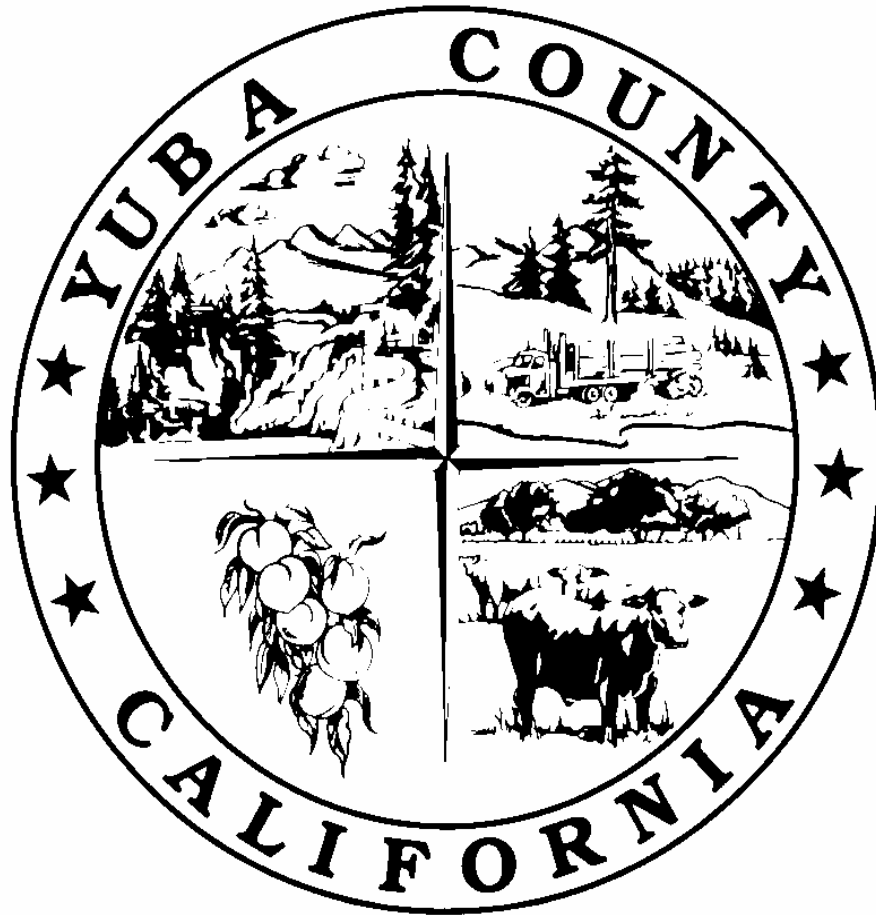


YUBA COUNTY



2002/2003 GRAND JURY FINAL REPORT



**The Honorable
DAVID E. WASILENKO
Judge of the Superior Court
Department 4**



The County of Yuba

GRAND JURY

July 15, 2003

The Honorable David Wasilenko
Yuba County Superior Court
215 Fifth Street
Marysville, California 95901

Dear Judge Wasilenko:

The California Constitution requires that each county impanel a "regular" grand jury every year. Such Grand Juries have broad powers to, among other things, investigate and report upon the conduct of local government. In keeping with these mandates, I present to you the Report of the 2002/2003 Yuba County Grand Jury.

The Grand Jury system in the State of California represents a very critical role in ensuring transparent and accountable local government. It is the very essence of our healthy Republic, when every day citizens are empowered to review the actions of those who purportedly govern as "public servants."

In addition to the general "watchdog" oversight responsibilities, the Grand Jury may also investigate allegations of misconduct, malfeasance or misfeasance of public city or county officials. Accordingly, the Yuba County Grand Jury of 2002/2003 took action on the recommendation of the previous Grand Jury to "...follow up on this matter" of an unnamed public official accused of wrongdoing, and the consideration of bringing formal "accusation" charges against this individual, which may ultimately lead to the removal from office of the "accused."

In another instance, the Yuba County Grand Jury brought forth a multiple count criminal indictment against an individual accused of various drug-related charges.

