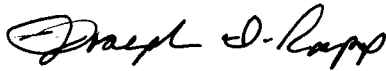
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I would like to thank you Judge Buckley for being available at our every request and for your guidance and helpful advice.

Thank you also to Evelyn Allis and her staff for their support.

Finally, on behalf of the Grand Jury we would like to express our sincere appreciation to each of the county offices and agencies for their cooperation with the committees of the Grand Jury.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph I. Rapp".

JOSEPH I. RAPP

Foreman

## 1999/2000 YUBA COUNTY GRAND JURY

Tom Barris	Marysville
Lee Bright	Marysville
Sue Cejner, Foreperson Pro-tem	Marysville
Joy Dahlstein	Marysville
Terry Hood	Marysville
Bruce Jensen	Marysville
Ronald Kreth	Browns Valley
Bernadette Mogavero	Browns Valley
Teresa Navarro, Secretary	Marysville
Sidney Padrick	Marysville
Taemi Phillips	Beale AFB
David Pietz	Browns Valley
Joe Rapp, Foreperson	Marysville
Jerry Read	Browns Valley
Bernice Rishell	Browns Valley
Morton Schmoe	Oregon House
Patricia Stonestreet	Rackerby

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**1999/2000 YUBA COUNTY GRAND JURY**

**YUBA COUNTY DISTRICT ATTORNEY  
FAMILY SUPPORT DIVISION**

**RESPONSE REQUIRED ON FINDINGS**

- District Attorney: 1, 2 and 4

**RESPONSE REQUIRED ON RECOMMENDATIONS**

- District Attorney: All
- Board of Supervisors: All

## **YUBA COUNTY OFFICE OF THE DISTRICT ATTORNEY FAMILY SUPPORT DIVISION**

### **FINDINGS:**

1. The Family Support Division is unable to carry out its day-to-day operations due to understaffing.
2. The complaint that the department's inefficiency resulted in inconvenience and financial injury found to be valid.
3. Allegations of abuse of office and fraud are unfounded. The investigation revealed no malicious intent on the part of FSD staff.
4. The September 22, 1999, letter sent to the FSD by a title company was inappropriately described as "hate mail" by a staff member.
5. The 1998/1999 Grand Jury identified several areas of inefficiencies within the Family Support Division (FSD). Many of these problems still exist and were contributing factors to the errors made that resulted in the complaint.

### **REASON FOR INVESTIGATION:**

The 1999/2000 Grand Jury received a citizen's complaint that the Family Support Division (FSD) had committed fraud and because of the inefficient operation of the FSD the complainant suffered personal and financial damage. The investigation was conducted pursuant to the California Penal Code Section 925.

### **BACKGROUND:**

This Division is currently undergoing radical organizational and functional changes. The Governor has signed legislation (9/99) that dramatically changes the family support structure, operation, and funding processes.

Additional Family Support officers, attorneys, accounting personnel, and support personnel will be hired as well as a permanent client receptionist. A minimum of eleven additional positions and the reclassification of three more are anticipated.

Relocation of the FSD in January of 2001 has been recommended and is being reviewed at the state level. The relocation will be needed to accommodate the additional 20 to 30 staff that are projected to be added in the future.



## **SCOPE:**

The Grand Jury reviewed the Complainant's FSD support payments records, information from interviews and other documentation provided. All interviews, discussions, and document reviews were conducted by no less than two members of the Grand Jury pursuant to the California Penal Code Section 916.

## **DISCUSSION:**

1. The Grand Jury committee learned that an audit was conducted on the Complainant's records in December 1998 was the result of an Affidavit of Arrears submitted by the custodial parent (CP).
  - a. The Grand Jury was led to believe that this affidavit had recently being submitted by the custodial parent when in fact the it was sworn to in December 1991. The custodial parent claimed that the Complainant owed arrearage of \$1,260 for the period 10/91 to 12/91.
  - b. The audit resulted in the FSD issuing a Notice of Wage Earnings Assignment for \$6426.10 on December 31, 1998.
  - c. The Complainant called the FSD on December 31, 1998, disagreeing with the audit results.
2. Because the Complainant changed employers frequently, it took him until April 1999 to obtain copies of canceled checks that had been sent to the Placer County District Attorney's Office in 1991, which was then involved in collecting support payments. It then took the FSD three months, until July 12, 1999, to inform the Complainant that the correct arrears amount was in fact \$82.11 and not the \$6460.00 previously demanded.
  - a. On July 12, 1999 the Family Support Officer wrote a letter to the Complainant and also in response to an inquiry from the Child Support Program Assistance Bureau of the Department of Social Services and Senator K. Maurice Johannessen to whom a complaint had been made.
  - b. In this letter the FSD admitted that an error had been made, which was corrected, including an adjustment of accrued interest. The letter also stated that "under the circumstances, it was entirely appropriate that the Complainant bear the burden of proving that he had made these payments."
3. On December 14, 1998, a Redding title company contacted the FSD requesting a clearance on behalf of the Complainant and his current wife who were attempting to refinance their property. On December 28, 1998, after numerous faxes and telephone calls to FSD the Title Company received a letter enclosing the requested clearance, however, instructing the Title Company not to use the clearance until \$6,163.49 in the arrears was received from the Complainant.

- a. In a July 1999 letter the Title Company again requested a clearance for recording after the FSD admitted it had made an error. The Complainant was advised that he still owed \$32.64, which he paid even though he did not agree that he owed any arrears. He then advised the Title Company that he had paid the \$32.64. The company contacted FSD for permission to record and was then told that the Complainant now owed \$420.80 for his regular monthly payment. FSD further advised that even if payment was received there would still be 81 cents owed. As direct result of the confusion the clearance did not get recorded until December 1999.
  - b. Within the Complainant's file, a log of contacts was maintained which makes reference to "hate mail" received from the Title Company on 9/23/99. This reference reflects an unprofessional attitude by the FSD toward a legitimate business simply trying to provide a service to its customer.
4. Staff shortages apparently resulted in the inaccurate calculations of arrears. Additionally, the affidavit of arrears being enforced was seven (7) years old, claimed three (3) months' arrears not six (6) as the Complainant was later informed, and was not notarized. The fact that the complainant had always paid child support faithfully and had even paid in advance anticipating seasonal layoffs.
5. The newly installed courthouse phone system has vastly improved the ability to direct calls to the appropriate staff and to prevent message errors. In particular, the voice mail capability allows clients to leave messages directly with the caseworker thus avoiding the risk that the message would be misunderstood or misdirected. This system has significantly improved the timeliness of the responses, which must be provided within 24 hours.
6. According to the District Attorney in his letter to the Board of Supervisors, "the cause of under-performance is a lack of resources, but the current system was designed to increase performance by withholding more resources. The staffing workload, and funding problems discussed in the 1998/1999 Grand Jury report were a product of the old Family Support System."

#### **RECOMMENDATIONS:**

1. Increase staffing to lower the caseload ratios to a manageable level. Additional staffing should include more accounting and support personnel.
2. Relocate the Family Support Division to a location that will accommodate the anticipated new staff.
3. Ensure that the telephone system at the new location has the capability for the capability for voice mail and other features to improve communication and response time.

## **RESPONSES TO FINDINGS**

District Attorney: 1, 2 and 4

## **RESPONSE REQUIRED ON RECOMMENDATIONS**

District Attorney: All  
Board of Supervisors: All

# **1999/2000 YUBA COUNTY GRAND JURY**

## **YUBA COUNTY HUMAN SERVICES CHILDREN'S PROTECTIVE SERVICE OVERVIEW**

### **RESPONSE REQUIRED ON FINDINGS**

- **Director of Human Services: All**
- **Board of Supervisors: All**

### **RESPONSE REQUIRED ON RECOMMENDATIONS**

- **Director of Human Services: All**
- **Board of Supervisors: All**

## **YUBA COUNTY HUMAN SERVICES OVERVIEW OF THE CHILDREN'S PROTECTIVE SERVICES**

### **FINDINGS:**

1. Communication between management, supervisors and caseworkers is poor which contributes to low morale and a sense that their concerns are not addressed.
2. There appears to be no policy, procedure or guideline for the handling of complaints and grievances within the department.
3. There is a need to provide new social workers meaningful field training by experienced personnel. The "trial and error" method of training is inefficient and is a contributing cause of high personnel turnover in field services.
4. Caseloads exceed state recommended levels resulting in excessive overtime for extended periods.

### **REASONS FOR INVESTIGATION:**

The investigation was conducted pursuant to California Penal Code 925, which states in part "investigation may be conducted on some selective basis each year." The 1999/2000 Grand Jury Children's Protective Services investigation was based on that authority as well as receipt of a formal complaint that cases were being mishandled.

### **BACKGROUND:**

The Yuba County Children's Protective Services (CPS) is at 6000 Lindhurst Avenue, Marysville, California (formerly the Peachtree Mall). Children's Protective Services has the responsibility for the identification and remediation of child abuse and neglect and family preservation whenever possible. The primary objective of CPS is the welfare of the children.

### **SCOPE:**

The Grand Jury conducted a broad based investigation to evaluate the department and to determine if the changes recommended by the 1998/1999 Grand Jury had been implemented.

### **PROCEDURE:**

No less than two members of the Grand Jury were present during all interviews, tours and the collection of documents pursuant to Penal Code §916. The Grand Jury interviewed the Director and Deputy Director of Human Services, a CPS Program Manager, the Executive Director of the Employee's Association, the Yuba County Juvenile Judge, two CPS supervisors, and eleven social workers.

