

# YUBA COUNTY

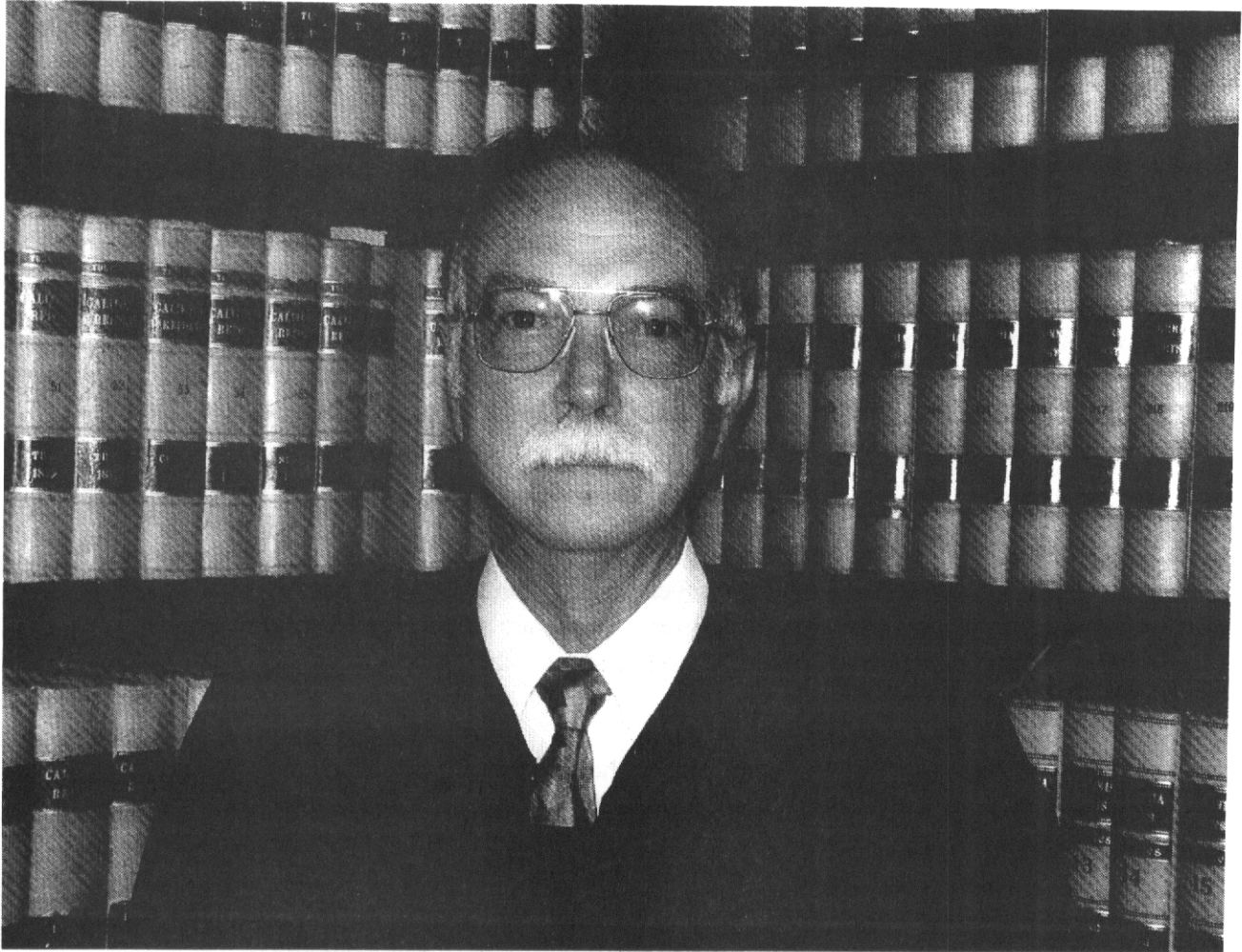


## 2001/2002 GRAND JURY FINAL REPORT

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2001/2002 Yuba County Grand Jury Final Report

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**The Honorable  
JAMES L. CURRY**  
Judge of the Superior Court  
Department 2



# The County of Yuba

## GRAND JURY

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

Dear Judge Curry,

The Yuba County Grand Jury of 2001-2002 was composed of fifteen citizens who worked very hard and devoted considerable personal time to fulfill their responsibilities. The Grand Jury members reviewed and investigated the activities of several governmental entities and also responded to citizen complaints. Enclosed you will find the final Grand Jury Report which includes findings and recommendations, but also includes recognition of entities and departments where the county's business and the interest of county residents is being well served.

Each report is the result of extensive and careful investigation and has been adopted by at least 12 members of the Grand Jury, as required by Penal Code Section 933. The work of the Grand Jury was accomplished by several subcommittees, all of whom had at least two members with several having three or more. Also, any members who might have had even the appearance of a conflict of interest excluded themselves from participation on particular committees.

The 2001-2002 Yuba County Grand Jury wishes to extend particular thanks to Evelyn Allis and her staff for their invaluable assistance and support. We also wish to thank Patrick McGrath, District Attorney, and Daniel Montgomery, County Counsel, who provided assistance, advice and legal expertise on numerous occasions throughout the year. The Grand Jury members appreciate the opportunity to serve with you, and as foreperson, I especially wish to thank you for your guidance and availability.

In conclusion, I would like to thank this year's Grand Jurors for their conscientious effort and commitment. I consider it a privilege to have served with so many individuals who are so concerned about the welfare of their county and the other citizens who reside in it.

Respectfully,

  
Howard C. Coffey  
Foreman

## **2001 - 2002 YUBA COUNTY GRAND JURY**

Mr. Richard Boyd	Browns Valley
Mr. Howard Coffey, Foreman	Browns Valley
Mr. Richard Dahms	Oregon House
Ms. Linda Daniel-Davis, Corresponding Secretary	Marysville
Mr. Bradley Enos	Marysville
Mr. Ken Henrich, Recording Secretary	Marysville
Ms. Sharon Hulett	Marysville
Mr. Charles Johnson	Marysville
Mr. Al Kinney	Marysville
Mr. Michael Mahler	Marysville
Ms. Laura Sanders, Librarian	Marysville
Mr. Frank Scoville	Marysville
Mr. Bob Swift	Browns Valley
Ms. Linda Wise, Foreperson Pro Tem	Marysville
Mr. David Valler	Marysville

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## **CEMETERY DISTRICTS**

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### **FINDINGS**

1. The list of cemetery districts published by the clerk of the board does not agree with the list published by the county auditor records.
  2. The LAFCO (Local Area Formation Commission) charters for cemetery districts were last updated in 1986. Independent Cemetery Districts require periodic review.
  3. Cemetery Districts are funded with local assessments, interest on cash accounts and endowments. The local assessments are taxes that appear on homeowner tax bills.
  4. The County Auditor provides support by holding funds, providing accounting and cashing warrants.
  5. The Keystone District collects nearly enough interest on its general fund to pay operating expenses.
  6. Three active Cemetery Districts advertise meetings in local papers and call interested citizens.
  7. The three boards the Yuba County Grand Jury County Committee was able to contact are well run and invite public participation and volunteers.
  8. The level of service by the three investigated cemetery district boards is excellent.
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### **REASON FOR INVESTIGATION**

This investigation was conducted pursuant to California Penal Code section 925, which states in part "investigations may be conducted on some selective basis each year". Yuba County Cemetery Districts have not been investigated or reported on by the Yuba County Grand Jury for at least twelve years.

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### **BACKGROUND**

There are between six and nine cemetery districts in Yuba County. These Cemetery Districts exist as independent agencies under state charters, some dating to 1906 and in some cases in continuous operation since 1853. At least one district has joint powers agreements with a neighboring county.

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## **PROCEDURE**

Members of the Grand Jury conducted an investigation to determine the following

1. Accuracy of the list of officers and contact information for the cemetery districts
2. LAFCO compliance with Government Code Section 56425 (f) for five year reviews
3. Cemetery district funding sources
4. How funds are monitored
5. If the funds are sufficient for operation
6. How the Public is notified of cemetery district board meetings and actions
7. The operation of the cemetery district boards
8. The level of service provided by the districts
9. The status of previous Grand Jury Findings regarding cemetery districts
10. The review cycle of independent districts

All interviews, visits and documents were obtained by at least two members of the Grand Jury pursuant to Penal Code Section 916. A list of county agencies was obtained from the Clerk of the Yuba County Board of Supervisors. Attempts were made to contact the officers of the cemetery districts. The Appeal-Democrat was scanned for notification of Agency Meetings.