An underlying and reoccurring "theme" of this year's Grand Jury was the threefold importance of promoting (1) Ethics, (2) Economic Development, and (3) Environmental Stewardship (which essentially encompasses the agricultural history and heritage of our area) – the three "E's" – in the governance of our communities. If our public servants fail in their stewardship of any of these, then we, as a county, will be left to suffer under the consequences of their actions. As residents, we should expect no less!

In our effort to encourage open and accountable government in our cities and county, I am pleased to announce the creation of the official Grand Jury website at

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www.yubacourts.org, just follow the links under "Jury" (also accessible directly at www.yubacourts.org/grandjury/grand_jury.htm). Hosted by the Yuba County Courts and linked to the Yuba County website, it will provide instant access to current and previous Grand Jury Reports, and the all-important responses given by the affected agencies. (Not only is it important that reports are written, and recommendations made; but what action the government agency may take in response.) Our County will be well served if citizens routinely monitor the site.

I can't even begin to thank the Superior Court Judges and staff who have held our hand this year along the way: Presiding Grand Jury Judge David Wasilenko, Court Executive Officer Steven Konishi, Court Services Supervisor Renee Danielson, Court IT Analysts Bob Burrell and Mike Pugh (who made the website possible), and most of all, Deputy Court Executive Officer (and Grand Jury liaison) Evelyn Allis, you have truly been a rich blessing. Many years ago, the courts operated in part as a function of county government. As such, they were subject to the periodic review of the county grand jury. Since all court functions have now been switched to the state, they are no longer subject to such oversight. However, I can say with much personal certainty, the residents of this fine county are well served by the diligent service of our courts, from each of the Superior Court Judges, to the staff who serve with them.

Much of the workings of this year's Yuba County Grand Jury must – in keeping with our confidential mandate - remain secret; but the greatest of thanks must be extended to the dedicated fine women and men who have served together with me on this year's panel. These jurors represented every diverse part of our community, and worked nearly countless (and thankless) hours as we wrestled with the many difficult issues at hand. From the bottom of my heart, thank you! It has truly been an honor to serve together.

Finally, a personal appeal: This Grand Jury system, as well as the County as a whole, is only as good as the people who are willing to serve. Each of us has gifts and talents that are perfectly suited for such service, use them for the good of others. May I encourage each of you to consider how you might contribute to the betterment of our community... your children and grandchildren will thank you! May God Bless America and Yuba County!

Sincerely,



Michael P. Mahler
Foreman, Yuba County Grand Jury 2002/2003

2002/2003 YUBA COUNTY GRAND JURY

Lucein Berard	Wheatland
Donald Brown	Olivehurst
Dorothy Dziadula	Browns Valley
Jennine Harris	Marysville
Robert "Steve" Lecroix	Marysville
Debbie McLemore	Beale Air Force Base
Michael Mahler	Marysville
John Mistler	Browns Valley
Don Morris	Marysville
Annette Nicholson	Browns Valley
Robin Pask	Marysville
Anthony Ramos	Olivehurst
Mary Reynolds	Browns Valley
Amanda Shelton-Ferrara	Marysville
Jerry Snaper	Smartsville
James Walchesky	Marysville
Matthew Woolery	Oregon House
Etoye Wright	Marysville
Cloyd "Dutch" Young, Sr.	Marysville

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Cities Committee

Title

The City of Marysville

Focus

Using the resources of the Grand Jury to interview and investigate policies of the City of Marysville to identify obstacles to revitalization, and opportunities that can improve the economic growth and well being of the City of Marysville.

Process of Investigation

The Cities Committee did an inventory of buildings in Downtown Marysville to determine what kind of businesses existed, what buildings were occupied and which were vacant; and evaluated the general square footage of average buildings and land, including their condition. (Subject area was 9th Street from the North to 1st Street on the South, and from E Street on the West to B Street on the East.)

The Committee interviewed: Marysville's Building Inspector, Code Official, City Service Director, Police Chief, a Planning Commissioner, the Business Improvement District President, City Administrator, a City Councilman, and a City Councilwoman.

