

Yuba
College

District Office

Superintendent/President

JUL 17 2000

FILED

YUBA COUNTY SUPERIOR COURT

H. STEPHEN KONISHI

SUPERIOR COURT CLERK

BY

[Signature]
Court Clerk

July 13, 2000

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

Dear Judge Buckley:

I wish to commend you and the Yuba County Grand Jury for the very complimentary report regarding Yuba College. I wish to especially thank the Grand Jury members, including Sue Cejner, Foreperson Pro-tem, for her excellent leadership of the Education Committee.

We at Yuba College, beginning with the Board of Trustees, are very much engaged in an enterprise to transform the college into a premier institution, responsive to the educational needs of the communities we serve. The findings of the Grand Jury, and particularly the compliments paid to our staff and to the college, will help in this endeavor. Please convey our appreciation to members of the Grand Jury.

Sincerely,

[Signature of Stephen M. Epler]

Stephen M. Epler, Ed.D.
Superintendent/President

SME:ce

c: Yuba College Board of Trustees
President's Executive Staff



Olivehurst Fire Department

July 20, 2000

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

RE: 20% rule

Dear Judge Buckley,

The Olivehurst Fire Department consists of career firefighters and paid-call firefighters who respond to over 1,100 calls per year. The paid-call firefighters comprise the majority of the department's personnel and respond from their homes to the station during an alarm. In an effort to maintain a quick response time, the firefighters must live within a seven minute drive to the station.

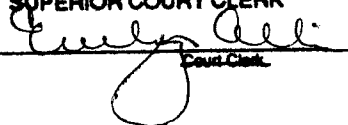
This requirement in addition to the training, time, education, and physical requirements limits the qualified candidates that the Department has to choose from.

The paid-call positions are primarily volunteer, due to such a low amount of pay, therefore, all personnel have full-time careers outside the Department. Occasionally a firefighter's full-time career requires overtime or temporary relocation due to work load, seasonal changes and/or other factors. With increased hours at work or being out of the area, the amount of time that can be given to the Department naturally decreases.

This dilemma was brought to the Fire Department Committee and to the Board of Directors, to weigh the factors of strictly adhering to the 20% rule and terminating qualified, experienced personnel, verses, relaxing the rule and getting a decreased response of these firefighters until their full career employment allowed them to return to their normal schedule. It was the consensus of the board to allow me the latitude to work with these firefighters until a revised version of the Rules and Regulations could be produced to allow for such situations.

Since that time, a point system designed by one of the paid-call staff, has been implemented to resolve these problems. It is my belief that the new Rules and Regulations can accommodate the hectic full-time careers of the paid-call firefighters while allowing

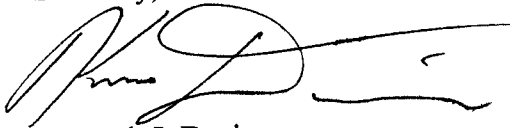
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YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY 
Court Clerk

these same dedicated and experienced firefighters to respond to the emergencies that occur within our district.

If any additional information is need, please feel free to contact me at anytime.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Davis', with a large, stylized 'D' and a horizontal line extending to the right.

Kenneth J. Davis,
Fire Chief

OLIVEHURST PUBLIC UTILITY DISTRICT * * * *

BOARD OF DIRECTORS

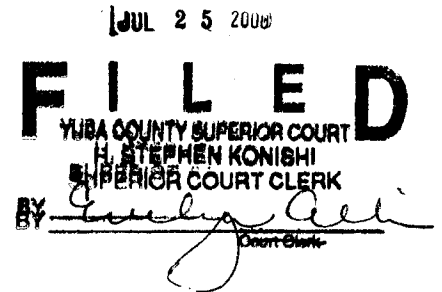
Michael K. Christensen
Richard Donahue
Philip R. Miller
Manny Souza
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P O. Box 670
1970 9th Avenue
Olivehurst, CA 95961
Telephone (530) 743-4657
Fax (530) 743-3023

GENERAL MANAGER

Gary C. Plasterer

July 20, 2000



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

RE: Yuba County Grand Jury Report regarding the Olivehurst Public Utility District's
Fire Department

Dear Judge Buckley:

The Yuba County Grand Jury toured the Olivehurst Public Utility District's Fire Department on May 30, 2000. During the tour, the Grand Jury members asked many pointed questions pertaining to personnel, equipment, operations, and the Department's facilities. They conducted themselves in a very professional and knowledgeable manner.

**RESPONSE TO FINDINGS NUMBER 1 AND GRAND JURY
RECOMMENDATIONS** are as follows:

The District's Fire Department employs call-pay firefighters (part-time). They respond to emergencies via 911 dispatch. At one time, all firefighters were required to maintain a 20% response average per quarter. During the past eighteen months, many of the firefighters have had a difficult time in meeting this requirement. With the Board of Directors' knowledge and agreement, the Fire Chief and General Manager had waived the enforcement of the 20% call-pay response requirement until the Fire Department Rules and Regulations were evaluated and rewritten to assure equal and fair treatment for all firefighters.

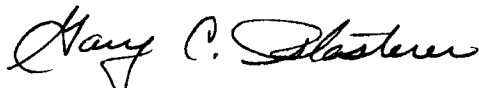
Honorable Judge Buckley
July 20, 2000
Page 2

The Olivehurst Public Utility District's revised Fire Department Rules and Regulations were developed by input from all personnel, and adopted by the Board of Directors on March 16, 2000. Revisions are included to the disciplinary section, as well as the 20% response requirement. The new requirement entails a point system whereby the firefighters have a better opportunity to meet the response requirement.

If I can provide any additional information, please contact me.

Very truly yours,

OLIVEHURST PUBLIC UTILITY DISTRICT

A handwritten signature in cursive script, reading "Gary C. Plasterer".

Gary C. Plasterer, General Manager

GCP:cs

RECLAMATION DISTRICT NO. 784

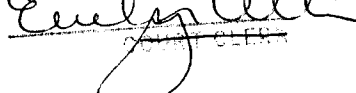
1594 Broadway
Marysville, California 95901-9632
Phone (530) 742-0520 Fax (530) 742-3021

August 9, 2000

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YUBA COUNTY
SUPERIOR COURT

2000 AUG 11 AM 9:46

H. STEPHEN KONISHI
CLERK OF THE COURT

BY 
COURT CLERK

RESPONSE TO 1999/2000 GRAND JURY REPORT

FINDINGS:

1. Response to Findings No. 1 has been answered sufficiently by the response to Recommendation No.1.

2. Time restraints evidently prevented adequate research by Grand Jury members to make finding No. 2. The Reclamation District has always taken advantage of no cost or low cost labor and materials available to them. For example, jail trustees were used in the past to help the District during the summer months. The type of jail resident that could be trusted and released for District help dwindled so much that the District could no longer get jail trustee help. This is still true today.

Other sources that the District has taken advantage of were from the California Conservation Corps, the California Department of Forestry, the Job Training Placement Act, Temporary Job Creation Program, including the Work to Welfare program, and in addition three local private concerns have provided their labor and resources. The District has in the past purchased materials made available through the state's General Services at reduced prices. Three other local private entities have provided materials or offered materials on an as needed basis.

All these programs run in cycles and currently the programs to provide no cost or low cost labor are not currently available.

4. Reclamation District 784 was formed just after the turn of the Twentieth Century. There were only 6 families living within the area which in general included the area that is District No. 784 today. Much time and money was expended over the years since the District was formed. The District began building 6-foot high sand levees and constructing drainage facilities.

Initially the east boundary was set in part by the wishes and dictates of the landowners forming the District. If foresight was as good as hindsight, the east boundary line should have been farther to the east. There were some landowners at the time the District was formed that suggested the east boundary should have been farther to the east but certain property owners prevailed. As the reclamation of lands within the state developed, government controls followed

the State Water Code and other laws came into place and these codes and laws require that drainage from upstream sources has to be accepted. The District finds itself in this position.

Annexation of adjoining lands to pay for benefits received would be the answer to an increase in the District's tax base. Annexation would have to go through LAFCO and be approved by a simple majority. The District has researched this possibility and has reached a conclusion that in short, people will not vote to pay for something that is already free.

RECOMMENDATIONS:

1. The District had a manual before the flood that spelled out procedures and time tables for getting work done, including maintenance procedures for pump stations. We have had very little time since the flood to look for any of this information. In the meantime we just keep performing our maintenance automatically, since we have done it for so long. It still may be buried somewhere in what may still be some soggy papers. We plan on doing some searching and rewrite a procedures manual either from memory or in part from records that may be found.

2. Reclamation District No. 784 policy on responding to complaints from any sources, property owners, people who live in the District, and anytime a report is received, we respond in a timely manner to the reported incident or trouble spot within an hour to a few days, depending on the reported seriousness of the situation as expressed by the reportee. We assume that the situation is a worst case scenario until it has been seen and evaluated. The District's primary concerns are the conditions of the levees, the functioning of the drain ditches and the functioning of the District pumps. If the reported situation involves a levee then it has to be evaluated very carefully. The State requires a permit be issued for any type of earthwork on the levee. The State owns the levees and any major repairs have to be done under State and Corps guidelines. This is the frustrating part to the District, as well as to the landowner reporting the condition. RD784 is blamed for not doing anything while all the time they are waiting for a response from higher authority. However, this provides a higher degree of over-all assurance that the levee maintenance is regulated by a higher authority. If the problem is minor it may fit in with regularly scheduled maintenance, or if it is thought to be sufficiently serious we stop and take care of the problem with minor repairs or required maintenance.

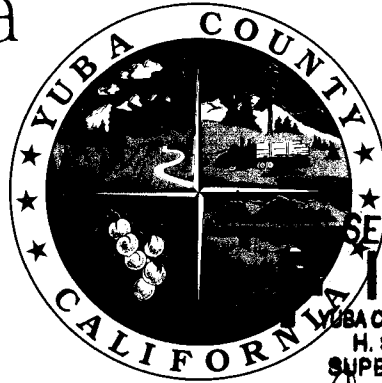
3. Response to Recommendation No. 3 has been answered sufficiently by response to No. 2 Findings.

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY

September 8, 2000

The Honorable James Curry
Judge of the Superior Court
County of Yuba
215 Fifth Street
Marysville, California 95901



PATRICK J. McGRATH
DISTRICT ATTORNEY

(530) 749-7770
FAX (530) 749-7901

YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY *[Signature]*
Court Clerk

RE: Response to the 1999/2000 Final Report of the Grand Jury

Dear Judge Curry:

The 1999/2000 Grand Jury had occasion to investigate a matter concerning the Family Support Division of the District Attorney's Office. As a result of that investigation, the Grand Jury listed five findings and three recommendations in its final report. Responses are required for three findings and all recommendations.

In compliance with Penal code sections 933.5(a) and (b), the following responses are submitted on behalf of the Division under my signature.

Finding Number #1 - The Family Support Division is unable to carry out its day-to-day operations due to understaffing.

Disagree: While I would agree that there are aspects of the day-to-day operations of the Division that suffer due to understaffing, I cannot agree with the bald assertion that the Division is unable to carry out its daily operations. Indeed, documented evidence – shared with members of the Grand Jury per Penal code section 916 and discussed below – refutes the assertion.

