

# Memorandum

Yuba County Sheriff's Department

Jail Division

SEP 10 2003

**FILED**

YUBA COUNTY SUPERIOR COURT  
H. STEPHEN KONISHI  
SUPERIOR COURT CLERK



BY

*Emily Bell*  
Court Clerk

*"Dedicated to our Community"*

Date: September 5, 2003  
To: The Honorable David D. Wasilenko  
From: Sheriff Virginia Black *VB*  
Subject: Grand Jury Report

This memo is in response to the grand jury report relating to the jail.

**Finding #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."

**Response to Finding #1:** The jail laundry is located in the courthouse basement in a room that measures approximately 19 feet by 23 feet. The room contains two commercial washers, two commercial dryers and a small folding area. This portion of the jail was constructed in 1962 and has concrete walls and ceiling. The one entrance to the laundry is through a steel jail security door that remains locked for security purposes. Immediately outside the laundry is an elevator which allows movement into and out of the jail. There are two secured exits in addition to the elevator immediately outside the laundry room door. The laundry workers have the ability to communicate with a control room that is manned seven days per week, 24 hours per day in the event there is an emergency and assistance is needed. All laundry workers receive safety training prior to going to work in the laundry. There is one fire extinguisher in the laundry.

**Recommendation #1:** "The Yuba County Jail should have the laundry facilities inspected by the appropriate fire officials to insure that the required emergency evacuation is in compliance with state regulations."

**Response to Recommendation #1:** The Yuba County Jail, including the laundry was inspected by the Fire Marshal, California Department of

# 2003 FIRE/LIFE SAFETY INSPECTION REPORT

## ADULT/JUVENILE DETENTION FACILITIES

Facility:

40-58-44-0002-000-010-L  
YUBA CO JAIL  
215 5TH ST  
MARYSVILLE CA 95901

FACILITY TYPE: (check one)  
 Adult max/med security  
 Adult minimum security  
 Juvenile max/med security  
 Juvenile minimum security  
 Holding Cell(s) only

An inspection of this facility was conducted per the mandate of Section 13146.1, California Health and Safety Code, and applicable requirements of Titles 19 and 24, California Code of Regulations. (Check appropriate box)

- No deficiencies affecting fire/life safety were noted. Fire clearance is granted.
- Minor deficiencies affecting fire/life safety were noted and are pending correction. Fire clearance granted
- Fire clearance is withheld pending correction of deficiencies. (List of deficiencies is attached).
- Prisoners are no longer detained at this facility.

The authority conducting the inspection shall submit copies of this report to the appropriate bodies listed below. Where fire/life safety deficiencies are noted, a list of the deficiencies must accompany this report.

- Office of the State Fire Marshal  
Code Enforcement - North  
P.O. Box 944246  
Sacramento, CA 94244-2460  
FAX: (916) 324-3784
- Board of Corrections  
Facilities Standards & Operations Division  
600 Bercut Drive  
Sacramento, CA 95814  
FAX: (916) 327-3317
- Official in Charge of the Facility *sher. ff. Virginia Black / Lt. Jim Downs*  
*215 5th St Marysville CA 95901*
- Local Governing Body (i.e., Board of Supervisors, City Council, etc.) *County Board of Supr.*

Date of Inspection: 5-8-03 Inspected by: WRS CCH/AGW JSK/ML

Fire Authority: Yuba County Fire Department

Facility Representative: LT J Downs 5-8-2003

RECEIVED

To: Kent McClain, County Administrator

FILED  
SANTA CRUZ COUNTY  
SUPERIOR COURT

SEP 10 2003

From: Tej Maan, Environmental Health Director TM

SEP 25 PM 3:13

Date: September 8, 2003

Subject: Grand Jury Report, 2002/2003

TEJ MAAN  
COUNTY CLERK

This year's Grand Jury Report had 2 findings and 2 recommendations for Environmental Health Department

### Findings

1. I disagree wholly with the findings that the Appeals Board has "no teeth" and that the public is not made aware of the individual's right to appeal decisions of the Health Department. I believe the Appeals Board's lack of authority to override the state law is being mistaken for "lack of teeth". For example, the California Regional Water Quality Control Board requires five feet of separation below the leach line to the ground water. Local authority cannot override this requirement; it can be mitigated with engineered systems. Also, whenever a project is denied, every effort is made to advise the applicant of their options.