## **DISCUSSION:**

On January 25, 2000, the committee met with the Deputy Director of the Yuba County Department of Human Service and a CPS Program Manager. A number of issues were discussed including the following.

Regarding vacancies, members were informed that since last year, eight or nine positions have been filled leaving four or five unfilled. The qualifications for hire by CPS include having a Bachelor's degree with experience or a Master's degree with no experience and current employees are encouraged to complete the educational requirements to be eligible for promotion from within. Besides the high caseload pressures, a major problem is being able to retain social workers who gain experience with the County and then leave for higher paying positions in other counties. The County has attempted to address this problem by implementing a \$400.00 pay differential for all CPS workers, both new and old. The caseload was reported to be 15.8 referrals for each Emergency Response Worker, twenty-seven children for each Family Reunification Worker, 35 children for each Family Maintenance Worker and 54 for each Permanent Placement Worker.

Per State mandate, CPS is required to respond to all suspected child abuse or neglect complaints. When a call is received, it is forwarded to the Emergency Response Team, also known as screeners who are on-call 24 hours per day. It is then determined whether the call requires an immediate response, a 10-day response or should be referred to a different department or agency. A supervisor must approve the decisions made by the screener prior to the action being carried out. If a decision is made to remove a child, a petition must be filed and detention hearing held within 48 hours. Thereafter a jurisdictional hearing must be held within 10 court days followed by a dispositional hearing within the next 10 court days. At the dispositional hearing, the Court orders a case plan which must be reviewed every six months. To reunify with the child, parents have a maximum of 18 months to comply with and complete the case plan. (Six months for children under the age of 3.) Thereafter, and unless the periods are extended by the Court for reasons outlined in the statute, the child is permanently removed and the "permanent plan" is put into effect. All decisions concerning removal, placement in long term foster care, guardianship or adoption are made by the Court based upon the evidence presented. Parents may sign a "Voluntary Placement Agreement" to avoid court action. If the parent fails to cooperate or demands return of the child without a change of conditions CPS must then immediately file the detention petition.

Children that are placed in foster homes are usually placed within the county, the only exception to this is when the children are placed with a relative outside the county or if the county foster homes are full. If the county homes are full they are placed outside the county through the "Foster Family Agencies," who are licensed by the State to licensed foster homes. This agency cost the County of Yuba more to use but are necessary since there are not enough foster homes in the County.

During the court process and the six month reviews for family reunification, CPS is mandated by the State to implement "concurrent planning", which involves having a back-up plan in case the child is unable to be reunified with the parent and must be permanently placed. Permanent placement may be long term foster care, guardianship with a relative or with a non-relative, or an adoption home.

Wards of the court may also be placed in permanent foster homes. If a child is adopted out, it is handled by State Adoptions who meet with CPS once a month to review cases of children that may need to be adopted. The committee was told that no federal money is received for children who are adopted.

Based on information obtained during the various interviews with social workers there seems to be a common thread involving a lack of clear communication throughout the department. Most agreed that there is a need to increase manpower, reduce caseloads, streamline court reports, and to make other improvements within the work environment. Resolution of previously identified issues has fallen well short of what was anticipated.

The department is described as being in a state of chaos and disarray with no clear guidelines as to how to solve many of the issues. The line staff have for the most part, lost confidence in management. Many line staff said that some of the supervisors and managers lack the knowledge or experience necessary to fill the position they hold. Workers feel pressured to change recommendations based on what the supervisor feels is appropriate as opposed to what they feel is more appropriate. Recommendations are thus often made by supervisors without the working experience and knowledge of social work. Several social workers stated that they feel uncomfortable with the fact that they believe the attorney for the department is too closely involved in actual case management.

There is a tremendous turnover of personnel within CPS. This is due in part to higher paying jobs being available in the surrounding areas. Yuba County has become a training ground for social workers who gain valuable experience and then move on to better paying jobs with fewer cases, less stress, and an improved work environment. The direct result is that remaining staff become burdened with additional cases which requires that they work overtime. This overtime adds to stress, reduces efficiency and lowers morale.

Nearly all of the line staff interviewed felt that low morale led to an unpleasant work environment which then led to employees wanting to leave. Thus, the situation becomes a revolving door with no resolution in sight.

Upper management does recognize the need to increase staff in a number of areas. What is missing is a firm plan to resolve the problem to stop the revolving door effect and make CPS a good environment in which to work. Increasing wages will certainly help, however sound leadership and clear policies and guidelines will do more to improve the work environment than money alone. Many employees work for the love of the job and the rewards that are gained without placing too much emphasis on earnings. Most people would like to earn more, but will often settle for less if the rewards of the job outweigh the stressors. There cannot be job satisfaction when one is compelled to work excessive overtime, there is a lack supervisory support and there is perceived chaos within the work place.

The Grand Jury was told by those interviewed that some of the supervisors and management positions are filled with good people, who unfortunately lack the education or experience to fulfill the positions effectively. One of the program managers for CPS allegedly does not have any

experience in social work, yet is called upon to make key decisions on how cases are to be serviced. Staff complained that supervisors who have been with the department for a very long time are reluctant to change their views to reflect current thinking on how to properly manage cases. Many of the case workers begin with little experience on the job, but have a wealth of fresh new ideas on how to approach old problems. Their ideas are more likely to be developed from exposure to recent research within the field on how to treat cases which typically involve drug abuse and low social-economic status.

When the staff interviews were held, CPS was understaffed by as much as fifty percent in some areas with somewhat less understaffing in other areas. Recruitment of new personnel takes weeks or even months and the department apparently has a reputation of being an unpopular place to work which makes it difficult to attract the better qualified candidates. There was some discussion concerning modifying the testing so that more applicants could qualify. Obviously however, if the standards are lowered less qualified employees may be hired and performance may well suffer as a result. This is not what any department needs and this department in particular needs to hire the very best available.

The Director of Human Services has good ideas and goals for the department, however, he did not appear to have a workable plan by which to accomplish those goals. Several of those interviewed perceive that he lacks the ability to accomplish the desired goals because of his inability to direct and to effectively communicate. This lack of leadership was evident when after being advised of a situation involving possible improprieties by his staff, he allowed the unchecked allegations of wrongdoing to fester into what eventually became a criminal investigation by this Grand Jury. In addition, the Grand Jury became aware that several problems that had been brought to his attention in the past were never addressed and remain unresolved.

The Grand Jury also interviewed a complainant who alleged that CPS had improperly handled her case. After investigation the Grand Jury determined the accusations to be unfounded.

#### **RECOMMENDATIONS:**

1. Ensure that management and supervisorial positions are staffed by personnel with the necessary academic and experience qualifications.
2. Provide supervised field training for new social workers.
3. Make every effort to promptly fill all vacant positions with qualified personnel.
4. Make every effort to ensure that there are open lines of communication between all levels of staff and to respond to concerns expressed by staff.

#### **RESPONSE TO FINDINGS:**

Director of Human Services: All  
Board of Supervisors: All



**RESPONSE TO RECOMMENDATIONS:**

Director of Human Services: All  
Board of Supervisors: All

**1999/2000 YUBA COUNTY GRAND JURY**

**YUBA HUMAN SERVICES  
CHILDREN'S PROTECTIVE SERVICES  
SPECIAL INVESTIGATION**

**RESPONSE REQUIRED ON FINDINGS**

- Director of Human Services: All

**RESPONSE REQUIRED ON RECOMMENDATIONS**

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- Director of Human Services: All

## **INVESTIGATION INTO ALLEGED ILLEGAL OR UNETHICAL ACTION BY STAFF OF THE CHILDREN'S PROTECTIVE SERVICES**

### **FINDINGS:**

1. The allegation that a recommendation for reunification services had been improperly altered in a report by a Yuba County Children's Protective Services (CPS) supervisor, the social worker, and a psychologist under contract with the county was unfounded.
2. The department and a contract psychologist used poor judgment in the manner in which they changed a recommendation from offering services to denial of services in a certain report.
3. The Department of Human Services management conducted an internal investigation into the alleged illegal and/or unethical conduct by one or more DHS employees, without recording findings of the investigation or sharing the conclusions with affected staff.
4. The Director's failure to ensure that the complaint that was brought to his attention was dealt with in a professional and timely manner allowed the festering of rumor and speculation among department employees.

### **REASONS FOR INVESTIGATION:**

During a routine evaluation by the 1999/2000 Grand Jury pursuant to the California Penal Code 925, which states in part, "investigations may be conducted on some selective basis each year," the committee members were advised by a CPS social worker of possible illegal and/or unethical conduct by certain members of CPS staff and a consulting psychologist.

### **BACKGROUND:**

Children's Protective Services has the responsibility for the identification and remediation of child abuse/neglect and family preservation whenever possible. The primary objective of CPS is the welfare of the children. In cases where children are removed from the homes of their parents, State law mandates that every effort be made to reunite the children with the family when appropriate. CPS regularly consults with psychologists who are called upon to evaluate the families and render opinions as to whether reunification is possible.

### **SCOPE:**

In responding to the complaint the Grand Jury conducted a series of formal hearings to determine if an illegal or unethical act had indeed taken place. During the hearings certain protocol and operating procedures were examined, as well as the handling of disciplinary matters. The procedures by which reunification evaluations and recommendations were also reviewed.

## **PROCEDURES:**

No less than thirteen members of the Grand Jury were present during the taking of sworn testimony.

An attorney was retained to represent the Grand Jury and conduct the courtroom proceedings. The presiding Juvenile Judge arranged for a temporary reassignment until the matter could be resolved due to the fact that he was also the advisor to the Grand Jury.