In brief, the Family Support Division is obligated by law to locate parents who do not have custody of their children (non-custodial parents, or NCPs), establish court orders setting the amount of financial child support these parents are to pay, and collect on those orders. Individual units within the Division are assigned specific functions relative to those duties. Cases will generally go through all the phases of "establishment", "locate", and "collection", and will remain open as long as the support order exists and/or any past support money is owed. Consequently, there are a wide range of tasks, each with their own procedures

and time frames, within the units in the Division. The Division uses a computerized case management system to maintain all case services and accounting information, including cumulative narratives for action taken or client contacts in each of its approximately 13,000 cases.

All parties – the County, the State, and the Grand Jury – are in full agreement that the funding structure in place before this fiscal year (largely driven by incentives and at the mercy of demographics beyond the control of the Division) left the Division understaffed. For example, one critical measure of staffing adequacy has been the ratio of cases to case officers, which in Yuba County has been approximately 1,500 to 1. The optimum guideline set by the State is 400 to 1, and the next highest county caseload in the state is half of Yuba's.

These caseloads obviously present challenges in providing each case the full and timely attention each deserves, and the purpose of this response is not to minimize these challenges in any way.

Rather, despite these challenges and in contradiction to the finding, the Division's work has produced extraordinary results as measured by the statistics most important to state overseers. The critical figure used by the state to measure effectiveness has always been money collected. Using that standard, the Division led the state in increased child support collections in 1998/1999, recording a 43% increase. Collections in dollar value went from \$3,382,142 to \$4,513,754, an increase of \$1,151,612. Second, the cost effectiveness standard used by the state, and determined by the ratio between dollars collected and dollars expended, placed the Division at 29 out of 58 counties.

During this year, the Division has already collected over \$1,000,000 dollars more than last year's total. Simply put, such an achievement does not indicate an inability to carry out our day-to-day operations.

A new funding structure, put into place through the a comprehensive legislative re-organization of the entire child support system in California signed into law last September, will provide the money to eliminate the understaffing all parties acknowledge exists and which has been the foundation of the Grand Jury's concerns.

The details of the new child support system, and the effects it will have in Yuba County, may be found in the discussion of the Grand Jury recommendations later in this response.

Finding Number #2 - The complaint that the department's inefficiency resulted in inconvenience and financial injury is found to be valid.

Disagree: This is a finding with which the Division takes serious issue.

Refuting the finding requires the reader be provided some general background regarding the legal responsibilities of the Division, some specific information regarding the legal obligations of non-custodial parents, as well as additional specific information not provided in the Grand Jury report (but made available to its members).

First, the reader must put the role of the Family Support Division in the correct context.

Parents, regardless of which state they reside in, are legally obligated to provide for their children until they reach the age of majority. Parents who do not have the custody of their children are required to financially support their upbringing. This responsibility exists regardless of the relationship between the parent and child, or the relationship between the custodial and non-custodial parent.

In a perfect world, all non-custodial parents would voluntarily honor that obligation. Unfortunately, the child support collection system existing in California and every other state is premised, at least in part, on the reality that many non-custodial parents simply choose not to fulfill that responsibility.

Consequently, the federal and state governments have enacted an interwoven web of statutes and regulations designed to establish child support orders, locate non-custodial parents, and secure payment from them either voluntarily or involuntarily.

As can be imagined, the family support system created by this web is incredibly complicated. I believe I can fairly represent that it takes an experienced family law attorney a minimum of two weeks to fully understand the interplay of specific provisions of California and federal law - including the Family Code, the Welfare and Institutions Code, the Code of Civil Procedure, the Civil Code, and the Revenue and Taxation Code; it takes a new Family Support case-worker six to nine months to learn how to properly and accurately analyze a Division file.

Second, the system of establishing and enforcing support orders can be extremely adversarial. In a nation that prizes "fairness," many of the statutes and

regulations the Division is charged with enforcing are not “fair.” FSD workers and attorneys hear this argument on a daily basis; however, the fact that persons inside or outside the system may view it this way, or may individually or collectively disagree with the law or its application, is wholly irrelevant. The system has been legislatively created, and the Family Support Divisions of every county in California are charged with strictly applying the law within that system.

There is one specific law that the reader must be informed of that, as will be seen, is important to this case. Its application may well illustrate that an overall appearance of “unfairness” (in this case to the investigating members of the Grand Jury) can overshadow the reality that actions of the Family Support Division were simply – and correctly - enforcing the laws as written.

Both California statutory law and case law clearly state that it is a non-custodial parent's responsibility -- not the Family Support Division's - to maintain accurate records of charges to his or her support account, payments made on the account, and interest that may have accrued on missed installment payments. This law – regardless of whether it is “fair” or if the reader agrees with it - is contained in Family Code section 17526 and was reinforced in the 1996 case of Marriage of Thompson (the court citation is 41 Cal.App.4th 1049).

The reasoning for the law was explained in the Thompson case: Family Support Division's across the state have responsibility for monitoring thousands of cases in each county, while the non-custodial parent has but one. This law was explained to the investigating Grand Jury members, and the citation to the Thompson case provided to them, however it is unknown if they decided to review its contents or seek further advice regarding the legal holding of the case.

Why is it imperative for non-custodial parents keep accurate records? In a non-aid case, very often the non-custodial parent will make payments directly to the custodial parent (or to another child support agency) who, in turn does not let the Division know those payments have been received. Thus, the non-custodial parent's account is not accurate, notices regarding payment are not accurate, and the information provided by the Division to credit agencies, licensing agencies, and title companies is not correct.

While these situations create an error in the system, the error is not attributable to any mistakes on the part of any Family Support Division - it is simply an imperfection in the system.

In order for the reader to see that the Division caused neither inconvenience nor financial hardship to the complaining party, a complete rendition – as opposed to the summary provided in the Grand Jury report - of the facts surrounding the complaint received by the Grand Jury must first be shared. The facts are as follows:

The case investigated by the Grand Jury was what is termed a non-aid case - the custodial parent was not receiving public assistance monies, and any child support recovered was not being used to reimburse the state for those payments (the Division provides services equally to aid and non-aid cases). It was opened in June of 1991.

In December of 1991, the custodial parent filed a document with the Family Support Division called an Affidavit of Arrears. The affidavit was important as, under the provisions of Welfare and Institutions Code section 11350.9 in effect at the time (now Family Code section 17524), the Division could attempt to collect only arrearages that had been based upon such an affidavit.

The affidavit was signed by the custodial parent under penalty of perjury, as required. On its cover, the affidavit indicates that the custodial parent had not received payment from the non-custodial parent since October 16, 1991. However, the second section of the affidavit, which is the section the Division enforces, was more specific as to what payments had been received in the five-month period beginning in August of 1991 and ending in December of 1991. Based on that information, the non-custodial parent was behind \$1,260 in owed support.

The filing of this affidavit is the starting point for collection. From the date the affidavit is executed, all updates regarding the non-custodial parent's current and past due payment history are maintained on a computerized case management system. The history may also be updated, when appropriate, through a formal audit of the individual account. The original affidavit itself remains in the case file.

During this time, the non-custodial parent channeled six payments through the Placer County Family Support Division directly to the custodial parent. Unfortunately, neither he nor the custodial parent (contrary to the terms of the agreement signed with the Division when a case is opened) notified the Yuba County FSD of those payments.

Over the next seven years the non-custodial parent was inconsistent in meeting his monthly support obligation, causing his Yuba County FSD case file and financial account to reflect not only each month's obligation but also an arrearage consisting of past support owed and its accrued interest. The case file also reflects that the FSD took standard actions to secure payment of owed support, including the filing of a wage assignment (for each month's payment only) in May of 1992 and the recording a lien in 1996 against real property held by the non-custodial parent and located in another county.

In December of 1998, the non-custodial parent attempted to refinance that property. The title company located the lien and, on December 14, 1998, contacted the FSD requesting the amount owed. Removal of the lien required full payment of the amount owed.

Two days later, the Division called the title company and notified them that an audit of the account was required, which would take seven to ten working days to complete. The audit was completed on December 28 and the information was faxed and mailed, along with a legal form called a "satisfaction of judgment", the next day. A satisfaction of judgment releases a lien upon the payment of the owed amount, which in this case was shown to be a combination of current and back support in the amount of \$6,163.49. On January 8, 1999, the wage assignment was modified to include an attempt to collect back support owed (arrearages) in addition each month's support obligation.

On December 31, 1998, the non-custodial parent phoned the Division, saying that he disagreed with the amount owed and intended to sue the Division. An appointment was set for him to come to the Division on January 12, 1999, and review his account. A follow-up letter was mailed to him reminding him of the meeting. On January 12, the non-custodial parent failed to show.

Nothing further was heard from the non-custodial parent until April 22, 1999, at which time the Division received a letter from his attorney which included copies of the 1991 cashed support checks originally sent to the custodial parent through Placer County. These checks were immediately sent to the accounting branch and a full audit of the account was completed 35 days later (May 26). This audit verified the previously

unknown payments and updated the account to show a current arrearage of \$82.11. On May 27, 1999, the updated audit was sent to the attorney.

On July 23, 1999, the title company faxed another request to clear the lien on the real property. The FSD prepared a "rush" audit on the same day that showed a balance of \$32.64. On the next business day another satisfaction of judgment was prepared and forwarded to the company, and the company was phoned and the balance amount explained.

It is important to note that the amounts listed in these satisfactions are only valid through the last day of the month they are issued. If the satisfaction is not paid and recorded within that time frame, additional interest accrues as a matter of law (Code of Civil Procedure section 685.020(b)), and there is a new balance due. Family Support staff has no discretionary control over this.

The non-custodial parent disputed the amount, and told the title company not to make the payment. Consequently, the satisfaction of judgment became invalid on July 31, and the lien was not released.

On August 4, the non-custodial parent was told (through his wife, who had called the Division) that a copy of the audit would be sent to him for his review, allowing him to show any payments he may have made that had not been credited to his account. The wife made a request to simply release the lien while the matter was being dealt with, which could not be legally done. A copy of the audit was mailed to the complainant on the same day.

On August 17, the Division received a fax from the non-custodial parent. The fax indicated he was still contesting the \$32.64 amount, and included copies of personal checks, wage assignment deductions, and unemployment insurance payment (UIB) stubs. A telephone message was left with him on the same day telling him that some of the pages were unreadable and asking him for assistance in determining how these records related to his account.

Nothing was heard from the non-custodial parent, but the case officer reviewed the account anyway on August 31, finding that the checks and deductions matched the Division's records. However, the case officer found that the UIB information was incomplete and the review could not be

completed. A letter informing him of this was sent the same day.

On September 9, the non-custodial parent was informed by phone as to what Employment Development Department records relating to his unemployment insurance benefits would be needed to do a complete review and ensure he received the proper credit for any deductions for those benefits. He indicated he would request that information from EDD.

On September 17, 1999, yet another request for a lien clearance was received from the title company. Another satisfaction of judgment was prepared - which would be valid through September 30 - and mailed to the company on the next business day. The amount included the current month's support obligation (\$420), which had not yet been paid, and an additional 81 cents attributable to interest on the previous \$32.64, which had by now been paid. Five days later, the title company said the satisfaction was not acceptable and requested to use the July document. They were notified that the July document had expired, was no longer a correct reflection of the debt, and could not be used. On September 29, the title company sent back all the satisfaction of judgments they had received - all unrecorded.