Grand Jury members attended three Cemetery District Board Meetings: Keystone, Brownsville, and Browns Valley.

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## **DISCUSSION**

The 2001-2002, Grand Jury counties committee obtained a list of county board of supervisor appointed districts, committees and commissions from the clerk of the board. This list was used in an attempt to contact the cemetery districts. Actual contact was made on a personal basis. County records were reviewed for spheres of influence. Of the three districts, only Brownsville had a copy of the Spheres of Influence (SOI) and it was dated 1986. County records were reviewed for the various districts' SOI, which are plans for the probable physical boundaries and service area of an agency, as determined by the Local Agency Formation Commission. The Brownsville SOI recommended a future study to address service for the Forbestown area. Available Audit reports were reviewed for operating budgets.

Previous Grand Jury reports were reviewed for comments on cemetery districts.

The County Committee members attended three Cemetery District board meetings: Keystone, Brownsville, and Browns Valley. These districts were exceptionally well run.

The board members, all volunteers, are motivated to keep the cemeteries in the best condition with available funds. They coordinate with Veteran's groups, genealogy groups and historical societies to provide friendly service to the families of the people interred in the cemeteries. All three of the Districts had paid staff serving at the pleasure of the board. The staffs were very knowledgeable of state code regarding cemetery districts and had membership in the Public Cemetery Alliance. The records are well kept.

According to the Keystone District's most recent audit report, the district's interest income totaled \$13,302, while their annual expenses totaled \$14,000. Revenues from taxation for the Keystone District for the same time period were \$18,000. The total resources, in the bank, for the district are slightly more than \$300,000.

The Brownsville Spheres of Influence dated 1986 recognized the need for a review of the Forbestown cemetery requirements, as well as other issues. The Cortese-Knox-Hertzberg Act codified in the California Government Code Section 56000 et. Seq. and the California Environmental Quality Act require reviews and updates of the SOI. The SOI serves as the basis for recommendations of consolidation and reorganization of special districts.

County Supervisors were polled regarding the operation of the cemetery districts. The Supervisors stated that state law prevented them from commenting on Special District Operations.

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## **RECOMMENDATIONS**

1. Update and coordinate the public information regarding cemetery districts, their members and meeting schedules.
  2. Update the Spheres of Influence and review the LAFCO charters.
  3. Review the funding requirements of each cemetery district.
  4. Review the operating, endowment and general budgets of each cemetery district with an eye to consolidating operations with other special districts, adjusting tax requirements and the need for reserves.
  5. Quarterly listing in the board of supervisor agenda of district meetings.
  6. Encourage volunteers and recruitment of board members.
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## **RESPONSES REQUIRED**

This section lists the Activities and Agencies that are required to respond pursuant to Penal Code Section 903.05. If more than one entity is required to respond, they are listed as 1a, 1b, etc.

- 1a. Clerk of the Board of Supervisors,
  - 1b. County Auditor,
  - 1c. Camptonville, Smartsville, Browns Valley, Keystone, Peoria, Strawberry Valley, Upham, Wheatland and Forbestown Cemetery Districts, and
  - 1d. LAFCO.
  - 2a. LAFCO,
  - 2b. Individual Cemetery Districts
  - 3a. Individual Cemetery Districts with the assistance of
  - 3b. The County Auditor
  - 4a. Individual Cemetery Districts (Listed above)
  - 4b. County Auditor
  - 5a. Clerk of the Board of Supervisors,
  - 5b. Individual Cemetery Districts (Listed Above)
  - 6a. Board of Supervisors,
  - 6b. Individual Cemetery Districts (Listed Above)
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## YUBA COUNTY ORDINANCES

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### FINDINGS

1. Existing Ordinances do not reference the authorizing state legislation, Resolution, Board of Supervisor's agenda or similar authorizing action.
2. Currently, amendments to ordinances do not show how the original ordinance was changed (i.e. **boldface** and or **strikeout**)

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### REASON FOR INVESTIGATION

This investigation was conducted pursuant to California Penal Code section 925, which states in part "investigations may be conducted on some selective basis each year." The investigation was part of a review of proposed changes to county ordinances. The intent of this was to find an easier way to track the changes to county ordinances and the compliance of the ordinance to California law.

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### BACKGROUND

Yuba County enacts ordinances in the conduct of government business. The California Constitution, Article 11, Section 7 states, "A county or city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general law." Some actions in general law are permissive (may) and if the county elects to do so may enact ordinances. Some actions in general law are mandatory (shall) and counties are required to address those actions. The Yuba County Ordinances that are available at [www.co.yuba.ca.us](http://www.co.yuba.ca.us), display some references to Board of Supervisors agenda items. Some, but not all, of those agenda items quote the California enabling legislation. Proposed changes to County Ordinances are referenced to a Board of Supervisors Agenda item. Agenda items are incomplete in quoting references to California Codes, Regulations and Constitution. For this reason it is difficult to determine if the ordinances and regulations are in conflict with California or Federal law.

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## **PROCEDURE**

All interviews, visits and documents were obtained by at least two members of the Grand Jury pursuant to Penal Code section 916.

Members of the Grand Jury attended Board of Supervisor's meetings, various agency and commission meetings, reviewed County sources including Library, Clerk of the Board, Assessor, Auditor, and public work groups. Members of the Grand Jury attempted to retrieve source documents (Board of Supervisor Agenda Item, State Code, Constitution, etc.) citing the authority for select functions that are performed in the County, either by the County or by a Special District operating in the County.

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## **DISCUSSION**

The 2001-2002 Grand Jury reviewed the documents available in the Yuba County Library. The library has a computer terminal dedicated to law research. The librarians are available to assist patrons in the use and search of State Codes.

Previous Grand Jury reports for the last five years were reviewed for comments regarding ordinance revision procedures.

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## **RECOMMENDATIONS**

1. The county counsel should include by reference the authority for a particular ordinance, when placing a matter on the Board of Supervisor's agenda. If no citation code authority is available, consider canceling the ordinance or quoting the general powers of a County as the authority for a resolution or ordinance. For those State Codes that are not on line, provide a citation where the authority may be found. For example, many of the special districts were defined in Chapter 788 of Statutes 1959. The Appendices to that Chapter are available at the County Counsel's Office and not on line electronically or in paper at the library. Such difficult to obtain references should be identified for location of source material.

2. The board of supervisors should provide for the use of a revision markup scheme used by the Legislative Affairs Office, a state agency to mark up changes to proposed ordinances. ~~Strikeouts~~, underlines, *italics*, marginal indexes and similar editing techniques thereby provide a method of determining the legislative history of an ordinance as it changes over time.

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## **RESPONSES REQUIRED ON FINDINGS AND RECOMMENDATIONS**

This section lists the Activities and Agencies that are required to respond pursuant to Penal Code section 930.05.

1. County Counsel, Clerk of the Board of Supervisors
  2. County Counsel, Board of Supervisors
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## **YUBA COUNTY GRAND JURY REPORTS**

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### **FINDINGS**

1. A citizen cannot determine the concerns of the community from the existing Grand Jury Reports. The existing system does not allow a citizen to determine the action of the responsible office to the Grand Jury Recommendations.
  2. There is no centralized location for past Grand Jury Reports or responses of agencies, districts or areas that have been studied or the history of those studies. There are districts for which no Grand Jury reports can be found. Nor are there records that the district was studied and not reported.
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### **REASON FOR INVESTIGATION**

This investigation was conducted pursuant to California Penal Code section 925, which states in part "investigations may be conducted on some selective basis each year." The intent was to determine the follow up action pursuant to Penal Code section 933.05

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### **BACKGROUND**

The Yuba County Grand Jury issues final reports at interim times pursuant to Penal Code 933. The Presiding Judge reviews the reports. Various county agencies and independent agencies respond to the findings and recommendations of these reports.

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### **PROCEDURE**

All interviews, visits and documents were obtained by at least two members of the Grand Jury pursuant to Penal Code section 916.