The Committee reviewed the following documents: Fee Schedule for the City of Marysville, Index to Fictitious Business Names in the City of Marysville, Design Review, Marysville Building Department Standards, California Building Code Chapter 34 (Existing Structures), Building Permit Fee Calculation Sheet, and the Ordinance dealing with Downtown Business Improvement District Chapter 4.04.

Background

Historically, at least in modern times, the City of Marysville has found it difficult to promote businesses with large sales tax revenues. Because the City is surrounded by levees, it is unique and limited in the opportunities available. *The City is also the County Seat, and as the County Government grows there is less space for retail businesses.* The City has many historical buildings. Some of these historical buildings have been torn down in the past, fallen down and/or been poorly maintained.

Findings

1. Buildings and available land in Marysville lack square footage for sizeable retail stores.
2. There is not enough economic incentive to maintain and improve buildings.
3. Marysville's historic vision is inconsistent. The construction of arches and cobblestone streets is consistent with the history of the area, but many storefronts have altered façades that do not meet these standards. Interviews with City officials showed a lack of a declared vision.
4. Not enough parking is available for shoppers in the downtown area of Marysville.
5. Marysville is confined within a levee system. Marysville is not planning for the future outside current boundaries. Marysville is the County seat, and government will grow and use space that could be retail.
6. Marketing and promotion of Marysville is not aggressive. There is very little activity in Marysville after 6:00 p.m. Many businesses are hobbies and are not aggressive in their promotion and competition.

Recommendations

1. Emphasis should be on tourist-type business (small shops), with historical theme. Only retail stores should be located on ground floors of downtown buildings. Large retail store buildings should not be sacrificed for government uses.
2. Legislation may be necessary to give an incentive to bring buildings up to code. Examples include: tax incentives and a longer period of time to bring buildings up to code when buildings are sold. Punitive recourse should be sought, if no effort is made to preserve buildings.
3. A historic theme needs to be developed and adhered to throughout the downtown area. City administrators should have meetings with all segments of city employees to develop programs and ensure that all City staff will work from the shared vision.
4. Short-term solution of the downtown parking "shortage" is using vacant lots. Storeowners should be encouraged to use off-street parking. Businesses that have parking lots should be encouraged to allow their use after-hours. Multi-level parking grants should be pursued in the long-term.
5. Marysville should address the future by aggressively pursuing a plan to annex; Marysville should promote the building of taller buildings. If the City does not address and plan for the future of growth in the area, it may not be reasonable to keep the City as the County seat.
6. Marysville's Business Improvement District should market itself as competition to malls. Marysville businesses should be encouraged to stay open until 9:00 p.m. at least twice a week. Businesses should take an active part in festivals, as currently, many stay closed. ***Revitalization of Marysville will never be successful with government action alone!***

Affected Agencies' Required Responses

Business Improvement District
Marysville City Council

Findings

1, 2, 3, 4, 5, 6

Recommendations

1, 2, 3, 4, 5, 6

Counties Committee

Title

The Yuba County Board of Supervisors

Focus

A citizens' written complaint suggested that the Board of Supervisors had abused the Special Meetings category; thus, keeping the citizens from having proper notice of an issue or action. Furthermore, there is no recourse available to the public for such a decision.

Process of Investigation

The Counties Committee reviewed minutes of the Board of Supervisors, the Brown Act, and the Rules and Procedures defining Board meetings, specifically section 2.2 "Special Meetings." The Committee requested a legal opinion from the District Attorney and the State Attorney General's Office.

Background

There was a perception, on the part of the citizen complaint, that the Board of Supervisors had called a Special Meeting in order to circumvent some of the meeting notice requirements.

Findings

The Board of Supervisors was within its legal rights to have called the Special Meeting.