## **DISCUSSION:**

Based on the testimony of the various witnesses it was determined that when the social worker who wrote the report recommending reunification services was questioned by her supervisor she stated that her recommendation was based on the consulting psychologist's conclusions found in his report.

The supervisor then contacted the psychologist and asked if he had read or otherwise considered certain findings of abuse which had been made by the Court at the jurisdictional hearing in reaching his conclusions. The psychologist admitted to the supervisor that he in fact had not considered those findings and he testified that on the bases of those findings his original conclusions were wrong and he was duty bound to change his opinion and recommendation. The psychologist further testified that because he did not want to be embarrassed by the Court as a result of his oversight he asked to have the original report returned to him so that he in turn could rewrite his report with the appropriate recommendations for no reunification services.

The falsification of evidence or the suppression of exculpatory evidence is a clear violation of the law. The Grand Jury concluded that even though there were no violations of law or ethics, it is our opinion that there was a serious error in judgment by the worker, the supervisor, and the psychologist in choosing to redo the reports rather than prepare an addendum to the originals. Under circumstances such as these, the practice of preparing an addendum to correct or alter reports and recommendations avoids even the appearance or suspicion of impropriety based on falsification, collusion or the manufacturing of evidence.

The Grand Jury was further advised that when the allegations were brought the attention of the director and the program manager, no attempt was made to document or otherwise record their investigation; no definitive conclusions were reached as to what had occurred and no remedial or disciplinary action was taken. Furthermore, the Grand Jury was also advised that there is no established protocol for the handling of allegations of possible wrongdoing. Such protocol or procedure would clearly be in the best interests of all and would serve to protect the integrity of the department.

The only known response to the complaint was by an inter-department program manager who reprimanded the social worker for taking the matter directly to the director and not first to the supervisor involved. The Grand Jury believes that this action by this program manager was inappropriate and a case of "slaying the messenger" because of the message. The worker who wrote the subject report was apparently never questioned and the issue was deemed resolved after a discussion with the supervisor involved and without further investigation. By failing to conduct a

complete and documented investigation and by failing to advise all involved of the results of such investigation the issue was left to fester within the department subject to rumor and speculation.

**RECOMMENDATIONS:**

1. Establish guidelines for the investigation of complaints.
2. Document investigations and, when appropriate, notify affected staff of the results.
3. Establish a policy requiring any changes to final written reports to be done by the use of an addendum to the report.

**RESPONSES REQUIRED FOR FINDINGS:**

Director of Human Services: All.

**RESPONSES REQUIRED FOR RECOMMENDATIONS:**

Director of Human Services: All.

**1999/2000 YUBA COUNTY GRAND JURY**

**YUBA COUNTY PROBATION DEPARTMENT**

**JUVENILE HALL**

**RESPONSE REQUIRED ON FINDING**

- The Bi-County Juvenile Superintendent
- The Yuba County Board of Supervisors

**RESPONSE REQUIRED ON RECOMMENDATION**

- The Bi-County Juvenile Hall Superintendent
  - Yuba County Board of Supervisors

## **YUBA COUNTY PROBATION DEPARTMENT - BI-COUNTY JUVENILE HALL**

### **FINDINGS:**

1. Based on observations and interviews the staff seemed highly motivated and dedicated to providing for the needs of the juvenile inmates.
2. For the second year, The Grand Jury concluded that the one area in need of improvement is the facilities' main kitchen on the south side of 14<sup>th</sup> Street. The wall interiors are exposed due to age and moisture which provides harborage for vermin and rodents.

### **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." The Juvenile Hall facilities fall within this category.

### **BACKGROUND:**

The Juvenile Hall is investigated by the Grand Juries of Yuba and Sutter Counties on an annual basis, and are also inspected by the California State Board of Corrections, the Yuba County Health Department and by each counties Juvenile Justice Commission. The hall is located at 1023 14<sup>th</sup> Street in Marysville, California.

### **SCOPE:**

The scope of this report is limited to the facility, staff, and programs and the personal observations and direct communication with Juvenile Hall Staff.

### **PROCEDURE:**

No less than two members of the Grand Jury received and reviewed all information from interviews, facilities inspections and documentation.

### **DISCUSSION:**

The Grand Jury first met with Steve Roper, Chief Probation Officer of Yuba County. Thereafter appointments were made for the inspection of the Juvenile Hall facilities. Members visited the hall on two occasions. .

The first visit began with an orientation by the Bi-County Juvenile Hall Superintendent, following which jury members discussed conditions with staff who guided the tours.

The population of the Juvenile facility fluctuates and sometimes exceeds its design capacity of 55. At such times emergency bedding is used to accommodate the overflow. Twelve juveniles are separately housed at the nearby Maxine Singer Camp where a 90 day intensive program of counseling and therapy is administered.

Committee members inspected the administration area, living, and sleeping areas as well as classrooms, laundry, dining facility, and recreation/yard areas. The kitchen where the meals are prepared is located in the remodeled Old Yuba County Hospital Building on the south side of 14<sup>th</sup> Street and was of particular interest because of the findings of the 1998/99 Grand Jury relating to cleanliness.

Once again the part of the facility that the Grand Jury members felt needed immediate attention was the main kitchen. The building in which it is located was already old when it was remodeled in 1976 and the interiors of some walls are exposed due to age and deterioration. Nevertheless, considering the physical condition of the structure, the jurors felt that the staff do an excellent job of keeping the area relatively clean and free of vermin. It is noted that the previous Grand Jury had discovered a dead mouse in one of the kitchens. While no rodent problems were found by this Grand Jury the members feel that the facilities' location makes pest control a difficult challenge because it is located in an area with abundant ground cover and a nearby levee.

The Grand Jury became aware that there are a variety of educational and therapeutic programs available to the Juveniles housed at the Bi-County Juvenile Hall. Not only are there anger management and substance and alcohol abuse programs for those needing such treatment, but the department also offers instruction in small engine repair and in basic construction trades, such as carpentry. Additionally, there is a bicycle repair program where community donated inoperable bicycles are restored by the juveniles for needy children. Also offered are landscaping and gardening instruction which included diverse subjects ranging from increasing fruit yields to the use of grids to attain desired color composition in flowerbeds and hedges.

#### **RECOMMENDATION:**

A new kitchen needs to be constructed as soon as possible

#### **RESPONSE REQUIRED ON FINDINGS:**

The Bi-County Juvenile Superintendent  
The Yuba County Board of Supervisors

#### **RESPONSE REQUIRED ON RECOMMENDATION:**

The Bi-County Juvenile Hall Superintendent and Yuba County Board of Supervisors



**1999/2000 YUBA COUNTY GRAND JURY**

**YUBA COUNTY PUBLIC WORKS  
ROAD DEPARTMENT**

**RESPONSE REQUIRED ON FINDINGS**

- None

**RESPONSE REQUIRED ON RECOMMENDATIONS**

- Public Works Director on 3, 4, 6, 7, and 8.
- Yuba County Board of Supervisors on 1, 2, 5, 7, and 9.

## **Yuba County Public Works Department**

### **FINDINGS:**

1. The department is understaffed due to budget cutbacks and safety requirements that leave fewer personnel free to do the required work.
2. 85% of department funding is from fuel tax and state/federal aid.
3. There is no break down of money spent by the county supervisorial districts.
4. There are no records kept of road condition, which roads are repaired, or when they are repaired.
5. The department lacks a comprehensive plan that prioritizes roads by condition to establish a repair schedule by road.
6. The \$5 million the County Supervisors diverted for the new racetrack was scheduled for road repair.
7. The department is complaint driven, lacks direction, and has no goals.
8. The department lacks leadership and is run by staff without any or little direction coming from upper management.
9. Management's failure to address employee complaints left employees feeling isolated.
10. County Supervisors have had direct knowledge of many of this department's problems and concerns.
11. New micro overlay process is more cost effective than traditional pothole patching and should be used instead of the old traditional pothole repair techniques.

### **REASON FOR INVESTIGATION:**

This investigation was conducted pursuant to California Penal Code 925, which states in part A... "investigations, may be conducted on some selective basis each year." The Yuba County Public Works Department had not been investigated since 1993.

### **BACKGROUND:**

The Public Works Department's main office is located at the 14<sup>th</sup> St. County South Annex in Marysville with a maintenance shop/yard at the county airport and another shop/yard in Loma Rica.

The Public Works Department has the responsibility of maintaining and servicing county roads and bridges.

### **SCOPE:**

Members of the Grand Jury conducted a general investigation to determine the following:

1. Funding resources.
2. Miles of road per supervisorial district and money spent in each district.
3. Department organization and personnel.
4. The departments 1-year, 2 year, 5 year and 10-year road maintenance/repair plan for the county roads.
5. The written policy used to determine which roads are to be repaired in lieu of patching holes.
6. Review of the log that shows which roads are repaired and or overlaid for this and previous years.
7. What projected roadwork for year 2000/2001 had to be deleted due to funds that were reassigned to the new raceway project?
8. How much money has been diverted from county road repairs to fund roadwork for the new raceway.

### **PROCEDURE:**

A committee of two or more on different dates visited the office located at 14<sup>th</sup> St., the yard at the airport, and the Loma Rica yard.

### **DISCUSSION:**

The first visit was with the Public Works Department head at the 14<sup>th</sup> St. annex. He had several handouts for us that included an organization chart, combined balance sheets for the past 3 years, itemized balance sheets for county service areas, a map of the county road system, and other budgetary information. Discussion was focused on the 8 items listed in the Scope with emphases on funding, planning, and record keeping. Information from this meeting resulted in Findings 1 through 7.