Members of the Grand Jury visited the Yuba County Library and the Grand Jury library.

Members of the Grand Jury, acting as private citizens followed the guides of Penal code 933(b) to determine if the Grand Jury reports and responses to the reports were filed and available from the offices identified in the Penal Code. The office of the County Clerk, as identified in the SBC Pacific Bell Phone Book of January 2002 was called for information regarding Grand Jury Reports. The call was not identified as coming from a member of the Grand Jury. The County Clerk's office was called to find copies of the Grand Jury Reports. The people answering the phone in the county clerk's office referred the call to the superior court. The superior court responded by offering a copy of any specific report for a fee of five dollars.

Members of the Grand Jury located a Yuba County Grand Jury web site at [www.syix.com/grandjury.html](http://www.syix.com/grandjury.html), however the site had not been updated since 1996.

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## DISCUSSION

The 2001-2002 Grand Jury reviewed the documents available in the Yuba County Library. Those Grand Jury Reports and Responses that were available were in the California Room and from the librarian's desk. The librarians are well trained in assisting patrons in the use and search of Grand Jury information. The Grand Jury reports were complete for the last five years. The responses were not complete.

Previous Grand Jury reports for the last five years were reviewed for comments regarding Grand Jury Recommendations. Although the 97/98 Grand Jury did not report on the topic, they, or their predecessors, did establish a web site with Grand Jury Reports and Responses going back to 91/92. The responses were incomplete or not available on the web.

Penal Code Section 933(b) states: "One copy of each final report, together with the response thereto, found to be in compliance with this title shall be placed on file with the County Clerk and remain on file in the office of the County Clerk. The County Clerk shall immediately forward a true copy of the report and the response to the State Archivist who shall retain that report and all responses in perpetuity."

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## RECOMMENDATIONS

1. Identify which County Clerk is described by Penal code section 933(b).
2. Have that identified clerk verify the completeness of the Yuba County Library Grand Jury holdings.
3. Update the Website [www.syix.com/grandjury.html](http://www.syix.com/grandjury.html), or adapt the Grand Jury Reports to the Yuba County web page.

4. The Yuba County Superior Court should encourage awareness and study of the grand jury process as part of their ongoing outreach program.

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## **RESPONSES REQUIRED ON FINDINGS AND RECOMMENDATIONS**

This section lists the Activities and Agencies that are required to respond pursuant to Penal Code section 933.05

- 1a. County Counsel,
  - 1b. County Clerk,
  - 1c. Superior Court Clerk
  2. County Clerk.
  3. County Clerk.
  4. Superior Court Clerk.
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# **SCHOOL MEALS PROGRAM**

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## **FINDINGS**

1. Marysville Joint Unified School District (MJUSD) Nutritional Services provides nutritional training and meals for 19 school sites. The department serves approximately 7500 lunches, 3500 breakfasts and 1500 after school snacks daily.
2. The MJUSD serves approximately 75 percent of these meals on a federally subsidized level of either “free” or “reduced priced” basis.
3. Wheatland Elementary School District (WESD) provides approximately 1700 meals per day, 53 percent are free or reduced.
4. Both MJUSD and WESD Nutritional Services are considered “independent” departments relying on federal and state monies to pay for supplies, staff and operating expenses. Both departments are expected to provide services while staying within budget.
5. Qualification for eligibility for free or reduced meals varies on an annual basis and is determined by the federal government.
6. Review and auditing of applications for free and reduced price meals are done on an annual basis by the respective departments and these departments are audited by the federal government on a regular basis.

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## **REASON FOR INVESTIGATION**

This investigation is based on Penal Code Section 925 and upon the request of a citizen who expressed concern that individuals, who were unqualified due to income, were obtaining the benefit of free or reduced meals from the school districts in Yuba County.

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## **BACKGROUND**

Both the Marysville Joint Unified School District and the Wheatland Elementary School District provide meals on site for a large number of Schools. The majority of these meals are subsidized by the State and Federal Government (53 percent for the Wheatland School District and between 75 and 80 percent for the Marysville School District.) Each of the families seeking assistance completes an application for the school at the beginning of the



school year. These applications are reviewed by the respective departments to determine if they meet criteria set forth by the Federal Department of Food and Agriculture. These criteria are subject to change on an annual basis.

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## **PROCEDURE**

The Grand Jury Schools sub-committee met with the department heads of the respective Nutritional Services departments. The interviews were conducted with a minimum of two committee members. Each interview was conducted separately and at the respective offices of each department. The subject matter of the investigation was not discussed with the official prior to the interview. Prior to the interviews, department and district budgets were obtained and reviewed.

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## **DISCUSSION**

The subject matter of the investigation was focused on how the schools provided free and reduced meals to the school children and how these families qualified for these meals. As part of the investigation, some discussion about the basic operation of the Nutritional Services department was conducted. The resulting information revealed two clear results. First, the districts employ two different styles regarding food service and second, both districts are in compliance with the federal mandates regarding the application, review and qualification of families in need of free and reduced meals.

### **PROVISION OF FOOD SERVICES**

The Marysville Joint Unified School District Nutritional Services Department provides close to 12,000 meals and snacks per day for approximately 19 different school sites throughout the county. Their percentage of free and reduced meals is in the 75-80 percent range. As a result, Nutritional Services benefits from economy of scale. The vast majority of meals are purchased prepared and frozen from major vendors. The effect of this decision is that meals are delivered to the various sites in a safe and economical manner, for final preparations before serving. The by-product of this decision is a reduced cost to the District per individual meal. This is important since the district holds the department accountable to present a balanced budget while covering the cost of staff, preparation and delivery of the meals. The nutritional effect of this decision for the students is minimal, and the nutritional value of the meals is audited by both the department and the Federal government on a regular basis.

The Wheatland Elementary School District provides approximately 1700 meals for 8 sites, all of which are located in a relatively small area of the county. These factors allow the district

to have more on-site food preparation and less reliance on prepackaged meals. The Wheatland District is subject to the same nutritional reviews as the Marysville District.

Both MJUSD and WESD Nutritional Services directors are active in monitoring the food preparation at their respective sites, reviewing menus, food usage and nutritional values on either a weekly or monthly basis. Both departments are treated as and run as independent businesses and are held accountable by their districts and by the federal government. An example of the latter is the School Meals Initiative, which monitors the nutritional content of the meals. Failure to comply with the SMI could result in lost federal funding.

### APPLICATION PROCESS

Both departments send out to prospective students and their families' applications for free and reduced meals in registration packets for each year. The applications are submitted at the beginning of the school year. In October of each year the applications are reviewed and families are qualified by the departments. An audit of these qualifying applications is done each year by the department. A small random percentage of these applications are reviewed to see if the information presented is accurate. This random sampling is done in accordance with federal guidelines. The district conducts annual audits and the state government also conducts audits on a rotational 5-year cycle, where officials come to the departments and pull applications and review them.

Both departments are concerned that every child needs proper nutrition and are willing to work with families to qualify them for the programs. Neither department has had much experience with individuals who misrepresent their incomes in order to gain access to reduced priced meals. However, there is reference to an occasional incident, where an applicant family, when asked to provide proof of income has withdrawn their applications. Both departments stress that this is the exception and both point out that the much larger problem is where families who are qualified, choose not to complete the application process.

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### RECOMMENDATIONS

**None** It appears that there are sufficient audits and reviews in the present system to minimize the chance of individuals improperly obtaining free and reduced meals for students in the present system.

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### RESPONSES REQUIRED ON FINDINGS AND RECOMMENDATIONS

**None**

## **YUBA COUNTY WATER AGENCY**

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### **FINDINGS**

1. Yuba County Water Agency does not address significant present and future water supply storage needs that affect everyone: on a local, regional and statewide basis.
  2. Yuba County does not have a comprehensive, clearly defined series of water management plans or criteria in place.
  3. There are two distinct geographic Yuba County water banks: Upper Yuba River Basin and Lower Yuba River Basin. Within this identification, there are seven separately identified watersheds of record.
  4. The purpose of the Yuba County Water Agency is not well known or understood by the residents of Yuba County. The Agency does not have an adequate public awareness plan in effect. Because of this, the average citizen does not understand the dynamics of water supply, storage and use. This resource has significant value and influence over the local economy as well as local and state politics.
  5. The Yuba County Water Agency is operated with a high level of effectiveness and efficiency. Its legislative charter gives the Agency much latitude and independence to achieve its mission.
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### **REASON FOR INVESTIGATION**

This investigation was conducted pursuant to California Penal Code Section 925, that states in part: "...investigations may be conducted on some selective basis each year."