Finally, on November 30, 1999, the non-custodial parent provided the Division with the UIB information not available in August. The information was for years 1994, 1995, and 1998. The information was reviewed on the same day and all payments were accounted for except for one \$114 error in favor of the non-custodial parent, which occurred in February of 1995 and was refunded.

On December 6, 1999, the title company again requested a satisfaction of judgment, which was prepared - reflecting a zero balance - and mailed to the title company on the same day. It was recorded by the company on December 22, 1999.

As a review of the complete history demonstrates, there was far more to the circumstances surrounding the complaint than that provided in the Grand Jury report. This history - including all verifying documents and case narrative - was fully available to the investigating members of the Grand Jury and was presumably reviewed.

What does the review show regarding the Division's alleged "inefficiency"

resulting in “inconvenience and financial injury” to the complainant?

First, the situation described earlier in this response occurred. Payments were made in 1991 by the complainant through the Placer County FSD. Neither he nor the custodial parent advised the Division that these payments had been made. Had the complainant done so, there would have been a basis to correct any inconsistencies in his account immediately. No Division inefficiency is evidenced.

Second, that upon the complainant first notifying the Division that he believed there was an error in his account, an appointment was immediately made with him. The purpose of the appointment was to allow him to demonstrate an error in the account – which was his legal burden under established California law. The complainant did not show. Had he kept his appointment and allowed a comparison of his records with his payment history, perhaps the missing checks would have been identified much earlier. No Division inefficiency is evidenced.

Third, on April 22, 1999, the complainant finally provided copies of the 1991 checks to the Division. As shown in the case file, the support records were updated, interest was recalculated, and the complainant was provided with a copy of the audit through his attorney of record within 35 calendar days. Given the staffing level, regular workload, work involved in doing a complete hand audit of 8 years of activity, and lack of any pending request for a satisfaction of judgment, no Division inefficiency is evidenced.

Fourth, Division staff acted to do a “rush” audit in order to prepare a satisfaction of judgment for the complainant on the same day the request was received (July 23, 1999), and prepared and mailed the paperwork to the title company and phoned them with an update on the next business day. The satisfaction of judgment was not filed because the complainant disagreed with the money owed, and was unable to present any evidence the amount was incorrect. Again, no Division inefficiency was shown – rather, the staff implemented a “rush” audit and completed the transaction completely within 24 hours.

Fifth, when the complainant’s wife called in August to contest the audit result, it was suggested that a copy be mailed to him so he could compare his records to the audit and present evidence of any error. The copy was mailed on the same day. When the complainant faxed records to the Division 13 days later, he was informed that some were unreadable and asked for clarification on the same day the fax was received. A case service officer attempted to review the account with the records that were legible, even though no response had been received from the complainant. A letter was mailed to the complainant explaining the difficulty

on the same day the review was completed. A week later the complainant was informed what specific records he was obligated to supply to the Division in order to complete his audit. The actions of the Division evidence no inefficiency.

Sixth, the September 17 request by the title company for another satisfaction of judgment was completed the next business day. The paperwork reflected the amounts owed according to the records maintained by the Division and uncontradicted by the non-custodial parent's records. Again, the Division acted professionally and efficiently, with the failure to satisfy the judgment and release the lien being the decision of the complainant.

Finally, on November 30 – almost two months after being notified what UIB documents he needed to produce – the complainant provided three years worth of EDD records to the Division. These records were reviewed and the account audited on the same business day, and one error in favor of the complainant occurring almost five years ago was discovered and immediately corrected.

Given the full history of Division action in this case - the response times, the telephone contacts with both the complainant and title company, and the continued willingness to work with the complainant and assist him in meeting his legal burden of showing where any errors in his account existed - it is unfathomable that a Grand Jury finding of "inefficiency" could be made.

The further allegation that the Division action caused inconvenience and financial injury is also unsubstantiated. Instead, the record shows the Division enforced a court order for child support, pursuant to the applicable laws, based on the information it had received from both parties. When updated information was received, the Division acted to determine its validity and acted accordingly under the law. Those actions were timely and efficiently done.

Any inconvenience suffered by the complainant was the result of his own action (in the case of his instructions to the title company) or inaction (in the case of his failure to keep a critical appointment with the FSD, notify the FSD of the direct payments, or to maintain and timely produce his own account records). Since no direct financial injury is specified or identified in the report, it is left to the reader to speculate that the "delay" in obtaining the lien clearance is the injury. However, as already noted, that delay was the result of the complainant's own actions or inactions.

Perhaps most troubling is the way in which certain information presented in the

Grand Jury report as fact bears little relation to the real facts in the case. In fact, almost all of the discussion points are either factually wrong, grossly out of context, or display an unsettling bias.

For example:

- **Discussion Point 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).

Counterpoint: The audit was conducted because a request for a satisfaction of judgment was received from the title company on December 15, 1998, not because of the Affidavit of Arrears completed in 1991 by the custodial parent.

- **Discussion Point 1a:** The Grand Jury was led to believe that this affidavit had recently being (sic) submitted by the custodial parent when in fact it was sworn to in December 1991.

Counterpoint: There is nothing in case narrative or computerized case management system that indicates that any affidavit had been received "recently." The only discussion regarding such an affidavit was between the Supervising Family Support Attorney and a grand juror in response to a statement made over the telephone to the effect that there was no affidavit in the file. As a result of that statement, a yellow tab was placed on the affidavit and the grand juror was advised that it would be so identified. The only affidavit in the file is the one executed by the custodial parent in 1991.

- **Discussion Point 1b:** The audit resulted in the FSD issuing a Notice of Wage Earnings Assignment for \$6,426.10 on December 31, 1998.

Counterpoint: A Wage and Earnings Assignment had been on file since 1992. It was modified on January 8, 1998 for the purpose of deducting both the monthly support obligation and a portion of the accumulated arrearage that had been posted in the division's records per the audit. There was nothing unusual in this action – in fact, the assignment should have been modified years previously in an attempt to collect this unpaid money.

- **Discussion Point 1c:** The Complainant called the FSD on December 31, 1998, disagreeing with the audit results.

Counterpoint: The division's records concur with the Grand Jury's statement. However, in light of the tenor of other discussion points, why did the report fail to indicate that the non-custodial parent's call received an immediate response, that a meeting to review the audit was arranged for January 12, 1999, and that the non-custodial parent failed to keep the appointment even after receiving a written reminder?

- **Discussion Point 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 \$6,460.00 previously demanded.

Counterpoint: The complainant's employee history is irrelevant, as the checks in question were presumably issued by the complainant directly (no wage assignment was in effect). What is important is (as noted in the full summary provided earlier) that an audit was completed, the account corrected, and the complainant notified through his attorney in 35 days - not the three months stated in the report.

- **Discussion Point 2a:** 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.
Discussion Point 2b: In this letter the FSD admitted an error had been made, which was corrected, including an adjustment of accrued interest. The letter also stated "under the circumstances, it was entirely appropriate that the Complainant bear the burden of proving that he had made these payments".

Counterpoint: The Supervising Family Support Attorney authored the letter. It was in response to a letter of complaint authored by the non-custodial parent to the Senator and then referred by his office to the Assistance Bureau.

Sadly, the discussion point makes absolutely no reference to the full context or content of the letter. Rather, the tenor of the discussion point suggests that the letter should be regarded as evidence that the FSD did something wrong or improper, and then demonstrated not remorse but defiance regarding the error.

A copy of the letter, redacted to remove any confidential or identifying information, is attached. The letter speaks for itself, and allows the reader to draw his or her own conclusions regarding how it is presented in the report.

Discussion Point 3 and 3a: (deleted due to length – please see the report)

Counterpoint: The full history of the interaction between the Division, the title company, and the complainant is set forth previously. The reader can draw his or her own conclusions regarding which party's actions or inactions resulted in the "errors" and "confusion" attributed by the report to the Division.

- **Discussion Point 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. (sic)

Counterpoint: The entire discussion point evidences both an inattention to detail and a lack of knowledge regarding the operation of the family support system.

The Affidavit of Arrears in this case was provided to the Division in 1991. It was signed under penalty of perjury as required; there is no legal requirement for notarization. As indicated in the detailed history of the case, it showed that the non-custodial parent was behind in three months of support totaling \$1,260 – not six months. As indicated previously, the affidavit is a starting point for the creation of a financial record. Nothing more, nothing less. Its age has nothing to do with its function or legal effect.

Staff shortages have nothing to do with how the Affidavit of Arrears is used or with the calculation of arrearages. That is done automatically each month through the computerized case management system.

Since the sentence regarding the non-custodial parent having "paid child support faithfully" is incomplete, I am unsure what relevance it was intended to have. It certainly suggests that one or more of the investigating members believed that something "unfair" had been done to the complainant through the Affidavit of Arrears.

During the inquiry that produced the discussion points explored above, the entire case file was made available to the investigating members of the Grand Jury, as was the California Department of Child Support Services Policy and Procedures Manual. In addition, because of the complexity the family support laws and procedures have, both myself and the Supervising Family Support Attorney were openly available to provide any assistance and encouraged the members to ask any questions.

Surprisingly, we were not called on as a resource to the extent we expected. I had one preliminary meeting with four investigating members after they reviewed the non-custodial parent's complaint but prior to their access to the complainant's case file. Most of the meeting dealt with my attempt to explain the new child support legislation enacted last September. The "fairness" of the system was also discussed. During my meeting with the investigating members it was openly apparent that, beyond the concept of what the system was intended to accomplish, there was little understanding of the actual procedures and interplay of statutory and case law that exists in the child support system.

The Supervising Family Support Attorney, Division Administrator, and Division attorney had one comprehensive meeting with the investigating members focusing on collection methods, liens, and lien releases at the time the case file was first made available. The only meetings after that were brief telephone contacts or personal contacts regarding the location of documents in the case file.

In retrospect, it appears that this lack of substantive meetings - in combination with pre-conceived ideas about the "fairness" of the child support collection system, the amount of material in the case file itself, and the complexity of the system - contributed to the presentation of flawed information by the investigating members to the entire Grand Jury.

In turn, these members - who did not participate in the investigation of the Division and were forced to rely on both the information chosen for presentation by the investigating members and their interpretation of it - produced a final product that fails to fit the requirements of being "extensively researched and carefully investigated". The full history of the case in question provided in this response and the amount of erroneous information revealed in the discussion points - that could have been easily identified and corrected if assistance was sought - bears evidence to that.

Sadly, this report is then published to the community who may well conclude that the Yuba County Family Support Division has acted “unfairly”, “inefficiently”, and “erroneously”, resulting in economic harm to the complainant.

The practice of Family Law, in the context of Title IV-D of the Social Security Act, is extremely complex. It is replete with imperfection. It is often draconian in its approaches to the collection of child support and, yes, it is often unfair. However, in this case the Division followed the law, state and federal policies and procedures, and the Division’s own policies and procedures and every action taken was appropriate under the circumstances.