Recommendations

1. Section 2.2 of the Rules and Procedures should be divided into two sections; first part should address emergency meetings and second part should address all other matters.
2. The reason for any Special Meeting should be noticed on the agenda.
3. The agenda should reflect the recourse the public has if they disagree with the Board of Supervisors. Example: *If you disagree with the Board of Supervisors' decision, you have 30 days to file a legal complaint.*

Affected Agency's Responses

Yuba County Board of Supervisors

Findings

Agree or Disagree

Recommendations

1, 2, 3

Counties Committee

Title

Yuba County Health Department

Focus

Septic systems are a form of sewage disposal for rural areas where no sewer treatment plant is available. The cost of installing private septic systems in Yuba County is perceived to be higher than surrounding counties. There is not enough recourse for public protection.

Process of Investigation

The Counties Committee interviewed an engineering firm in Yuba County, an engineering firm in Nevada County, the Yuba County Health Director, and a Yuba County Health Inspector. The committee reviewed the engineers' septic plot plans, the permit route sheets, the system inspection reports, the list of engineers used, and the Sewage Disposal Ordinance, Chapter 7.07.

Background

There has been a long-standing concern that septic systems cost more in Yuba County than surrounding counties. New statewide septic regulations are expected by next year. It will most likely take time to work out problems with new regulations. Yuba County has been operating with an outdated ordinance for a decade.

Findings

1. Appeals Board has "no teeth" and the public is not made aware of the individual's right to appeal decisions of the Health Department.
2. The Sewage Disposal Ordinance is outdated and gives the Health Department arbitrary powers, with no input from the public.

Recommendations

1. The existence of the Appeals Board needs to be known to every potential customer. The Appeals Board should be given more power to address public appeals.
2. The Yuba County Health Department should not continue to wait for the state and should adopt an ordinance similar to Nevada County. It should establish a Citizens' Advisory Committee to make suggestions for updating the ordinance as technology and other needs change.

Affected Agencies' Required Responses

Yuba County Board of Supervisors
Yuba County Health Department

Findings and Recommendations

1, 2

Counties Committee

Title

The Peoria Cemetery District

Focus

This investigation was initiated as a result of a citizen's written complaint. The complaint alleged that there has been only one cemetery directors' meeting per year; bylaws state there should be four meetings per year, with additional meetings as needed. The cemetery grounds have not been kept in an acceptable condition.

Process of Investigation

The Counties Committee requested information from the Cemetery District Secretary, Clerk of the Board of Supervisors, County Counsel, County Auditor and Peoria Cemetery District Trustee. The Committee requested a legal opinion from the County Counsel.

The committee reviewed the following documents:

- Yuba County Grand Jury Complaint Form
- The Brown Act
- Health and Safety Codes
- Peoria Cemetery District, copies of all minutes 1999-2002, copy of Bylaws with Rules and Regulations May 1975 for rights of Grantee (family)
- Copy of caretaker's agreement (completed) ending on Feb. 1, 1984
- Copy of caretaker's agreement (blank)
- Copy of Audits 2000 – 2002
- Copy of Yuba County Local Appointment List
- Memo from Chief Deputy County Counsel dated April 21, 2003
- Yuba County Auditor Office, Account Activity Listing for Account Fund 625, 626, 627, all from 7/01/2000 to 6/30/2003
- Copies of all Warrants from 7/17/2002 to 4/25/2003

Background

There was a perception, per the citizen complaint, that the cemetery directors were not fulfilling the Rules and Procedures as set in cemetery bylaws. Also the cemetery has not been maintained properly.

Findings

1. Peoria Cemetery District has no bylaws, rules or regulations to govern the normal day-to-day operation by the board of trustees.
2. There was a lack of proper maintenance on cemetery grounds that was corrected prior to the completion of the Grand Jury investigation.
3. Posting of cemetery meetings: The Cemetery District has posted in newspapers the time and place of district meetings, but it needs to add the date of the meeting in each posting.

Recommendations

1. Health and Safety Code (8964) states: *The trustees shall make proper rules and regulations for the management of the cemeteries under their control.* The Yuba County Board of Supervisors has met the letter of the law. The Board of Supervisors, with help of County Counsel, should establish a proper common set of rules and regulations for the day-to-day management of all cemeteries under the Board's control and properly distribute them.
2. The Cemetery Board of Trustees should react to maintenance problems in a more timely manner.
3. The Cemetery District should include complete meeting information in its posting.