2. I agree that the Sewage Disposal Ordinance is somewhat outdated but I disagree that it gives the Health Department arbitrary powers, with no input from the public. As new technology becomes available, local policies are amended with input from the construction and engineering community locally, the blue ribbon committee and at the state level with the On-site Sewage Disposal Tech Committee. Our local authority to regulate the on-site sewage disposal system comes from the state. The state does not allow for local arbitrary powers. A.B. 885, currently being worked on, requires a statewide ordinance that will be very detailed. It is being written this year with input from the various regulatory agencies and the regulated community.

### Recommendations

1. We will make sure all of our customers are made aware of the Appeals Board. As for the second part of the recommendation regarding giving more power to the Appeals Board, that may be an issue that the Board of Supervisors might be able to address. As mentioned above, I do not believe we have the authority to override the state law locally.

2. We will establish a Citizens' Advisory Committee to make suggestions for updating the ordinance as technology and other needs change and update our Sewage Ordinance as soon as practical. Updating the Sewage Ordinance was also identified as one of our goals in the 2003-2004 budget. The statewide ordinance which will override local ordinance required by AB 885 is suppose to be ready within next few months and has the input of all (Contractors, Engineers, Developers, local and state regulatory agencies) involved through out the State of California.

# The County of Yuba

## HEALTH & HUMAN SERVICES DEPARTMENT

**Suzanne Nobles, Director**

6000 Lindhurst Ave., P.O. Box 2320, Marysville, California 95901  
Phone: (530) 749-6311 Fax: (530) 749-6281



**Joseph W. Cassady, D.O.,**

**Health Officer**

Phone: (530) 741-6366

TO: Charles K. McClain, County Administrator  
FROM: Suzanne Nobles, Director  
SUBJECT: Response to 20022003 Grand Jury Report  
DATE: August 26, 2003

The following is the Yuba County Health & Human Services Department's response to the findings and recommendations in the 2002/2003 Grand Jury Final Report.

### FINDINGS

1. No significant violations of policies and procedures were discovered within the Child Protective Services Department.

Response: The Department agrees with the finding.

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.

Response: The Department agrees with the finding.

3. The "goals to actual" training summary of the CPS Department shows "need to improve" on core training requirements.

Response: The Department disagrees with the finding. The training goals as listed in Department's Annual Training Plan for FY 2002/2003 are based on projections for the number of new staff to CPS who may need to have CORE training. CORE training is available to all new CPS staff.

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.

**ONE STOP CENTER FOR BUSINESS & WORKFORCE DEVELOPMENT**

1114 Yuba Street, Marysville, CA 95901, Phone: (530) 749-4800, Fax: (530) 634-7790

- 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, 2002- 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" totals 39%.

Response: The Department disagrees partially with the finding. "Other training" as listed in Part II, Section E of the Annual training plan did not exceed 25% "Other training" totaled 24%. The other 15% was merely listed as an "example" on the document.

## **RECOMMENDATIONS**

1. None- no response required.
2. Develop and implement a formal annual review policy and procedure process.

Response: Children's Services will implement a formal policy and procedure review process by January 31, 2004.

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.

Response: The recommendation has been implemented. There is a current policy that identifies the data collection process for training statistics. The Department strives to enroll all new CPS social workers into CORE training within their first year of employment. This is contingent upon the class availability and workload.

4. A schedule should be established to ensure the Annual Training Plan is completed by the required deadline of August 1 each year.

Response: The Department will make every effort to ensure the Annual Training Plan is completed by the requested deadline. For FY 2002/2003 and FY 2003/2004, the Department received an extension of the deadline to mid October due to workload issues.

- a.) Review and update all organizational charts for accuracy.

Response: The recommendation has been implemented. The Department's organizational charts are reviewed and updated monthly.

- b.) The Annual Training Plan, in the table of contents should include page numbers to enable users to locate the sections more readily.

Response: The recommendation has been implemented. The next Annual Training Plan will include tabs for each section.

- c.) Include the attached explanation to future annual County Training Plans when "Other Training" exceeds 25% as required.

Response: The recommendation will not be implemented because it is not warranted. The "Other Training" did not exceed 25%. The Grand Jury added the "example" total to the actual total. However, if the "other training" total does exceed 25% in future plans, the Department will comply with the requirements.