After reviewing the Grand Jury report and comparing it to the actual case history and applicable law, I can only conclude that the investigating members of the Grand Jury, and by extension the Grand Jury itself, did a great disservice to its mission and the integrity of its findings by creating the appearance of error on the part of the Division where the facts clearly demonstrate that there is no substantive and/or legal basis for such a conclusion.

This finding is flawed, and I stand by the actions of the Division.

Finding Number #4 – The September 22, 1999, letter sent to the FSD by a title company was inappropriately described as “hate mail” by a staff member.

Disagree partially with the finding: The finding makes reference to a one-line notation by a Division staff attorney in the case narrative portion of the automated case management system.

The letter referenced in the finding was received on September 23, and was from the escrow officer handling the complainant’s refinancing. The surrounding circumstances are detailed in the history of the case previously given.

Because the letter is not included in the report, I will interject that it is combative (using language such as “give me a break”, “your accounting is inept”, “the fair and right thing to do”, and suggesting the complainant has been harassed) and demonstrates the officer’s lack of knowledge regarding the facts of the non-custodial parent’s account. In the letter, the officer clearly seeks to have the Division take action that the law clearly prohibits. The officer is obviously frustrated.

The case note made by the Division attorney also clearly reflects his frustration

with the company representative. He had spoken by phone with her the day before, explaining the Division's position and legal responsibility, and the letter suggested nothing to improve or rectify the situation. Under these circumstances, I can see how and why he gave it a shorthand characterization as "hate mail" (The total notation is "Hate mail received from Chicago Title, reply sent file to file.").

Obviously, both the escrow officer's letter and the Division's attorney's note reflect poorly on both. The difference, however, is that the note is an internal, non-public memorandum while the letter was public.

The reader should be reassured that the language targeted in the finding has been addressed, and such language is certainly not used in documents sent by Division employees to other agencies. The Division attorney sent a professional response to the escrow letter that was respectful, and to the extent allowed by law, accommodating.

Recommendation #1 – Increase staffing to lower the caseload ratios to a manageable level. Additional staffing should include more accounting and support personnel.

The recommendation has not been implemented, but will be implemented in the future: As reported in last year's Grand Jury response, the ratio of staff to caseload in Yuba County has historically been significantly disparate to ratios found in other counties. At the time the Division was examined last year by the California State Auditor's Office in preparation for its statewide evaluation of the child support system, Yuba County caseworkers labored under a ratio of 1,200 cases for each worker, the highest in the State and almost twice as large as the next highest county. The optimum ratio was recommended to 400 cases per worker.

As I indicated to selected members of the 99/00 Grand Jury, legislation signed into law by Governor Davis in September of 1999 fully restructured the child support system in California, creating a new State oversight agency which is implementing statewide policies, practices, and processes. The legislation also mandated the transfer of local child support delivery services to a new County Department of Child Support Services, totally independent of any other county department or office.

Of critical importance is that the new child support system has abandoned the old funding mechanism that was driven by an incentive program administered through the State based on collections and performance statistics. Instead, the new system has evaluated the performance and staff needs of each individual county, and established a stable funding structure to meet those needs.

In this regard, the Yuba County Family Support Division is a winner. The Division's budget for Fiscal Year 2000/2001 – based on demonstrated need - has increased from \$1.3 million dollars to almost \$4 million, and is entirely funded by either State or federal monies. No County general fund monies are involved.

This budget will support the following changes:

- Transition of the Division from the District Attorney's Office to a new department by January 1, 2001. This transition includes the total separation of the current Division from the District Attorney's Office and the establishment of a new Department of Child Support Services. Included in this change is agency set-up requirements, human resource and personnel issues, legal issues regarding the transfer of contracts and fixed assets, criminal enforcement issues, the creation of new payroll, account, and fund designations, and general notice to the public of the planned changes.
- The addition of new staff in every service category, including legal, support, accounting, and case services. Staffing will increase from 32 positions to 48 with the addition of 16 new positions by January, 2001. Staffing will continue to increase during the following year to a projected 90 positions. These increases are designed to reduce the caseload ratio to an optimum level, provide for full accounting support, allow for a structured dispute resolution system at the department level, and increase performance in both the establishment and enforcement of child support orders.
- Relocation of the Division to a new facility designed to accommodate the additional staff and new communications and computer technology. Ten to fifteen thousand feet of lease space is now under study, with any lease to include infrastructure sufficient to support both existing and future voice and computer communications systems.

- The implementation, operation, and maintenance of a new state-of-the-art computerized case management system for both case services and accounting work. This project is already underway, under the supervision of a team of private vendors and the State Department of Child Support Services. The anticipated operational date is April, 2001.

In summary, full funding has been approved at the State level to implement the recommendations made by the Grand Jury and the process is now going forward. Significant changes will be realized within the next seven months, with all recommendations projected to be implemented within the next 12 months.

Recommendation #2– Relocate the Family Support Division to a location that will accommodate the anticipated new staff.

The recommendation has not been implemented, but will be implemented in the future: Please see the response to Recommendation #1.

Recommendation #3– Ensure that the telephone system at the new location has the capability for voice mail and other features to improve communication and response time.

The recommendation has not been implemented, but will be implemented in the future: Please see the response to Recommendation #1.



Patrick J. McGrath
District Attorney

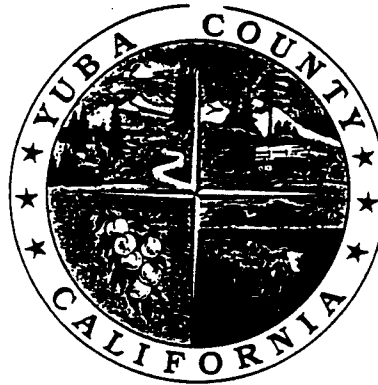
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Cc: DA correspondence file
Yuba County Board of Supervisors
County Administrative Officer

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY

FAMILY SUPPORT DIVISION



PATRICK J. McGRATH
DISTRICT ATTORNEY
PUBLIC ADMINISTRATOR

(530) 749-7675

FAX (530) 634-7654

July 12, 1999

RE: [REDACTED]

Yuba County Superior Court, Case No. [REDACTED]

FSD No. [REDACTED]

Dear [REDACTED]

We are in receipt of a letter of inquiry from the Child Support Program Assistance Bureau of the Department of Social Services regarding a letter they received from the office of Senator K. Maurice Johannessen. Senator Johannessen requested that we comment on your letter dated June 17, 1999. Our response is set forth below.

Welfare and Institutions Code section 11350.9 (entitled Enforcement of Child Support Obligations; services of district attorney; statements of arrearages), states in pertinent part as follows:

"...(c) For all cases opened by the district attorney on or before December 31, 1995, the district attorney shall enforce only arrearages that have been based upon a statement of arrearages signed under penalty of perjury or where the district attorney has some other reasonable basis for believing the amount of claimed arrearages to be correct."

Prior to the receipt of Mr. [REDACTED] letter dated April 21, 1999, the FSD, pursuant to an audit of your account conducted in December of 1998, which was based on the custodial parent's Affidavit of Arrears as required under section 11350.9, was enforcing arrears based on that Affidavit. Our review of the records provided by Mr. [REDACTED] convinced us that you had not received credit for six payments which had been channeled through the Placer County FSD **directly to the custodial parent**. Unfortunately, and without the knowledge of the Yuba County FSD until we received the records from Mr. [REDACTED], the custodial parent had not included these payments in her Affidavit. However, as soon as the error was discovered, the audit, including an adjustment of accrued interest on the six payments, was corrected. The revised audit showed an outstanding balance due through April of 1999 in the sum of \$82.11. Under these circumstances, it was entirely appropriate that you bear the burden of proving that you had made these payments.


We note with no small amount of interest, that on December 31, 1998, we received a

Letter to [REDACTED]
July 12, 1999
Page 2

telephone call from you regarding a dispute over the amount our December audit showed as due and owing. In response to your inquiry, the FSD set an appointment for you on January 12, 1999, to meet with the FSO who had case management authority over your file and her supervisor. You failed to keep that appointment. Had you brought to that meeting the records provided by Mr. [REDACTED] several months after the fact, much of the anguish you attribute to the FSD could have been averted.

It should also be noted, Mr. [REDACTED], that you have always had a legal remedy available to you to resolve the matter of the amount of arrearages you owe. At any point during this process, you could have brought a Motion to Determine Arrears under Welfare and Institutions Code section 11350.8 to have the court determine what, if anything, was actually due and owing. Under the law, you are responsible for tracking child support charges, payments made, and interest accrued on missed payments in your case. It is not the county's burden to do that for you. (Marriage of Thompson (1996) 41 Cal.App.4th 1049). Moreover, you are charged with the knowledge of the law. (County of Los Angeles v. Salas (1995) 38 Cal.App.4th 510.)

Sincerely,



MICHAEL D. TESTERMAN
Supervising Family Support Attorney

cc: Richard A. Williams, Chief
Child Support Program Assistance Bureau

The County of Yuba

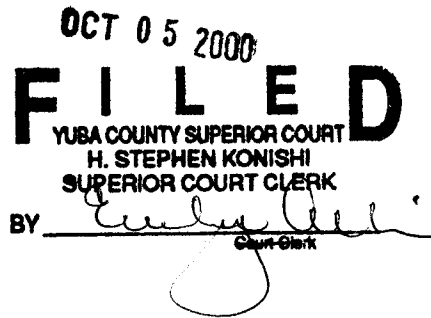
OFFICE OF THE BOARD OF SUPERVISORS



(530) 749-7510
FAX (530) 749-7353

October 3, 2000

The Honorable James Curry
Yuba County Court
215 Fifth Street
Marysville, CA 95901



Millennium
Community

RE: RESPONSE TO 1999/2000 GRAND JURY FINAL REPORT

Dear Judge Curry:

Provided pursuant to Penal Code Section 933(c) are the comments of the Board of Supervisors related to the findings and recommendations contained in the 1999/2000 Grand Jury Final Report. Consistent with Section 933(c), responses do not address departments under the control of elected officials or outside agencies, except where a specific response was solicited. In addition, we believe it is inappropriate for the Grand Jury to request responses of individual appointed department managers. Therefore, we incorporate the responses of the various departments with our response.

District Attorney/Family Support Division

Recommendation #1: Increase staffing to lower the caseload ratios to a manageable level. Additional staffing should include more accounting and support personnel.

Response: The recommendation has not been implemented but will be implemented by the end of FY 2001/02. As the Grand Jury should be aware, in September 1999 the Governor signed into law a new mandate to completely restructure the Family Support system in California. Part of that restructuring included a new approach to evaluating each county's need for funding and staffing. Because of that, Yuba County's staffing will increase dramatically without an impact to the County's General Fund. Increased staffing will decrease caseload ratios. Staffing is projected to increase from 32 to 48 in January 2001 and is expected to reach 90 by the end of 2002.

Recommendation #2: Relocate the Family Support Division to a location that will accommodate the anticipated new staff.

Response: The recommendation has not been implemented but will be implemented by the end of FY 2000/01. The County has been actively working on the relocation project since the Family Support restructuring was enacted. In the next several months, it is expected that a new, larger facility will be leased and remodeled to accommodate the new staff.

Recommendation #3: Ensure that the telephone system at the new location has the capability for voice mail and other features to improve communication and response time.