This investigation has been conducted over concerns that Agency issues have been focused and directed on the specific area of flood control for much of the past 15 years, and little public attention has been centered upon other issues such as water storage. The 2000-2001 Grand Jury recommended this review, since no Jury has reviewed the overall operation of the Yuba County Water Agency since 1991.

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### **BACKGROUND**

The Yuba County Water Agency Act, Chapter 788, Statutes 1959, Appendix Chapter 84 granted "... the power to control the flood and storm waters of the Agency and the flood and storm waters of streams that have their sources outside the Agency, which streams and flood waters flow into the Agency, and to conserve such waters for the beneficial and useful purposes of the Agency... in order that sufficient water may be available for any present and future beneficial use..."

It is evident that California has faced and continues to face serious water shortages, particularly in the population centers of the southern third of the state and San Francisco Bay Area.

This situation is currently compounded by various concerns that add complexity to the overall supply issue. Among these concerns are climatic cycles, population growth rates in the otherwise arid regions of southern California, statewide agricultural requirements, and extensive environmental issues such as endangered species, wetlands, and wildlife habitat. According to the Regional Council of Rural Counties, (in a draft memorandum dated January 8, 2002) "The incorporation of water resources into county planning is a logical step in developing long term, comprehensive plans and policies. Furthermore, such an action by counties would help deflect growing pressure to transfer this authority to the State."

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## PROCEDURE

All interviews, visits and documents were obtained by at least two members of the Grand Jury pursuant to Penal Code Section 916.

The Public Works Committee has obtained several public documents from both private and governmental sources through interviews with the affected agency and via the Internet:

## WEB SOURCES

<http://cgpub.epa.gov/surf/county.cfm?>  
US EPA Water shed identification table and map  
<http://www.waterplan.water.ca.gov/groundwater>  
California water plan California Groundwater Basins map  
<http://www.waterplan.water.ca.gov/groundwater/gasndesc/5-21.60v3.2pd>  
Bulletin 118 Sac Valley Groundwater Basin, North Yuba Sub basin  
<http://www.waterplan.water.ca.gov/groundwater/gasndesc/5-21.61v3.2pd>  
Bulletin 118 Sac Valley Groundwater Basin, South Yuba Sub basin  
<http://ga.water.usgs.gov/edu/>  
USGS Water Science for Schools: Groundwater

<http://www.dwr.water.ca.gov>  
Water source information and links  
<http://www.ers.usda.gov/StateFacts/CA.htm>  
Economic research USDA California Farm facts  
<http://www.nass.usda.gov/census/census97/highlights.ca.cac058.txt>  
Ag highlights Yuba County, Ca. 1992 and 1997 (irrigation stats)  
<http://www.cfbf.com/counties/co-58.htm>  
Yuba-Sutter Farm bureau economic stats of crops by value 1999-2000

## OTHER SOURCE

Yuba County Water Agency  
Staff presentation  
Interview with Agency staff  
Agency Publications available to public at the YCWA  
Yuba County Library  
Regional Council of Rural Counties Memorandum  
Draft Suggestions for water planning within the County General Plan  
“Waldo Project Feasibility Investigation: Phase I Main Report” (1997) prepared by  
Bookman-Edmonston Engineering, Inc.  
The Yuba County Water Agency Act of 1959 (Section 84 of the California Water Code  
Appendix)

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## DISCUSSION

The Grand Jury observed the operation of the Yuba County Water Agency during the course of this investigation to be one of model effectiveness and organizational efficiency. Though dwarfed by water interests many times its size, the Agency continues to fulfill all of its mandated responsibilities and operate as a public entity with an administrative staff of only four full-time and two part-time supplemented with the use of highly specialized consultants. This structure has enabled the Agency to effectively manage and allocate limited county resources for the long-term, while focusing on “best-in-the-industry” project-oriented consultants to accomplish short-term goals.

Having seen the Agency’s noteworthy activity in preparing for future flood events, the Jury chose to focus its investigation on YCWA’s water storage and availability plan.

Yuba County is in a unique geographic area. It is situated upon seven (7) separately identified watersheds within and across its borders that are divided into two (2) identifiable water banks: the Upper Yuba River Basin and the Lower Yuba River Basin.

Since its inception, the YCWA has considered many options in its efforts to fulfill its dual responsibilities of controlling floodwaters and providing adequate water supply.

One project considered on at least three previous occasions is the “Waldo Dam Project”, an off-stream reservoir constructed on Dry Creek in the southeastern Spenceville area of Yuba County. With a designed storage capacity of about 300,000 acre-feet, it will be “... principally utilized to store and regulate water diversions from the Yuba River system at Englebright Reservoir and local inflow...” Water stored at this facility will be used to meet local and regional needs, as well as mandated environmental requirements; and may be made available for transfer to users in other parts of the state, thereby generating significant and much needed revenue for our county. Since it is an “off-stream” storage facility, meaning it does not block a river channel, Waldo will potentially avoid many of the challenges associated with more traditional dams. Instead, water will be transferred to the reservoir via an underground pipeline. As such, river flows - an important environmental concern - will not be adversely affected as a result of Waldo’s operation. A historical provision in the deed on the land, as cited in the Bookman-Edmonston engineering report, dating from the WWII era, evidences the long-held intention to use the land for this proposed project.

In 1997 the “Waldo Project Feasibility Investigation: Phase I Main Report” was prepared by Bookman-Edmonston Engineering, Inc. It details all project considerations; and ultimately evidences the case for Waldo Project feasibility. [Included in the engineering report – but not a part of the Grand Jury inquiry - are additional flood control benefits accruing directly to residents in the Wheatland and south county areas, as well as indirect benefits to all residents from the operation of Waldo as a part of YCWA’s overall flood control management.]

The Public Works Committee is interested in the Yuba County Water Agency’s activity and preparedness for the inevitable circumstance of water shortage. Yuba County, among many of California’s counties, is now preparing to meet Federal and State mandated environmental water related requirements. Minimum river flows in the Yuba River are among the most significant of those requirements. These mandated flows will have a significant impact upon the farmers, industries, and citizens of Yuba County. The quantity of water available for use by Yuba County farmers and residents will be far less than the quantity of water flowing down stream from Bullard’s Bar Reservoir. The lion’s share will go elsewhere. This will result in a “water shortage condition” in Yuba County. How the YCWA is prepared to meet these impending shortages is of the greatest concern to county interests.

The Public Works Committee has compiled a variety of documents and interview information that has led to the following recommendations.

## **RECOMMENDATIONS**

1. The 2001-2002 Grand Jury hereby recommends that the Yuba County Water Agency actively pursue the “Waldo Dam Project” as a source of new water storage. The “Waldo Dam Project” has historically been designated for water storage. Feasibility studies have been completed as recently as 1997 that show reasonably mitigated impacts and significant water storage and flood control benefits specific to Yuba County, with additional benefits accruing to Sutter and Placer Counties.
2. The YCWA should revisit and consider all possible water storage options.
3. Yuba County should prepare and provide a comprehensive water management plan that would integrate with the Yuba County General Plan. YCWA needs to identify the available volume of surface water supply as well as groundwater supply. Further, this plan should incorporate the sources and groundwater banks as defined in Department of Water Resources (DWR) - Bulletin 118.
4. The County and YCWA need to implement a highly visible, high intensity Public Service Announcement (PSA), education, public involvement campaign – through the use of available grant funding - in order to promote and protect the interests of the county, YCWA, and citizens’ rights and benefits.