# The County of Yuba

OFFICE OF THE BOARD OF SUPERVISORS

93 444



FILED  
YUBA COUNTY  
COURT (530) 749-7510  
FAX (530) 749-7353

SEP 23 12

SHIRAZHI  
COURT  
COURT CLERK

September 23, 2003

The Honorable David E. Wasilenko  
Yuba County Superior Court  
215 5<sup>th</sup> Street  
Marysville, CA 95901

RE: RESPONSE TO 2002/03 GRAND JURY FINAL REPORT

Dear Judge Wasilenko:

Provided pursuant to Penal Code Section 933[c] are the comments of the Board of Supervisors related to the findings and recommendations contained in the 2002/03 Grand Jury Final Report. Consistent with Section 933[c], responses do not address departments under control of elected officials or outside agencies, except where a specific response was solicited and then our response is consistent with provisions of Penal Code Section 933.05[c]. Therefore we incorporate the responses of the various departments with our responses.

## YUBA COUNTY BOARD OF SUPERVISORS

Finding #1: The Board of Supervisors was within its legal rights to have called the Special Meeting.

Response: Agree

Recommendation #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.

Response: The Board of Supervisors will not be instituting this recommendation as Section 2.2 currently only deals with Special Meetings.

Recommendation #2: The reason for any Special Meeting should be noticed on the agenda.

Response: The Board of Supervisors feels this recommendation is already in place, and is unaware of any instance in which a Special Meeting was called and the notice did not include a description of all agenda items.

Recommendation #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.*

Response: The Board of Supervisors will not be instituting this recommendation as current agenda procedures are well within the stated parameters of the Brown Act.

### YUBA COUNTY HEALTH DEPARTMENT

Finding #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.

Response: The Board of Supervisors disagrees wholly with this finding and concurs with the response provided by the Yuba County Environmental Health Department.

Finding #2: The Sewage Disposal Ordinance is outdated and gives the Health Department arbitrary powers, with no input from the public.

Response: The Board of Supervisors partially disagrees with this finding and concurs with the response provided by the Yuba County Environmental Health Department.

Recommendation #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.

Response: The Board of Supervisors feels this recommendation is already in place. Any prospective septic system owner whose application is denied by the Environmental Health Department is provided with a copy of the county ordinance addressing the Appeals Board and the appeals process.

The Appeals Board currently operates within the parameters set by state law and county ordinance. Revisions currently being made to state law may affect this process in the future.

Recommendation #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 changes.

Response: This recommendation will be instituted as outlined in the response by the Environmental Health Department.

### PEORIA CEMETARY DISTRICT

Finding #1: Peoria Cemetery District has no bylaws, rules or regulations to govern the normal day-to-day operations by the board of trustees.

Finding #2: There was a lack of proper maintenance on cemetery grounds that was corrected prior to the completion of the Grand Jury investigation.



Finding #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.

Recommendation #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.

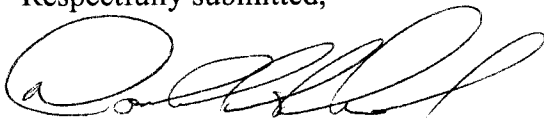
Recommendation #2: The Cemetery Board of Trustees should react to maintenance problems in a more timely manner.

Recommendation #3: The Cemetery District should include complete meeting information in its posting.

Response to all Findings and Recommendations: The Board of Supervisors is not in a position to respond to these findings and recommendations. The Board of Supervisors has no control nor oversight responsibilities with respect to public cemetery districts. Its only role is to appoint trustees to the cemetery board. Otherwise, cemetery districts powers and responsibilities are controlled by the Health and Safety Code. County Counsel's Office has prepared a summary of the pertinent laws and compiled the state statutes that apply to public cemetery districts and provided that information to the Peoria Cemetery District.

The Board of Supervisors would like to express their gratitude to the members of the 2002/03 Grand Jury for their dedication and commitment to improving government in Yuba County. Citizens such as you, who are willing to devote their time to community efforts, help make Yuba County a better place for us all.