Response: The recommendation has not been implemented but will be implemented in the future. The new facility will include provision for voice and data technology. In fact, the new Department of Child Support Services will be linked to other county departments via a state-of-the-art fiberoptic system that has been in the planning stages for over two years. The fiber link is scheduled to be completed in January 2001.

Human Services/Children's Protective Services Overview

Findings #1: Communication between management, supervisors and caseworkers is poor which contributes to low morale and a sense that their concerns are not addressed.

Response: The Board of Supervisors agrees that communication problems have existed in Children's Protective Services. Since the time of the Grand Jury's investigation, organizational and management changes have increased communication in this division. The Board will continue to monitor the communication and morale issues in CPS through the Director of Health and Human Services.

Findings #2: There appears to be no policy, procedure or guideline for the handling of complaints and grievances within the department.

Response: The Board of Supervisors disagrees with this finding. The County's personnel rules (Yuba County Ordinance Code Chapter 3.10.100) dictate a specific procedure for handling grievances. Complaints that do not qualify as formal grievances are usually handled by the department. If necessary, they can be referred to the Personnel Director, the County Administrator or the Board of Supervisors. The Director of Health and Human Services has indicated that the department does in fact have a protocol for handling complaints. The senior manager and the department head evaluate the complaint and then decide upon the process to use to investigate the matter, depending upon the nature of the complaint. Assistance may be sought from the Personnel Director and County Counsel.

Findings #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.

Response: The Board of Supervisors disagrees with this finding. There is no evidence to support the conclusion that a "trial and error" method is used in training Yuba County CPS workers. The department head has indicated that CPS workers receive a specific staff development training

Response: This recommendation has been implemented. As indicated by the Director of Health and Human Services, management changes in CPS have been implemented with the objective of creating a more communicative, trusting working environment. It is the Board's expectation that the department head will ensure that communication is optimized and that management is responsive to staff concerns.

Probation Department/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.

Response: The Board of Supervisors agrees with this finding.

Findings #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 14th Street. The wall interiors are exposed due to age and moisture which provides harborage for vermin and rodents.

Response: The Board of Supervisors agrees with this finding, having concluded several years ago that a new kitchen facility was needed. The juvenile boot camp, which will be under construction at the North Annex imminently, will include a new kitchen and dining area, a secure housing unit, recreational facilities, and classrooms. The boot camp project, including the new kitchen facility, has been in the planning phase for approximately three years, although the Grand Jury Final Report makes no mention of it. The entire project, including the new kitchen, is expected to be completed by July 2001.

Recommendation: A new kitchen needs to be constructed as soon as possible.

Response: The recommendation has not been implemented but will be implemented by July, 2001. See response to Finding #2.

Public Works/Road Department

Recommendation #1: Restore the \$5 million to the road fund. This should be billed to the racetrack developer if possible.

Response: The recommendation will not be implemented because it is based upon faulty assumptions and is not warranted. In making this recommendation, the Grand Jury shows a lack of understanding of this issue. In July 1999, the Board of Supervisors conceptually approved a financing plan for the Plumas-Arboga Interchange at Highway 70, which included a County contribution of \$3,992,000 (\$3,304,000 in STIP funds and \$688,00 in STP/TEA 21 funds). The interchange will serve the Plumas Lake Specific Plan residential area (in which 11,000 homes and various commercial areas will be developed), the County's industrial zone, the Sacramento Valley Amphitheater, and the Yuba County Motorplex. Had the funds not been allocated for the interchange project, the project would not have been approved for construction by CalTrans,

program of 160 hours, a 40-hour P.O.S.T. basic training program, the UC Davis 160-hour core training program, a 40-hour Child Welfare Services Case Management System training program, a 16-hour UC Davis Emergency response protocol training, and a 16-hour UC Davis Risk Assessment training. In addition, the department provides ongoing training and one-on-one supervisory training.

Findings #4: Caseloads exceed state recommended levels resulting in excessive overtime for extended periods.

Response: The Board of Supervisors disagrees with this finding. According to departmental statistics, the caseload only exceeded State standards in one area. The Emergency Response Workers had an average of 15.8 referrals per worker compared to a State standard of 15 referrals per worker. This is not viewed as significant. Also, the Grand Jury cited 544 children for each Permanent Placement Worker. The actual number was 54. It is difficult to address the overtime issue raised by the Grand Jury as “excessive overtime” is neither defined nor quantified in any way.

Recommendation #1: Ensure that management and supervisory positions are staffed by personnel with the necessary academic and experience qualifications.

Response: The recommendation has been implemented. Ever since the County adopted a merit system many years ago, employees have had to meet the minimum educational and experience requirements for each classification. The Risk Management/Personnel Department is responsible for maintaining accurate classification specifications and is subject to monitoring and periodic audits by the State Merit System.

Recommendation #2: Provide supervised field training for new social workers.

Response: The recommendation has been implemented. The department began to provide a formal field training program for new social workers eighteen months ago.

Recommendation #3: Make every effort to promptly fill all vacant positions with qualified personnel.

Response: This recommendation has been implemented. The Health and Human Services Department and the Risk Management/Personnel Department have aggressively conducted recruitment and selection processes for new CPS staff. Recruitments are conducted on an ongoing basis, with frequent outreach efforts. A new streamlined hiring process has enabled the department to interview applicants within two weeks. New staff are often hired at advanced salary steps if they have sufficient training and experience.

Recommendation #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.

SACOG and the California Transportation Commission. The funds could have been used for local road projects or to augment State funds for highway projects, however, the Board recognized the dramatic economic development impact that the Plumas-Arboga Interchange would have on the future development of Yuba County and allocated its discretionary state and federal transportation funds accordingly. In fact, at the Board meeting in which this decision was made, members of the public expressed support for using the funding in this manner. It should be noted that the Motorplex has already committed to contribute \$8,835,000 to the interchange project and may increase the contribution. As future development occurs in the Plumas Lake Specific Plan, development impact fees collected will be made available for County road projects.

Recommendation #2: Increase funding for road repair by using a percentage of car registration fees.

Response: The recommendation will not be implemented because it is based upon faulty assumptions and is not warranted. It is assumed that the reference to "car registration fees" is a reference to the motor vehicle in-lieu fees received by the County from the State. This is essentially a property tax on vehicles. This vehicle property tax is need to maintain current County services such as law enforcement, library services, animal control, agricultural commissioner, among others. Limiting the use of these funds for roads would cause compensatory reductions in other County services. The Board has expressed many times the desire to provide General Fund support to roads, but the County's current financial condition is not sufficiently healthy to allow that to take place. The Board of Supervisors has invested heavily in economic development (with gratifying results) so that the County's economic and financial future will be improved, thereby allowing greater future funding for all its citizens' needs, including roads.

Recommendation #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.

Response: The recommendation has not been implemented but will be implemented in the near future. The Board of Supervisors is in the process of filling the Public Works Director position. The desirable characteristics identified by the Grand Jury are sought in all department heads. The Board has enclosed a letter dated February 24, 2000, from the Loma Rica road crew that contains comments about the former director's leadership. Also, the Board has enclosed a letter from Jim Burcham, the former director.

Recommendation #7: Increase field personnel.

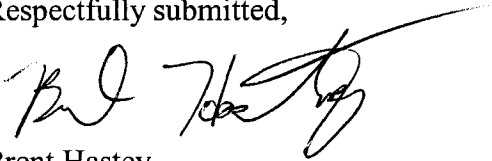
Response: The recommendation will not be implemented because it is not warranted by the revenue currently available. The Board of Supervisors will consider requests by the Public Works Director to increase staffing as funds become available and projects dictate. Increased staffing cannot be accommodated within the existing budget.

Recommendation #9: Supervisors should take a more pro-active role in monitoring this department.

Response: The recommendation will not be implemented because it is not specific enough to be evaluated or implemented. The Board of Supervisors currently monitors the activities of the department through the Public Works Director. The Public Works Director has been evaluated by the Board on an annual basis. The evaluation includes an analysis of past performance, an articulation of future goals, and suggestions for improvement in performance. The County Administrator assists the Public Works Director in areas requiring specific attention and/or interdepartmental coordination and keeps the Board informed in such matters.

The Board extends its thanks to the members of the 1999/2000 Grand Jury for their contribution of time, talent, and interest in fostering more effective, efficient local government. Thank you for the opportunity to comment.

Respectfully submitted,

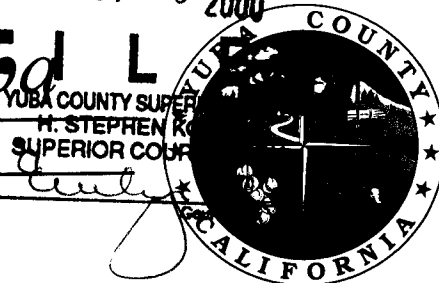
A handwritten signature in black ink, appearing to read "Brent Hastey", with a long, sweeping horizontal line extending to the right.

Brent Hastey
Chairman

OCT 05 2000

The County of Yuba

HUMAN SERVICES AGENCY



Mike Noda, Director

(530) 749-6272 • FAX (530) 749-6281

RECEIVED
 6000 Lindhurst Ave., Ste. 504
 Marysville, CA 95901

SEP 14 2000

September 14, 2000

To: Jan Christofferson, County Administrative Officer

From: Mike Noda, Director Human Services Agency *Mike Noda*

Subject: 1999 Grand Jury Report Human Services Agency Responses

ADMINISTRATION

There are two areas that our Agency underwent Grand Jury review this year, both in the Children's Protective Services program. One was a general overview of the CPS program and the other dealt with a specific complaint and subsequent CPS investigation. My response to the findings and recommendations follow.

I. Yuba County Human Services Children's Protective Service Overview.

Findings:

1. *Communication between management, supervisors and caseworkers is poor which contributes to low morale and a sense that their concerns are not addressed.*

Response:

At the time of the Grand Jury investigation, poor communication and morale within the division was an issue.

Within the past two years the Children's Protective Services program has had four different program managers over the division. The program manager position is the key management position for the program. It is this position which takes direct responsibility for management of the program and the staff. This manager is responsible for implementing program policy, meeting federal and state laws and regulations, and developing a working environment which has a strong sense of unity and teamwork amongst the staff. The manager is also responsible for strategic planning for the program, establishing objectives and goals and meeting performance outcome measures.

The Grand Jury investigation began in January 2000 and continued through April 2000. During this same period the Juvenile Court addressed our CPS program for late court reports and late orders for psychotropic medications. Additionally, on January 24, 2000, an abrupt change was made with the program manager position in CPS. At this same time the staffing levels were such that we were down nine social workers. All of these factors multiplied the stressors on the Children's Protective Services staff and adversely affected morale in the program. The staff were especially sensitive to rumor and speculation due to the recent set of events mentioned above coupled with many uncertainties which always follow a change in leadership.

☐ SOCIAL SERVICES DIVISION

ELIGIBILITY
 CHILDREN'S SERVICES
 EMPLOYMENT SERVICES
 FRAUD INVESTIGATIONS
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☐ COMMUNITY HEALTH SERVICES DIVISION

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☐ ADMINISTRATION/FINANCE DIVISION

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It was in the middle of these events and uncertainties that the Grand Jury investigation took place adding additional anxiety to staff.