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## **RESPONSES REQUIRED ON FINDINGS AND RECOMMENDATIONS**

### **FINDINGS**

1. YCWA Director, Assistant Director, Board of Directors
2. YCWA Director, Board of Directors, Board of Supervisors
3. YCWA Board of Directors, Agency Director
4. YCWA Director, Board of Directors
5. YCWA Board of Directors

### **RECOMMENDATIONS**

1. YCWA Board of Directors, Planning Dept., LAFCO
2. YCWA Board of Directors, Planning Dept., LAFCO, Affected Fire Districts, Affected Irrigation Districts
3. YCWA Board of Directors, County Board of Supervisors, Director YCWA and Planning
4. YCWA Board of Directors, County Board of Supervisors

## **YUBA COUNTY SHERIFF'S DEPARTMENT JAIL DIVISION**

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### **FINDINGS**

Complaint One Finding	The Sheriffs Department is short staffed. Substantiated
Complaint Two Finding	Jail cells and showers are dirty. Unsubstantiated
Complaint Three: Finding	The quality of food is poor and quantity is insufficient. Unsubstantiated
Complaint Four Finding	There is inadequate security camera coverage in the Medical area thus constituting an unsafe work environment Substantiated
Complaint Five Finding	Inmates working in the kitchen are not tested for tuberculosis (TB). Unsubstantiated
Complaint Six Finding	Possible illegal distribution of narcotics and other controlled substances in the jail by the County Health Officer. Unsubstantiated

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### **REASON FOR INVESTIGATION**

In accordance with the provisions of Penal Code Section 919(b) the Court & Law Enforcement Committee of the 2001-2002 Yuba County Grand Jury has reviewed and evaluated the conditions and management of the Yuba County Jail located at 215 Street, Marysville, California. 95901. The Committee also investigated the merit of complaints about short staffing in the Sheriff Department, inadequate food service, security camera coverage in the medical area and certain aspects of health care provided to inmates,

This report is divided into three parts. Part I will show the general subject matter of the complaints along with the conclusions. These conclusions are based on the findings of the



Court & Law Enforcement Committee investigation Part 2 will show a detail narrative of the investigation while Part 3 will provide Committee recommendations.

The findings contained herein are based on interview, record review and visual observation. There were never fewer than two committee members present during all phases of the investigation.

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## **PROCEDURE AND DISCUSSION**

On September 4, 2001, the Court and Law Enforcement Committee met with Sheriff Virginia Black and Captain Mark Chandless, the jail commander. During this initial meeting we advised the sheriff that the Court and Law Enforcement Committee would be reviewing and evaluating the conditions and management of the jail. The committee asked the sheriff if the Sheriff's Department was short staffed. Sheriff Black acknowledged that there are unfilled positions in the department and that there is a recruitment and retention problem. Based on subsequent investigative effort the committee determined that the salaries and benefits of the Yuba County Sheriff's Department may not be competitive with similar law enforcement agencies in northern California. This is consistent with the findings reflected in previous Yuba County Grand Jury reports. Complaint One is substantiated.

Following the meeting of September 4, 2001, the Court and Law Enforcement Committee toured the jail in the company of Sheriff Black and Captain Chandless. The committee observed the jail cells and the showers. The committee saw no evidence of dirty jail cells or dirty showers or mold; there was an absence of foul odor. Complaint Two is unsubstantiated.

During the tour of the kitchen the committee found that the cold storage food lockers were clean and no food containers were stored directly on the floor of the lockers. There was a thermometer in each locker and the temperatures were appropriate. There was documentation indicating that food locker temperatures were checked daily. The committee noted that the kitchen area was clean, The kitchen manager periodically consults with a registered dietitian and menus are prepared in accordance with those consultations. There were lists that identified therapeutic diets for individual inmates.

The committee conducted another unannounced tour of the kitchen on September 25, 2001 and the committee's original findings were confirmed. Complaint Three is unsubstantiated.

The committee toured the medical area of the jail. The committee reviewed security camera coverage in this area to ascertain the validity of an anonymous complaint that there was inadequate security camera coverage. The committee noted that there was one treatment area that was not covered by a security camera. The committee believes that the lack of a security camera in this area places caregivers in jeopardy creating a potentially hostile, unsafe work environment. Complaint Four is substantiated.

On September 11, 2001, the committee interviewed County Health Officer, Dr. Joseph Cassady, who is also in charge of medical care in the jail. The committee asked Dr. Cassady about TB testing and immunizations for inmates. Dr. Cassady assured the committee that TB testing was performed as required and that immunizations were administered as necessary.

On September 25, 2001, the committee had a meeting with Undersheriff Steve Durfor. During the meeting with the Undersheriff, the committee requested and received a list of all inmates which showed inmate identification numbers, but did not reveal inmate names since the committee wanted to keep inmate names confidential. This list was subsequently used to select certain portions of medical records for review to determine inmate immunization status. Inmate work assignments were also identified.

On October 9, 2001, the committee made an unannounced visit to the jail, advising Lt. Jimmy Downs that the committee needed to tour the medical area. The committee was escorted to the medical area and began to randomly select inmate medical records. The selection was completely random with the exception of the inmates that worked in the kitchen. Using the list of identification numbers provided by the undersheriff, the committee reviewed the immunization status of the inmates who had work assignments in the jail kitchen. The committee wanted to verify that kitchen workers were tested for TB and were appropriately immunized. The committee found that all had received the necessary TB and hepatitis testing, thus verifying Dr. Cassady's statements to the committee. At no time was inmate confidentiality breached. Based on these findings, Complaint Five is unsubstantiated.

In the process of reviewing the randomly selected medical records the committee noted there were written physician orders for medications for inmates. There were written entries indicating that the ordered medications were administered. The committee noted that controlled substances were secured in a locked cabinet.

The committee became aware of a joint United States Drug Enforcement Agency and Office of the California Attorney General investigation conducted in January and February of 2002. This joint investigation did not identify any factual basis to support the allegation that the Yuba County Health Officer engaged in illegal distribution of narcotics in the jail.

The Yuba County Grand Jury Court and Law Enforcement Committee found that medication and controlled substance administration in the jail were consistent with acceptable standards of practice. Complaint Six is unsubstantiated.

## **RECOMMENDATIONS**

1. The salaries and benefits of Yuba County Sheriffs Officers should be increased to a level that is competitive with other law enforcement agencies in northern California. The services of an independent consulting firm should be utilized in an effort to make the findings required to accomplish this. Additionally, consideration should be given to retaining a recruiting organization to facilitate increasing Sheriff Department manpower.
2. Security camera coverage should be expanded to include all areas of the medical department thereby making the work environment for medical personnel safer.

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## **RESPONSES REQUIRED ON FINDINGS**

1. Yuba County Auditor-Controller, the Yuba County Sheriff and the Yuba County Board of Supervisors.
2. No response required.
3. No response required.
4. There is inadequate security camera coverage in the medical area thus constituting a potentially unsafe work environment.

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## **RESPONSES REQUIRED ON RECOMMENDATIONS**

1. Response requested from the Yuba County Auditor Controller, the Yuba County Sheriff and the Yuba County Board of Supervisors.
  2. Response requested from the Yuba County Sheriffs' Department.
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## **YUBA COUNTY PROBATION DEPARTMENT BI-COUNTY JUVENILE HALL**

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### **FINDINGS**

1. The juvenile facilities are in need of general repairs and maintenance, however
2. The facility is clean.
3. In the medical area the committee noted that medication accountability is accurate, but cumbersome.
4. The medical area is small and cramped.
5. The educational program is adequate.

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### **REASON FOR INVESTIGATION**

Penal Code section 919(b) state, "The Grand Jury shall inquire into the condition and Management of the public prisons within the county." The Bi-County Juvenile Hall facilities fall within this category

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### **BACKGROUND**

The Bi-County Juvenile Hall is located at 1023 14th Street in Marysville, California and houses juveniles from both Yuba and Sutter County. Each year the Juvenile Hall is investigated by the following entities:

- Yuba County Grand Jury
- Sutter County Grand Jury
- California State Board of Corrections
- Yuba County Health Department
- Yuba County Juvenile Justice Commission
- Sutter County Juvenile Justice Commission

## **PROCEDURE**

The 2001-2002 Yuba County Grand Jury, Courts and Law Enforcement Committee, made two (2) tours of the Yuba County Juvenile Hall facility. Not less than three (3) members of the Grand Jury received and reviewed all information from interviews, facility inspections and supporting documentation.

The first visit was a scheduled visit on January 22, 2002, with facility Superintendent Mr. Frank Sorgea. Mr. Steve Roper, Chief Probation Officer of Yuba County and Director of Bi-County Juvenile Hall, was also present for the initial portion of the meeting.