Affected Agencies' Required Responses

Peoria Cemetery District Trustees
Yuba County Board of Supervisors

Findings

1, 2, 3

Recommendations

1, 2, 3

Public Works Committee

Title

Olivehurst Public Utilities District (OPUD)

Focus

Determine issues dealing with Olivehurst's incorporation as they relate to OPUD.

Process of Investigation

The Public Works Committee interviewed the Olivehurst Public Utilities District Director and a Board member, the Sheriff, the Sheriff's Budget Analyst and the Linda Fire Department Chief. The committee requested maps of the proposed incorporation area. The committee attended OPUD meetings and received copies of the minutes from those meetings.

Background

For decades, there have been discussions about Olivehurst incorporating or annexing into Marysville. With the potential for new growth, the issue of incorporation has been brought up again. While there remain a host of issues—namely, whether sufficient commercial tax revenue can be generated to cover services—to be discussed dealing with the viability of Olivehurst's incorporation, this report is limited to an examination of OPUD's areas of responsibility.

Findings

1. OPUD adequately covers water, sewer, parks, recreation, streetlights, and a drainage ditch within its service area.
2. There exist differences of opinions over the service area between the Linda and Olivehurst Fire Departments, should the incorporation be approved.

Recommendations

1. None.
2. Linda and Olivehurst Fire Departments need to more vigorously pursue an agreement of service area to insure the safety of Olivehurst residents and property.

Affected Agency's Required Responses

Olivehurst Public Utilities District

Findings

1, 2

Recommendations

2

Law Enforcement Committee

Title

Yuba County Jail and Bi-County Juvenile Hall

Focus

This investigation was conducted pursuant to California Code Section 919b, that states in part, "...shall inquire into the condition and management of the public prisons within the county."

Process of Investigation

The Law Enforcement Committee interviewed the Sheriff and the Juvenile Hall Director. The committee toured the Yuba County Jail and the Bi-County Juvenile Hall.

Background

The Yuba County Grand Jury is required to tour the "public prisons within the county."

Findings

1. The laundry room at the Yuba County Jail is in need of a fire exit. The inmates who work there are locked into the room. The only escape, in case of a fire, is by traveling in the elevator.
2. The Bi-County Juvenile Hall has adequate facilities.

Recommendations

1. The Yuba County Jail should have the laundry facilities inspected by appropriate fire officials to insure that the required emergency evacuation is in compliance with state regulations.
2. None.

Affected Agency's Required Responses

Yuba County Sheriff Department

Findings

1

Recommendations

1

Education Committee

Title

Physical Security in Yuba County Schools

Focus

To determine the physical security measures employed to protect children, teachers and property in all Yuba County Schools.

Process of Investigation

The Education Committee interviewed the Yuba County Schools Superintendent, Wheatland School Superintendent, Marysville Joint Unified School District Superintendent and Assistant Superintendent. Additional interviews were conducted with many school site administrators/principals and their assistants.

Background

Due to the many school shooting incidents that have occurred throughout our nation, and concern for the safety of children during the school day, it was determined that a need existed to know the condition of the security in our schools.

Marysville Joint Unified School District provides security for 22 school sites. Wheatland School District provides security for six school sites. Yuba County Office of Education is responsible for various sites, many of which are embedded within the two districts above.

School security is largely determined by the amount of funding available to each site. The state has provided "Safe School Funds" to all school districts to encourage security upgrades.

Findings

1. All Marysville Joint Unified School District and Wheatland School District school sites are closed campuses. This limits the off-campus flow of students during the noontime period and also reduces the on-campus flow of non-school persons throughout the school day.
2. All sites have developed an access list that identifies all persons authorized to remove a student from school for personal or family business.
3. All site visitors are required to report to the school offices to obtain visitor identification badges that are to be prominently displayed during their visit.
4. Intermediate and high schools have telephones installed in all classrooms.