Due to the many turnovers in recent years in the Program Manager position, staff had not had an opportunity to develop the comfort level necessary to utilize the chain of communication which links manager to supervisor to line staff. This comfort level occurs only after time and trust is developed between manager, supervisor and line staff. It is understandable that the abrupt change would not create **an immediate change** in communication and morale. Additionally, the change in program manager created a situation in which future progress on changes *had to be temporarily delayed* as the new manager had to be given some amount of time to “get up to speed” about the pending issues in the division. It is understandable that even temporary delays can create concerns from staff about how their issues will be addressed.

2. *There appears to be no policy, procedure or guideline for the handling of complaints and grievances with the department.*

Response:

The Agency partially disagrees with this finding. The Agency agrees that there is no written policy or procedure for handling complaints in the Agency. There is a written Risk Management Personnel county grievance procedure that is personnel policy for all county employees.

Despite the absence of a written policy and procedure for complaints, we do have a protocol for addressing these investigations. The protocol is that the senior manager and the Director evaluates the complaint and decides on the process to use to investigate the matter. The evaluation of the complaint is necessary to determine who and what protocol will be used in the investigation. For example, if a complaint were of a criminal nature then an assignment/request for an investigation would be made to law enforcement. If the complaint were an Agency policy issue, then an assignment/request for an investigation would be made to the appropriate division. If it were a county personnel policy issue, then a meeting with county personnel would be made to determine which county department would be the appropriate one to address it.

Our Agency surveyed eleven surrounding counties and found that none of them had written procedures or policies handling internal investigations. Nonetheless, we have since developed a written policy and procedure for handling these investigations.

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.*

Response:

The Agency disagrees with this finding. The “trial and error” method of training is not used in our Agency. Training specific to Children’s Protective Services consists of our own staff development induction training program of 160 hours, the P.O.S.T. (Peace Officers Standards Training) basic requirements 40 hour program, the core CPS training program of 160 hours provided by U.C. Davis, and computer training on the Child

Welfare Services Case Management system of 40 hours. Additionally staff attends a 16-hour U.C. Davis Emergency Response protocol training and a 16-hour U.C. Davis Risk Assessment training. One-on-one supervisory training of staff also augments this training. The training that staff in CPS requires is extensive and broad, from investigation techniques to court filing procedures to social work best practices. The total time invested in just the basic, induction training described above for a new CPS social worker is approximately 3 months. One-on-one supervisory training of staff also augments this training once the social worker is assigned their unit. Continuing training is an ongoing requirement.

4. *Caseloads exceed state recommended levels resulting in excessive overtime for extended periods.*

Response:

The Grand Jury reported caseloads as follows: 15.8 referrals for each Emergency Response Worker, 27 children for each Family Reunification Worker, 35 children for each Family Maintenance Worker, and 544 children for each Permanent Placement Worker. Below are the State standards for workload in the different components of Children's Services:

- 15 referrals for each Emergency Response Worker,
- 27 children for each Family Reunification Worker,
- 35 children for each Family Maintenance Worker, and
- 54 children for each Permanent Placement Worker.

The Grand Jury reported 544 children for each Permanent Placement Worker, this number is incorrect. At the time of the Grand Jury review it was 54 children for each Permanent Placement Worker.

Recommendations.

1. *Ensure that management and supervisorial positions are staffed by personnel with the necessary academic and experience qualifications.*

Response:

The recommendation has been in effect as our Risk Management Personnel Department processes all recruitments for vacant and /or new positions in our Agency. All managers and supervisors meet the minimum qualifications for the job specifications. These minimum qualifications of education, experience, knowledge, skills, and abilities are established and approved by our Risk Management Personnel Department. All supervisors and managers in Children's Protective Services meet the job qualifications for their positions.

2. *Provide supervised field training for new social workers.*

Response:

This recommendation has been in effect since we started our formalized induction training program eighteen months ago. Supervised field training is provided new social workers in their training program.

3. *Make every effort to promptly fill all vacant positions with qualified personnel.*

Response:

This recommendation has been in effect. Our Agency continuously works with our Risk Management Personnel Department in aggressive recruiting and hiring of staff in Children's Protective Services. In the past two years Risk Management staff and our agency staff have, in a collaborated effort, implemented new creative ideas to both attract and hire staff. We have ongoing open recruitment occurring for Social Worker positions in CPS. Risk Management Personnel has developed a streamlined hiring process, which enables us to interview candidates within two weeks. Additionally, our Board of Supervisors, as part of the collaborative effort to decrease our vacancy rate, has approved the hiring of new staff at the B or C step level if they meet the requirements.

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:

This recommendation has been implemented. In the last two years, Children Services has had four changes in the program manager position. With each new program manager, the expectation is present that they are to create and build a working environment which promotes open communication and the level of trust which is necessary to have effective open communication among all levels of staff. This is not a process, which can be accomplished within a few short months. Trust, by its very nature, requires time. In the six months of the new program manager being assigned we have seen staff communication begin to improve. Our senior manager also is very aware of the necessity to build on this positive beginning and will continue to work with the program manager and staff in supportive efforts towards the successful completion of this expectation.

II. Yuba Human Services Children's Protective Services Special Investigation.

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.*

Response:

The Agency is in agreement with the finding.

2. *The department and a contract psychologist used poor judgement in the manner in which they changed a recommendation from offering services to denial of services in a certain report.*

Response:

The Agency partially disagrees with the finding. The Agency agrees we did not follow our procedural practice of utilizing an addendum to address new information in this particular case. The judgement to change the recommendation concerning services which was due to the new information received from the service provider was appropriate and within the federal and state laws and regulations.

II. Yuba Human Services Children's Protective Services Special Investigation.

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.

Response:

The Agency is in agreement with the finding.

2. The department and a contract psychologist used poor judgement in the manner in which they changed a recommendation from offering services to denial of services in a certain report.

Response:

The Agency is in agreement with the finding.

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.

Response:

The Agency partially disagrees with the finding.

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.

Response:

The Agency disagrees with the finding.

Recommendations:

1. Establish guidelines for the investigation of complaints.

Response:

The recommendation has not been implemented but will be implemented in the future. This procedure for internal investigations is in the review process and is scheduled to be approved and implemented by November 1, 2000.

2. Document investigations and when appropriate, notify affected staff of the results.

Response:

The recommendation has not been implemented but will be implemented in the future. This procedure for internal investigations is in the review process and is scheduled to be approved and implemented by November 1, 2000.

3. Establish a policy requiring any changes to final written reports to be done by the use of an addendum to the report.

Response:

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.*

Response:

The Agency partially disagrees with the finding. Formal written documentation of this investigation did not occur but the conclusions of the investigation were shared with the appropriate staff. Part of this investigation involved personnel matters in which the outcome is not appropriate to share with all staff. The outcome of the investigation was shared, to the extent possible, with the 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.*

Response:

The Agency disagrees with the finding. The Director, Deputy Director, and Program Manager dealt with this complaint all within one week. Specific details of the investigation were not made available to the reporting party because of confidentiality. The outcome and finding of the investigation was discussed with the reporting party.

It should be noted that the incident that was investigated actually occurred three weeks prior to it being reported to the Director and the report was made one day after an abrupt change in program managers for CPS was announced. Staff was unsettled with the change in leadership and every incident became an issue for staff to generate rumors and speculation over.

Recommendations:

1. *Establish guidelines for the investigation of complaints.*

Response:

The recommendation has not been implemented but will be implemented in the future. This procedure for internal investigations is in the review process and is scheduled to be approved and implemented by November 1, 2000.

2. *Document investigations and when appropriate, notify affected staff of the results.*

Response:

The recommendation has not been implemented but will be implemented in the future. This procedure for internal investigations is in the review process and is scheduled to be approved and implemented by November 1, 2000.

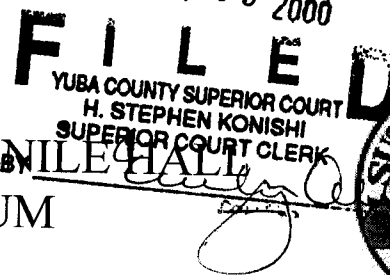
3. *Establish a policy requiring any changes to final written reports to be done by the use of an addendum to the report.*

Response:

The recommendation has been implemented. It is the agency practice when we receive additional or new information from a services provider that we request a new revised report and submit it as an addendum to all concerned parties.



YUBA - SUTTER JUVENILE HALL
MEMORANDUM



RECEIVED

AUG 9 2000

ADMINISTRATION

TO: Jan Christofferson, County Administrator

FROM: Steve Roper, Chief Probation Officer

SUBJECT: **RESPONSE TO 1999/2000 GRAND JURY REPORT**

DATE: August 8, 2000

RECOMMENDATION 1. A new kitchen needs to be constructed as soon as possible.

AGREE

A new kitchen facility is incorporated into the design of the Boot Camp and Security Housing Unit construction projects. These projects are currently out to bid for design/ build contractors. The new kitchen facility will be state of the art. Some utilization of existing equipment has been incorporated into the design. The new facility will feature an adjacent dining hall which will facilitate serving the resident population in a timely and sanitary manner. The anticipated completion date for the kitchen/dining room is July 2001.

The recommendation has been implemented. It is the agency practice when we receive additional or new information from a services provider that we request a new revised report and submit it as an addendum to all concerned parties.

RECEIVED

JUL 19 2000

County of Yuba

ADMINISTRATION

Memorandum

Department of Public Works

938 14th Street
Marysville, Ca 95901

Telephone (530) 741-6421
Fax (530) 741-6569

July 18, 2000

OCT 05 2000

FILED
YUBA COUNTY SUPERIOR COURT
H. STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Clerk

To: Jan Christofferson County Administrator
From: Jack Warren, Interim Director of Public Works *gw*
Subject: Grand Jury Report

The 1999/2000 Grand Jury report contains a list of 11 findings and 9 recommendations regarding the Yuba County Public Works Department and requests a response from the Public Works Director on recommendations number 3, 4, 6, 7 and 8. My response is provided herewith:

Recommendation No. 3: "All county roads should be surveyed as to condition and a road repair priority schedule, including cost should be prepared."

Response: I have found that Jim Burcham and his staff did perform a survey of all county roads and classified them into various categories and did a cost analysis to determine what it would take to bring all the roads up to a good condition. Jim also prioritized a number of the more important roads, but he did not have a specific timetable. A copy of some of this work is attached.

Recommendation No. 4: "Maintain accurate records that show when and what repairs and maintenance were made to roads."

Response: The road crews keep track of all the work they do on their daily time sheets and this information can be summarized and put into report form if and when needed.

Recommendation No. 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."

Response: I have not found a written document regarding goals and priorities to address the issues mentioned, but I believe it would be worthwhile to implement this recommendation. There have been staff discussions on short term and long term plans and this is being developed now.

Recommendation No. 7: “Increase field personnel.”

Response: The road crews are so small now that they are close to being ineffective. The two crews often combine resources in order to get their work done. The problem with adding personnel is one of lack of money. Hopefully this will change in the future.

Recommendation No. 8: “Increase the use of the new micro overlay method in place of the traditional pothole patching.”