Interviews were held with Mr. Sorgea and Mr. Roper to educate the Grand Jury members on the policies and procedures of the bi-county facility. Following the interviews, a complete tour of the currently used facility and the new addition was provided.

An unscheduled second visit was conducted on February 4, 2002. The Deputy Superintendent Mr. Brent Hungrige assisted the Grand Jury during this visit. The second visit included inspection of the food preparation facility and detainee interviews. The medical area was also re-inspected.

The scope of this report is limited to the following:

1. Observations of the facility based on the 2001-2002 Grand Jury inspection.
2. Observations regarding programs offered by the juvenile facility.
3. Observations from information obtained during staff and detainee interviews.

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## **DISCUSSION**

Three (3) members of the 2001-2002 Yuba County Grand Jury met with Mr. Steve Roper, Chief Probation Officer of Yuba County and Director of the Hi-County Juvenile Hall and Mr. Frank Sorgea, Superintendent of the Bi-County Juvenile Hall on January 22, 2002.

Both Mr. Roper and Mr. Sorgea discussed their duties and the Policies and Procedures of the bi-county facility. The new physical plant addition was also discussed as well as the opportunity to add new programs

During this visit a complete facility tour was provided by Mr. Sorgea. All aspects of the residents daily routine were explained in detail from the time they get up until they go to bed at night.

Of particular interest was the educational portion of the facility. California state Education Law requires that all school age residents of the Bi-County Juvenile Hall attend class five and one-half hours per day with the teachers being supplied by the Yuba County Office of Education. In the classroom a teacher and two (2) instructional aides were conducting a science lesson with good discipline, attention and participation

Other learning areas included, but were not limited to, residents getting individual help in reading and computer use.

One major area covered was the handling and management of resident behavior. Mr. Sorgea stated the good behavior results in rewards and bad behavior results in lost rewards. This program is a continuous process during the residents stay in Juvenile Hall.

The Bi-County Juvenile Hall has been in use for many years and is in need of considerable maintenance and general repairs. There is also a remodeling project in process, which contributes to the problem.

The inspection tour found that many interior areas of the facility needed routine maintenance and paint. Some exterior areas were in disarray and should be cleaned. Sidewalk and planters were potential areas for staff and residents to be hurt.

The second tour of the Bi-County Juvenile Hall was an unscheduled visit on February 4, 2002, during which the medical area and food preparative facility were inspected. Bi-County resident interviews were also conducted at this time

The medical area is currently being remodeled to increase size and to add an examination room,

During the tour of the medical area, Dr. Cassady, Yuba County Health Officer, was available for discussion. The topics of drugs, drug control and accounting for drugs were discussed with the doctor and staff nurse.

The food preparation area was inspected. Although this portion of the facility is very old, all areas were clean, food was correctly stored and refrigeration monitored and maintained. This area is scheduled to be replaced by a new modern kitchen facility in the new addition of the Bi-County Juvenile Hall.

Interviews with a randomly selected male and female resident were conducted. Topics discussed were the residents' daily routines, medical needs, food, school and exercise/physical activity. Neither resident had complaints.

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## **RECOMMENDATION**

1. The medication accounting system should be reviewed in an effort to determine where improvements can be made.
2. The exterior area between buildings should be cleaned and planter areas should be repaired to prevent falls.

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## **RESPONSES REQUIRED ON FINDINGS**

1. Bi-County Juvenile Hall and Yuba County Medical Office.
2. Bi-County Juvenile Hall.
3. None.
4. None.

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## **RESPONSES REQUIRED ON RECOMMENDATION**

1. Bi-County Juvenile Hall and Yuba County Medical Officer.
  2. Bi-County Juvenile Hall.
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## HEALTH DEPARTMENT

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### FINDINGS

1. State Health Realignment funds and County Minimum Operating Equivalent funds are not sufficient to meet current health and welfare costs in Yuba County. In order to meet the needs of the community, the county Health and Human Services Department supplements its budget by applying for grants. Available carryover funds are projected to decline from about 1 million dollars to about \$200,000 during the current fiscal year, according to the county administrator's 2001/2002 budget analysis.
  2. Grant funded health department programs have increased significantly over the past 3 1/2 years.
  3. Some employee positions are funded by one or more grant sources. The Health and Human Services Department tracked, documented, and reported the split allocation of time spent on grant-funded programs in accordance with grantor requirements.
  4. Many State and Federal grants require that supporting epidemiological data be included in requests for funding so that effectiveness of programs can be determined. Epidemiological data is required in order to identify, measure and prioritize the health care needs in the community. There is no readily available or centralized source of epidemiological information for Yuba County to use as baseline information in program prioritization, funding requests, or program effectiveness measurement.
  5. California State Code allows the county health officer to collect and disseminate epidemiological data for health program development. (California Health and Safety Code 103875 and 25416[*for hazardous materials*]).
  6. Yuba County class specification for health officer (class code 204, see Attachment A) was last revised May of 1996. The current class specification makes the Health Officer administratively answerable to the (deputy) director of health services. This class specification does not parallel state codes for county health officers or California County Health Officers Association guidelines. (See Attachment B)
  7. Collection and dissemination of epidemiological data is not addressed in Yuba County's current health officer class specification. (See attachment A)
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## **REASON FOR INVESTIGATION**

The investigation was conducted pursuant to California Penal Code Section 925, that states in part: "...investigations may be conducted on some selective basis each year." Because service delivery has been the focus of many recent Grand Jury investigations, the 2001-2002 Yuba County Grand Jury directed its focus on effective grant administration and acquisition.

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## **BACKGROUND**

### **FINANCIAL**

The three major funding sources for the Yuba County Health and Human Services Department service delivery are general county operating budget funds, State Health Realignment Allocation dollars and grant monies. The total from all three funding sources is used to provide health services to the community.

Health Realignment Allocation funds are received from the state based on state tax collection and vehicle registration fees. These monies are now used to replace the scaled back state funds that were once earmarked for public healthcare prior to the early 1990's. The state requires the county to provide minimum matching dollars toward healthcare using a calculated formula. The state calls this money the Minimum Operating Equivalent (MOE) and it comes from the county's general fund. Yuba County Health and Human Services Department Grant funds come from state, federal and competitive grant foundations.

Granting entities require that their grantee submit a budget proposal outlining grant fund expenditures. Large portions of these budgets are used to cover salaries for employees who supply the services. The county must accurately account for all grant funded employee time by either using a time card system or time study. The employee time information is collected and reported to the grantor on a regular basis.

It is possible for an employee to work on several projects funded by different grants. These individuals' salaries are what is termed a "split allocation." An example of such a position could be a registered nurse employed by the Health Department who works 25 hours a week as an AIDS case manager, 8 hours a week as a TB clinic nurse, and 3 hours a week lecturing on pregnancy prevention in the local schools. Since each of these projects is funded by a different grant the cost of this nurse's salary and benefits must be "split" among the budgets of three grants, paid by funds from all three grants, and time and costs reported to three grantors.

In addition to reporting grant supported salary expenditures, other factors must be tracked and reported. These factors include, but are not limited to, measurements of program need and effectiveness.

## ADMINISTRATIVE

Epidemiology is the study of the various factors influencing the occurrence, distribution, prevention, and control of disease, injury, and other health related events in a defined human population. It is the epidemiological data, combined with other State census information, that is used to determine where and what the health care needs are in a given county.

In addition, epidemiological data is essential in establishing baseline information to measure health program effectiveness in comparative studies. A condom distribution program can be seen as successful if numbers of documented sexually transmitted diseases decrease over a period of time from the base year (California Health and Safety Code 101050 (a)).

In most California counties it is the responsibility of the Health Officer to obtain, collect, and disseminate epidemiological data, and this activity is addressed in the state codes. In Yuba County, no such function is described in the County Health Officer's job classification/specification.

The Board of Supervisors Human Services Committee addressed changes in this job classification on December 4, 2001 and accepted a recommendation by the County Administrative Officer that the Health Officer position be split into two positions, Health Officer and Correctional Medical Officer. To date, the committee has been unable to discern any further action by the Board of Supervisors regarding this recommendation.

In any given county, the Health and Human Services Department is the department that would administer the highest number of grants, and monitor the largest budgets containing grant funds.