Respectfully submitted,



Donald Schrader, Chair  
Board of Supervisors



# CITY OF MARYSVILLE

FILED  
YUBA COUNTY  
SUPERIOR COURT

OCT -8 AM 11:09

526 "C" Street • P.O. Box 150 • Marysville, CA 95901 • (530)749-3901 • Fax (530)749-3992

H. STEPHEN BONISHI  
CLERK OF THE COURT  
COURT CLERK

October 7, 2003

The Honorable David Wasilenko  
Members of the Grand Jury  
Yuba County Superior Court  
215 Fifth Street  
Marysville, California 95901

RE: Response to Grand Jury Report – City of Marysville

Dear Judge Wasilenko and Members of the Grand Jury:

The City has reviewed the Recommendation of the Grand Jury Report of 2002-2003 and has the following responses:

**Recommendation 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.

**Response:** The City appreciates the Grand Jury's concerns for the well being of the City. However, another layer of regulations, as suggested by the report, may not be the answer to promoting economic revitalization of the community. The real estate market dictates business location behavior. The best thing the City could do would be to create tools, which would help business owner's plan for the future.

**Recommendation 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.

**Response:** City regulation is generally not an effective method to induce building revitalization. Tools, such as the Downtown Strategic Plan, can help energize the community and therefore, the real estate market, which will improve building renovation. However, the City is currently developing a revised nuisance abatement ordinance that will incorporate a financial penalty for building code violations. These fines accumulate and will provide owners with an incentive to renovate or sell. If not paid, the fines will

become a lien on the property. The revised ordinance should help improve the City's code enforcement process.

Recommendation 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 City staff will work from the shared vision.

The City is currently preparing a Downtown Strategic Plan with the assistance of a professional planning consultant. The plan is expected to be completed over the next six months. The purpose of the plan is to develop a vision of the needs of the downtown with emphasis on economic development and historical preservation/enhancement. The plan will include a visioning process, which will engage the public and the downtown merchant association in creating a plan for the economic prosperity of the town with a historical theme. The plan will incorporate an economic analysis that will provide direction as to what retail businesses the City should target for success and include a design element to assure future in-fill development is compatible and consistent with a historical theme. The plan will define what regulations should be established which might include emphasis on "tourist-type business (small shops)" and "government uses." The plan will include a detailed Implementation Plan with specific actions, time lines and funding measures to assure the downtown is developed in accordance with the community vision. While the City appreciates the Grand Jury's recommendations, the City finds that it is appropriate to research and develop a coordinated plan with the stakeholders and public before determining what is best for the community.

Recommendation 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.

Response: The City is currently preparing a Downtown Parking Study, which will consider the short-term and long-term solutions to downtown parking. The study will evaluate whether there is a parking shortage or perceived parking shortage and provide a plan for the ultimate development of parking over the eventual in-fill of development in the downtown. The study will include recommendations on methods to address parking conflicts between business employees, residents and shoppers. The study will include a detailed Implementation Plan with specific actions, time lines and funding measures to assure parking is developed according to a community vision. The study will be coordinated with the Downtown Strategic Plan, so that the two planning tools will assure consistent development with growth of the community.

The City appreciates the Grand Jury's concerns for the well being of the City. Perhaps a "Multi-level Parking Grant" as noted in the report, will be one of many parking solutions for the downtown. However, multi-level parking is extremely expensive.

Recommendation 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.

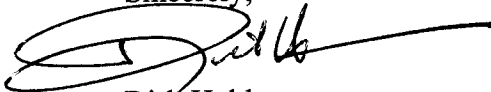
Response: The City's General Plan identifies the community area expanding to the north to include additional urban development. The City's Downtown Strategic Plan will include strategies for more intense urbanization, which should include promoting construction of taller buildings. Although the City appreciates the Grand Jury's suggestion of pursuing aggressive annexation and more intensive urbanization, there may be a contradiction in seeking annexation that can often lead to urban sprawl, while also encouraging in-fill and redevelopment to enhance the City. On the other hand, the City perceives a lack of "big picture" planning by Yuba County with the large number of housing projects that have been approved and are being developed outside the City's boundaries which will result in tremendous impacts such as traffic and air pollution to the City. Perhaps Yuba County and the City should better coordinate future development in the region. SACOG has developed a "Blue Print" Workshop Series to consider regional growth consequences and is encouraging the City and the County to develop "Smart Growth" planning principals, with preference to in-fill development and greater urban development intensities over urban sprawl. SACOG has used the City of Marysville as a model city for Smart Growth due to the downtown pedestrian circulation features. The City is encouraging SACOG to assist the City and the County to develop a regional Smart Growth Plan. Perhaps the form it will eventually take is a combined General Plan Update for both jurisdictions, which would create a coordinated growth plan for the area.