Response: We are doing more micro paving and hope to expand this program where conditions are right and funds are available. However it is not a substitute for patching potholes and this still has to be done. We hope that there will be fewer to deal with. We are watching the micro paving closely to see how it holds up over time and traffic. We are also going to do the more traditional chip seal in some areas this year within the limits of available resources.

The Loma Rica Road Crew also prepared a response of their own to the Grand Jury Report and asked that it become part of the official record. It is attached herewith.

October 27, 1998

To: Yuba County Board of Supervisors
From: Jim Burcham, Director of Public Works
Subject: Road Improvement Plan

Recommendation:

Consider the following road improvement plan for Yuba County. Approve the proposed plan or provide direction for an modified plan.

Background:

The new federal highway act, called TEA-21, will return federal gas tax receipts to our county for improvements to our streets and roads.

In addition, under SB 45, funds from the 1998 State Transportation Improvement Program (STIP) may be used for improvements to county roads, subject to approval by SACOG and the California Transportation Commission (CTC).

Other funding available for roads, including state gas tax, sales tax, timber receipts and other revenues are budgeted to pay for

daily road maintenance activities.

Discussion:

The cost of needed road improvements on county system far exceeds available revenues. The cost may be as high as \$61,000,000, according to a rough analysis. The funding available for road surface improvements under TEA-21 is estimated to be \$2,000,000 over the next six years and the funding set aside for future projects in the STIP amounts to about \$1,200,000.

Given these constraints, I developed a network of key county roads that are most important to our transportation system and a corresponding cost of the needed improvements. This road network is shown on attachment 1 and consists of 118 miles, or 20% of the total county road system. The condition of this 118 mile network can be described as follows:

- 24% needs no improvement.

- 8% needs minor foundation repairs plus a thin overlay or seal coat.

- 53% needs major foundation repairs plus an overlay.

- 15% needs complete reconstruction.

The total estimated cost for these improvements is \$15,320,000
The estimated revenue available from TEA-21 and the STIP is \$3,200,000 or about 21% of the need.

Road improvement plan

1. Feather River Blvd -----Total cost = \$1,740,000

Segment 1

North Beale Road to Grand Ave.

Cat. I No improvements

Length = 1.5 mile

Cost = \$0

Segment 2

Grand Ave. to Country Club

Cat. IIIa 25% base failures

Length = 5.0 miles

Cost - \$180,000 per mile x 5 miles = \$900,000

Segment 3.

Country Club to SR 70 @ Bear River

Catagory IIIb 10% base failures

Length = 6.0 miles

Cost = \$140,000 per mile x 6 miles = \$840,000

2. Willow Glen Road -----Total Cost = \$1,140,000

Segment 1

Marysville Road, north for 3 miles

Cat. IIIb, 10% base failures

Length = 3 miles

Cost = \$140,000 per mile x 3 miles = \$420,000

Segment 2

3 miles north of Marysville Road to Frenchtown Road

Cat. IIIa, 25% base failures

Length = 4 miles

Cost = \$180,000 x 4 miles = \$720,000

Segment 3

Frenchtown Road to LaPorte Road

Cat I, no improvements

Length = 0.6 mile

Cost = 0

3. Loma Rica Road-----Total Cost = \$1,280,000

Segment 1

SR 20 to Iowa City Road

Cat. IIIB, 10% base failures

Length = 5.6 miles

Cost = \$140,000 per mile x 5.6 miles = \$780,000

Segment 2

Iowa City Road to Smith Road

Cat. IIIA, 25% base failures

Length = 2.8 miles

Cost = \$180,000 per mile x 2.8 miles = \$500,000

Segment 3

Smith Road to Fruitland Road

Cat. I, no improvements

Length = 0.6 mile

Cost = \$0

4. Marysville Road -----Total cost = \$1,440,000

Segment 1

SR 20 to Bald Mtn.

Cat. II Open graded overlay

Length = 2.8 mile

Cost = \$50,000 per mile x 2.8 mile = \$150,000

Segment 2

Bald Mountain to Collins Lake

Cat. I, no improvements

Length = 6.9 mi.

Cost = 0

Segment 3

Collins Lake to Willow Glen

Cat IIIB, 10% base failures

Length = 1.5 mile

Cost = \$140,000 per mile x 1.5 mile = \$210,000

Segment 4

Willow Glen to 2.2 miles east of Merriam

Cat. I, no improvements

Length = 9.8

Cost = 0

Segment 5

2.2 mi. E of Merriam to Oregon Hill Rd.

Cat IIIa 25% base failures

Length = 1.3 mi

Cost = 1.3 mi x \$180,000 per mile = \$240,000

Segment 6

Oregon Hill Road to Bullards Bar Dam

Cat IIIb 10% base failures

Length = 2.2 mile

Cost = 2.2 mile x \$140,000 per mile = \$310,000

Segment 7

Bullards Bar Dam to SR 49

Cat II/IIIb

Length = 5.6 mile

Cost = 5.6 mi (\$140,000 + 50,000)1/2 = \$530,000

5. Simpson Lane -----Total Cost = \$90,000

Segment 1

Marysville to Hammonton Smartville Road

Cat. II Open graded

Length = 1.9 mile

Cost = 1.9 mile x \$50,000 per mile = \$90,000

6. North Beale Road -----Total Cost = \$630,000

Segment 1

SR 70 Caltrans (2 lanes)

Cat II Thin overlay

Length = 0.3 mile

Cost = \$50,000 per mile x 0.3 mile = \$15,000

Segment 2

Caltrans to Park (5 lanes + shoulders)

Cat II Thin overlay

Length = 1.1 mile

Cost = \$50,000 per mile x 1.1 mile x 3 = \$165,000

Segment 3

Park to Linda (5 lanes + shoulders)

Cat I No improvements

Length = 0.9 mile

Cost = 0

Segment 4

Linda to Alberta (5 lanes)

Cat IV Reconstruct

Length = 0.5 mile

Cost = \$240,000 per mile x 2.5 x 0.5 mile =
\$300,000

Segment 5

Alberta to Griffith (3 lanes)

Cat IIIa 25% base failures

Length 0.5 mile

Cost = \$180,000 per mile x 1.5 x 0.5 = \$140,000

Segment 6

Griffith to Beale Air Force Base

Cat I No improvements

Length 4.5 mile

Cost 0

7. LaPorte Road -----Total Cost = \$4,590,000

Segment 1

Rackerby to Bot. of Hansonville Hill

Cat IIIa 25% base failures

Length = 2.4 mile

Cost = 2.4 mile x \$180,000 per mile = \$430,000

Segment 2

Hansonville Hill

Cat IV reconstruct

Length = 0.9 mile

Cost = 0.9 mile x \$240,000 + 300,000 (for widening)
= \$520,000

Segment 3

Top of Hansonville Hill to Bike Lane

Cat IIIa 25% base failures

Length = 0.5 mile

Cost = 0.5 mile x \$180,000 = \$90,000

Segment 4

Bike Lane

Cat I no improvements

Length = 0.4 mile

Cost = 0

Segment 5

Willow Glen to Challenge Cutoff

Cat IIIa 25% base failures

Length = 2.8 mile
Cost = 180,000/mile x 2.8 mile = \$500,000

Segment 6

Challenge Cutoff to Oregon Hill
Cat IIIa 25% base failures
Length = 1.6 mile
Cost = 180,000/mile x 1.6 mile = 290,000

Segment 7

Oregon Hill to Butte/Yuba Co Line (upper)
Cat IIIa/IV
Length 6.6 mile
Cost (\$180,000+\$240,000)1/2 per mile x 6.6 mile =
\$210,000 per mile x 6.6 = \$1,390,000

Segment 8

Butte/Yuba Co. line to Plumas line
Cat IIIa/IV
Length 6.5 mile
Cost \$210,000 per mile x 6.5 mile = \$1,370,000

8. Ramirez Road-----Total Cost = \$340,000

Segment 1

SR70 to end of new pavement
Cat I
Length 0.6 mile
Cost \$0

Segment 2

End of new pavement to Mathews Lane
Cat IIb 10% base failures
Length 2.4 mile
Cost \$140,000 per mile x 2.4 mile = \$340,000

9. Erle Road-----Total Cost = \$40,000

Segment 1

Arboga Road to RR crossing
Cat II Thin overlay or seal coat
Length 0.4 mile x 4 lanes
Cost \$50,000 per mile x .4 mile x 2 = \$40,000

10. Mathews Lane-----Total Cost = \$670,000

Segment 1
Ramirez to Woodruff
Cat IIIa/IV 25% base failures/reconstruct
Length = 3.2 mile (exclude .3 mile new pvmt.)
Cost = $(\$180,000 + \$240,000) / 2$ per mile \times 3.2 mile =
\$670,000

11. Arboga Road -----Total Cost = \$150,000

Segment 1
Erle Road to Sky Harbor
Cat IIIb 10% base failures
Length = 1.1 mile
Cost $\$140,000 \times 1.1$ mile = \$150,000

Segment 2
Sky Harbor to McGowan
Cat I (HUD project)
Length = 1.4 mile
Cost = 0

12. Woodruff Lane -----Total Cost = \$380,000

Segment 1
SR 20 to Mathews Lane
Cat. IV Reconstruct
Length = 1.6 mile
Cost = $\$240,000$ per mile \times 1.6 mile = \$380,000

13. Hammonton Smartville Road-----Total Cost = \$2,690,000

Segment 1
North Beale Road to Simpson Lane
Cat. II Thin overlay
Length = 0.5 mile
Cost = $\$50,000$ per mile \times 0.5 mile = \$30,000

Segment 2
Simpson Lane to Brophy
Cat IIIb 10% base failures
Length = 3.9 mile
Cost = $\$140,000 \times 3.9$ mile = \$550,000

Segment 3
Brophy through new pavement
Cat I no improvements
Length = 0.6 mile
Cost = 0

Segment 4

From end of new pavement to Doolittle Gate
Cat IV Reconstruct
Length = 2.0 mile
Cost = \$240,000 per mile x 2.0 mile = \$\$480,000

Segment 5
Doolittle Gate to Corral
Cat IV Reconstruct
Length = 5.0 mile
Cost = \$240,000 per mile x 5.0 mile = \$1,200,000

Segment 6
Corral to Smartville Road
Cat IIIb 10% base failures
Length = 3.1 mile
Cost = \$140,000 x 3.1 mile = \$430,000

14. Smartville Road-----Total Cost = \$140,000

Segment 1
Hammonton Smartville to SR 20
Cat. IIIb 10% base failures
Length = 1.0 mile
Cost = \$140,000 x 1.0 mile = \$140,000

15. Spenceville Road-----Total Cost = \$760,000

Segment 1
End of new pavement to Camp Far West Road
Cat. IIIa/IV, 25% base failures/reconstruction
Length = 3.6 miles
Cost = (\$180,000 + \$240,000)/2 per mile x 3.6 mile
= \$760,000

16. McGowan Parkway-----Total Cost = \$580,000

Segment 1
Arboga Road to UP RR
Cat. IV Reconstruct
Length = 0.4 mile
Cost = \$240,000 per mile x 0.4 mile = \$90,000