A handout showed department staffing has been reduced from 58 people in 1969 to 33 in 2000. Another handout disclosed 85% of funding is from fuel tax and state/federal aid. A third handout was a proposed plan for reworking several major roads within the county that had to be scrapped

when 5 million dollars from the department budget was allocated to the race track overpass construction by the County Board of Supervisors.

Further discussions with the department head revealed there is no breakdown of funds spent by each supervisory district. There are also no records kept of road conditions, which have been repaired or when they were repaired. He also stated, due to understaffing and budget restraints, the department is complaint driven, and for this reason there are no long-term repair plans generated for the repair of the secondary road system in the county.

Additional interviews were conducted with County Public Works employees at the Yuba County Airport and the Loma Rica facility. During these interviews, employees discussed planning, record keeping, morale, labor-management relations, funding and road repair methods.

Staff was concerned about the lack of personnel for the amount of work that is required by this department and with the additional loss of direct labor personnel requirement for additional flag persons on all road repairs. Additionally, staff were troubled by the failure of management to take an active role in the leadership of the department. They were compelled to make policy decisions, deal with the public, and carry out department routine business without input from management or any comprehensive plan to guide them. Those interviewed said that they have had meetings with management where they voiced their concerns about personnel problems, procedural changes needed to reduce cost and improve efficiency, and development of plans or procedures that would give direction and cohesiveness to the department. However, no actions were taken by management to resolve any of these issues. Staff stated they had also had meetings with county supervisors to express these concerns without any changes occurring or hope for changes. This has left the employees with the feeling that no one cares, why should they.

Those interviewed stated that because of road repairs, road conditions or when repairs are made, there is no method in place to prioritize needed repairs. The decision for repairs is therefore left to the discretion of the supervisor.

Staff was enthusiastic about use of a new micro overlay process. This method involves the spreading of a thin layer of specially treated asphalt with an inexpensive box scraper. It is more cost effective than the traditional pothole repair method now being used and results in a longer lasting smoother road surface.

#### **RECOMMENDATION:**

1. Restore the \$5 million to the road repair fund. This should be billed to the racetrack developer if possible.
2. Increase funding for road repair by using a percentage of car registration fees.
3. All county roads should be surveyed as to condition and a road repair priority schedule, including cost should be prepared.

4. Maintain accurate records that show when and what repairs/maintenance were made to roads.
5. Hire a Public Works Director who will lead, be goal oriented, and who will create short term and long range departmental plans, will work with employees to resolve problems and improve communications, and will establish priorities to maximize department potential.
6. Director of Public Works should establish department goals and priorities to maximize department effectiveness, create short term and long range departmental plans, and set up employee problem solving procedure.
7. Increase field personnel.
8. Increase the use of the new micro overlay method in place of the traditional pothole patching.
9. Supervisors should take a more pro-active role in monitoring this department.

**RESPONSE REQUIRED ON FINDINGS:**

None

**RESPONSE REQUIRED ON RECOMMENDATIONS:**

Public Works Director on 3, 4, 6, 7, and 8.

Yuba County Board of Supervisors on 1, 2, 5, 7, and 9.

**1999/2000 YUBA COUNTY GRAND JURY**  
**YUBA COUNTY SHERIFF'S DEPARTMENT**  
**JAIL DIVISION**

**RESPONSE REQUIRED ON FINDINGS**

- None

**RESPONSE REQUIRED ON RECOMMENDATIONS**

- None

**YUBA COUNTY SHERIFF DEPARTMENT  
JAIL DIVISION**

**FINDINGS:**

1. It is common for Grand Juries to find fault with institutions they inspect. Inefficiency, waste of resources and low staff morale are too often reported. On occasion, an institution is investigated where there are no notable problems. This report, happily, concerns such an institution. Contrary to last year's findings, the Yuba County Jail was clean on all visits. The inmates appeared to be well treated by the staff who based on interviews are dedicated professionals.
2. A complaint that the Yuba County Jail exercise policy is unreasonable was unfounded.

**REASON FOR INVESTIGATION:**

Penal Code § 919(b) states that the Grand Jury shall inquire into the condition and management of public prisons within the county.

The Grand Jury received a letter from inmates, requesting that we investigate the current foul-weather exercise policies of the County Jail. The signatories were, at the time of the letter, inmates of the jail.

**BACKGROUND:**

The Yuba County Jail is located at 215 5<sup>th</sup> Street in Marysville and is under the supervision of the Yuba County Sheriff. The day to day operation of the Jail are under the authority of the Jail Commander.

**SCOPE:**

This investigation focused on jail programs, the conditions at the facility and an explanation of the exercise policy.

**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 the Grand Jury:

- Jail Commander
- Tours conducted by Deputies in the Sheriff Department
- Sheriff

Facilities were inspected during one scheduled, and two unannounced visits, as well as an additional visit prompted by the complaint listed above.

## **DISCUSSION:**

The first visit was by appointment on September 9, 1999, the purpose being to give the Grand Jury an overall familiarity with the facilities and jail operations, as well as to establish a working relationship with the jail personnel. The Grand Jury then made an inspection (announced) of the entire facility on September 21, 1999, which was a formally conducted tour. The first unannounced inspection on October 19, 1999, was to confirm conclusions reached during the previous inspection. The third and final visit was on November 12, 1999, primarily to observe one of the vocational training sessions.

During the Committee's first visit, Yuba County Sheriff Virginia Black discussed her own background and personal views on the proper operation of the jail facility, the Jail Commander then gave us an overall explanation of the facility and its operations, including the following:

- The Jail has a 416-bed capacity.
- The Federal Department of Immigration and Naturalization utilizes a number of these beds, which is a major source of income for the county.
- 40 officers and 10 support positions staff the jail.
- The kitchen is staffed by three cooks who supervise inmate helpers.
- Inmates perform all cleaning and laundry functions.
- Yuba County charges the Marysville Police Department \$43.50 for booking.
- Yuba County charges contracting counties for housing non-Yuba county inmates.

The Grand Jury was informed that the majority of the beds were at the time of inspection, occupied by Federal Immigration and Naturalization detainees - some of the detainees serving extended stays since their status does not allow their release as long as the governments of their native countries denied them repatriation. The Grand Jury learned about booking procedures, then visited the different holding areas, control areas, nursing facilities, female areas and exercise facilities. The kitchen was also inspected and its staff interviewed as well as meals sampled. The Grand jury was then invited to return for an additional inspection at any time.

The second visit, which was unannounced, took place on October 19<sup>th</sup>, 1999, and allowed the Law and Courts Committee to inspect more closely the areas of concern brought up by the previous Grand Jury, namely:

- Fire extinguisher location and servicing.
- The condition of the lobby and inmate areas.
- The locking of inmates in the laundry area while doing laundry.

All of these matters had been resolved and as noted, the jail facilities were clean during all visits.



The complaint from the inmates not being able to exercise during inclement weather was discussed with the Jail Commander. He advised that the complaining inmate had also contacted the State Board of Corrections who told him that being as he was being housed in a smaller section of the jail due to his disruptive behavior, his exercise privileges were reasonably limited. The complainant was also advised that neither he nor any inmate could exercise in the open area while it was raining and that this was due to safety concerns. The written complaint had acknowledged injuries when exercising in wet conditions and based on these facts, the committee concluded that the policy was justified.

A third unannounced visit took place on November 12, 1999, for the purpose of observing a vocational class. The class involved carpentry and construction and appeared to be well received by the inmates.

The Sheriff Jail Commander and entire jail staff deserve recognition and commendation for a job well done.

**RECOMMENDATIONS:**

None

**RESPONSE REQUIRED ON FINDINGS:**

None

**RESPONSE REQUIRED ON RECOMMENDATIONS:**

None

**1999/2000 YUBA COUNTY GRAND JURY**

**MARYSVILLE FIRE DEPARTMENT**

**RESPONSE REQUIRED ON FINDINGS**

- None

**RESPONSE REQUIRED ON RECOMMENDATIONS**

- City Administrator: 1
- City Council: 1

## **Marysville Fire Department**

### **FINDINGS:**

1. The Marysville Fire Department is operating below optimum staffing levels.
2. Management of the Marysville Fire Department has mitigated the reduced staffing levels by starting an intern program and by hiring additional reserve firefighters.
3. The OSHA "Two-in, Two-out" regulation is being complied with in spite of reduced staffing.
4. The Marysville Fire Department facilities and equipment are maintained in an exemplary manner.

### **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 1999/2000 Grand Jury investigated the Marysville Fire Department based on that authority as well as receipt of a formal complaint dealing primarily with staffing levels.

### **BACKGROUND:**

Personnel of the California Department of Forestry (CDF) staff the Marysville Fire Department on a contract basis. The City began contracting with CDF in 1997 as a cost saving measure. The Department is responsible for providing fire, medical, rescue, and hazardous materials services within the city limits as well as providing fire, medical, and rescue services in the rural communities of Hallwood and District 10 (approximately 68 square miles with a population of approximately 3,500).

The "two-in, two-out" rule is part of a regulation enforced by the Federal Government's Occupational Safety and Health Administration (OSHA), which regulates and enforces workplace hazard regulations for Federal Employees and for private industry. Firefighters are covered by OSHA. States having their own workplace hazard regulatory agencies, such as California, have the responsibility to enforce occupational safety and health regulations, provided that their rules are at least as stringent as the corresponding Federal regulations. These "State Plans" cover both government and private industry employees.