According to a former county administrative officer's memo to the Board of Supervisors Health and Human Services Committee dated 12/4/2001), "... concerns with management styles, identifiable lines of authority, and lack of collaboration have ... impacted program effectiveness and can lead to a decrease in service delivery levels."

Resolving these problems could facilitate collection of epidemiological data and consequently the determination and prioritization of community health care needs and the measurement of program effectiveness.

Despite these problems, over the past 3 ½ years the Health and Human Services Department has managed to increase the number of grant funded programs, bringing in an additional \$470,000 to meet the health care needs of the residents of Yuba County. The acquisition of the additional funds was made possible through efforts made by the Deputy Director of Health and Human Services Department and supporting staff.

## **SCOPE**

The 2001-2002 Yuba County Grand Jury Social Services Committee focused its scope on policies and procedures of grant administration in the Health and Human Services Department. As the investigation progressed, the scope was refined to include what information is needed to support the need and effectiveness of grant funded programs. Two areas were deemed most immediate: epidemiological data, and role clarification among entities involved in the administration of the county's health care.

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## **PROCEDURE**

All interviews, either in person, or by phone, were conducted by a minimum of two members of the grand jury pursuant to PC 916.

The social services committee took its initial focus from a comment by staff that all grants needed administration, and that social services usually had the largest number of grants to administer. The committee's scope thus narrowed to policy and procedure of grant administration. Interviews with staff further limited the scope, targeting salaries, and then refined the scope to the salary aspect of grants as they pertained to "split allocations" (see the description above in background). The committee learned that human services administrators only one grant (ABC, Answers Benefiting Children) while health services administered 30. Consequently, the scope narrowed to split allocations in Health Department grants.

The Director of the Health and Human Services Department and the Deputy Directors of human services, health services, and fiscal administration were interviewed.

After grant data was provided and reviewed, our investigation narrowed to four randomly chosen employees, and three randomly chosen grants, which we selected "on the spot" from previously provided data. Employees were chosen whose time was split among several grants. Grants were chosen based on the subcommittee's belief that larger grants would be more likely to have split allocations. Immediately, upon request, grant files were presented, complete with employee time studies, reporting documentation, and audit reports from granting sources. Two fiscal analysts were provided, and they satisfactorily and efficiently answered our questions in regard to policy and procedure and demonstrated how the records were tracked, reported and maintained. An example was provided, with supporting documentation, where incomplete time studies created the necessity of reeducating employees on appropriate time tracking procedures. Fiscal analysts had to renegotiate the grant requirements and a budget rollover for the next year to avoid losing grant funds, which could not be billed due to the incompleteness of the time studies and associated costs.

The Grand Jury collected supporting information and documentation from the Health Department staff, the County Administrative Officer, County Counsel and the Health Officer.

The Grand Jury interviewed Health Department administration, health care service providers and recipients, the Sheriff-Coroner's office, the Health Officer, County Administrative Officer, hired consultants, the Board of Supervisors and the Director of Personnel.

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The purpose of the interviews and document reviews was to clarify roles, duties and lines of authority and accountability among health officer, health department, and board of supervisors. The following documents were requested: job descriptions and time studies, a contract with an organizational consultant and his reports and recommendations, California Conference of Local Health Officers' Platform Statement, evidentiary documents from the health officer, personnel department, and health department. The grand jury collected statements and statistics on epidemiological data available within Yuba County. The grand jury researched and collected data on policy and procedures, referenced applicable state law, county ordinances, and county personnel codes.

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## **RECOMMENDATIONS**

1. The Yuba County class specification for Health Officer should be amended to conform to the functions described in the California Conference of Local Health Officers Platform Statement, clearly reflecting that the Health Officer has the duty to collect and disseminate epidemiological research data and make it available for public use. If the Board of Supervisors has not already done so, it should also include in this job description a definitive statement on the lines of authority, supervision, accountability and communication involved in all aspects of the County Health Officer's position.
  2. That epidemiological data collected should be made publicly available on a regular basis (possibly on the county website) for use by health and safety professionals to assess and prioritize safety and health care services and program needs.
  3. The Board of Supervisors should address, in a timely manner, the recommendation of the Human Services Committee of the Board of Supervisors on December 4, 2001.
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## **RESPONSES REQUIRED FOR FINDINGS**

Findings 1 through 7

Health and Human Services Department

County Health Officer

County Administrative Officer

Board of Supervisors

Findings 3, 6 & 7

County Personnel Office

Finding 4

Coroner's Office

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## **RESPONSES REQUIRED FOR RECOMMENDATIONS**

Recommendations 1 through 3

Health and Human Services Department

County Health Officer

County Administrative Officer

Board of Supervisors

Recommendations 1 & 3

County Personnel Office

Recommendation 2

Coroner's Office

Recommendation 3

Board of Supervisors

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## **ATTACHMENT A**

## CLASS SPECIFICATION

Yuba County

May 1996

CLASS TITLE: Health Officer

CLASS CODE: 204

FLSA STATUS: Exempt

### JOB SUMMARY:

Enforces local and state health ordinances, rules and regulations; assists in planing, directing, administering, reviewing and evaluating public health programs and the work of County or State staff; provides technical assistance to the environmental health programs; provides program planning, oversight, technical assistance, review and evaluation to such programs; acts as the departmental and County liaison with other County departments, service providers and funding sources for public programs; performs related work as assigned.

### CLASS CHARACTERISTICS:

This single position class provides a variety of public and environmental health program administration and oversight for a variety of direct client service programs. In addition, the incumbents serves as the Assistant Director of the Public Health Department, with both professional and administrative responsibilities. This class is distinguished from the Director of Health Services in that the latter has overall management responsibility for all programs and services provided by the department.

### EXAMPLES OF DUTIES:

#### Essential:

- Provides medical consultation for a variety of individuals and organizations, such as medical professionals, environments health specialists, hospitals, day care centers, schools, and County departments such as the County jail and juvenile hall.
- Assists in developing and implementing goals, objectives, policies and work standards for various public health programs; provides input into the budgets for the programs and monitors expenses.
- Develops and implements protocols and standard operating procedures following in public health medical situations; enforces appropriate provisions of the State Health and Safety Code and local ordinances.
- Administers the work of staff, both directly and through subordinate supervision; provides for training and professional development of staff.
- Develops and modifies techniques and formats to evaluate pilot or current program effectiveness and to determine the need for program modification and/or new program development.
- Researches and develops program alternatives; ensures that the programs are meeting the departmental mission; locates funding sources, service deliverers and other resources; designs and implements program procedures and manuals.

Physical Demands:

Mobility to work in a typical office setting, use standard office equipment, and to drive a motor vehicle in order to visit work sites or attend meetings; vision to read printed materials and a VDT screen; and hearing and speech to communicate in person or over the telephone.

Accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

Working Conditions:

Attend meetings outside of normal working hours.  
Be available for call back in emergency situations.

Licensing and Certification:

Possess a valid California Class C driver's license.  
Be licensed as a Physician or Surgeon in the State of California.

Background: Any combination of education and experience which provides the required knowledge and skills is acceptable; a typical way of gaining this knowledge and skill is outlined below.

Equivalent to possession of an advanced degree and appropriate residency in a medical specialty and four years in the practice of medicine, or two years as a physician in a Public Health Agency. Experience in program planning and evaluation is desirable.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbent(s) may be expected to perform job-related duties other than those contained in this document and may be required to have specific job-related knowledge and skills.



## **ATTACHMENT B**

# YUBA COUNTY GRANT PROGRAMS

## Existing Grants

Funding Source	Purpose	Amount	Expiration/ On-Going
California Department of Health Services, Office of Aids	HIV/AIDS Case Surveillance	\$219,426 - 3/1/05	6-30-04
California Department of Health Services Office of Aids	Decrease HIV/AIDS in substance users, men having sex w/men, teens 13-19, women @ risk	\$30,000	6-30-04
Maternal Child Adolescent Health	Adolescent Family Life Program (AFLP)	\$92,375 ✓	6-30-02
Social Services	Adult Protective Services (APS)	Reimbursement program	On-going
California Department of Health Services	Community Challenge Grants (CCG)	\$106,438	6-30-02
California Department of Health Services	Child Health & Disease Prevention (CHDP)	\$27,431 state ✓ \$76,246 Medi-Cal Title XIX State & Federal Funds	6-30-02
California Department of Health Services	Childhood Lead Poisoning Prevention Program	\$35,719 ✓	6-30-02
California Department of Health Services STD Control Branch	Chlamydia (CAPP)	\$5,993 ✓	6-30-02
California Department of Health Services CCS Admin	Children's Medical Service Plan (CCS)	\$152,232 ✓	6-30-02
California Department of Health Services	CCS Diagnostic Treatment Therapy	\$49,755	
California Department of Health Services	County Medical Service Program Wellness & Prevention Project (CMSP)	\$274,190	3-31-04

9/98

3/1/05

# DESCRIPTION OF THE CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS

CCLHO is mandated by the California Health and Safety Code to advise State government on the organization and conduct of local health programs and services.