Segment 2
UP RR to SR 70
Cat. IIIb
Length = 0.6 mile 3 lanes = shoulder == 4 lanes
Cost = \$140,000 per mile x 2 x 0.6 mile = \$170,000

Segment 3
SR 70 to SR 65
Cat. IIIa/IV 25% base failures /reconstruct

Length = 1 mile 3 lanes wide
Cost = \$210,000 x 1.5 x 1 mile = \$320,000

17. Olivehurst Avenue-----Total Cost = \$0

Segment 1
SR 70 to Seventh Avenue
Cat I
Length 0.5 mile
Cost = \$0

18. Seventh Avenue -----Total Cost = \$70,000

Segment I
Olivehurst Avenue to Arboga Road
Cat. IIIb
Length = 0.5 mile
Cost = 0.5 mile x \$140,000/mile = \$70,000

19. Forty Mile -----Total Cost = \$410,000

Segment 1
SR 65 to Plumas Arboga
Cat I
Length = 2.5 mile
Cost = \$0
Segment 2
Plumas Arboga to Wheatland Road
Cat IIIb
Length = 2.9 mile
Cost = \$140,000 per mile x 2.9 mile = \$410,000

20. Plumas Arboga

Segment 1
SR 70 to Forty Mile Road
Cat I
Length = 1.8 mile
Cost = \$0

21. Lindhurst Ave -----Total Cost = \$140,000

Segment 1
North Beale Road to Hammonton West
Cat. II Thin overlay or seal coat
Length = 0.3 mile - 6 lanes
Cost = \$50,000/mile x 0.3 mile x 3 = \$50,000

Segment 2
Hammonton West to Erle Road
Cat II Thin overlay or seal coat
Length = 0.7 mile

Cost = \$50,000 per mile x 0.7 mile = \$40,000

Segment 3

Erle Road to SR 70

Cat II Thin overlay or seal coat

Length = 0.9 mile

Cost = \$50,000 x 0.9 mile = \$50,000

Summary:

Road Name	Distance	Cost of Improvements	Proposed Amount to be Funded
Feather River Blvd.	12.5 miles	\$1,740,000	\$
Forty Mile Road	5.4 miles	\$ 410,000*	\$ 0
Plumas Arboga Road	1.8 miles	\$ 0*	\$ 0
Spenceville Road	5.1 miles	\$ 760,000*	
McGowan Parkway	2.0 miles	\$ 580,000	
Arboga Road	2.5 miles	\$ 150,000*	

Seventh Avenue	0.5 miles	\$ 70,000*	\$	0
Olivehurst Avenue	0.5 miles	\$ 0*	\$	0
Lindhurst Avenue	1.9 miles	\$ 140,000		
Erle Road	0.4 miles	\$ 40,000		
North Beale Road	7.8 miles	\$ 630,000		
Hammonton Smtvl. Rd.	15.1 miles	\$2,690,000		
Simpson Lane	1.9 miles	\$ 90,000	\$	0
Smartville Road	1.0 mile	\$ 140,000		
Ramirez Road	3.0 miles	\$ 340,000	\$	0
Mathews Lane	3.2 miles	\$ 670,000	\$	0
Woodruff Lane	1.6 miles	\$ 380,000		
Loma Rica Road	9.0 miles	\$1,280,000		
Marysville Road	30.1 miles	\$1,440,000*	\$	0
Willow Glen Road	7.6 miles	\$1,140,000		
LaPorte Road	21.7 miles	\$4,590,000		
Total	164.7	\$17,280,000		

* The cost of projects that are funded from other sources are not included in these figures.

County of Yuba

Memorandum

Department of Public Works

938 14th Street
Marysville, Ca 95901

Telephone (530) 741-6421
Fax (530) 741-6569

July 17, 2000

To: Jack Warren
From: Loma Rica Crew
Subject: Grand Jury Report

After reading the report in the newspaper on the Grand Jury Report, the crew as a whole feels that it is necessary for us to put it on record that we do not agree with the report. Although some of the people from the other crews feel that the report was accurate, we feel that it was unfair to lump all of the crews into one melting pot. Up here in the hills, we do not feel that we are isolated. Since we have established our working team, we feel that we have a good communication base with your office staff, and when we feel that there is a problem we address the problem with the team as a whole in our weekly meetings and try to come up with a solution.

We, in Loma Rica, have worked very hard at trying to learn the latest methods of accomplishing our job in a competent and efficient manner. We know that the budget restraints makes it very hard on us to keep the roads in working conditions. However, by trying to come up with new and more efficient ways of getting the job done we feel that we have been able to do as well as we could with the limited personnel and resources at our disposal.

It was the Loma Rica crew that came up with the Micro-paving projects in the first place and have been able to do quite a few of these jobs in our area. We continue with these projects as we write this letter and feel that this is the most productive way to spend our time and to get the most from our money. Although the Grand Jury mentions this in their report, they fail to recognize that we were in the process of Micro-Paving long before they did their investigation.

We, in Loma Rica, do not pretend that there is not any areas of our department that could use some improvements, however, by lumping us all together in their report, we feel that there have been some good positive developments in our road department that have been overlooked and neglected in the process of the Grand Jury trying to be critical of the whole department instead of directing their criticisms at a specific area.

One of the most noticeable areas is in the area of public relations. We have worked very hard at establishing good relations with the public by writing articles in the local paper and keeping good contact with the people. Since their report, we have had people coming up on the job and telling us that we do not know what we are doing and then saying they know this because the Grand Jury says so. We feel that this is very unfair to us as it does not reflect in the report where their criticisms are directed. All in all we feel that the report was unfair to us and felt that we must respond to put it on the record.

Respectfully,
Loma Rica Team

750 Lincoln Road #20
Yuba City, CA 95991

July 21, 2000

RECEIVED

JUL 24 2000

ADMINISTRATION

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

Dear Board Members:

The report recently issued by the grand jury includes some negative comments about the public works department that I would like to address. I had a short meeting with a committee of the grand jury in January. There was no follow-up meeting with me.

Contrary to their findings, short term department goals were developed annually and were reviewed by the County Administrator and your board, and were communicated to staff. For example, recent short term goals included:

- The re-construction of Forty Mile Road and Plumas Arboga Road.
- The re-construction of Olivehurst and 7th Avenue.
- The re-construction of Arboga Road.
- The construction of the Olivehurst Interceptor.
- The acquisition of right of way for the Dobbins by-pass.

Long term goals included pavement rehabilitation for those streets and roads in the primary road network, as approved by your board and the construction of the Plumas Arboga freeway interchange.

The grand jury was critical of management's level of involvement in the day to day operations. As indicated in their report, I required that maintenance supervisors deal with the public and carry out routine business without input from management, unless needed. Contrary to the findings, they were guided by numerous regulations, manuals and policies. Maintenance operations are covered by maintenance and traffic manuals and by regulations including those of OSHA, state vehicle code, fish and game regulations, the clean water act, underground utilities law and department procedures and policies. Purchasing is covered by the county purchasing manual, ordinance code and budget. Numerous policies are in place such as, micropaving should only be used on low volume roads with little truck traffic, downed stop sign replacement is a top priority, snow removal priorities, potholes be filled, bi-weekly safety meetings be held, how to handle hazardous materials and frequency of inspection and repair of equipment. Staff meetings were held Wednesdays at 8:00 A.M. to address and resolve issues and to plan upcoming work. Numerous employee complaints were resolved and recommendations for improving efficiency were approved during these meetings. Although there is always room for improvement, I relied upon my maintenance supervisors, who have twenty-five or more years of experience, to use their judgment when permitted.

750 Lincoln Road #20
Yuba City, CA 95991

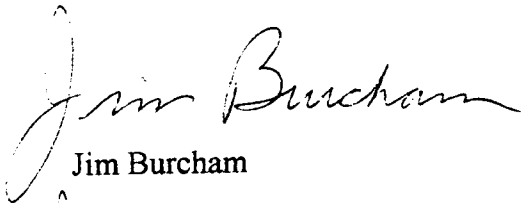
Last year I recommended, and your board approved, a significant salary increase in the engineering classifications designed to retain our engineering staff in a highly competitive market with high turnover. This action caused great distress and resentment among some maintenance supervisors, and probably justifiably so. It appears to me that this unresolved employee complaint is reflected in the grand jury's findings and needs to be addressed if employee satisfaction is to be improved.

Contrary to the grand jury findings, records are kept for road repairs and are accounted for by supervisory district.


Recording of existing road conditions for all paved county roads is included in the computerized pavement management system, but was discontinued a few years ago due to funding cuts, a low benefit to cost ratio and because it was no longer required by federal law. It was replaced by a less rigorous system and should be reinstated when sufficient funds for road improvements become available.

Adequate funds are not available to implement the grand jury's recommendation of thin pavement overlay instead of pothole patching. Both should be continued.

Yours truly,



Jim Burcham



Copy: Jan Christofferson
Jack Warren

2-24-00

To: Jim Burcham

From: Loma Rica Team

Jim,

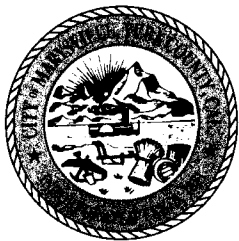
It is with much regret that we find ourselves writing this letter as it means that you will be leaving us as our director.

Since the formation of our team, we feel that we have been given the opportunity to develop and grow without unnecessary interference or restrictions placed upon us. Under these fertile conditions, we feel that we have accomplished many improvements in our operations that have resulted in more efficiency on the job as well as savings to the county. The morale in our yard has jumped astronomically resulting in less sick time being used as well as a much healthier and stimulating work environment. We feel that all of this is due to your excellent leadership and your trust in us to do our best with what we have. Many of us have been here through many other administrators and we unanimously agree that yours has been the most productive and fruitful of any of them. We thank you for that and wish you and your wife all of the luck that you deserve in a long and happy retirement.

Gratefully,

Loma Rica Team

David D. Baker
Ray Culbert
Michael Wright
David Stonecutt
Sp. Snyer
Jim Spangston
Ralph Rose
Jimmy Wrie
David Dailey



CITY OF MARYSVILLE

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

FILED
YUBA COUNTY
SUPERIOR COURT

2000 OCT 18 PM 12:43

H. STEPHEN KONISHI
CLERK OF THE COURT

BY 
COURT CLERK

October 18, 2000

Yuba County Grand Jury
215 Fifth Street
Marysville, CA 95901

Dear Yuba County Grand Jury:

This letter is in response to a recommendation by the 1999/2000 Yuba County Grand Jury regarding the Marysville Fire Department.

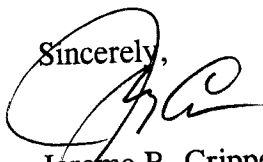
The Grand Jury required the City Administrator and the Marysville City Council to respond to one recommendation. That recommendation was:

"The City Administrator and the 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."

RESPONSE:

The Marysville City Council and the City Administrator thank the 1999/2000 Grand Jury for their interest in the operations of the City of Marysville and their suggestion. The City of Marysville proudly maintains the highest staffed, equipped, and trained fire department in Yuba County. We will continue our efforts and constantly consider those upgrades in the department that are necessary and prudent.

Sincerely,



Jerome B. Crippen
Mayor



Mark J. Siemens
City Administrator