5. Some intermediate schools and the two high schools additionally use security guards that patrol school sites and are proactive in controlling and reducing student fights/disagreements.
6. All school site security team members employ the use of handheld two-way radios.
7. One intermediate and one high school have, in addition, employed the use of video cameras. According to the site administrators, this use of cameras has greatly reduced campus fights and vandalism.
8. Video cameras and two-way radios have been installed in buses to assist the drivers in maintaining security during transportation.
9. All districts have developed "Emergency Action Plans" that identify quick reference telephone numbers for the police, sheriff and fire/paramedic assistance teams, local hospital, Yuba County Office of Emergency Services, P.G. & E., American Red Cross and radio emergency broadcast system phone numbers are also listed. Additional inclusions are instructions for bomb threats, earthquakes, explosions, chemical accidents, fire and flood.
10. An effective measure used at many school sites is simply to keep the classrooms locked from the outside, so as to discourage easy entrance.
11. All schools have very active programs that involve local police and sheriff departments.

Recommendations

None.

It appears that there is sufficient attention and priority within the school districts to maintain the greatest degree of security for each school site. It is an ongoing interest of district and site administrators to provide a safe, happy and secure learning environment for our children and teachers.

Affected Agency's Required Responses

None.

Social Services Committee

Title

Child Protective Services

Focus

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

Process of Investigation

The committee interviewed the Client Services Director, Child Protective Services (CPS) Director, Program Manager (PM)), and Assistant Program Manager. The committee conducted a series of interviews with three departmental units, Emergency Response Intake, Family Maintenance and Permanent Plan Unit.

The committee reviewed the following documents:

- The process for formal management review of policies and procedures
- A copy of what was offered for the previous year as a part of "on site training," and
- An analysis showing "goals to actual" accomplishments with regard to training requirements.

Background

This investigation was conducted to verify that departmental policies and procedures in place are current and that they meet county needs. Furthermore, Child Protective Services' (CPS) management regularly reviews policies and procedures. (This investigation was also conducted in response to a complaint letter received by the Grand Jury.)

During the Grand Jury interviews, the employees demonstrated a working knowledge of the policies and procedures. They all appeared comfortable in knowing that if they had questions about policies or procedures, they could reference their copy to help determine the correct manner to handle it. Additionally, CPS staff indicated that internal networking is beneficial in resolving policy and procedure uncertainties.

Findings

1. No significant violations of policies and procedures were discovered within the Child Protective Services Department.
2. The policies and procedures had managerial review dates and signatures, though not indicating that they were reviewed annually. There was no documented annual review process.
3. The “goals to actual” training summary of the CPS Department shows “need to improve” on core training requirements.
4. The Yuba County Department of Human Services Annual Training Plan for the year 2003 was due August 1, 2002. The California Department of Social Services Training Bureau was not certified for completion by the SDD until after October 2002.
 - a.) Organizational chart included in Part I of the Annual Training Plan has not been changed from Training to Staff Development Division. Refer to first sentence on page 2, Part II, that states name of division changed from “training” to “staff division.”
 - b.) The table of contents to the Annual Training Plan FY 2002-2003 does not show page numbers to locate the sections listed.
 - c.) The Annual County Training Plan FY 2002-2003 on pages 3, 4, and 5 of the Yuba County Department of Human Services Annual Training Plan Fiscal year July 1, 2003-June 30, 2003 does not include an attached explanation of “other training” exceeding 25% as required by Part II, Section E. Other Training even though “other training” total 39%.

Recommendations

1. None.
2. Develop and implement a formal annual review policy and procedure process.
3. Develop a process to ensure statistical data integrity for measuring accuracy of reporting data. Define a formal “aspire” goal to measure success against. Work within the department to improve “core requirement” completion percentages of employees.
4. A schedule should be established to ensure the Annual Training Plan is completed by the required deadline of August 1 each year.
 - a.) Review and update all organizational charts for accuracy.
 - b.) The Annual Training Plan in the table of contents should include page numbers to enable users to locate the sections more readily.
 - c.) Include the attached explanation to future annual County Training Plans when “Other Training” exceeds 25% as required.

Affected Agency's Required Responses

Child Protective Services

Findings

1, 2, 3, 4

Recommendations

2, 3, 4