## FUNCTIONS

- Advise and make recommendations to the State Department of Health Services, other departments, boards, commissions and officials of federal, state and local agencies, the Legislature and other organizations on rules, regulations and other matters affecting health. The chief medium of communication between the State and local governments on health issues is the California Conference of Local Health Officers.
- Provide a forum for discussion of significant health issues in order to develop recommendations for appropriate health policy.
- Gather information and initiate or conduct studies on health problems and practices.
- Carry out statutory responsibility to advise the Director of the State Department of Health Services (Health and Safety Code Sections 100290, 100295, 100925 and 100950) on:
  - ◆ Standards for professional and technical personnel employed in local health departments and on the organization of local health departments.
  - ◆ All rules and regulations related to local health departments.
  - ◆ Other matters affecting health.
- Develop recommendations for legislative solution to Statewide and local health problems.

*CCLHO is mandated by the California Health and Safety Code to advise State government on the organization and conduct of local health programs and services.*

## Description of the California Conference of Local Health Officers

### ROLE OF A LOCAL HEALTH OFFICER

In California, the local Health Officer is an official appointed by the local governing body to provide public health leadership for the entire community. S/he is responsible for assessing the community's health status and for directing the local government's mandated health protection functions. The Health Officer is expected to keep the governing body informed about all health issues that affect the jurisdiction, to act as a consultant to the governing body, and to provide advice and opinions on medical and public health policy issues.

- The Health Officer provides leadership in public health matters for the entire community. S/he is the visible medical authority who interacts with all segments of the community to lead in the development of public health policy and implementation of effective public health programs.

- The Health Officer is responsible for assessing and reporting on the health status of the community, using multiple epidemiologic, survey and statistical methods.

- The Health Officer is responsible for assuring the effectiveness of the mandated health protection functions of local government, including services related to communicable disease control, maternal and child health, emergency services and disaster preparedness, sudden infant death, family planning, public health laboratory services, environmental health, vital statistics, public health nursing, nutrition and chronic diseases.

- The Health Officer may do what no other health practitioner can do—exercise police powers. S/he is charged with enforcing local health orders and ordinances, the orders and rules prescribed by the State Department of Health Services and the

statutes related to public health. The very nature of most public health law makes it imperative that an experienced public health physician carry out the duties. Many health laws are quite general and, therefore, require considerable medical expertise for sound interpretation and rational enforcement.

- The Health Officer is the local medical/public health authority and consultant to a variety of individuals and agencies such as physicians, hospitals, schools (primary, secondary and post-secondary), elected officials, jails, retirement boards and environmental health specialists, as well as the general public.

The sphere of public health concern is exceptionally broad; any factor which affects health status and can be influenced by public education or public policy is a legitimate concern of public health. Therefore, the Health Officer must evaluate health risks and communicate this information effectively in answer to community concerns as well as in pro-active ways. S/he must be able to facilitate interaction of the complex mix of public agencies and community-based organizations that impact public health and public policy.

The Health Officer must have a blend of medical, scientific, political, administrative and personnel management skills. All of these attributes are important but it is the physician's medical education and experience that provide the essential core of knowledge and professional credibility. To fulfill these mandates and trusts, the Health Officer must be a physician consistent with state law who has broad skills and knowledge including clinical medicine, public health (e.g., epidemiology, biostatistics, communicable disease control, environmental health, maternal and child health), management/administration, and personal attributes such as objectivity and effective communication skills.

*Any factor which affects health status and can be influenced by public education or public policy is a legitimate concern of public health.*

## Description of the California Conference of Local Health Officers



In order for the Health Officer to effectively determine priorities and resource allocation for public health problems, s/he must be assured a high degree of control, or direct decision-making influence, over the budget and activities of the local health department. If the Health Officer is also the director of the local health department as consistent with State regulations, this is usually assured. If the department is not under the direction of the Health Officer, the governing body must assure that the Health Officer has sufficient authority, time and resources to perform the duties as required by State law, and must ensure that the organizational structure does not impede the Health Officer from carrying out those duties.

Although the role of Health Officer has changed over the years, the basic functions and responsibilities remain among the most important functions of local government. As local governments are responding to fiscal pressures and rapid social changes, efforts to reorganize health and human services are inevitable and necessary. The challenge is to create organizations that ensure the Health Officer's ability and authority to perform critical community protection and public safety functions and to provide important public health leadership. CCLHO will work to ensure that this challenge is met and that local Health Officers continue to make their unique and vital contributions in a variety of different organizational frameworks.

## **CITIES COMMITTEE**

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### **FINDINGS**

1. An unnamed public official has acquired and maintains a significant economic interest in real property located within a redevelopment area contrary to law. The official's name is being withheld in accordance with Penal Code Section 929.
  2. This public official, both by commission and omission, has engaged in conflict of interest and violation of disclosure requirements.
  3. This public official has, and continues to participate in making decisions that may have economic benefits specific to the real property within a clearly defined redevelopment area in which this person has a significant economic interest.
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### **REASON FOR INVESTIGATION**

This investigation, a review of conflict of interest provisions of the City of Marysville, was initiated at the recommendation of the previous Grand Jury, and conducted pursuant to California Penal Code Section 925, that states in part: "...investigations may be conducted on some selective basis each year." This investigation was also in response to a citizen complaint.

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### **BACKGROUND**

The California Fair Political Practices Commission (FPPC), as well as state law, has established a series of requirements to ensure that elected officials act in a forthright and open manner. One of the requirements is that every public official must file a form annually that, among other things, discloses the officer's significant financial interests in any area over which the official has any official authority. The Marysville Redevelopment Agency has not adopted its own conflict of interest code and, therefore, state guidelines govern. Under the applicable state guidelines, a member of a redevelopment agency may not own real property located within the redevelopment area except for the member's primary residence which, additionally, cannot undergo any significant renovation while the member is in office. The purpose of these rules is to promote public trust and to prevent officials from acting in their official capacity in deference to an interest in personal gain.

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## **PROCEDURE**

The Cities Committee of the Grand Jury reviewed applicable law, rules and regulations relating to conflict of interest. The committee also reviewed documentation relating to interests in certain real property located within the Marysville redevelopment area. The committee interviewed and/or the Grand Jury received evidence and testimony from persons knowledgeable about the property in question and transactions related to the property. The committee also conferred with its advisors.

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## **DISCUSSION**

Review of this unnamed public official's FPPC disclosure forms reveals no disclosure of any ownership or financial interest related to the property in question. Investigation reveals that this person does have a significant economic interest in real property located within the Marysville redevelopment area. No evidence indicates that the interest of this person falls within any exception to the ban. The evidence and testimony establish that this public official acquired the forbidden interest in 1999 and continues to hold an interest currently. This official makes decisions that have an economic impact on properties within this jurisdiction.

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## **RECOMMENDATIONS**

1. The FPPC and the Yuba County District Attorney should conduct further investigation and initiate appropriate action.
  2. The City Council of Marysville, acting as the Marysville Redevelopment Agency, should adopt its own Conflict of Interest Code. In addition, the city should better educate everyone who is required to file under this code. The city should maintain at city hall a complete file of all FPPC opinions and advice letters as an easily accessible resource for the public and officials.
  3. The next Grand Jury should follow up on this matter. All documentary and testimonial evidence will be forwarded to the next Grand Jury.
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### **REQUIRED RESPONSES FOR FINDINGS**

1. None
2. None
3. None

### **REQUIRED RESPONSES FOR RECOMMENDATIONS**

1. None required.
  2. Marysville City Council
  3. None required
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