Recommendation 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!***

Response: As previously noted, the Downtown Strategic Plan and Downtown Parking Study will help focus a realistic vision of community development for the downtown. With the help of the two studies, the City and the Downtown Merchants Association will be able to develop a marketing plan, which may indeed improve competition to shopping malls.

The City Council wishes to thank the Grand Jury for its recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Helder", with a long horizontal flourish extending to the right.

Dirk Helder  
Mayor

**OLIVEHURST PUBLIC UTILITY DISTRICT** \* \* \* \*

**BOARD OF DIRECTORS**

James Carpenter  
Richard Donahue  
Philip R. Miller  
Larry D. Patty  
Manny Souza


P O. Box 670  
1970 9<sup>th</sup> Avenue  
Olivehurst, CA 95961  
Telephone (530) 743-0317  
Fax (530) 743-3023

**GENERAL MANAGER**

Gary C. Plasterer

October 3, 2003

Evelyn Allis  
Deputy Court Executive Officer  
Superior Court of California  
County of Yuba  
215 5<sup>th</sup> Street  
Marysville, CA 95901

OCT 22 2003  
**FILED**  
YUBA COUNTY SUPERIOR COURT  
H. STEPHEN KONISHI  
SUPERIOR COURT CLERK  
BY   
Court Clerk

Dear Ms. Allis:

The Olivehurst Public Utility District provides water, sewer, parks, recreation, fire, and other services to the unincorporated community of Olivehurst. The District also provides water, sewer, parks, and recreation in the Plumas Lake Specific Plan Area. Linda County Fire District provides fire and rescue service in the area.

Recently, the District Board of Directors and citizens of Olivehurst have been meeting to discuss the possibility of incorporation of the community of Olivehurst and all other land within the District boundaries. A consultant has been retained to evaluate the financial feasibility of incorporation.

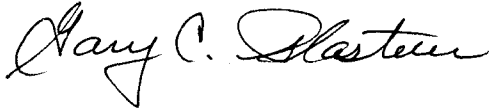
The objective of the incorporation of a new city called Olivehurst would be to provide full service to the citizens of the city and to have them control their own destiny. The discussions have been very preliminary, but the focus has been to provide all services that a city is authorized to provide, such as police, fire, planning, building, and of course water, sewer, parks, and recreation.

It is apparent that the tax revenue base is not adequate at this time, but within the near future with the growth of the Plumas Lake Specific Plan Area there is a strong possibility that incorporation of the Olivehurst community could be a successful viable city.

E. Allis  
Yuba County Superior court  
Page 2 of 2

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

Very truly yours,

A handwritten signature in black ink that reads "Gary C. Plasterer". The signature is written in a cursive style with a large, stylized initial "G".

Gary C. Plasterer  
General Manager  
OLIVEHURST PUBLIC UTILITY DISTRICT

GCP:cvm

Superior Court of California  
County of Yuba  
Yuba County Courthouse  
215 Fifth Street  
Marysville, Ca. 95901

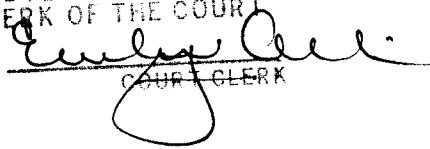
Attention: Evelyn Allis, Deputy Court Executive Officer

Re: 2002/2003 Grand Jury Final Report Response

FILED  
YUBA COUNTY  
SUPERIOR COURT

2003 OCT 28 PM 2:30

H. STEPHEN KONISHI  
CLERK OF THE COURT

BY   
COURT CLERK

I'm sorry, I did not understand that I was suppose to respond but all the recommendations have been done.

1. With the help of County Council new rules, regulations, and by-laws were adopted at a cemetery meeting on August 3, 2003.
2. The cemetery Board of Directors agree to react to maintenance problems in a more timely manner.
3. Cemetery meetings are now posted in three locations in the district with all pertinent information about the meeting listed. This is posted at least six days before the meeting. Also, an agenda is posted in the same locations three days before a meeting.

Sincerely,



Shannon Hunt, Secretary  
Peoria Cemetery District