For a number of years Federal OSHA's respiratory protection regulations have required that employees who enter into an atmosphere which is immediately dangerous to life or health (IDLH) utilize the buddy system and have standby personnel outside of the IDLH area to monitor the safety of those within. This is because error or malfunction when using respirators is potentially fatal.

When Federal OSHA recently revised their Respiratory Protection Regulations, the requirements were tightened and now state clearly and unambiguously the precise requirements for the protection of the safety and health of the nation's firefighters.

Members working in IDLH areas including all interior structure fire fighting operations, where self-contained breathing apparatus (SCBA) or protective clothing must be used must operate in teams of two or more. Additionally, two or more appropriately equipped standby persons must be present immediately outside the structure before personnel are sent in. This requirement shall also apply to all other IDLH situations to which firefighters respond. All interior attacks are presumed by OSHA to be IDLH and includes all physical suppression, support, search, and rescue activities inside a structure.

The regulation requires that the team members operating in the IDLH area shall also be in communication with one another at all times either through visual, or by voice contact. Radios cannot be the sole means of communication between members of the interior team and team members shall be in close enough proximity to each other to provide assistance in case of an emergency.

The law also requires that there be at least two members outside the structure prior to initiating the interior attack. One of these firefighters must serve in an accountability role to monitor the safety and progress of the interior forces. This member must maintain communication with the interior team(s) by visual, voice, or signal line (rope). The second outside member must be in communication with the first and may participate in other functions so long if called to assist, the abandoning of such other function will not "clearly jeopardize the safety or health of any firefighter working at the incident." These outside personnel are considered to be what is called an "initial rapid intervention team" and both must have portable radios, dressed in protective clothing including SCBA and must have been provided all necessary training and equipment needed to rescue the personnel operating within the IDLH environment.

When the department cannot meet these requirements, as would be the case when less than four personnel are present, exterior attack operations or other necessary work, such as the laying of lines, must be commenced. Only when a sufficient number of personnel have arrived on the scene to allow for compliance with these rules, may the interior attack begin. Under all circumstances there must be a minimum of four personnel on scene before interior attack operations are initiated. The only exception allowed by OSHA is when the violation of this requirement is necessary to save another human life. This exception is for known human rescue situations only. Routine searches do not justify avoiding the regulation.

#### **SCOPE:**

The scope of this investigation focused primarily on staffing levels at the fire department and what effect the OSHA "two-in, two-out" regulation has on the department's ability to safely provide services to the community in light of reduced staffing levels.

## **PROCEDURE:**

No less than two members of the Grand Jury were presented at all interviews and tours and while taking receipt of documentation pursuant to California Penal Code §916.

## **DISCUSSION:**

Prior to conducting the interviews, the Grand Jury obtained a copy of a memorandum from the Marysville City Administrator to the Mayor and City Council, dated June 9, 1999, concerning the 1999/2000-city budget. Under the topic "CDF Contract", the memo states, "The preliminary budget incorporates the assumption of 3-man staffing in the fire department. This change in staffing level formalizes and expands the reduced staffing level currently in place. The implementation of 3-man staffing is proposed due to economic necessity; the city is not optimally staffed in many departments. 3-man staffing is successfully in place in other departments, as well as Marysville in the past. This is clearly a reduction in service level and CDF has expressed its concern about the intent of this budget proposal to proceed with that reduction. However, no alternative has been found to this proposal, absent a significant increase in revenue received by the City of Marysville, so it has been incorporated in the budget." The meaning of this memo is clear on its face.

On November 9, 1999 the Grand Jury met with and interviewed the Marysville Fire Department's assigned Battalion Chief. The Chief answered all questions during the meeting and was most cooperative. He described the history of staffing levels since he had been with the Marysville Fire Department. In 1994, he was appointed Chief at which time the department operated under 4-0 staffing, meaning that the minimum number of full-time firefighters assigned to a shift is four. City finances were limited that year, but by securing some hazardous material response funding, the department was able to retain 4-0 staffing. In 1997, the City again had limited finances and began exploring the option of contracting for services with CDF. After much research, the Council determined that a CDF contract would be in the best interest of the City and on November 1, 1997 the City entered into a formal contract with CDF. This arrangement worked well for a period of time, however, at the end of the 1998/1999 fiscal years, the City felt there should have been more saving realized. Consequently, when a firefighter left the department in 1999, the City ordered that the position be left vacant thus leaving staffing at four (4) firefighters for five days a week and three (3) firefighters for two days per week. In the 1999/2000 budget, the city instructed CDF to go to 3-0 staffing, in spite of objections by CDF officials. The Chief advised that presently the Department has nine full-time and 15 reserve firefighters. The Department has also reduced its clerical staff from 2 full-time clerical staff to one half-time position.

The Chief endorsed the "two-in, two-out" rule stating that it is a basic fire fighting safety precaution and Marysville Fire had been operating under a similar policy even before the regulation was revised. He admitted that 3-0 staffing could delay aggressive fire fighting involving a structure, on which Marysville Fire Department prides itself, if entry into a structure must await the arrival of a fourth firefighter.

The Chief stated that although their compliment of reserve firefighters is less than optimum (15 rather than 20), there are no documented incidents that indicate the two-in, two-out rule has impacted their ability to successfully battle a structure fire. He went on to say the Marysville Fire Department was actively seeking candidates to augment the reserve force and hoped to have 20 in the near future.

Furthermore, the department was working on an intern program in which graduates of the Yuba College Fire Academy would work at the fire department to receive on-the-job training. The first intern was expected to begin on December 1, 1999.

The Chief also explained the premise of automatic aid and mutual aid. These are reciprocal agreements with the Yuba City Fire Department and Linda Fire Department to provide coverage for the other when they are short of staff or staff otherwise deployed. He described this as a common, mutually beneficial arrangement among fire departments.

The Chief described a number of situations where calls for service could reduce available manpower and he explained that this would often result in the need to call in off-duty, full-time firefighters (at a CDF contractually obligated four-hour minimum overtime rate. (The callback minimum prior to contracting with CDF was 2 hours). The uncertainty of overlapping calls made overtime projections difficult and the Chief admitted that the department had gone over their allotted overtime budgets in the past. He said however, that with reduced staffing, the only way to provide the service level necessary is to rely on overtime.

The Grand Jury asked the Chief what effect reduced staffing might have on insurance rates. He stated that the City had not yet had its ISO (International Organization for Standardization) inspection (whose rating can impact insurance rates) and he was not certain what effect, if any, the staffing level would have. When asked about department morale, the Chief acknowledged that the reduced staffing did not help and there was a feeling among some of the firefighters that they were being treated like "contract employees" rather than city employees.

During the first week of December, the Grand Jury conducted an informal survey of local fire departments and found that the Marysville Fire Department is better staffed than the Linda and the Olivehurst Fire Departments and has approximately the same staff levels as the Walton Fire Department. The Yuba City Fire Department (which serves a much greater population) obviously has more firefighters. The Oroville Fire Department's minimum staffing is four firefighters, as is the Gridley Fire Department (which is also on CDF contract covering the City and outlying areas).

The Grand Jury also analyzed the Marysville City budget as it relates to allocations to the Police Department versus allocations for the Fire Department for fiscal years 1996/1997, 1997/1998, 1998,1999 and 1999/2000. The allocations for each department, as a percentage of the total budget, are equitable.

On December 17, 1999, the Grand Jury met with and interviewed the Marysville City Administrator. He concurred with the Battalion Chief regarding the history of staffing levels at the Marysville Fire Department over the past few years. The City Administrator said that difficult economic times was

the factor in reducing staffing levels at the Fire Department and he noted that the department had exceeded its overtime budget in fiscal year 1998/1999 and the method used to address the shortfall was to leave vacant positions unfilled.

The City conducted a telephone survey of a number of California cities with populations under 20,000 and learned that many of them successfully manned their fire departments with 3-0 staffing. He pointed out that up until 1992 the Marysville Fire Department had operated on 3-0 staffing and had done so successfully for past several months). When the economic situation for 1999/2000 did not improve, the City Administrator recommended reducing the Marysville Fire Department to 3-0 staffing and this recommendation was adopted by City Council.

Although the City Administrator agreed that 4-0 staffing is preferred if economically feasible, he stated that all city departments were facing reduced budgets. In his opinion, the ISO rating would not affect residential insurance rates, however, if the ISO rating was to decline, businesses with a high index (storing a large amount of combustibles) may be affected.

The City Administrator was aware and supportive of the Fire Department's efforts to augment their reserve force and initiate the intern program.

On March 2, 2000, the Grand Jury again met with the Battalion Chief at the Marysville Fire Department to ascertain the progress made with the intern program and the augmenting of the reserve force. He explained that they had been successful in recruiting three interns (one on each shift thereby bringing staffing levels to 4-0). The interns must work under the direct supervision of a full-time firefighter and cannot drive the equipment, but can, after training, perform all other duties of a firefighter. The Department was also successful in increasing the reserve force from 15 to 17 and expected to hire one more within a week of the interview.

The Chief appeared much more optimistic during this interview than previously. He told us that the staff felt more secure in their positions and more comfortable with the contract, and their morale had improved since the last meeting. He was pleased with the recent actions of the City Administrator and felt that the changes being made were positive. He concluded by saying that the department was under budget and the forecast was good.

The Chief led the Grand Jury on a tour of the facilities and showed the members the equipment, all of which is city owned. He also described the community programs currently operated by the department and their plans for future programs.

**RECOMMENDATIONS:**

1. The City Administrator and City Council should consider restoring Fire Department staffing to a minimum of four at any given time (4-0 staffing) and one full-time support (clerical) position.
2. City and fire department efforts should continue to explore low-cost or no cost alternatives to the staffing issue at the fire department until such time as the economic position of the city improves.
3. The Fire Department personnel should be commended for the level of service provided and the condition of its facilities and equipment in spite of reduced staffing levels.

**RESPONSE REQUIRED ON FINDINGS:**

None

**RESPONSE REQUIRED ON RECOMMENDATIONS:**

1. City Administrator and City Council
2. None
3. None



**1999/2000 YUBA COUNTY GRAND JURY**

**OLIVEHURST PUBLIC UTILITIES DISTRICT**

**OLIVEHURST FIRE DEPARTMENT**

**RESPONSE REQUIRED ON FINDINGS**

- **OPUD General Manager: 1**
- **Olivehurst Fire Chief: 1**

**RESPONSE REQUIRED ON RECOMMENDATION**

- **OPUD General Manager**
- **Olivehurst Fire Chief**

## **Olivehurst Fire Department**

### **FINDINGS:**

1. The Olivehurst Fire Department does not enforce its written policy requiring call firefighters to respond to a minimum 20% of call-outs.
2. The facilities and equipment at the Olivehurst Fire Department are adequately maintained.
3. The management of the Fire Department (Fire Chief and Olivehurst Public Utilities General Manager) is regularly reviewed by the Olivehurst Public Utilities Board of Directors which is the designated authority to oversee the performance of these managers.

### **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" as well as the receipt of a formal complaint dealing with a variety of issues.

### **BACKGROUND:**

The Olivehurst Fire Department is staffed 12 hours a day (6:00 AM to 6:00 PM), seven days a week by a Station Captain and the Fire Chief. Between 6:00 PM and 6:00 AM, three call firefighters are assigned on-call status and are the primary responders to calls for service. The Fire Department is responsible for providing fire and rescue services to the Olivehurst community. The Department is supplemented by up to 23 call firefighters who respond on an as-needed basis and serve in an on-call capacity.

The current Fire Chief was hired on September 8, 1997. He is responsible for the day-to-day operation of the Fire Department. The Fire Chief is answerable to the Olivehurst Public Utilities District (OPUD) General Manager who, in turn, answers to the OPUD Board of Directors.-

### **SCOPE:**

This investigation focused on the following issues concerning the Olivehurst Fire Department:

1. The Fire Chief's overall performance and qualifications.
2. The OPUD General Manager's performance of his duties as they relate to his oversight of the fire department and his management of the Fire Chief's performance.
3. The proposed (now ratified) employment contract for the Fire Chief.
4. The condition and maintenance of facilities and equipment at the Olivehurst Fire Department.
5. The enforcement of established department policies concerning minimum responses by call firefighters.

The complaint in this matter was very detailed and outlined, at length, the individual issues involved. Further, the complainant provided in excess of 200 pages of supporting or related documentation.

#### **PROCEDURE:**

No less than two members of the Grand Jury were present at all interviews and tours and during the receipt of documents pursuant to California Penal Code 916.

#### **DISCUSSION:**

The Grand Jury reviewed the complaint and supporting/related documentation, which was provided over a period of more than two months. The most recent correspondence from the complainant was reviewed on June 5, 2000. On May 30, 2000, the Grand Jury paid a visit to the Olivehurst Fire Department on short notice (approximately two hours). The Grand Jury met with the OPUD General manager and briefly met with a Station Captain. As noted above the Chief was unable to attend due to the short notice given.

Shortly after the arrival at the Fire Department, a call of a grass fire in the Olivehurst area was received. The Station Captain left to oversee and respond to the call. Within one minute of the reported fire, call firefighters began to arrive at the Olivehurst Fire Department and within the next several minutes, two multiple purpose vehicles, fully manned, were on the way to the fire. Other call firefighters were assigned to the station for coverage. The responding units returned while the Grand Jury was still at the facility. Personnel proceeded to replenish the equipment water supply and carried out other, apparent routine tasks. Overall, the call was handled efficiently from the Grand Jury's perspective.

The Grand Jury next toured the Fire Department facilities and inspected the equipment. Special attention was given to specific issues raised by the complainant. The Grand Jury found the facilities and equipment to be adequately maintained. The specific issues raised by the complainant had either been resolved, deemed unfounded, or reasonably explained by the OPUD General Manager.

Part of the complaint related to the performance of the Fire Chief. Upon inquiry, the OPUD General Manager stated that he and the Board of Directors had regularly evaluated the Fire Chief's performance and were satisfied. In fact the Board of Directors had recently entered into an employment contract with the Fire Chief which contract itself was a part of the complaint received.

Absent evidence of wrongdoing or mismanagement, the Grand Jury is not the proper authority to address this employment contract and we defer to the authority of the OPUD Board of Directors and its legal counsel.

The OPUD General Manager is also regularly evaluated by the OPUD Board of Directors and inasmuch as no evidence malfeasance was presented by the complainant, no further comment is deemed necessary.

The complainant also asserted that although the Fire Department has a written policy requiring call firefighters to respond to 20% of the Department's calls each month or be terminated, terminations do not occur. The OPUD General Manager confirmed the existence of the policy, the fact that several employees had failed to meet the minimum number of responses, and that none have been terminated. The General Manager confirmed that the current practice directly conflicts with established policy.

#### **RECOMMENDATIONS:**

The Olivehurst Fire Department administration and/or OPUD administration should either change the policy concerning termination for failure to comply with the 20% minimum response or modify their practice to conform to the policy.

#### **RESPONSE REQUIRED ON FINDINGS:**

1. OPUD General Manager and Olivehurst Fire Chief
2. None
3. None

#### **RESPONSE REQUIRED ON RECOMMENDATIONS:**

OPUD General Manager and Olivehurst Fire Chief

## **1999/2000 YUBA COUNTY GRAND JURY**

### **RECLAMATION DISTRICT 784**

#### **RESPONSE REQUIRED ON FINDINGS**

- **Reclamation District 784 General Manager: 1, 2 and 4**
  - **RD784 Board of Trustees: 1, 2 and 4**

#### **RESPONSE REQUIRED ON RECOMMENDATIONS**

- **Reclamation District 784 General Manager: 1, 2 and 3**
  - **RD784 Board of Trustees: 1, 2 and 3**

## **Reclamation District 784**

### **FINDINGS:**

1. Reclamation District 784 (RD784) does not have a maintenance guide or manual and tends to respond to maintenance needs based on manpower and fiscal availability. Consequently, reports of maintenance problems are not remedied to the satisfaction of the individuals who complained.
2. RD784 does not take full advantage of no cost or low cost labor and materials available to them.
3. No apparent violation took place during the July 6 1999 mail-in ballot election concerning increased assessments for many property owners protected by RD784 maintained levees.
4. Many area residents/property owners receive the benefit of RD784 maintained levees and ditches without being required to pay a property assessment fee.

### **REASON FOR INVESTIGATION:**

This investigation was conducted pursuant to Penal Code Section 925 which states in part, The Grand Jury shall investigate . . . those operations, accounts and records of any special district or other district in the county and investigations may be conducted on some selective basis each year . The 1999/2000 Yuba County Grand Jury investigated RD784 based on that authority as well as a formal complaint regarding levee maintenance and an election concerning increased district assessments.

### **BACKGROUND:**

RD784 maintains 37 miles of levee 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. All areas investigated are in the County of Yuba.

RD784 has four paid employees consisting of a manager (who works 2/3 of a full-time equivalent), two (2) full-time maintenance workers and a secretary/clerical person. The employees are directed by a Board of Trustees made up of five individuals elected by the landowners in the district. The Board elects one of its members to serve as president/chairperson. The term of the president/chairperson has no time limit and he/she serves at the pleasure of the Board.

The ownership of the levees in RD784 is somewhat unclear. RD784 officials claim that the levee is owned by the State of California, Department of Water Resources (DWR) . DWR officials claim ownership of the dirt the levee is made of but the ownership of the ground beneath the levee is less clear. What is clear is that RD784 is responsible for routine maintenance of the levees and many of the ditches in the district.

## **SCOPE:**

The scope of this investigation focuses on the responsibility for maintenance of the flood control levee in the Linda area and the responsiveness of the responsible agency. In addition, a cursory investigation was conducted into the assessments in the district and the method by which assessments are increased.

## **PROCEDURE:**

All interviews and documents were received by no less than two members of the Grand Jury pursuant to Penal Code Section 916. The Grand Jury met with and interviewed the RD784 Manager and two trustees on more than one occasion, the Maintenance Director and an attorney for the Department of Water Resources the County Assessor and the Assistant County Auditor and the complainant. The Grand Jury collected a variety of documents and correspondence from the complainant.

## **DISCUSSION:**

On or about November 10, 1999 the Grand Jury received a signed complaint concerning the maintenance of the flood control levee in the East Linda area. The complainant alleged that there was an unsatisfactory level of soil erosion on the levee and ineffective eradication of brush, saplings, and weeds in the same area.

On December 22 1999 the Grand Jury inspected the area of levee in question in the East Linda area. The levee had indications of superficial soil erosion on the "dry side" of the levee. It appeared that the vegetation had not reestablished itself following the installation of a slurry wall in 1998. The Grand Jury also observed a brush pile against the abandoned railroad bed, which is an integral of the levee in that area. At the base of the levee were a number of saplings (suckers) sprouting from a walnut tree and tall weeds in the same area. Finally the Grand Jury noted a worn path/trail extending from the end of a public road, which ends at the levee. The traffic control gate on a public road which ends at the levee was not functional.

On December 30 1999 the Grand Jury met with and interviewed the RD784 Manager and two Board of Trustees members. They stated that RD784 gets its direction from Title 23 of the California Code of Regulations and from guidelines published by the Department of Water Resources.

The RD784 was aware of the complaint being investigated. They had visited the site with Army Corps of Engineers personnel to assess the damage several days prior to our meeting. The group decided that the erosion was of no real concern and that there were other matters of higher priority that needed attention. They stated that, eventually, the eroded areas would be repaired.

RD784 officials stated that they do not own the levee and that the levees are owned by the State of California, Department of Water Resources (DWR) who apparently claimed ownership during litigation stemming from the 1986 Yuba River flood. Although RD784 admitted that they are

responsible for maintenance of the levees they were uncertain as to the ownership of the abandoned railroad bed that is a part of the levee in the area in question.

In response to questioning, RD784 officials said they were aware of the trail from the end of the public road extending up the side of the levee in the same area. They said this is a common problem in areas where public roads dead-end at a levee. They stated that these trails damage the integrity of the levee and that they needed help from the Sheriff's Department and property owners to keep people off the levee.

RD784 is aware of the weeds and saplings (suckers) in the area. Weeds are a problem because property owners' fences extend up to the base of the levee (railroad bed) and burning them may result in damaging private property. However, failure to burn results in increased rodent population and subsequent damage to the levee. The Grand Jury suggested using low cost or no cost labor (jail trustees or CalWorks personnel) to clear weeds from the fence line before burning. They acknowledged using CalWorks personnel in the past but have not explored other options.

District officials said they were not aware of the brush pile against the railroad bed, however, they said the railroad bed may be outside their area of responsibility and they had asked DWR for an opinion concerning ownership of the railroad bed but had not yet received a response.

After describing their general boundaries District personnel advised that they also maintain the levee east from Simpson Lane to Griffith Avenue, although this area is outside their boundaries. In addition, they maintain the patrol road that extends from Griffith Avenue to the Goldfields, which is a patrol road requiring less maintenance.

On January 10, 2000, the Grand Jury met with the complainant. He stated that the Maintenance Director for the Department of Water Resources had visited the area in question. The DWR maintenance Director had the eroded areas filled with dirt. He also placed "No Trespassing" sign on the levee at the end of the trail. The complainant further stated that the brush pile against the levee/railroad bed remained and the tall weeds and saplings were also still present. He said no action had yet been taken concerning the lack of vegetation on the levee.

The complainant said he has requested that RD784, the County or the DWR block the end of the public road to prevent people from accessing and damaging the levee in this area. No action has been taken on this request either. The complainant next expressed his opinion that the election that raised the RD784 assessment on property owners in July of 1999 was unfair. He said the County of Yuba could, and did, single-handedly dictate the outcome of the election. Votes in the district election are based on size and type of property owned and the County of Yuba owns a great deal of property in the District and consequently has a large number votes in district elections. Further, the County Supervisors voted in open session how they would cast their votes and the complainant felt that this discouraged other property owners from voting. Finally, the complainant questioned the legality of increasing the assessment for some property owners as much as 400%.



Periodic sites visits were made by the Grand Jury over the next two months. These visits revealed that the brush pile in question not only remained, but more brush had been added to the pile by persons unknown.

On March 7, 2000, the Grand Jury met with the Maintenance Director for the State of California, Department of Water Resources and an attorney for the DWR. The purpose of the meeting was to establish and confirm responsibilities as it relates to levee maintenance in RD784. DWR officials stated that RD784 is the first line of defense for levee maintenance issues. They described RD784 as an "outstanding" district.

DWR officials said that RD784 is responsible for removing accumulated brush piles, sapling removal and burning dry grass. The brush pile in question is RD784's responsibility. According to the DWR officials, the railroad bed ownership issue has been resolved (now owned by the State of California) and maintenance of it and the levee fall to RD784. Erosion issues may be handled by DWR or referred to the district depending on the severity and other considerations. DWR has taken on the responsibility for grading the levee when needed and for restoration of the vegetation in the area in question.

DWR officials concurred with RD784 personnel stating that the issue of traffic on the levees is a big problem and suggested that strict prosecution of individuals responsible might be the best deterrent to this problem.

The DWR officials also confirmed that RD784 agreed to provide maintenance to the area of the levee from Simpson Lane to Griffith Avenue although this area is not in their district and no assessments are collected from property owners protected by this levee. RD784 also maintains the patrol road from Griffith Avenue to the Goldfields under the same agreement. This road is lower maintenance because it is above the 100-year flood plane. RD784 just maintains just the road in this area and is not responsible for slope maintenance. It should be noted that some time ago, RD784 agreed to take over maintenance of this area from the state and to do so without compensation.

DWR officials said that assessments are a local issue and they do not involve themselves in these local issues.

As for levee ownership, DWR officials said there is no definitive answer. DWR personnel are staff of the Reclamation Board of the State of California. The Reclamation Board issues permit for levees but it is difficult to assign actual ownership.

On May 9, 2000 the Grand Jury met with the County Assessor and the Assistant County Auditor to determine how assessments are conducted in RD784. Both county officials said their offices have no control over the amounts of assessments received by RD784 nor do they have any control over which parcels are assessed. The Assessor said they process data provided by RD784, collect the money and it is passed on to RD784 through the Auditor.

On June 9, 2000 the Grand Jury met with two RD784 Trustees and the District Manager. The purpose of the meeting was to discuss any unresolved issues. The brush pile noted throughout this

report was moved to the property adjacent to its former location on the levee and the property owner was admonished about piling brush on or near the levee.

The complainant advised the Grand Jury that Western Aggregates (a company in the County of Yuba) had offered to supply the materials to block access from the public road to the levee (in the area in question) if RD784 would provide the labor. RD784 officials confirmed this, but stated that they have not had the manpower to complete the work.

As for assessments the RD784 officials said an independent group, hired by the Yuba County Board of Supervisors, developed an assessment structure based on property types, percent of protection and budget requirements for the district. There were six zones in the district, each with a different level of protection assigned. The assessment is based on property size rather than assessed value. The specific zoning of the property dictates the per acre rate, with commercial property paying the highest rate and agricultural property paying the lowest rate.

In response to questions about property owners benefiting from the maintenance of the levee east of Simpson Lane (without being assessed a fee for the service) RD784 officials said there are many county residents receiving benefits from levee maintenance who are not assessed a fee. They said that prior to formation of RD784 the State was responsible for levee and drainage maintenance in what was known as Maintenance Area 8. When RD784 was established, about 11,000 acres of Maintenance Area 8 were not included. This property continues to benefit from the services of RD784 but pays no assessment for the protection. RD784 officials are not sure how this situation could be remedied and are not optimistic a change could be made.

As for the complaint about the election which resulted in assessments increasing by as much as 400% the Grand Jury obtained a copy of the letter written by the District Attorney concerning this challenge wherein he found that the election was held pursuant to the provisions of Proposition 218 and that no violation of law occurred. In reviewing this correspondence the Grand Jury concurred with the findings of the District Attorney and no further action was taken.

### **RECOMMENDATIONS:**

1. RD784 should consider developing a procedures manual to establish responsibilities and designate maintenance priorities.
2. RD784 should develop a mechanism to promptly respond to property owners/residents reports or complaints of the need for maintenance or repairs.
3. RD784 should seek out low cost (or no cost) labor to assist them in completing their designated duties and should take advantage of donated materials when possible.

### **RESPONSE REQUIRED ON FINDINGS:**

Reclamation District 784 General Manager: 1, 2 and 4  
RD784 Board of Trustees: 1, 2 and 4

**RESPONSE REQUIRED ON RECOMMENDATIONS:**

Reclamation District 784 General Manager: 1, 2 and 3  
RD784 Board of Trustees: 1, 2 and 3

**1999/2000 YUBA COUNTY GRAND JURY**  
**REVIEW OF PAST GRAND JURY RECOMMENDATIONS**  
**JUVENILE HALL AND JAIL DIVISIONS**

**RESPONSE REQUIRED ON FINDINGS**

- None

**RESPONSE REQUIRED ON RECOMMENDATIONS**

- None

## REVIEW OF PAST GRAND JURY RECOMMENDATIONS JUVENILE HALL AND JAIL DIVISION

### FINDINGS:

The value of the Grand Jury system depends in a large part on the co-operation and responsiveness of those entities investigated. Each year there are some difficulties faced by succeeding Grand Juries in reconciling responses to the recommendations of prior juries. Grand Juries are, except occasional holdovers, entirely re-staffed each year. For this reason, continuity is lacking and meaningful evaluation is a challenge.

This Grand Jury reviewed the jail and juvenile hall reports of the last three years. And conducted limited follow up on the recommendations. Our findings are as follows:

1996/1997

It was suggested by the Grand Jury that an additional 1 - 3 more staff be hired for the Juvenile Facility.

Staffing deficiencies have been solved since the report.

1997/1998

- It was recommended by this Grand Jury that the Staff of the Jail and others in authority " *Review policies and procedures for check-in of new prisoners, i.e., proper use of disinfectant and cleaning procedures for maximum protection against disease.*"

It is the policy of the jail staff that it is up to the inmates to maintain personal cleanliness.

- The Grand Jury questioned staffing at the Jail as regards " *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.*"

A full-time nurse was hired.

- A complaint had been made that Sheriff Tindel had allegedly required County employees to assist in his reelection bid. After their investigation, the Grand Jury had recommended that " *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.*"

No response was received from the Board of Supervisors on the recommendations. Action was deemed to be unnecessary following *political* events.

After the 97/98 Grand Jury investigated the Bi-County Juvenile Hall and its facilities they recommended that *"A commercial-size washer and dryer should be purchased for the facility. Funding to be located within existing budget, maintenance and building improvement categories."*

There currently are laundry appliances on site that are of the type suggested by the 97/98 Grand Jury.

1998/1999

After the required inspection of the County Jail the Grand Jury made the recommendation *"Charge one officer with the care and monitoring of the fire extinguishers, this responsibility would include checking on expiration and servicing of the extinguishers. This charge would ensure continuity for servicing fire extinguishers annually and reservicing them upon use. There should be an in-house monthly inspection signed and dated on each extinguisher."*

The response advised that the fire extinguishers had been updated.

*"The Grand Jury recommends changing how the laundry room is secured to prevent inmates from being locked in a potentially hazardous area."*

The laundry room currently has a fire extinguisher and an intercom was installed.

*"The jail should be used to capacity whenever possible. The revenue generated by housing federal inmates and out of county inmates should be used for increasing staff and self-improvement programs for the inmates such as anger management, employment readiness and for school drug and crime prevention programs."*

The jail population has increased since Sheriff Black took office. The programs suggested and more are available to all inmates. Attendance is sometimes low, because the programs are voluntary and no one is forced to attend.

After inspection of the Bi-County Juvenile facility the Grand Jury recommended that *"The entire kitchen facility should be cleaned and sanitation/health issues addressed. Procedures should be developed to control this area of operation. A new in-house kitchen should be built and grant moneys should be sought to fund this project."* Also *"The increase in demands on the facility and overcrowded conditions should be addressed with the application for grant moneys to help fund expansion of the facility. Parents should be held responsible for the cost of caring for their children held in the Juvenile Hall Facility."*

Funding is now available for expansion and upgrading but, as is common on government projects, planning and approval requirements have slowed progress.

The Grand Jury further recommended, *"Fire inspections need to be performed as required by law. The inspection that is overdue should be performed and a copy of that report sent the grand Jury."*

The inspection was made and deficiencies were corrected.

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

#### **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." The Juvenile Hall facilities fall within this category. Further reasons are given above in this report's preamble.

#### **BACKGROUND:**

The Final Reports of the 1996/1997, 1997/1998, 1998/1999 Grand Juries of Yuba County and the responses or lack of same by the required parties, formed the basis of the present (1999/2000) Grand Jury's investigation. These reports can be found in the office of the Jury Commissioner located at 215 5<sup>th</sup> Street in Marysville.

#### **SCOPE:**

The scope of this report is limited to eye witness accounts and verification by direct communication with Sheriff Department Personnel, and the personnel of the Bi-County Juvenile Hall and related facilities and other necessary official documents.

#### **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 with the exception of the archived Grand Jury Reports that were retrieved by the Law and Courts Committee Chairman. Their use was noted by at least two of the secretarial staff present in the office.

The Grand Jury visited the Yuba County Jail, Sheriff's Department, and Bi-County Juvenile Hall facilities in the inquiries into the past juries' recommendations.

#### **RECOMMENDATION:**

None

#### **RESPONSE REQUIRED ON FINDING:**

None

**RESPONSE REQUIRED ON RECOMMENDATION:**

None



**1999/2000 YUBA COUNTY GRAND JURY**

**YUBA COMMUNITY COLLEGE**

**RESPONSE REQUIRED ON FINDING**

- None

**RESPONSE REQUIRED ON RECOMMENDATION**

- None

## **YUBA COMMUNITY COLLEGE**

### **FINDINGS:**

Yuba College offers quality educational opportunities to a wide range of students and is a most affordable alternative for lower division classes than to the high priced four-year university. Smaller class sizes allow for more individual attention, providing for many students a superior learning environment. Classes are available in most academic areas and in many job skills, with new programs being developed to meet the ever changing demands of the job market.

An inherent problem for the College is the inability to accurately predict their financial condition because of the variables that affect both revenue and expenses.

### **REASONS FOR INVESTIGATION:**

This investigation was conducted pursuant to California Penal Code Section 925, which states in part; investigations may be conducted on some selective basis each year. The 1999/2000 Yuba County Grand Jury selected the Yuba Community College because the last investigation was prior to 1988. The 1999/2000 Grand Jury received no formal complaints regarding the College District. The report is informational in nature.

### **BACKGROUND:**

The Yuba Community College District was founded in 1927. One campus located at 2088 North Beale Road, Marysville, California in the County of Yuba. There are also centers at Beale Air Force Base, Colusa, Yuba City, Woodland, and Clearlake. An elected Board of Trustees and a Superintendent-President govern the college. The college receives its funding from Property Taxes, Federal funds, State Apportionment, as well as, Student fees and tuition.

### **PROCEDURE:**

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

### **SCOPE:**

The main areas the committee focused on were the budget process and how the college manages the funds available. The Grand Jury conducted interviews with:

- District Superintendent and President
- Assistant Superintendent and Vice President of Student Services
- Assistant Superintendent and Vice President of Business Services
- Campus Life and Resident Hall Coordinator
- Food Services Coordinator
- Director of Maintenance and Operations
- Book Store Manager

Board of Trustees  
A Board Member and the President of the Scholarship Foundation

## **DISCUSSION:**

The initial visit at Yuba Community College was by appointment on October 5, 1999 with the Yuba College District Superintendent and President. The purpose of the visit was to obtain a list of personnel for future contact. The Grand Jury Committee was thereafter mailed a list of supervisors and contact-persons. The Grand Jury Committee was welcomed given an organizational flow chart of college personal and departments, and presented with a brief overview of the funding process and a description each department.

Yuba College undertook an "accreditation self-study" as a part of the reaffirmation process with a comprehensive report presented to the State Chancellor's office for review and acceptance. The report was the basis for most of the information that was provided to the committee. The accreditation process is a prerequisite to the college receiving State and Federal funds and to allow students to transfer credits to other colleges and universities.

The first interview was with the Assistant Superintendent and Vice President of Student Services on November 18, 1999. During this interview the purpose of the investigation was discussed. Plans for future classes, programs, and special projects, as well as, funding for current and future expansion were also discussed.

Other topics covered were how Yuba College provides opportunities for students who do not wish to pursue a degree but want to improve their job skills or obtain technical training. The administration constantly strives to develop new programs to prepare students to meet the needs of the ever changing job market. Overall, Yuba College offers traditional academic education, as well as, instruction in vocational skills to receive employment in today's job market.

The second meeting was with the Campus Life-Residence Hall Coordinator on December 14, 1999. The meeting consisted of a description of the facility followed by a walking tour. The committee was received the enrollment package used for those students wanting to reside on campus.

The third interview was with the Bookstore Manager and the Assistant Superintendent and Vice President of Business Services on October 30, 1999. The Grand Jury Committee was presented a brief overview of the organization of the bookstore and student services offered, including the hours of operation, employees, programs, and book prices. Barnes and Noble Company own the bookstore and lease the building from Yuba College. Also, the Food Services Coordinator was present. A brief review of the cafeteria and food services was presented. The report included a description of the services, dorm, salad bar area, snack bar area, cafeteria and the daily routine were explained. The Committee was invited to tour the food services facility at any time.

The fourth interview was with the Assistant Superintendent and Vice President of Business Services and the Director of Maintenance and Operations on January 10, 2000. A brief review of grounds and building maintenance was presented. Qualified college employees or local professionals, such as plumbers and carpenters perform maintenance. The college is planning an expansion to build new lab and special student buildings within the next several years. Materials and supplies are purchased from the local community whenever possible.

The budget process was also discussed with a number of questions presented from the committee. Many of the questions asked were answered within the contents of documents and manuals given to the committee for review by the Business Director. Written responses to those questions were also received at a later meeting.

The fifth meeting was with the Board of Trustees, the governing board of Yuba College, during their regular scheduled meeting on January 26, 2000. The purpose of the visit was to observe the function of the board. The Grand Jury Committee was introduced. Everyone in attendance received a copy of the current financial budget memorandum of district revenues and expenditures for review. The Committee was greeted warmly and everyone was very professional and cooperative. Every effort was made by senior staff members to accommodate and assist the Grand Jury.

An audit was accomplished by an independent accounting firm, Perry-Smith & Company Certified Public Accountants, of Yuba College's year ending June 30, 1999. The audit revealed a few discrepancies. Those discrepancies found were minor in nature and corrective action was taken. One area of concern that the auditors noted dealt with retired staff's medical cost coverage. This expense is a highly unpredictable variable. The auditors were concerned about the college's ability to cope with the unpredictable of this liability. The retirees medical benefit cost would require additional funding to minimize the impact of this liability on the District's future operations. The Yuba College President presented a plan to cover the retirees medical plan liability for the next two years. In addition, he proposed a plan to review the budget quarterly to make future adjustments as needed.

The final visit was with the President and a board member of the College Scholarship Foundation on May 15, 2000. The committee was given a brief overview of the Foundation including the history and working of its financial operations. The purpose of this interview was to answer some questions and concerns from an employee at Yuba College regarding the distribution of the Scholarships, funding process and accountability. The committee was satisfied that there is a system in place, established by the Foundation Board and the State of California, concerning the managing of the Scholarship Foundation funds.

The President and his staff treated the Grand Jury Committee with the utmost of respect and courtesy during all of the interviews and visits. Yuba College is a valuable asset within our community of which we can be proud.

**RECOMMENDATION:**

None

**RESPONSE:**

None